

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

The City Council of Peachtree City met in a regular session Thursday, May 7, 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

Fire Chief Reed made an announcement that the rating issued by the Insurance Services Offices, Inc. (ISO) had been upgraded from a Class 5 to a Class 4 rating which would result in a decrease in residential and commercial property insurance premiums for property within the city limits.

Mayor Lenox presented a 15-year service pin to Lt. Ron Mundy of the Fire Department.

Mayor read a proclamation for National Preservation Week.

Robert Kurbis of Fayette County Safe Kids of GA recognized the Police Department, Fire Department, Kroger and the CCY for their support.

Mayor Lenox read a Proclamation for "Respect for Law Week".

Terry Ernst of the Optimist Club, Al Gentilini of Huddle House and Reggie Williams of Procurement Resources each presented the Police Department with a check to purchase bullet proof vests.

Andy Jurchenko of Griffin Technical College presented a plaque to the Police Department for their assistance with the Police Intern Program.

APPROVAL OF MINUTES

Pace made a motion to approve the minutes of the City Council Retreat held on April 3 & 4, 1998 with one correction suggested by McMenamin. Brooks seconded the motion. Motion carried unanimously.

Pace made a motion to approve the minutes of the April 16, 1998 meeting as presented. Brooks seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

02-98-15 Consider Ordinance to Eliminate Smoking in the Workplace and Enclosed Public Places

Mayor Lenox reminded residents that this agenda item had been continued from the February 19, council meeting. At that time, a local citizens group presented an ordinance for consideration that would prohibit smoking in all buildings accessible to the public and in all workplaces. After hearing public comment supporting and opposing the ordinance, Council directed City Staff to prepare an ordinance that took all comments into consideration.

Mayor Lenox explained that a survey of local businesses was conducted to determine current smoking policies. He said he appointed the following committee, composed of citizens and business owners on both sides of the issue, to provide input into the ordinance:

Citizen Members: Frederick Brown, Jr.
Kathie Cheney
Kathy Cox
Al Gentilini
Steve Harrelson
Jim Royal
Tom Shaver

City Representatives: Mayor Lenox
Council member Fritz
Jim Basinger
Rick Lindsey
Betsy Tyler

Lenox said there were several concerns that surfaced during the committee meetings. One primary concern was protecting the health and safety of all citizens, especially children, from the dangers of secondhand smoke. The issue included the possible danger of unknown exposure to secondhand smoke in facilities that are publicly labeled as nonsmoking, but permit smoking in areas that share a ventilation system with the designated nonsmoking areas.

He said on the opposite side of the issue were the concerns of business owners, especially restaurant, bar, and hotel operators, regarding the possible negative impact on their businesses of a ban exclusive to Peachtree City. A more general concern of additional governmental restrictions on privately owned businesses was also expressed.

Lenox explained the Smoking Ordinance Committee had prepared a new ordinance for Council's consideration, which consisted of a compromise of all the concerns expressed by committee members. He said the proposed ordinance was highlighted in the April issue of UPDATE Peachtree City, and was available for review in its entirety on the City's Web Page, at City Hall and at the Library.

Lenox reviewed the proposed Smoking Ordinance as follows:

Highlights of the Proposed Smoking Ordinance

The purpose of the ordinance was (1) to protect the public health, safety and welfare by limiting smoking in public areas and places of employment; (2) to protect the public health, safety and welfare by prohibiting smoking in buildings and most facilities owned by the City; and (3) to encourage Peachtree City business owners to restrict smoking in areas used by both the public and by employees.

The proposed ordinance required all business owners to designate their facility's smoking policy and to publicly post that policy with one of three sign designations:

TOBACCO SMOKE FREE - A green sign signifying that smoking of tobacco is prohibited throughout the facility.

TOBACCO SMOKE PRESENT - A red sign signifying that smoking is permitted in designated areas and persons entering the facility will be exposed to secondhand smoke.

TOBACCO SMOKE VENTILATED - A blue sign signifying that smoking is permitted in designated areas, but the owner has gone to the expense of providing ventilation to the smoking area that is completely separate from the ventilation system of the nonsmoking area.

