

MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
February 20, 1992

The City Council of Peachtree City met in regular session on Thursday February 20, 1992 at 7:00 PM in the City Hall Council Chambers.

The meeting was called to order by Mayor Robert L. Lenox, who led those in attendance in the pledge of allegiance. Those present were Mayor Robert L. Lenox and Councilmen Edward Bradford, Annie McMenamin, Robert Brooks and Rich. Parlonitieri.

There were no items added to the agenda.

Announcements, Awards and Special Recognitions

Mayor Lenox presented the employee of the month award for the month of January to Harvey Garcia, Maintenance Worker III in the Public Works Department.

Mayor Lenox read a Proclamation for the Fayette Youth Protection Home proclaiming the week of April 19-25 "Fayette Youth Power Parade Week" in Peachtree City.

Mayor Lenox read a Proclamation for the Kiwanis Club proclaiming February 27, 1992 "Student Government Day" in Peachtree City.

Mr. Don Lippe of the VFW, presented the VFW award to former Mayor Fred Brown for distinguished service.

Mayor Lenox reported the population to be 21,663.

Mayor Lenox asked those citizens wishing to speak to the issues to go to one of the two microphones and state their name and address.

Department Reports

Mayor Lenox announced that the department reports for January were available for review at City Hall.

Minutes

Motion was made by Bradford that the minutes of the February 6, 1992 Council meeting be approved as presented. McMenamin seconded. Motion carried unanimously.

New Agenda Items

2-92-11 Resolution Supporting the Atlanta Telephone Exchange Throughout Peachtree City

Mr. John Weeks of 200 Savannah Walk in Peachtree City, representative for the Peachtree City citizens living in the 599 (Senoia) telephone exchange, addressed Council about their efforts with the Public Service Commission and Southern Bell to be included in the 487 or 631 exchange. Mr. Weeks

stated that the citizens did not feel the 599 exchange, which required long distance dialing for those calling in, met their needs and asked that Council adopt a Resolution giving their support.

Mayor Lenox asked Mr. Weeks that Council be advised of any meetings or hearings with the Public Service Commission or Southern Bell and gave his support. McMenamin commended Mr. Weeks for his efforts on behalf of the citizens. Bradford concurred and stated his full support. Bradford moved to adopt the Resolution as presented. McMenamin seconded. Motion carried unanimously.

2-92-12 Amendments to the Alcoholic Beverage Ordinance

City Manager Basinger gave a brief review of the proposed changes to the alcoholic beverage ordinance for the benefit of the public, the major changes being the definition of licensee and license representative, license transfers and lowering the age of those authorized to sell to eighteen from twenty-one. Staff recommended approval of the changes as contained in the amendment.

Mayor Lenox asked for comments from the Council. McMenamin encouraged the owners of the establishments to work together in a training program, and asked Mr. John Proffitt, President of the Peachtree City Commercial Association, about the training program they had in place and asked how it could be expanded to include the police department and the different owners once a month for new hires. Mr. John Proffitt gave a review of what the association did and stated the association had an irregular training program in place as was needed to prevent violations of the ordinance. Mr. Proffitt stated that the association was in favor of the amendment to the ordinance.

Parlontieri questioned Mr. Proffitt about the structure of the association and asked how many members of the association endorsed the changes to the ordinance. Mr. Proffitt answered that a majority of the members were in favor of the amendment.

Brooks complimented City Staff on the work they did on the revisions when they realized a need for changes. Brooks felt the work had been thorough and that he felt comfortable with the changes being proposed. He made a motion to accept the amendments as presented. McMenamin seconded.

Bradford stated that he had a problem with two aspects of the proposed amendment. Bradford moved to amend the amendment to read: Sec 3-32 (a) the age of persons authorized to sell and serve alcoholic beverages be changed to twenty-one. Sec 3-32(b) the age of persons who may take an order for alcoholic beverage for on-premise consumption or accept alcoholic beverage for check-out for off-premise consumption be changed to twenty-one. Sec 3-2 Licensee Add (f) Licensee must be at least twenty-one old. Add (g) Licensee may not allow or require anyone under twenty-one years of age to take an order for alcoholic beverages for on premise consumption or to accept alcoholic beverages for checkout for off premise consumption. Under Sec 3-2 License Representative Bradford would like to break it down into three sections: A, B and C. The breakdown was: (a) The license representative must be a resident of the State of Georgia, and the manager of the business who is on the premises on a regular basis.

(b) The license representative must be at least twenty-one years of age and
 (c) The license representative may not allow or require anyone under the age of twenty one to take an order for alcoholic beverages for on premise consumption or to accept alcoholic beverages for checkout for off premise consumption. Parlontieri seconded the motion to amend the original motion.

