

**MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
MAY 19, 1994
7:00 P.M.**

The Mayor and Council of Peachtree City met in regular session on Thursday Night May 19, 1994 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 April to Peki Prince, Firefighter/Paramedic.

Minutes

Price made a motion that the minutes of the Joint City Council/Planning Commission meeting of March 28, 1994 be approved as presented. McMenamin seconded the motion. Motion carried unanimously.

McMenamin made a motion that the minutes of the Joint City Council/Planning Commission meeting of April 13, 1994 be approved as presented. Bradford seconded the motion. Motion carried unanimously.

McMenamin made a motion that the minutes of the May 5, 1994 City Council meeting be approved as presented. Price seconded the motion. Motion carried unanimously.

New Agenda Items

5-94-7 Consider Change in License Representative - Corelli's Inc.

Mayor Lenox stated that Corelli's Inc. had requested a change in license representative to Mr. Steven Leslie Rowell. Mayor Lenox stated that Mr. Robert Grove would remain the licensee and asked Mr. Rowell to come forward.

McMenamin stated that when reviewing the application she noticed that Mr. Rowell did not have any experience working with the sale of liquor and asked if he was familiar with the laws. Mr. Rowell stated that he had read the ordinance. McMenamin stated that all paperwork appeared to be in order and made a motion to approve Mr. Steven Leslie Rowell as license representative for Corelli's Inc. Price seconded the motion. Motion carried unanimously.

5-94-8 Consider change in License Representative
New York Pasta & Grill

Mayor Lenox stated that Corelli's Cafe, Inc. DBA New York Pasta & Grill had requested a change in license representative to Mr. David Affrunti. Mayor Lenox stated that Mr. John Proffitt III would remain the licensee and asked Mr. Affrunti to come forward.

McMenamin stated that there was a gap in employment on the submitted application from 1992 to the present and asked Mr. Affrunti what he had been doing during that time. Mr. Affrunti stated that he had been doing yard work and repairing golf carts. McMenamin asked Mr. Affrunti if he had worked in a restaurant that served alcohol and Mr. Affrunti stated that he had worked at Corelli's and was familiar with the law. Price asked Mr. Affrunti if there was a reason he did not put that work experience on his application and Mr. Affrunti stated there was no reason. McMenamin stated that she was concerned with Mr. Affrunti being eighteen years old and wanted to make certain that Mr. Affrunti was aware of the laws. McMenamin asked Mr. Affrunti if he had been in a supervisory position before, enforcing the rules among employees. Mr. Affrunti stated that he had been in that position working in the kitchen.

McMenamin stated that there was a question about the stockholders that needed to be addressed. Mr. Jamal Hussein came forward and stated that he still owned 4500 shares of stock in New York Pasta & Grill. Mr. John Proffitt III came forward and stated that Mr. Hussein had sold his 4500 shares of stock to Mr. Giuseppe Affrunti and that the matter is currently under litigation. Mr. Proffitt stated that Ms. Frances Meaders, Director of Administrative Services, had been given a copy of a signed agreement between Mr. Hussein and Mr. Affrunti whereby Mr. Hussein signed over his shares to Mr. Affrunti. McMenamin asked Mr. Hussein if he had signed his shares over and he stated that the shares were used as collateral for payment which was never received. City Attorney Rick Lindsey stated that it appeared that Mr. Hussein still owned the stock and an interest in the license. Lindsey stated that if the stock certificates had been signed over, the City would need a copy of them for the record and the application amended.

Price stated that she agreed with City Attorney Lindsey that Mr. Hussein still held an interest in the license and stated that the application needed to be corrected. McMenamin asked Frances Meaders what the status of the license was at the present time and Ms. Meaders stated that New York Pasta & Grill was working under a thirty day temporary license with Mr. Affrunti as the temporary license representative. McMenamin felt that the item should be tabled to clear up the items discussed and stated that she had concerns over the inexperience of Mr. Affrunti. McMenamin made a motion to table the item to the June 2, 1994 City Council agenda. Brooks seconded the motion. Motion carried unanimously.

5-94-9 Public Hearing - Consider Ban on Smoking
in Public Restaurants

Mayor Lenox stated that considering the ban on smoking in public restaurants would be conducted as a public hearing and set the time limit at 45 minutes for discussion of the item. Mayor Lenox stated that it would be an informal public hearing with both pros and cons to the issue being able to speak during the 45 minutes. Mayor Lenox called the public hearing to order and asked for public comment.

