

**MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
March 3, 1994
7:00 p.m.**

The Mayor and Council of Peachtree City met in regular session on Thursday Night, March 3, 1994 at 7:00 p.m. in the City Hall Council Chambers.

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

Mayor Lenox made a motion to add an item to the agenda to approve the design of the senior citizen center and authorize staff to send the project out for bid. Price seconded the motion. Motion carried unanimously. Item was added as 3-94-4.

Announcements, Awards, Special Recognitions

Mayor Lenox and Police Chief Murray presented certificates to the graduates of the 1st Youth Citizens Police Academy. All 15 student graduates were in attendance to accept their certificates.

Department Reports

Mayor Lenox announced that Department Reports would be available at the next City Council meeting.

Minutes

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

McMenamin made a motion that the minutes of the Special Called February 19, 1994 City Council meeting be approved as presented. Price seconded the motion. Motion carried unanimously.

3-94-1 Consider Paving of Spear Road

Mayor Lenox stated that Ms. Martha Bryson, on behalf of residents of Spear Road, had requested that Council consider the paving of the dirt road. Mayor Lenox asked to hear first from the residents.

Ms. Martha Bryson, 291 Spear Road, came forward and stated that residents of Spear Road had been requesting that the City pave the road since 1978. Ms. Bryson stated that most of the lots were built out and that safety was the number one concern of the residents. Ms. Bryson stated that the road, in it's condition, was not safe to drive on, that high rates of speed were used. Ms. Bryson gave Council a letter from the Fayette County Board of Education Transportation Department stated that they felt the road

presented a hazard to the school buses. Ms. Bryson stated that Spear Road had become a very traveled road for those persons wishing to cut through from Ebenezer Road to Robinson Road. Ms. Bryson gave pictures of conditions of Spear Road to the Council. Ms. Bryson stated that the residents felt they were paying City taxes and not benefiting from all City services such as water, sewer and Cable T.V. and that the City should waive the cost of paving to the residents of Spear Road. Ms. Bryson stated that the residents did not want the road paved to City Standards with curb and gutter, which should lower the cost of the project to the City.

Mr. Randy Hough, 289 Spear Road, came forward and stated that over the nine years he had resided on Spear Road he had paid close to \$35,000 in taxes, and felt he was not getting the same services as other residents of Peachtree City. Mr. Hough stated that he did not want to wait for a fatal accident to gain the attention of Council and asked that Council look at the pictures to see the conditions of the road. Mr. Hough stated that there were only four dirt roads in Peachtree City and that he felt with the quality of Peachtree City there should be no dirt roads.

Mayor Lenox asked if there were any other residents wishing to speak in favor or against the paving and hearing none called on City Engineer Barry Amos to come forward to present the City's position.

Mr. Amos stated that Spear Road had been a subject of discussion for many years and stated that any dirt road impacted the residents living along them and required much maintenance. Amos stated that staff felt the road should be paved but should meet City Standards. Amos stated that the City did have an existing street reconstruction standard that could apply to Spear Road that would allow it to be reconstructed to a paved surface without the curb and gutter which would maintain it's rural nature. It would not simply pave the existing surface with the hills and poor site distance, but would require the road to be graded to meet a safety standard. Amos stated that it had always been the City's policy to finance street construction by assessing the adjoining property owners two-thirds of the cost and paying the other one-third out of the City's general fund. Amos stated that there were several alternatives the City had available. They were leaving Spear Road in its existing condition, cul-de-sacing Spear Road due to the increase in traffic from Ebenezer Road to Robinson Road, improvement of Spear Road to City standards with curb and gutter, improve to City standards with curb and gutter and cul-de-sac, and that the final option would be to work with Fayette County and/or The Department of Transportation to improve the entire length of Spear Road to a paved standard. Amos stated that by using the City's existing street reconstruction standard without curb and gutter it would match from a pavement width standpoint what would be constructed in the County should the County pave the portion of the road located outside the city limits. Amos stated that the staff recommendation was that the road be improved using the existing street reconstruction standard to a rural type section

without the curb and gutter and to work with Fayette County and the DOT to assist in the construction of the project. Amos presented an outline of the cost to residents and the City with possible four possible scenarios both with and without the County and DOT participation. Amos stated that without any outside assistance to pave the City portion of Spear Road, the cost would be \$129,000.00. Amos stated that if the City was successful in obtaining DOT assistance the cost would be reduced to \$105,600.00. If the County were to assist without assistance from the DOT the cost would be \$68,000.00. Amos stated that if both the County and the DOT participate the estimated cost would be \$50,500.00. Amos stated that it was also staff's recommendation that the road be paved in accordance with Section 34 of the City Charter which permitted the participation by property owners one-third on each side of the road with the City funding the other one-third.

McMenamin stated that in the City Engineer's memo he had stated that it would be late summer before the City could expect a notice to proceed from DOT should they agree to help, and asked if the City would know before summer if they would participate. Amos stated that the City should know before then, a contract would be received and then a sixty day turnover before the funds were allocated. Amos stated that also the County schedule would need to be considered. Amos stated that the City should know within sixty days if the DOT was willing to participate.

Bradford asked Amos if the road was not constructed with curb and gutter what would be done with the ditches. Amos stated that the road would have a shoulder and would be constructed similar to the Creekside Crossing and Bradford Estates subdivisions.

McMenamin asked Ms. Bryson or Mr. Hough to comment on whether they would be in favor of cul-de-sacing Spear Road at the city limits and Ms. Bryson stated that she would not object but questioned if it would be a safety hazard if fire truck assistance was needed from the County.

Mr. Don Dickinson, 263 Spear Road, stated that his lot would be where the cul-de-sac would be and that he was in favor of it. Mr. Dickinson stated that Spear Road was not a typical subdivision road and that non-residents used the road at high rates of speed. Mr. Dickinson stated that if the road was paved it could be even more dangerous. Mr. Dickinson stated that he would resent paying for County residents to use his road and to lower speed and prevent more use would be in favor of the road being cul-de-saced at the city limits.

McMenamin asked City Engineer Barry Amos if the cul-de-sac was in the cost of construction and Amos stated that it was not. McMenamin asked the Police Chief and Fire Chief to comment on the road.

Police Chief Jim Murray came forward and stated that there had been a few accidents on the road and that the Police Department would

— prefer that the road be cul-de-saced. Murray stated that without cul-de-sacing and curb and gutter, the speeds used on the road and the number of accidents would increase.

Fire Chief Gerald Reed came forward and stated that the department did not have trouble accessing Spear Road, but did have some trouble with the drive-ways. Reed stated that cul-de-sacing the road could cause a problem if assistance was needed from Fayette County.

Price stated that she felt the question of cul-de-sacing the road needed to be viewed in the transportation study currently being done.

City Attorney Jim Webb stated that the City could need County and possibly DOT approval to cul-de-sac the road. Mr. Randy Hough asked City Attorney Webb if Spear Road would be a feeder road and could be classified as a County thoroughfare. The City Attorney stated that he would look into the matter.

— Brooks stated that Ms. Bryson asked Council to waive the City Charter requirement that residents be assessed for paving and asked the City Attorney if the assessment could be waived. City Attorney Webb stated that the Charter stated "the Council may assess" that it did not say "have to assess". City Attorney Rick Lindsey stated that the Charter did say may and that the City could waive the assessment and pay for the paving, that they could assess the total cost on the residents or split the cost with the residents on both sides of the road each paying one-third and the city paying one-third, that it was at the discretion of the Council.

Brooks asked for a history of Spear Road and Mr. Gene Bryson came forward and stated that Spear Road pre-dated Peachtree City by 42 years. Mr. Bryson stated that the property was sold by Mr. Alton Brown in the 1970's and that no developer was involved. City Manager Jim Basinger stated that the plat date on the Spear Road property was 3/31/76. Ms. Bryson stated that residents had been told that if the property was not purchased by Peachtree City Development Corporation less money was paid for the property, but that the properties were now turning over for fair market value and she did not feel that the lower sale price paid for homes on Spear Road was relevant currently.

McMenamin asked Ms. Bryson how much she felt her property value would increase if the road was paved. Ms. Bryson stated that she felt the property value would go up a minimum of \$10,000.00 but felt it could go up more than \$10,000.00.

— Mr. Doug Best, 287 Spear Road, asked City Engineer Amos about the menu of prices and asked if it would require two thirds of the property owners to be assessed. City Attorney Lindsey stated that it was at the discretion of the Council how it would be assessed. Mr. Best suggested that some possibilities be laid out so the residents could discuss them. Mr. Best asked that Council consider

not charging residents. He felt the taxes they paid were already high and they were not receiving all the amenities that the rest of Peachtree City residents were.

Mayor Lenox stated that it was pointless to discuss cul-de-sacing when everyone was present to discuss the cost of paving. Mayor Lenox stated that as a regular routine the City does not build roads, do not install water mains and do not put in sewer lines and when residents move into a subdivision and the developer is required to deliver to the property a paved road, water and sewer and the resident pays for that as a part of the cost of the property. Mayor Lenox stated that comments had been made about taxation and fairness and he felt it needed to be clarified. Mayor Lenox stated that all residents paid a fair amount of taxes and that on a \$300,000 home in Peachtree City, the City received \$475.00. Mayor Lenox stated that all the rest of the taxes went to the County, the school system and the State. Mayor Lenox went on to say that over a ten year period a \$300,000 home would pay \$4,750.00 and felt that every resident received at least that much in service from the city recreation, fire protection and police protection. Mayor Lenox stated that he would like to see Spear Road paved but that the City needed to find the equitable way to pave the road, that he could not justify asking all the families in Peachtree City to pay for the paving of Spear Road. After further discussion it was decided that the residents needed to get together and decide if they wanted the road to be paved and what terms they would be willing to accept, then come back to Council at the next meeting. It was suggested that staff look into possible assistance from the County and DOT.