The Proposed Ordinance DID NOT:

- * Restrict smoking in private homes or vehicles in any way.
- * Ban smoking in restaurants, bars, pool halls or bowling alleys.
- * Ban smoking throughout privately owned businesses.
- * Allow smoking in areas already restricted by private business owners.
- * Give private citizens the right to enforce the ordinance (business owners could request compliance, and private citizens could contact the Police Department for enforcement).

The Ordinance DID:

- * Require every business, including restaurants and bars, to post a visible sign designating the facility as either tobacco smoke free, tobacco smoke present, or tobacco smoke ventilated.
- * Prohibit smoking in all City-owned buildings and restrict smoking in City-owned open-air facilities, including playgrounds and athletic fields.
- * Prohibit smoking in medical facilities.
- * Prohibit smoking in child care facilities when children are present.
- * Prohibit smoking in areas where the general public may enter in offices, industrial facilities, retail and non-retail businesses, hotels, nursing homes and assisted living facilities (such as lobbies, reception areas, elevators, and public restrooms).
- * Prohibit smoking outside within 10 feet of a public entrance, open windows, and ventilation systems of all Smoke Free designated facilities.
- * Impose a fine of up to \$1,000 for violation of the ordinance.

Mayor Lenox read the general rules for conducting a public hearing and set a time limit of 90 minutes for the hearing. He modified the rules to allow only city residents and business owners to speak on the issue, pro and con, each with a three minute time limit.

The following citizens spoke on the issue: William Bryan, Sharon Waples, Kathy Chaney, William Clerk, Maxine Ruckers, Bill Wheelock, Phyllis Aguayo, Bob Gasko, Marie Gouchy, Fred Brown, Al Gentilini, Mildred Harris, Rob Stimpson, Bill Webster, Walt Mashburn, Irene Shawn, Kathy Cox, Robert Kurbis, and Steve Harrelson.

The following opinions were stated opposing the ordinance:

- ▶ In recent years the number of smokers had decreased from 45% to 25% but cancer rates continue to increase.
- ▶ Second hand smoke is not dangerous.
- ▶ Study in England supports decrease in cancer for children of parents who smoke - believe posions in tobacco kill cancer.
- ▶ Is not a "smoking ordinance" but a "sign ordinance".
- ▶ Signs will not help decrease the danger of tobacco smoke.
- ▶ City should not regulate smoking because Federal Government does not regulate it.
- ▶ The reason the Ordinance was proposed was based on emotional issues.
- ▶ Government can not make everything all right .

- ▶ Pollen is also a health hazard for people with breathing problems. Will the City outlaw it next?
- ▶ Why not restrict fatty food? It causes colon cancer.
- ▶ There is already excessive government regulations.
- ▶ It would be an unfunded mandate to require the purchase of signs.

The following opinions were stated in favor of the ordinance:

- ▶ Peachtree City's Mission Statement supports the issue.
- ▶ The ordinance should be more restrictive for Restaurants.
- ▶ A cancer victim shared first hand knowledge of the danger of tobacco smoke and the effect it had on her and her family's life.
- ▶ Proposed ordinance should be more restrictive and require separate ventilation systems for all restaurants.
- ▶ Medical facts and statistics demonstrate a need for regulation and for protection of the general public.
- ▶ The nuisance of tobacco smoke was compared with "disturbing the peace".
- ▶ City government is charged with protecting the Health, Safety and Welfare of its citizens.
- ▶ No one in Peachtree City will ever be exposed to 2nd hand smoke unless they choose to.
- ▶ The proposed ordinance was compared to the law permitting people to carry a gun but it did not allow people to shoot people with it - people are allowed to smoke but should not be allowed to force their tobacco smoke on others.
- ▶ Most people agree that second hand smoke is not good and not healthy.
- ▶ Tobacco is regulated by the Federal Government. Minors can not purchase it.
- ▶ A suggestion was offered that the City allow the schools to purchase the proposed signs in bulk and sell for profit as a fund raiser.
- ▶ Right to smoke should not infringe on the right to breath non polluted air.

After Mayor Lenox was assured that no further comments from the public were to be made, he called the hearing to a close and opened the floor for Council debate.

Fritz said while some people believed laws were only to forbid wrongful actions, she believed many laws helped promote efficiency or safety and give service. She used traffic laws and laws to build roads as examples. She felt there was an mistaken notion that laws interfered with liberty. She said while unwise laws could destroy liberty, wise laws regulated conduct so that the liberty of others would not be interfered with. She felt it was government's obligation to be involved for the good of all.

