

MINUTES OF MEETING
City Council of Peachtree City
September 16, 1993
7:00 p.m.

The Mayor and City Council of Peachtree City met in regular session on Thursday Night, September 16, 1993 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 Annie McMenamin, Edward Bradford, Robert Brooks and Caroline Price.

No items were added to the agenda.

Announcements, Awards, Special Recognitions

Mayor Lenox presented the "Employee of the Month Award" for August to Heather Lash, Commission on Children and Youth.

Councilmember Annie McMenamin introduced Mr. Joe Cavender, President of the Kiwanis Club, Howard Tisdale, and George Giddens, members of the Peachtree City Kiwanis Club, to present the Commission on Children and Youth with a donation. Ms. Linda Blackburn, Co-Chair of the Commission on Children and Youth, accepted the donation and presented it to Chief Jim Murray, Police Department, to be used for the purchase of a women's mountain bike.

Caroline Price, Councilmember, announced on behalf of the Southern Conservation Trust, Inc., that the Nature Preserve boardwalk was under construction and that the first phase would be built off the carpath between McIntosh Trail and Crosstown Road. Price reported there would be a grand opening later in the fall.

Mayor Lenox presented a proclamation to The American Business Women's Association proclaiming September 22, 1993 as American Business Women's Day in Peachtree City. ABWA President Kasi Herman and members Sarah Jelley, Annie McMenamin and Caroline Price were present to accept the proclamation.

Department Reports

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

Minutes

McMenamin made a motion that the minutes of the September 2, 1993 City Council Meeting be approved as presented. Bradford seconded the motion. Motion carried unanimously.

New Agenda Items**9-93-8 Public Hearing - Amendment to Zoning Ordinance, Awnings**

Mayor Lenox stated that consideration of an amendment to the Zoning Ordinance concerning awnings would be conducted as a public hearing and read the rules for a public hearing for the benefit of the public. Mayor Lenox established a time limit of twenty minutes for each side of the issue, called the public hearing to order and asked to hear first from Jim Williams, Director of Developmental Services.

Mr. Jim Williams came forward and stated that staff had been asked to look at awnings and retractable awnings as a result of a variance hearing in August. Williams stated that the Planning Commission had held two public hearings and received input from the public and came up with a recommendation that was supported by staff. Williams stated that the recommendation was that the zoning ordinance be amended to add a definition of awning and retractable awning. Williams stated that with the amendment retractable awnings wholly supported by a frame without ground supports would be allowed in the rear setback area as long as they did not extend out beyond ten feet. Williams stated that the awnings, when not in use, would retract back into the frame.

Mayor Lenox asked to hear from anyone wishing to speak in opposition to the amendment and hearing none asked if anyone had any questions. Mayor Lenox asked Mr. Williams if there was any opposition to the proposed change at the public hearing and Williams stated that there was no opposition but many spoke in favor of the amendment. Lenox stated that while the amendment would further define awning, the only permitted use would be a retractable awning. Williams confirmed that was correct, that a permanent awning would not be permitted. Mayor Lenox closed the public hearing and called for Council debate.

Price stated that from the discussion which began the process, she was looking for the right kind of definition that would, not only in the particular case that came before Council, but in any case in the General Residential Zoning District, not leave any unclear ground. Price stated that she felt that had been addressed and that she could fully support the definition and the proposed amendment to the ordinance.

Brooks thanked the City Staff for responding so quickly and stated that issues of that kind could be cumbersome when trying to solve a problem to help the overall needs of the City, but to also help the applicant and thanked the applicant for being patient with the City in their effort to try and solve the problem. Brooks made a motion that Council adopt the amendment to the ordinance defining awnings and retractable awnings. Bradford seconded the motion. Bradford, for the benefit of the public, stated that a citizen had come before Council to request a variance to put a retractable awning over their patio in the rear setback. Bradford stated that

the awning, when extended, encroached into the setback and could not be granted. Bradford explained that Council would not grant a variance, but had suggested that the zoning ordinance possibly be amended to allow awnings in General Residential Districts. Motion carried unanimously.

9-93-9 Public Hearing - Variance 107 Fern Vale

Mayor Lenox stated that the request for a variance for the property at 107 Fern Vale, owned by Martin and Debra Dunn, was for a building in the rear setback area that would be higher than the ordinance allowed. Mayor Lenox stated that the item would be conducted as a public hearing and stated that each side would have twenty minutes to present their case. Mayor Lenox asked to hear first from the applicant.

Mrs. Debra Dunn came forward and stated that she and her husband wished to construct a storage building in the rear setback. Mrs. Dunn stated that her property was on a cul-de-sac and that the area in which the building would be constructed was in a dense area of the yard with a greenbelt behind it. Mrs. Dunn stated that the area was enclosed and had been the site of a play structure which had been torn down. Mrs. Dunn stated it was the best location on the property for the building which was on the side of her home. Mrs. Dunn stated that the building would be 8 x 10 x 11 and that the proposed area would be the least obvious place on the property for the sake of her neighbors. Mr. Mike Melymuk, 109 Fern Vale, came forward and stated that he lived next door to the Dunn's and that the Dunn's were trying to preserve the neighborhood by placing the storage building where it would be the least obvious to their neighbors. Mr. Melymuk stated that he understood that there was a height restriction but assured Council the suggested area was the most suitable area for the building and stated that he was in support of the variance.

Mr. Jim Williams, Director of Developmental Services, came forward and stated that the reason that the height restriction was put on structures going in a back yard was based on the impact they have on adjoining property to the rear. Williams stated that an eleven foot high accessory building would be a factor on a home behind the building, but that in the case of the Dunn property, there was only greenbelt behind their property. Mr. Williams stated that the only person to be directly impacted by the building was the neighbor present in support of the variance. Williams stated that it was a situation where a variance would be in order and that Staff recommended the variance be approved.

For the benefit of the public Mayor Lenox stated that the request was for a variance to the height requirement on accessory buildings, which in a rear setback was eight feet. Mayor Lenox asked to hear from anyone opposed to the variance and hearing none called the public hearing closed and called for Council debate.

McMenamin stated that she had visited the property and met with Mrs. Dunn and stated that there were special conditions and circumstances that would benefit not only the neighbor but any drive by traffic. McMenamin stated that there were some lovely, full grown old shrubbery that had probably been there from the beginning that could be removed to allow for the accessory building but that it would be ridiculous to ask the Dunn's to do that when her neighbor would walk out the door and see the building. McMenamin stated that if the variance were granted the building would be hidden from the street and also from the neighbors front door. McMenamin stated that she felt it was important to note that the back yard had a very large creek bank that supported more space along with the greenbelt area. McMenamin stated that she agreed with the staff on their recommendation that the variance be approved.

Bradford asked Mrs. Dunn why the building needed to be eleven feet high. Mrs. Dunn stated that she had many things to store and that she and her husband were both very tall. Mrs. Dunn stated that eleven feet tall was the peak of the building and that she would like to be able to stand in it and still have head room on either side and be comfortable in the building. Mrs. Dunn stated that beside needing the space, the difference in cost was minimal for the additional space it would give them for storage.

Mayor Lenox asked Williams if, in the setback area, the ordinance imposed a square footage limit on the size of an accessory building. Williams stated that the limit was 120 square feet and that what the Dunn's were proposing would be within the limits.

Price stated that in the case of the Dunn's, the variance was being applied for to preserve the neighborhood and that it was in consideration of the neighbors that the Dunn's had requested a variance. Price felt the building was being placed in the appropriate area of the property.

Brooks concurred with Price and stated that the reason for the setbacks and standards were to protect the neighbors and if not granted would hurt the neighbors instead. Brooks made a motion to approve the variance request. McMenamin seconded the motion.

Mayor Lenox asked if there was further discussion and Bradford stated that he had a problem with the height requirement. Bradford stated if the variance was granted he felt it would set a precedent for other homeowners. Bradford stated that one of the six requirements for granting a variance was that no special privilege be denied by the ordinance to other lands. Bradford stated that if the Dunn's variance was approved he did not see how another homeowner could be denied. Bradford went on to say that if the requirements for granting a variance needed to be revisited, he would not be opposed to looking at the requirements in the ordinance for granting a variance. Bradford stated that he would not support the variance but would be willing to look at changing the ordinance.

Brooks stated that he disagreed with Bradford, that due to the special conditions and circumstances surrounding the Dunn's property, he felt the situation was different than would arise in another situation. Brooks stated that he did not feel that granting the variance would be giving the Dunn's any special privilege that could not be given to someone else if the circumstances warranted it. Brooks stated that he felt the reason for a variance was to acknowledge special circumstances and condition do exist and require special consideration.

Mayor Lenox made the comment that Council in general was against granting a variance, but that there were times when it was valid to consider a variance. Mayor Lenox stated that he would not wish to change the ordinance established for variances, that he felt it was an excellent ordinance, and that in most circumstances eight feet was a reasonable height for an accessory building. Mayor Lenox stated that he would support the request because it was the type situation the variance procedure was intended to address.

Mayor Lenox stated that there was a motion and a second and called for a vote. Motion carried with Lenox, McMenamin, Brooks and Price voting aye and Bradford voting nay.

9-93-10 Establish 1993 Ad Valorem Tax Millage

Mayor Lenox made a motion to table item 9-93-10 to establish the 1993 Ad Valorem Tax Millage to the October 7, 1993 Council meeting. McMenamin seconded the motion. Motion carried unanimously.

9-93-11 Planning Commission Member Appointments

City Manager Jim Basinger stated that a selection committee composed of Councilman Ed Bradford, Bob Brooks and himself had interviewed eight applicants for the vacancies on the Planning Commission. Basinger stated that one applicant was not interviewed because he was unavailable, but that his application was reviewed. Basinger stated that it was the recommendation of the committee that Mr. Joe Alfano be reappointed and Mr. Julian Campbell be appointed to serve terms from October 1, 1993 through September 30, 1996. McMenamin stated that all the candidates were excellent and made a motion that Mr. Joe Alfano and Mr. Julian Campbell be appointed to serve terms from October 1, 1993 through September 30, 1996. Price seconded the motion. Motion carried unanimously.

9-93-12 Motor Grader Bids

City Manager Basinger stated that the City had solicited bids from six equipment dealers for the purchase of a Motor Grader for the Public Works Department to replace a 1983 motor grader. Basinger stated that four firms had responded as follows:

1. Stowers-Lillagore Const. Equip. Co.
Ellenwood, Georgia

Lee G-550	\$75,993.00
Less Trade In Allowance	11,500.00
Bid amount with trade in allowance	\$64,493.00

2. Trico Equipment Company
Conley, Georgia

Champion C80A	\$67,796.00
Less trade in allowance	3,000.00
Bid amount with trade in allowance	\$64,796.00

3. Metrac, Inc.
Atlanta, Georgia

John Deere 570 B	\$79,750.00
Less trade in allowance	3,250.00
Bid amount with trade in allowance	\$76,250.00

4. Yancey Bros. Co.
Austell, Georgia

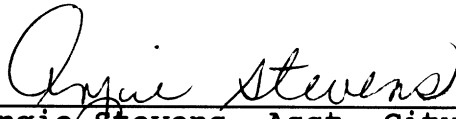
Caterpillar 120 G	\$92,296.00
Less trade in allowance	2,000.00
Bid amount with trade in allowance	\$90,296.00

Basinger stated that Staff recommended that Council declare the 1983 motor grader as surplus property and allow it to be used as a trade in and award the bid to Trico Equipment Company of Conley, Georgia for the amount bid of \$64,796.00. Basinger stated that Trico was the second low bidder but that Staff felt that the Champion equipment met and exceeded the specifications. Basinger stated that the Champion had an enclosed cab that would afford more protection to the crew. Basinger stated that there were sufficient funds in the 1994 Public Improvement Program.

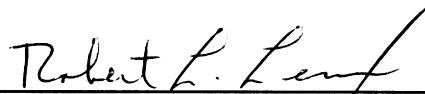
Bradford stated that the closed cab would be important for the protection of the crew and made a motion to declare the 1983 motor grader as surplus property and award the bid to Trico Equipment Company for the amount bid of \$64,796.00. Price seconded the motion. Motion carried unanimously.

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 real estate matter and pending lawsuits. Bradford seconded the motion. Motion carried unanimously.

No action was taken in executive session and McMenamin made a motion that the meeting be adjourned at 8:30 p.m. Price seconded the motion. Motion carried unanimously.



Angie Stevens, Asst. City Clerk



Mayor

Attest: