

**MINUTES OF MEETING
City Council of Peachtree City
April 7, 1994**

The Mayor and Council of Peachtree City met in regular session, Thursday, April 7, 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 Ed Bradford, Robert Brooks, Annie McMenamin, and Caroline Price.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITIONS

Mayor Lenox presented Mr. Don Ethier, with a proclamation of support for Walk America.

Mayor Lenox presented a Citizen Achievement Award to Don Ethier for his part in facilitating an agreement with the Postal Service to have the southeast portion of Peachtree City assigned a Peachtree City zip code. Mayor Lenox introduced Ms. Thigpen, a resident of The Preserve Subdivision, who thanked Mr. Ethier on behalf of the subdivision for this achievement.

Mayor Lenox introduced Howard Tisdale, President of the Kiwanis Club, and M.T. Allen, Kiwanis Community Service Representative who presented a donation to Chief Murray and D.A.R.E. Officer Rod Burnett to purchase T-Shirts for the D.A.R.E. program.

Mayor Lenox proclaimed the week of April 18 - 22 as Fayette Youth Power Parade Week. Mr. Jim Friday was present to accept the proclamation.

Mayor Lenox proclaimed April 23 - 24 as Stream Pick-up Day and Earth Day. Mr. Larry Chidester was present to accept the proclamation.

Mayor Lenox proclaimed the week of April 10 - 16 as National Public Safety Telecommunications Week. Mrs. Cheryl Rogers, Communications Manager, was present to accept the proclamation.

Mayor Lenox announced the resignation of Barry Amos, the City's Engineer for the past 11 1/2 years. He thanked Amos for all of his hard work over the years and wished him well in his future endeavors.

MINUTES

McMenamin made a motion that the minutes of the March 17, 1994 City Council meeting be approved as presented. Price seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

3-94-6 Appeal of Administrative Decision on Land Development Ordinance - Tim Powers

Mr. Jim Bischoff, attorney, explained that his client, Mr. Tim Powers requested that the Building Department issue a development permit for

— site work on the old Price Exhibits property, located at 211 Huddleston Road. The request for a development permit was denied. Bischoff gave a background on the property located on the corner of Huddleston Road and Paschall. Bischoff said the property was sold to Robert K. Price on February 17, 1970 with a 20 year covenant. He said Price subdivided the property on September 12, 1990. Bischoff offered an affidavit saying the plat was filed. Bischoff explained that after he divided the property into two parcels he sold or gave it to his two sons, Robert K. Price Jr. and Gordon J. Price. Bischoff said the property was sold to Hometown Associates Inc, on Sept 18 1992. Bischoff said that after the subdivision of the property, each time it was sold pursuant to a legal description that defined it as being recorded.

— Bischoff referred to the City's Land Development Ordinance Section 302 which says that filing or recording a plat or a subdivision must be approved by the City Planner and Planning Commission. Bischoff challenged the City's land development ordinance saying it was preempted by State Law of the Official Code of Georgia - 15667. He said the State Law provides for a clerk to file or record a plat without approval if a surveyor certifies that no new streets or roads are created, no new utilities improvements are required, or no new sanitary sewers or approval of septic tank is required. He went on to say that State Law would not allow the clerk to file the plat under those conditions if the municipality had approved subdivision regulations on file in the clerk's office. Bischoff said that to date such regulations are not on file.

Bischoff said his client had offered to sell Mr. Price 5 feet of property to bring the Price property into compliance; however Mr. Price was unwilling to pay.

Bischoff said if Mr. Powers would not be allowed to build on his property it would clearly be an "Unconstitutional Taking of Property."

Rick Lindsey, City Attorney, advised Council that there was a threat of litigation and suggested they make a motion to break into Executive Session for legal council. Mayor Lenox declined.

Mayor Lenox said he resented the matter being brought to City Council because the plat was duly recorded and filed. He said he felt Mr. Powers should be granted the appeal; which would then cause the Price property to be in violation due to the setback requirements.

Mayor Lenox suggested a practical solution, would be for Mr. Powers to transfer 5 feet of his land to Mr. Price. He said inasmuch as Mr. Power's paid for that land he said he would not expect Mr. Powers to give it away.

— Councilmember Price agreed that the problem was with the Price building and not Mr. Powers open parcel of land. She stated that she appreciated the fact that he has attempted to work things out and that she wanted to see the matter resolved within two weeks. Price said she wanted an ultimatum delivered to the owners of the Price building that they need to acquire an additional five feet of property to bring

— their building into compliance or they would need to correct the building.

Councilmember Mcmenamin agreed with the Mayor and Councilmember Price. She asked Mr. Jim Williams if the City had communicated with the owners of the Price building. Williams said he had spoken with them several times; however, he felt the City should not recognize the subdivision because it did not follow the proper process. Therefore, he said, the Price building would not be in violation. He said he was trying to avoid a situation that would cause them to move or tear down the building or force someone to do something they didn't want to do. Williams said the City had tried to bring the two parties together to work out an agreement but so far had been unsuccessful.

Councilmember McMenamin said she was surprised the matter was presented to City Council. She said she would rather table the issue for two weeks and hope that the situation can be resolved before then. Councilmember Price asked one of the property owners, Mr. Gordon Price to comment on the situation. Mr. Price said that the line was drawn and surveyed in 1990 for the purpose of a mortgage. He said there was never any intention of selling a parcel. He said both parcels of land were sold to Hometown Mortgage, Inc. who sold Mr. Powers one of the parcels. Mr. Price said he recently acquired the building, and remaining parcel of land back through a foreclosure. He added he was not in the position to buy any property from Mr. Powers.

— Mayor Lenox said regardless of intentions, the line was drawn and duly recorded and filed. Mayor Lenox said he felt obligated to approved the appeal. Councilmember Brooks said that he agreed with the others. He suggested if Mr. Price was not in a position to buy five feet of property from Mr. Powers at this time, a compromise could be made that would allow Mr. Price to buy the 5 feet of property from Mr. Powers with a written agreement that payment would be made upon sale of his property.

Price said they would work together to try to resolve the matter; however, he said they both were hoping City Council would grant a variance to allow a 25 front setback on his side of the line, without having to resurvey the line and refile all of the documents.

Mayor Lenox said Council set precedents by granting variances and therefore it was very important to be fair and try to uphold the integrity of the ordinances.

Mayor Lenox made a motion to table this item for two weeks to give Mr. Price the opportunity to acquire 5 feet of property from Mr. Powers to bring his property into compliance. Therefore, the petition could be withdrawn and the problem resolved. If not, Council will make a decision in two weeks. Brooks seconded the motion. Motion carried unanimously.

— Mayor Lenox asked staff to transmit, by registered mail, to the Clerk of Superior Court, Mr. Bud Ballard a copy of the City's Subdivision Regulations.

McMenamin asked that staff also participate in the negotiations between Mr. Powers and Mr. Price.

NEW AGENDA ITEMS

4-94-1 Public Hearing - Variance for Graham - 309 Hip Pocket

Mayor Lenox stated that the item to consider a variance for the Graham residence at 309 Hip Pocket Road would be conducted as a public hearing. He read the rules for a public hearing, and stated that each side would have twenty minutes to present their opinions. Mayor Lenox asked to hear first from the applicant.

Mr. Robert Graham came forward and stated that he was requesting a two foot variance on the height of a fence on one section of his property that falls within the thirty foot set back. He stated that they will be installing a pool and because there are septic lines throughout most of his yard there is only one place the pool can be located. He stated he would be allowed to install a four foot fence along that section however, he would prefer to install a six foot fence to provide privacy.

Jim Williams addressed Council and recommended a variance be approved for the house to be given a legal status, however, he recommended the variance for the fence be denied because a four foot fence would be adequate.

Mayor Lenox asked if there was anyone else to speak in favor or opposition to the variance and hearing none called the public hearing closed and called for Council debate.

McMenamin made a motion to approve a variance of 3.6 feet on the exiting house. Price seconded the motion. Motion carried unanimously.

Price said that she had driven by the property and noticed it was raised from the street level. She stated she did not think the volume of traffic would be a disturbance to Mr. Graham and suggested he consider other design features. Price stated she was not in favor of granting a variance to allow a six foot fence in the set back.

McMenamin agreed that because of the hill and slope of property she would deny this variance.

Mayor Lenox stated the City Ordinance currently required fence around a pool with a minimum height of four feet. Bradford recalled that the ordinance had been specifically written to allow residents to build a fence in the set back. He said the purpose of the fence was to keep people from getting into the pool.

Price made a motion to deny the variance for a six foot fence within the set back. McMenamin seconded the motion. Motion carried with Mayor Lenox, Bradford, McMenamin, and Price voting aye and Brooks voting nay.

4-94-2 Public Hearing - Variance for Clubine - 110 Putmans Head

Mayor Lenox stated that the item to consider a variance for the Clubine residence at 110 Putmans Head would also be conducted as a

public hearing and stated that each side would have fifteen minutes to present their side. Mayor Lenox asked to hear first from the applicant.

Mr. Richard Clubine stated he purchased his home in 1989 at which time the deck had been enclosed and screened. He said he wanted to enlarge the family room and in doing so, take out a wall and further enclose the deck. He said the addition would look like part of the original structure if Council would also allow him to extend the room an additional five feet to enclose a space off the side of the porch to where the rest of the house ends. Mr. George Uhrin, 110 Putmans Head, addressed Council and stated he was in favor of the variance. He said this addition would face his property and he felt it would enhance the value of the neighborhood and add to the appearance of the house.

Williams said he was in favor of granting a variance to the existing porch, however, he recommended denying the variance for an addition. He offered an alternative which he stated would be reasonable and attractive so that the addition would not be an absolute necessity.

Mayor Lenox asked if there was anyone else to speak in favor or opposition to the variance and hearing none he asked if anyone had any questions. Mayor Lenox asked if Council permitted a 6.3 foot encroachment into the setback, would that also include any additional structures? Williams stated that the variances are generally worded for the existing structure.

Mayor Lenox asked if anyone else had any questions, and hearing none he called the public hearing closed and called for Council debate.

Brooks said he was in favor of granting a variance for the existing structure as well as for the addition. He said because of the location of the house it would not set a precedent for other property owners. He said he had seen the porch and feels that if the addition was done in a manner that would make the porch appear to be a part of the original structure it would look better aesthetically. McMenamin agreed and was in favor of both variances.

Bradford asked if the 3 ft addition to the porch would be within the requested 6.3 variance. He asked the City Attorney, Rick Lindsey for his opinion. Lindsey responded that it would depend on how the Council worded the variance.

Councilmembers discussed the importance of how variances are worded so as not to approve future additions or construction if a variance for an existing structure is approved. Lindsey stated Council should be cognizant of how they word variances so they could be tailored by what ever council deems appropriate on a case by case basis.

Brooks made a motion to approve a variance of 6.3 feet for the existing structure, as well as a variance for an addition to the structure of 3.7 feet. Price seconded the motion.

Price suggested for future variances, staff should attach drawings to the variance, as an exhibit to clearly define the variance. The motion passed unanimously.

4-94-4 Amendment to Section 13 - Alcoholic Beverages at Amphitheater

Jim Basinger, City Manager, said the Development Authority had requested a change in the City Ordinance to permit the sale of alcoholic beverages at the amphitheater. The current ordinance permits "brown bagging" of alcoholic beverages at pre-approved events.

Tom Farr, Chairman of the Development Authority, was present to answer questions.

McMenamin said she was concerned about drunk drivers and said she felt people should not be encouraged to drink alcohol right up until the time they will be getting into their car to drive.

Farr said the Development Authority could set a certain time to "cut-off" serving alcohol at each event.

Council discussed liability issues. Farr said that the Development Authority had not examined the liability issues in relation to the City, Development Authority, and concessionaire.

Farr said that one of the major issues the Development Authority is facing is obtaining a production company to conduct a series of events for the amphitheater. He said while negotiations are not final, the production company they are considering has conditions concerning commercial advertising.

Farr said if the change to the ordinance was passed, alcohol would be sold only at a very limited number of concerts preapproved by the City. He said there was a clause in the concessionaire agreement that would allow the Development Authority to terminate the agreement for any action that appears to be detrimental to public welfare or health.

Price asked that the Development Authority keep in mind when they are setting policies that the general public perceives the amphitheater as being run by the City even though the Authority is leasing the Amphitheater. Farr responded that he agreed.

McMenamin made the comment that government can not dictate responsibility to people.

Brooks said he believes the change to the ordinance would increase the convenience and enjoyment of citizens at the amphitheater. He said he felt there were adequate safe-guards in approving the ordinance because Council had the right to reestablish control of the Amphitheater if they felt there were things going on that they did not concur with. He also said the Development Authority would allow Council input into the Development Authority's contracts with the concessionaires. Brooks made a motion to adopt this motion as written. Price seconded the motion.

Danielle King, Chairman of the Youth Advisory Board, 205 Wysteria Court, addressed Council in opposition to the ordinance. Ms. King asked Council to consider the youth that use the amphitheater. She said she believed that selling alcohol at the amphitheater would put alcohol in the hands of the youth. She said there would be no way of

— stopping people from buying alcohol for youth or from having youth using fake identification.

King went on to express her concerns by saying the City had just recently published the results of the P.R.I.D.E. survey on the back of brochures for the Commission on Children and Youth. She said the City attacked the drug problem at McIntosh High School by saying the students were exceeding the national average drug use for every kind of drug.

King stated the City wanted to use alcohol as a magnet for commercialism at the amphitheater, and to increase the enjoyment and convenience of the citizens. She said she believed that to be a double standard because the message being sent to teens is, "You do not need alcohol to have fun." She also stated that because there is a "brown bag" policy at the amphitheater, the City would not need to allow people to provide additional alcohol.

King reminded Council that they recently banned smoking at the amphitheater. She said she could not understand why Council would ban one drug and then condone another as a means to increase economic intake. She also said she felt it was setting a strange standard to offer alcohol at a facility that almost everyone drives to.

— Barbara Dyche, owner of Capers and Herbs, the Concessionaire for the Amphitheater addressed Council. She stated that her company is known for their high standards. She said that the Amphitheater has always allowed "brown bagging" and she thought selling alcohol at the amphitheater would provide more control of alcohol consumption. She also stated that none of her concessionaires would ever provide alcohol for a young person. She stated if that happened she would resign immediately. She stated that although State law allows an eighteen year old to handle alcohol and sell it, she would never permit this. She said the employees she would have working at the amphitheater had been with her company for at least five years with a proven track record in the way of service, dignity, and responsibility. She said she wanted to do what is good for Peachtree City and that she would work with the Development Authority as their concessionaire regardless of the decision by Council concerning the ordinance.

— Cindy Cochran, student member of CCY, addressed Council. She said she did not believe the concessionaire would knowingly give alcohol to youth; however she agreed with Ms. King that teens could get alcohol if they wanted it. She also stated that even though a concessionaire would be providing the alcohol it would be perceived that the City would be providing it. She said she did not see any thing wrong for a restaurant to provide alcohol for sale but that she not agree with a city offering alcohol. She said it would not fit in with the standards Peachtree City tries to set.

— Mayor Lenox said he frequents Chastain Amphitheater which is owned by the City of Atlanta and used in conjunction with private enterprise to put on concerts. Chastain Amphitheater allows people to bring their own alcohol or buy it there. He said in the past ten years he had never seen anyone inebriated. He also stated that Council would not consider allowing alcohol to be available at every amphitheater

event. He said they already have rules in place to allow alcohol only at adult oriented events.

Mayor Lenox said he did not agree with the statement "people need alcohol to have fun"; however, he said he did not want to adopt a kindergarten mentality. He said he did not want to penalize responsible adults because there are irresponsible underage drinkers. He said if the youth can get alcohol anywhere they want, then adults need to try to stop that; however, adults can not be responsible if the youth choose to break the law.

Mayor Lenox said he agreed with banning smoking at the amphitheater except in certain places because smoking is imposed on others; however, drinking is not imposed on anyone other than the person consuming the alcohol.

Mayor Lenox said he believed it would be hypocritical to allow "brown bagging" alcohol and not allowing it to be offered for sale as well. He said it was important to the commercial success of the amphitheater to allow the sale of alcohol. He said it was also important to provide as many safeguards as possible such as McMenamin's suggestion of not selling alcohol for a period of time prior to the end of the event.

Bradford said he disagreed with selling alcoholic beverages at the amphitheater for three reasons. First was the legal issue of the Development Authority leasing the amphitheater from the City. He stated he would prefer not to have the City be a part of the sale of alcohol at the amphitheater. His second concern was that he felt that the City should not be in competition with the taxpayers of the community that are providing the taxes that actually create the amphitheater. He said he understood the concessionaire would be making the sale; however, it was the Development Authority and the City of Peachtree City who operate and own the amphitheater. His third concern was with the message Council would be sending the community concerning alcohol. He said he would not support the change in the ordinance. He reminded Councilmembers of comments they had made in the past regarding drinking and driving and the sale of alcohol at places gasoline is also provided.

Price said she was not 100 percent comfortable with the idea of selling alcohol at the amphitheater; however, she said the concessionaire would not only be selling alcohol, but would be encouraging people to consume food as well, which makes a difference in the way the body metabolizes alcohol. She admitted that there would be problems but that she did not believe youth would be attending the events at which alcohol would be sold. She said the programs may have no interest to the youth and the ticket prices for the events may not be affordable to the youth. She said she was willing to give it a try for a year because she felt there would be cooperation between the City Staff, Police Department, Development Authority, and Concessionaire.

Brooks said because "brown bagging" was allowed, the alcohol would already be there. He said there were good arguments on both sides concerning whether or not alcohol should be allowed at the amphitheater but that it had already been decided in the past. He

— said he believed the irresponsible drinker, whether it is an adult or an underage drinker would probably be a "brown bagger". He assumed it would be easier for youth to conceal alcohol and bring it with them than it would be to buy it there. He said the City should monitor the situation and if problems occur then Council could change the ordinance.

Bradford voiced his opinion that alcohol on top of alcohol would be adding to the availability. Bradford said if only "brown bagging" were allowed, people would not be able to drink more alcohol than they brought with them.

Brooks conveyed his philosophical opinion against the government creating a restrictive legislation that restricts responsible adults, (which he said is the majority of people), because of one or two percent of the people would cause a problem.

McMenamin asked Farr to explain the benefit of selling alcohol at the amphitheater. She said she had a problem with the P.R.I.D.E. survey. She said she agreed with Ms. King that the City would be sending a double message; however, she said she did not believe the City would be encouraging the youth to drink. She stressed that it is illegal for the youth to drink, however it is legal for adults to drink. She said she had no problem with the adults bringing their alcohol however, she has an uneasy feeling with the City being a dispenser of alcohol.

— Mr. Farr stated there are two reasons the Development Authority requested the change in the ordinance. He said the Development Authority had been asked to manage the Amphitheater with the intent of upgrading it to a "Chastain" type facility. He explained that if the City wanted to have high level performances that are really fun to go to, it would cost anywhere from \$8,500 - \$10,000 per performance. He said the event would need a sponsor because ticket sales would not raise that much money. He went on to explain that one of the only major sponsors they would be able to get is an alcoholic beverage distributor. Part of their provision is that the sale of alcohol would be at the event.

Farr said another reason was to have a viable concessionaire. He said the concessionaire was in business for a profit and needed to generate revenue. McMenamin asked what kind of food the concessionaire would be serving. Ms. Dyche responded that several different types of baskets would be available ranging from sandwiches to beef tenderloin. McMenamin asked if Ms. Dyche could make a profit without the sale of alcohol. Dyche responded that she did not know because this would be the first year she would be operating as the concessionaire for the amphitheater.

— Mayor Lenox said the City had asked the Development Authority to take the Amphitheater and build it into a professional operation. He said he felt the alcohol sales was an important element in terms of the economics of the operation. He said the City had allowed alcohol at the amphitheater for some time and there had never been any problems.

There was further discussion from Ms. King concerning her previously stated concerns with minors obtaining alcohol.

Price stated that she was a parent and she chose not to try to keep every temptation from her son but she tries to teach him and watch over him.

Mayor Lenox called for a vote on the motion and the motion carried with Mayor Lenox, Brooks, and Price voting Aye. Bradford and McMenamin voted Nay.

4-94-4 Surplus Property

City Manager Basinger explained Council had a list of surplus items in front of them that staff would like to offer at a public sale. He said staff was also recommending that the City fleet be increased by two vehicles by retaining two police cars. One would be used for the new Building Inspector, and the second would be for the City Planner.

A copy of the surplus list is attached and made a part of these minutes herein. Basinger asked that a 1985 ambulance be added to the surplus list that was before Council.

Basinger said that staff believed the items would receive higher prices if they were sold through a private sale, rather than an auction. He said the items would be placed on public display at Public Works on Saturday, April 30, 1994 from noon until 3:00 p.m. for inspection and sealed bids would be accepted. He said the bids would be opened the following Monday and items could be paid for and picked up before Friday. Basinger said the rain date would be May 7, 1994.

McMenamin made a motion that the items listed be declared surplus items for public sale, including the 1985 ambulance. Bradford seconded the motion. Motion carried unanimously.

McMenamin amended her motion to exclude two vehicles from the surplus list to be retained for the Building Department and the City Planner. Bradford seconded the amendment. Amendment carried unanimously.

4-94-5 Design Review - Field House and Pool

Barry Amos, City Engineer presented a design review of the Field House and Outdoor Heated Swimming Pool to be located on a 20 acre site off of Kedron Drive behind the Kedron Elementary School.

Amos said the City had contracted with Foley Design Associates for the design of this facility. He said there had been numerous meetings with various user groups and interested citizens to develop the design to accommodate their needs to the extent the budget allowed.

Amos said the facility would contain two high school sized basketball courts with adjustable goals; three multi-purpose activity rooms; locker and restroom facilities; staff work areas; a heated 8-lane, 25 yard pool; and a parking area.

He said the facility was being designed for expansion and in addition to the base bid, the City would be bidding alternatives which could be added to the project such as: air conditioning for two basketball courts, addition of a gymnastic/multi-purpose exercise room, enclosure

of the 25 yard pool with an appropriate cover, addition of a heated outdoor instructional pool.

He said the structure would be an attractive metal building with 10 ft high block. He said there would be view panels around the exterior to allow natural light into the gymnasium which has a 24 ft ceiling.

Amos said the design meets the program requirements as stated in the bond referendum and had been approved by the Recreation Commission and the Planning Commission and asked for City Council concurrence on the design.

Bradford asked if the heating system for the pool would be adequate to heat the main pool as well as the instructional pool planned to be installed in the future. Amos said that it was and that it could keep the two pools at different temperatures, if desired.

McMenamin made a motion that Council concurred with and approved the field house and pool design. Price seconded the motion. Motion carried unanimously.

4-94-6 Design Review - South 74 Sports Complex

Barry Amos, City Engineer presented a design review for the South 74 Sports Complex. Amos said the sports complex would contain 12 lighted baseball fields and 11 lighted soccer fields. He said the City contracted with Foley Design Associates for the design of the facility after meeting with representatives from the baseball and soccer associations.

Amos said the first phase of the project would contain 4 lighted baseball fields and 4 lighted soccer fields and would be constructed in two elements. He said the first element will be the clearing, grading, irrigation and grassing of the playing fields. The second element will be construction of the fencing, restrooms, parking, and other support facilities which will occur later this year.

Amos said the parking lot would contain 591 spaces. He there would be additional land available to expand the parking lot if needed. Amos said the site would not have public water. He said water would be irrigated from Line Creek to water the fields, and well water would be used for the concession stands and restrooms.

Amos said the design had been approved by the Recreation Commission and the Planning Commission and he asked for City Council's approval.

Councilmembers Brooks and Bradford discussed the parking lot. Amos said the parking lot could be expanded to include an additional 88 spaces, if needed.

Price expressed appreciation to the staff for all the time and work given to this project.

Price made a motion to approve the concept for the South 74 Sports Complex design. Bradford seconded. Motion carried unanimously.

4-94-7 Consider Bids - Ambulance

Basinger said the City had received bids for a new ambulance which were as follows:

Southern Ambulance	\$56,706.00
First Response	62,663.28
Wheeled Coach	63,066.00
Excellence, Inc.	82,783.00

Basinger said most bidders made some exceptions to the specifications, particularly in the area of warranties, however, he said none were serious enough, in staff's opinion, to disqualify a bid.

Basinger said Southern Ambulance was the low bidder; however Southern claimed they could not honor their bid due to an error in their calculations. Basinger said he spoke with Mr. John Helm, General Manager of Southern Ambulance and asked him to reconsider his decision and then met with Mr. Helm and reviewed their in-house worksheets. Mr. Helm explained they had made an honest mistake; however, he agreed to honor their original bid. Mr. Helm also asked Council to consider offering some relief up to \$61,000.

Basinger said it was staff's recommendation that the bid be awarded to Southern Ambulance, the lower bidder by \$5,957.20. Further, he requested that if Southern ultimately refused to honor the bid, staff be authorized to call for the forfeiture of their bid bond of \$2,794 and award the bid to the second low bidder, First Response in the amount of \$62,663.28.

Council discussed the specifications. Reed said the module (the rear part of the unit) would be expected to last 5 to 7 years. He said it would be staff's intent to remount the module at least one more time, as had been done in the past.

Council discussed giving Southern some relief on their bid or putting the specifications out for bid again.

McMenamin made a motion to award the bid to Southern Ambulance for the amount of \$56,706 and should Southern default their bid staff is authorized to call for the forfeiture of their bid bond in the amount of \$2,794 and award the second lowest bidder, First Response in the amount of \$62,663.28. Motion was seconded by Price. Motion passed unanimously.

4-94-8 Consider Trucks for Public Works, Recreation and Building Departments

Basinger said that several of the bids came in over the budgeted amount. He said in reviewing past budgeting procedures the City has budgeted \$500 - \$1000 more than the previous year.

First bid was for a 1994 Ford Ranger 4 wheel drive pick up truck for the Building Department. The budgeted amount was \$11,150.

The three bids received were as follows:

Wade Ford	\$11,651
Courtesy Ford	\$12,115
Family Ford	\$14,408

Basinger said staff recommended that Council declare the 1984 Ford Ranger as surplus property to be used as a trade in and award the bid to Wade Ford in the amount of \$11,651.

Price made a motion to declare the 1984 Ford Ranger as surplus property to be used as a trade in and award the bid to Wade Ford in the amount of \$11,651. Motion was seconded by McMnamin. Price amended her motion to allow the overage be handled by the Building Department Budget. Motion carried unanimously.

The second vehicle bid for Council to consider was for a 1994 Ford Ranger pickup truck to be used in the Public Works Department. The budgeted amount was \$10,750. Three bids received were as follows:

Courtesy Ford	\$ 9,774.60
Wade Ford	\$10,053.60
Family Ford	\$11,517.00

Basinger said staff recommended Council declare the 1984 Ford Ranger as surplus property and allow it to be used as a trade in and that the bid be awarded to Courtesy Ford in the amount of \$9,774.60.

McMenamin made a motion to declare the 1984 Ford Ranger surplus and allowed to be used as a trade in and that the bid be awarded to Courtesy Ford in the amount of \$9,774.60. Bradford seconded the motion. Motion carried unanimously.

Basinger said the third bid for Council to consider was for a 1994 Ford F-150 pickup truck for Public Works. The budgeted amount was \$10,000. Three bids received were as follows:

Family Ford	\$10,438.91
Wade Ford	\$10,586.10
Courtesy Ford	\$11,154.10

Basinger said that staff also requested authorization to increase the city fleet by one and retain the 1985 Ford F-150 pickup truck due to be replaced and assign it to the Landscape Crew. He said this vehicle will enable the Landscape Crew to be split into three 2-man crews. He said the City would be divided into three landscape zones with a crew being assigned to each zone. Each crew would then be responsible for the maintenance of all the landscaping in that zone.

Lenox said he thought the landscape zone system was a good idea and thought it would give crews a sense of pride for their zone.

Motion was made by Price to award the bid to Family Ford in the amount of \$10,438.91 and to increase the city fleet by one and assign the 1985 Ford F-150 pickup truck to the landscape crew. Motion was seconded by McMnamin. Motion carried unanimously.

The fourth bid for Council to consider was for a 1994 Ford F-250 for the Recreation Department. The budgeted amount was \$10,000. Three bids received were as follows:

Wade Ford	\$11,562.10
Family Ford	\$11,634.91
Courtesy Ford	\$12,204.10

Basinger said staff recommended that the overage be transferred from the Public Works Department Machinery Equipment line item. He also request authorization to increase the City fleet by one and retain the 1983 Ford F-250 pickup due to be replaced and assign it to the Parks Crew to enable the parks crew to be split into three 2-man crews.

McMenamin made a motion to increase the City fleet by one and retain the 1983 Ford F-250 pickup and award the bid to Wade Ford in the amount of \$11,562.10 and to make up the difference by transferring \$1,562.10 from the Public Works Machinery and Equipment line item. Motion seconded by Price. Motion carried unanimously.

4-94-94 Consider Bids - 4th of July Fireworks

Basinger said the following bids were received for the Fourth of July Fireworks Display:

Melrose Pyrotechnics	\$19,695.00	980 Shells
Zambelli International	\$19,500.00	960 Shells
Melrose Pyrotechnics	\$19,789.00	984 Shells
Atlanta Pyrotechnics	\$20,000.00	791 Shells

Basinger said City staff recommended that the bid be awarded to Melrose Pyrotechnics. He said although this is a new company to this area the technicians that will fire the show are the same people who have fired the show for Southern International. He said Southern International is no longer in business.

McMenamin made a motion to award the bid to Melrose Pyrotechnics in the amount of \$19,789. Bradford seconded the motion. Motion carried unanimously.

4-94-10 Consider Bids - Field Top Dressing Machine

Basinger said two bids were received for a Field Top Dressing Machine as follows:

Ty-Corp Turf Equipment	\$14,000
Turf Care Products, Inc.	\$14,800

Basinger said \$10,000 was budgeted for the machine and recommended that Council authorize the transfer of \$4,000 from the savings received from the purchase of the 1994 Public Works Asphalt Spreader in the Public Improvement Fund.

Price made a motion to award the bid to Ty-Corp Turf Equipment in the amount of \$14,000 and that the \$4,000 difference be made up from the savings received from the Asphalt Spreader in the Public Improvement Fund. Motion was seconded by Bradford. Motion carried unanimously.

4-94-11 DOT Local Assistance Road Program Contract

Basinger said the City had received a L.A.R.P. contract for the resurfacing of six City streets and asked for authorization for the Mayor to sign the contract. The streets are: Argyle Drive, Fieldstone Lane, Gelding Garth, Hearthstone Reach, Hip Pocket Road, Moss Hill Court. The contract amount for \$ 36,981.97 would be for the cost of materials only. All streets would be resurfaced in 1994 with the exception of Hip Pocket Road which would be resurfaced in 1995.

Bradford made a motion to authorize Mayor Lenox to sign the L.A.R.P. contract. Brooks seconded the motion. Motion carried unanimously.

4-94-12 Authorize additional bank account

Basinger said the City received \$810,445.96 from the County as its share of the Local Option Sales Tax for libraries. Part of the funds were to be used pay the City's local share of the library's expansion grant. He said staff recommended the repayment of \$364,254 to the Public Improvement Program as the local share of the State grant for the City's library expansion grant. He said staff also recommended Council authorize this bank account for the deposit of the remaining library funds of \$446,191.96.

McMenamin made a motion to authorize an additional bank account at Peachtree National Bank for the special one percent local option sales tax for libraries and authorized the transfer \$364,254 to the Public Improvement Program. The motion was seconded by Price. Motion carried unanimously.

4-94-13 Consider Bids - Senior Citizen Center

Basinger said the City received the following bids for the construction of the Senior Citizens Center:

Vantage Builders	\$363,000
Anatek Hedges	\$367,610
J.R. Bowman	\$389,000
Helton & Associates	\$343,663
Newby Construction	\$395,426
Meja Construction	\$342,000
Conmax Corp.	\$378,000

Basinger said the total budget for the Center was \$340,000; however the construction budget was \$310,000. He said the two lowest bids exceeded the budget by \$32,000 and \$33,663. Basinger said staff had consulted with the architect who had prepared a list of potential cutbacks that could be made in the project without compromising the approved plans or the appearance of the building. The cutbacks included omitting the stone base, the rear doorway and porch, the folding partitions, and the entry vestibule. He said the architect met with the two low bidders and asked if they could reduce their prices

by at least 10 percent based on the potential cutbacks. Both bidders responded in writing that they could. Basinger said based on the recommendation of the architect, the staff recommended that Council award the construction contract to Helton and Associates with the understanding that its base bid be reduced by at least 10 percent.

He said while Helton was not the lowest bidder, they did commit to complete the work in less time than Meja.

McMenamin expressed her concerns with the number of cutbacks being made without the approval of the Recreation Commission or construction steering committee.

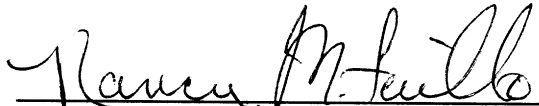
Brooks made a motion to award the bid to Helton and Associates and allow the Recreation Commission and City staff to negotiate a final construction contract that would be within the required budget allocations and then authorized the Mayor or City staff to sign the contract. Bradford seconded the motion. Motion carried unanimously.

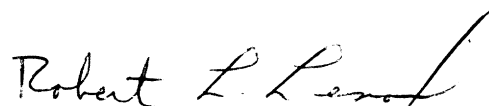
Bradford made a motion to adjourn into Executive Session to discuss a legal matter. Mayor Lenox seconded the motion. Motion carried unanimously.

Executive Session

A motion was made by Brooks to approve a land swap in exchange for a for waterline easement and authorize the Mayor to sign appropriate documents. Motion was seconded by Bradford. Motion carried unanimously.

A motion was made by Mayor Lenox to adjourn the meeting. Motion was seconded by Price. Motion carried unanimously.


Nancy Faillo, Secretary

Attest: 
Robert L. Lenox, Mayor

CITY OF PEACHTREE CITY

SURPLUS LIST 1994

COMPUTER EQUIPMENT

NEC Spinwriter printers - 3
NCR Dot Matrix printer
Monitors & Keyboards - 17

COPY MACHINES

Ricoh, Sharp & Pitney Bowes
Assorted Radio parts & Light bars
Telephone System - 9 phones

Childs' school desk/chalk board
Gas can, 5 gallon
Golf cart tires - 6
Basketballs, orange - 2
Canadian goose wooden mail box
4'H x 6'L x 8'W Dog Pen
CP 1/2" drive impact gun
CP 3/8" drive air ratchet
IR 1/2" drive impact gun
Craftsman Advanced timing light
30' Reel light assembly
Dresser air cleaner
Robin Air a/c vacuum pump
Little Wonder gas power trimmer parts
Centrifugal pump
Tractor mount windmill spreader
Kenmore commercial vacuum 6.5 amp
Skill professional auto-scroll jig saw
Marathon electric pump motor
Assorted chairs, office, folding & plastic
Metal shelving
Folding chair rack
Sofa
Marker Board
Film Projector
19" Television
Roscoe Smoke machine
Telemetry hookup
Fire extinguisher brackets - 2
Hose cart & hose bed cover
Carbon dioxide fire extinguisher - 2
Misc. equipment mounting brackets

Bunker gear
CPR Mannequins - 2
Traction splint
Back board
Ambulance back cushion
Misc. oxygen & blood
pressure equipment
Fireworks shell holder
Plastic sink
Broken squeegee
Garden hose
Safety cone
8' Step Ladder
Air compressor
Stack of shingles
8"x10' Fiberglass pole
Building Dept.
worn-out uniforms
Discontinued Muppet
Soccer uniforms
Box of Library Book
discards

/mb

CITY OF PEACHTREE CITY
SURPLUS VEHICLES 1994

1987 Ford Crown Victoria

1987 Ford Crown Victoria

1982 Ford LTD

1992 Ford Crown Victoria

1973 Ford E-100 Van

1986 Toyota Pickup Truck 4 wheel drive, 5 speed manual,
with bedliner

/mb