Mayor Lenox asked City Attorney Jim Webb if there was an age limitation for the licensee or license representative in State law. Webb answered he had not looked at that specifically and asked City Clerk Frances Meaders if she was aware of the State law requirements. Ms. Meaders stated that the State usually left the setting of the rules up to the local government. McMenamin stated that she felt very comfortable with the eighteen year old age and would support the original amendments. Brooks stated that the training programs have improved and he did not feel that being twenty one had anything to do with it. Brooks felt that in many cases eighteen year olds are very responsible and that he would support the original amendment.

Parlontieri stated that he felt the original ordinance was working well, and that he had a problem in that the law states you have to be twenty one to drink but would allow an eighteen year old sell it. Parlontieri stated he would support the motion made by Bradford.

Mayor Lenox stated he would support lowering the age to eighteen to avoid confusion and to allow more job opportunities for the youth. He stated he would encourage the establishments to continue training programs. Mayor Lenox stated he would support the original amendment as prepared by staff. Mr. Paul Yellina, manager of Kroger in Peachtree City, supported the original amendment, but stated that Kroger would keep their in-house rules at twenty one.

Mayor Lenox called for a vote on Bradford's motion to amend the original motion. Motion did not carry with Bradford and Parlontieri voting aye and McMenamin, Brooks and Lenox voting nay.

Mayor Lenox called for vote on the original motion to accept the proposed amendments to the ordinance as presented. Motion carried with McMenamin, Brooks and Lenox voting aye and Bradford and Parlontieri voting nay.

2-92-13 Adoption of Updated Building Codes

City Manager Basinger stated that recent legislation by the State along with new administrative rules issued by the Department of Community Affairs, require that the City adopt an updated series of seven standard construction codes. Basinger stated that the City had previously enacted five of the codes and that two of the codes were not adopted. Basinger stated that staff has recommended an ordinance updating the five existing codes to more current publications and that the two required codes, Council of American Building Officials (CABO) and Georgia State Energy Code for Buildings, that have not been dealt with, be adopted.

Mayor Lenox asked for comments or discussion. McMenamin moved that Council accept the ordinance updating the construction codes and adoption of the CABO and Energy code as presented. Bradford seconded. Motion carried unanimously.

2-92-14 Foundation Survey

City Manager Basinger read a request from staff recommending foundation surveys to reduce the number of setback violations. Basinger stated that foundation surveys have been required on any structure on a site plan that were within two feet of a setback line. Basinger stated staff's concern was that this was an administrative requirement and that there was not an ordinance authorizing the surveys. Staff would prefer to have the authority to do so in ordinance form and recommended approval of the proposed ordinance.

Parlontieri asked Basinger the enforcement mechanism, and Basinger replied that if the site plan comes in and is within two feet of the setback, a survey will be required. Charles Sibley, building official, explained it would be enforced under the same guidelines as it is now. If a building is proposed within two feet of any required setback, the foundation would be put in and a survey would be done. The City would allow the builder to proceed with the rough plumbing and electrical but they would not be allowed to do a rough frame before they got a foundation survey approved by the City. Parlontieri questioned why this could not be done before the foundation was poured to eliminate the expense to the builder. Basinger stated that until the foundation is in it is hard to tell there is a violation. Mayor Lenox stated that it was very easy when the foundation was poured to miss the proposed guidelines. Parlontieri moved to accept the staffs recommendation as presented. Bradford seconded. Motion carried unanimously.

2-92-15 Administrative Variance - Call for Public Hearing to Amend the Zoning Ordinance

City Manager Basinger stated that staff felt that an administrative variance was needed to prevent unnecessary hardship for citizens to come before Council for a variance to a setback violation for which they are not responsible nor had any prior knowledge of. To receive an administrative variance would require the variance only pertain to a setback requirement violation, the condition has existed for at least one year, the property owner requesting the administrative variance is not the same property owner responsible for the violation and the variance does not exceed twenty five percent of the required setback. Staff requested that that Council forward this matter to the Planning Commission for initiation of the public hearing process to amend the zoning ordinance.

McMenamin stated that she was in favor of the administrative variance and cited an instance where it was a hardship for a citizen to come before Council. McMenamin did have a problem with the one year, but would support sending it to the Planning Commission. Parlontieri wanted a clarification of the words "violations must be minor in nature" and would like to see a three person committee review an application as opposed to the zoning administrator only. Mayor Lenox concurred with Parlontieri. Bradford would like to change the word "or" to "and". It would then read, "The setback violation that is being appealed has been existing for at least one year and the property owner making the appeal is not the same property owner who was responsible for the violation." Bradford moved to send the proposal on to the Planning Commission. Parlontieri seconded. Brooks questioned the twenty five percent and asked Council if they felt

comfortable with it. Mayor Lenox did not feel comfortable with it and hoped in the public hearing that could be worked out. Motion carried unanimously.

