

City Council of Peachtree City
Minutes of Meeting
February 19, 1998
7:00 p.m.

The City Council of Peachtree City met in a regular session Thursday, February 19, 1998, at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those attending in the pledge of allegiance. Other council members present were: Carol Fritz, Annie McMenamin, Robert Brooks, and Jim Pace.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox presented the employee of the month award to Darlene Espinosa.

Mayor Lenox assisted the Chairman of the Recreation Commission, Earl Spell, in presenting several awards of recognitions to citizen volunteers.

APPROVAL OF MINUTES

McMenamin made a motion to approve the minutes of February 5, 1998 as presented. Pace seconded the motion. Motion carried unanimously.

McMenamin asked if the Village Store had complied with the condition she placed on their alcohol license at the last meeting. Chief Murray said they had. She also asked the status of the Almi Apartments' landscape plan. Williams said that it was in progress.

NEW AGENDA ITEMS

02-98-11 Consider Change in Voting Precincts

Jane Miller, Director of Administrative Services, explained that the City currently had nine voter precincts for City elections, which were the same precinct locations that the County used in the past for conducting County, State and Federal elections. She said the Fayette County Board of Elections recently changed their precinct boundaries due to growth in the County, and in order to avoid confusion, she recommended that City also change their precinct boundaries to mirror the County's lines as much as possible. She explained the County added three precinct locations in Peachtree City (Kedron Field House, First Baptist Church and Braelinn Baptist Church). She said that the very southern portion of the City was the only area in which the precinct line would differ from the County. She said residents in that area would vote at Starr's Mill High School for County elections and at Braelinn Elementary School for City elections. She explained this was due to the requirement that city elections be held at locations within the City limits and Starr's Mill High School was located in the County.

Miller said the U.S. Justice Department required Council to conduct a public hearing on the proposed changes to the precinct lines and to solicit any comments or objections. She said notice of the hearing had been given and she requested Council to adopt the proposed City precinct boundaries.

Lenox asked if there were any comments from citizens present at the meeting. Hearing no comments, Brooks made a motion to change the election precinct boundaries as submitted by staff. McMenamin seconded the motion. Motion carried unanimously.

02-98-12 Consider Alcohol License - Schlotzsky's Deli

Lenox explained that Schlotzsky's Deli submitted an application for a license to sell beer and wine. Mr. Russell West applied to be the licensee and his wife, Ms. Gloria West, applied to be the license representative.

McMenamin asked if Mr. West was familiar with the alcohol laws. He said he was and would train his employees properly. McMenamin made a motion to approve the alcohol license and appoint Mr. Russell West to be the licensee and Ms. Gloria West to be the license representative. Pace seconded the motion. Motion carried unanimously.

02-98-13 Consider Fire Department Accreditation Program/Position

Basinger said staff had planned on discussing Fire Department Accreditation with Council at the upcoming Retreat but that a Fire Department Accreditation Committee had completed a report and recommended that the City proceed with the process. Basinger said he authorized Chief Reed to pay a \$250 registration fee to initiate the process but there would be future costs associated with obtaining accreditation which could be included in the future operating budget.

Basinger recommended Council authorize staff to continue with the accreditation process and authorize a new staff position to hire an Accreditation Manager. He said Chief Reed felt the position could be filled in-house and would make every effort to fund the position for the rest of the fiscal year out of the 1998 Operating Budget.

McMenamin asked what were the benefits of having an accredited department.

Sam King, Volunteer Assistant Chief, addressed Council and explained that accreditation would provide a means for the Fire Department to evaluate themselves and enhance their

services to the community. King felt it would take several years to complete and that there were enough hours of work to prepare for accreditation and maintain that status to warrant a full time position. King explained that the Fire Department Accreditation Program was a new national program with the first five departments in the nation receiving accreditation in 1997. He said there were 128 departments registered to achieve accreditation at the present time.

Lenox said he was in support of the program. Brooks and Pace were also in support of the program. Brooks made a motion to approve the position of a Fire Department Accreditation Manager with a salary range of \$29,505 - \$41,690 to be filled immediately and to authorize the Fire Department to proceed with the accreditation process. Pace seconded the motion. Motion carried unanimously.

02-98-14 Consider Reclassification of Director of Finance Position to Assistant City Manager Position

Basinger said he hired Joe Morton, the Fayetteville City Manager, as Director of Financial Services. He explained Morton was hired with the understanding that he would ask Council to reclassify the position to Assistant City Manager. Basinger requested Council reclassify the position and establish a grade of 38 with a salary range of \$61,889 to \$87,448.

Basinger felt there were adequate funds in the budget to fund the salary expense for the remainder of the year, and he felt the city would actually be getting at least one and a half jobs done. He said while Morton would be responsible for all the Financial Services Division, he would also be of assuming some of the workload of the City Manager position such as overseeing several other divisions and working on assigned projects. Basinger felt Mr. Morton had exceptional qualifications and was uniquely suited to the position, which he felt was a good investment in the long-term future management of the city.

McMenamin made a motion to approve reclassifying the Director of Financial Services position to Assistance City Manager with a grade of 38 and a salary range of \$61,889 - \$87,448. Brooks seconded the motion. Motion carried unanimously.

02-98-15 Consider Ordinance to Eliminate Smoking in Workplace and Enclosed Public Places

Mayor Lenox explained that a private citizen requested Council consider a proposed ordinance to prohibit smoking in the workplace and enclosed public places. He said Council had also been presented with two other draft ordinances concerning smoking as well as two ordinances passed by other jurisdictions. Lenox explained that none of the ordinances were the same but that all of them tried to resolve a perceived societal problem. Lenox explained that Council's job was to study how others have approached the problem and to listen to input from the community to try and find a balance among the many competing arguments. He said he felt Council's ultimate goal was to reach a decision that was fair, balanced and right for Peachtree City's community.

Lenox said he did not realistically expect to adopt an ordinance that night because he felt Council would be remiss to do so. He said he expected to hear many comments that night and felt those comments should be taken into consideration when preparing an ordinance. Lenox set a two hour time limit for the public discussion and set guidelines for how the meeting would be conducted.

Fred Brown, a former Mayor of Peachtree City, addressed the podium and explained that he was the citizen who initiated the hearing. He felt that it was a health, safety, and welfare issue and that it was government's job to intrude into the rights of individuals to protect them. He used traffic laws and seat belt laws as examples of such intrusion. Brown said there were proven statistics indicating that second hand smoke was just as injurious to the health of individuals as first hand smoke. He felt Council should not adopt a particular ordinance that night but urged them to ban smoking in public places to protect the health of the citizens. Brown felt businesses in Peachtree City would support the ban on smoking but that many business were unwilling to make the decision to ban smoking on their own.

Richard Fehr, Fayette County Environmental Health Official, spoke in favor of banning smoking in public places. He said indoor tobacco smoke was the most serious indoor environmental health risk there was and that over 53,000 people die each year from second hand smoke. He said some of the serious health problems associated with second hand smoke included: cancer, cardiovascular problems, emphysema, upper and lower respiratory difficulties, asthma, bronchitis and ear infections. He gave statistics on how

many residents of Peachtree City would be affected each year by second hand smoke and urged Council to pass an ordinance which would help reduce these illnesses.

Al Gentilini, a resident of Peachtree City, addressed Council in opposition to the ban on smoking. Gentilini felt a ban on smoking would result in a loss of business in Peachtree City and would cause businesses and customers to go to other areas that did not have the restrictions. He said people could choose whether or not to go into establishments that permit smoking and that market forces would help businesses decide whether or not to restrict smoking. He felt strongly that it would be an invasion of personal privacy and it was not a local government's place to deal with the issue. He felt that it should be dealt with on a state or national level.

Kathleen Cheney addressed Council in support of a ban on smoking. She explained that she suffered from cancer and health problems directly associated with second hand smoke. She said she had never smoked tobacco, but that her parents had smoked around her as a child. She said as an adult she worked in an environment that also exposed her to second hand smoke. She felt people had a right to smoke but did not have a right to endanger the lives of others. She said her cancer was an example of the affects of second hand smoke and she explained how expensive medical treatment was. She went on to explain how the cancer affected her life and the lives of her family and she strongly urged council to adopt an ordinance to protect citizens of Peachtree City.

Pat Shiflet, a nurse with the American Cancer Society, addressed Council and said for every 8 people that die each year from smoking, one non-smoker also dies from being exposed to second hand smoke. She said she was also the mother of a child with asthma and that the health of her child is at risk whenever she is exposed to tobacco smoke.

Bill Webster spoke in favor of the ordinance and said if people acted more responsible they would have more freedom, but the problems of second hand smoke would only increase if smokers continued to act irresponsibly.

Dave Donnell, a representative from the Wyndham Peachtree Conference Center, asked Council to consider if their employees would be responsible for enforcing the proposed ordinance and if it would also apply to guest rooms in their hotel. He said the conference center had designated rooms for smokers and also restricted smoking in one of their restaurants. He also asked if the ordinance would restrict smoking in establishments that were restricted to people over the age of 21.

Cathy Cox addressed council in opposition to the ordinance. She said it was redundant and poorly written. She felt it was unnecessary because businesses could choose to restrict smoking without government regulation. She believed many industries and companies already had smoke free policies in place. She said the ordinance was unenforceable as written and if Council passed the ordinance, they would not be making progress, only foolishness.

Another citizen who did not state his name said he felt Council should not take the rights of smokers away just because they were the minority. He hoped Council would use common sense and remember that America was based on equal rights for all people, not just the majority.

Ivey Locket addressed Council in favor of prohibiting smoking in public places. She said smoking tobacco contributed to symptoms of people who had diabetes, which was the fourth leading cause of death in the United States.

Steve Harrelson, a local resident and businesses owner, addressed Council in support of an ordinance. He said many businesses, including his own, did not permit smoking in their establishments.

Nancy Neff, Board of Health member and nurse, was in favor of the ordinance. She was primarily concerned with the effects of second hand smoke on children.

Kevin Cheney, husband of Kathleen Cheney, spoke to Council about the effects of his wife's cancer. He urged Council to pass an ordinance to protect the rights of non-smokers. He recalled an incident at an outdoor baseball game when his wife asked someone to not smoke near her. The person refused to put out the cigarette and said he had a right to smoke if he wanted. A week later Ms. Cheney's doctor noticed that a spot of cancer on Mrs. Cheney's throat had been inflamed by exposure to tobacco smoke. He said many smokers were responsible but that it only took one irresponsible smoker to endanger the health of others.

Ray Self addressed Council and urged them to leave the freedom of choice to the residents and business owners. He said he owned his own business and did not want Council to tell him he could not smoke in his own building.

Frank Hyde spoke in favor of an ordinance to prohibit smoking.

Becky Wallace also addressed Council in support of the ordinance. She said many industries already had smoking policies in place. She felt if an ordinance were passed it would send a message to the youth of Peachtree City. She also felt if they could not smoke in public places, it might discourage them from smoking.

Vivian Conduff asked Council not to pass the ordinance that night. She felt more research needed to be done and suggested the city conduct a poll on the issue.

Robert Kurbis, Fayette County Environmental Health Officer and Safe Kids Representative, said he was in favor of the ordinance. He said he was concerned for the health of his wife and children and did not feel the rights of one smoker should be allowed to interfere with the rights of others to breath clean air.

Lenox called the comments portion of the meeting to a close. He said he felt the ordinance that was presented for consideration was flawed. He agreed with Ms. Conduff's suggestion to conduct a survey of businesses and industries concerning their smoking policies.

McMenamin felt government should intervene only if all other efforts have failed. She said she was a non-smoker but she was against government intervention. She said the citizens had the power to restrict smoking in public places themselves by not patronizing establishments that allowed smoking. She felt the businesses and restaurants would cater to the demand of the general public and she suggested the citizens take their petition to them.

Fritz felt it was a serious health issue and felt the restaurants had already been given the opportunity to address the issue. She felt they had not prohibited smoking because they were afraid of lossing business. She felt designated smoking areas were not effective without a separate ventilation system because the smoke can drift across the room to the non-smoking areas. She felt an ordinance to prohibit smoking would not damage businesses and may actually benefit them. She felt it was Council's responsibility to protect the citizens' health.

Lenox agreed with Fritz and McMenamin. He felt if every non- smoker in Peachtree City would not go into a restaurant that permitted smoking, after sixty days, the restaurants would either have a "No smoking" policy or they would be out of business.

McMenamin said she did not believe it was proper to have a restaurant with a smoking section, but that it should either be a "non-smoking" restaurant or a "smoking" restaurant. She felt if a restaurant allowed smoking, she wanted to know before going in so she would have a choice.

Fritz felt that restaurants could have a separate ventilated room to allow smoking.

Lenox said Council held a public hearing on the issue a few years ago and decided to do nothing. He felt society had evolved and the general public was better off than it had been 10 years ago. Lenox said he would organize a committee to draft an ordinance that considered all the comments received that night. He instructed staff to survey the businesses in Peachtree City to determine their smoking policies and to place a notice in the UPDATE to ensure that all citizens were thoroughly aware of the issue to be considered.

Pace said most citizens who spoke that evening were in favor of an ordinance and believed that most of the general public was also in favor of an ordinance. He felt it was a health, safety and welfare issue. Pace said the state of California passed laws prohibiting smoking in public places and while he knew it was a difficult issue and emotions were high, he felt Council should take some action. He felt that the issue was very similar to drunk driving laws. He said he did believe smoking should be permitted in reasonable places where it did not interfere with the safety of others. He said sitting in a non-smoking section of a restaurant was like sitting in a non-chlorinated area of a swimming pool. He felt something should be put in the ordinance to protect the hotels and convention centers so that out of town guests would not be prohibited from smoking but he also wanted to protect the employees who worked there. Pace felt strongly that Council should either pass an ordinance or put the issue on a ballot and let the citizens decide.

Brooks asked if the City Attorney had reviewed the proposed ordinance. Webb said that he had not thoroughly researched all of the ordinance because he was waiting on direction from City Council. Brooks said he was prepared to make a motion earlier but had waited to hear the comments from the other Council members.

Brooks made a motion for staff to take into consideration all the comments heard that evening and prepare an ordinance by March 31 to be considered for adoption at a public hearing to be held no later than April 16. Pace seconded the motion. Motion carried unanimously.

Webb suggested the proposed ordinance be made available to the general public before the public hearing to give citizens the opportunity to review it. Pace said it was important for the ordinance to be made available to the public and that the committee appointed by the Mayor should consist of citizens with opinions on both sides of the issue.

Lenox made a motion to adjourn the meeting to Executive Session to discuss a legal matter. McMenamin seconded the motion.

Executive Session

No action was taken in executive session.

Nancy Faulkner
Nancy Faulkner, City Clerk

Attest: Robert L. Long
Mayor