

MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
October 18, 1990

The City Council of Peachtree City met in regular session on Thursday Night, October 18, 1990, at 7 PM in the City Hall Council Chambers.

Mayor Brown called the meeting to order and led those in attendance in the pledge of allegiance. Members present were: Mayor Frederick Brown, Jr. and Council members David Good, Annie McMenamin, Robert Brooks and Rich Parlontieri.

No items were added to the agenda.

Announcements, Awards, Special Recognitions

Mayor Brown read a Proclamation proclaiming the week of October 20th - 28th as Red Ribbon Week in Peachtree City. He presented the proclamation to Mr. Donald Lippe, Commander of the American Legion Post 105 of Fayette County which, along with business and community groups, was supporting this effort for a drug free community in Fayette County.

Mayor Brown recognized Frances Meaders, Finance Officer, for receiving the Certificate of Achievement for Excellence in Financial Reporting Award which was presented to the City for the third year in a row. The Award was given by the Government Finance Officers Association of the United States and Canada.

Mayor Brown presented the Employee of the Month Award for the month of September to Jill Daughtry, Computer Specialist in City Hall.

Mayor Brown announced that an informational hearing would be conducted on November 1st for the purpose of briefing the public on proposed plans for an area which is partially in the incorporated area of Peachtree City and partially in the unincorporated area of Fayette County along Highway 74 North. He invited the public to attend this briefing which would be held in conjunction with the next regular Council meeting.

Mayor Brown announced that on Wednesday, October 24th, at 10 AM the Kelly Drive Bridge would be dedicated and officially opened. He invited the public to attend the ribbon cutting ceremony.

Mayor Brown announced that on October 24th at 6:30 PM an organizational meeting of a Governmental Association for Fayette County would be held at the Peachtree Executive Conference Center. The purpose of the meeting was to discuss the establishment of an Association within the County comprised of the Fayette County Commission and representatives of the five municipalities.

Department Reports

Mayor Brown called attention to the monthly departmental reports and urged the public to review them from time to time. He reported the population as of October 1st, 1990 to be 18,963.

Minutes

Mayor Brown called for action on minutes of meeting held September 20, 1990. Parlontieri asked that the minutes be corrected to show that he was present and made a motion that they be approved as corrected. Motion was seconded by McMenamin. Motion carried unanimously.

New Agenda Items10-90-3 Public Hearing - Bates Variance

Mayor Brown called the public hearing to order to consider a variance to the zoning ordinance requested by Mr. and Mrs. Dan Bates of 118 Bowfin Bay, Peachtree City.

Mr. Bates explained that when he purchased his home in March of 1988 there was a screened porch attached to the house. Recently he decided to enclose the porch and when the building permit was applied for he discovered that the porch was encroaching into the setback area. Mr. Bates explained that the survey presented at closing showed the porch as a deck rather than a porch. He pointed out that if he had been alerted to this problem at closing something could have been done at that time. The only thing he could do now, it seemed, was request a variance of 6.5 feet so that the structure would be legal. He asked Council to grant the 6.5 variance to the 30 foot setback required at the rear of his property so that he could retain his screened in porch.

City Planner, Jim Williams, stated that staff felt Mr. and Mrs. Bates were the innocent victims of a series of circumstances. He felt the house was originally constructed with a deck and these are permitted to encroach into the setback area. There was no record of a building permit being issued for a screened porch at this location and it was likely that the former owner screened it in without obtaining a permit. Mr. Williams stated that the problem in this instance was that the survey at closing showed a deck when in fact a screened porch existed at that time. The people involved in closing this sale had no opportunity of knowing there was a problem with the porch. Mr. Williams felt that, because of those circumstances, the Bates should receive a variance, not only to keep the screend porch but to close the porch in and make a room as they had applied to do.

Mr. Williams also indicated in his written memorandum to Council that staff had written a letter to the responsible surveyor expressing the city's concern over the trouble this had caused both the City and the present property owner.

Mayor Brown called for comments from the public and Mr. Howard Morgan, citizen and former Mayor and Councilman, objected to the issuance of a variance because of the impact it would have on the zoning ordinance.

Councilman McMenamin expressed the opinion that the porch had been in existence for seven years and it had not had a negative impact on the neighborhood. She felt she could support the variance.

Mayor Brown commented that he agreed with Mr. Morgan regarding the effect variances have on the zoning ordinance, however, he felt the circumstances in this case would warrant this variance.

Parlontieri asked who the surveyor was in this case and City Manager Basinger stated that it was Koons and Woods Surveyors. At the request of Council the letter written by the City Planner to Koons and Woods was read into the record.

Motion was made by Parlontieri that the variance be approved as recommended by the city staff. Motion was seconded by Good. Motion carried unanimously.

10-90-4 Amphitheater Bids and Financing

Mayor Brown stated that the next item on the agenda was for the purpose of considering bids for the reconstruction of the McIntosh Amphitheater and to consider proposals for financing the project. He asked that they be considered in separate actions. Mayor Brown also pointed out that Council had taken prior action to reconstruct the amphitheater and there was no need to further discuss the project other than the bids and financing. He called upon City Manager Basinger to present the bids.

City Manager Basinger reported that bids were received for the reconstruction of the amphitheater to include: demolition of existing structure; replacement of seating area with expansion from 1600 seats to 2010 seats plus a picnic area to seat approximately 200; the replacement of the stage area; the addition of a stage cover; a new lighting system; a new sound system to be donated by Panasonic; replacement of the rainshelter area to include the east and west concourse concession areas and all kitchen equipment; two restroom areas and three hundred parking spaces.

Basinger further reported that four bids were received for the reconstruction project. He explained that two alternates were requested in the bid with one being that the project be completed by June 1, 1991 and the second was for a sprinkler system on the stage.

Bids were:

	Base Bid	Alt. #1	Alt. #2
Marathon Construction Co. Norcross, Georgia	\$810,000	\$50,000	\$11,000
Arco Builders Peachtree City, Georgia	\$1,032,000	\$25,000	\$11,000
Barge Construction Co. Atlanta, Georgia	\$847,000	\$5,000	\$10,300
CMC Builders, Inc. Lawrenceville, Ga.	\$898,588	No Charge	\$ 8,500

City Manager announced that the low base bid was from Marathon Construction Co. for \$810,000 with alternates bringing the total to \$871,000. He stated

that it was staff's recommendation that the bid be awarded to Marathon Construction Company for the base bid of \$810,000 plus alternate #2 of \$11,000 making total cost of \$821,000. Basinger explained that staff felt the City should forego the use of the amphitheater for the next year and save the \$50,000 for alternate #1. He felt that other areas around the City could be used for certain activities that normally would be at the amphitheater.

Basinger stated that references had been checked on Marathon and that good reports were received.

Basinger asked for consideration of additional funding for this project and referred to recommendation from the City Engineer for the following total project cost:

Recommended Construction Bid	\$821,000
Construction Contingency (7.5%)	\$61,500
Construction Cost	\$882,500
Allowance for fixed equipment Lighting, concession, sound (labor only)	\$100,000
Allowance for Landscaping	\$ 50,000
Allowance for paved parking: 300 spaces at \$520 per space	\$ 156,000

Total Project Cost	\$1,188,500
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Mayor Brown stated that the base bid called for a completion date of 270 days which would be August 27, 1991 and the Alternate #1 would have pushed that date up to June 1, 1991.

Motion was made by Good that the low bid of Marathon Construction Company be accepted at a total of \$821,000. Motion was seconded by McMenamim. Parlontieri stated that he would vote against the awarding of the bid in consideration of the fact that he opposed the reconstruction of the amphitheater.

Mr. Kelly Barge, representing Barge Construction Company, stated that his firm was the second lowest bid at \$847,000 with completion date of June 1st at a premium of \$5,000 making a total of \$852,000. He stated that his base bid, if awarded in the next few days, would have a completion date of near June 1st missing it by only a few days and the \$5000 premium could be saved. Mayor Brown called attention to the fact that even so the entire bid would be approximately \$20,000 over the low bid when alternate two was included.

Motion to award the bid to Marathon Construction Company was approved with Parlontieri voting nay.

Before discussion began on the financing of the Amphitheater project, Councilman Good disclosed that he served on the Board of Directors at one

of the banks that had submitted a proposal for financing the project. He asked the City Attorney for an opinion on whether or not he should participate in the discussion of the financing matter.

City Attorney, Mitch Powell replied that whether or not there was an actual conflict there could be the appearance of one, and the better part of wisdom in this case would be that he abstain from participation. Good stated that, based on the City Attorney's opinion, he would abstain from any participation in the financing of the amphitheater project.

Councilman Parlontieri stated that he would abstain from participation also because he too was a director at one of the banks submitting a proposal.

City Manager Basinger called attention to a memorandum from the Director of Administrative Services regarding the amphitheater financing. He explained that the plan was to use cash on hand of \$538,500 in the Public Improvement Plan and to borrow the remaining \$650,000. He reported that proposals were solicited from nine banking institutions and that three proposals were received. It was the opinion of the city staff and also the City's auditing firm of Price and Geeslin that Peachtree National Bank in Peachtree City presented the most attractive proposal. Their proposal resulted in the lowest total costs based on 61.25 percent of the current prime which is now ten percent. Other banks presenting proposals were: Fayette County Bank in Peachtree City and First National Bank of Atlanta located in Fayetteville, Georgia.

City Manager Basinger reported that interest costs, based on the proposed interest rate, over the two one year loan periods was projected to be \$63,689. He stated that total projected cost for the amphitheater project was \$1,252,189. He stated that staff recommended approving the proposal of Peachtree National Bank for borrowing the \$650,000 at a rate of 61.25 % of the Prime Rate in effect at the time each of the two loans is made. He reported that the insurance settlement funds had been included in the cash on hand monies in answer to question raised by Mr. John Setlock.

Motion was made by McMenamin that the proposal of Peachtree National Bank be accepted as recommended by the City staff and City auditors. Motion was seconded by Brooks. Motion carried with Mayor Brown, McMenamin and Brooks voting aye. Good and Parlontieri abstained.

10-90-5 Surplus Items Sale

City Manager Basinger called attention to a memorandum from the City Purchasing Agent with an attached list of surplus items. He stated that staff wished for Council to declare these items surplus and approve an auction to dispose of the items on Saturday, November 10, 1990.

Basinger explained also that four police vehicles are on order and it was possible that there would be four city vehicles available to sell at the auction. He asked that Council authorize staff to sell the four city vehicles in the worse shape if the new vehicles arrive in time, and if they do not, to authorize staff to offer the four surplus vehicles for a sealed bid sale.

Mayor Brown explained to the public that the list of items was too long to

read and did include at least forty bicycles. He stated that the list would be available in City Hall. Basinger commented that there were items that were taken from the old municipal building included in the sale.

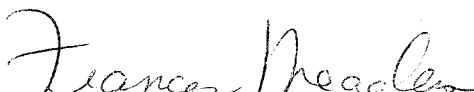
Motion was made by Parlontieri that the list of items submitted by staff be accepted and , in addition, the four vehicles be added as requested. Motion was seconded by Good. Motion carried unanimously. (surplus item list attached)

Motion was made by Mayor Brown that the meeting be recessed to be reconvened in executive session to discuss pending lawsuits. Motion was seconded by Parlontieri. Motion carried unanimously.

Executive Session

Motion was made by Mayor Brown that the City Council follow the recommendation of the City Attorney to finalize the lawsuit of Simon and Justice. Motion was seconded by Parlontieri. Motion carried unanimously.

Motion was made by Mayor Brown that the meeting be adjourned. Motion was seconded by Parlontieri. Motion carried unanimously. The meeting was adjourned at 8 PM.


Frances Meaders
Director of Administrative
Services

 Attest
Mayor