2-92-16 Amphitheater Parking Lot Bids

City Manager stated that the Amphitheater parking lot construction had been put out for bid. The project includes the clearing of the site, the grading, the installation of storm drainage, curb and gutter and paving. The parking lot will accomodate three hundred automobiles when completed. Basinger showed a blue line drawing of the parking lot to Council and the public. Bids were solicited for each individual portion of the project and for the entire project. Seven contractors submitted bids and three submitted bids for the entire project. Basinger stated that if the City accepted individual bids for portions of the project the cost would be \$152,037.80, with three contractors involved. If the City accepted the low bid for the entire project with one contractor the cost would be \$161,704.75. The difference is \$9,665.95. The bids were as follows:

Hatcher Paving Co., Inc. Conley, Georgia	\$ 58,150.00 18,003.75 34,816.00 50,735.00	Grading Storm Drain Curb & Gutter Asphalt
W.E. Pruett Co., Inc. Peachtree City, Georgia	\$ 108,253.00 17,922.48 36,850.00 52,631.00	Grading Storm Drain Curb & Gutter Asphalt
Brent Scarbrough & Co., Inc. Fayetteville, Georgia	\$ 16,832.80	Storm Drain
Duncan & Stancil Peachtree City, Georgia	\$ 33,000.00	Curb & Gutter
Machine Construction Co. Fayetteville, Georgia	\$ 26,320.00	Curb & Gutter
Asphalt Contractors, Inc. Newnan, Georgia	\$ 108,105.25 22,511.50 39,532.80 69,885.15	Grading Storm Drain Curb & Gutter Asphalt
Southside Grading, Inc.	\$ 20,680.00 17,292.50	Grading Storm Drain

Staff recommended the bid be awarded to the firm of Hatcher Paving as the low bidder for the entire project of \$161,704.75.

Brooks asked if the company provided references. Basinger answered that they had done most of the work in Kedron. McMenamin asked about a completion date and any penalties for not completing the job on time. Basinger stated that the completion date is approximately sixty days with rain days included in the contract. The penalty is one hundred dollars per

day. Parlontieri moved to accept the bid of Hatcher Paving Co. as presented by staff. Brooks seconded. Motion carried unanimously.

2-92-17 1992 Ford Truck and Van Bids

City Manager Basinger stated that the City had solicited bids for the purchase of a pickup truck for the Public Works department. The bids were as follows:

Southlake Ford Jonesboro, Georgia	\$8,688.00 Ford F-150 pickup 600.00 trade-in allowance
Gene Evans Ford Union City, Georgia	\$9,916.00 Ford F-150 pickup 1,000.00 trade-in allowance
Griffin Ford, Inc. Griffin, Georgia	\$9,029.00 Ford F-150 pickup 0.00 trade-in

Staff recommended the Council declare the 1981 Ford F-100 Pickup truck surplus property and allow it to be used as trade-in allowance for the 1992 Ford F-150 Pickup truck and award the bid to Southlake Ford.

Brooks moved to award the bid for the Ford truck to Southlake Ford. McMenamin seconded. Motion carried unanimously. Parlontieri moved that the 1981 truck be declared surplus. Brooks seconded. Motion carried unanimously.

City Manager Basinger stated that staff had solicited bids for the purchase of a Cargo Van for the Recreation department. The bids were as follows:

Southlake Ford Jonesboro, Georgia	\$11,766.00 Ford E-150 cargo van 1,200.00 trade-in allowance
Gene Evans Ford Union City, Georgia	\$12,698.00 Ford E-150 cargo van 500.00 trade-in allowance
Griffin Ford, Inc. Griffin, Georgia	\$12,160.00 Ford E-150 cargo van 0.00 trade-in allowance

Staff recommended that Council declare the 1977 Dodge D-19 van as surplus property and allow it to be used as a trade-in allowance for the 1992 Ford E-150 Cargo van and award the bid to Southlake Ford.

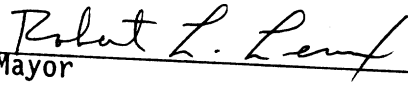
Bradford made a motion to declare the 1977 Dodge van surplus and use it as trade-in and accept the low bid from Southlake Ford of \$10,566.00. McMenamin seconded. Motion carried unanimously.

There being no further business to come before Council, a motion was made by Parlontieri that the meeting be recessed to be reconvened in executive session to discuss the pending lawsuits of Black and Justice and personnel matters. Bradford seconded. Motion carried unanimously.

Executive Session

Motion was made by Parlontieri to approve Attorney Roy Huff as the Judge Pro Hac Vice for the municipal court. McMenamin seconded. Motion carried unanimously. Motion was made by Parlontieri that the meeting be adjourned. Brooks seconded. Motion carried unanimously.


Angie Stevens-Asst. City Clerk

 Attest
Mayor