Fritz felt strongly that the issue of environmental tobacco smoke went beyond interfering with individual rights. She said it was a health issue because it was the leading preventable cause of death in the United States, causing more than 400,000 deaths each year and resulting in an annual cost of more than \$50 billion in medical costs. She said each year it killed more people than AIDS, alcohol, drug abuse, car crashes, murders, suicides and fires - combined. She believed more than 5 million children living today would die prematurely because of a decision they would make to smoke cigarettes. She said a study conducted by the Center for Disease Control showed that 88% of non smokers had been exposed to tobacco smoke when only 37% believed they had actually been exposed. She said the EPA had designated second hand smoke as a Group A carcinogen, a designation which had only been used for 15 other pollutants, including asbestos, radon, and benzene. She said only secondhand smoke had actually been shown to cause cancer at typical environmental levels.

Fritz felt the Peachtree City's mission statement should speak for itself, a portion of which is: "We are committed to ensure residents a safe and healthy environment in which to live, work and enjoy leisure time."

She said quoted the GA Constitution that stressed the standards applicable to public officers. She said the State Law which prohibited smoking in public places, O.C.G.A. 16-12-2, actually stated it did not prohibit local governments from being more restrictive. She said she had determined there were over 800 smoking ordinances across the county, including Atlanta's smoking ordinance which prohibited minors from entering designated smoking rooms.

Fritz said the lack of education on the issue had been the most astonishing factor to her. She encouraged employers to have educational programs and to consider programs to help their employees to stop smoking. She said a study published in the Journal of Health Economics reported that policies restricting smoking in public places had a strong impact on teenage smoking behavior. She said it was important to keep in mind that concentrating efforts on clean indoor air was a sound strategy for youth tobacco prevention and also a means for protection. She said the National Cancer Institute stated that teenaged workers ages 15-19 were the least likely to be protected by smoke free workplace policies because they were heavily concentrated in the food service industry where there were generally fewer protections than those afforded white collar workers.

Fritz said she would like to have personal responsibility prevail in the issue, but unfortunately that did not seem to be the reality. She said while the proposed ordinance was far from perfect, it was a beginning. She felt it would become an issue again in the near future because there were no incentives to encourage restaurants to provide a healthy atmosphere. Fritz requested the signs be internationally designed so that they can be easily read.

McMenamin said she was against government intrusion. She defended the liberty of business owners to make the decision for themselves. She said restaurants enforced rules such as "no shirt, no shoes, no service" and they should enforce smoking rules as well. She felt like the proposed ordinance was fair and that the signs would send a clear message as to the smoking preference of the establishment.

Pace thanked the committee who volunteered their time and worked toward achieving a common sense solution. He felt most citizens were in favor of an ordinance because it was not a smoking issue but a health issue that affected all citizens. He said he had sworn to protect the citizens' health, safety and welfare and while the ordinance was a controversial issue, he felt he needed to address the needs of the greater good. He compared the ordinance to traffic laws and laws prohibiting asbestos in buildings. He said smokers have the right to smoke but they should not have the right to endanger the health of others. He felt it was important that Council not "stick their heads in sand" and to take action on the issue. He felt the ordinance was not a perfect solution but rather compromise that preserved individual freedoms of choice. He was receptive to a stronger ordinance.

Brooks agreed it was important for the City to protect the health and welfare of its citizens. He said the proposed ordinance would prohibit smoking in many areas. He felt it was important to mention that the ordinance would also create an awareness and educate the public about the issue. He felt it was a good first step but that perhaps it should be considered at a county wide level and placed on a ballot for the public to decide. He said restaurants had the right to permit smoking in the establishments but they should not be allowed to advertise that they have a "non smoking" section if people in the "non smoking" section could breathe second hand smoke. He said while it was a debatable issue, he believed second hand smoke was a significant health problem. He felt that perhaps in the future the City should consider an ordinance that would offer more protection for employees. He believed it was important to inspect separate ventilation systems to ensure they were adequate and he instructed staff to write procedures to ensure separate ventilation systems are inspected properly. He also instructed staff to invest time in conducting a research project to convince restaurants it would be in their best interest to have a "non smoking" facility.

City Attorney, Jim Webb, mentioned that not only was a separate ventilation system necessary for restaurants to offer smoking and non smoking areas, but that the non smoking area must be in an enclosed area.

Lenox said Fritz had assembled a list of all smoking and non smoking the restaurants in Peachtree City. He suggested the list be published so that the general public could be informed as well.

Lenox said he was proud of the committee and thanked them for their efforts. He said they were chosen because of their extreme views on the issue. He felt it was interesting to see the process of democracy at work and to see the committee come up with a compromise that tried to accommodate everyone's needs. He felt the ordinance was a common sense, fair and even-handed effort to protect individuals rights but that it also left some responsibility with each individual. He said he expected government to inform, advise and help look out for its citizens but that citizens should also take responsibility to look out for themselves.

McMenamin said there had been a student government meeting earlier that day in which the students "adopted" the ordinance and suggested that the school be offered the opportunity to provide the signs to the public. They felt it would provide an educational benefit as well as an opportunity to raise funds for the school. McMenamin said she could see difficulties with that arrangement but instructed staff to meet with the school and discuss the idea.

Fritz raised a concern that the ordinance prohibited smoke in child care facilities only when children were present. Lenox explained that there were state licensed child care facilities conducted in private homes and it was not the committee's intention to prohibit smoking in their homes.

McMenamin made a motion to adopt the proposed ordinances as presented. Fritz seconded the motion. Motion carried unanimously.

Lenox made a motion to adjourn for a five minute recess. Brooks seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

05-98-1 Consider Alcohol License - Texaco - Hwy 74 & Wisdom Road

Lenox explained that Tony Yeatman had applied for a license to sell beer and wine at the Texaco Station to be located at Highway 74 and Wisdom Road.

McMenamin stressed concerns about Mr. Yeatman's application. She said there were incidents he failed to disclose and questions he failed to answer on the application. She felt this was an indication that Mr. Yeatman did not take the application process seriously. McMenamin said he failed to disclosed he was convicted of two incidents of Driving Under the Influence of Alcohol (DUI) and that he was currently the license holder for a convenience store in Fayetteville that was cited last year for selling alcohol to a minor.

Yeatman said his wife owned the store and was the license holder at the time of the incident. He said he gained no financial interest from the store in Fayetteville other than receiving a paycheck.

McMenamin said alcohol abuse and underage drinking was a serious and increasing problem in Peachtree City. She felt uncomfortable voting in favor of the license based on Police Chief Murray's recommendation and based the fact that Mr. Yeatman failed to disclose information requested on the application. She said the

incidents that he failed to disclose were not as much an issue for her as the fact that he was not forthcoming with the information.

McMenamin made a motion to deny Mr. Yeatman's application. Fritz seconded the motion.

Yeatman addressed Council and said that when the store in Fayetteville was cited for selling alcohol to a minor, it took a lot of revenue out of his pocket and was a personal loss to the store. He said that the Peachtree City Police Department contacted him and questioned him about his second DUI at which time he admitted he had forgotten about it when he completed his application because it had been twelve years ago. He said a background check was conducted in Fayetteville with no problem. He said he would be working the store trying to make a living and that alcohol sales would be a large percentage of his sales as well as cigarettes. Yeatman admitted making a couple of mistakes on the applications and that he misinterpreted one of the questions.

Brooks asked how long Yeatman's wife owned her store. Yeatman said it would be two years in August. Brooks asked if they owned any additional stores. Yeatman said no. Brooks asked what action was taken after the citation in Fayetteville. Yeatman explained that his wife was the one who had sold alcohol to a minor without asking for identification. She was fined \$1,000, put on probation, and was denied an alcohol license when it came time to renew her license. He felt it was not fair for small proprietors because large stores such as Kroger, could have several employees arrested for selling alcohol to a minor and never lose their license because the license holder would never actually be working the cash register and selling alcohol. Yeatman said Fayetteville would be considering amending their ordinance. Yeatman said he was not coming to Peachtree City to sell alcohol to minors but was wanting to make a living operating a convenience store. He said alcohol sales were very important to the success of his store and he would not jeopardize that by selling to minors.

Chief Murray addressed Council and said he was confused with Mr. Yeatman's statements because depending on how or when he was asked, he was either an employee of his wife or the owner of the store in Fayetteville who took a big financial loss when the license was revoked. Murray said the application asked very simple questions such as "Have you been arrested and if so, when?" or "Have you ever had any financial interest in a store in which an alcohol license was denied or revoked or any other disciplinary action taken?" Murray said the alcohol license in Fayetteville was revoked just a few months ago, not twelve years ago and that the reason Mr. Yeatman was the license holder for the store in Fayetteville was because his wife, who was the license holder, was convicted of selling alcohol to a minor and Fayetteville's ordinance would not permit her license to be renewed.

McMenamin said Peachtree City's ordinance treated all alcohol licenses the same and that Council had the right to decide on a punishment for the license holders for violations of the ordinance.

Murray said the City faced a similar situation in 1990 when an application was denied because the applicant did not disclose information requested on the application. The applicant filed suit and the City prevailed because an alcohol license is a privilege granted by Council not a given right. Murray said he would support any decision made by Council concerning the license.

Pace asked Yeatman if he had ever been convicted of selling alcohol to a minor. Yeatman said no. Pace said he could forgive the two DUIs twelve years ago because there had not been subsequent incidents. Pace was confused with the issue of whether or not Mr. Yeatman had any financial interest in his wife's store. Yeatman said he was not an attorney and did not understand the question concerning that issue. He felt that if his wife owned the store he did not have any financial interest in it. He admitted that in the end if his wife were to

purchase something for him he may receive some financial benefit from it. Pace felt omission of information was the issue of concern.

Yeatman asked that Council grant the license and suggested they consider placing him on probation. He said he would agree to any probation period they would like to impose.

McMenamin stated she had spoken with Mr. Yeatman on the telephone and explained that she was not concerned with the DUI incident but she was concerned that he failed to disclose the incident. She felt he had every opportunity to also mention the incident at the store in Fayetteville, but that he did not.

Yeatman felt that issue was irrelevant because the application to be considered in Peachtree City did not have anything to do with his wife. He was asking to be appointed as the licensee and license representative.

Brooks felt the unspoken issue was whether Yeatman would use his judgement properly as a license holder when needed. Was the mistake on the application intentional or unintentional? Was he being manipulative? Brooks asked McMenamin if there were other issues that caused her to be concerned about his judgement? McMenamin said she had known Mr. Yeatman for a long time but that her concerns were based solely on the fact that she believed he did not take the matter of an alcohol license seriously because he submitted a incomplete and inaccurate application.

Lenox said the licensee was responsible for everything that happened in the store and he realized alcoholic beverage sales were an important economic element to the operation of a convenience store. He said it was a very serious subject. Lenox said he did not have a problem with Yeatman's suggestion to be placed on probation but that if anyone in the store ever sold alcohol to a minor the license should be revoked, permanently and forever. Lenox added that he felt the same way about every store.

Pace felt Yeatman could have misunderstood the question but he was concerned about whether or not Yeatman was being totally honest. He said he would be in favor of probation.

McMenamin suggested Yeatman restructure his business and put another name on license. Yeatman said he would rather start off with a clean slate and be the license holder because he would still own the store and would be behind counter selling alcohol. Yeatman felt most businesses would never agree to being put on permanent probation, but while he realized it would be an enormous risk to his business venture he was willing to take that risk because alcoholic beverages sales would be such a large source of revenue for his store. Brooks asked McMenamin if she would vote in favor of granting a license in Yeatman's wife's name. McMenamin said she could not answer that question until she had an opportunity to review the application.

Pace said he felt Yeatman understood the seriousness of the situation and felt putting Mr. Yeatman on probation would be better than having someone else's name on the application. Pace asked if Yeatman would have to wait any certain amount of time before submitting a new application. Staff said no. Pace recommended he submit a new application.

Lenox asked if Mrs. Yeatman would be involved in the operation of the Peachtree City store. Yeatman said he could not give a definitive answer, she would be running the store in Fayetteville on a full-time basis but there could be occasions when she would work a shift for him in Peachtree City.

After further discussion, Fritz rescinded her second to McMenamin's motion. She requested that if the application is granted that some type of probation period be placed on the license because she did not like going against Chief Murray's recommendation. Motion died from lack of a second.

Lenox ask Yeatman to fill out new application and be present with his wife at the next meeting. He said it was evident to him that the two of them were partners in the enterprise and it was possible that she could occasionally work at the Peachtree City Store. He said he wanted to ask her a few questions and to stress to her the importance of the issue.

Chief Murray said if a new application was submitted which was accurate and complete, he would recommend approval because he would have no reason to recommend denial.

Brooks made a motion to continue the agenda item until the next meeting. Lenox seconded the motion. Motion carried with McMenamin voting Nay.

05-98-2 Public Hearing - Rezoning - The Peninsula - from LUR-1 to LUR-4

Lenox said the rezoning request would be conducted as a public hearing and asked first to hear from the applicant and those speaking in favor of the rezoning. Jerry Peterson, representative for the applicant, Pathway Communities, addressed Council and explained that the current zoning, LUR1 was approved in 1991 with 94 lots on 57 acres. The new application was for 54 lots. Peterson said the Planning Commission held a public hearing on the rezoning request on April 27, 1998 and recommended approval with the following nine conditions:

1. The Applicant must coordinate with City Staff and the City Fire Marshal to ensure that the proposed street design and access drive meet appropriate criteria for this development. The proposed garage access drive should be designed to permit emergency access to the rear of proposed structures.
2. The proposed radii for all intersections within this development should be designed to accommodate sufficient turning movements for emergency vehicles and large trucks and ensure appropriate traffic visibility.
3. The Applicant should coordinate with City Staff to ensure that the proposed cart path crossing will provide safe visibility. Appropriate signage and striping will be required as a part of this crossing.
4. The Applicant should coordinate with City Staff to determine if the proposed neighborhood park system, sidewalks and street system will be private and maintained by a Homeowner's Association or dedicated to the City for maintenance.
5. Street lights will be required for this development.
6. All streams and associated buffers must be identified and appropriately protected.
7. All sanitary sewer lines must be located to minimize impact to existing vegetation and should be kept within the streets wherever possible.
8. The Applicant should coordinate with City Staff to study the safety and sight lines at the proposed main entry and Peachtree Parkway intersection.
9. The deed covenants must contain a notice to all future property owners that the required watershed protection buffers are to remain undisturbed.

Peterson said staff had also suggested ten additional recommendations as follows:

1. The number of homes that may be constructed within this subdivision shall not exceed 54.
2. Development shall take place substantially in accordance with the plan layout and design characteristics submitted by the developer with the revised LUR zoning request, and substantial deviation therefrom will require Council approval.
3. All development shall be phased and shall be approved by the Planning Commission prior to construction.
4. Association rules and covenants shall be written, approved by the Planning Commission, and filed with the City Clerk before any building construction takes place. The deed covenants must contain a clear notice to all future property owners that the required watershed protection buffers are to remain undisturbed.
5. The actual location of the at-grade cart path crossing on Peachtree Parkway must be approved by the City Engineer and the Police Chief prior to recording the Final Plat in order to assure that it is in the safest possible location.
6. In order to protect existing vegetation, the utility lines must be located within street rights-of-way wherever possible.
7. The design of the intersection on Peachtree Parkway should involve a round-about with landscaped islands. The developer should fund the cost of designing the round-about and be responsible for paying a reasonable share of the cost of constructing it. The round-about should be in place and operational prior to the time the first family moves into the subdivision.
8. The 100-foot undisturbed watershed protection buffer must include a pedestrian easement for purposes of monitoring adjacent development and enforcing environmental standards in the area. A formal path will not be constructed in that area, and the general public will not be allowed the right of access. Only authorized environmental inspectors will be permitted.
9. If the subdivision is going to be developed in phases, prior to the start of construction on Phase II, a special entrance must be opened from the Parkway for construction access. After construction is completed, this entrance must be closed and re-landscaped. The exact location of this entrance must be approved by the City.
10. The neighborhood should include at least one, and possibly two, tot lots. The exact location for the tot lots must be approved by the Commission prior to their installation.

Peterson discussed concerns he had with some of staff's recommendations, specifically numbers 3,4, 7, 8 and 9. Much discussion took place between Peterson and Council about condition 7, requesting a "round about" intersection. Peterson said he did not feel the developer should be required to fund the entire "round about" but that they were willing to help fund the "round about" in the same amount they would be required to improve the intersection if the "round about" was not developed. He also said he would offer suggestions or advice if need.

