City Council of Peachtree City
Minutes of Meeting
April 20, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, April 20, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions
Mayor Logsdon recognized M.A. Industries' employees who assisted the Fire Department when a fellow employee was caught in a piece of machinery. Richard Bussie of the Building Department was recognized as the Employee of the Month.

Minutes
Rutherford moved to approve the 2006 Retreat minutes as written. Kourajian seconded. The motion carried unanimously.

Rutherford moved to approve the April 6, 2006, regular meeting minutes as written. Boone seconded. The motion carried unanimously.

Consent Agenda

1. **Consider Change Order #11 – Credit to Library Contract**

Rutherford moved to approve the Consent Agenda. Plunkett seconded. The motion carried unanimously.

New Agenda Items
04-06-06 Public Hearing – Consider Variance, 102 Braelinn Court
Property owners Philip and Patricia Gurney addressed Council. The Gurneys planned to build a 200 square-foot extension on the rear of their home to be used as a family room. The plan originally submitted did not show the extension encroached into the rear building setback. The building permit was approved on June 30, 2005; however, a foundation survey was required prior to any construction above slab level. Gurney said the footing inspection and slab inspection were approved in August 2005. Another survey was prepared in September 2005 and showed that the extension encroached 8.5 feet into the rear setback.

Gurney said the variance was needed to finish construction. He presented letters from his neighbors to Council. Mrs. Gurney told Council that they set out to do the project properly. The measurements taken had not included the allowance for Peachtree Parkway right-of-way, which was where the problem came from. The extension could not be seen from Peachtree Parkway, and the neighbors on both sides supported the request.

No one spoke either for or against the variance.

City Planner David Rast told Council that the Gurneys applied for a building permit on June 16, 2005. They also submitted a sketched plan of the proposed addition, which was on the rear of the home. A 30-foot rear building setback was required in GR-6 zoning. The building permit was issued on June 30, 2005, and the foundation survey requirement prior to any subsequent construction was clearly stamped on the permit. He said once the foundation survey was submitted, then it could be identified whether or not the addition encroached into the setback and allowed the City to address any problems before the applicant started building the addition. The plans examiner had also added a note to the Gurneys' building permit that read, "No construction is permitted above the slab level prior to foundation survey approval."

Rast continued that the Gurneys had followed the typical building process. They requested a footing inspection before pouring the footing, which was approved. They also requested a slab inspection, which was also approved. A foundation survey was done on September 12, 2005. The survey showed that the expansion encroached into the rear building setback upwards of eight and one-half feet, but the survey was never submitted to the Building Department. The Gurneys went ahead and built the addition. They framed it, put the siding on, added windows, and roofed it. The City had not been inside to see what had been done inside. All was done prior to submitting the foundation survey to the Building Department. There had been no inspections above slab level. Rast continued that staff recommended that Council deny the variance. If the proper procedure to submit the foundation survey had been followed, the problem could have been avoided.

Rutherford asked if a footing or slab inspection included measurements. Building Official Tom Carty explained that staff worked in a lot of close tolerance additions throughout the City. There were a lot of zero lot lines. The inspectors were instructed to inspect just the technical end of the foundation and the footing. Rutherford clarified that the inspection was to ensure that the work met the City code. Carty said that was the limit of the inspection. Rutherford asked when the building permit was issued. Rast said the building permit was issued upfront so construction could begin. There were several steps to construction. The first was the footing inspection, which was followed by a mechanical inspection if there was any plumbing involved. Before any construction started above slab level, a foundation survey was required.

Logsdon clarified that the extension would have to be eight and one-half feet closer to the building to be approved. Rast said yes. Rutherford said Mrs. Gurney had mentioned something about measuring from the center of Peachtree Parkway and that had caused the problem. Rast said setbacks were measured from the actual property line.

Kourajian noted the location of the greenbelt. Rast said the City owned the greenbelt. The setback was measured from the property line. Rast said that Braelinn Court was one of the earlier cluster subdivisions in the City. There were six lots per acre. The lots were fairly small and had been built pretty much within the limits of where the homes could be expanded. Sometimes the homeowners wanted to enclose a patio, which could only be done if a variance was granted, because of the size of the lots and the setbacks. Kourajian asked what could be done in those situations. Rast said the only way it could be done was if a variance were granted.

Kourajian said he had gone by the parcel. The lots were small, and the homeowners were trying to improve their home and get more livable space, which was good. He noted that he could not see the back of the house from Peachtree Parkway, even before all the leaves came back out. The buffer belonged to the City.

Logsdon asked if there were any tolerances in the ordinance that could be given without Council approval. Rast said there was an administrative variance that applied to existing structures that encroached into a setback. The administrative variance could not exceed 25% of the required setback up to 10 feet. The administrative variances applied to older homes that were built before foundation surveys were required. Staff was finding that those homes were just placed on the lots in the older subdivisions. When a new homeowner came in and wanted to remodel, they found the home encroached into the setback. The administrative variance was set up so the second, third, and fourth owner would not be penalized. Rutherford clarified that an administrative variance was not for new construction. Rast said it was not for a new encroachment. Any new encroachments had to go through the variance process.

Plunkett said the Gurneys could only have built a four-foot addition. She asked what the Gurneys would have been told if everything had been known when they came in for a building permit. Rast said the review was based on the information that was submitted, which was a hand-drawn sketch that showed a 30-foot setback. There was not a survey of the property. Gurney said the drawing was based on the 1999 survey. Mrs. Gurney said the builder also measured several times. It was truly a mistake made in measurements. She said the Building Department had indicated the 1999 survey would be acceptable. The Building Department later said the 1999 survey would not be acceptable because the survey was not complete. Mrs. Gurney called the survey company and asked if they would complete the survey. The company said it had been too long and would charge the Gurneys to do the survey again. Mrs. Gurney said they called another company and that was when the discrepancy was found. She added that nothing had been done inside. When they were told to stop, they stopped.

Boone asked if the extension could be grandfathered under the original 1999 survey. Rast said it could not since the structure still encroached into the setback, regardless of when the survey was prepared. The setback was still 30 feet.

Kourajian asked if a variance would be needed if the extension were a freestanding structure. Rast said it would depend. An accessory structure had to be detached and placement depended on the lot width. Rast read the ordinance pertaining to accessory structures, which stated that an accessory building could not be located in the rear setback area on lots less than 50 feet wide at the rear property line. On lots more than 50 feet wide at the rear property line, a single accessory building of not more than 100 square feet could be located in the rear setback area.

Boone asked why the issue had not come up during the slab inspection. Rast said the inspector looked at the slab and how it was poured. They did not measure from the slab to the property line. The responsibility to show the structure did not encroach into the setback fell on the property owner.

Rutherford asked what options there would have been if the encroachment had been noticed prior to issuing the building permit. Rast said their options at that point included a variance request. Staff's position would still be the same because of the ordinance requirements.

Logsdon asked if the same inspector inspected the slab and reviewed the foundation survey. Carty said no; he reviewed the foundation surveys.

Kourajian asked how wide the greenbelt was in the area. Rast said it was at least 30 feet if not more. Kourajian said the edge of the structure was at least 50 feet from the road. Rast said probably, and added that the greenbelt was dense. The structure was most likely not visible from the road.

Logsdon noted that the greenbelt hid the structure, and that the structure could only be seen by the neighbors at 100 and 104 Braelinn Court. He asked if approving the variance would open a Pandora's box. He wanted to grant the variance, but said Council had to protect the rest of the City. Rutherford said the request did not meet the requirements to grant a variance. She continued that what was right for these homeowners was not always right for the entire City. Variances were granted based on whether or not special circumstances contributed to the request or peculiar to the particular property, whether or not the situation posed an unnecessary hardship for the applicant, and whether or not the request was due to an intentional act by the applicant. Rutherford said the homeowners started construction over the slab before they got approval for it. Mrs. Gurney said several inspectors had been out to the property. Rutherford said the requirement was to have a foundation survey done prior to building on a slab. She asked if anyone in the Building Department told the Gurneys they could move forward.

City Attorney Ted Meeker said that legally the request did not meet the requirements of a variance, but was clearly an unfortunate case. Staff's position was that the request did not meet the ordinance requirements. An approval would set precedent. If Council granted the variance request because they wanted to, rather than meeting the standard, then they would have to change the ordinance. He understood the process was frustrating, but the inspectors were not surveyors or engineers, which was why the foundation survey was required as part of the process. Meeker gave an example from Atlanta. A billboard was permitted and constructed before Atlanta realized it had been put up in error. Atlanta asked the company to take the billboard down. The company sued because they had received a permit. The State Supreme Court said that the person who issued the permit could not circumvent what the legislative body had prescribed. This request was something similar. There were no actual errors made. He questioned whether or not something should have been noticed. He said that could be argued, but it could also be argued that the problem would have been avoided if the foundation survey had been presented.

Rast reiterated that the City only had record of two formal inspections – the footing survey and foundation survey. The Building Department had been to the site to look at the structure on other occasions, but there had been no other formal inspection requests submitted to the Building Department. He continued that the additional visits were all after it was noticed that the addition encroached into the setback.

Kourajian noted that this was a smaller home in a smaller neighborhood. The owners were doing something the City wanted them to do, which was to improve the property. He said the City needed to look at similar situations in similar neighborhoods.

Kourajian moved to approve the variance. Boone seconded. The motion failed 2 (Kourajian, Boone)-3 (Logsdon, Plunkett, Rutherford).

Kourajian asked what the Gurneys should do. Meeker said that legally the structure would have to be brought into conformance with the zoning ordinance. Kourajian asked if there was anything else that could be done. He asked City Manager Bernard McMullen and Rast to look at the situation. The City wanted the older, small neighborhoods to be better. Kourajian understood why the motion was defeated, but the City should look at making the City better without building new homes.

Rutherford agreed with Kourajian. If a lot was only 60 feet deep and the house was already in 30 feet of it, the owner could not even have a two-foot patio. She said she was not happy voting against the request, but felt she had to. She asked what the rationale was for a 30-foot setback. She asked if they could look at the setbacks as part of the Comprehensive Plan. Rast said that the Comprehensive Plan task force had raised the same general theme. The Comprehensive Plan would come to Council for approval in October or early November.

Kourajian asked Meeker if the Gurneys could have a stay of execution as far as tearing down the structure. Meeker said the matter would have to be discussed with Code Enforcement. Plunkett told the Gurneys that this was not to give them false hope, but she hated to tear the structure down if a change was made during the Comprehensive Plan process. It was a unique situation with the full understanding that the structure would have to come down if the setbacks did not change. Rast said that there had been many variance requests over the last several years from homeowners in the cluster subdivisions who wanted to enhance their homes, but could not do so because of the setbacks. Logsdon said the issue should be put on the fast track.

Rutherford asked if there was a way to change the permit process so a building permit would not be issued until a foundation survey was completed and submitted. She wanted to avoid future problems.

04-06-07 Consider Proposal from First Baptist Church for Community Center and Associated Land Swap

Leisure Services Director Randy Gaddo told Council that First Baptist Church representatives came to the City with the proposal in October 2005. The City had been looking for land to move the recycling center, and the church needed more land to expand its programs. Several meetings were held between the church and staff, as well as with area residents. The church leadership had been consistent in listening to the needs of their neighbors. The church was willing to rebuild the tennis courts and hitting wall, install a walking trail, and was willing to make space and time available in the community center to the City for programming. The church would pay all construction, operation, and maintenance costs. Gaddo said staff was not asking the City to approve the final site plan, but to approve the concept of a land swap. The church would take the final site plan through the approval process and the Planning Commission. Approval of the concept would let staff begin the process and investigation. He introduced Randy Daughtry, chairman of the church's long-range planning committee; Steve Bingham, senior pastor; and Kenneth Brown, executive pastor. Gaddo said it had been a pleasure working with the church representatives on the proposal.

Daughtry gave a PowerPoint presentation (a copy is included in the official meeting file). He said the church approved the Vision Team report in January 2002. The report set the long range goals, which included remaining in the central location in the City as long as church growth was sustainable, developing a long range plan regarding all church facilities and properties that would accommodate long-term growth, and becoming more involved in the community by providing programs and services in a community life center.

Daughtry continued that the church met with Leisure Services, the Police Department, and Board of Education officials to find out the community's needs. They also looked at what services/programs the church could provide, how the programs would be staffed, and how they would be funded. In addition, the church looked at whether to welcome anyone to participate in the programs, what additional resources would be needed to better meet the needs, to what extent the church would coordinate with City programming, and how to ensure "separation of church and state."

Daughtry said the community's needs included limited, secure activities on weekend nights for teens, additional meeting areas for senior adult programs, more space for civic meetings (Scout programs, etc.), additional gym space for youth basketball leagues, and more space for recovery and support programs. The church would be able to provide a weekly Friday and/or Saturday night program for teens, programs built around senior adults, children's basketball league (Upward basketball program), a flexible schedule that would allow for civic meetings, and recovery group programs.

In January 2006, the church approved proceeding with plans regarding the community life center. The process included meetings and discussions with church leadership and the long-range planning team, CDH Partners design firm, Presbyterian Church leadership, neighbors from Pebblestump and Hip Pocket area, Twiggs Corner Homeowners Association, Peachtree City Senior Adult Council, the Leisure Services director and staff, and the City staff (City Manager, Assistant City Manager, City Planner, Public Information Officer, and City Clerk). Site development would be finalized through the City's regular process and would be completely funded by the church.

The community life center would be designed and built with primarily community programs in mind; would be completely built, financed, operated, and maintained by the church; and would operate in cooperation with the City's Department of Leisure Services. Staff would consist of a full-time director provided by the church, a support of church volunteers, qualified volunteers interested in assisting, and other qualified leaders and instructors as necessary. The conceptual floor plan included 10,000 square feet for gym/storage, 6,000 square feet for classrooms/multipurpose (10), 2,000 square feet for youth area, and 6,000 square feet for storage and reception.

Daughtry said the benefits to the church included additional parking (current 390; proposed 652), additional meeting space with a gym/storage area for additional worship services and multi-purpose rooms, and an additional vehicle to serve the community. The site benefits to the City included a land swap, new tennis courts, a walking trail, and parking at the tennis courts. The tangible financial benefits for programming included space and programs for specific age groups, addressed some of the City's recreational facility needs, made community services available earlier than current plans, and made efficient use of City capital and operation funds. The intangible area benefits included making use of idle land in the City's center, adding to the City's "central park" concept, redevelopment of property replacing old buildings with new structures and facilities, better traffic flow around the church area in "high volume" times, and keeping a strong, positive and wholesome presence in the center of the City.

Plunkett asked if the church would be able to take down the apartment building and put in additional parking without any zoning changes or variances. Rast said they would as long as they followed the proper procedures. Boone asked if the parking areas would be pervious or impervious. Daughtry said the church would work with the City. Pervious surfaces would provide a financial benefit for the church's stormwater bill. Boone said a majority of people did not want the tennis courts to move.

Residents who spoke regarding the concept included Betty Robinson, Andrea Bergen, Jim Sherrill, Stan Neely, Pearl Andrews, Phyllis Aguayo, Frances Meaders, Nancy Larson, and Bob Fulopp. The concerns included:

- A traffic study should be done.
- There were concerns about the City swapping greenspace.
- The building should look good from all corners.
- Area residents would be surrounded by a parking lot.
- Traffic was just on Sundays and Wednesdays now, but it could be every night.
- There were concerns about whether the City had the right to swap a grandfathered park.
- There were already problems with drainage; more asphalt meant more runoff.
- A land swap was precedent setting.
- There were concerns about lighting, traffic, berms, and losing trees.
- There was already noise from the tennis courts and moving them closer to homes would not help.
- The park land was given to the City as greenspace and was intended to stay that way.
- The proposed changes would drastically affect the neighborhood.
- A parking lot would be an ugly entrance to the subdivision.

Rutherford clarified that Council would vote only to approve the concept at this meeting. Meeker said the motion to approve the concept would have to include the limitation that the plan itself was not being approved, nor was any land swap approved. Rutherford asked if this was similar to the annexation process, where the applicant asked for approval to move forward. Meeker said they were similar in principal. Logsdon said he understood that the church was presenting a plan to get an idea from Council if they should move forward with the planning process to determine the consequences of the land swap and move into public debate. Meeker said the actual plan would go to the Planning Commission. The land swap was a key component of the plan and would have to come before Council. Plunkett noted that any swap had to be for property that was equal to, or greater in value, than the property the City would give. Rutherford added it was also not based on the volume of land – just the value.

Boone and Kourajian said they wanted to see the plan. McMullen said that, as long as the site plan was in compliance with the zoning regulations, there was no need for Council to look at it. Rutherford added that, if the land could not be found to do what the City needed to do as far as the land swap, then there would be no swap. Meeker said he expected Council to look at the plan to determine if the swap was equitable. Kourajian clarified that Council could delay any vote on the land swap until a site plan had been approved. Meeker said Council would also need to decide whether to make the swap or not, as well as what the consequences would be. In that regard, Meeker expected Council to look at the plan.

Fulopp told Council he was on the Planning Commission when the land for the park was given to the City, and the area was rezoned. He said the deed restricted the land for use only as a park/greenspace, and information would be in the May 19, 1973, Planning Commission minutes. Meeker said he would have to look at the deeds for the land. Boone said the public and Council would be able to attend the Planning Commission meetings.

Kourajian asked Meeker what the church expected from Council, or if the church just wanted to know if Council was going to say no. Meeker said yes. Daughtry said the conceptual site plan was a huge financial step. The final site plan would be expensive. He would have to get back with the church leadership to discuss the next step if Council said maybe. Kourajian said he had to say maybe. He could not commit to a land swap now. The concept had merit, but he wanted to see how it looked and impacted the area.

Rutherford said she did not believe the church should move forward until they knew there was property to swap. The question before Council was whether or not to approve the concept. The concept had merit, but she did not know if she would approve the land swap. Daughtry clarified that the church needed to come back with a finite piece of land and site plan.

Rutherford moved to approve the concept of the church expansion with a potential land swap, but to not approve the plan as it looked now or to guarantee that Council would approve a land swap when it came back to Council, based on whether or not it was an appropriate land swap. The swap would be considered after the plan was approved. Kourajian seconded.

Kourajian said the swap would be net zero for the City. He questioned why the City could not consider the proposed gym as another venue for the basketball program, rather than have the church having a separate program. Gaddo said that was possible. The Upward program was just an idea. He said the City already used space at St. Paul Lutheran Church for basketball program activities. Gaddo said the City, from a programming perspective, would use the community center just like any other facility.

Boone asked Gaddo how the scheduling would work. Gaddo said that staff would work with the church every three months to look six months out on scheduling. The use would be on a planned basis. Unexpected things would be scheduled as needed.

Kourajian said he was concerned about the actual use of space. The pretense was that the City would always have the space to use, but the church would continue to grow. The church could eventually use all the time and space, and the City would no longer have use of the facility. Daughtry said the church had space now that was available. Fortunately, the prime times for City use and church use were not the same. It was possible that the church would fill up the space, but it was highly improbable. He said if the church guaranteed time and space to the City, then that would come close to a "church and state" situation.

Rutherford said if people were involved in church programs, then there would be relief for City programs. Kourajian said it would depend on the programs. Logsdon added that there was space available in the church today for some of the programs, such as the seniors' bridge program. The City needs were not during the church's prime times. Kourajian agreed, but said that at some point those times might be the same. He said the City needed to make sure there was always space since that was the reason he would agree to a land swap. Rutherford said Council had to look at all aspects. The church could agree that there would always be space for City programs, but it might not be a good land swap. She said they should focus on the whole process.

Kourajian noted that the plan included a 67% increase in parking. He said he would prefer pervious surface if at all possible. This would be a Planning Commission issue.

The motion carried unanimously.

04-06-08 Consider Amendments to PCTA Bylaws and Articles of Incorporation

McMullen said that Council had given guidance in January 2006 regarding changes to the Peachtree City Tourism Association's (PCTA) Bylaws and Articles of Incorporation. Currently, a Council Member and the City Manager served on the board. The recommendation was that citizens at large replace those two positions. Proposed changes from the PCTA included the addition of three non-voting positions to the board. The non-voting positions would include the Fayette County Chamber of Commerce president or designee, the Board of Education superintendent or designee, and a representative from the hotel industry.

Rutherford noted that the Bylaws currently had a voting position on the board for someone from the local hotel industry. She said that there would be a voting and a non-voting member from the hotel industry if the changes were approved. McMullen said that was correct.

Rutherford moved to approve the amendment of the Bylaws to include the changes the City requested that the five-member board be comprised of three citizens-at-large, one employed by the hotel or restaurant business, and the chairperson of the Recreation Commission, and that there be three non-voting members, someone from the school system or designee, someone from the hotel/motel industry or designee, and the Chamber of Commerce director or designee. Kourajian seconded.

Kourajian asked why someone from the Board of Education was included as a non-voting member. McMullen said it was because of working with the Board of Education as far as use of the facilities. The high school tennis teams were now using the Tennis Center. The schools could have events at the Amphitheater. Their input and involvement was needed. McMullen said it was just a different input.

Plunkett said she had researched approximately 40 development authorities and tourism boards across the state. In general, most of the tourism boards and downtown development authorities had a board that was larger (seven members) than the City's and had a number of non-voting members that were from the City or various entities that held events. Most of the boards also had an elected official. Plunkett continued that she spoke to three cities – Alpharetta, Fayetteville, and Acworth. She asked why they felt an elected City official was important to have on the board. The response was that the elected official kept the lines of communication open. They also responded that everything was political, and there were ways to overcome it. Plunkett said the City was coming from a situation where it was completely political. They were trying to have an effective organization and to keep politics out, but should probably recognize that politics were part of everything they did. Plunkett said Rutherford to amend her motion to approve everything but Article 8, Section 4, and that a Council Member continue to serve on the board. She suggested that a Council Member serve a specific period of time that did not coincide with the term of office, or take that portion out to allow staff to research the issue in greater detail.

Rutherford said a Council Member did not belong on the PCTA. There was no reason the PCTA could not send regular reports or that Council could not go to the board meetings. She would not entertain the amendment to the motion. If it was voted down, then there could be another motion. Plunkett said the current board was unanimous in their request that a Council Member remain on the PCTA. The board members felt a Council Member was an important conduit for information. Plunkett agreed that the City Manager should not continue as a voting member of the board. Rutherford said Council appointed the board members. Council's opportunity was in whom they placed on the board.

Logsdon said he did not want the City Manager to serve as a board member, but he had no feeling one way or the other regarding a Council Member. The other authorities operated responsible organizations without a Council Member serving on the board. Boone said he agreed with Logsdon.

The motion carried 4-1 (Plunkett).

Rutherford said the issue could be revisited in a year. Plunkett questioned whether the Council understood what they had voted on. Logsdon said he understood what the vote had done. He also understood that Plunkett was planning to make another motion. Plunkett said the motion had to be denied in order to make another motion. Rutherford clarified that Council's vote meant the PCTA would be composed of four members of the general public and the Recreation Commission chairperson. There would be a subcommittee with the City Manager and the Finance Director that would meet monthly with the PCTA, and there would be the opportunity to add the three non-voting members. Plunkett said that, in order to do anything different, the motion had to be defeated. Meeker said if Council wanted to reconsider the motion, then one of the members on the prevailing side of the vote could make a motion. Logsdon said if Council decided to add the Council Member to the board at a later date, then they would follow the same process to amend the Bylaws. Plunkett said the PCTA also had to vote on the proposed changes.

Plunkett said the City's board was new. There were others in the state that worked, and she saw no reason not to use their models. Rutherford said the City did not know if the City's board would not work. Change was very difficult, but it would be obvious whether it was working without Council input, or not, in a year. The issue could be revisited at that time. Kourajian said they could also look at whether having non-voting members on the board was also working, or if there were other entities that should be added.

Plunkett said there should be a timeline. She noted that there would not be a quorum if the Council Member and City Manager were taken off the board now. Meeker said Council should have a motion to delay the effective date of the changes. Boone moved to delay the effective date of the changes until there was a full board, or 90 days. Kourajian seconded. Meeker said the effective date should be 90 days from the date the PCTA approved the changes. Kourajian seconded the amendment to the motion. The motion carried unanimously.

04-06-09 Consider Approval of Guidelines for Public Comment
Rutherford noted there was an additional document on the dais – a revision of the guidelines. Plunkett moved to approve the public comment guidelines as placed on the dais (document marked 04-06-09). Rutherford seconded. Rutherford added that a timer would be needed. The motion carried unanimously.

04-06-10 Consider Ordinance Amendment to Sec. 2-35 Public Participation
Rutherford moved to approve the amendment to Sec. 2-35 Public Participation. Boone seconded. The motion carried unanimously.

04-06-11 Consider Rescue/Pumper Bid Award
Lieutenant Jeff Koldoff was available to answer any questions that Council had.

Rutherford moved to approve the staff recommendation to purchase the rescue/pumper from Rosenbauer America/Central States (Southern Emergency Products as the dealer) for the bid amount of $399,793, with an available discount of $7,087 if the chassis were paid for on delivery and that the City would pay for the chassis on delivery. Boone seconded.

Kourajian asked where the savings would come from. Salvatore said the rescue/pumper was one of the financed items. The savings would be realized on the debt service over the next four to five years.

The motion carried unanimously.

04-06-12 Consider Design of Approaches to Flat Creek Bridge
City Engineer Dave Borkowski addressed Council. He noted that the bridge was in place. The approaches had to be designed so they would not impact the floodplain and the wetlands. The Request for Proposals (RFPs) came back in March, and the prices ranged from $62,000 to $132,000. Staff evaluated the RFPs from the four companies. He said that the LPA Group had the lowest price at $62,860, but Integrated Science and Engineering (ISE) had done similar bridge projects and had floodplain experience. Also, ISE was the only firm that understood one of the key points, which was that the design also include information for two-year through 50-year storm events. ISE also evaluated possible alternatives in their proposal as well as consulting with the City's Water and Sewerage Authority. In addition, ISE provided a cost savings with an alternative that could result in a $26,300 reduction in the design cost, or a cost of $58,100 compared to $84,400. Borkowski said staff recommended that the contract be awarded to ISE at an amount not to exceed $84,400. The funds would come from the PIP contingency fund.

Rutherford moved to award the design of the approaches to Flat Creek bridge to ISE for an amount not to exceed $84,400. Boone seconded.

Logsdon asked, when comparing the weighted score, if two-tenths of a point was worth $22,000. Kourajian said the chart was great and asked about the criteria. He asked how staff determined that the weighted score should include price (50%), similar project experience and references (30%), and demonstrating understanding of the RFP (20%). Borkowski said the criteria had been used in the past. He continued that he and McMullen had discussed changing the weight of the criteria for engineering and professional services. Staff was looking for experience and the better firm. Kourajian said he agreed with that, but questioned whether the City might be able to educate a company if there was a significant difference in the cost. Borkowski said that part of demonstrating understanding of the RFP was whether they had actually read the RFP and understood what the City was looking for. McMullen said that RFPs were used for professional services and when there needed to be more considered than price. Going by price only was a "pay me now or pay me later" situation. If a cost were lowballed, then the City would pay on the construction end when the change orders started. Design costs were usually 10% in the overall construction process so there should be more weight on the planning.

Kourajian asked how experience was determined and how it was determined whether or not a company understood the RFP. McMullen said it was a subjective evaluation, but one person did not do the evaluation. The subjective nature was taken out to some extent when three or four people evaluated the proposals. There were detailed criteria in the RFP, and those doing the evaluation looked at how well the person that submitted the proposal understood the criteria. Rutherford asked if more detail in one proposal than another was also a factor. She noted that ISE had answered all of the questions on storm events. Borkowski said that was a factor. Companies that missed things in the RFP received deductions, and those deductions were subjective. Rutherford noted that five was a perfect score, so ISE had also missed some things in the RFP. All of the companies were compliant, but some were more specific. Kourajian said he trusted staff, but just did not understand how it was scored. Rutherford asked if there was a checklist to identify the items the companies picked up on. Borkowski said there was not. He checked off the items in the RFP as he went through the proposals. The scope of work sent with the RFP could be used as the checklist.

Kourajian noted that the previous Council had gone through the wringer on bids with less than $1,000 difference. It was all based on subjective reasoning. Rutherford said that it was not subjective to compare the proposals to the scope of work. Borkowski said the proposals were supposed to comply with the scope of work. Rutherford said that Borkowski had noted in his staff memo that ISE had evaluated alternatives. She understood that to mean there was something staff had used to check things off. She said there were many problems with City facilities because the City had taken the lowest bid to save a few dollars. Plunkett said there was a very small difference, only two-tenths of a point. Boone said he agreed with McMullen that, if the City went with the low bid, there would be change orders when the company did not have the experience. ISE had gone to WASA to consult before submitting the proposal. Rutherford added that if ISE truly came through with the discount, it would be worth it. One of the reasons there was a bridge with no approaches was because there was no forethought on some of those things. She accepted the fact that ISE picked up things another company did not.

Logsdon clarified that ISE could come in at $58,000. McMullen said ISE thought there could be an alternative to save on one of the more expensive items. If the alternative worked the first time through on the model, then the project would cost less. Kourajian said he did not need to know the specifics, but agreed with Borkowski that the weight criteria should be changed. Plunkett said that ISE would have come up higher if the criteria were changed. McMullen said the weight for each category was included in the RFP. Boone said he worked with a lot of RFPs and understanding the scope in the RFP was very important.

Plunkett asked what the balance in the PIP contingency would be. Salvatore said the funds were coming from a prior year PIP because it was an ongoing project. The funds would come from the remainder in the FY 2004 PIP contingency. There was $165,609 in FY 2004 PIP contingency. The balance remaining after this project would be $81,209. There were still several other unfinished projects.

The motion carried unanimously.

Council/Staff Topics

Rutherford referred to a document on the dais that listed the attendance of the members of the Comprehensive Plan advisory board. She said she was disturbed by the attendance and noted that some of the members had not attended any meetings. Rast said that there had been 40-50 applications for the advisory board. Staff narrowed the list down and tried to select two to three people from each village. Council had also provided names of people to serve. Thirty people were selected to serve on the board, and about 50% had attended one to three meetings. The 10-15 people who routinely attended the meetings were very helpful and enthusiastic. The advisory board was currently finalizing the community assessment. He said four of the top five people attending the meetings had helped develop the community survey, which would be used as they got into the community agenda. He pointed out that the advisory board was not supposed to be formed until they got into the community agenda. Kourajian asked Rast if the members attending the meetings were doing what needed to be done. Rast said the 14-15 members who were coming were very dedicated. Kourajian asked if those with low, or no, attendance should be replaced. Rast said they should be kept. Some of the members were good about calling when they could not attend. Once the survey was ready, more would be attending. The representation was good.

Kourajian asked if there was a report on 103 Waterwood Bend. McMullen said that he would send an update in an e-mail.

Rutherford said the SPLOST signs were up on the multi-use path from Braelinn Village and down Peachtree Parkway. Plunkett said she had received several calls from people who liked seeing the SPLOST signs.

McMullen said the new opening date for Three Dollar Café was May 1.

Rutherford moved to convene in executive session for threatened or pending litigation and a personnel issue. Boone seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Kourajian moved to adjourn. Plunkett seconded the motion. The motion carried unanimously. The meeting adjourned at 10:22 p.m.

Jane S Miller
Jane Miller, City Clerk

Harold K Logsdon
Harold K. Logsdon, Mayor

Pamela Dufresne
Pamela Dufresne, Recording Secretary