

MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
January 4, 1990

The City Council of Peachtree City met in regular session on Thursday Night, January 4, 1990, at 7 PM in the Municipal Building meeting room.

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, Sandi Bongiorno, Robert Brooks and Rich. Parlontieri.

Oath of Office

The oath of office was given to Mayor Frederick Brown, Jr., Councilmen Robert S. Brooks and Richard A. Parlontieri by Wesley Asinof, Judge of the Peachtree City Municipal Court. Copy of the oath of office is attached to the minutes.

Election of Mayor Protem

Motion was made by Parlontieri that Councilman David Good be elected Mayor Protem. Motion was seconded by Bongiorno. Motion carried unanimously. Judge Asinof then issued the oath of office to Mayor Protem, David Good.

Addition of Agenda Items

Mayor Brown made a motion that item be added to consider naming a member to the Water and Sewer Authority. Motion was seconded by Good. Motion carried unanimously. Item 1-90-8

Announcements, Awards, Special Recognitions

Mayor Brown presented a two year service pin to Councilman Richard Parlontieri.

Minutes of Meetings

Motion was made by Parlontieri that the minutes of meetings held November 16, 1989, December 7, 1989 and December 21, 1989 be approved as published. Motion carried unanimously.

Old Agenda Items

12-89-1 Revision to Fence Ordinance

City Manager Basinger reminded everyone that the revisions to the fence ordinance was tabled at the previous meeting after discussion and that the City Planner had incorporated the recommended changes from the previous meeting in the ordinance before Council for consideration. Basinger felt, however, that there were other comments and suggested changes to come from the public at this meeting.

Mayor Brown opened the meeting for comments from the public and Mr. Jim Savage, former member of City Council addressed the Council with several suggestions for revisions to the ordinance.

Savage asked that the wording in the old fence regulation known as Section 5-178 Wire Fence be included in the new ordinance. This section would provide for wire fencing within other type fencing to provide a barrier for animals, children etc. Council agreed that this section should be included and Mayor Brown suggested that Section 174.1 (General Standards) (g) be deleted and the wording for wire fencing from the old ordinance be placed at that location.

Savage pointed out that the old fence ordinance Section 5-176 dealt with a safety triangle which specified a certain distance back from an intersection where a fence could be located so that vision would not be obstructed. He explained that the new ordinance states that the City Engineer would make the determination of whether a fence would obstruct the view. Savage felt that specific verbage should be included in the ordinance rather than leaving this to the engineers opinion.

City Planner, Jim Williams, felt that the new ordinance as written was satisfactory and Savage did not debate the issue.

Savage called attention to the fact that there were no provisions to address another government agency placing fencing on property owned by the other government within the city limits. He used the Falcon Field airport as an example.

Savage stated that he had change in wording to offer to Section 174.4(d) under industrial fencing. He suggested the following verbage be adopted. "No fence in excess of six feet in height shall be installed between the principal structure on a lot and any adjoining street right of way. On a lot with multiple street frontages this restriction would apply on all street frontages". He felt this would be in lieu of the proposed section under the new ordinance.

Savage made a similiar suggestion under commercial standards stating that he felt the amendment should apply to 174.3 (c) and should also apply to residential and industrial fencing. The wording was "no fence which is primarily constructed of wire, including chainlink fencing shall be installed between the principal structure on a lot and any adjoining street right of way. On a lot with multiple street frontages this restriction shall apply on all street frontages."

Savage suggested a similiar reword for 174.2(b) which addressed the height of fencing. The wording was "no fence within a required side or rear yard setback area shall exceed six feet in height; provided however, that due to variations in topography or if the fence contains decorative features such as newels, fenials or scallops it may exceed six feet in height but in no case shall it exceed seven feet in height".

The final suggestion from Savage was 173.4(d) which addressed appeals to a determination of the code enforcement officer. He felt the appeal should go from the code enforcement officer to the zoning administrator and then to the City Council. Mayor Brown stated that he had already made a

suggestion that the section read "a property owner may request a variance as provided in Section 5-175 of this article." The Mayor felt the zoning administrator should not be involved unless it was a zoning variance and the fence ordinance was not a part of zoning.

Mayor Brown suggested that the changes suggested by Mr. Savage be inserted into the fence regulations and Mayor Brown stated that he felt Mr. Williams, the City Planner, concurred with the suggestions.

Mayor Brown had several suggestions under the ordinance. He asked that Section 5-173.4 under enforcement be changed to read "the building official is responsible for the enforcement of this ordinance". He felt leaving the enforcement to a code enforcement officer could cause a problem.

The Mayor also suggested under (b) of that same section the word "code enforcement officer" be deleted and the word "The City" be inserted as to who would notify someone of a violation.

The Mayor asked that under (c) of the same section the wording should be changed to read "the City" as opposed to "the code enforcement officer".

The Mayor asked that Section 5-174.2(d) be changed in wording to remove the wording "chainlink fence" and add wording "wire fencing".

The Mayor recommended that Section 174.1(j) be changed from 30 days to 90 days for repairing a fence that had been damaged or was in disrepair.

Councilman Brooks questioned Section 5-173.3 regarding temporary fencing. He questioned the prohibition of a sign being on a temporary fencing feeling that a warning sign could be needed at that location. City Planner Williams explained that the sign ordinance would not permit a sign on the fence, however, if a sign were needed it could be placed on the ground beside the entrance to a fenced area.

Councilman Good questioned the change to Section 174.1(j) permitting 90 days for the repairing of a fence. He felt the fence could be around a swimming pool and the City would not want to allow 90 days in that case. Mayor Brown felt that in that case the owner would either have to repair the fence immediately or cover the pool, however, Good felt the ordinance should cover any eventuality and this wording could be misleading. Wording was changed to read 90 days for repairs other than fencing required for public safety purposes.

Parlontieri questioned requirement for dog kennel fencing. Williams responded that the ordinance permits the fencing for dog kennels to be either vinyl coated or painted.

City Attorney Powell referred back to 174.1 (j) expressing the opinion that wording should be fencing required for public safety purposes should be repaired immediately.

Hearing no further comments Mayor Brown made a motion that the fence ordinance be adopted as amended at this meeting. Motion seconded by Brooks. Motion carried unanimously.

Mayor Brown expressed appreciation to Mr. Savage for his input.

12-89-2 Insurance Coverage for Public Safety Equipment

City Manager Basinger reported that at the December 21st meeting Council requested information on commercially insuring several pieces of costly fire equipment and EMS equipment. This information was provided by the Personnel Officer, Jane Miller, in memorandum dated December 28, 1989 which Council had been provided. The information provided by Ms. Miller gave estimated cost for insuring nine pieces of equipment for physical damage. The total estimated cost was between \$31,755 and \$47,634. for equipment with an estimated current value of \$635,101. Basinger called attention to a letter from the City Insurance Consultant, Joe Byrd, recommending that the City not purchase commercial insurance on these vehicles but to stay with the self insurance program for them. Basinger stated that he also concurred with that recommendation.

Parlontieri disagreed with the consultant and staff and felt the City should at least insure several of the more costly pieces of equipment. He called attention to the FMC Ladder Truck with a value of \$215,000 and the Pierce Fire Engine valued at \$148,975. Parlontieri stated that he felt the City should have insurance on these pieces of equipment at least.

Good commented that the City did have insurance. He stated that the City had enough insurance in the self insurance fund to cover any of these vehicles and most combinations of the vehicles for total losses. He felt the total loss of all vehicles was not very probable and if the ladder truck was lost there was insurance available to replace it immediately. Good called attention to an article from a risk management publication provided him from staff. He felt the article pointed out the fact that several things could be done with a self insurance program. One was that, if the City realized there was going to possibly be a loss in a lawsuit, funds could be set aside toward that loss for a period of years, because lawsuits did take years to complete. Other funds could then be provided for continuing to funding the program. Another was that if there was a good possibility of a complete loss of all the funds in the program, then at that time it would be wise to consider purchasing insurance coverage. Good commented that it all came down to prudent risk management on the part of the Council, the staff and hiring expert advice which he felt was being obtained through Mr. Byrd. Good felt the equipment was adequately insured by the self insurance program.

Parlontieri pointed out that the City of Marietta was proposing an increase in property tax because of several losses through lawsuits in 1989. He pointed out that the city's fund has a total of approximately \$560,000. He felt the risk was greater with 20,000 people than it was at 10,000 people, which was the approximate population when the program started, and the city's population would continue to increase. He pointed out losses that could be incurred by a current lawsuit and expressed concern that the entire self insurance fund could be wiped out by one loss. He asked how much risk Council felt should be placed on the taxpayer and stated that he was not willing to take that risk on behalf of the citizens. He felt until the fund had several million dollars in it he would not be comfortable.

Bongiorno suggested that out of the nine items on the list only two should

be considered for insurance. Those were the Ladder Truck and Pierce Fire Truck. She felt the others could be covered by the self insurance program.

Parlontieri agreed that only those two items should be considered but he felt they should be insured.

Brooks indicated concern regarding those two pieces of equipment also. He felt to be consistent with the policy of insuring items over \$100,000 the two pieces should be considered for commercial insurance. He felt perhaps the 1988 FMC Fire Engine should also be considered which was valued at \$81,300.

Mayor Brown felt this was reasonable and asked the City Manager to obtain bids on insurance for the two pieces of equipment. He also felt that liability should be considered as had been suggested by the consultant if commercial insurance was purchased. The consultant felt that if liability was not considered a specialty company would have to be considered which would be quite costly. The Mayor suggested that bids be obtained for physical damage only and then with physical damage and liability.

Brooks asked that information be requested regarding liability for the other equipment. Mayor Brown agreed that this could be obtained.

Hearing no further comments Mayor Brown closed the item and stated that the item would be brought back as a new agenda item when bids had been obtained.

New Agenda Items

1-90-1 Designation of Persons Authorized to Sign Checks

Mayor Brown recommended that for the year 1990 the original signature of any two of the following be required on all checks: The Mayor, Mayor Protem, City Manager or City Clerk.

Motion was made by Parlontieri and seconded by Bongiorno that the recommendation be approved. Motion carried unanimously.

1-90-2 Appointment of City Officials and Positions

Mayor Brown read a list of recommended appointments for city officials and positions and asked that they be accepted as a package as opposed to considering them individually. Good asked that they be considered on an individual basis because he had a possible conflict of interest regarding the city depository. Parlontieri made a motion that the appointments be delayed until after the Retreat. Motion was seconded by Bongiorno. Motion carried with Mayor Brown and Good voting nay.

1-90-3 Indemnification Resolution

Mayor Brown explained that for several years the City had operated under the principal that the City Council in the past approved a resolution indemnifying elected officials, appointed officials and city employees from all liability. The Mayor reported that the City Attorney has recommended that each Council adopt this resolution. Mayor Brown made a motion that

the Resolution before Council be adopted. Good asked if this indemnity extended to the members of the various commission members and Attorney Powell stated that it did and covered everyone except independent contractors. Motion carried unanimously.

1-90-4 Appointments to Planning Commission

City Manager Basinger reported that the City Selection Committee had interviewed ten applicants for vacancies on the Planning Commission and recommended the following:

Ms. Caroline Price be reappointed to term of 1/5/90 - 10/1/93
Ms. Carmen S. Gonzales be appointed to term of 1/5/90 - 10/1/93
Mr. William Snow be appointed to term of 1/5/90 - 10/1/91

Mr. Snow was filling the unexpired term of Jim Strickland who moved out of the City.

Motion was made by Parlontieri that the recommendation be approved. Motion seconded by Brooks. Good stated that he participated on the interview committee and was delighted by the number of qualified applicants. He felt these three members were outstanding. Bongiorno stated that she did not participate in the interviews but was impressed by the resumes'. Motion carried unanimously. Ms. Gonzales and Mr. Snow were introduced.

1-90-5 Plaza Easement

City Manager Basinger called attention to the fact that an easement from PCDC would be needed along the east property line of the City Hall site to allow for plaza parking and the installation of flag poles in accordance with the overall plans of the plaza. A copy of a letter from Doug. Mitchell, President of Peachtree City Development Corporation, was provided agreeing to the easement. Basinger indicated that once the actual improvements were completed a survey would be made to precisely define the easement boundaries. A memo from the City Planner indicated that at the same time this was done, the access easement across the City Hall property for PCDC to reach their property would be modified as necessary to reflect the changes caused by the Plaza construction. Basinger explained that the staff wished to obtain City Council approval of the easement for the Plaza. Mayor asked if there were any objections and hearing none instructed staff to proceed.

1-90-6 Ceiling Tiles for Public Service Building

City Manager Basinger reported that prices had been obtained for placing 2 x 2 ceiling tiles in the new public services building as opposed to the 2 x 4 ceiling tiles. The cost was \$3,444 to install the 2 x 2 tiles in the lobby and council chambers and the cost to install them in the entire building would be \$9,705. He explained that the prices were provided by the General Contractor. Basinger reported that there were funds in the interest earnings to pay for this change.

Brooks indicated that he felt a large percentage of the cost for these tiles was due to the hardware cost. He wondered if this change could not be done more cost effectively by changing to the 2 x 4 textured ceiling

tiles which would be more attractive. He was opposed to borrowing funds to upgrade ceiling tiles.

Basinger stated that he felt from an aesthetically point of view the aesthetics would be in the 2 x 2 tiles.

Good stated that he would support the \$3444 additional expense for placing the 2 x 2 ceiling tiles in the lobby and council chambers which were highly publicly used areas. Motion was made by Good that the \$3444 additional funds from interest earnings be approved for the lobby and council chambers 2 x 2 ceiling tiles. Motion was seconded by Bongiorno. Motion carried with Brooks voting nay.

1-90-7 Tandem Roller Bids

City Manager Basinger reported the following bids received for the purchase of a Vibratory Tandem Roller:

Case Power and Equipment	\$19,890.
Trico Equipment Company	25,342.
Peach State Machinery	26,500.
Bi-State Equipment, Inc.	27,200.
Con-Equip, Inc.	29,360.

Basinger explained that the low bidder did not comply with the bid specifications and it was staffs recommendation that the bid be awarded to Peach State Machinery of Doraville at a cost of \$26,500. He explained that this was the third lowest bid which was \$1068. more than the lowest qualified bid. He explained that staff made this recommendation because this was a Bomag BW which met or exceeded the specifications; the higher vibration frequency of the Bomag BW compared to the second low bid , the Dynapac CCl2, increased compaction and provided a smoother pavement surface; the higher centrifugal force of the Bomag compared to the Dynapac increased compaction and the belief that the drum width would increase production.

Motion was made by Mayor Brown that the recommendation to purchase the Bomag BW 120AD from Peach State Machinery Company be approved. Motion was seconded by Parlontieri. Motion carried unanimously.

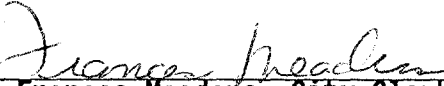
1-90-8 Appointment of Member to Water and Sewerage Authority

Mayor Brown reported that the City Selection Committee composed of the Mayor, City Manager Basinger and Chairman of the Water and Sewer Authority, Cary Evans, interviewed applicants for a position on the Authority. Their recommendation was that Mr. Dan Lakly be reappointed to a term beginning 1/5/90 to expire on 12/31/94. Motion was made by Good that the recommendation be approved. Motion was seconded by Bongiorno. Motion carried unanimously. Mr. Lakly was introduced .

There being no further business Mayor Brown made a motion that the meeting be recessed to be reconvened in executive session to discuss pending lawsuits filed by Black, Justice, Simon, Samples , Kelly and Sego.

Executive Session

No action was taken in executive session and motion was made by Mayor Brown that the meeting be adjourned . Motion was seconded by Bongiorno. Motion carried unanimously. Meeting was adjourned at 8:30 PM.



Frances Meaders, City Clerk



Mayor

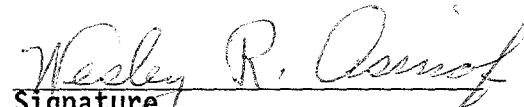
Attest

STATE OF GEORGIA
COUNTY OF FAYETTE
CITY OF PEACHTREE CITY

I, Frederick Brown, Jr., do solemnly swear that I will well and truly perform the duties of Mayor 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.


Signature

Sworn to and subscribed before me
in open Council meeting this
4th day of January, 1990.


Signature

Title

STATE OF GEORGIA
COUNTY OF FAYETTE
CITY OF PEACHTREE CITY

I, DAVID M. GOOD, do solemnly swear that I will well and truly perform the duties of Mayor Protem 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.


Signature

Sworn to and subscribed before me
in open Council meeting this
4th day of January, 1990.


Signature

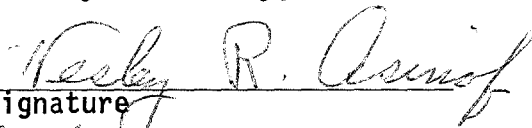
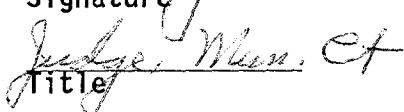
Title

STATE OF GEORGIA
COUNTY OF FAYETTE
CITY OF PEACHTREE CITY

I, Robert S. Brooks, 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.


Signature

Sworn to and subscribed before me
in open Council meeting this
4th day of January, 1990.


Signature

Title

STATE OF GEORGIA
COUNTY OF FAYETTE
CITY OF PEACHTREE CITY

I, Richard A. Parlontieri, 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.

Richard A. Parlontieri
Signature

Sworn to and subscribed before me
in open Council meeting this
4th day of January, 1990.

Wesley R. Osunof
Signature
Judge, Moun. Court
Title

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PEACHTREE CITY REGARDING POTENTIAL
LIABILITY OF CITY ELECTED OFFICIALS,
APPOINTED OFFICIALS AND EMPLOYEES

WHEREAS, the City of Peachtree City is a municipal corporation duly chartered and incorporated by the State of Georgia; and

WHEREAS, as a result of certain decisions by State and Federal Courts, elected and appointed officials and employees of the City may be subject to suits seeking to hold those persons personally liable for damages; and

WHEREAS, the City Council deems it to be in the best interest of the City to indemnify, defend and protect City elected and appointed officials and employees from all liability,

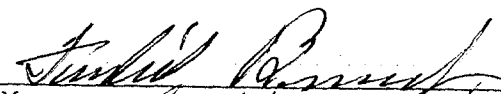
IT IS THEREFORE, RESOLVED THAT:

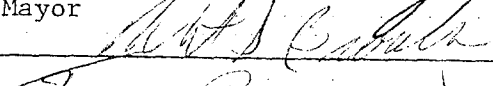
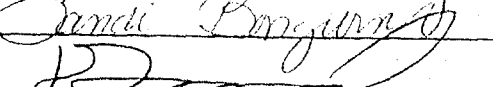
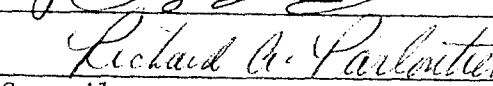
The City of Peachtree City shall indemnify, defend and pay any and all judgments rendered against any city elected or appointed official or employee for any and all suits brought against them for any acts or omissions performed or neglected to be performed by them in the course of their employment, appointment or association with the City.

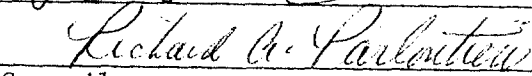
This resolution shall remain in full force and effect until such time as it may be amended or repealed by a subsequent resolution of this City Council.

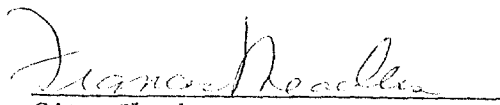
SO RESOLVED, in open session assembled pursuant to law.

This 4th day of January, 1990.


Mayor


Council


City Clerk