MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
October 3, 1991

The City Council of Peachtree City met in regular session on Thursday Night, October 3, 1991, at 7 PM in the City Hall Council Chamber.

Mayor Brown called the meeting to order and led those in attendance in the pledge of allegiance. Council members present were: Mayor Frederick Brown, Jr. and members Edward Bradford, Annie McMenamin, Robert Brooks and Rich Parlontieri.

Addition of Agenda Items

No items were added to the agenda.

Announcements, Awards, Special Recognitions

Mayor Brown read a Proclamation calling for recognition of Kendo Days in Peachtree City and urging citizens to attend the Kendo tournament at McIntosh High School on October 19th and 20th.

Councilman Parlontieri announced that the Association of Fayette County Governments would be meeting in Brooks Elementary School on October 8th at 7 PM and invited anyone interested to attend.

No minutes were available at this time.

New Agenda Items

Mayor Brown explained that two public hearings would be held to consider variances to the zoning ordinance and he explained the procedures for the hearings. Copies of the procedures were available for the public. The Mayor called the public hearings to order and asked that they be heard according to the agenda. The Mayor allowed ten minutes for each side to speak to the issue.

10-91-1 Wheelock Variance - 110 Treillage Lane

Mr. James B. Wheelock of 110 Treillage Lane addressed the Council requesting a variance to the rear setback requirement to permit the construction of a 12 x 14 storage building replacing an existing 8 x 8 building. He asked that the building be allowed to be placed at approximately 10 feet from the property line rather than the 30 feet as required.

Mr. Wheelock commented that just recently the Council had amended the ordinance for these type structures and now permitted a maximum size of 125 square feet to be built in the setback area and this one was just slightly larger than that. He also commented that he did not wish to disturb some large trees and shrubs to build the structure within the regulations. He pointed out that there was a greenbelt area at the rear of his property which would prevent the location of the building from backing up to someone else's property.

There was no one else present to speak in favor of the variance and Mayor Brown called for those in opposition.

City Planner, Jim Williams, stated that the city staff opposed the variance. He pointed out that the ordinance was just changed in July to permit a building of maximum size of 125 square feet which was done after much studying and consideration. He felt the City should stay with the number established. He pointed out also that the property backs up to Crosstown Road and although somewhat screened by a stand of trees, there was a cartpath running along the area and the building would be quite visible from the path.

Mr. Williams recommended the variance be denied.

Mayor Brown called for questions and hearing none closed the hearing and called upon the City Council for debate and action.

McMenamin asked Mr. Wheelock if the variance was denied would he remove the old building and build a new one meeting the city stipulations. Mr. Wheelock replied that he probably would but it would not meet his needs.

Motion was made by McMenamin that the variance be denied. Motion was seconded by Bradford. Mayor Brown said that he visited the site today and he too did not feel that he could support the variance because it would be setting a precedent. He agreed that the existing building was unobtrusive but he was not sure the larger one would blend in. Mr. Wheelock reported to Council that there is a building of the size he had requested already constructed in his area and asked if a variance was given for it. He did not identity the location of the building and Council replied that there had not been a variance of this type granted in at least the last twenty months. Motion to deny the variance was approved unanimously.

10-91-2 Weisheit Variance - 722 Mattan Point

Mayor Brown called to order the public hearing on this variance request and allowed ten minutes for discussion by both sides.

Mr. Weisheit reported that he was requesting a variance to permit the construction of a temporary golf net 25 feet in height supported by three 30 foot poles at the rear of his property. Mr. Weisheit explained that his property adjoins the Braelinn Golfcourse property and his family, guests and property were at risk because of the force of the golfballs being hit into his yard and home. He felt that a stand of trees recently planted would be of sufficient height and fullness in two years to act as a barrier and the net could be removed at that time.

Mayor Brown called for comments from anyone else wishing to speak in favor of the variance and City Planner, Jim Williams, addressed the Council. He stated that when staff first heard this request there was a tendency to chuckle at it but after visiting the site he realized that this was not a laughing matter. He felt there was a clear danger to life and property and stated that staff recommended the variance be granted with a time limit. Mr. Williams also felt the golfcourse should redesign this particular hole to provide the homeowner with better long term protection.

Mayor Brown called for anyone wishing to speak against the variance and hearing no comments closed the hearing and called upon Council for action.

