

MINUTES OF MEETING
City Council of Peachtree City
January 20, 1994
7:00 p.m.

The City Council of Peachtree City met in regular session on Thursday Night January 20, 1994 at 7:00 p.m. in the City 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.

No items were added to the agenda.

Announcements, Awards, Special Recognitions

Mayor Lenox presented the award for "Employee of the Month" for December to Detective Bill Weston, Police Department.

Mayor Lenox recognized Captain Mike Dupree for his graduation from the Federal Bureau of Investigations National Academy.

Mayor Lenox proclaimed the week of January 16-22, 1994 as Kiwanis Week in Peachtree City. Representatives from the Peachtree City Kiwanis Club, Mr. Howard Tisdale and Mr. Bob Konrad and representatives from the Golden K Kiwanis Club, Clarence Boynton and Frank Stilwell were present to accept the proclamations. Ms. M.T. Allen, Peachtree City Kiwanis Club, presented a check to Police Chief Jim Murray and Police Officer Rod Burnette for the D.A.R.E. Program. Officer Burnette stated that the D.A.R.E. program had been a success and thanked the Kiwanis Club for their continuing support.

Department Reports

Mayor Lenox stated that Department Reports were available for review at City Hall. Bradford made a comment that the reports were for year end and complimented staff on their efficiency. Bradford stated that as of December 31, 1993 Peachtree City had reached a milestone with population reaching over 24,000 residents.

Minutes

McMenamin made a motion to approve the minutes of the January 6, 1994 Council meeting as presented. Price seconded the motion. Motion carried unanimously.

1-94-10 Public Hearing - Variance - Golf Cart Sales & Supply

Mayor Lenox stated that the variance request by Mr. Bill Manto, Golf Cart Sales and Supply, would be conducted as a public hearing and read the rules for a public hearing.

Mayor Lenox stated that each side would have twenty minutes to make their presentation and asked to hear first from the applicant.

Mr. Bill Manto, owner of Golf Cart Sales and Supply, stated that he would like to purchase property at 207 Huddleston so that he could relocate his business. Mr. Manto stated that he had an aggressive plan for upgrading the property and that his business would be a good use for the property. Mr. Manto asked that Council approve the variance request. Mr. Clark Felker, current owner of the property, came forward and stated that the property had been vacant for some time and that he had been selective in finding someone that was willing to upgrade the property and encouraged Council to approve the variance.

Mr. Jim Williams, Director of Developmental Services, stated that the building had been in existence since 1977 and at that time followed all codes and ordinances. Williams stated that zoning setbacks in General Commercial districts had changed and that a 40 foot setback was now required. Williams stated that a variance of 25.1 feet was needed to bring the building into compliance with code and stated that staff recommended approval of the variance.

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

McMenamin stated that the variance request met all requirements and that she would support the request. Bradford made a motion that a variance of 25.1 feet to the front setback be approved for the property at 207 Huddleston Road. Price seconded the motion. Motion carried unanimously.

1-94-11 Cable T.V. Standards

City Manager Jim Basinger stated that Council had conducted a public hearing on Cable T.V. Standards on November 18, 1993 and that since that meeting staff had met with the General Manager of Peach State Cablevision and made some changes in the standards. Basinger went through the standards for the benefit of the public.

Mayor Lenox opened the floor to the public for comments. Mr. Wayne Klein, General Manager of Peach State Cable, came forward and stated that there were three areas of concern Peach State had with the standards. Mr. Klein stated that there were concerns with commercial availability, cost concerns that customers will eventually bear, the burying of cable within 10 days, and the penalty standard. Mr. Klein stated that Peach State did not feel the City had a right to impose a penalty.

City Manager Basinger stated that commercial availability was already provided for in the current ordinance therefore not being added. Basinger stated that the burying of cable was also in the present ordinance, and that without a penalty section, the standards would not have any meaning.

City Attorney Rick Lindsey stated that in the 1992 Cable Act, there were provisions if the cable company and City regulatory agency could not agree on standards. Lindsey stated that notice was required to the cable company if they were found in violation of the ordinance, and that the standards did meet all due process requirements of Georgia.

Mayor Lenox stated that the local cable company had done a good job in providing cable service to Peachtree City. Lenox assured Peach State that if connecting a commercial property to cable was high in cost, the company might be required to absorb part of the cost. Lenox stated that he felt without the penalty section the standards would be meaningless.

McMenamin stated that communication would continue on a case by case basis for different situations that would occur.

Price asked if the cable company could benefit from the City's GIS system when trying to locate utility lines before burying cable and Basinger stated that the GIS system did have the capability.

Brooks stated that the cable company had done an excellent job of providing service as opposed to years past when there were significant problems. Brooks made a motion to adopt the ordinance on Cable T.V. Standards by adding Section 6.5-51 and to repeal any other ordinances in conflict. Bradford seconded the motion. Motion carried unanimously.

1-94-12 Fayette County School Boundaries

City Manager Jim Basinger stated that the resolution before Council concerning Fayette County School Boundaries came as a result of residents in the Preserve Subdivision who had significant problems with phone exchanges and addresses. Basinger stated that the main street through the Preserve on the south side of Redwine Road dead ends at the City limit line which backed up to the Wood Creek Subdivision in Fayette County. Basinger stated that the builder had recently agreed to cul-de-sac the street at the city limit line. Basinger stated that a meeting was held with residents from The Preserve in which they were assured that they were a part of Peachtree City. Basinger stated that the residents were concerned over a boundary plan by a Parent Group which was proposing to send Preserve Residents on the south side of Redwine Road to a new elementary school eight miles away in Fayetteville and not to the school currently attended, Braelinn Elementary in Peachtree City. Basinger stated that the residents had asked Council to adopt a resolution in support of the Preserve students being kept in Braelinn Elementary which was being proposed by the school administration. Basinger stated that a meeting would be held on January 24, 1994 to decide about the boundaries.

McMenamin stated that it was intended to keep neighborhoods in the community schools and to keep children in the neighborhoods together.

City Manager Basinger read the resolution for the benefit of the public.

Mr. Don Maughn, Morallion Hills Subdivision, came forward and stated that he was the co-author of the alternate boundaries proposal. Mr. Maughn explained that if the administrative proposal by the Board of Education were passed it would take 400 households out of the boundary for the school they currently attend. Mr. Maughn stated that with the alternate proposal 114 children would be kept in the school they currently attend. Mr. Maughn stated that Camp Creek was used as a natural boundary and that part of the Preserve, south of Redwine Road would be affected because of the city limit that was at the end of the street going through the neighborhood. Mr. Maughn stated that it was imperative that the school bond referendum pass in order for Fayette County to have adequate facilities. Mr. Maughn stated that if the road could be cul-de-saced it would make a difference on where they could draw the boundary line, therefore they would be able to include The Preserve south of Redwine in the Braelinn district.

Mayor Lenox asked Mr. Maughn where the children in The Preserve would attend school if the administrative proposal was passed and Mr. Maughn stated that they would stay at Braelinn Elementary.

McMenamin questioned if The Preserve could be cul-de-saced if it would be a good place to draw a boundary line. Mr. Maughn stated that it would.

After more discussion Mayor Lenox suggested that the City communicate with the Board of Education about the concerns. Brooks made a motion to authorize the Mayor to write a letter to Mr. Trigg Dalrymple addressing the cul-de-sac and zip code change in the Preserve. McMenamin seconded the motion. Bradford stated that he felt the letter should include that the Preserve II was an extension of The Preserve. Motion carried unanimously.

1-94-13 Fayette County Bond Issue - Resolution

Mayor Lenox read a resolution to endorse the Fayette County Bond Issue for \$58 million dollars. Lenox stated that he felt it was imperative that the issue pass and made a motion that the resolution endorsing the bond issue be adopted. Bradford seconded the motion. Motion carried unanimously.

1-94-14 Library Resolution

City Manager Jim Basinger stated that Council had before them a resolution to approve the temporary transfer of funds from the Public Improvement Program to the Flint River Library Fund. Basinger stated that the State grant required payment from the City by January 31, 1994. Basinger stated that it was anticipated that the City would receive monies from the 1% Local Option Sales Tax for the library in Fayette County in early April, at which time the monies would be put back into the Public Improvement Program Fund.

— Price made a motion to adopt the resolution transferring funds for the library expansion from the Public Improvement Program Fund. Brooks seconded the motion. Motion carried unanimously.

1-94-15 Appeal - Smokerise Estates

Mayor Lenox stated that the appeal to the Planning Commission's decision to approve the concept plat for Phase 3, 4, and 5 of Smokerise Estates would be conducted as a public hearing and stated that each side of the issue would have 45 minutes to make their presentation. Mayor Lenox asked to hear first from the applicant.

Mr. Gregory West, Smokerise Plantation Homeowner's Association President, came forward and stated that Mr. Bill Gibson, Developer of Smokerise Estates, had received impact fee credit in return for the paving of 80 feet of Brown Road. Mr. West stated that the road had not been paved properly, that the road was too narrow and that he felt further development should not occur until Mr. Gibson made good on the conditions that were made when the impact fees were given.

Mayor Lenox asked for anyone else wishing to speak on behalf of the appeal and hearing none called for those wishing to speak in opposition to the appeal.

— Mr. Bill Gibson, Developer of Smokerise Estates, stated that he had paved Brown Road to the entrance into Smokerise Estates. Mr. Gibson stated that it was through no fault of his that the County had not paved the portion of Brown Road that they had indicated they would. Mr. Gibson stated that he had paved the portion of Brown Road in Peachtree City to city code. Mr. Gibson stated that there was no one in Smokerise Estates that was displeased with the road and he did not feel his business should be penalized due to problems with Fayette County. Mr. Gibson stated that he had talked with the Fire Chief and found that they did not have trouble getting down Brown Road. Mr. Gibson stated that he knew Peachtree City was working with the County Commissioners to get the road finished and asked that Council give him their support by denying the appeal so that his development could continue.

Many residents spoke on behalf of Mr. Gibson, stating they had no problem accessing Brown Road and asked that Council deny the appeal.

After further discussion by Council it was agreed that all parties involved should have a meeting to try to work toward getting the road finished, but it was felt that Mr. Gibson had met all the conditions asked of him to the best of his ability.

— Mr. West was asked if he wished to withdraw his appeal and he was not prepared to do so without talking with the Homeowner's Association.

A motion was made by Price to deny the appeal to the Planning Commission's decision of December 13, 1993 for Development of Smokerise Estates. McMenamin seconded the motion. Motion carried unanimously.

1-94-16 Consider Ordinance defining Litter and Establishing Minimum Fines

City Manager Jim Basinger stated that Council had before them an ordinance amending the current Health and Sanitation Ordinance to provide a definition of litter on public or private property, a section prohibiting litter and a section establishing minimum penalties for violations. Basinger stated that staff recommended approval of the amendment to the ordinance.

Brooks stated that Section 11-32 (2) should read "The court will publish the names of persons convicted of violating Section 11-26 of this Chapter in the legal organ of the City and may publish the names in the legal organ of the city or county where the person resides" replacing "The court may publish the names of persons convicted of violating Section 11-26 of this Chapter in the legal organ of the City or County where the person resides".

Bradford made a motion to adopt the ordinance as amended. Price seconded the motion. Motion carried unanimously.

1-94-17 Consider amendment to Business License Ordinance regarding solicitors

City Manager Basinger stated that Council had before them a proposed ordinance amending the current business license ordinance to better define: business, engaged in business, a provision clearly denoting that a business license is required and an added provision requiring any person or entity soliciting door to door at residences or businesses to obtain a solicitor's permit and pay the required fee of \$25 per day per person. Basinger stated that this was an attempt to gain better control of those placing flyers, circulars and other materials in yards or mailboxes throughout the City. Basinger stated that staff recommended Council approval of the ordinance. Bradford stated that under Section 13-18 (b) he would like it to state "any person or entity engaged in business" and not "any person or entity to engage in business" as currently stated. Price made a motion to adopt the ordinance as amended by Bradford. Bradford seconded the motion. Motion carried unanimously.

1-94-18 Amendments to the Personnel Policy

City Manager Jim Basinger stated that Council had before them revisions to the Personnel Policy concerning Family and Medical Leave as required by law and a deletion of Attendance and Annual Leave records which are now computerized. Price made a motion to approve the amendments to the Personnel Policy concerning Family Medical Leave and delete the attendance and annual leave records

requirement. McMenamin seconded the motion. Motion carried unanimously.

1-94-19 Consider Bids - Street Sweeper

City Manager Jim Basinger reported that the City had solicited bids from four equipment dealers for the purchase of one Street Sweeper for the Public Works. Basinger stated that three firms had responded as follows:

1. SMA Stith Equipment Company
Atlanta, GA

Elgin Pelican P	\$73,174.00
Less Trade In	3,140.00
Bid Amount with trade	\$70,024.00

2. Municipal Equipment Sales, Inc.
Woodstock, GA

Johnston V3000SP	\$75,500.00
Less Trade In	7,000.00
Bid amount with trade	\$68,500.00

3. Reynolds-Warren Equipment Co, Inc.
Lake City, GA

Athey H-10-2B	\$76,422.40
Less Trade In	7,500.00
Bid amount with trade	\$68,922.40

Basinger stated that staff recommended that the bid for supplying the Street Sweeper be awarded to SMA Stith Equipment Company of Atlanta for the amount bid of \$73,174.00 and not use the 1983 TYMCO Model 300 Sweeper for trade. Basinger explained that staff requested authorization to increase the City fleet by one vehicle and retain the 1983 Ford F-350 chassis and requested authorization to purchase the Street Sweeper currently in the 1995 Public Improvement Fund in place of the Tandem Dump Truck which was funded at a projected cost of \$60,000.00. Basinger stated that the city wished to use the 1983 chassis and to gather bids to convert it to a 3-way dump truck. Price made a motion to award the bid for the street sweeper to SMA Stith Equipment Co, Inc, retain the 1983 chassis, obtain bids to convert a 3-way dump truck and declare the sweeper unit surplus. McMenamin seconded the motion. Bradford asked about the worth of the chassis of the truck and Halterman stated that it was in good condition with 16,000 miles on it. Motion carried unanimously.

1-94-20 Topographic Survey - Sports Complex

City Manager Jim Basinger stated that the City had obtained bids for the topographic survey of the proposed site for the Sports Complex. Basinger reported that the Equitable had recently offered

the City the proposed school site because the schools would now be located next to Panasonic. Basinger reported that the Fayette County Board of Education had already had the site surveyed and that the Board had offered to sell the completed survey to the City for the low bid amount that the City received of \$19,400. Basinger stated that staff recommended Council approval to pay the funds to the Board of Education for the already completed survey. Price made a motion to pay the Board of Education \$19,400 for the topographic survey. Brooks seconded the motion.

Bradford stated that there was an option on additional property and wanted to be assured that the City still had that option. Bradford also stated that the school had decided to relocate the site for new schools due to the Airport proximity and asked that when lights were discussed they would not be a detriment to planes landing. Jim Savage, Airport Coordinator, was consulted and assured the City that it would not be a detriment to planes but a help in landing, especially at night, as long as the lights were not placed in rows that could look like a runway. A resident came forward a expressed concern about clearance for planes in ILS approaches. Mayor Lenox asked City Manager Basinger to double check that ILS approaches would not be a concern. Motion carried unanimously.

1-94-21 Consider Bids - Design of Sports Complex

City Manager Jim Basinger reported that the city had solicited bids from four firms for the Phase I design of the Sports Complex which were as follows:

Master Plan

1. Foley Design	\$ 3,200
2. Wiley & Wiley	5,200
3. Cobb Associates	5,400
4. CDM	11,000

Phase I Construction Documents

1. Foley Design	\$20,800
2. Wiley & Wiley	42,000
3. Cobb Associates	26,800
4. CDM	48,500

Basinger stated that Foley Design had submitted the low bid on both phases of the project and stated that staff recommended that Council award the bid to Foley Design in the amount of \$24,000. Brooks made a motion to award the bid for the design of Phase I of the Sports Complex to Foley Design. Price seconded the motion. Motion carried unanimously.

1-94-22 Capital Improvement Element

Basinger stated that in accordance with the State of Georgia's requirements for the Development Impact Fee Program, the city staff

— had prepared a Capital Improvements Element to be added to the Comprehensive Plan. Basinger stated that the City Council approved the draft for submission to the ARC and that the document had been approved by the Atlanta Regional Commission and the State. Basinger stated that two actions were requested from Council, the first, adoption of the Capital Improvement Element as an amendment to the City's Comprehensive Plan and second, the current Impact Fee Ordinance needed to be re-adopted. Price made a motion to adopt the Capital Improvements Element as a part of the Comprehensive Plan. Bradford seconded the motion. Motion carried unanimously.

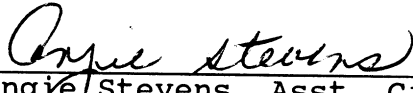
Price made a motion to re-adopt the current Impact Fee Ordinance as amended. Bradford seconded the motion. Motion carried unanimously.

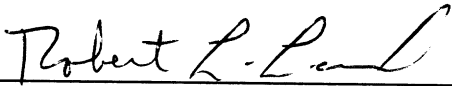
There being no further business to come before Council, Mayor Lenox made a motion that the meeting be recessed to be reconvened in Executive Session. Brooks seconded the motion. Motion carried unanimously.

Executive Session

Motion was made by Mayor Lenox and seconded by Price that the City Attorney's recommendation regarding the negotiation to settle a pending lawsuit be authorized. Motion carried unanimously.

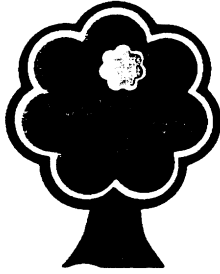
— Mayor Lenox made a motion that the meeting be adjourned at 11:00 p.m. Motion was seconded by McMenamin. Motion carried unanimously.


Angie Stevens, Asst. City Clerk



Mayor

Attest:



Peachtree City

Georgia

PEACHTREE CITY LIBRARY EXPANSION RESOLUTION

- WHEREAS,** the City Council of the City of Peachtree City previously and unanimously voted to make certain improvements to the City's library and apply for a State grant to principally fund said improvements; and
- WHEREAS,** the total allocated funding for said improvements was estimated to be \$1,442,825.00, with the City budgeting to pay \$364,254.00 of said improvements and with the State of Georgia having committed to pay the remainder of said improvements; and
- WHEREAS,** following the budgeting decision and determination by City Council to fund said improvements, an additional \$.01 sales tax was passed in the County of Fayette for the purpose of obtaining \$4,000,000 in funding required for a State Grant to build a County library, with any funds over the \$4,000,000 to be returned to the municipal libraries; and
- WHEREAS,** the City expects to receive approximately \$500,000 in previously unanticipated revenues from said sales tax with said revenues to be used exclusively for the City's library; and
- WHEREAS,** the City still desires to make the library improvements and obtain the funds from the State and to do so must make a payment to the Flint River Regional Library System, which entity is administering the library grant, in the amount of \$364,254 by January 31, 1994, and the sales tax revenue will not be available to the City by said date.

NOW, THEREFORE, be it resolved, by the City of Peachtree City that it will pay \$364,254.00 from its Public Improvement Program Fund (hereinafter "PIPF") to the Flint River Regional Library System by January 31, 1994, so as to attain additional library funds from the State of Georgia; provided that said payment will be reimbursed to the PIPF account when the additional sales tax revenue is received by the City from the County of Fayette.

Adopted this 20th day of January, 1994.

Robert L. Lenz
Mayor

Al B. Smith

Annie W. McMenamin

Edward S. Bradford

James H. Price

Francis Meaden Attest:
City Clerk