

City Council of Peachtree City
Minutes of Meeting
June 18, 1998
7:00 p.m.

The City Council of Peachtree City met in a regular session Thursday, June 18, 1998, at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those attending in the pledge of allegiance. Council members present were: Robert Brooks, Carol Fritz, Annie McMenamin, and Jim Pace.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox announced the July 2 Council meeting had been canceled.

Mayor Lenox announced the Westside Workshop was tentatively scheduled for August 13.

Mayor Lenox read a Proclamation of Congratulations for Booth Science Olympiad Team.

Mayor Lenox presented the Employee of the Month award to Firefighter/Paramedic Chris Campbell.

Larry Turner of the Water and Sewerage Authority announced there had been a sewerage spill of approximately 1.5 million gallons into Line Creek south of Falcon Field. He said water samples showed no significant damage or serious problems. He explained that two trees fell during a storm last Tuesday which caused a power outage and which in turn caused a by-pass of the treatment plant. A communication problem with GA Power resulted in a delay in restoring power until Wednesday morning. He said they were working with GA Power to ensure this situation did not reoccur in the future. He also said there was \$150,000 in the budget for standby power. He said the stand-by power (either a generator or second feed from GA Power) would be complete by end of the year. Turner said he notified the GA EPD of the spill.

ADDITIONAL AGENDA ITEMS

There were no additional agenda items.

APPROVAL OF MINUTES

Pace made a motion to approve the minutes of the June 4, 1998 meeting as presented. McMenamin seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

There were no old agenda items.

NEW AGENDA ITEMS

06-98-4 Public Hearing - Consider Ordinance - Adult Entertainment

Mayor Lenox read the rules for conducting a public hearing and established a time limit of 30 minutes. He asked first to hear from those supporting the ordinance.

Rick Lindsey, City Attorney, addressed Council and explained the proposed ordinance. He said the City did not know of anyone who wanted to open an adult entertainment establishment in Peachtree City, but staff wanted to be proactive in light of nearby communities that have had to deal with the situation without an ordinance in place. He said the law prohibits completely banning adult entertainment establishments but that the law would allow government entities to restrict and regulate locations, operations and owners/employees. He said one issue the Council must decide was whether or not alcohol would be allowed in such establishments. He said if alcohol was not permitted, the establishment would be open to individuals who were at least the age of 18. If alcohol was permitted, no one under the age of 21 would be permitted in the establishment. He said he and the city staff worked on the proposed ordinance for several months and reviewed the law, several court cases and studies conducted by many cities throughout the Country. He said the studies indicated an increased rate of crime in communities when these types of establishments are opened. He said they also have a negative impact on property values and the appearance of surrounding area. Lindsey stressed that while Council can not dictate the morals of the community they can enact ordinances that reflect the morals of the community. Lindsey said staff proposed that alcohol be prohibited from sale, consumption and possession in adult entertainment establishments and they also recommended that the establishments be restricted to the General Industrial area of the City. The ordinance would also regulate the proximity to any schools, religious facilities, parks, day care centers and other adult entertainment establishments. It would also restrict and license the owners and employees. The individuals would be required to go through a strict review process that the Chief of Police would be involved in. He said application fees would be required to cover the cost incurred by the City. Lindsey said the ordinance prohibited totally nude establishments by requiring certain parts of the anatomy to be covered. It also regulated the distance between entertainers and patrons and prohibited tipping or touching. Lindsey said it was necessary for the ordinance to be lengthy, detailed and graphic so that it would be clear as to what was permitted and what was prohibited.

No one else spoke in favor of the ordinance. No one spoke in opposition to the ordinance. Lenox called the hearing to a close and opened the floor for Council debate.

Brooks made a motion to adopt the proposed adult entertainment ordinance. Pace seconded the motion. Motion carried unanimously.

06-98-5 Consider Alcohol License Change - LaFiesta

Mayor Lenox explained that the applicant, Mrs. Maria I. Handberry, could not attend the meeting that night due to a family emergency. He said she applied to be the new license representative for LaFiesta Mexican Restaurant #5 Inc. located on Huddleston Drive which was owned by her father, the Licensee, Mr. Carlos Hernandez. He explained that her husband was the previous license representative, but was no longer working at the restaurant.

McMenamin made a motion to appoint Mrs. Handberry as the License Representative. Pace seconded the motion. Motion carried unanimously.

06-98-6 Consider Alcohol License Change - Ruby Tuesday

Lenox said Mr. Michael Jett had applied to be the new License Representative for Ruby Tuesday. Mr. Kevin Brake, Assistant General Manager for Ruby Tuesday, explained that Mr. Jett could not attend the meeting because he was on his honeymoon. Brooks said he felt the application was in order and made a motion to appoint Mr. Jett as the new License Representative for Ruby Tuesday. Fritz seconded the motion. Motion carried unanimously.

06-98-7 Consider Intergovernmental Agreement - Public Works Contracting

Basinger said the proposed agreement was originated at the March meeting of the Future Committee. He explained that several of the smaller entities felt they could save money on small public works projects by contracting with another government entity to rent or lease a piece of equipment and/or operator from them. It was a consensus that in many cases this would save money over contracting with the private sector.

Basinger said the intent of the agreement was that work performed would be for projects of limited duration or to respond to emergency situations that require Public Works services or equipment and would be dependent upon our workload and manpower capabilities. He said it was also staff's position that the City would not rent or lease equipment to another entity without also providing a trained operator.

He said the agreement did require payment for the services to include manpower and equipment costs, incidental costs, as well as a small surcharge to compensate for equipment wear and tear. He said the entity providing the service would also be indemnified by the entity receiving the service. The term of the agreement was for an initial 5-year period and could be extended for an additional five year period unless a party gives 90 days notice to cancel.

Basinger said the City Attorney's office had reviewed the agreement and staff recommended Council approval.

McMenamin made a motion to approve the agreement and to allow Mayor Lenox to sign the agreement. Pace seconded the motion. Motion carried unanimously.

06-98-8 Consider Intergovernmental Agreement - Annexation Dispute Resolution

Lindsey explained state law mandated that all counties and municipalities adopt an annexation dispute resolution no later than July 1, 1998. Lindsey said that staff received the latest draft of the agreement from the County late that afternoon and he explained the latest revisions. Lindsey said Council could adopt the agreement that evening or hold a special called meeting sometime before July 1. After some lengthy discussion, Council felt that because everyone was interested in the County as a whole, it was

important that all municipalities located within the County have the opportunity to give input concerning annexation of any property in the County. Brooks made a motion to adopt the agreement with the condition that the City Attorney make the necessary addition to allow all other government entities in Fayette County, including the school board, to have the right to send a representative to the mediation hearing, and have the right provide input to the mediation panel concerning the proposed annexation. Pace seconded the motion. Brooks amended his motion to also allow the mayor to sign the revised agreement if there were no other significant changes. Pace seconded the amendment. Motion carried unanimously.

McMenamin asked Basinger to ensure that Council call a public hearing if there were any significant changes to the agreement.

06-98-9 Consider Contract - Private Probation Service

Joe Morton, the Assistant City Manager said that City staff had discussed with the Municipal Court Judge and the City Attorney the pros and cons of contracting with a private probation company. He said typically, these companies monitor people who are placed on probation by the court, collect fines on a payment plan, monitor community service and offer counseling/training which may be ordered by the court. He said there was no cost to the City for these services as the probationer pays a monthly fee to the company. The system was popular with probationers and many court systems throughout the State were using these services. Morton explained that a significant number of court cases have been bound over to State Court at the request of the person charged with a crime because they needed to pay a fine over a period of time. He said once a case was bound over to State Court, all revenues are kept by the State Court.

Morton said he, along with Judge Powell and Jane Miller, interviewed four firms offering probation service. All firms essentially provided the same services and had the same fee structure. Only one of the firms, Community Corrections, was currently providing services in this area and currently serve most of the courts in the area including Clayton, Fayette and Coweta Counties. Morton said they reviewed their procedures for handling and accounting for money and were confident that the necessary internal controls were in place to ensure that fines paid by probationers would be properly accounted for and forwarded to the City in a timely manner. He said they also received positive references from the other court systems in the area regarding the services that they provide.

Pace made a motion to contract with BI/Community Corrections for probation services and to authorize the City Manager to sign a contract with them. McMenamin seconded the motion. Motion carried unanimously.

06-98-10 Consider Bid - Hwy 74/Kelly Drive Intersection Improvements

Basinger said DOT had approved the signalization of the Highway 74/Kelly Drive intersection. He said the project was put out for bid in April, but no bids were received. Contractors said the lack of response was due to a backlog of work due to spring weather conditions as well as an abundance of new work in neighboring counties. He said the project had been rebid and the only bid received was

from McCoy Grading Company of Luthersville for the amount of \$272,018. He said Council had already authorized \$200,00 for the project in addition to a DOT grant of \$59,146.25. He recommended Council award the bid and authorize an additional expenditure of up to \$40,000 from the Council contingency fund to cover the shortfall and to provide a small contingency fund for the project.

Brooks made a motion to award the bid to McCoy Grading Company in the amount of \$272,018 and to authorize an additional \$40,000 to be taken from the Council Contingency Fund to cover the shortfall and to provide a small contingency fund for the project. McMenamin seconded the motion. Motion carried unanimously.

06-98-11 Consider Bid - Construction of Starr's Mill Cart Path

Basinger said staff had received a bid to construct a standard size cart path from Foreston Place to the entrance to the Starr's Mill School Complex on Redwine Road. Only one bid was received from Newnan Paving of Senoia for \$72,550.

Brooks made a motion to award the bid to Newnan Paving for the amount of \$72,550. McMenamin seconded the motion. Motion carried unanimously.

COUNCIL/STAFF TOPICS

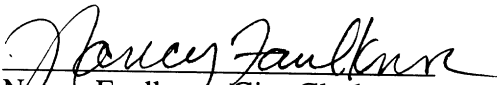
Basinger said that applications were being accepted for openings on the Planning Commission and Airport Authority and asked for two volunteers from Council for the interview committee. Carol Fritz and Annie McMenamin volunteered for the Airport Authority. Carol Fritz and Bob Brooks volunteered for the Planning Commission.

Basinger reminded Council of the Budget Workshop to be held July 23, at 6:00 p.m.

Lenox made a motion to adjourn into Executive Session to discuss a legal matter and a real estate matter. Brooks seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

Pace made a motion to appoint Mayor Lenox and Councilmember Fritz to proceed in a legal matter. Lenox seconded the motion. Motion carried unanimously. The meeting adjourned at 9:00 p.m.


Nancy Faulkner, City Clerk

Attest: 
Mayor