Mayor Brown stated that he visited the site today and agreed that this was a health, safety and welfare issue and he would support the variance.

Parlontieri questioned Mr. Weisheit as to whether or not he had contacted PCDC or the golfcourse owners about this problem. Mr. Weisheit replied that PCDC had been helpful but he needed to get the variance before they could do anything. Mr. Boyd Booker of the golfcourse had assisted in planting a few trees at the rear of the property but didn't plan to do anything else as far as he could tell. He planned to pursue the matter through legal recourses but needed protection in the meantime.

Council asked if Mr. Roquemore, owner of the golfcourse, had been contacted and Mr. Williams explained that he had not been to his knowledge. He would hope that the results of this meeting could be made known to him with a strong statement requesting assistance in correcting this matter.

Motion was made by Brooks that the variance be granted as requested. Motion was seconded by Parlontieri. Motion carried unanimously.

10-91-3 Public Hearing - Rezoning - Stagecoach Road Property

Mayor Brown called to order the public hearing for the purpose of considering the rezoning of approximately 20 acres on Stagecoach Road as requested by Mr. Ed Koons, acting as agent for the owner, Kathryn Palmer Hyde.

He explained the procedures for hearing the rezoning and copies of the procedures were available for the public.

The Mayor called upon the applicant to present his case and allowed 30 minutes for each side. Mr. David Hobie addressed Council and explained that the agent Ed Koons had experienced a family emergency and was required to be out of town. Mr. Koons had asked him to represent him and ask that the rezoning hearing be continued for thirty days. A letter submitted by Mr.Koons dated September 30th stated that a thirty day continuance would allow time to investigate alternative solutions that would be acceptable to the land owner and hopefully would be acceptable to the neighborhood.

Mayor Brown pointed out that a number of the adjoining property owners were present for this hearing and he personally did not approve of postponing zoning hearings when the public had already been advised and were present to speak to it. He called on Council for their decision in this matter. McMenamin felt the hearing should be held and made motion to that effect. Motion was seconded by Mayor Brown. City Attorney, Mitch Powell, explained the issue is the constitutionality of the zoning and the applicant not being present could pose a problem because he was not here to answer questions or address the issue. He felt Council could go ahead with the hearing or they could continue it to another time when the applicant could be present. McMenamin asked if the hearing could be held and the decision postponed to a later date. City Attorney Powell answered that this could be done.

Parlontieri felt that, although the citizens were held to address the issue, it would be difficult to make a decision without being able to question the petitioner. He could not support the motion to hear the application. Brooks stated that he would not participate in making a decision at this hearing. He would be willing to listen to those in attendance wishing to speak.

Mayor Brown called for vote on motion to go ahead with the hearing and motion failed with McMenamin and Brown voting aye; Parlontieri, Brooks and Bradford voting nay.

Motion was made by Parlontieri that the rezoning hearing be tabled as requested by the applicant for thirty days. Motion was seconded by Brooks. Mayor Brown commented that he will not support the motion because it had been advertised and the other property owners were present. He felt someone else could have attended to represent the applicant. Motion carried with Mayor Brown and McMenamin voting nay. The application for rezoning was tabled to the November 7th meeting.

10-91-4 Alcoholic Beverage License Amendment - Aberdeen Woods

Attorney Bobby Howard, representing Aberdeen Woods Conference Center/ Pitney Bowes, addressed Council. He requested that the license representative on the alcoholic beverage licenses for Aberdeen Woods be changed from Judith Ludlow to Mr. Clifford Brown due to a change in management at the Center.

The City Clerk stipulated that the paperwork was in order.

After a few questions from Council members to clarify the licenses held at Aberdeen Woods a motion was made by Brooks that the license representative be approved as requested. Motion was seconded by McMenamin. Bradford asked the City Attorney to comment on whether or not he should vote on this item. Attorney Powell explained that Mr. Bradford had advised him prior to the meeting that he was employed by Dictaphone Corp. which was a subsidiary of Pitney Bowes, Inc. The City Attorney felt there could be the appearance of a conflict of interest and advised Mr. Bradford to abstain from the vote. Motion carried with Bradford abstaining.

10-91-5 1991/91 Street Resurfacing Program

City Manager Basinger reported that the City staff solicited bids from nine paving contractors for the 1991 street resurfacing program which basically involved resufacing and reconstruction of Kelly Drive and Dividend Drive. Two Bids were received as follows:

	Stewart Bros, Inc. Doraville, Ga.	W.E. Pruett Co., Inc. Peachtree City, Ga.
Dividend Drive	$714,014.25	$795,148.68
Kelly Drive	95,612.25	96,302.20
Total	$809,626.50	$891,450.88

Budgeted	$473,500.00	$473,500.00
Difference	$336,126.50	$417,950.88

Basinger stated that it was obvious that the bids were over the budgeted amounts and he felt the problem was that all the contractors were busy with other jobs and did not have time to do the work. He recommended that Council authorize the staff to function as the general contractor on these projects and be allowed to proceed with construction without obtaining any additional council approval. He pointed to the fact that the staff had served as general contractor on other projects which had resulted in cost savings to the city. Basinger also recommended that City Council authorize the 1991 street resurfacing program funds of $473,500 for these projects be combined with the 1992 street resurfacing program funds of $297,820 and the total amount of $771,320 be utilized to first, complete construction of the 1991 street program and second, complete construction of as many streets on the 1992 street resurfacing program list as remaining funds will permit.

Basinger explained that as general contractors the staff would bid those items over $5000 as is required by the purchasing requirements but would not, if the request is approved, bring these bids back to Council for approval.

Motion was made by McMenamin that staff be authorized to proceed as the general contractor for the 1991/92 street resurfacing program and be allowed to proceed without any further Council approval. Motion was seconded by Mayor Brown. Motion carried unanimously.

10-91-6 <u>1991 Millage Rate</u>

Mayor Brown reported that in the year 1990 the digest amount was $389,022,425 and the 1991 digest amount is $427,902,598. This resulted in an increase of $38,880,173 or a 9.9% increase for Peachtree City. He reported that the 1991 digest based on the current millage of 4.5 mills resulted in additional revenues of $39,660. The Mayor stated that as required by law, advalorem property taxes must be reduced or rolled back by the millage equivalent to the amount of local option sales taxes (lost) projected to be collected. He reported that based on the 1991 official digest and the projected LOST revenues the following computation of millage rates was provided:

(1)	4.5 mills	=	$1,925,562
(2)	1.0 mill	=	427,902
(3)	Projected LOST Revenue	=	1,1735,118
(4)	1,735,118 - $427,902	=	4.06 Rollback
			4.50 net millage
			8.56 Gross Millage

The Mayor recommended that Council approve these millage rates which reflected a net millage of 4.5 mills , the current millage rate. He felt the small increase in revenues could be needed should there be a shortfall in other revenue sources.

Motion was made by Parlontieri that the Mayor's recommendation be approved and the net millage be set at 4.5 mills. Motion was seconded by Bradford. Motion carried unanimously.

10-91-7 Appointment of Development Impact Fee Committee

Mayor Brown recommended the enactment of an Impact Fee Committee, as required by House Bill 796, and recommended the committee be composed of the following members:

Jim Williams, Chairman
Jim Price, Vice Chairman and Lay Member
Mike Concilla, Secretary
Jim Fulton, Member - Real Estate
Mike Rossetti, Member - Builder
Rick Schlosser, Member - Real Estate
Tom Cox, Member - Developer

Mayor Brown explained that the Bill requires the committee have a builder, a developer, a layman, and a real estate person on the committee and these people named meet those requirements.

Motion was made by McMenamin that the recommendation of the Mayor be approved and the committee established as recommended. Motion was seconded by Bradford. Motion carried unanimously.

There being no further business a motion was made by Mayor Brown that the meeting be recessed to be reconvened in executive session to discuss lawsuits and a personnel matter. Motion was seconded by Bradford. Motion carried unanimously.

Executive Session

Planning Commission Appointment:

Motion was made by McMenamin and seconded by Bradford that Mr. S. David Piet be named to the Planning Commission to serve term of office beginning 10/1/91 and expiring 9/30/94 and that Mr. Jim Price be named alternate to fill any vacancy occuring during the next six month period. Motion carried unanimously.

No further action was taken and motion was made by Mayor Brown that the meeting be adjourned. Motion was seconded by McMenamin. Motion carried unanimously. The meeting was adjourned at 8:05 PM.

Frances Meaders
Frances Meaders, Director
Administrative Services

Mayor Attest