Fourteen (14) people in attendance were in favor of Council imposing a ban on smoking in restaurants. Concerns were those of second hand smoke, health problems which were significant enough that they could not eat at a restaurant where smoking was allowed, effects on children, health problems that were felt to be a direct result from second hand smoke. The public in favor of the ban were non-smokers that felt that smokers made a personal choice to smoke but non-smokers could not make that choice if they were in a restaurant where smoking was allowed. The public in favor of the ban included a representative from the American Lung Association and another representative from an East Point Alliance Against Smoking.

Eight people in attendance were opposed to a ban on smoking and were both smokers and non-smokers. The smokers in opposition to the ban stated that they had rights to smoke in public establishments and should not have that right taken away. Both smokers and non-smokers felt that government should not impose such a ban, that it would be infringing upon rights and making decisions for business owners that could cause a loss of business. In essence it was their feeling that Council would be taking away their right to choose.

After hearing all input, Mayor Lenox closed the public hearing and called for Council debate.

Mayor Lenox stated that all of the members of the Council had given the issue careful thought. Mayor Lenox stated that Council was concerned about the effects of second hand smoke. He stated that if Council were to impose a ban on smoking in public restaurants, it would be government intrusion into personal freedom. Mayor Lenox stated that there were places that people had to go, and places that people chose to go. Mayor Lenox stated that most government and private business offices had a no smoking policy, but that a restaurant was a place that a person could choose to either patronize or not. Mayor Lenox stated that all Peachtree City public facilities were now non-smoking establishments, including the amphitheater, except in one designated area away from the public. Mayor Lenox stated that he felt every restaurant had a choice to ban smoking in their establishment and did not feel he could support a ban.

McMenamin asked if there was a restaurant association in Peachtree City and was told there was not. McMenamin stated that she would prefer a smoking ban in restaurants but felt that the ban should come from the restaurant and not the government as it was a freedom of choice. McMenamin went on to say that both Morrisons and P C Cafe had banned smoking and not suffered any loss and that she could not support a government ban on smoking.

Bradford stated that he felt that government should not, at the City level, impose a ban on smoking.

Price stated that she sympathized with those having health problems and agreed that segregation of sections was not very effective. Price stated that while the airlines had been effective in imposing a ban the City was not the Federal Government. Price stated that much of the material heard had much validity, but that restaurants were not an essential service. Price went on to say that she felt if the restaurants worked together they could do far more than what an ordinance could achieve and that this was an issue that was being discussed nation wide.

Brooks stated for the benefit of the residents that modifications had been made at the amphitheater and that smoking was only allowed in one designated area, and that at the ballfields you could not smoke in or near the stands. Brooks stated that he did not feel that the City was prepared to ban smoking in restaurants, as a person could choose to or choose not to patronize a restaurant. Brooks stated that as an elected official he could not support a ban on smoking. Brooks went on to say that he felt much would change over the next few years with Federal Government restrictions and directed the staff to make the public aware of the restrictive policy the City has at it's facilities. Brooks suggested that a task force could be formed comprised of the restaurants which the City could help to facilitate on a volunteer basis.

Mayor Lenox stated that there was no desire by Council to ban smoking and stated that he felt much pride on behalf of the residents for coming to the meeting and making their thoughts heard. Price made a motion that the ban on smoking in public restaurants be denied. McMenamin seconded the motion. Motion carried unanimously.

5-94-10 Consider request for BB and Archery Range - Boy Scout Camp

Mayor Lenox stated that Council had before them a request for a BB and Archery range at the First Baptist Church for a Boy Scout Camp from June 27, 1994 to July 1, 1994. Mayor Lenox stated that last year the camp had been held at Oak Grove Elementary but that due to renovations at the schools they would not be available this year. Brooks asked if there were any problems last year and was told there were none. Brooks made a motion to approve the request for a BB and Archery range for the boy scout camp from June 27 to July 1. Bradford seconded the motion.

McMenamin stated that she had opposed the request last year and that her opinion had not changed. McMenamin stated that she felt that after one week of camp the boys could come away with the feeling that they could handle a gun and did not feel it was in the best interest of young children. McMenamin went on to say that if they had a full time safety program it would better prepare them for the week at camp to handle guns. McMenamin asked Chief Murray if there had been an incident in the past year where a youth shot another youth and Chief Murray stated that there had been an incident.

Ms. Carol Priser, scout leader, came forward and stated that it was a recreational activity that would be supervised by trained range officers. Ms. Priser stated that the scouts did teach safety and felt that informing the scouts on guns, as a young age, was beneficial to them.

Price stated that she was aware that the BB and archery ranges were included in a national program and asked Chief Murray if an officer could be available to send the message that Council seemed to be voicing, in terms of safety of individuals in Peachtree City. Price stated that the officer could explain some of the incidents that have occurred, either in Peachtree City or elsewhere, that the City was trying to avoid and introduce something other than the program outlined. Price asked McMenamin if that would alleviate any of the concerns she had and McMenamin stated that it would not, that she felt on-going training was needed and that last year the scout leader in charge had stated that he was not in favor of the boys shooting guns, but that it was an easy project to do. McMenamin stated that she did not feel comfortable with that. Ms. Priser stated that she was a trained range officer and that all present would have training and knowledge, that they tried to teach the boys safety. Ms. Priser stated that it was an easy project to have, but that it was well thought out and assisted by the Army.

Bradford stated that he learned to have respect for firearms in scout camps. Motion carried with Lenox, Bradford, Brooks, and Price voting aye and McMenamin voting nay.

5-94-11 Consider Bids - Highway 74 South Sports Complex

City Manager Jim Basinger reported that the bids for the sports complex had come in over budget and requested that the item be tabled until the next regular meeting. Brooks made a motion to table the item to consider bids for the sports complex to the June 2, 1994 Council meeting. McMenamin seconded the motion. Motion carried unanimously.

5-94-12 Resolution - County-wide GIS System

City Manager Jim Basinger stated that the County was trying to obtain a grant for a county-wide GIS system. Basinger stated that the applicants must provide a 25% matching share in cash and or in-

kind services and that the county steering committee recommended that the County's \$6,250 share be provided as follows:

\$1,250 In-kind services provided primarily by County Staff

\$5,000 Cash, shared among the county and principal cities on the basis of percentage of population served.

Basinger stated that Peachtree City's share would be \$1,680 and it was staffs recommendation that Council adopt the resolution in support of the Fayette County effort to obtain a grant for a GIS study.

McMenamin asked how county consolidation would benefit Peachtree City and Basinger stated that the cost of equipment, which was very expensive, could be shared, and aerial photography would provide significant savings. Price made a motion to adopt the resolution. Bradford seconded the motion. Motion carried unanimously.

5-94-13 Consider Bids - Street Resurfacing Program

City Manager Jim Basinger stated that the City had solicited bids from nine qualified paving contractors for the 1994 street resurfacing program and that five firms had responded as follows:

I. City Funded Streets

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|---|-------------|
| 1. Associated Asphalt Products, Inc.
Lithonia, Georgia | \$41,216.50 |
| 2. Riverdale Paving
Riverdale, Georgia | 45,369.20 |
| 3. Couch Construction
Peachtree City, Georgia | 46,005.40 |
| 4. Moore Brothers Paving
Conley, Georgia | 46,936.50 |
| 5. Stewart Brothers, Inc.
Doraville, Georgia | 61,210.00 |

II. LARP Funded Streets LAU-23-8530-60 (113)

- | | |
|---|-------------|
| 1. Associated Asphalt Products, Inc.
Lithonia, Georgia | \$22,496.00 |
| 2. Riverdale Paving
Riverdale, Georgia | 25,087.60 |
| 3. Moore Brothers Paving
Conley, Georgia | 25,254.80 |

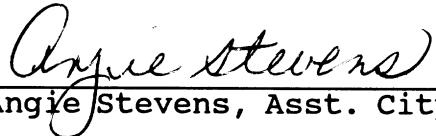
4. Couch Construction Co., Inc.
Peachtree City, Georgia 27,296.00
5. Stewart Brothers, Inc.
Doraville, Georgia 34,932.50

Basinger stated that it was staff's recommendation that the bid be awarded to Associated Asphalt in the amount of \$63,712.00, a combination of Base Bid I and Base Bid II. Basinger stated that Associated Asphalt was the low bidder and that there were adequate funds in the Public Improvement Program. Brooks made a motion that the bid for the 1994 street resurfacing project be awarded to Associated Asphalt in the amount of \$63,712.00. 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. Bradford seconded the motion. Motion carried unanimously.

Executive Session

No action was taken in executive session and Brooks made a motion that the meeting be adjourned at 9:15 p.m. Bradford seconded the motion. Motion carried unanimously.


Angie Stevens, Asst. City Clerk



Mayor

Attest: