MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
April 1, 1993

The City Council of Peachtree City met in regular session on Thursday Night April 1, 1993 at 7:00 PM in the City Hall Council Chambers.

Mayor Lenox led those in attendance in the pledge of allegiance. Present were Mayor Robert L. Lenox, Councilmembers Annie McMenamin, Edward Bradford and Caroline Price. Brooks was on vacation.

There were no items added to the agenda.

Announcements, Awards, Special Recognitions

Mr. Brant Keller, McIntosh Boosters Club, presented a plaque to Jeff Sheppard, Varsity Basketball Player at McIntosh High School, for his many achievements throughout his years at McIntosh and being named State Player of the Year. Mayor Lenox presented a proclamation of congratulations to Mr. Sheppard. In attendance for the presentation were Mr. Steve Hale, McIntosh High School Basketball Coach; Ms. Lynne Grey, McIntosh High School Principal; Mr. Sam Riddle, McIntosh High School Athletic Director; and Mr. and Mrs. Ralph Sheppard, Jeff's parents. Mayor Lenox stated Jeff's accomplishments while at McIntosh and wished him continued success at the University of Kentucky.

Department Reports

Mayor Lenox announced that Department Reports would be available for review at City Hall after the next scheduled Council meeting.

Minutes

McMenamin made a motion to approve the minutes of the Joint City Council/Water and Sewerage Authority Meeting of April 11, 1993 as presented. Bradford seconded the motion.

McMenamin made a motion to approve the minutes of the March 18, 1993 meeting as presented. Price seconded the motion. Motion carried unanimously.

New Agenda Items

4-93-1 <u>Public Hearing - Fayette County Bank</u>
<u>Variance for Septic Tank</u>

Mayor Lenox read the rules for a public hearing and stated that Fayette County Bank was requesting a variance from the requirement that a septic tank requires one acre or more. Mayor Lenox stated that each side would have twenty minutes to present their view and asked to hear first from the applicant.

Mr. Terry Miller, President of the Fayette County Bank, came forward and stated that he was representing Mr. and Mrs. Thomas, the owners of the property, and stated that the Fayette County Bank were currently trying to purchase the Thomas Property for a bank site, but that there were conditions of the sale, one being that Fayette County Bank be able to tie in to the sewer system or be allowed to have a septic system. Mr. Miller stated that the property was .863 acres, therefore not meeting the requirement of one acre for a septic system. Miller went on to say that the property had been one acre until the Department of Transportation took some of the property when widening Highway 74. Miller stated that Georgia Utilities had given preliminary approval for the property to tie in to the sewer system but had come back on January 6, 1993 and stated that the bank would not be able to have access to the sewer. Miller stated that he was requesting that a variance be granted to the one acre required for a septic system and stated that the sale of the property was contingent on obtaining the variance. McMenamin stated that in a letter Council had received from Mr. and Mrs. Thomas, they stated they had not received any compensation for the property taken from them by the Department of Transportation. McMenamin stated that she now understands that Mr. and Mrs. Thomas did receive compensation for the property. Mr. Thomas stated that after hiring attorneys they did receive compensation most of which was paid to the attorneys. Mayor Lenox asked if there was anyone else wishing to speak in favor of the variance.

Jim Williams, Director of Developmental Services, came forward and stated that the bank applied for, and received, site plan approval from the Planning Commission with the condition that the bank guarantee it would either connect to the sewer or acquire additional land if using a septic system. Williams stated that subsequent to Planning Commission approval, the adjoining property owner, The Equitable, notified the bank that it would not let it have any additional land, nor would it allow the bank to have access to the sanitary sewer. Williams explained that this left the bank with no ability to meet its commitment to the Planning Commission, therefore they had applied for a variance. Williams stated that without the variance the bank would not be able to develop the property for any purpose. Williams stated that staff recommended that the variance be granted as it would not adversely affect any other property owner. Tom Cox, Chairman of the Planning Commission, came forward and spoke in favor of the variance.

Mayor Lenox asked if the Fayette County Board of Health had given approval for a septic system and Mr. Miller stated that they had. Mayor Lenox asked for anyone wishing to speak against the variance and hearing none called the public hearing closed and called for Council debate.

Price asked Williams if there was a history in the City of other lots with less than an acre having a septic system. Williams cited two other incidents and stated that he did not feel it would set a precedent. Mayor Lenox asked Mr. Miller about a letter Miller had written to Council stating that if the variance was granted, the bank would convert to sewer if it became available and Mr. Miller stated that if the bank went to the expense of a septic system they would not wish to connect to the sewer. Price asked City Engineer Barry Amos about State Law requiring the use of energy saving fixtures for commercial buildings, and asked if the law was effective on January 1, 1993 or would be on January 1, 1994. Amos stated that he would need to check the dates to be certain. Price went on to say that while she did not like the idea of a variance for the property, the appropriateness of septic was determined by state law and if the County approved it, she could support it if the bank would use energy saving fixtures. McMenamin stated that she was concerned about setting a precedent along Highway 74 where there was much undeveloped land and numerous property owners and numerous sizes of property and that she would not be able to support the variance. Mayor Lenox stated that there had been a change in circumstance due to the sewer not being available and that the land would not be usable property without a variance. Lenox stated that he felt the property could support a septic and that he would support the variance. Bradford stated that he thought that the Southern Building Code had made it mandatory for buildings to use water saving devices and he would support the variance and made a motion to approve the variance for a septic system. Price seconded the motion. Motion passed with Lenox, Bradford and Price voting aye and McMenamin voting nay.

4-93-2 Consider Alcoholic Beverage License - Pigskin Ribs

McMenamin made a motion that the public hearing to consider a request for an alcoholic beverage license for Pigskin Ribs be continued to the next scheduled meeting as Mr. Ron Mabra, owner, was not present. Price seconded the motion. Motion carried unanimously.

4-93-3 Consider Alcoholic Beverage License - A & P Grocery

Mayor Lenox stated that A & P Grocery (formerly Big Star) was requesting an alcoholic beverage license to sell malt beverage and wine as a retail package dealer and asked that the applicants come forward. Mr. Howard Perkins, Assistant Controller and licensee applicant, came forward and stated that A & P was dedicated to training of personnel on alcoholic beverage laws and that in the future computer equipment would be installed to help with that process. Mr. Billy Butts, General Manager and license representative applicant was also present. Price made a motion to approve the alcoholic beverage license for A & P Grocery. McMenamin seconded the motion. Motion carried unanimously.

4-93-4 Change in License Representative - Kwickie/Flash Foods

Mayor Lenox stated that Kwickie/Flash Foods was requesting a change in license representative and asked that the representatives come forward. Mr. Joe Cliett, representing Mr. Glen Bryson, licensee came forward along with Mr. Kenneth Hicks, license representative applicant. Mayor Lenox asked Mr. Hicks if he was familiar with the alcoholic beverage license ordinance and Mr. Hicks stated that he was. Stating that all paperwork appeared to be in order, McMenamin made a motion to approve the change in license representative for Kwickie/Flash Foods. Price seconded the motion. Motion carried unanimously.

4-93-5 Change in License Representative - The Classic Cue II

Mayor Lenox stated that the Classic Cue II was requesting a change in license representative and asked that the representatives come forward. Mr. John Grunden, licensee, and Mr. Trenton Pauley, license representative applicant, came forward. McMenamin made a motion to approve the change in license representative for Classic Cue II. Bradford seconded the motion. Mayor Lenox asked Police Chief Murray if there had been any problems with alcohol at the Classic Cue II. Chief Murray stated that there had been no problems and that Mr. Pauley had recently initiated a meeting with him to discuss the operations of the business. Motion carried unanimously.

4-93-6 Award Bids - Fire Trucks

City Manager Jim Basinger reported that the Fire Department was in need of two new fire trucks and that the City had budgeted for a fire engine in the 1993 Public Improvement Program for the Kedron Fire Station. Basinger stated that there were monies budgeted in the 1994 Public Improvement Program for an engine to replace Engine 81, which was sixteen years old. Basinger stated that the trucks take nine months to build and that the Fire Chief wanted to order both trucks now. Basinger stated that the City had solicited bids and that four firms had responded as follows:

American La France Bluefield, VA	$384,628.00	2 vehicles
Sutphen Corp. Amlin, Ohio	$192,784.00	1 vehicle only
Harless Fire Equipment Birmingham, AL	$330,004.00	2 vehicles
Georgia Fire Apparatus Atlanta, GA	$319,774.00	2 vehicles

City Manager Basinger stated that Staff recommended that the bid be awarded to the second low bidder, Harless Fire Equipment, Birmingham Alabama. Basinger stated that staff recommended Harless due to several reasons as follows:

1. The city already owned Pierce equipment that had proved to be extremely dependable.

2. The service center for Harless was located in Riverdale, saving travel time and expense for obtaining service and repairs. The low bidder has their service center located in Marietta.

3. The low bidder could not guarantee a timely delivery of the engines but Harless did guarantee.

Basinger stated that funds for both engines were not available in the 1993 budget, and that a lease purchase arrangement could be worked out with the dealer.

Price asked why it would take nine months to receive the trucks and Basinger stated that the trucks were built to specification, that the City was not purchasing ready-made equipment. Bradford asked Chief Reed if the City was currently using Pierce equipment and Chief Reed stated that the City had used Pierce before. Bradford asked Basinger if monies were not available for the lease purchase payments what would be used and Basinger stated that a Tax Anticipation Note could be used. Bradford made a motion to accept the bid of Harless Fire Equipment for two Fire Trucks in the amount bid of $330,004.00 and authorize the lease purchase arrangement recommended by staff. McMenamin seconded the motion. Motion carried unanimously.

4-93-7 <u>Award Bid - Retaining Wall</u>

City Manager Basinger stated that the City had solicited bids from concrete contractors for the construction of a concrete retaining wall along the south sides of the tunnel at McDonalds underpass on Highway 54. Basinger stated that two bids had been received as follows:

Barnard Brother Construction	$6,200.00
Brent Scarbrough & Company	$8,662.50

Basinger stated that it was staff's recommendation that the contract be awarded to Barnard Brothers Construction in the amount of $6,200.00 and that sufficient funds were budgeted in the Public Improvement Program. Price asked if Barnard Brothers had done work for Peachtree City in the past. Basinger stated that they had not, but that staff felt they could monitor the work and did not anticipate any problems. Price made a motion to accept the bid of Barnard Brothers Construction. McMenamin seconded the motion. Motion carried unanimously.

4-93-8 Citizen Achievement Award

Councilmember Bradford stated that it had been his suggestion to recognize outstanding citizens that go well beyond the call of duty in contributing to the community. Bradford stated that it was his suggestion that a Certificate of Commendation be awarded when an outstanding citizen was recognized. Price made a motion to approve the Citizen Achievement Award. McMenamin seconded the motion. Motion carried unanimously.

4-93-9 Appointments to Water & Sewer Authority

City Manager Basinger stated the selection committee, composed of Ed Bradford, Caroline Price and himself, had interviewed four applicants for the vacancy on the Water and Sewerage Authority. Basinger stated that it was the recommendation of the committee that Mr. John Gronner be appointed to serve an unexpired term ending December 31, 1993. McMenamin made a motion to approve the appointment of Mr. John Gronner to the Water and Sewerage Authority. Price seconded the motion. Motion carried unanimously.

There being no further business to come before Council, Price made a motion that the meeting be recessed to be reconvened in executive session to discuss a legal matter. McMenamin seconded the motion. Motion carried unanimously.

Executive Session

No action was taken in executive session and Lenox made a motion that the meeting be adjourned at approximately 8:45 PM. McMenamin seconded the motion. Motion carried unanimously.

Angie Stevens

Angie Stevens, Asst. City Clerk

Robert L. Lamb

Mayor

Attest: