

MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
June 21, 1990

The City Council of Peachtree City met in regular session on Thursday Night, June 21, 1990, at 7 PM in the City Hall Council Chamber.

Mayor Brown called the meeting to order and led those in attendance in the pledge of allegiance.

Those present were: Mayor Frederick Brown, Jr. and Councilmen David Good, Robert Brooks and Rich. Parlontieri.

Mayor Brown explained that the City Council had reviewed resume's and listened to public comments from twelve applicants for City Council and received one written comment making a total of thirteen applicants for Post #2 recently vacated by Sandi Bongiorno. The Mayor made a motion that Ms. Annie McMenamin be appointed to fill the unexpired term of Sandi Bongiorno. Motion was seconded by Good. Motion carried unanimously.

Mayor Brown delivered the oath of office to Ms. McMenamin who then took her seat on the City Council.

Addition of Agenda Items

Motion was made by Mayor Brown that item be added to amend the water conservation resolution to make it in keeping with that of Fayette County. Motion was seconded by Parlontieri. Motion carried unanimously.

Announcements, Awards, Special Recognitions

Mayor Brown presented ten year service pins to librarians Dolly Marvin and Mary Minicucci.

Mayor Brown announced an Open House to be held July 15th from 2 PM to 4 PM for the new City Hall facility. He invited the public to attend and tour the new building.

Department Reports

Mayor Brown called attention to the monthly departmental reports and urged the public to review them from time to time. He announced the population to be 20,975.

Minutes of Meetings

Motion was made by Good that minutes of meetings held April 17, 1990 and May 3, 1990 be approved as published. Motion seconded by Parlontieri. Motion carried unanimously.

Old Agenda Item5-7-90 Employee Evaluation System

City Manager Basinger explained that there had been discussions for some time on changing the employee evaluation system and a proposal from the Personnel Officer was before them. He stated that the system changed the range of evaluation from one through five to a range of one through seven. It was thought this expanded range would better enable the evaluators to more accurately score their employees.

Basinger also pointed out that a new performance appraisal form had been designed. He stated that staff recommended the new system and new form be approved. Motion was made by Good that the new appraisal system and the new form be approved. Motion was seconded by McMenamim. After discussion during which the Council applauded Ms. Miller for perservering with them in working on this change, the motion carried unanimously.

New Agenda Item6-90-1 Funding of Glenloch and Pebblepocket Playground Equipment

City Manager Basinger reported that the Recreation Commission had approved a Master Plan for playgrounds in the city and are working on one for tot lots. He called attention to the list of playground equipment before them which would be used and explained that the first parks to be improved with the new equipment would be Glenloch and Pebblepocket. He explained that funding for these parks was necessary and recommended that \$20,000 in the Neighborhood Parks and Recreation Account be used to fund this project.

After discussion with Marcy Curry, Recreation Director, about the equipment during which she pointed out that the funds would be used to replace existing equipment which was no longer functional, a motion was made by Good that the funding be approved as recommended. Motion seconded by McMenamim. Motion carried unanimously.

6-90-2 Amendments to Alcoholic Beverage Ordinance

City Manager Basinger called attention to a memorandum from Frances Meaders City Clerk, outlining several recommended changes to the alcoholic beverage regulations. He reported that he and the City Clerk and the City Attorney had been working on these changes but recommended that they be considered separately because he realized that members of City Council had concerns about several of them.

The first amendment was to Section 3-2 License Representative. Basinger explained that the ordinance currently requires that if the license is issued to an individual that individual must also be the license representataive and must operate the business. If a corporation, however, obtained a license they were permitted to name a managing employee as the license representative. He stated that staff felt the individual should have that same opportunity and recommended to the ordinance be changed to treat an individual the same as any other applicant.

Motion was made by Parlontieri that staff's recommendation be approved and

the ordinance amendment be adopted. Motion was seconded by Brooks. Motion carried unanimously.

The second recommended change was to Section 3-16. This amendment would require anyone or business providing alcohol to have a city license. He explained that there have been instances where restaurants have been giving away alcohol with meals.

Council questioned the City Attorney on the State's position on this subject and Attorney Mitch Powell stated that it was his opinion that the state considered it illegal to do so.

There was continued discussion with the City Attorney about whether or not this amendment would prevent private companies or groups from having gatherings and giving away alcohol. They also discussed the use of private rooms in a restaurant by private groups. The City Attorney felt private parties would be exempt from this provision. There was more discussion about using a restaurant and it's employees, where the restaurant held a alcoholic beverage license, for private gatherings and whether or not they would be bound by the ordinance. Point was also made about fundraisers where the public is invited to participate and alcohol is given away at those functions. After much discussion, because of the concern about private functions, a motion was made by Brooks that the proposed amendment be rejected with the recommendation that futher work be done on this subject. Motion was seconded by Good. Motion carried unanimously.

The third amendment proposed was to Section 3-17 which would prohibit the practice of "brown bagging" in the City. Basinger explained that State Law did permit this practice but that the staff recommends the City prohibit it. Council asked if there was problem with this happening and Basinger stated that the staff had just found that this was happening in the City and there had been complaints from those holding a city license.

After discussing this amendment Council felt reluctant to approve it as written and asked staff to take another look at this amendment also regarding private gatherings. Mayor Brown expressed concern that this did not pass in some form and felt that the City was treading on dangerous ground in not having certain control over the use of alcohol in those places not holding a city license but permitting the use of "brown bagging". He hoped that staff could refine the amendment to one that would be acceptable to Council. No action was taken on the item.

6-90-3 Amendment to Sign Ordinance regarding Commercial Signs

City Manager Basinger explained that the proposed amendment to the Sign Ordinance recommended by the City Planner is one that would provide a better definition for the potential height of a wall sign in commercial areas. There had been a problem in interpreting the current section when there is fascia or parapet. The amendment would amend Section 5-125 (D) (2) (c). Motion was made by Good that the amendment be adopted as proposed. Motion was seconded by McMenamim. Motion carried unanimously.

6-90-4 Amendment to Fence Ordinance re Chainlink Fencing

Mayor Brown explained that this item was placed on the agenda to clear up

what was considered by former Councilman Jim Savage an administrative error in the fence ordinance. He explained that the Ordinance adopted in 1985 did not pick up certain wording in the minutes that he felt should have been picked up. This wording continued in all future amendments and in February of 1990 a new fence ordinance was adopted which continued with the wording. The section in question was known as Section 5-178 "Wire Fence" and read: Notwithstanding any other requirement of this article, a wire fence, other than that commonly known as chain link, may be used if attached to or made a part of any wooden, stone, brick, wrought iron, or other such non-wire type fencing, where the other type fencing would not provide an adequate barrier to contain pets or animals. It was Mr. Savage's contention, and the minutes confirmed this, that the Council in 1985 removed the restriction and wording "other than that commonly known as chain link" but the ordinance continued with the wording.

Mayor Brown explained that there is a fence in Peachtree City, probably more than one, that has a chainlink fence inside a wooden fence in the front yard setback that now, according to the ordinance adopted in 1990, is illegal. The question now comes up as to whether the City should continue with wording that was in error but adopted in the new ordinance or change the ordinance to what was intended in 1985. Mayor Brown recommended the fence ordinance be revised to permit chainlink fence with vinyl coating be permitted when attached to a small fence in the AR or ER zoning district. The Mayor recommended this change be made.

Discussion followed during which there was objection to changing the ordinance to permit this type fencing only in AR or ER. Good stated that he felt wire fence to control animals, etc. in the back of wooden, stone, etc. was appropriate and he felt vinyl coated chainlink fence in that situation was appropriate and would support changing the ordinance to say that and made a motion that this be done. Mayor Brown asked if chainlink was the only fence that should be vinyl coated and Good stated that was his intent. Motion was seconded by Brooks. Good clarified his motion to intend that "Notwithstanding any other requirement of this ordinance, a wire fence, including vinyl coated chainlink, may be used." McMenamim asked for clarification on the wording "notwithstanding" and Mayor Brown explained that this meant in spite of any other requirement in that particular chapter. City Attorney Powell mentioned that he felt the wording should include wording of "attached to the interior" and Council agreed. Motion carried unanimously.

6-90-5 Above Ground Fuel Storage Tanks

City Manager Basinger explained that the Ordinance before Council would amend the City Ordinance to permit above ground fuel storage tanks and it was staff's recommendation that the ordinance be approved. He felt that this would permit the airport as it is developed to make a decision of whether or not it is in the best interest of the City and the Airport to have above ground storage tanks. Motion was made by Parltonieri that the ordinance be approved. Motion was seconded by Mayor Brown. Motion carried unanimously.

6-90-6 Acceptance of Lake Kedron Bridge Right of Way

Mayor Brown explained that when the bridge over Lake Kedron was built by

Fayette County it was built on County property and the County is now asking that the City accept it as city property. It was his understanding that they had been assured the City would accept the rights of ways when appropriate documentation had been provided. This has now been provided and Mayor Brown made a motion to accept the right of way deeds to the area described in the legal document. Parlontieri seconded the motion for discussion. He asked if the bridge should not be inspected before it was accepted. Good asked what was being accepted and Mayor Brown explained that it was intended that the City accept the bridge, the right of way and the street (Peachtree Parkway). Good asked if this meant acceptance of maintenance and why the city was accepting this. Mayor Brown felt the City had committed to that earlier. Good felt that before action was taken on this subject the minutes should be reviewed to determine what the City had committed to.

Mayor Brown withdrew his motion at this time and stated that the item would be placed on a future agenda when all the facts had been reviewed.

6-90-7 Amendment to Health and Sanitation Ordinance

City Manager Basinger presented an amendment to the Health and Sanitation Ordinance which he felt would better serve the City in taking care of problems with tall grass and weeds on private property. He explained that the current ordinance limits the height of grass to 12" within forty feet of a residence and the amendment would increase that forty feet to any part of the yard or lawn that had been grassed. The ordinance specifically exempted natural areas. The amendment would also provide for the code enforcement officer to cite the owner, tenant property manager or owner's agent in the event of a violation. The current ordinance only permits action against the owner and it has been difficult to locate absentee owners. Basinger also pointed out that the ordinance also provides for the city to correct the problem and then file a lien against the property for the expense involved. He stated that staff recommended these changes be approved.

McManamin asked that the ordinance also include a provision that the person involved be allowed twenty days to pay the cost of the clean up or file an objection to the administrative action.

The City Clerk advised that wording to that effect had been added to the ordinance prior to the meeting and read the wording for the benefit of the council and public. Mayor Brown stated that he supported the change and the ordinance but he felt the final appeal should be to the City Council when all other appeals had been exhausted. Council agreed to both changes.

Motion was made by Parlontieri that the ordinance be adopted as amended. Motion seconded by McManamin. Motion carried unanimously.

6-90-8 ARC Resolution

Mayor Brown explained that for some time the City had been supporting the change for membership from the McIntosh Trail Regional Commission to the Atlanta Regional Commission. Although a Resolution to that effect was adopted some time ago, because of the actions of the General Assembly, it was necessary to ratify that Resolution. He stated that Fayette County had

already done so and were waiting for Peachtree City to take action so that they could file for membership in the ARC.

Motion was made by Mayor Brown that the Resolution supporting membership in the Atlanta Regional Commission be approved. Motion was seconded by Brooks. Motion carried unanimously.

6-90-9 Request for Variance to Fence Ordinance - Heard

Mayor Brown stated that the actions taken earlier regarding the fence ordinance negated the need for a variance in this case. Item was closed.

6-90-10 Water Conservation Resolution

Mayor Brown reported that the City has had the odd/even watering restriction in effect for a number of years and in view of the recent experience of heavy water usage it was necessary to enforce the restrictions.

The Mayor explained that the Resolution before Council was to bring the City restrictions in line with what Fayette County was doing so that they could be enforced uniformly throughout the County.

Motion was made by Mayor Brown that the Resolution be approved. Motion was seconded by Good. Motion carried unanimously.

Mayor Brown congratulated Ms. McMenamim on her participation at the meeting feeling that it was outstanding. He then made a motion that the meeting be recessed to be reconvened in executive session to discuss pending lawsuits of Black, Samples, Justice/Simon and Kelly. Motion was seconded by Brooks. Motion carried unanimously.

Executive Session

No action was taken in executive session and motion was made by Mayor Brown and seconded by Parlontieri that the meeting be adjourned. Motion carried unanimously.



Frances Meaders, City Clerk



Mayor Attest

STATE OF GEORGIA
COUNTY OF FAYETTE
CITY OF PEACHTREE CITY

I, Annie M. McMenamin, do solemnly swear that I will well and truly perform the duties of Councilman by adopting such measures as in my judgement shall be best calculated to promote the general welfare of the inhabitants of Peachtree City and the common interest thereof, so help me God.

Annie M. McMenamin
Signature

Sworn to and subscribed before me
in open Council meeting this
21st day of June, 1990.

Frederick Brown, Jr.

Mayor