Jim Williams, Director of Developmental Services, addressed Council and stressed that conditions that were placed on the original zoning should also be placed on the new zoning. Williams said the project was well planned and designed and should be approved.

The following people also spoke in favor of the rezoning: Balcar Boeman, Phyllis Aguayo, Maxine Ruckers, and Bob Gasko. The following few concerns were raised:

- ▶ possible damage to the entrance to Stoneybrook
- ▶ need to dredge Lake Peachtree
- ▶ need to protect 100 foot buffer

No one spoke in opposition to the rezoning.

Lenox called the hearing to a close and opened the floor for Council discussion.

Council discussed Peterson's concerns with staff's recommended conditions. Lenox made a motion to approve the rezoning with all nine Planning Commission recommendations and staff recommendations 1,2,5,6, & 10 as listed above. Peterson agreed to those conditions. Brooks seconded the motion. Motion carried unanimously.

Brooks made a motion to suspend Ordinance 2-1 (5) which prohibited new agenda items from being discussed after 10:30 p.m. and meetings to end no later than 11:00 p.m. Lenox seconded the motion. Motion carried unanimously.

05-98-3 Consider Appointments to Library Commission

Basinger explained there were six applicants for two vacancies on the Library Commission. It was the recommendation of the committee that Ms. Cynthia L. Helmick be appointed to serve a three-year term from 6/1/98 through 5/31/01, and that Mr. David Satterthwaite be appointed to serve a three-year term from 6/1/98 through 5/31/01 and that Mr. Michael Marchisello be appointed to serve as an alternate to fill any vacancy which might occur.

Brooks made a motion that the appointments be made to the Library Commission as recommended by the committee. Pace seconded the motion. Motion carried unanimously.

05-98-4 Consider Bid - Purchase Ambulance

Basinger explained the city solicited bids from four vendors for an ambulance remount project to remove the rear module from the chassis of the City's surplused ambulance, refurbishing the module on the inside and outside and remounting it on a new 1999 Ford chassis. He said this would be the second remounting project of one of Peachtree City's ambulances.

Basinger said the city received only one bid and that was from First Response of Griffin, who was also the vendor who built the City's last ambulance. First Response submitted 2 proposals - one for a 1999 Ford chassis for \$60,995 and another for a 1997 chassis for \$58,892. He said both chassis were new and carried a full warranty. Basinger said the \$60,995 price was \$4,005 under budget and a \$12,000 savings over purchasing a new ambulance.

Basinger said staff checked with the other 3 vendors who failed to submit bids and learned that Southern Ambulance Builders of LaGrange did not have time to add any more work to their schedule, Excellence Inc., of Madison, Alabama could not meet the City's Liability Insurance requirements, and Wheeled Coach of Winter Park, Florida was no longer doing remounted ambulances.

Lenox made a motion to award the remount project contract to First Response for \$60,995. Pace seconded the motion. Motion carried unanimously.

05-98-5 Consider Two Contracts - DOT LARP - Various Streets & North Lake Drive

Basinger said staff reviewed the Georgia Department of Transportation, (DOT) Local Assistance Road Program (LARP) projects. He said they were standard contracts and staff recommended Council execute the contract to resurface the following streets:

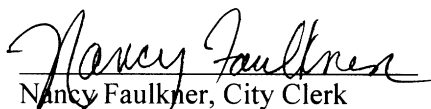
Aberdeen Drive, Cedar Point, Crossbow Court, Doe Run, Laurel Court, Loblolly Court, Melrose Court, Oak Newel, Strawflower Path, Sweetgum Road, Tulip Tree Terrace, Windgate Road and North Lake Drive. He said the contract amount of \$62,835.06 was the approximate cost of materials only and did not include labor, equipment or delivery costs for the installation of the asphalt paving.

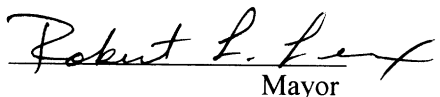
Pace made a motion that the LARP contract be approved. Fritz seconded the motion. Motion carried unanimously.

Lenox made a motion to adjourn into executive session to discuss a personnel matter. Brooks seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

No action was taken in executive session. Lenox moved to adjourn the meeting at 11:50 p.m. Brooks seconded the motion. Motion carried unanimously.


Nancy Faulkner, City Clerk

Attest: 
Mayor