City Attorney Rick Lindsey stated that there were procedures to follow before Council could act on paving the road. Lindsey stated that an assessment would need to be publicized and public hearings held.

Brooks made a motion that the item to consider paving Spear Road be tabled to the March 17, 1994 City Council meeting. Price seconded the motion. Motion carried unanimously.

3-94-2 Amendment to Parks and Recreation Ordinance regarding alcohol use at the amphitheater

City Manager Basinger explained that the proposed ordinance before Council, amending the City Code, was needed regarding the persons authorized to make a recommendation to the Mayor and City Manager regarding the use of alcoholic beverages at the amphitheater. Basinger stated that the current ordinance called for a recommendation from the Amphitheater Committee, the Manager of Leisure Programs and the Police Chief. Basinger went on to say that now that the Development Authority would be managing the amphitheater the ordinance should be amended to provide for recommendations from the Development Authority, the Recreation Administrator and the Police Chief.

Bradford asked if there had been an ordinance to approve the Amphitheater Committee that should be deleted and was told there was not. Bradford made a motion to adopt the amendment to Section 15-7 as presented. McMenamin seconded the motion. Motion carried unanimously.

3-94-3 Highway 54 Median/Right-of-Way Landscaping, Installation of Landscape Materials, Installation of Piping

City Manager Jim Basinger stated that the City had solicited bids from seven landscaping contractors for supplying and installing landscaping material on State Road 54 from Flat Creek Road to Lake Peachtree Bridge and that five firms had responded as follows:

Ivy Green Lawn Service, Inc.	\$44,238.10
Tyrone, Georgia	
Less Daffodils	2,000.00
Total Base Bid	\$42,238.10
Landers Landscape, Inc.	\$47,026.27
Peachtree City, Georgia	
Less Daffodils	1,000.00
Total Base Bid	\$46,026.27
Real Improvements, Inc.	\$53,051.18
Peachtree City, Georgia	
Less Daffodils	1,300.00
Total Base Bid	\$51,751.18
Adamson Lawns & Landscaping	\$70,081.40
Sharpsburg, Georgia	
Less Daffodils	1,200.00
Total Base Bid	\$68,881.00
Earthtech Landscaping	\$95,042.50
Forest Park, Georgia	
Less Daffodils	6,250.00
Total Base Bid	\$88,792.50

City Manager Basinger stated that it was staffs recommendation that the bid be awarded to the low bidder, Ivy Green Lawn Service, Inc. in the amount bid of \$42,238.10. Basinger stated that there were sufficient funds in the 1994 Public Improvement Program and that the daffodils would be purchased and planted in the fall. McMenamin asked if there was a guarantee on the plants and Basinger stated that there was. McMenamin made a motion to award the bid for the installation of Highway 54 Landscaping to the low bidder, Ivy Green Lawn Service, Inc. Price seconded the motion. Motion carried unanimously.

City Manager Basinger stated that the City had solicited bids from six contractors for the installation for storm drain on State road 54 at Flat Creek road in connection with the State road 54 Landscaping Project and that four firms had responded as follows:

Brandenburg Construction Co., Inc. Sharpsburg, Georgia	\$12,620.75
Brent Scarbrough & Co., Inc. Fayetteville, Georgia	\$14,756.00
Couch, Inc. Peachtree City, Georgia	\$16,480.75
Moore Bros. Paving Conley, Georgia	\$21,080.00

Basinger stated that it was staffs recommendation that the bid be awarded to Brandenburg Construction Co., Inc. for the amount bid of \$12,620.75 and that sufficient funds were available in the 1994 Public Improvement Program Fund. Price made a motion to award the bid to Brandenburg Construction. Price seconded the motion. Motion carried unanimously.

3-94-4 Senior Citizen Center

City Engineer Barry Amos stated that the architect for the Senior Citizens Center has completed the plans and specifications, and the project was ready to be put out for bid. Amos stated that the plans had been approved by both the recreation Commission and the Planning Commission and that it was recommended but staff that the Council approve the final plans for the center and authorize the staff to move the project from its design phase to the construction phase. Amos stated that the center would be in the McIntosh Complex and would be a one story stucco building.

McMenamin made a motion to approve the design plans and authorize the staff to put the project out for construction bid. Bradford seconded the motion. Motion carried unanimously. Bradford complimented all participants of the Senior Citizen Center project and Price echoed Bradford's compliment.

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

Executive Session

No action was taken in executive session and McMenamin made a motion that the meeting be adjourned at 9:00 p.m. Lenox seconded the motion. Motion carried unanimously.

Robert L. Lenox
Mayor

Angie Stevens
Angie Stevens, Asst. City Clerk

Attest: