

MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
January 17, 1991

The City Council of Peachtree City met in regular session on Thursday Night, January 17, 1991, 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. Council members present were: Mayor Frederick Brown, Jr. and Councilmen Edward Bradford, Annie McMenamin, Robert Brooks and Rich Parlontieri.

Addition of Agenda Items

Motion was made by Bradford that item be added to allow discussion on swimming pool fencing. Motion was seconded by Parlontieri. Motion carried unanimously.

Mayor Brown stated that he would include that discussion with the other fence ordinance proposals scheduled to be discussed with the old agenda item of the Vanderbush variance tabled from last meeting.

Announcements, Awards, Special Recognitions

Mayor Brown announced that a public forum, sponsored by ECO and the Fayette County League of Women Voters concerning the construction of Lake McIntosh and the wetlands issue, was scheduled for January 29th. The forum would be held at the McIntosh High School from 7 PM to 9 PM.

Mayor Brown presented the Employee of the Month Award for December to Claudia Stapleton, Police Department Secretary.

Department Reports

Mayor Brown explained that the monthly departmental reports were available for review in City Hall and encouraged the public to take a look at them from time to time. He reported that the reports this month contain year end data for the year 1990. He reported the population to be 19,778 as of January 1, 1991.

Minutes of Meetings

Mayor Brown called for comments or action on minutes for meetings held November 1, November 15, November 30th and December 6, 1990. Motion was made by Parlontieri that the minutes be approved as submitted. Motion seconded by McMenamin. Motion carried unanimously.
(Note: The second meeting in December was cancelled)

Old Agenda Items

1-91-5 Variance to Fence Ordinance - Vanderbush
(and New Agenda Item)

1-91-8 Amendments to Fence Ordinance/Swimming Pool Ordinance

Mayor Brown explained that at the January 3rd meeting a variance to the fence ordinance requested by Mr. and Mrs. Rick Vanderbush was tabled to allow time for staff to consider changes to the fence ordinance. Since that time a workshop was held by staff to study the current fence ordinance to determine what revisions could be made to bring the fence ordinance in line with the zoning ordinance regarding setbacks and to relax restrictions somewhat regarding corner lots which hopefully would reduce the frequency of variance requests. The Mayor called on Jim Williams, Director of Developmental Services, to explain revisions that staff was recommending.

Mr. Williams explained that he had forwarded recommendations to Council following the workshop meeting on certain revisions that he felt could be made in the fence ordinance that would be in the best interest of all concerned. Since that time he had received additional input from other people, including former Council member Jim Savage, which had resulted in what he felt was a better way of making the revisions. The revised amendments were distributed to Council at this time for their consideration. Mr. Williams presented proposed ordinances to amend the current fence ordinance as follows:

1. Amendment to Article XI, Section 5-174.2 to delete current paragraph (d) and add new sections (d), (e), (f) and (g). to read as follows:
 - (d) No fence in excess of four (4) feet in height shall be installed within the required setback area that adjoins a street right-of-way. In addition, no fence in excess of four (4) feet in height shall be installed within a residential front yard.
 - (e) No fence installed in a residential front yard shall be constructed of any material that restricts the view through such fence by more than 50% of the total barrier as viewed from the street.
 - (f) Except as provided in Section 5-174.1 (g) no fence which is constructed of wire, including chain link fencing, shall be installed between the principal structure on a residential zoning lot and any adjoining street right-of-way.
 - (g) Except in ER Estate Residential, and AR AGricultural zoning districts, no fence permitted in Section 5-174.1 (g) shall be installed in a residential front yard.

Williams summed up the changes by explaining that the revisions basically restricted front yard fencing to four feet, permitted wire fencing only as an integral portion of another type fencing, and restricted wire fencing from front yards except for the large estate and agriculture zoning districts.

The second Ordinance amended Article XI, Section 5-172 by adding new paragraph 5-172.6 to provide a definition of front yard.

The third amendment was to Article XI, Section 5-174.1 (b) to delete the current section and add new section (b) as follows:

- (b) For any zoning lot adjacent to a greenbelt that is required along a collector street, no fence in excess of four (4) feet in height shall be

installed within thirty five (35) feet of the right of way of that collector street.

Williams explained that the third amendment has direct relationship to the variance requested by Mr. and Mrs. Vanderbush who wanted to place a six foot fence along their property line to fence in a swimming pool. The fence ordinance, because their lot bordered a collector road with a greenbelt area, only permitted a four foot fence along the property line. The current ordinance required that the six foot fence be built forty feet from the street right of way. The proposed amendment reduced that setback for a fence in excess of four feet from forty to thirty five feet.

Mr. Williams explained that when a lot adjoins a minor collector street the developer is required to provide a twenty five foot greenbelt along that collector street. This amendment to the fence ordinance would require an additional ten (10) foot setback from the greenbelt for fences in excess of four feet in height. He explained that this would be same setback required by zoning and would eliminate the confusion between the zoning regulation that would permit a structure to be built nearer the property line than a fence would be permitted.

Mr. Vanderbush pointed out that these changes did not change his situation. He felt that this would still be taking someone's property. He pointed out that he still could not place a six foot fence on his property line and he didn't think that was fair to him.

McMenamin stated that she was going along with the proposed amendments to the fence ordinance because it was a compromise but she could still support allowing a six foot fence on the property line for Mr. and Mrs. Vanderbush.

Motion was made by Parlontieri that the amendments to Article XI, Section 5-174.2 (d) (e) (f) (g) be approved as presented by Mr. Williams. Motion was seconded by McMenamin. Motion carried unanimously.

Motion was made by Bradford that the proposed amendment to Article XI, Section 5-172.6 definition of front yard, be approved as presented. Motion was seconded by Brooks. Motion carried unanimously after the amendment was read aloud by Mayor Brown at the request of Mr. John Setlock.

Mayor Brown read aloud the proposed amendment to Article XI, Section 5-174.1 (b) changing the setback requirement for a fence in excess of four feet along a minor collector road from forty feet to thirty five feet. After discussion that this was the ordinance most directly affecting the variance request, a motion was made by Parlontieri that the amendment be approved as presented. Motion was seconded by Mayor Brown. Motion carried with McMenamin voting nay.

Mayor Brown called upon Councilman Bradford to present his proposal for changing the required height of a swimming pool fence from six feet to four feet.

Mr. Bradford stated that, with the help of the city staff, he had done research regarding the height of fences around swimming pools. The research had shown that Peachtree City was the only place in the immediate area requiring more than a four foot high fence around pools. In inquiring to insurance companies it had been found that most require a four foot fence but will go along with the city regulations. Bradford reported that research had also been done regarding safety including obtaining statistics regarding drownings of children in the age bracket the fence regulations are trying to protect. After studying all the information he felt comfortable proposing an amendment to the swimming pool ordinance to only require a fence four feet in height for swimming pools.

Bradford's recommendation was that Section 5-159 be amended by substituting the wording where reference was made to "the fence, gates and doors shall be no less than six feet" to "no less than four feet". Also, the reference to the residence or building included as part of the fence be changed to read no less than "four feet" and that the latch be located within six inches of the top of the fence.

Bradford felt the six foot high fence placed an undue burden on the homeowners, particularly those with corner lots, and he felt the height could be lowered without placaing anyone in jeopardy.

Mayor Brown indicated that he would like to have discussion before any motions were made. Hearing none he called for a motion.

Motion was made by Bradford that Section 5-159 of the Swimming Pool Ordinance be amended to require at least a four foot fence, the building or residence adjoining a fence be no less than four feet and that the latching device shall be at least 42 inches from the ground. Motion was seconded by McMenamin. Mr. John Setlock indicated that he felt the latching device should be measured from the top of the fence rather than from the ground up because of ground slope. Brooks agreed and offered an amendment to the motion that in the case of a four foot fence the latching device be placed on the fence six inches from the top of the fence. The amendment was accepted by the maker of the motion. Jim Savage called attention to the fact that if a four foot high structure could be a portion of the fence for a pool, there could be a problem with a structure such as a dog house being part of the fence. He felt leaving that at six feet might be wise. He did agree with changing the required fence height from six to four pointing out that this would not preclude someone from building a six foot fence if they wanted to and could comply with fence regulations.

Brooks pointed out that when the subject was first brought up his first question was what were the statistics from other bodies that would have applicable information on the subject. He wanted the public to know that data was obtained form the U.S. Consumer Products Safety Commission, Southern Standard Building Code, Georgia Department of Human Resources regarding public pools, Cobb County, Fayette County and the University of Georgia, and input from the local department of risk management. He wanted people to realize that this had been thoroughly researched from the safety

viewpoint and everything received indicated that a four foot fence was what was being required.

City Attorney Powell questioned where the latching device would be for fences in excess of four feet. He pointed out that in the case of a four foot fence the latch would be required to be six inches from the top of the fence. Brooks pointed out that the current ordinance requires a latch to be at least four feet from the ground and , other than for a four foot fence, that was not changed.

Mayor Brown stated that during his time on the Council this subject had been discussed several times. He stated that at one time he advocated that fences not be required around pools, however, when this came up at a public meeting several years ago the public opinion was so strong for fencing that he had changed his mind. He didn't feel that he had heard enough public input from the citizens of Peachtree City regarding this change and he would not support the motion.

Motion to amend the swimming pool ordinance to permit a four foot fence and related changes was approved with Mayor Brown voting nay.

Mayor Brown explained to Mr. Vanderbush that what this did for him was to permit him to place a six foot fence on his setback line or a four foot fence on his property line. The Mayor stated that he personally felt the changes made this evening gave him certain flexibility although it might not be what he wanted. He called on Mr. Vanderbush for anything he wished to say. Mr. Vanderbush had no comments at this time.

Mayor Brown called for action on the variance requested by Mr. Vanderbush.

Motion was made by McMenamim that the variance be approved. Motion was seconded by Brooks. Brooks stated that he supported the amendments made to the fence regulations because he felt they were needed but, in respect to the variance request, he would support it. He did not feel a six foot fence on the property line would be a problem in this case. Brooks felt that he didn't think every circumstance would or could be covered by legislation and he would not philosophically have a problem with allowing variances when he felt they were appropriate for the situation.

Mayor Brown stated that he could not support the variance. He felt that if a variance was warranted there must be something wrong with the city regulations and he didn't agree that there was.

Parlontieri also could not support the variance because he did not think it met the criteria set up in the ordinance for approving a variance. Bradford echoed those sentiments.

Motion to approve the variance failed with Mayor Brown, Parlontieri and Bradford voting nay; McMenamin and Brooks voting aye.

New Agenda Items

1-91-9 Ordinance Prohibiting Heavy Trucks

Basinger explained that the Police Chief had submitted an amendment to Section 19 of the City Code of Ordinances proposing the prohibition of heavy trucks weighing in excess of 6000 on McIntosh Trail from Robinson Road to State Route 74 (encompassing Kelly Drive), unless they were in transit to or from a specific location in that area. He explained that would keep the heavy trucks off Hip Pocket Road. Basinger stated that staff recommended the ordinance amending Section 19-21 be approved as submitted.

Motion was made by Parlontieri that the Ordinance be approved. Motion was seconded by McMenamin. Motion carried unanimously.

1-91-10 Alcoholic Beverage License Amendment - Ranchero

Basinger explained that the licensee for the Ranchero Mexican Restaurant had moved from the County which had necessitated the naming of a license representative for the alcoholic beverage license. The application before them was to approve Ms. Maria Torres as license representative. He stated that the paperwork was in order and Ms. Torres was present for any questions.

Mr. Harold Karp, Attorney for the Ranchero Restaurant, explained the situation and explained that the applicant had been employed at the restaurant for two years and that she understood the city requirements. He stated that although the restaurant had no formal training program, Ms. Torres understood the regulations and had been complying with them as part of the organization. Basinger stated that the Police Chief had indicated that the restaurant had been checked several times and there have been no problems or violations.

After hearing from the Attorney and assurance from the staff regarding the operation of the restaurant, motion was made by Brooks that Ms. Torres be approved as license representative. Motion was seconded by McMenamin. Motion carried unanimously.

1-91-11 Paramedic Positions/Salary

City Manager Basinger called attention to a position paper from Fire Chief Reed pointing out shortages in paramedic /firefighters in the fire department. Basinger explained that it was felt this shortage was brought about by the loss of approximately fifteen volunteer paramedics over the last several years. Also, eight employees had relocated out of Peachtree City which made them ineligible to run as a volunteer with the department. Others had taken second jobs making them unable to respond as a volunteer. Also, few volunteers are training as paramedics because of the stringent requirements of training. Basinger reported that the City had not been able to fill these positions for over a year due to the non-competitive nature of the starting salary.

Basinger reported that staff recommended several actions to remedy the situation. He recommended that council authorize three new paramedic positions with a starting salary of \$22,182. Basinger stated that at the workshop on Monday evening the Council questioned staff whether this salary would be adequate to attract paramedics and staff responded that they hoped it would be but that if it wasn't they would bring the subject to the

Council Retreat in March for further consideration.

Staff also recommended that the salary of the current employee paramedics be adjusted to preclude excessive compression and, finally, staff recommended that the EMS fees be adjusted to offset some of these costs. Basinger reported that there had been no increase in EMS fees since 1987 and submitted the proposed adjusted fees as discussed at the workshop meeting for consideration.

Basinger stated that the annual cost of the staff recommendations for the new positions and salary adjustments was \$96,623. With the effective date of February 1st the cost would be \$60,721 for the remainder of the budget year. He stated that the proposed fee adjustment would generate annually almost \$80,000 and for the remainder of the budget year there would be a net increase in fees of approximately \$31,000. The new expenses less the adjusted revenues would result in a shortfall of \$29,428 and it was staff's recommendation that Council approve transferring that amount from the Reserve Fund. Basinger recommended that the 1991 budget be amended to reflect the cost for the three new paramedic positions of \$52,879 /salary adjustment for current employees of \$7,842 / net increased revenues of \$31,293 and finally a budget amendment to transfer the \$29,428 from the reserve fund.

Mayor Brown asked that the items be taken in order with salary amendments first, the three new positions next, followed by the new fee schedule and last the budget amendment.

Parlontieri stated that they all recognized the gravity of the situation and made a motion that the proposed starting salaries of paramedics be approved as presented. Motion seconded by Brooks. Lt. Frank Murphy, Director of the Peachtree City EMS Service asked to address Council.

Murphy stated that Peachtree City had not met the trend of pay increases. He explained that an attempt had been made to hire paramedics after the last salary increase with no success. He explained that at the last salary increase the starting salary was raised but existing salaries were not which caused great concern among the current paramedics. He felt that the current proposal would cause some compression in salaries and would take away, in some cases, merit increases that some had earned. He pointed out that certain employees had received excellent ratings on evaluations resulting in salary increases but some had not received a good rating on their evaluations. This proposal would bring both salaries in line with one another which he felt was a mistake. He felt the proposal before Council would penalize the current paramedics for stability and longevity. He asked that Council look at the current employees before looking at new positions. He recommended that every number the salary is increased to, the same amount of dollars be given to the existing paramedics. He asked that Council not penalize those that had served the community and made it such a safe environment in which to live.

Lt. Tom Hughey, Training Officer in the Fire Department, and a paramedic, addressed Council. He stated that Council was wasting time in setting the salary at \$22,000. He felt the figure was \$25,000. He reminded Council that they were competing with Counties for a small number of paramedics. He also addressed the compression factor. He felt it was disturbing to

work for thirteen years and only make a few thousand dollars more than the new employee, especially with the added responsibility. He stated that it was almost to the point of not being worth it. Hughey also pointed out the drastic shortage of manpower in the EMS service at this time.

Several other members of the fire department, or family members of fire department employees, addressed Council objecting to the starting salary and the amount of increase for current employees in the plan. There was also mention that there was no increase in the plan for the basic EMS employee.

Brooks commented that at the workshop on Monday Night it was Council who questioned whether the starting salary was appropriate. He felt the conversation had taken somewhat of a confrontational attitude which was not necessary. He was concerned that two of the individuals speaking tonight were at the meeting and did not speak up in this manner at the workshop. He felt that perhaps this specific item should be tabled and have another workshop on the subject. He stated that the feeling being exhibited now did not come across at the workshop.

Lt. Frank Murphy, who attended the workshop, stated that they did not know they were invited to attend the workshop until the last minute.

Parlontieri stated that he too felt this item should be tabled. He was surprised at the attitude at this meeting.

Mayor Brown pointed out that it would be difficult to table this subject and not the other regarding new positions because it would be difficult to advertise for positions and not know what the starting salary would be.

McMenamin agreed with the comments. She too was disappointed that these comments did not come out at the workshop. She was concerned about the shortage of employees and the amount of overtime being required from current employees. She thought that was the most pressing need.

Mayor Brown pointed out that the workshop last week was open to anyone who wanted to attend and that this had been always been City policy. He informed the firefighters that they should not wait for an invitation.

After further discussion a motion was made by Parlontieri that the items regarding new positions and starting salaries be tabled. Motion was seconded by Brooks. Motion carried unanimously.

Fee Schedule

Mayor Brown asked that consideration be given to the fee schedule for the EMS service. City Manager Basinger distributed a paper outlining the proposed EMS fees which were discussed at the Monday Night workshop meeting. He again stated that the Peachtree City EMS fees had not been amended since the service was started in 1987. He explained that they are still lower than others in the surrounding area.

After discussion about the fees and consulting with Lt. Murphy regarding policy regarding transporting patients, a motion was made by Brooks that the fee schedule be accepted as presented. Motion was seconded by

Parlontieri. Motion carried unanimously. Mayor Brown asked that the effective date of the new schedule be February 1, 1991 which was agreeable to Council.

1-91-12 Authorization for Bank Account - Kedron Fees

Basinger called attention to memorandum from Frances Meaders, Director of Administrative Services, requesting authorization to open a new bank account at Peachtree National Bank for Kedron Village Development Fees. Motion was made by Mayor Brown that the bank account be authorized as requested. Motion was seconded by Brooks. Parlontieri asked that research be done prior to opening the account to ensure that best interest was received on deposits. Motion was withdrawn by Mayor Brown and seconder, Councilman Brooks. Meaders requested that authorization be given to open the bank account subject to her assuring that the best interest rate be obtained. Motion was made by Parlontieri that authorization be given for the new bank account subject to research being accomplished to ensure that best interest was paid on deposits. Motion was seconded by McMenemy. Motion carried unanimously.

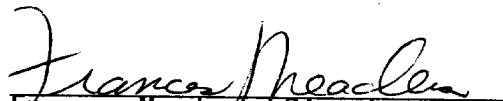
Motion was made by Mayor Brown that meeting be recessed to be reconvened in executive session to discuss pending lawsuits and a personnel matter. Motion seconded by Parlontieri. Motion carried unanimously.

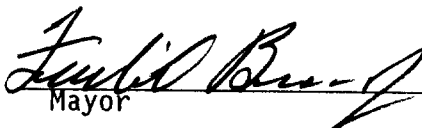
Executive Session

Water and Sewerage Authority Appointments

Motion was made by Mayor Brown that Mr. Gary E. Churchwell be appointed to a five year term on the Water and Sewerage Authority beginning January 1, 1991 and ending December 31, 1995, and that Mr. William E. Williams be appointed as an alternate to fill any vacancy occurring within the next six months on the Authority. Motion was seconded by McMenemy. Motion carried unanimously.

There being no further business motion was made by Mayor Brown that the meeting be adjourned. Motion was seconded by Parlontieri. Motion carried unanimously.


Frances Meaders, Director of
Administrative Services

 Attest
Mayor