

City Council of Peachtree City
Minutes of Meeting
June 16, 2005
6:30 p.m.

The City Council of Peachtree City met Thursday, June 16, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, and Murray Weed. Judi Rutherford was unable to attend due to a work commitment.

Announcements, Awards, Special Recognition

Corporal Matthew Myers was recognized as the Employee of the Month. Police Chief Jim Murray presented Myers with the Medal of Valor, which was given to officers who saved a life. Mayor Brown recognized Gabby Acuna for her service as a founding member of the Youth Council. Brown recognized the McIntosh High School Boys Soccer Team as the runner-up in the State 4A championship.

Minutes

Kourajian moved to approve the June 2, 2005, Regular Meeting Minutes as amended. Rapson seconded. The motion carried unanimously.

Consent Agenda

1. Consider Ordinance Amendment Relating to Hotel/Motel Tax Requirements

Brown noted that the lone Consent Agenda item was housekeeping to keep up with new Department of Community Affairs state policy.

Kourajian moved to approve the Consent Agenda. Rapson seconded. The motion carried unanimously.

Old Agenda Items

05-05-04 Consider Extension of Moratorium on General Commercial (GC) Zoning Ordinance (Big Box)

City Attorney Ted Meeker addressed Council. He noted that the extension was for another 45 days and remained very narrow in scope. He said there had been a problem scheduling the meeting with the consultant. There should be information ready by the end of the month.

Weed moved to approve agenda item "05-05-04 Consider Extension of Moratorium on General Commercial (GC) Zoning Ordinance (Big Box)." Kourajian seconded. The motion carried unanimously.

New Agenda Items

06-05-06 Consider Master Lease/Purchase Agreement for Equipment

Financial Services Director Paul Salvatore said this was a follow-up to the Governmental Finance Corporation meeting held earlier. He said Council had previously approved the leasing company, All Points Capital, and this was the lease/purchase agreement between the City and the Peachtree City Governmental Finance Corporation. Salvatore said Council needed to approve the authorizing resolution and give approval to sign the other

original documents. Meeker added the other documents were attached in the agenda packet.

Weed moved to approve agenda item "06-05-06 Consider Master Lease/Purchase Agreement for Equipment" and authorize the Mayor to sign any and all documents relevant to the same. Kourajian seconded. The motion carried unanimously

06-05-07 Alcohol License – NEW OWNER – Peachtree City Shell

Chris Verdon, the applicant for Licensee and License Representative, addressed Council.

Rapson moved to approve the application for a change in the alcoholic beverage license to Mr Christopher Verdon as requested. Weed seconded. The motion carried unanimously

06-05-08 Consider Ordinance Prohibiting Consumer Fireworks in Peachtree City

Brown said concerns had been raised that the ordinance before them might be preempted by the new state law regarding sparklers. Meeker said he had discussed the matter with Fire Chief Stony Lohr. He explained that his concern was the City would be prohibiting something the state had just authorized and made legal. There was a doctrine in both the U.S. and Georgia constitutions called the "preemptive doctrine" that meant state or federal law could not be superseded by local law. Federal law governed state law, and state law governed local ordinance. Meeker said the state could preempt the ordinance based on the recent legislation.

Weed asked Meeker if he had reviewed the draft ordinance. Meeker said he had. Weed asked Meeker if it was his professional opinion that the draft ordinance would violate the preemption doctrine. Meeker said that was his opinion.

Rapson clarified that Council could not do anything with the ordinance. Meeker said, in his opinion, no. Rapson said he had not wanted to do anything in the first place.

Weed said he felt the legislature sold out on the issue, but he believed in following the law. He said the way to fight the legislation was at the state level. The local government had no right to go behind the state to alleviate what had been done.

Brown said this was similar to the smoking issue. He agreed with Weed that the bill was one of the worst things the state had done.

Fire Marshal John Dailey said local law could be more restrictive than state law. Weed said that the one exception was the preemption doctrine. Meeker said the reference was in the legislation itself. The new state law gave no enforcement authority to local governments.

Brown moved to take no action on the item due to the preemptive status for the state code. Kourajian seconded.

Dailey showed an example of the sparklers that met the state definition. He said the Fire Department would have a video to show children to educate them. Brown said that was a good idea and recommended working with the Parent-Teacher Associations at the schools.

Rapson said he was not in favor of restricting fireworks. July 4th was always about fireworks, but the sparklers had not been legal in Georgia until May 2. There would be sparklers and fireworks all over the City on July 4th. Dailey agreed. Rapson said the issue was one of common sense and that adults had to be responsible for how the fireworks were used. Kourajian said he appreciated the efforts for safety.

The motion carried unanimously.

Weed said this was a fight for another day, another time, and another venue, and noted that some were committed to the fight.

06-05-09 Consider Bids for Asphalt Paver

Brown noted there were additional documents on the dais – an e-mail from the City Manager to Paul Puckett dated June 16, 2005, with the subject, “Asphalt paver bids 05-115BPW,” and an e-mail from Paul Puckett to the City Manager dated June 16, 2005, with the subject, “Asphalt Paver Bids 05-115BPW.”

Public Services Director Tom Corbett addressed Council. Staff recommended the purchase of a LeeBoy Model 1000D Self-propelled Track Asphalt Paver from the Reynolds-Warren Equipment Company for \$46,550. Corbett continued that four bids had been received. He noted that the spreadsheet in the packet had the information on the specifications. He pointed out there had been a protest from one bidder based on the specifications. Corbett said waiting until after the bid opening was the wrong time to file a protest on the specifications. Corbett said the specifications were what was needed to get the job done, and staff stood behind the specifications.

Weed said he read the materials and the complaint letter. Specs were specs and should be addressed before bidding. Weed continued that it seemed as though the City rarely chose the low bidder. Council approved the recommendations based on the reasons provided. He wondered if they needed to re-think the process since the low bidder was rarely selected.

Corbett said more research and thought had gone into the paver than anything else in while because the paving need was so great. They did not want to get anything that would be inadequate in a number of areas. Corbett pointed out that the specifications required a six-ton hopper, but one of the bids had a four-ton hopper. The six-ton hopper had a 50% greater capacity to hold asphalt. It would be a time saver and would put out better quality asphalt. It cost more, but would be worth it over time. If they were going to put down \$3 million in asphalt and use \$2 million in labor to do so, the cost of the paver was small compared to what was going to be done with it.

Weed said he did not disagree with Corbett, but continued that staff might want to look at issues more carefully and spend more time on specifications. Weed said he could not remember ever selecting the lowest bidder.

Rapson disagreed and said they were not just selecting the lowest bid when a decision was made. Council was also selecting the most responsive company and the best person. Several factors were weighted for consideration. Two of the four bids were disqualified solely on the critical piece of equipment that did not meet specifications. The fact that the pavers were non-heated automatically threw out the bids. Rapson admitted this piece of equipment was more technical and outlined than usual. The machine would be used full tilt, and the City would get better "bang for its buck." He pointed out that there might be some leeway on many items, but four or five of the items were critical, including the two that had been discussed. Corbett added that, if a majority of the bidders had come off the specifications on some items and were within reason on others, then staff could live with that. All had an equal chance to meet the specs. He added that, in a way, it was an ethical issue to alter specs for one bidder. They would have to alter them for all the bidders.

Kourajian asked how the bids were advertised. Corbett said they had a vendor relationship with a number of companies to whom the bids were sent, and they were also advertised in a number of places, as well as the website. The bids were available to everyone.

Weed said he was not criticizing this particular bid, but the lowest bidder had not been selected in recent history and he was disturbed this might be a pattern. He wanted to work with staff to try to curb the pattern. Council had always received very good reasons to go with bidders who had not submitted the lowest price. McMullen explained that he approved items under \$40,000 that were in the budget, and the vast majority of those items were awarded to the lowest bidder. He said he could put the information together for Weed. Kourajian asked McMullen to also note if the bids met the qualifications.

Weed moved to purchase the asphalt paver at the highest bid. Kourajian seconded. The motion carried unanimously.

06-05-10 Consider Purchase and Installation of a Dump Truck Body

Corbett pointed out that this item was so generic that anyone could get it for the lowest price. He noted the ranges of prices and said it was just a matter of profit for the bidders.

Rapson moved to award to the absolute lowest bidder. Kourajian seconded. The motion carried unanimously.

Corbett thanked the Fire Department for providing the cab and chassis so they would not have to buy it.

Council/Staff Topics

Kourajian asked for an update on the opening of the Three Dollar Café. Brown asked when the alcohol license expired. Administrative Assistant Pam Dufresne said it expired at the end of the month.

Kourajian asked if the library was still on schedule for October. McMullen said it was and noted that the dome had been put up. They were working on a lot of the finishing items on the outside. Drywall should start going up next week.

Kourajian asked about the TDK Boulevard extension. Rapson noted that the City was doing absolutely nothing to impede the progress. McMullen said the Airport Authority was in the process of getting appraisals for the land. Once they had the appraisals, they would sit down with the property owners. Kourajian asked when construction would start. McMullen said they would need to get the money for the FAA for the land, which would happen in August or September or in the 2006 budget. Once the right-of-way was acquired, it would be up to the County as to when construction started. The golf course also had to relocate the two holes first.

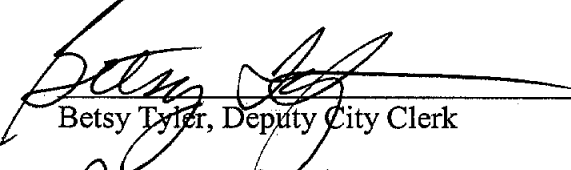
Weed asked about the traffic signal at GA 74/Georgian Park. McMullen said additional information had been submitted to DOT. City Engineer Dave Borkowski and QK4, the traffic consultant, were waiting to hear from DOT. Weed asked if there was anything Council could do, or anyone they could call. McMullen said it would depend on the answer from DOT.

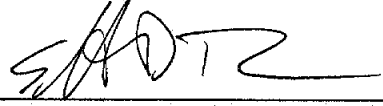
Brown asked what the agenda looked like for the July 7 meeting. McMullen said the most critical item would be the bid award for the library furniture and fixtures. Kourajian asked if there could be a special called meeting to handle the bid award. McMullen said he would have to look at the schedule.

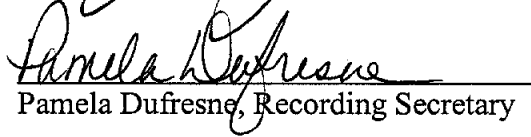
Kourajian moved to reconvene in executive session for pending litigation and a personnel matter. Rapson seconded. The motion carried unanimously.

Kourajian moved to reconvene into regular session. Brown seconded. The motion carried unanimously.

There being no further business to discuss, Rapson moved to adjourn the meeting. Weed seconded. The motion carried unanimously. The meeting adjourned at 8.30 p.m.


Betsy Tyler, Deputy City Clerk


Stephen D. Brown, Mayor


Pamela Dufresne, Recording Secretary