

City Council of Peachtree City
Agenda
July 21, 2005
7:00 p.m.

- I Prayer
- II Pledge of Allegiance
- III Announcements, Awards, Special Recognition
 - Remind Attendees to Turn Off Cell Phones
 - Recognize Jason McKinnon for 10 Years of Service
 - Recognize Steve McCook as Employee of the Month
 - Recognize Tami Babb as Supervisor of the Quarter
 - Recognize Fire Department Explorers
 - Recognize Peachtree City State Wars Roller Hockey Players
- IV Minutes
 - June 14, 2005, Workshop Minutes
 - July 7, 2005, Regular Meeting Minutes
- V Consent Agenda
- VI Old Agenda Items
 - 05-05-09 Consider Appointment of Solicitor Pro-Hac
 - 07-05-CA3 Consider Purchase of Surveillance Equipment
 - 07-05-03 Discuss Impact of the Supreme Court Decision on Eminent Domain
- VII New Agenda Items
 - 07-05-06 Consider Request from Development Authority for Funding
 - 07-05-07 Consider Change Orders for Library Addition
 - 07-05-08 Consider Ordinance Regulating Motorized Play Vehicles
 - 07-05-09 Consider Amendment to and Extension of Georgia Power Franchise Agreement
 - 07-05-10 Consider Award of Bid for Flat Creek Cart Path Bridge
 - 07-05-11 Consider Approval of Congestion Relief Accord
 - 07-05-12 Consider Award of Pool Management Contract
 - 07-05-13 Consider Traffic Signal at GA 54/Stevens Entry
- VIII Council/Staff Topics
 - Discuss County Commission Actions Relative to County Library
- IX. Executive Session

This agenda is subject to change at any time up to 24-hours prior to the scheduled meeting.

City of Peachtree City
BUDGET WORKSHOP
Minutes of Meeting
June 14, 2005
6:30 p.m.

The City Council of Peachtree City met in a workshop session on Tuesday, June 14, 2005, at 6.35 p.m. Council Members attending were: Mayor Steve Brown, Steve Rapson, and Judi Rutherford. Stuart Kourajian and Murray Weed were unable to attend due to work commitments. Staff members attending were: City Manager Bernard McMullen, Financial Services Director Paul Salvatore, Assistant City Manager Colin Halterman, Police Chief Jim Murray, Recreation Administrator Sherry McHugh, Public Services Director Tom Corbett, Fire Chief Stony Lohr, Administrative Services Director/City Clerk Jane Miller, Developmental Services Director Clyde Stricklin, System Administrator Matt Robinson, Library Technology and Training Manager Jill Prouty, and Assistant Finance Director Janet Camburn.

McMullen told Council the budget process was slightly different this year than in the past in that this workshop meeting was previously held just with the Mayor. Staff was looking for Council input and was available to answer any questions.

Salvatore gave an overview of the proposed budget. Staff anticipated a 3.4% increase in revenues, about \$802,000 assuming the millage rate remained constant. He explained there would be additional tax revenue from growth in the tax digest due to new growth and reassessments. The surplus carryover of \$1.7 million would be used to balance the budget. He stressed the City would still be in compliance with the cash reserve policy.

Salvatore addressed the funding uses and noted there would be an overall 3.2% increase in the departmental operating budgets. The total 4.16% increase included debt services, transfers to PIP, and general administration. The small departmental operating budget increase was attributed to the scaling back of the General Fund street resurfacing programs due to the SPLOST fund. Overall, the street resurfacing program for FY 2006 was increased by \$375,000. He added that four full-time equivalent staff positions were included – a systems specialist for IT, a full-time children's specialist and a part-time library assistant at the library, a city engineer 1 for Developmental Services, and a part-time staff assistant for Planning that would be made full-time. He said approximately \$3 million was expected from the SPLOST, \$2 million from FY 2006 and \$1 million from FY 2005. The FY 2006 PIP budget was projected at \$2.9 million. Major capital equipment purchases included a rescue pumper and 10 replacement police vehicles.

Salvatore moved to the departmental budget analysis. Under Administrative Services, the City Council budget included a 62.95% increase to cover the bi-annual election costs of \$40,000. The Administrative Services division's budget increased 11.25% overall. Additional changes included moving the court solicitor position (\$61,552) from the Police Department budget to the Court budget and adding the Teen Court (\$10,000). Rutherford asked if there was a better way to carry the election costs in the budget. She asked if the election costs could be split up and carried over so the budget would not have

such a variance every other year Salvatore said the costs could be carried over, but the election costs did not have a big impact on the overall operating expenses. McMullen said the election cost might show as a large increase in the Council budget, but the cost was easily absorbed.

Rutherford asked Robinson about the costs for the upgrade on Microsoft Word. She agreed that the virus software should be updated, but questioned if everyone needed the latest version of Word. Robinson said the City was four years behind on the Microsoft Office software. He said the technical support on the Microsoft program in use would expire next year, so support on the software would expire. Rutherford noted that "Microsoft Word was Microsoft Word," and the City was probably paying for software upgrades that were not being used by everyone. Robinson said there were a variety of documents that came into the City. The latest update would include the latest conversion utilities. Approximately one-fourth of the staff could use the update. He noted that others were unable to open WordPerfect documents. Rutherford directed Robinson to figure out who needed the Word upgrade.

Rutherford noted a line item in the Council budget for the Chamber Roundtable, which was \$600. She said she paid her own cost for the Roundtable. Brown agreed to take out the funds.

Rutherford expressed concern that \$500,000 was carried for staff vacancies and that people might not be hired so the City could meet the staff savings. McMullen said they were not intentionally not hiring people to make up the \$500,000. He said the vacancies ran about five percent of the budget.

Rapson said he had quite a few items he wanted to discuss, but that he would call Salvatore about them rather than take up time during the meeting. Rapson said they should base Council training and Retreat on what was done last year; however, funds would be needed for required training for new Council Members, if elected.

Rapson questioned the "consultant for evaluations" in the Human Resources budget. Miller explained that a consultant was needed to look at the performance evaluations. McMullen said the evaluations were not very quantitative, and help was needed on the performance standards area.

Rutherford said Council needed to address annual golf cart registration. She would like to see a yearly registration, even if it was just a one-time event to get the correct information. Chief Murray said 40-50% of the carts were not correctly registered. Brown suggested there could be an amnesty on the registration fees just to ensure the carts were registered properly. Miller said they asked that owners transfer the registration, but it did not always occur. Rutherford said they needed to do something relatively quickly to ensure the golf cart registrations were correct and up-to-date. McMullen said there were tickets issued for golf carts that were improperly registered.

Chief Murray added that those carts were usually abandoned. Council agreed that something needed to be done.

Rapson suggested that, before the end of the fiscal year, departments purchase some of the office equipment or small tools needs such as file cabinets that could be ordered and received quickly. He said they already had a good idea of the savings carryover so it would be appropriate to go ahead and order those supplies before October 1 to help with FY 2006. Salvatore said that already happened naturally with some of the departments as it got close to the end of the fiscal year. McMullen said that might not help the bottom line. He said the City had a good process and was the first organization he had worked with that did not rush to spend all the money at the end of the year. The next fiscal year's budget was not based on what was spent during the current fiscal year. He said that was a good process and was closer to zero-based budgeting. McMullen said some items were occasionally purchased early, such as the copier for the court office. Rapson said staff should use their discretion for those purchases and should go ahead and purchase smaller items instead of waiting.

Rutherford asked about the new position in IT. Salvatore noted the location of the justification form and the cost of the position. McMullen said there were simply a lot of things the departments needed to get done. IT did not have the staff or time to get everything done. McMullen said once many of the items were implemented that a lot of peoples' jobs would get easier and more efficient. Rutherford asked about the vehicle IT requested. McMullen said IT would re-use an existing police vehicle.

Rutherford questioned the Police Department salaries. She said if the court solicitor position had been moved, then the salary line item should have dropped. She asked if the solicitor had been a separate line item. The overall increase for the Police Department was 1.93%, which Salvatore said was very low. If the position had been left in the Police budget, Salvatore said the Police budget would have increased just over 3%.

Chief Murray said new SWAT vests were in the budget, which were \$1600 each. Rutherford said she wanted to make sure the officers had the equipment they needed and were not waiting on donations to get the equipment.

Rapson pointed out that the EMS budget was still \$1,000 less than the projected revenues. Salvatore said the EMS budget was about at the break-even point. Rutherford said they had discussed a need to increase the Fire Department staff, but there were no new positions in the budget. McMullen said that, in terms of the EMS tax equity issue, they preferred getting through this year and the tax equity discussions first. There was also a question of automatic aid. Rutherford said that the automatic aid question needed to go on an agenda. The City could end up expanding the area it covered, while the County would do nothing for the City. McMullen said that was correct in terms of first responders. Staff was trying to get an estimate on the workload increase and noted that the majority of calls would be medical. The County wanted the City to upgrade all the engines to ALS and respond with fire trucks, when the City responded with an ambulance.

for medical calls. He said there should be conditions to make that favorable. The Fire/EMS budget had an 8.2% increase.

Rutherford noted that the only decrease in the Public Works budget was in the areas where the SPLOST could be used. She asked what the increase would have been if those items had not been moved to the SPLOST. McMullen addressed funding for resurfacing, saying they were looking at spending over \$1.5 million on street resurfacing in FY 2006. Rutherford said they had discussed comparing costs to see if the City saved money by having the County do the paving. She asked if enough had been done to know. McMullen said the City worked closely with the County during the last paving cycle. He said staff felt they had gotten a higher quality than in the past. Staff bid out the resurfacing for another section of Peachtree Parkway, and the bids had come back at significantly higher prices. He said they had gotten the information they needed from the bid process.

Rutherford asked McMullen if the County would have time and the capacity to do the work for the City with the increase in their workload due to the SPLOST. McMullen said he had spoken with Lee Hearn, who had indicated that the County would continue to do the LARP-funded projects for the City. McMullen said they would send out an RFP for the work that would be funded by the SPLOST. The County was to put the RFP together but had not done anything yet. McMullen said he had discussed the possibility of putting projects together with Tyrone. Brown noted that the City would do the carpath repaving in-house.

Brown asked if the City would be on a regular payment schedule on the SPLOST. McMullen said the City had not received any funds yet, but expected to receive a payment in July.

Leisure Services had a 741% increase. Rutherford asked whether the Tourism Association was paying for the July 4th parade. McHugh said the Tourism Association was working on some baseball tournaments and would reimburse the City for the use of the fields. She said Leisure Services had not been asked to plan any festivals by the Tourism Association. Brown asked about the vinyl fencing. McHugh said they still had some of the fencing in stock and would continue to put it up. Brown said the fencing looked a lot better. Rutherford recalled that, in past discussions, the Tourism Association would take over some of the events. She asked if that was the plan. McMullen said the Tourism Association did not pay for the July 4th parade this year, but the Tourism Association would reimburse the City \$200,000 over the year for different events. The money would go back into the General Fund.

McHugh noted that the Recreation budget had been realigned to include all pool maintenance. The pool maintenance line item had been pulled from the Kedron budget and put into the Recreation budget along with the summer pools. She said the cost for Kedron now reflected the real cost to run the facility.

Rutherford asked if the increase in the salaries for The Gathering Place was due to the additional person. McHugh said it was. Rutherford noted that planning money for the senior center expansion was in the FY 2006 budget. She asked if they had looked at rearranging any space at the Nature Center for the seniors. She said the seniors did not want to be in the basement due to the number of steps. Brown said that was a major ordeal for some of the seniors. Rutherford said the seniors would rather use the space on the first floor and suggested asking the Nature Center if they could move their displays to another area. McHugh said they met with Abby Jordan to discuss future uses, but had put the issue on the back burner. The seniors really wanted to be closer to each other. Rutherford said she understood that, but this would be a good temporary space. The first floor space would be ideal once the cabinets were moved.

McHugh briefly discussed expansion plans. Rapson said it would be better to expand the current center than to build another building. McHugh said the Senior Adult Council had polled users to see what the seniors would like in an expansion. Staff needed to look at it from their end before any decisions were made. Rutherford said it was still two years before anything could be done, so they should look at alternative spaces for the interim.

Rapson asked if there was money for staffing and new books in the Library budget. Prouty explained the increases in the Library budget and noted that they had requested the addition of one full-time children's specialist (a parapro position) and one part-time library assistant due to the library expansion. Rapson pointed out that the voters approved the bond issue for the library expansion, and staffing was part of the expansion.

Rutherford asked Stricklin why another engineer was needed. Strickland gave a brief rundown of the workload, plus the work on the stormwater utility. Next year there would be additional projects, as well as the road projects. He said the City was aging and other issues would come up as a result. The projects would not be short-term. Stricklin said it would be better to have an engineer on staff than to hire a consultant for each project.

Rutherford noted the drop in building permits and suggested moving staff from that department into engineering. Stricklin said there had been a drop in single-family permits, but the total number of inspections had increased. Commercial rehabs, residential remodeling, and tenant finishes were making up for the decrease in single-family permits. The total number of inspections continued to increase, and the positions could not be traded. The inspection staff needed to remain the same.

Rutherford asked if the stormwater program would pick up part of the cost of the engineer or if a third engineer would be needed for that program. McMullen said stormwater would be part of the engineer's duties. Public Works was currently doing a lot of the work that would be done by the stormwater utility. Brown said he supported the position as long as there was money to do it. He did not want to fall behind and wanted to keep things on schedule. McMullen said that was a challenge now for engineering department. The Development Services budget request had decreased 0.95% overall.

Rutherford asked if it would be possible to utilize Georgia Tech students for some of the work. Stricklin said that interns had to be closely supervised to get the product that was wanted. Interns were fine for short-term projects, but the City needed someone with qualifications and skills. Rutherford said she was suggesting the interns be used to take care of the minor projects and do the legwork. McMullen said he and Stricklin had discussed that possibility and were looking at bringing in an intern to work on GIS projects. Brown noted that Griffin Tech had a GIS technical program and probably had students who could help. Brown said he supported the position.

Rutherford asked where staff was on garbage pick-up. McMullen said staff was preparing an RFP. Halterman said the RFP should be ready to go out in September. McMullen said they were looking at a franchise based on the advantages, which included a reduction in the number of trucks traveling on the streets.

Salvatore said he was not anticipating an increase in the millage rate for FY 2006, but some were programmed in future years. Rutherford said they needed to look at the City's finances over time so they were not pushing the millage back now and paying for it later. McMullen said the biggest change in the budget, in terms of the SPLOST, was street repaving. He said that the model used for the SPLOST decreased street paving \$300,000 this year, but street repaving would increase every year after FY 2006 until the end of the SPLOST, when it would be even.

Rapson said that the model showed a 15% millage rate increase in 2008, which was misleading. An increase had always been shown over the last few years, but the reality was different from the model assumptions. Rapson said he wanted to look at the model assumptions for future years and make them more accurate. He told Salvatore he knew that Salvatore was trying to show what would happen when the SPLOST was gone. Salvatore added that he was also trying to show what would happen due to the money lost from the LOST distribution, plus putting the \$400,000 back into the Public Works budget. By building up the fund balance higher than it should be, there would be a sinking fund so there would be a zero millage rate increase three years in a row to absorb the hit of the \$1.5 million. Rapson said he did not disagree, but said a layman would only see Council putting off a millage rate increase. He wanted to look at the model and make some adjustments so there would be smaller increases. Salvatore agreed there were a lot of variables.

Salvatore said there was a 2.66% increase in the General Administration (non-departmental) budget, which included general liability insurance, legal services, debt service, and Council Contingency. The current General Fund budget was \$25,585,247. The proposed budget for FY 2006 included a 4.28% increase for a total of \$26,679,296. Rapson asked if \$35,000 would be enough for the Development Authority. Brown said he had spoken with some of the members, who noted they should focus on immediate, dire expenses, not fluff such as partnering with the Fayette County Development Authority on the Christmas luncheon.

Rutherford said, based on past discussions, she was surprised that there were no additional fire positions in the budget. She understood why, but noted that the older the structures became, the older the wiring, the more rehab done by unskilled people, the greater the potential for fires. She was not sure what could be done with the County, but the City's residents needed adequate public safety in spite of the County. The Fire Committee should start meeting again and moving forward. The City's public safety could not sit and wait for the County to do something. Rapson agreed, but said the Police Department also needed more funding. Rutherford noted that the County money specifically dealt with fire, but it could free up money to the money could be used for the Police Department. She might have referred to the Fire Department specifically, but public safety included both fire and police.

Salvatore continued the City's debt policy had been revised, and the threshold had been raised, so financing would be needed only for equipment that cost over \$100,000. Rapson noted that everything over 2006 also drove the models for the debt service.

Salvatore noted that the Public Improvement Program (PIP) for FY 2006 was \$2,974,352 and included Public Services, \$789,808, Leisure Services, \$685,000; Public Safety, \$925,808, and Administration Services, \$273,736. Salvatore also noted that the PIP budget included a proposal to use debt financing for \$2.3 million of capital projects listed in the 5-year PIP (highlighted in yellow).

Salvatore said budget workshops were scheduled August 1 and, if needed, August 15. The public hearing on the budget was scheduled August 18.

There being no further business to discuss, the meeting adjourned at 8.53 p.m.

Jane Miller, City Clerk

Stephen D Brown, Mayor

Pamela Dufresne, Recording Secretary

City Council of Peachtree City
Minutes of Meeting
July 7, 2005
7:00 p.m.

The City Council of Peachtree City met Thursday, July 7, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7 10 p.m. Other Council Members present were: Judi Rutherford, Stuart Kourajian and Murray Weed. Steve Rapson was unable to attend.

Announcements, Awards, Special Recognition

- Member of the *Music Alive Musical Group* performed the *Pledge of Allegiance*
- Mayor Brown recognized the following July 4th Parade Winners:
 - Grand Marshal's Trophy – Mom's In Touch – Elise Shankle
 - Mayor's Trophy – Partner's Pizza – Marilyn Royal
 - Most Creative – CJM Consulting, Inc. – Chuck & Amy MiCallef
 - Most Patriotic – Music Alive – Sandi & Linda Hooper
 - 1st Place Golf Cart – Red Hot Peaches – Anita Vaughn
 - 2nd Place Golf Cart – New Neighbors League – Carol Jensen-Linton

The 3rd Place Golf Cart winner, Smiling Faces Pediatric Dentistry, was unable to attend the meeting to accept the award.

Minutes

Rutherford moved to table the June 14, 2005, workshop minutes. Brown seconded the motion. Motion carried unanimously

Weed moved to approve the June 16, 2005, regular meeting minutes. Kourajian seconded the motion. Motion carried 3-0-1 (Rutherford).

Consent Agenda

1. Consider Acceptance of Federal Fire Grant
2. Consider Amendment to Hotel/Motel Tax Ordinance
3. Consider Award of Bid for Huddleston Pond Gazebo
4. Consider Award of Bid for Natural Gas
5. Consider Award of Bid for City Vehicles
6. Consider Easement Agreement with Fayette County for Weather Warning Siren (Peachtree Parkway/Braelinn Road)
7. Consider Atlanta Gas Line Easement at GA 54/Planterra Way
8. Consider Approval of Letter to Congressional Delegation Opposing Any Changes to Cable Franchising
9. Consider Intergovernmental Agreement with Fayette County Board of Education for Use of Riley Field
10. Consider Correction to Peachtree City Tourism Association By-Laws
11. Consider Purchase of Surveillance Equipment

Rutherford moved to remove consent agenda item #11. Brown advised that a motion was not needed, but that the item would be removed.

Weed said he had not seen any design drawings for the gazebo (consent agenda item #2) and asked Randy Gaddo for clarification on the design. Gaddo said the gazebo looked like the gazebo at Beaver Dam Park, shaped like a hexagon with a green roof and black metal posts. Gaddo clarified for Kourajian that Leisure Lines was the low bidder

Rutherford moved to approve items 1 through 10 on the Consent Agenda. Weed seconded. Motion carried unanimously

Rutherford moved to table Consent Agenda item #11 for further information. Kourajian seconded the motion. Motion carried unanimously

New Agenda Items

07-05-01 Public Hearing – Consider Variance for 1402 Shale Terrace, Wilshire Estates Subdivision

Brown stated, for the record, there was an additional document on the dais from the Wilshire Estates Community, Inc., to M. Todd Tucker, dated May 27, 2004

Applicant Todd Tucker addressed Council and stated there were no trees in the backyard of his residence, they were looking for some relief, and decided to build a pergola. Tucker said prior to building the structure, they had talked to their neighbors and they had all been in favor of the structure. Further, that since applying for the variance, they had obtained ten or twelve positive written responses from their neighbors, who stated the structure added character to the neighborhood and the house. Tucker said when they originally built the house, they had wanted a screened porch on the back, but Centex had advised that, as long as some kind of structure was attached to the house within the setbacks, it was not allowed. However, he asked Centex if he could build a pergola and they said as long as it was not attached to the house, he could do so

Brown asked if anyone else would like to speak in favor of the variance. Having no one else to speak in favor of the variance, Brown asked if anyone would like to speak in opposition to the variance.

City Planner David Rast addressed Council and gave the following history of Wilshire Estates Subdivision. Rast said when the Planning Department was working with Centex on the initial plan for the subdivision, one of the things the Planning Commission wanted to see was preservation of vegetation on the lots. That, with the size of the homes Centex was proposing, and the size of the lots that were designed into the plan, Centex said it would be hard to save trees on the lots. The Planning Commission did get Centex to save some rather large pockets of trees in the midst of the subdivision and between some of the homes, but in some of the areas the topography would not allow the preservation of trees on the properties. The lot that the Tuckers purchased was one of those lots, and was in the last phase of the Wilshire Subdivision. One of the things Centex wanted, and the Planning Commission reluctantly agreed to, was to allow Centex to clear-cut the property to get the drainage working on several lots that backed up to each other

Rast said none-the-less, the property itself had setbacks identified in the zoning. The property was zoned R-12, the minimum rear setback was 30 feet and the foundation survey, which was approved by the Building Official, clearly showed the 30 feet and also showed that the house was not located within the 30 foot setback. When that plan was submitted to the Building Department, it was routed through the City Planner, City Engineer, and the Plans Examiner. Rast said as these plans came in, notes were written on the foundation survey, which goes into the permanent file for the lots so that when either the current owner or future owners come in, the foundation survey would have a tag on it so that certain things would be watched for. In this case, the Plans Examiner did add a note that no structure would be allowed in the setback.

Kourajian asked for clarification of the word *structure*. Rast said the Building Department defined structure as anything that is higher than 30 inches from finished grade. Rast said further that swing sets were allowed as an accessory use and that there were certain items that were allowed within the setback as an accessory use. The Building Department viewed this as a structure because it exceeded the 30 inches in height.

Rutherford asked if that was how the patio got approved because the patio was clearly in the setback, and it was an accessory use and was not more than 30 inches. Rast said yes, that a lot of times patios extended into the rear setback, and the Building Department had been receiving a lot of requests to enclose patios with sunrooms, and people had been told they could do that when they purchased the home, and then they found out they had to apply for a variance.

Rast said further that the Building Department visited the site and found that the structure was already in place and notified the Tuckers they needed to apply for a building permit. Had they come in initially and looked at the foundation survey, it would have been noted that no structures were allowed, and the Building Department would have been able to work with them at that point. Rast said he talked to Tom Carty about the situation to confirm the definition the Building Department used because the pergola was not attached to the home, and would that make a difference in how the Building Department viewed it. In essence, pergola structures are permitted as an accessory use, but based on the width of the rear property line; the maximum size was 125 square feet. Rast said he met with Tucker at his home to look at the pergola, and they initially thought the pergola was 14½ feet wide by 44 feet in length for a total of 638 square feet, which far exceeded the 125 square-foot threshold. Rast said he asked Tucker to go back and look at the pergola and determine exactly how much was within the setback. Rast provided slides of the foundation survey for Council's review, which provided three options he had discussed with the Building Official.

The first option left the entire pergola and trellis intact. Rast stated the overall size of the structure was 498 square feet, with 96 square located outside of the setback, which left 402 square feet within the setback area. Because the allowable size of a structure within the setback cannot exceed 125 square feet, a variance of 277 square feet would be necessary in order to approve this option.

The second option left the pergola and trellis over the patio and along the rear of the home. The overall size of this structure was 278 square feet, with 68 square feet located outside of the setback, which left 210 square feet within the setback area. A variance of 85 square feet was necessary to approve this option.

The third option left the pergola and trellis over the patio, but removed the remainder of the structure. A variance of 85 square feet was necessary to approve this option.

Because the size of the pergola exceeded the accessory use, Planning recommended that it not be approved. Rast said they would be willing to work with the applicant on a number of options depending on what Council suggested.

Kourajian asked if the structure was measured by the roof size or by the post size. Rast said the Building Official interpreted that the dimensions were measured to the inside edge of the post. The Building Official would allow roof overhangs up to one foot to extend into the building setback, and in this case, what needed to be done was that the timbers coming off the edge of the pergola needed to be trimmed so they would not extend more than 12 inches. Brown asked if the variance was for the entire structure. Rast said yes.

Applicant Todd Tucker addressed Council again and stated that he was not trying to bypass the system, his time was limited due to family obligations, and he put the structure up as quickly as possible for his family. Tucker apologized for going ahead without the permit, but said that even if he had applied for the permit, he would still have requested a variance because he did not build it as a decorative piece, but for shade for his family and to provide some energy savings.

Rutherford asked if he paid a builder or if he built the pergola himself. Tucker replied that he had built it himself.

Brown called the public hearing to a close.

Brown told Tucker he had done a nice job, but unfortunately, there were a lot of people who had built something and the quality was there, but that Council could not set a precedent. He pointed out the fact that previous Councils had given so many variances in one particular subdivision in the past, that the zoning laws no longer applied to that subdivision because so many people had been allowed to build in the setback in that particular subdivision, and that residents could now do just about anything they wanted. Brown said further that the Tuckers had a beautiful neighborhood, and they took good care of it, but if the variance were to be granted, he would have to allow it for someone else because there were no extenuating circumstances, which made Tucker's particular property unique as opposed to his neighbors.

Rutherford commented that the variance had to meet three very distinct warrants so that as Councils change, they could not say, well we like this, but we don't like that. This variance did not meet the criteria.

Weed moved to deny the variance because it did not meet the three warrants. He said he did not believe Council could make an honest finding that there was any special circumstance that contributed to their request that was peculiar to Tucker's particular piece of property. Further, that the variance did not meet the second warrant that the situation posed an unnecessary hardship for the applicant in this case. Weed continued that he thought Tucker certainly had not intended, by his actions, to violate the requirements of the ordinance, but since he had not met two out of the three warrants, he would make the motion to deny the variance request. Rutherford seconded the motion. Motion carried unanimously.

Weed told Tucker that this was one of the best applications he had ever seen and that he was really sorry he could not approve the variance request.

07-05-02 Consider Award of Bid for Library Furniture and Fixtures

Leisure Services Director Randy Gaddo addressed Council and stated that staff was requesting approval of the bulk of the new and refurbished furniture and shelving for the Library project from Dekalb Office totaling \$204,817.72. In accordance with purchasing regulations, the City Manager had already approved separate awards to Georgia Institutional, CWC and GSI who had low bids for some of the items in the other categories. In addition, other items had already been purchased totaling \$28,800.00 off of State contracts. Gaddo pointed out that the yellow highlighted numbers on the spreadsheet before Council showed the lowest or the best qualified bids in each of the categories of furniture for each company. Overall, they were well within the budget for the furniture with \$44,900.00 left in that account, most of which would be used for computers, technology and science as the project continued. Gaddo clarified for Rutherford that the computers were supposed to be in that part of the project.

Gaddo said to summarize the process, bid notifications had been mailed to 28 furniture vendors, 11 had attended a mandatory pre-bid meeting, and five qualified vendors submitted full or partial bids. One of the five companies did not have the lowest or the best bid in any of the categories, so a total of four companies shared the bid. Further, there were a few cases where some of the low-bid furniture that was presented as an equivalent was not what was asked for; therefore, they went with the next best price. Seventy percent (70%) of the existing furniture and 100% of the existing shelving was being refurbished and reused, so they had been very frugal. Gaddo clarified for Rutherford that this was for new and refurbished furniture. Gaddo said the process that had been used to select, identify and purchase the best furniture had been difficult and wanted to give credit to Angela Egan and Jill Prouty, who worked very hard and had put in many hours to put this together and make sure the City was getting the best quality, and that the City was getting exactly what was needed in every category. Gaddo said that same process involved the staff, the Library Commission, Leo Daley and the public. Gaddo continued that staff even went as far as having furniture shipped in and everyone tested it to see that it was exactly what was needed.

Rutherford moved to approve the bid from Dekalb Office in the amount of \$204,817.72 for the Library expansion project, and that it would come from the Bond. Kourajian seconded the motion. Motion carried unanimously.

07-05-03 Consider Cancellation of Construction Contract with Fincher Commercial Construction – Satellite Auto Shop

Brown moved to cancel the construction contract with Fincher Commercial Construction for the Satellite Auto Shop. Rutherford seconded the motion. Motion carried unanimously

07-05-04 Discuss Impact of the Supreme Court Decision on Eminent Domain

Rutherford moved to table this item because Council Member Rapson was not present. Weed seconded the motion, and stated that he had a discussion with Council Member Rapson, and he specifically asked Weed to make this motion in case someone else did not. Motion carried unanimously

07-05-5 Consider City Ordinance Adopting State Licensing for Residential and General Contractors

Developmental Services Director Clyde Stricklin addressed Council and stated that the adoption of State licensing for residential and general contractors was something his division had been looking into because there were citizens that wanted the City to adopt some rules for general contractors. Stricklin said just about the time they began looking into it, the State had decided to do it. Stricklin said the State had now established some rules and adopted a State Licensing Board that provided for the licensing of general contractors, both residential, general and light contractors. The State had established a Board that anticipated issuing licenses in the first part of January. An ordinance was attached for Council's review, and it required that contractors provide their license number and identify of their businesses. Stricklin explained further that the ordinance would make it unlawful for the City to issue permits to contractors who did not have licenses, and exempted the owner and any specialty contractors. The enforcement would be done by the Licensing Board and their two divisions through the Superior Court in any particular county, and in this case, it would be Fayette County. The State Licensing Board also requested that the City go through an education program. The City was also asked to look at the bonding capabilities. Stricklin continued, saying staff could not add an additional rule as a part of this ordinance, but could add it to the application form.

Rutherford asked if the State ordinance defined *specialty*. Stricklin said it was very specific as to what the specialty would be, and the contractors would have to be working in their particular specialty. Stricklin said further that people could hire a specialty contractor, and the contractor would not have to be licensed as long as he was working in his particular specialty.

City Attorney Ted Meeker suggested that Paragraph "D" (the enforcement paragraph) be eliminated. Paragraph "D" represented the power given to the Licensing Board under State law, and putting it in the City's ordinance was kind of superfluous. Meeker said he would re-designate Paragraph "E" (education) as Paragraph "D."

Kourajian asked if the City's ordinance was redundant, and what benefit would the City receive if the State already said this was what was going to happen. Kourajian asked what if the City said no. Meeker said he thought there was a current provision that the

City would be amending by this ordinance, and it had some requirements in terms of local regulations.

Rutherford said, as she understood it, the City was bringing their ordinance in line with the State ordinance. Weed said there was no need for the City to have their own penalty provision and did not see why the City needed local regulations on it. Weed asked if the City was going to rely on a State penalty, why did the City need local regulation.

Rutherford moved to table this item until staff clarified the need to have the ordinance. Weed seconded the motion. Motion carried unanimously

Council/Staff Topics

Administrative Services Director/City Clerk Jane Miller gave an update on the medical condition of City Manager Bernard McMullen.

Developmental Services Director Clyde Stricklin provided the following updates:

Georgian Park lights. The City's Consultant, Qk4, has revised the Traffic study to include the traffic that will result from the Target Development and the Study has been forwarded to GDOT for consideration of traffic warrants for the signal.

TDK Boulevard Extension. The Airport authority will be meeting with the appraisers on July 8, 2005 Stricklin said the Airport Authority expected the appraisals 45-60 days from signing the appraisal agreements

Rutherford stated she had asked Stricklin to ensure the Comprehensive Planning Advisory Board receive copies of the Land Use Map, the Zoning Map, and the goals and objectives of the previous Comprehensive Plan.

Salvatore confirmed for Kourajian that the Budget Workshop was scheduled for Monday, August 1, at 6.30 p.m. Salvatore stated staff had incorporated some of Council's suggestions at the last workshop, and that if those who were unable to attend had additional suggestions, he would be happy to receive them.

Rutherford moved to convene in executive session for pending litigation and future acquisition of real estate. Kourajian seconded the motion. Motion carried unanimously
No action taken.

Rutherford moved to reconvene in regular session. Kourajian seconded the motion. Motion carried unanimously

Rutherford moved to authorize the filing of an appeal or other necessary legal action regarding the GRTA decision on the Senoia/Twin Lakes DRI. Kourajian seconded the motion. Motion passed unanimously

Weed moved to deny the claim of Sara Walker, individually and as Administratrix of the Estate of Johnny Walker as such claim was presented. Rutherford seconded the motion. Motion carried unanimously

Rutherford moved to authorize the filing of a lawsuit by the City against the architect on the 1993 library project for the problem that was discovered in the current expansion project. Weed seconded the motion. Motion carried unanimously

There being no further business to discuss, Brown moved to adjourn. Rutherford seconded the motion. Motion carried unanimously The meeting adjourned at 8.45 p.m.

Jane Miller, City Clerk

Stephen D Brown, Mayor

Gloria Reid, Executive Assistant

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
VIA: City Manager 
Assistant City Manager 
FROM: Administrative Services Director / City Clerk 
DATE: July 15, 2005
SUBJECT: Consider Appointment of Solicitor Pro-Hac
July 21, 2005, Council Agenda

Recommendation:

Appoint Mr Christy R. Jindra as Solicitor Pro-Hac.

Discussion.

In May, Council appointed a temporary Solicitor Pro-Hac to serve through July. Council advised staff to prepare a Request for Proposal (RFP) requesting proposals from attorneys who would be interested in serving in this capacity for the City. Staff sent out the Request for Proposal for a Solicitor Pro-Hac and three (3) attorneys submitted proposals. All three had experience in prosecuting cases. Mr Jindra had actually served as the City Solicitor in 2001 and 2002 when he was with the firm that provided city attorney services to the City. Mr Jindra proposed to provide 21 hours pro bono and then charge at a rate of \$71.50 per hour plus expenses with a maximum of \$500 per court. Staff believes this proposal provides the most value for the City. Of the other two attorneys who responded to the RFP, one proposed a rate of \$65.00 per hour and the other attorney proposed a rate of \$100.00 per hour. Copies of the RFP's are attached for your review.

Budget Impact:

Staff anticipates a very slight impact on the budget. This person would only serve as solicitor when the City's solicitor was unable to attend court due to vacation, sick leave, etc.

/jsm

Attachment



Brown, Hooks & Jindra, LLC

Attorneys At Law

June 16, 2005

Ms. Angela R. Egan
Purchasing Agent
151 Willowbend Road
Peachtree City, Georgia 30269

RE. Proposal for Solicitor Pro Hac Position, June 2005

Dear Ms. Egan,

Pursuant to the invitation to bid for City Solicitor dated May 31, 2005, I am submitting my proposal for the Position of Solicitor Pro Hac. I have included an original and two copies.

I am currently a member of Brown, Hooks & Jindra, LLC. We are located on the south side of Peachtree City next to the Planterra Ridge Golf Course. The firm consists of Kevin Hooks, Susan M. Brown and myself. I have included biographical data for each of the members. We have four support staff, online research, and all the services you would expect from an established law firm.

I served as City Solicitor under Rick Lindsey for two years in 2001 and 2002. During that time, I handled all City Solicitor matters and Rick took care of the remaining City work.

Even though my standard hourly rate is \$250 per hour, I am proposing to perform the Solicitor Pro-Hac services pro bono for the first 21 hours (three court days) per year plus expenses. Any time over 21 hours would be billed at \$71.50 per hour (with a maximum of \$500 per day) plus expenses.

Sincerely,

Christy R. Jindra

525 Clubhouse Drive, Suite 120, Peachtree City, Georgia 30269
Telephone: (770) 631 – 3001 Facsimile: (770) 631 – 3548
www.bhj-law.com

Susan M. Brown
Member
Email sbrown@bhj-law.com



Practice Areas: Corporate Law, Labor and Employment; Personal Injury

Admitted 1997, Georgia and U.S. District Court, Northern District of Georgia,
2001, U.S. District Court, Middle District of Georgia

Law School Georgia State University, J D , 1997

College: Georgia State University, B.A., 1990

Member: Fayette County Bar Association, Atlanta Trial Lawyers Association, Georgia Trial Lawyers Association, National Employment Lawyers Association

Biography: Ambassador, Fayette County Chamber of Commerce Member, Frederick Brown Amphitheater Advisory Committee, 2000-

Born Jacksonville, North Carolina, July 6, 1967

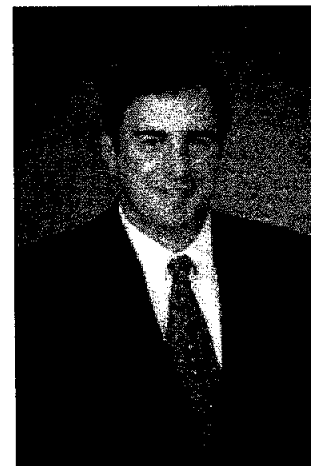
ISLN 912622048

Mrs. Brown's practice includes all aspects of corporate, discrimination and personal injury law. She currently serves as an Ambassador to the Fayette County Chamber of Commerce, working as a mentor to new industry in Fayette County.

Kevin E. Hooks

Member

Email khooks@bhj-law.com



Practice Areas: Corporate Law, Labor and Employment; Personal Injury, Real Estate.

Admitted 1993, Georgia, U.S. District Court, Northern District of Georgia and U.S. Court of Appeals, Eleventh Circuit; 1996, U.S. District Court, Southern District of Georgia and U.S. Court of Appeals, Fourth Circuit

Law School University of Georgia School of Law, J.D., cum laude, 1993

College: Mercer University, B.B.A., General Business, summa cum laude, 1990

Member: State Bar of Georgia, National Employment Lawyers' Association (NELA)

Biography: Sigma Nu Editorial Board Member and Notes Editor, Georgia Law Review, 1992-1993
Author: "Rufo v. Inmates of Suffolk County Modification of Consent Decrees in Institutional Reform Litigation," 26 Ga. L. Rev. 1025, 1992

Reported Cases: Lucas v. W.W. Grainger, Inc., 257 F.3d 1249 (United States Court of Appeals 11th Circuit 2001), BE&K Const. Co. v. National Labor Retention Board, 133 F.3d 1372 (United States Court of Appeals 11th Circuit 1997)

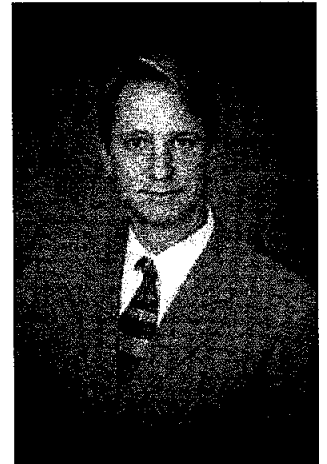
Born: Atlanta, Georgia, February 11, 1968

ISLN 900659544

Kevin E. Hooks was born in Atlanta, Georgia on February 11, 1968. He was raised in Jonesboro, Georgia and graduated from Jonesboro High School in 1986. Mr. Hooks earned his B.B.A. degree in General Business with a concentration in Economics in May of 1990 from Mercer University, summa cum laude. In 1993, he received his J.D. degree, cum laude, from the University of Georgia School of Law. During law school, he was a member of the Editorial Board and a Notes Editor for the Georgia Law Review. He authored "Rufo v. Inmates of Suffolk County Modification of Consent Decrees in Institutional Reform Litigation," which appears at 26 Ga. L. Rev. 1025 (1992).

Mr. Hooks is a member of the State Bar of Georgia, the United States Court of Appeals for the Eleventh Circuit and U.S. District Courts in Georgia and Tennessee. He was a shareholder/partner with Littler Mendelson, a national employment law firm. He has litigated in both federal and state courts in connection with all types of employment and labor disputes, including wrongful discharge claims, claims related to violence in the workplace, and discrimination claims based upon Title VII, the ADA, and the ADEA. Mr. Hooks' counseling experience has involved advising on employee personal policies, workplace violence issues, non-disclosure and non-compete agreements, and workplace privacy issues.

Christy R. Jindra
Member
Email cjindra@bhj-law.com



Practice Areas: Corporate Law, Criminal Law, Personal Injury, Real Estate, Trusts and Estates.

Admitted 1988, Illinois and U.S District Court, Northern District of Illinois, 1991, Georgia and U.S District Court, Northern District of Georgia, 1998, U S Supreme Court

Law School: St. Louis University School of Law, J D , 1988

College: Bradley University, B.S , Political Science, 1985

Member: Fayette County and American Bar Associations, State Bar of Georgia, National Association of Criminal Defense Lawyers.

Biography: Instructor, American Institute of Paralegal Studies, 1988.

Born Oak Park, Illinois, June 24, 1964

ISLN 914058012

Mr Jindra is the Managing Attorney for the firm. He is in charge of keeping the firm's support systems up to date and utilizes his skills to assist in all practice areas. Mr Jindra started his legal career in Illinois where he prosecuted cases for the Cook County States' Attorneys Office in Chicago and is the former Assistant Solicitor for Peachtree City.

LEGAL EXPERIENCE

- **Brown, Hooks & Jindra, LLC - (August 1, 2004 to Present)**
Managing Attorney for 3 attorney, 8 person multi-practice law firm Legal duties included Criminal Defense, Personal Injury, Corporations, Wills & Estates and Real Estate Litigation.
- **Webb, Lindsey & Wade, LLC - (September, 1999 to Present)**
Managing Attorney for 9 attorney, 16 person multi-practice law firm with several offices. Made all managerial decisions regarding system and software purchases and training, human resource functions, and accounting. Legal duties included personal injury matters, Assistant Solicitor for Peachtree City, and Internet related consultation and litigation.
- **Turnkey Computer Solutions, Inc. - (August, 1997 to September 1999)**
Director of Legal Technology Integration Consulted, Implemented and Trained law firms in legal specific computer applications and systems including Windows 95, 98 & NT, Word Processing, Practice Management, Time & Billing, Document Automation and Retrieval, Internet Access and Legal Research in conjunction with Novell and Windows NT Server hardware installations for a company that serviced law firms across the country The program focused on value-added "Turnkey" services and legal specific practice management solutions as well as developed multi-level on-site training program from scratch including training manuals and site specific software customization.
- **The Law Offices of Christy R. Jindra - (November, 1993 to December, 1997)**
Owned and operated several branch law offices in Fayette and Clayton County Practice consisted of a broad range of practice areas including Bankruptcy, Contract, Construction, Corporations, Criminal, Forfeiture, Juvenile, Matrimonial, Personal Injury, and Real Estate Law
- **Assistant State's Attorney Cook County, Illinois - (November, 1989 to April, 1993)**
Responsible for overseeing more than 3,300 cases monthly while supervising and training other lawyers in the second largest prosecutor's office in the country
- **Associate, Bedrava, Lyman & Van Epps, - (November, 1988 to November, 1989)**
Assisted in the operation and management of a mid-sized law firm in DuPage County, Illinois. Duties included maintaining my own caseload, marketing, staff supervision, and software maintenance and review

TEACHING/TRAINING/INTERNET EXPERIENCE

- **Instructor, American Institute of Paralegal Studies - Oak Park, Illinois - (Fall, 1988)**
Taught Family Law to paralegal students in a classroom setting. Prepared all lesson plans and course material based upon core competency requirements set by the Institute.
- **St. Louis University School of Law - St. Louis, Missouri - (Fall, 1987 to Spring, 1988)**
Prepared lesson plans and training materials for federal program designed to replace Social Studies curriculum. Assisted in implementing Missouri's Mandatory Continuing Legal Education Program. Taught Consumer Law at Soldan High School.
- **Web Site Developer - Peachtree City, Georgia - (1999 to present)**
Designed and created all content for current firm web site. Also created and developed web sites for Almost Covered Band, Brownie Troop 254, Fayette County Bar Association. Peachtree City Rotary Club, and Webb, Stuckey & Lindsey, LLC web site.

EDUCATION

<i>St. Louis University School of Law</i>	St. Louis, Missouri	J.D - May, 1988
<i>Bradley University</i>	Peoria, Illinois	B S - May 1985

CERTIFICATIONS AND ASSOCIATIONS

- Licensed attorney all State/Federal Courts in the Northern Districts of Georgia and Illinois
- Member of the American and Georgia State Bar Associations
- National Youth Coaches Association

LEGAL EXPERIENCE

- **Brown, Hooks & Jindra, LLC - (August 1, 2004 to Present)**
Managing Attorney for 3 attorney, 8 person multi-practice law firm Legal duties included Criminal Defense, Personal Injury, Corporations, Wills & Estates and Real Estate Litigation.
- **Webb, Lindsey & Wade, LLC - (September, 1999 to Present)**
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EDUCATION

<i>St. Louis University School of Law</i>	St. Louis, Missouri	J.D - May, 1988
<i>Bradley University</i>	Peoria, Illinois	B S - May, 1985

CERTIFICATIONS AND ASSOCIATIONS

- Licensed attorney all State/Federal Courts in the Northern Districts of Georgia and Illinois
- Member of the American and Georgia State Bar Associations
- National Youth Coaches Association

The Law Office of G. Robert Williams, II

**118 Governor's Square, Suite B
Fayetteville, GA 30215**

Office: 770-486-6590

E-mail: roblaw@bellsouth.net

Fax: 770-486-6450

June 29, 2005

Purchasing Department
151 Willowbend Road
Peachtree City, Georgia 30269

RE: Proposal for Municipal Court Solicitor Pro-Hac.

Dear Ladies and Gentlemen of the City Counsel.

My name is Rob Williams and I would like to be the Municipal Court Solicitor Pro-Hac for the City of Peachtree City. I am prepared to enter into a five (5) month contract for services for August 2005 to December 31, 2005. I am also prepared to commit to a contract extension for an additional three (3) years. The proposed fee for me to appear every Wednesday, to handle the caseload when the current Solicitor is unable to appear in Court, is \$65.00 per hour.

I have nine (9) years of experience in various legal fields. In December of 2004, I opened my solo practice just outside the city limits of Peachtree City because I wanted to work closer to home. Before opening my practice, I spent six (6) years advising police officers and defending police officers in constitutional tort claims. During this time I learned to work closely with police officers and to provide appropriate legal advice. Additionally, I also worked very closely with police while I obtained my undergraduate degree in Criminal Justice.

My experience in Municipal Court criminal law is as follows:

- 1) I have been an assistant municipal court solicitor in Lake City and Hampton. I handled pretrial hearings, motions, pre-trial conferences, negotiated pleas and prosecuted the morning and afternoon calendars including trials.
- 2) I represent private clients who are charged with misdemeanors in municipal court.
- 3) I represent indigent clients who are charged with misdemeanors in municipal court.

- 4) Municipal Court is the court in which I have the majority of my criminal law experience.

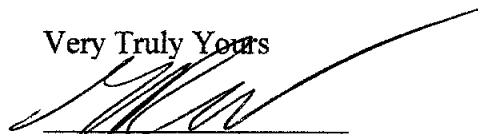
I attended Georgia State University for both my undergraduate degree and my law degree. In college and law school I prepared to be a prosecutor. During undergraduate studies I interned with the Clayton County District Attorney's Office as an intern investigator. During law school I interned with the Fulton County Solicitor's Office.

My family has lived in Peachtree City for the last eight (8) years. I live in the Pinegate subdivision and both my home and my office are ten (10) minutes from City Hall. I am a member of the Peachtree City United Methodist Church. I am also the Chairman of the City of Peachtree City Board of Ethics.

I have the experience and training to be the Solicitor Pro-Hac in Peachtree City Municipal Court. I have done the job in other cities and can do it here. Please consider my proposal and award me the contract.

Thank you for your consideration.

Very Truly Yours


G. Robert Williams, II

The Law Office of G. Robert Williams, II
118 Governor's Square, Suite B
Fayetteville, GA 30215
Office: 770-486-6590
Fax: 770-486-6450

G. Robert Williams, II

EXPERIENCE POINTS

Experience practicing law for nine years

Experience as a Municipal Court Solicitor

Experience representing private clients in Municipal Court

Experience representing indigent clients in Municipal Court

Experience defending and advising police officers for six years

Experience litigating Constitutional Amendments and Statutes

G. Robert Williams, II
118 Governor's Square, Suite B
Fayetteville, Georgia 30215
E-mail: roblaw@bellsouth.net

Office: 770-486-6590

Fax: 770-486-6450

EXPERIENCE:

2004-Present **THE LAW OFFICE OF G. ROBERT WILLIAMS, II** Fayetteville, GA
OWNER, Manage private law practice handling misdemeanor criminal matters, civil litigation, divorce, small business representation, personal injury and employment law

2000-2004 **FINCHER & HECHT, L.L.C., ATTORNEYS AT LAW**, Jonesboro, GA
LITIGATION COORDINATOR Solely responsible for federal litigation caseload as assigned by insurance company
Representation included defense of local government entities including official capacity, municipalities, counties, school districts. Cases included 42 U.S.C.A. § 1983, (First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendment claims), Title VII, the Americans with Disabilities Act and retaliation claims. Assistant Solicitor for the Municipal Court of City of Lake City and for the Municipal Court of the City of Hampton.

1999-2000 **EDGE & KIMBELL, P.C., ATTORNEYS AT LAW**, Peachtree City, GA
ASSOCIATE Performed over 200 residential closings for various lending institutions. Performed research and provided advice to real estate companies and agents.

1996-1999 **FOSTER & FOSTER, P.C., ATTORNEYS AT LAW**, Jonesboro, GA
LITIGATION ASSOCIATE: Represented Clayton County and the City of Riverdale in 42 U.S.C. 1983 and Title VII tort litigation claims. Represented the Department of Family and Children Services in deprivation hearings and termination hearings.

Bar Admissions Georgia State Bar, Georgia Court of Appeals, Georgia Supreme Court
Northern District of Georgia, Middle District of Georgia, 11th Circuit Court of Appeals

EDUCATION:

1993-1996 GEORGIA STATE UNIVERSITY COLLEGE OF LAW, Atlanta, GA
JURIS DOCTORATE (Degree Conferred June 1996).

1986-1992 GEORGIA STATE UNIVERSITY, Atlanta, GA
B.S., CRIMINAL JUSTICE (Degree Conferred March 1992)

SANDERSON LAW, P.C.

CATHERINE SANDERSON
DAMON L. SANDERSON

June 30, 2005

To: Peachtree City
RE: RSP, Municipal Court Solicitor Pro Hac Services
Proposal Opening 3:00 PM, June 30, 2005
Sanderson Law, P C. (Firm making Proposal)

Proposal:

1) Hourly Rate

\$100 / Hour

2) Firm Size

Currently 2 Lawyers

3) Experience in Criminal Law of Primary Lawyer

Damon Sanderson - Assistant District Attorney, Fayette County from Nov 2001 to April 2003 prosecuting various felony cases including cases that arose out of Peachtree City Assistant Solicitor, Fayette County from April 2003-April 2004 prosecuted about half of all misdemeanors in Fayette State Court including many cases that arose in Peachtree City and were transferred over April 2004 - present Defense attorney, defending cases in various courts including State Court and Municipal Court.

Experience of other Attorney - Catherine Sanderson

Catherine has been an attorney since 1998 and has done appointed defense cases since 2004 in State Court and Superior Court in Fayette County

4) Experience in Municipal Court Operations

Extensive Experience in State Court from April 2003 - April 2004 which is run in a very similar manner, with tickets coming in and turning into cases. Additionally, have been working as a "vendor" for past several months as an appointed Defense Attorney for Peachtree City indigent cases. Have developed knowledge of Peachtree City Court procedures and process.

5) Experience in Prosecuting cases in Municipal Court

None, however have prosecuted cases in Superior and State Court. Many State Court cases were actually PTC cases that were

500 Westpark Drive
Suite 230
Peachtree City, GA 30269

Telephone
(770) 632-8660
Facsimile
(770) 632-8661
sandersonlaw.com

transferred over Also State Court cases generally are the same type of cases as Municipal with traffic cases and misdemeanors.

6) Biographical Data of Primary Attorney

Damon Sanderson, Graduate of University of Georgia School of Law (Cum Laude) 2001 Lived in Peachtree City from 1979-1984, then again from 1995-1998, and May 2002 to present. Born in Virginia in 1974 Have a wife and a young child.

7) Proximity of Law Practice to PTC.

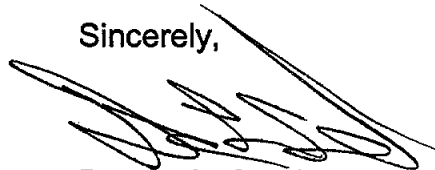
Office is located in the SMC "Commerce Center" building on the corner of Commerce Drive and Westpark Drive in Peachtree City 500 Westpark Drive Suite 230

Sanderson Law, P C Proposes to work as the Solicitor Pro-Hac at the rate of \$100 per hour at such times as the City requires such services from August 2005 to December 2005. Said agreement shall be reopened in December 2005 to continue for three additional years providing both Sanderson Law, P C. and The City approval.

Sanderson Law, P C. Further proposes to continue to defend cases that are appointed by The City as Indigent cases with the criteria already in place for such appointments, and cases where citizens hire Sanderson Law, P C as Defense Counsel, but never to be Solicitor for such cases. Any such cases could simply be continued to dates when the regular solicitor is available.

Further Sanderson Law, P C requests a waiver of any potential conflict to continue to act as Defense Counsel in cases that arise in PTC that are in Municipal Court, State Court or Superior Court and which were not prosecuted in any fashion by Sanderson Law, P C

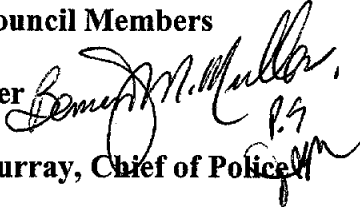
Sincerely,

A handwritten signature in black ink, appearing to read 'Damon L. Sanderson', with a stylized, flowing script.

Damon L. Sanderson

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
VIA: City Manager 
FROM: James V. Murray, Chief of Police
DATE: June 29, 2005
SUBJECT: Police Surveillance Equipment

Recommendation.

It is my recommendation that the Mayor and City Council approve the purchase of surveillance equipment for the purpose of enhancing the investigative capabilities of the Peachtree City Police Department's Criminal Investigations Division. This equipment will be utilized during undercover and covert operations that require the monitoring of the suspects activities and/or officer's conversations.

Discussion.

The goal of this purchase is to increase the surveillance capabilities of the Police Department when conducting thorough undercover operations. The audio recording of persons committing, or plotting to commit criminal acts, is instrumental in documenting and presenting crucial information in a criminal trial. The criminal justice system demands that law enforcement agencies present evidence in a manner that accurately depicts what events occurred. We have already seen evidence of such a need as a result of recent investigations of Child Internet Crimes, drug transactions/buys and the gathering of intelligence information.

As we all know, technology is constantly evolving. The recording capabilities of yesterday are obsolete. Today, audio digital recording is the most desirable. This is because the recording is clearer and is easily transferred from the recording unit to a secondary device such as a laptop computer

The purchase of this equipment includes a body camera, body mics, transmitters, digital recorders and listening equipment, all for the purpose of recording and monitoring criminal activities.

Surveillance equipment vendors to be utilized have been recommended by Federal law enforcement agencies to include, the Federal Bureau of Investigations and the Drug Enforcement Administration. To ensure uniformity and to allow for interaction between our equipment and the Federal agency's equipment, we request this purchase to be sole source. The equipment also has the capability to be programmed to match those of other law enforcement agencies. This will also allow for our officers to utilize other agency's equipment should ours require repairs.

Budget Impact:

The initial budgetary impact to implement the purchase of the surveillance equipment is estimated at twenty-four thousand six hundred and sixty dollars. This figure includes the immediate purchase of equipment and supplies. We anticipate a sufficient savings within the police department's 2005 budget to compensate the additional expense. The purchase will help the confidentiality of our equipment. Surveillance equipment vendors to be utilized have been recommended by Federal law enforcement agencies to include, the Federal Bureau of Investigations and the Drug Enforcement Administration. The equipment currently utilized by the police department is considered obsolete and depended upon, at best, as a backup unit.

Law Enforcement Associates, Inc (LEA)
100 A Hunter Place
Youngsville, NC 27596
877-233-2523 Office
800-308-6105 Fax

QUOTATION

Thursday, June 30, 2005

Peachtree City Police Department
Capt. Claman

I am pleased to provide your department with the following equipment quotation.

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>PRICE</u>
STING	STING Digital M-PEG 2 Digital Video Recorder with Compact Flash	1	\$ 3,950
STG-603	B&W and Color Button Camera with Audio and STING Connector	1	\$ 1,200
96370M	Synthesized Audio Intelligence Receiver with Flash Memory Card Recorder and One Watt Transmitter/Digital Recorder (97172)	2	\$ 6,545 ea.
96379	Gym Bag Repeater, 2 Watts	1	\$ 3,150
95206-1000	Synthesized Tape Measure, 1 Watt	1	\$ 1,595
97118-1000	Synthesized Baseball Cap Transmitter, 1 Watt	1	\$ 1,595
	Shipping		\$ 80
	Quotation Total		\$24,660

When ordering please specify frequencies.

Prices are good for 60 Days.

Delivery: 30 Days Payment: Net 30

This equipment is provided with a full THREE year warranty on parts and labor

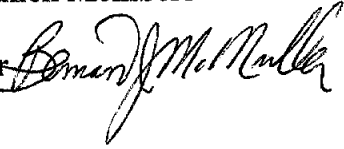
Sincerely,

Ryan P Mitchell
GA Sales Representative

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: City Manager 

DATE: July 1, 2005

SUBJECT: Discuss Impact of Supreme Court Decision on Eminent Domain
July 7, 2005, City Council Meeting

Council Member Rapson requested that a discussion on this subject be added to the July 7, 2005, City Council Meeting Agenda.

An article from the June 30, 2005, issue of the Atlanta Journal-Constitution discussing State reaction to the decision is attached.

BJM/bt

Perdue, legislators vow action on eminent domain

By JAMES SALZER

The Atlanta Journal-Constitution

Published on: 06/30/05

Gov. Sonny Perdue and legislative leaders on Thursday vowed to protect property rights even if it takes a constitutional amendment, but some local officials aren't waiting for the state to act.

DeKalb County CEO Vernon Jones has already filed an ordinance limiting the use of eminent domain in his county, and Cobb County officials this week said they would consider an ordinance if state lawmakers don't do something to limit the government's ability to take land.

"It is absolutely wrong for government to seize property from one private owner and give it to another private owner," said Jones, who said he has received 100-120 e-mails and calls on the issue in the past few days. "I honestly think there is a public outcry. People are scared of the government."

Sen. Don Balfour (R-Snellville), Senate Rules Committee chairman, said he's gotten more e-mails on last week's U.S. Supreme Court ruling on eminent domain than on any other issue since taking office 14 years ago.

"The founding fathers would roll over in their graves thinking about some of these (court) decisions," Balfour said. "Any one of those signers of the Declaration of Independence would have never thought that a government could take a house to build a tavern because the tavern would bring more property value to the city."

Lawmakers and government officials from both parties have been quick to react to last week's U.S. Supreme Court ruling that local governments may force property owners to sell out and make way for private economic development when officials decide it benefits the public.

The case resonates in Georgia, where rapid growth is luring cities, counties and local school systems to be on the lookout for land for schools, roads and other public uses.

Democrats argue that GOP leaders are being hypocrites on the issue, since many Republicans unsuccessfully pushed Senate Bill 5 earlier this year - legislation that critics said would encourage the use of eminent domain to acquire land for economic development projects.

"Considering all of this leadership's previously proposed legislation that does exactly the opposite of what they suggested (Thursday), it's hard not to see the transparency in this," said Lt. Gov. Mark Taylor, a Democrat running for governor next year who supports legislation to counter the Supreme Court action.

Balfour said the fight over Senate Bill 5, which died in committee, made the Senate leadership sensitive to how vulnerable Georgians feel about the government's ability to take their land.

Of that bill, Balfour told reporters, "It's been dead, it's staying dead, and it won't be resurrected."

House Speaker Glenn Richardson (R-Hiram), said, "We do not intend to allow the laws of the state of Georgia to be used to take private property for private development, period."

Perdue said the state constitution already allows the use of eminent domain - the government taking of land - only for public uses, such as government buildings or schools.

However, he added that the new ruling could be used to attack that provision of the constitution.

A Senate committee is looking into fixes, and Perdue has directed his staff to do the same. A proposed constitutional amendment clarifying the use of eminent domain is possible, but the governor said it's too early to tell what actions are needed to preserve property rights.

"This is a kitchen table issue. The people of Georgia want to make sure they can hold onto their kitchen table," he said.

Jones said his DeKalb ordinance would limit the use of eminent domain for public use except in the cases of blighted areas. Eminent domain has been pushed for use in several areas of the country for urban renewal projects.

"We're getting good support for it," said Jones, who added that he has talked to Senate President Pro Tem Eric Johnson (R-Savannah) and U.S. Rep. David Scott (D-Ga) about the issue.

DEVELOPMENT AUTHORITY OF PEACHTREE CITY
151 Willowbend Road, Peachtree City, GA 30269

June 30, 2005

Mayor and Council
Peachtree City City Hall
151 Willowbend Road
Peachtree City, GA 30269

Dear Mayor and Council.

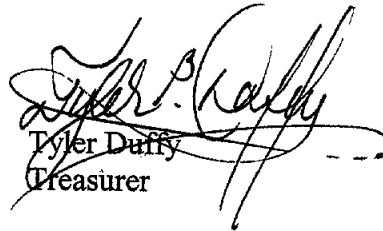
The Development Authority of Peachtree City requests an additional \$6,000 in funding for the remainder of the fiscal year. The request includes \$4,500 for legal, audit, and operating supplies, \$600 for additional legal counsel to support scheduled meetings and executive session, and \$900 to cover costs for the remainder of the fiscal year including recording secretary expenses.

Thank you for your consideration.

Sincerely,



Steve Fraas
Chairman



Tyler Duffy
Treasurer

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
VIA: City Manager *Bernard J. Mulla*
Assistant City Manager *PS*
Finance Director *ye*
Assistant Finance Director *W*

FROM: Director of Leisure Services *RLG*

DATE: July 14, 2005

SUBJECT Consider Change Order #6, Library Construction Contract, Misc. unforeseen sight conditions and owner requested upgrades; and Change Order #7, credits for landscaping & walls/add HVAC pad For July 21, 2005 Council Meeting

Recommendation: That Council approves Change Order Number 6 to the Library Construction/Renovation Contract in an amount of \$15,134 44 for unforeseen site revisions and owner requested changes as detailed below Also that Council approves Change Order Number 7, for a credit of \$10,669 This request is being forwarded to City Council in accordance with terms of the construction agreement, which calls for all change orders to come before City Council for consideration and approval. Attached are validations for both CO's from Leo Daly Senior Construction Administrator Jim Porter

Discussion. CO#6 changes and their associated costs are: Add yard drain in front plaza, \$1,175, Add electrical conduits from power source to plaza for future electrical work, \$2,824, add stainless steel corner guards to interior corners, \$2,225, add damp-proofing to interior wall of 1995 building, \$1,058, waterproof, re-insulate and install drywall to selected walls of the 1987 building, \$5,226; add lintel (steel cross beam) at front of library, \$1570; contractor's fee @ 7.5%, \$1,056 **Total CO#6: \$15,134**

CO# 7 credits are: Reduction of the landscape design as requested by the city, \$5,017, and return of remaining contingency from wall replacement in the 1995 addition, \$9,766. Additional charge in CO#7 is. addition of an extended maintenance pad to provide easier and safer access to HVAC equipment in the rear of the building, \$4,114 **Total Credit of CO#7 is: \$10,669.**

Budget Impact: The contingency balance for this project is currently \$96,364 Approval of change orders #6 and #7 will leave the contingency at \$91,899

LEO A DALY

June 16, 2005

PLANNING

ARCHITECTURE

ENGINEERING

INTERIORS



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OMAHA

PHOENIX

SAN ANTONIO

WACO

WASHINGTON, DC

Mr. Randy L. Gaddo, Director of Leisure Services
CITY OF PEACHTREE CITY
191 McIntosh Trail
Peachtree City, Georgia 30269

RE. Peachtree City Library – Change Order Number 6

Dear Randy,

Leo A. Daly is in receipt of the final revised contractors proposed change order number 006 for the above referenced project.

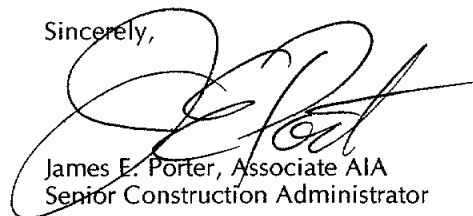
We have reviewed all of the related documents of this proposed change order with our in-house architecture and engineering staff. These reviews included several on-site meetings with the contractor and with the City of Peachtree City.

We have revised the scope of this proposed change order several times to have the best possible value for the City for the proposed changes of the documents due to the unforeseen site conditions and the owner requested upgrades. Please refer to the attached Construction Change Directive, Number 7 dated May 19, 2005 for specific information and the contractors supporting data for this change.

We find all items correct as to nature and cost and therefore recommend acceptance of this proposed change by the City of Peachtree City.

If any questions, please contact me.

Sincerely,



James E. Porter, Associate AIA
Senior Construction Administrator

Cc. Ron Hughes, Leslie Contracting, Inc.



Tuesday, June 07, 2005

Mr Jim Porter
Leo A Daly Company
1170 Peachtree Street NE, Suite 1600
Atlanta, GA 30309-3602

*Change Order # 6
(1 of 2)*

RE. Potential Change Order # 009

Additions & Renovations Peachtree City Library- 04-619

Dear Mr Porter

This letter is to provide official notification of a potential project change as follows:

PCO Number: 009
Date: 07-Jun-05
Description: Architects Change Directive 007
Proposed Amt: \$13,446.00
Days Requested: 0
Reference:
Notes: Misc. Changes per Architects Change Directive 007

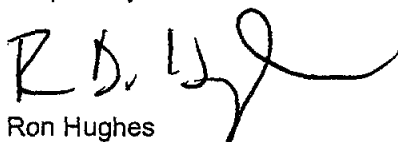
This PCO is comprised of the following items:

Item Number	Description	Proposed Amt	Contractor
001	Add yard drain at front	\$1,175.00	
002	Add electrical conduits	\$2,824.00	
003	Add 45 stainless steel corner guards	\$2,225.00	
004	Add Dampproofing to interior of wall in 1987 building	\$1,058.00	
005	Add Z-furring / foam bead board / gyp to exterior walls of 1987 building	\$5,226.00	
006	Delete cellphone booth at column line F-6 and increase size of two remaining booths	\$0.00	
007	GC FEE @ 7.5%	\$938.00	

Total:\$13,446.00

If you have any questions, please contact the undersigned at 770-560-6766 as soon as possible.

Respectfully


Ron Hughes

*OK
JCH*

205 JEFF DAVIS PLACE, FAYETTEVILLE, GA 30214
PHONE: (770) 460-7400, FAX: (770) 460-0478

WWW.LESLIECONTRACTING.COM



Tuesday May 31, 2005

Mr Jim Porter
Leo A Daly Company
1170 Peachtree Street NE, Suite 1600
Atlanta, GA 30309-3602

*Change Order # 6
(2 of 2)*

RE: Potential Change Order # 008
Additions & Renovations Peachtree City Library- 04-619

Dear Mr Porter

This letter is to provide official notification of a potential project change as follows:

PCO Number: 008
Date: 31-May-05
Description: Add Hanging Lintle at Entry
Proposed Amt: \$1,688.00
Days Requested: 0
Reference:
Notes: Add Hanging Lintle at Entry that was not shown on Structural Drawings

This PCO is comprised of the following items:

Item Number	Description	Proposed Amt	Contractor
001	Material & Installation Hanging Lintle	\$1,570.00	
002	GC FEE at 7.5 %	\$118.00	

Total:\$1,688.00

If you have any questions, please contact the undersigned at 770-560-6773 as soon as possible.

Respectfully

A handwritten signature in black ink, appearing to read "R. Hughes", with a long horizontal flourish extending to the right.
Ron Hughes

LEO A DALY

July 13, 2005

Mr. Randy L. Gaddo, Director of Leisure Services
CITY OF PEACHTREE CITY
191 McIntosh Trail
Peachtree City, Georgia 30269

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PHOENIX
SAN ANTONIO
WACO
WASHINGTON, DC

RE. Peachtree City Library – Change Order Number 7

Dear Randy,

Leo A. Daly is in receipt of the final revised contractors proposed change order number 007 for the above referenced project.

We have reviewed all of the related documents of this proposed change order with our in-house architecture and engineering staff. These reviews included several on-site meetings with the contractor, and with the City of Peachtree City.

The specific items covered by the change order are as follows:

1. Reduction of the landscape design as requested by the City of Peachtree City. This has resulted in a credit to the contract of \$5,017.00. Please be advised that further revisions to the landscape design, (adding mulch on sloped areas) have recently been received and are currently under pricing by the contractor. However, LEO A DALY recommends approval of this change order at this time to allow the landscaping materials to be ordered and delivered in compliance with the schedule of completion. TOTAL CREDIT \$5,017.00
2. Return of the owners contingency provided for in previous change order for the replacement of the existing concrete block wall. Some unforeseen conditions discovered during the removal and replacement of the existing wall did result in the expenditure of materials and labor to complete the replacement of the existing wall in compliance with current construction standards and codes. These included replacement of roof edge nailers, (material and labor), and steel lintel replacement above existing window and door openings. The total contingency provided for in the previous change order was \$13,057. The added costs for the wall replacement as shown on the attached proposed change order, with appropriate credit for the reduction in the General Contractors fee was \$4,569. TOTAL CREDIT \$9,766.00
3. Adding a housekeeping and maintenance pad and retaining wall at the new Heating, Venting and Air Conditioning equipment area at the rear of the project. This was required to provide a platform for required maintenance of the new equipment adjacent to the fence area at the communication tower. TOTAL ADD \$4,114

The total credit for this change order is \$10,669.00. We find all items to be correct and therefore recommend acceptance of this change order Number 7 by the City of Peachtree City.

If any questions, please contact me.

Sincerely,


James E. Porter, Associate AIA
Senior Construction Administrator

Cc: Ron Hughes, Leslie Contracting, Inc.

PROSCENIUM, SUITE 1600
1170 PEACHTREE STREET N.E.
ATLANTA, GA 30309-7674
TEL 404.874.8333
FAX 404.874.8330
www.leoadaly.com



Tuesday, July 05, 2005

Mr. Jim Porter
Leo A Daly Company
1170 Peachtree Street NE, Suite 1600
Atlanta, GA 30309-3602

Change Order # 7
(1 of 3)

RE: Potential Change Order # 010

Additions & Renovations Peachtree City Library- 04-619

Dear Mr. Porter

This letter is to provide official notification of a potential project change as follows:

PCO Number: 010
Date: 05-Jul-05
Description: Final Landscape/Hardscape Plan
Proposed Amt: (\$5,017.00)
Days Requested: 0
Reference:
Notes: Final Landscape / Hardscape Plan

This PCO is comprised of the following items:

Item Number	Description	Proposed Amt	Contractor
002	Original Grassing Value	(\$1,260.00)	
003	Final Landscape/Irrigation Pricing	\$37,341.00	
001	Original Landscape / Irrigation Value	(\$41,098.00)	

* Total:(\$5,017.00)

If you have any questions, please contact the undersigned at 770-560-6766 as soon as possible.

Respectfully

Ron Hughes

* SHREDDED RED OAK MULCH IS NOT
INCLUDED IN THIS PCO.
WE ARE CURRENTLY PRICING REVISED DWG.
FOR COMBINATION OF SHREDDED RED OAK AND
LOVE GRASS.

ACCEPTED

9-7-05
J. O. 1.0

205 JEFF DAVIS PLACE, FAYETTEVILLE, GA 30214

PHONE: (770) 460-7400, FAX: (770) 460-0478

WWW.LESLIECONTRACTING.COM

Tuesday, July 12, 2005

Mr Jim Porter
Leo A Daly Company
1170 Peachtree Street NE, Suite 1600
Atlanta, GA 30309-3602



*Change Order # 7
(2 of 3)*

RE: Potential Change Order # 012

Additions & Renovations Peachtree City Library- 04-619

Dear Mr Porter

This letter is to provide official notification of a potential project change as follows:

PCO Number: 012
Date: 05-Jul-05
Description: Resolution of Owners Contingency
Proposed Amt: (\$9,766.00)
Days Requested: 0
Reference:
Notes: Resolution of Owners Contingency related to Change Order No.5

This PCO is comprised of the following items:

Item Number	Description	Proposed Amt	Contractor
001	Value of Owners Contingency	(\$13,057.00)	
002	Roof Nailers Material	\$1,448.00	
003	Roof Nailers Labor	\$1,842.00	
004	Steel Lintel Replacement	\$640.00	
005	Credit G C Fee on contingency	(\$639.00)	

Total :(\$9,766.00)

If you have any questions, please contact the undersigned at 770-560-6766 as soon as possible.

Respectfully

A handwritten signature in black ink, appearing to read "R.D. Hughes", with a long, sweeping horizontal line extending to the right.

Ron Hughes

205 JEFF DAVIS PLACE, FAYETTEVILLE, GA 30214

PHONE: (770) 460-7400, FAX: (770) 460-0478

WWW.LESLIECONTRACTING.COM

Wednesday, July 13, 2005

Mr Jim Porter
Leo A Daly Company
1170 Peachtree Street NE, Suite 1600
Atlanta, GA 30309-3602



Change Order # 7
(3 of 3)

RE: Potential Change Order # 014

Additions & Renovations Peachtree City Library- 04-619

Dear Mr Porter

This letter is to provide official notification of a potential project change as follows:

PCO Number: 014
Date: 13-Jul-05
Description: Modifications to HVAC pad area
Proposed Amt: \$4 114.00
Days Requested: 0
Reference:
Notes: Modify area around new HVAC pad to eliminate fall hazard

This PCO is comprised of the following items:

Item Number	Description	Proposed Amt	Contractor
001	Add crosstie retaining wall	\$3,245.00	
002	Remove and reinstall existing fence	\$600.00	
003	GC Fee @ 7%	\$269.00	

Total: \$4 114.00

If you have any questions, please contact the undersigned at 770-560-6766 as soon as possible.

Respectfully,

A handwritten signature in black ink, appearing to read "R. Hughes", followed by a long horizontal flourish.

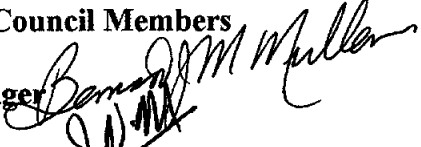
Ron Hughes

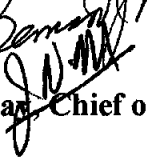
* ADDITIONAL DIRT PLACEMENT AND COMPACTION
TO BE QUANTIFIED AND PRICED AT LATER DATE.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: James V. Murray, Chief of Police 

DATE: June 29, 2005

SUBJECT: Amended Ordinance Relating to the Use and Sale of Motorized Play Vehicles
Section 78
(July 21st, 2005) City Council Agenda

Recommendation.

In response to Mayor Brown's request to research and develop a city ordinance to regulate mini-motorcycles (pocket bikes) and other motorized play vehicles on the streets, highways, and paved recreational paths, it is my recommendation that the Mayor and City Council approve the attached amended ordinance. The purpose of this ordinance is to provide legal requirements for the use and sale of motorized play vehicles in an effort to promote rider and overall traffic safety, and to preserve public interest. This ordinance has been reviewed and approved by the City Attorney

Discussion.

Motorized play vehicles are becoming a major safety concern as well as a quality of life issue within Peachtree City. Unfortunately, some retailers are advising consumers that vehicles such as pocket bikes, electric and gas powered scooters and other motorized play vehicles are in fact legal to operate on city streets, as well as our recreational paths. Additionally, some of the more dangerous types of vehicles are often marketed by retail businesses as toys for our children.

With the rising popularity of these types of vehicles, our community must find ways to keep them off our streets and recreational paths. For example, miniature motorcycles (pocket bikes) have suddenly become a major fad all over the country. The bikes are small and light enough to carry under the arm, but big enough for an adult to ride. Certain models are being marketed for children as young as three or four years old and are very inexpensive, at just over \$200. They can accelerate quickly, some up to speeds of 55 km/h and faster. These vehicles do not meet the safety requirements of a motorcycle and they are quite low to the ground, so other motorists may not see them. Additionally, the riders do not have to be licensed and generally do not wear the

protective equipment. Increasingly they are being used on recreational paths and public roads, which is both unsafe and illegal.

Due to the ever-changing designs by retailers, it is difficult to adopt rules governing every type of play vehicle; however, amending the current city ordinance will provide a broader definition regarding prohibitions that are included. By approving this ordinance, the sale of motorized play vehicles is not prohibited. The ordinance only requires retailers to inform consumers that these types of play vehicles are prohibited on streets and sidewalks and public right of ways. The retailer must provide a copy of such notice before or in connection with the purchase.

Common sense, parental supervision, public education, and enforcement measures are critical in addressing some of these types of public safety concerns.

Budget Impact:

The initial budgetary impact to enact the amended Ordinance 78-91 is minimal. Public notices and/or informational pamphlets may be required.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED SO AS TO ADOPT REGULATIONS REGARDING THE USE AND SALE OF MOTORIZED PLAY VEHICLES ON CITY STREETS AND PAVED RECREATIONAL PATHS AND PROPERTY; TO REPEAL CONFLICTING ORDINANCES EXCEPT AS HEREIN EXPRESSLY PROVIDED; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the sale of miniature motorcycles and motorized scooters has increased dramatically within the last twenty-four (24) months; and

WHEREAS, the purpose and intent of this ordinance is to provide for the regulation of motorized play vehicles in order to protect the safety of pedestrians, bicyclists, motor vehicle drivers and operators of motorized play vehicles alike. The City Council finds that the increase prevalence of motorized play vehicles and growing concerns about their safe use requires local regulation in order to protect the public safety; and

WHEREAS, residents of the city are currently using motorized play vehicles on it's public and private streets, highways, rights of ways, multi-use path systems, trails and parks; and

WHEREAS, City Council finds it in the public interest to prohibit the operation of motorized play vehicles, except within certain private property areas; and

WHEREAS, this ordinance promotes and protects the public safety, health and welfare of the citizens of Peachtree City and is intended to prevent accidents which may result in physical injuries to pedestrians, bicyclists, motor vehicle drivers and operators of motorized play vehicles.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY, GEORGIA, THAT

Section 1. Section 78-91 of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended by deleting said section in its entirety and inserting in lieu thereof a new Section 78-91 to read and to be codified as follows:

Sec. 78-91. Findings; definitions.

(a) The city council finds that all streets and paved recreational paths located within the territorial boundaries of the city and under its jurisdiction are designed and constructed so as to safely permit their use by operators of motorized carts, electric bicycles, and low speed motor vehicle ("LSMV"), except as stated elsewhere in this article.

(b) The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section.

(1) **"All-terrain vehicle"** means any motorized vehicle designed for off-road use which is equipped with three or more low pressure tires and with a seat to be straddled by the operator and with handlebars for steering control.

(2) **"Bicycle"** means every device propelled by human power upon which any person may ride, having only two wheels which are in tandem and either of which is more than 13 inches in diameter

(3) **"Dealer"** means a person engaged in the business of buying, selling, or exchanging vehicles who has an established place of business in this state.

(4) **"Electric bicycle"** means a device with two or three wheels which has a saddle and fully operative pedals for human propulsion and also has an electric motor. For such a device to be considered an electric assisted bicycle, it shall meet the requirements of the Federal Motor Vehicle Safety Standards, as set forth in 49 C.F.R. Section 571, et seq., and shall operate in such a manner that the electric motor disengages or ceases to function when the brakes are applied. The electric motor in an electric assisted bicycle shall.

(A) Have a power output of not more than 1,000 watts;

(B) Be incapable of propelling the device at a speed of more than 20 miles per hour on level ground; and

(C) Be incapable of further increasing the speed of the device when human power alone is used to propel the device at or more than 20 miles per hour

(5) **"Electric personal assistive mobility device"** or "EPAMD" means a self-balancing, two nontandem wheeled device designed to transport only one person and

having an electric propulsion system with average power of 750 watts (1 horsepower) and a maximum speed of less than 20 miles per hour on a paved level surface when powered solely by such propulsion system and ridden by an operator who weighs 170 pounds.

(6) "**Gross weight**" means the weight of a vehicle without load plus the weight of any load thereon.

(7) "**Low-speed motor vehicle**" or "**LSMV**" means any four-wheeled electric vehicle whose top speed attainable in one mile is greater than 20 miles per hour but not greater than 25 miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. Section 571.500 and in effect on January 1, 2001

(8) "**Moped**" means a motor driven cycle equipped with two or three wheels, with or without foot pedals to permit muscular propulsion, and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement shall be 3.05 cubic inches (50 cubic centimeters) regardless of the number of chambers in such power source. The power source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed 30 miles per hour (48.28 kilometers per hour) on level road surface and shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

(9) "**Motorcycle**" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, all-terrain vehicle, dirt bike, and moped.

(10) "**Motor driven cycle**" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, every bicycle with a motor attached, and every moped.

(11) "**Motorized cart**" means every motor vehicle having no less than three wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour

(12) "**Motorized play vehicle**" means a coaster, scooter, pocket bike, any other alternatively fueled device, or other motorized vehicle that is self-propelled by a motor engine, gas or electric, and is not otherwise defined in this code as a "motorized cart", "low speed motor vehicle (LSMV)", "motor vehicle", "motorcycle", "electric bicycle", "motorized skateboard", "electric personal assistive mobility device" or "motorized wheelchair"

(13) "**Motorized skateboard**" means a self propelled device, including Segways, that has a motor, gas or electric, a deck upon which a person may ride, not equipped with a seat, and at least two (2) tandem wheels in contact with the ground and which is not otherwise defined in this code as a motor vehicle", "motorcycle", "motorized play vehicle", "motor scooter", "electric personal assistive mobility device" or "motorized wheelchair"

(14) "**Motorized wheelchair**" means a self-propelled wheelchair that is used by a physically disabled person for mobility

(15) "**Pocket motorcycle**" or "**pocket bike**" means a two-wheeled vehicle other than a motor vehicle, bicycle with helper motor or a motorized scooter and which is propelled by an internal combustion engine, electric motor or other mechanical means, is

capable of carrying a rider and/or passenger at a speed in excess of 20 miles per hour, and is designed to replicate the general appearance of a motorcycle, regardless of the scale of the replication.

Section 2. That Section 78-95 of the Code or Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended by deleting said section in its entirety and inserting in lieu thereof a new Section 78-95 to read and to be codified as follows:

Sec. 78-95. Recreation paths – Prohibited uses.

Prohibited uses of recreation paths are as follows:

- (1) Automobiles and trucks (except authorized maintenance vehicles);
- (2) Motorcycles;
- (3) Street and trail motorized bikes or vehicles (not to include electric bicycles);
- (4) Minibikes and mopeds;
- (5) Horses;
- (6) Go-carts;
- (7) Un-registered electric-powered golf carts or motorized carts;
- (8) Un-registered gasoline-powered golf carts or motorized carts;
- (9) Electric or gasoline powered scooters;
- (10) Motorized play vehicles;
- (11) Un-registered LSMVs; and
- (12) Except as permitted in Section 78-94, any vehicle designed by the manufacturer to be able to travel at speeds in excess of 20 miles per hour under its own power on a flat surface.

Section 3. That Article III, Motorized Carts, of Chapter 78, Traffic of the Code or Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended by adding a new Section 78-96.1 to read and to be codified as follows:

Sec. 78-96.1. Motorized Play Vehicle; Prohibitions; Disclosure Requirements.

(a) No motorized play vehicle may be operated on any public or private street, public or private roadway, public or private sidewalk, public or private park, public or private parking lot, public or private trail, public or private shared multi-use path, public or private bicycle path, and all other public property

(b) Except for private roads, private sidewalks, private parks and private parking lots, motorized play vehicles may be operated on any private property with the written permission of the owner, the person entitled to immediate possession of

the property, or the authorized agent of either. No motorized play vehicles may be operated on any private road, private sidewalk, private park, or private parking lot, regardless of whether or not said operator has received written permission from the owner.

(c) No person shall operate a motorized play vehicle on any private property in a manner causing excessive, unnecessary, or offensive noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitivity

(d) The parent, guardian, or legal custodian of any minor shall not authorize or knowingly permit such minor to violate any of the provisions of this section.

(e) It is unlawful for any vendor or merchant to sell motorized play vehicles without making disclosures required by this section. Any merchant or vendor who sells motorized play vehicles within the City shall.

(1) Post in a prominent place at each location where motorized play vehicles are on display, a notice, on a sign not less than 96 square inches and visible to the public, stating that operation of motorized play vehicles:

(A) are prohibited on any public or private street, public or private roadway, public or private sidewalk, public or private park, public or private parking lot, public or private trail, public or private shared multi-use patch, public or private highway or any part of a highway, public or private bicycle path and all other public property in the City of Peachtree City

(B) are allowed to be used on private property with owner's written permission, except for private property consisting of a private parking lot, private park, private road or private sidewalk.

(2) Provide a copy of such notice to each purchaser of a motorized play vehicle, either before or in connection with the purchase of a motorized play vehicle. If the purchaser is a minor, the minor's parent or legal guardian must sign a receipt of said notice.

(3) Any motorized play vehicle owned by a governmental entity and which is operated in the performance of authorized duties or activities, is exempt from the provisions of this ordinance.

(f) Temporary suspension of all or part of this Ordinance may be granted by the City Council for special events.

Section 4. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 5. The repeal provided for in Section 4 hereof shall not affect any offense or act committed or done or any penalty or forfeiture incurred or pending.

Section 6. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 7 This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _____ day of _____, 2005

Stephen D Brown, Mayor

Attest: _____
City Clerk

Tuesday, Feb. 8, 2003

House passes bill that would ban pocket bikes from public streets

Riding the anti-pocket bike movement already seen in a number of Utah cities, the Utah House on Monday approved a bill that would ban the little critters from public streets and property

HB159 by Rep. Brad Dee, R-Ogden, passed 52-18 and goes to the Senate.

Dee said the bill was brought to him by the police chiefs association and has the backing of county sheriffs, too.

The small motorized bikes are less than 23 inches from the ground, with only about 1 inch clearance between frame and ground. A number of cities and towns have already banned the bikes from public roads, officials saying they are just not safe.

"We want to reduce all these injuries" that are being suffered when the pocket bike operators are hit by cars and involved in other accidents. "You certainly can't see (the bikes) from a SUV or pick-up truck," said Dee.

Several rural lawmakers raised concerns about the bill. Dee agreed with one legislator that his bill would ban pocket bikes from the parking lots of state parks, or on trails on public lands. But he said small four-wheel ATVs are exempt from his bill, so families could still run those in appropriate areas on public lands.

News From NJ Senate Democrats

Released on March 14 , 2005

For information, contact:

Jim Griffin
Tel (609) 292-5215
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SENATE APPROVES CONIGLIO/TURNER MEASURE TO BAN POCKET BIKES FROM NEW JERSEY STREETS

TRENTON - Miniaturized motorcycles commonly known as "pocket bikes" or "mini-motos" would be banned from New Jersey's streets and sidewalks under legislation sponsored by Senators Joseph Congilio and Shirley K. Turner and passed by the State Senate today

"As pocket bikes have grown in popularity, we have seen an increased number of high-profile accidents involving children riding these unsafe devices on public roads," said Senator Congilio, D-Bergen. "I look at these bikes and as a grandparent, I worry about children riding on one of these dangerous vehicles and getting hurt. These are nothing like the Barbie or G I Joe Powerwheels our kids used to ask for - they are fully-functional motorcycles that are very hard to see and can reach speeds of 45 miles per hour "

Bill S-1510 would prohibit the use of motorized scooters and motorized skateboards on any public street or public property, including sidewalks. The vehicles could be used on private property with the owner's consent. The first offense would bring a fine of \$100-\$200 and seizure of the item to be retrieved by the individual to whom the item is registered. A second offense would bring a fine of \$200-\$500, seizure of the item to be returned only upon approval of a judge and up to 25 hours of community service for the operator of the item. Any further offenses would lead to a fine of no less than \$500, permanent seizure of the item and up to 50 hours of community service

"Pocket bikes and mini-motos are a safety hazard for the entire community, not just for those who use them," said Senator Turner, D-Mercer. "In many cases, police officers have acted responsibly by confiscating the bikes or issuing tickets. Unfortunately, those decisions have reversed by the municipalities because the law is unclear. The measure would remove all doubt about where and how these vehicles can be operated and empower local police officers to take action to keep our streets safe for both pedestrians and motorists."

The bill would also allow municipalities to designate by ordinance certain public property where the use of motorized scooters and motorized skateboards would be allowed. The ordinance must require operators to be at least 12 years old, have liability insurance, register the vehicle with the municipality and use a helmet. The municipality would be allowed to impose a reasonable fee for the cost of registration.

Senator Coniglio noted, "The accidents hit close to home for both Senator Turner and me, with injuries occurring in Lodi and Trenton. The safety of those we represent needs to be one of our top priorities. The people of New Jersey need to realize that these pocket bikes are extremely dangerous unless every safety precaution is taken."

Pocket bikes and mini-motos are small scale motorcycles with gasoline engines smaller than 50cc that can reach speeds of over 45 miles per hour. The dangers of pocket bikes and mini-motos came to light over the summer after several news reports of injuries sustained by children riding these vehicles on public roads. Their lack of regulation and small size make them attractive for teenagers who are not old enough to earn a driver's license. Police officials in many municipalities have begun to confiscate the vehicles since their owners are unable to register them with the MVC, but state laws are not clear on what actions can legally be taken.

Senator Turner added, "Parents need to realize that while a pocket bike might be at the top of your child's wish list, these devices are not toys. They are fully working vehicles and just as you wouldn't want to put a 12-year-old behind the wheel of a car, you likewise wouldn't want them out on the street atop one of these devices."

The bill was approved by the Senate by a vote of 39-0. It now goes to the Assembly for their approval.

NewTimesLive.com

Committee OKs pocket bike ban

HARTFORD — State legislators are speeding toward passing a law that would ban the tiny motorcycles known as pocket bikes from Connecticut's public streets. The legislature's Transportation Committee approved a bill on Monday that would keep the bikes on private property and off the road and sidewalks and out of parks.

3/14/2005

'Pocket bikes' drive new debate and laws

By Larry Copeland, USA TODAY

Tiny motorcycles have become a rage among teens — and also a source of rage for communities across the USA that are banning or restricting their use.



Both Phoenix and Tucson outlawed the mini scooters last year

By Jacqueline Larma, AP

"Pocket bikes," or "mini motos," usually 15-18 inches high and capable of going 35 mph, have joined motorized skateboards and scooters on the danger list in many states, towns and cities that consider them a speedy nuisance.

In recent weeks:

- Arlington Heights, Ill., gave preliminary approval to an ordinance that would ban motorized scooters and skateboards. Police in the village of 77,000 northwest of Chicago got 56 complaints about them last year up from 16 in 2002, says Chief Gerald Mourning. "It's also a safety issue," he says.
- The New Hampshire Department of Safety has asked the state Legislature to ban motorized scooters and pocket bikes on streets.
- La Porte, Texas, restricted the use of motorized scooters to daylight hours and to streets with posted speed limits under 30 mph after two boys lost control of their scooter and were struck and injured by a car
- Lenexa, Kan., stopped short of banning the devices outright. Instead, the City Council voted to allow motorized skateboards on sidewalks but banned them on streets. Pocket bikes and other motorized vehicles are prohibited on all public property
- Monroe, Wash., following the lead of some adjoining communities, passed an ordinance restricting operation of motorized scooters to those ages 16 and older. The scooters can be used only during daylight hours, and riders must wear helmets.
- Several Arizona communities, including Tempe, Chandler and Mesa, have considered banning motorized scooters. Both Phoenix and Tucson outlawed them last year

Emergency room doctors across the nation treated 10,015 injuries connected to motorized gas- or battery-powered scooters from July 1 2003, to June 30, 2004, says Patty Davis, spokeswoman for the Consumer Product Safety Commission. The commission is an independent federal agency charged with protecting the public from risk of injury

About one-third of those injured were younger than 15, Davis says. And since October 1998, she says, 49 motorized-scooter riders have died.

New Hampshire state Rep John Flanders, a former sheriff's deputy and sponsor of his state's proposal, says. "I had a near-collision with one of those folks out on the main highway The kids have no fear The people that are afraid are the people that are driving cars. I wouldn't want that on my conscience, hitting a young fellow "

The Daily Item (excerpts from article)

December 27, 2004

Despite city ban, suburban pocket bike sales boost profits

PHILADELPHIA (AP) — To many adults, so-called pocket bikes are so noisy that they sound like chain saws on steroids and so tiny that they couldn't survive a collision with a Geo Metro

.Many parents and consumer advocates see pocket bikes as one of the most dangerous vehicles to come down the street in years. Because they cannot be registered, the bikes are illegal on public streets, but that has not stopped some riders.

Consumer Reports magazine savaged the bikes in a recent review, saying they are difficult for car drivers to see, and have brakes that work poorly and sub-par handling. "Even if riders kept off the streets, the inherent shortcomings associated with pocket bikes make them exceedingly dangerous," the magazine concluded.

Salt Lake Tribune

Article Last Updated 02/18/2005 01:15:51 AM

Pocket bike ban goes to the gov

The Utah Legislature has voted to ban the use of minimotorcycles - often referred to as pocket bikes - on any public property, including roads and sidewalks. Lawmakers say the minibikes are dangerous because they are so low to the ground other drivers cannot see them. Police testified that they are not registered vehicles and not inspected yet the bikes often share the road with cars and trucks. House Bill 159 received overwhelming support in the Senate on Thursday. It already has passed the House and now goes to Gov. Jon Huntsman Jr. for his signature. HB159 also forbids children under 8 from operating a motor scooter on public property - *Thomas Burr*

TimesOnLine.Co.UK

March 19, 2005

America in rush to ban mini-bikes as teenage racers dice with death

BY CHRIS AYRES IN LOS ANGELES AND NICOLA WOOLCOCK

TOWNS and cities across North America are banning motorised scooters, also known as "pocket bikes" and "minimotors", after 49 deaths and tens of thousands of injuries.

About one third of those who have died in the United States as a result of using the scooters, which are usually less than 2ft high and capable of doing 35mph, have been younger than 15. Scooters such as the AS-110 Typhoon can be bought in shops or online for as little as \$79 (£40), excluding tax.

According to the US's Consumer Product Safety Commission, emergency rooms treated 10,015 injuries last year connected to petrol or battery-powered machines. For motorists, they are a nightmare, with teenagers darting across suburban streets without any regard for the normal rules of the road.

"I had a near-collision with one of those folks out on the main highway, John Flanders, a congressman for New Hampshire, told *USA Today*. "The kids have no fear. The people that are afraid are the people that are driving cars. I wouldn't want that on my conscience, hitting a young fellow."

In Arlington Heights, Illinois, authorities are banning scooters and skateboards after receiving 56 complaints last year. The New Hampshire department of Safety has asked the state legislature to do the same.

In Texas, police have restricted the use of pocket bikes to daylight hours and to streets with a 30mph speed limit. Lenexa, Kansas, has outlawed mini-motors and other such devices on all public property. Phoenix and Tucson, both in Arizona, have done the same.

Other towns, such as Monroe in Washington, are forcing pocket-bike riders to wear helmets. In Arizona, rallies have been held by scooter riders — and their parents — to protest against new laws.

Dave Layman, who bought a scooter for his 14-year-old son, Scott, told the *Chandler Republic*: "We bought it for him to allow him to be more mobile. I understand where they're coming from, but I'm just concerned about more increased regulation." Others believe that it is the noise of the petrol-powered machines that causes the most problems, not the road safety issues. Electric scooters, such as the AS-110 Typhoon, make very little noise. The petrol-powered models can carry more weight, however, and go much faster. They often cost more than \$600.

Pocket bikes have not yet become a huge craze in Britain, but concerns for the safety of users are being voiced. The number of injuries and deaths suffered by riders of scooters and mini motorbikes has soared in recent years. Safety experts say it is almost impossible to legislate against the gadgets because they are not roadworthy vehicles and users do not therefore require a licence.

A spokesman for the Royal Society for the Prevention of Accidents said: "We have expressed concerns about small motorbikes, which are being ridden by adults as well as children. These sort of things shouldn't be used on or near a road. Wherever you have these types of machines you see accidents and sometimes deaths.

"Even with small push-along micro-scooters, children have died from going under vehicles. These small bikes are not stable for use on roads — they're not designed for that and are too small for people to be seen on them. Their wheels can get caught in drainage grids. People sell these things but where would you use them safely? Children come flying out of driveways on to main roads and into traffic.

The spokesman said that a young motorbike rider was killed last week when he was chased by a dog and crashed into a pavilion. But he said: "It's hard to legislate against these machines unless they're badly manufactured, and trading standards become involved."

CBS3

Councilman Calls For Mini-Bike Ban

- **Teen On Mini-Scooter Died After Colliding With Car**

Aug 26, 2004 6.28 pm US/Eastern

PHILADELPHIA (KYW 1060) The city recorded its first victim this week in the mini-motorcycle craze. Angel Boulogne, 18, died Tuesday in Temple University Hospital of injuries he received last week when the tiny cycle he was driving collided with a car.

Boulogne was driving the wrong way on a one-way street, police said.

Mini-motorcycles called "pocket bikes" are the latest summer rage, and police had predicted it was only a matter of time until a fatal crash.

Many of the fast, low-to-the-ground bikes are operated by unlicensed and underage drivers.

The cycles are illegal on city streets. Police have confiscated more than 100 of the mini-scooters in the 24th District alone.

Honolulu Star-Bulletin

Monday, November 8, 2004



COURTESY OF MALIA MERCADO

Jon Sanchez and his 5-year-old son, Kimson, ride pocket bikes on a private road in Kalihi. Sanchez supports the city's ban on pocket bikes from public streets; however, he would like to see the city create a park for them.

Popularity of pocket bikes on decline

Sales and complaints over minimotorcycles are down since a ban hit two months ago

By Rosemarie Bernardo
rbernardo@starbulletin.com

The pocket bike craze that had residents and motorists abuzz with complaints appears to be running out of gas.

George Burmeister of Cycle Imports Hawaii said he has not sold a pocket bike since the city banned the minimotorcycles from public roads and property.

"It's actually dead," said Burmeister, who sold about 150 pocket bikes during the summer.

City park officials also stopped receiving complaints about noise and safety concerns of pocket bike riders at Central Oahu Regional Park and the Waipio Soccer Complex in Waipahu after the ban took effect more than two months ago.

"We haven't seen any pocket bikes," said Glenn Kajiwaru, city Department of Parks and Recreation manager in Central Oahu.

The number of citations was not available, but police in Pearl City and Kailua continue to receive complaints.

"We get complaints several times a week," said Sgt. Dean Kawamoto, of the Kailua Substation.

Kawamoto said he recently tried to stop two 12-year-old boys who piled on one pocket bike in the parking lot of Kaneohe Elementary School.

The children sped off after he attempted to talk to them. Pocket bike riders were also observed at Waimanalo District Park, said Kawamoto.

However, city spokeswoman Carol Costa said park officials who oversee the Waimanalo park have not received any complaints from residents.

But Sgt. Jensen Okagawa of the Pearl City Substation said they continue to get daily complaints throughout the district, which covers Aiea, Pearl City and Waipahu.

Anyone riding a pocket bike on public streets faces a \$55 fine.

Meanwhile, lawmakers in New Jersey and Philadelphia are seeking to ban pocket bikes from public places. In August, 18-year-old Angel Boulogne died in Philadelphia when he drove a pocket bike the wrong way on a one-way street and collided with a car. Reimar Muniz, manager of Razor Concepts at PearlrIDGE Center, said they tell consumers that the bike is not street legal and is intended for adults, not children.

"A lot of adults think it's for kids because of its size," said Muniz.

And sales remain steady, with many of their customers coming from the Big Island and Maui, he added.

Wahiawa resident Jon Sanchez said he recently purchased two pocket bikes, a fuel-operated bike for himself and an electric bike for his 5-year-old son, Kimson.

Sanchez supports the city's ban on pocket bikes from public streets, but he would like to see the city create a park for them.

"I think kids on public streets going at top speed (on pocket bikes) I think that's a misuse," he said. "When I used to skateboard, we didn't have parks. Now they have parks islandwide," said Sanchez, 28

Burmeister and Muniz also believe a park -- with rules -- for pocket bikes is a good idea.

The Coloradoan

State lawmakers push for ban of pocket bikes, mini-motorcycles

By Matthew Benson
MattBenson@coloradoan.com

DENVER — Pocket bikes and other sorts of mini-motorcycles that have increased in popularity in recent years would be barred from public roadways under a proposal advanced by state lawmakers Wednesday.

The motorized bikes would be classified as toys under House Bill 1178, making them illegal for road use.

The House Transportation Committee passed the measure with little discussion by a 10-0 vote.

Representative Ray Rose said many of the mini-bikes lack basic safety equipment such as lights and turn signals, and aren't designed for road use.

The Montrose Republican and bill sponsor said he's especially concerned about parents turning their children loose on the streets with the bikes, which can go as fast as 40 mph or more.

"It's a safety issue," he said. "They're not designed to operate on the highways, nor in traffic."

The measure doesn't apply to regular-size, motorized scooters commonly sold at retailers such as Fort Collins Motorsports. Such scooters typically have an engine size just under 50cc, and are equipped with headlights, horns, turn signals and rear-view mirrors.

"Those are not even touched," Rose said.

Rep. Buffie McFadyen, a Pueblo Democrat, said she's mostly concerned about the pocket bikes that sit only a few feet off the ground.

"I think the problem is the pocket rockets are very hard to see," she said.

The measure next heads to the House floor for consideration.

Originally published Feb. 17, 2005

House Bill 1178

What is it? The bill would classify pocket bikes and other sorts of mini-motorcycles as toys, barring them from roadways.

Action: The House Transportation Committee passed the measure 10-0.

Sponsor: Ray Rose, R-Montrose

What's next: Heads to the House floor.

Pocket Bikes Popular at Christmas, Unpopular and Hazardous on the Roads

ARLINGTON - With the holiday sales of pocket bikes (minibikes resembling small motorcycles) expected to be high this season, a highway safety group representing state motor vehicle and law enforcement agencies nationwide is urging consumers, parents and retailers to heed the safety warnings with these toys and learn the state laws and local ordinances governing their operation on public roads.

"In most cases, it is unlawful to operate one of these "pocket bikes" on state, county or city maintained roads," said Linda R. Lewis-Pickett, president and CEO, American Association of Motor Vehicle Administrators (AAMVA). "Children and their parents, who fail to learn, or choose to ignore their local and state ordinances regarding these toys, might receive an unwanted Christmas gift: a traffic citation."

AAMVA and the National Sheriffs Association warn that not only is it illegal in most states to ride these toys on public roads, but it also can be equally as dangerous and life threatening. Unlike the bigger bikes they emulate, pocket bikes often lack basic safety features like rearview mirrors, lights and turn signals, and do not meet minimum state safety requirements. And recently, the World Against Toys Causing Harm (WATCH www.toysafety.org), a consumer group, ranked the Pocket Rocket Miniature Motorcycle as one of the "10 Worst Toys of 2004." "These pocket bikes are classified as toys," said Thomas Faust, executive director, National Sheriffs Association. "And unlike registered 'motor vehicles' these toys do not belong on our roadways. If riders do not behave responsibly and obey traffic laws, they may pay heavily with a trip to the emergency room."

According to Consumer Product Safety Commission estimates, there were 2,345 emergency room visits related to minibikes in 2003.

In addition, consumers should be aware these toys can reach very high speeds. Some pocket bikes are capable of reaching speeds up to 50 miles per hour.

To ensure a safe and legal holiday season, AAMVA recommends that users, purchasers, and sellers of these toys consider the following facts before taking to the road:

- Research local ordinances and licensing requirements for these toys. Many municipalities authorize their use only on private property and ban them from public roadways, parking lots and sidewalks. Riders may have to hold a motorcycle license, register and insure the vehicle, have it inspected or be 16 years of age to operate the bike.
- Never operate a pocket bike in traffic.
- Pocket bikes are low to the ground, making it difficult for motorists to see. Injuries and deaths have resulted from mixing cars and pocket bikes.
- Insurance policies may not cover accidents involving these toys.
- An adult should closely supervise children operating these toys.
- Always wear a helmet. According to a study by the National Safe Kids Campaign, less than half of children observed on wheeled activities wear a helmet.

****AAMVA****

The Christian Science Monitor

from the June 03, 2004 edition

Cities look to put the brakes on minibike craze

BY ADAM PARKER | *Contributor to The Christian Science Monitor*

NEW YORK — You may have heard them revving along quiet suburban streets, veering onto sidewalks, or winding through city traffic at 30 miles per hour. Some are shorter than a fire hydrant, and often the driver isn't old enough to carry a license.

Known as minimotorbikes or pocket bikes, they resemble small racing bikes; others look like souped-up scooters. Relatively inexpensive (some sell for \$300) and available in different styles, they've become must-haves among teens and children. But as concerns mount over their dangers and noise, they're stirring a legal crackdown in cities nationwide.

TOY IN TRAFFIC: Frankie Ramirez speeds down a street in Waltham, Mass., on his Ninja minibike.

JOHN NORDELL — STAFF



Because they're sold as toys under names like Ninja Super Racer and Mini Chopper, they don't need to be registered with states' motor vehicle departments, and riders don't need a license or a helmet. Manufacturers say the bikes are intended to be used only on private property. But that's not stopping kids from veering onto public sidewalks and roadways and into parks.

"These things have really slipped through the loopholes of most state laws," says Matthew Candland, town manager of Sykesville, Md., near Baltimore.

While technically they are toys, the mini motorbikes are being used as something between a toy and a motor vehicle and ought to be regulated, some officials say. Sykesville just modified its "scooter ordinance" to include the pocket bikes and other motorized mini-vehicles. It now requires users to obey traffic laws. "We had debated an outright ban, but if people follow the rules of the road there'll be no problem," Mr. Candland says.

Candland understands the potential dangers firsthand. Driving home one night, he almost hit a scooter rider. "At the last minute I could see this kid swerving back and forth. I had to slam on my brakes."

The US Consumer Product Safety Commission (CPSC) estimates that 5,900 motorized scooter riders skidded into emergency rooms in 2002, the latest year for which statistics are available. Minibike mishaps led to another 2,000 visits to the E.R., says Mark Ross, a CPSC spokesman. By contrast, 60,000 riders of more powerful traditional motorized scooters found their way to emergency rooms in 2002.

While injuries caused by motorized bikes and scooters number far fewer than those caused by other rolling recreational vehicles, Ross says the fad has only just begun.

That's why some communities, including Boston and Providence, R.I., are considering laws tailored to the mini-motorbikes, from requiring the use of safety gear to banning the toys altogether.

In New York the mini-motorbikes have provoked warnings from police and concern among drivers and residents. The city recently proposed legislation that would ban their sale and use. Sellers who violate the ban would pay a \$1,000 fine. Riders would pay \$500 and see their toys impounded.

The bill is moving full speed ahead, says councilman John Liu, chair of the transportation committee. "Their proliferation is something that's dramatic, something that presents a devastating public danger," he says.

Other communities are hoping that parents will simply control their children. In a private Fort Myers, Fla., subdivision, residents report that two scooter-equipped kids buzz loudly and indiscriminately up and down streets, sidewalks, and lawns, leaving a trail of foul fumes. The neighborhood association has included a polite warning in its recent newsletter, asking parents to supervise their children better.

"There's nothing more that we can do other than express concern and warning about the potential danger of these things," says Ed Crittenden of the neighborhood association. "We don't want anybody hurt."

As communities debate whether and how to regulate the machines, stores are busy selling them. At a local Pep Boys in New York, minibikes and scooters are lined up near the front door. "As soon as people see them, they fall in love with them," says Charles Gillian, a shopper who is admiring a pocket bike.

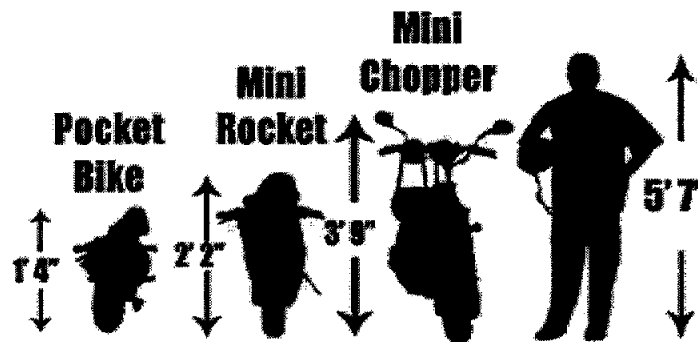
Razor's electric-powered "Pocket Rocket" model will support up to 220 pounds and go 15 miles per hour. The "chopper style" mini-motorcycle is even more popular. It comes equipped with a gas (or electric) motor, never more powerful than 49 cubic centimeters. Otherwise it would qualify as a motor vehicle, not a toy. It can reach 40 m.p.h.

While a ban in New York and other cities might prevent stores from selling the toys, nothing is stopping young people from ordering them online. "We've sold thousands of them," says Bob Brooks of Baronbob.com, which sells novelty items. Fathers see the bikes, which cost from \$300 to \$2,000, and can't resist their "authentic" look, Brooks says. "It's like I left my Harley out in the rain and it shrunk!" he jokes.

Mini Rocket Blue

Hang on Tight!

You and your friends will have hours of fun with these "Mini Rocket motorcycles" Features a powerful two-stroke, 49cc engine, and disc brakes.



↑ Assembled Dimensions Above ↑

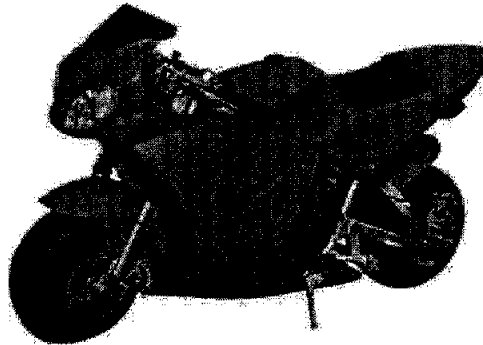
SPECIFICATIONS	
Style:	Mini Rocket Motorcycle
Engine Displacement:	Single Cylinder / 49 cc
Engine Type:	Air-cooled / 2 Stroke
Speed Type:	Over 25 mph +
Range:	Average 45 Miles
Cooling:	Forced Air Cooled
Starter System:	Electric / Manual Start
Fuel Oil Ratio:	25:1
Gas tank Capacity:	0.5 U.S. Gallon
Transmission:	Automatic
Suspension:	Front Shocks / Rear Shocks
Brake Systems:	Front & Rear Disc Brakes
Tire Size:	13" Pneumatic Tubeless Tires
Dimensions: (Shipping)	53"L x 15"W x 29"H
Gauges:	Speedometer (mph)
Battery:	12 Volts / 9 AH
Frame Work:	Steel: Fiber Glass
Gross Weight:	95 lbs
Net Weight:	90 lbs
Maximum Load	Up to 300 lbs
Misc:	Kickstand
Safety Features:	Head Light, Tail Light, Brake Light
	Left & Right Turn Signals
	Horn, Audible Turn Signal Warning

http://www.asseenontv.com/prod-pages/mini_rocket_blue.html (continued)

NOTICE - The vehicle does NOT conform with Federal Motor Vehicle Standards and is NOT intended for use on public streets, roads, and highways. Supervise MINORS while riding at all times. Always wear Helmet, Goggles, and safety gear while riding.

General Maintenance - Check function and secureness of throttle, all brakes, grips, pegs, handle bars before riding. Tightening is recommended after every use.

Federal Law prohibits the transportation or shipping of any vehicle once gasoline has been introduced into the system. Styles and colors may vary.



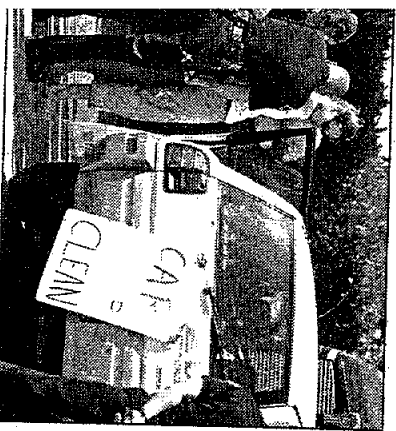
P. 3A

Nation

Nationline ton recuperating ome after surgery

president Bill Clinton left the hospital Monday after undergoing surgery to remove scar fluid around his left lung. "I'm glad to be look forward to getting back to work within month or so," Clinton said in a statement issued by his spokesman, Jim Kennedy. Sen. Hillary Rodham Clinton accompanied her husband from New York to their suburban home, where the 42nd president is to continue his recovery.

problem stemmed from his heart bypass months ago. The physician who performed the surgery, Joshua Sonett, said a combination of fluid and scar tissue had reduced Clinton's left lung capacity.



By Phil McCarten, AP

t at General Motors

, Calif., former Baywatch actress Alexandra Paul, 31, was arrested after blocking a truck with her car in Burbank, Calif. Paul and other environmentalists were protesting the decision by General Motors to build a new plant in California.

'Pocket bikes' drive new debate and laws

Motor-scooter injuries also rev up worry

By Larry Copeland
USA TODAY

Tiny motorcycles have become a rage among teens — and also a source of rage for communities across the USA that are banning or restricting their use. "Pocket bikes," or "mini motos," usually 15-18 inches high and capable of going 35 mph, have joined motorized skateboards and scooters on the danger list in many states, towns and cities that consider them a speedy nuisance.

In recent weeks:

► Arlington Heights, Ill., gave preliminary approval to an ordinance that would ban motorized scooters and skateboards. Police in the village of 77,000 northwest of Chicago got 56 complaints about them last year, up from 16 in 2002, says Chief Gerald Mourning. "It's also a safety issue," he says.

► The New Hampshire Department of Safety has asked the state Legislature to ban motorized scooters and pocket bikes on streets.

► La Porte, Texas, restricted the use of motorized scooters to daylight hours and to streets

Sizing up scooters

'Pocket bike'	Toyota Camry LE
Height	17" (seat) 58.7"
Length	38" 189.2"
Weight	39 lbs. 3,164 lbs.



Sources: childrensplay.com and autos.yahoo.com

By Marcy E. Mullins, USA TODAY

with posted speed limits under 30 mph after two boys lost control of their scooter and were struck and injured by a car.

► Lenexa, Kan., stopped short of banning the devices outright. Instead, the City Council voted to allow motorized skateboards on sidewalks but banned them on streets. Pocket bikes and other motorized vehicles are prohibited on all public property.

► Monroe, Wash., following the lead of some adjoining communities, passed an ordinance restricting operation of motorized scooters to those ages 16 and older. The scooters can be used only during daylight hours,

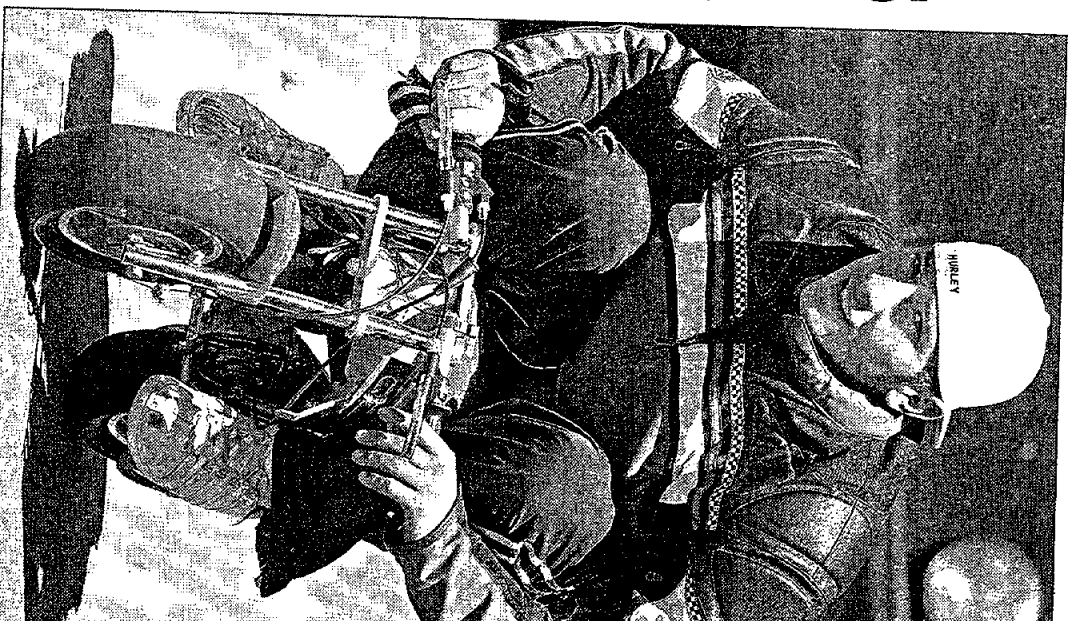
and riders must wear helmets.

► Several Arizona communities, including Tempe, Chandler and Mesa, have considered banning motorized scooters. Both Phoenix and Tucson outlawed them last year.

Emergency room doctors across the nation treated 10,015 injuries connected to motorized gas- or battery-powered scooters from July 1, 2003, to June 30, 2004, says Patty Davis, spokeswoman for the Consumer Product Safety Commission. The commission is an independent federal agency charged with protecting the public from risk of injury.

About one-third of those injured were younger than 15, Davis says. And since October 1998, she says, 49 motorized-scooter riders have died.

New Hampshire state Rep. John Flanders, a former sheriff's deputy and sponsor of his state's proposal, says: "I had a near-collision with one of those folks out on the main highway. The kids have no fear. The people that are afraid are the people that are driving cars. I wouldn't want that on my conscience, hitting a young fellow."



By Kim Kullish for USA TODAY

Low riders: "Pocket bike" enthusiast Dave Jonko takes a 47cc bike for a spin in this 2004 photo. The tiny, racing-style motor-cycles and motorized scooters have become sources of debate and legislation in communities across the USA.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Assistant City Manager 

FROM: Administrative Services Director / City Clerk 

DATE: June 28, 2005

SUBJECT Consider Amendment to and Extension of Georgia Power Franchise
July 21 Council Agenda

Recommendation.

Consider adoption of the attached amendment to the existing Georgia Power Franchise Agreement along with a 20-year extension of the current Franchise Agreement.

Discussion.

Recently, a Georgia Municipal Association task force completed negotiations with Georgia Power over a new model franchise agreement amendment that addresses criteria by which the company will absorb costs of relocating its poles or distribution facilities when a city undertakes a street widening or some other type of public project. This amendment provides for Georgia Power to pay for all power relocations in the right-of-ways except for streetscape or sidewalk projects. This can save the City substantial money. As an example, the power relocations at Walt Banks are estimated to cost \$25,000. If this amendment and extension are approved, this cost and others like it will be borne by Georgia Power.

Ted Meeker has reviewed the amendment and has no problem with it. Staff has no problem with the proposed 20-year extension of the franchise agreement.

Budget Impact:

Significant cost savings over the life of the franchise. The 4% franchise fee currently paid by Georgia Power will continue for the life of the franchise.

/jsm

Attachment



Date: June 22, 2005

RE. Franchise Agreement Amendment

From. Jan Alligood, Newnan Area Manager

To Steve Brown, Mayor of Peachtree City

Georgia Power Company and the Cities throughout Georgia have enjoyed a long-standing relationship of partnership and cooperation that is beneficial to the continued development of our state. Recently, Georgia Power and the GMA have reached an agreement on an amendment to existing franchise agreements. Below are highlights from the new agreement.

For any City that has a Franchise Agreement with Georgia Power

- Georgia Power will pay for relocation of its distribution facilities within the City's rights-of-way for "non-beautification" projects (i.e. not streetscape/sidewalk projects), regardless of Georgia Power's prior rights and/or easements.
- The City will agree to work with Georgia Power early in the planning and project design process to minimize relocation costs.
- The City will pay for relocation of (1) all transmission (46 kV and above) facilities, (2) distribution facilities needing to be relocated for "beautification" (streetscape/sidewalk) projects, (3) distribution facilities outside of existing City rights-of-way, (4) network underground and concrete encased ductline and (5) overhead to underground conversions
- For streetscape projects, Georgia Power will reduce the City's upfront contribution by 10% of the estimated incremental base revenue associated with the project or refund the actual incremental base revenue after 12 months or apply the actual incremental base revenue after 12 months as a credit to future payments by the City
- The City and Georgia Power will agree to a 20-year extension of the existing franchise agreement. The "Franchise Amendment" will clearly spell out the above information, so that enforcement of the existing paragraphs 2 and 4 is no longer applicable for relocation cost recovery

- This proposal will become effective upon execution of an amendment to the existing franchise agreement and is not applicable retroactively

Included is a copy of the revised Franchise Agreement for you to complete. Please do not hesitate to call if you should have questions. You may mail the completed agreement or call and I will glad to drop by your office and pick it up.

I have also included my business card with my contact numbers. Please feel free to call on me. I look forward to getting to know you and your community and growing our partnership.

AMENDMENT TO FRANCHISE

Granted To

GEORGIA POWER COMPANY

By

CITY OF PEACHTREE CITY

Ordinance Amending Franchise Adopted On

_____, 2005

The within Ordinance Amending Franchise

accepted on _____, 2005.

GEORGIA POWER COMPANY

By: _____

President

ORDINANCE AMENDING FRANCHISE

WHEREAS, on December 23, 1975, the City of Peachtree City, Georgia (hereafter referred to as the "City") adopted an Ordinance Granting Permission and Consent to Georgia Power Company (hereafter referred to as the "Company") and its successors, lessees, and assigns to occupy the streets and public places of the City in constructing, maintaining, operating, and extending poles, lines, cables, equipment, and other apparatus for transmitting and distributing electricity and for other purposes (said Ordinance being hereafter referred to as the "1975 Ordinance"); and

WHEREAS, on February 12, 1976, the Company accepted the franchise granted in the 1975 Ordinance (hereafter referred to as the "Franchise"); and

WHEREAS, the City and the Company now wish to amend the Franchise to address certain issues that may arise under the Franchise and to extend the term of the Franchise and for other purposes;

NOW, THEREFORE, the City hereby adopts this Ordinance Amending Franchise as follows:

SECTION I. Be it ordained by the governing authority of the City that the authority, right, permission, and consent previously granted to the Company and its successors, lessees, and assigns in the 1975 Ordinance are hereby extended to February 12, 2031

SECTION II. Be it further ordained that in addition to the terms and conditions set forth in the 1975 Ordinance, the Company's occupancy and use of the streets, alleys, and public places of the City as authorized in the 1975 Ordinance are subject to the following terms and conditions:

1 For purposes of paragraph 2 of this Section II, the term "Distribution Facilities" means poles, lines, wires, cables, conductors, insulators, transformers, appliances, equipment, connections, and other apparatus installed by or on behalf of the Company (whether before or after the adoption of this Ordinance Amending Franchise) in the streets, alleys, or public places of the City for the purpose of distributing electricity within the present and future limits of the City. Distribution Facilities do not include any of the following: (i) electric transmission lines with a design operating voltage of 46 kilovolts or greater (hereafter referred to as "Transmission Lines"); (ii) poles, towers, frames, or other supporting structures for Transmission Lines (hereafter referred to as "Transmission Structures"); (iii) Transmission Lines and related wires, cables, conductors, insulators, or other apparatus attached to Transmission Structures; (iv) lines, wires, cables, or conductors installed in concrete-encased ductwork; or (v) network underground facilities.

2. In the event that the City or any other entity acting on behalf of the City requests or demands that the Company relocate any Distribution Facilities from their then-current locations within the streets, alleys, and public places of the City in connection with a public project or improvement, then the Company shall relocate, at its expense, the Distribution Facilities affected by such project or improvement. The Company's obligations under this paragraph 2 shall apply without regard to whether the Company has acquired, or claims to have acquired, an easement or other property right with respect to such Distribution Facilities and shall not affect the amounts paid or to be paid to the City under the provisions of the 1975 Ordinance. Notwithstanding the foregoing provisions of this paragraph 2, the Company shall not be obligated to relocate, at its expense, any of the following: (i) Distribution Facilities that are located on private property at the time relocation is requested or demanded; (ii) Distribution Facilities that are relocated in connection with sidewalk improvements (unless such sidewalk improvements are related to or associated with road widenings, the creation of new turn lanes, or the addition of acceleration/deceleration lanes); (iii) streetscape projects or other projects undertaken primarily for aesthetic purposes; or (iv) Distribution Facilities that are converted from an overhead configuration or installation to an underground configuration or installation.

3 The City and the Company recognize that both parties benefit from economic development within the City. Accordingly, when it is necessary to relocate any of the Company's facilities (whether Distribution Facilities, Transmission Lines, Transmission Structures, or other facilities) within the City, the City and the Company shall work cooperatively to minimize costs, delays, and inconvenience to both parties while ensuring compliance with applicable laws and regulations. In addition, the City and the Company shall communicate in a timely fashion to coordinate projects included in the City's five-year capital improvement plan, the City's short-term work program, or the City's annual budget in an effort to minimize relocation of the Company's facilities. Such communication may include, but is not limited to, (i) both parties' participation in the Georgia Utilities Coordinating Council, Inc. (or any successor organization) or a local utilities coordinating council (or any successor organization) and (ii) both parties' use of the National Joint Utility Notification System (or any successor to such system mutually acceptable to both parties).

4 With regard to each streetscape project undertaken by or on behalf of the City, the City shall pay the Company in advance for the Company's estimated cost to relocate any of the Company's facilities (whether Distribution Facilities, Transmission Lines, Transmission Structures, or other facilities) in connection with such project. For each streetscape project, the Company shall estimate in good faith the amount of incremental base revenue, if any, that the Company will realize as a result of new customer load or expansion of existing customer load attributable to such project; and such estimate shall be based on tariffs in effect at the time that construction of such project begins and shall not include fuel recovery charges, non-electric service billings, or taxes. If such estimate indicates that the Company will realize incremental base revenue, the Company shall do one of the following, whichever results in greater cost savings to the City: (i) reduce the City's advance payment to the Company for relocation costs by ten percent (10%); or (ii) where the City has developed a bona fide marketing plan within twelve months after construction of such project begins, either refund the amount of the Company's incremental base revenue during such twelve-month period to the City or credit such amount against any future payment due from the City to the Company. The City and the Company acknowledge and agree that the amount of any refund or credit calculated pursuant to clause (ii) of the foregoing sentence of this paragraph 4 shall not exceed the amount of the City's advance payment to the Company for relocation costs associated with such project.

SECTION III. Be it further ordained that nothing contained in this Ordinance Amending Franchise shall limit or restrict the right of customers within the corporate limits of the City to select an electric supplier as may hereafter be provided by law.

SECTION IV. Be it further ordained that the Company shall, within ninety days from the approval of this Ordinance Amending Franchise, file the Company's written acceptance of the same with the Clerk of the City, so as to form an amendment to the Franchise between the Company and the City.

SECTION V. Be it further ordained that upon such acceptance all laws and ordinances, and all agreements between the Company and the City with respect to the Company's occupancy and use of the City's streets, alleys, and public places, in actual conflict herewith be and the same shall thereupon stand repealed and terminated, respectively.

Adopted by the _____ of the City of Peachtree City, Georgia, at a meeting held _____, 2005

Approved: _____, 2005

Mayor

I, _____, Clerk of the City of Peachtree City, Georgia, hereby certify that I was present at the meeting of the _____ of the City of Peachtree City, Georgia, held on _____, 2005, which meeting was duly and legally called and held, and at which a quorum was present, and that an ordinance, a true and correct copy of which I hereby certify the foregoing to be, was duly passed and adopted by the _____ of the City of Peachtree City, Georgia, at said meeting.

IN WITNESS WHEREOF, I hereunto set my hand and the corporate seal of the City of Peachtree City County of _____, State of Georgia, this _____ day of _____, 2005

Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Bernard J McMullen, City Manger *BJM*

FROM: Colin W Halterman, Assistant City Manager *WH*
Paul J Salvatore, Financial Services Director *PS*
Janet I Camburn, Assistant Finance Director *JIC*
Clyde Stricklin, Developmental Services Director *CS*
David Rast, City Planner *DR*
David Borkowski, City Engineer *DB*

DATE: July 15, 2005

SUBJECT: Flat Creek Multi-Use Bridge
July 21, 2005 City Council Agenda

Recommendation.

That City Council 1) award bids for the Flat Creek Multi-Use Bridge project to Steadfast Bridges for the purchase of a pre-manufactured multi-use bridge in the amount of \$45,053 and to JHC Corporation for the construction of abutments and the installation of the multi-use bridge in the amount of \$128,900 and 2) approve a transfer from the 2005 PIP Contingency of \$90,840 to cover the balance of the cost of this project.

Discussion.

Several years ago the City was awarded a Transportation Enhancement Act-21 (TEA-21) grant from the Georgia Department of Transportation (GDOT) for the construction of the Flat Creek Multi-Use Bridge. In December 2004, the City mailed invitations to bid for the pre-manufactured bridge to seven bridge manufacturers and the construction of abutments and installation of the bridge to twelve local construction firms. The bid was also posted on the City's web site, on the City's bulletin board, and in the bid book in the City Hall lobby. On two occasions, the bid was advertised in *Today in Peachtree City*. After several addendums, including an extension of the bid due date, bids for both parts of the

project were received on May 26, 2005, with no bids to be withdrawn for sixty (60) days.

Bids for the pre-manufactured bridge were received from Excel Bridge of Santa Fe Springs, CA (\$40,270); Big R of Greeley, CO (\$53,130); and Steadfast Bridges of Fort Payne, AL (\$45,053). The City received only one bid from JHC Corporation of Peachtree City for the construction of abutments and bridge installation

Bid specifications require the bridge manufacturers be major steel certified by the American Institute of Steel Construction, Inc. (ASCI) to build "spliced" bridges and to meet design standards and specifications of GDOT. Excel Bridge, the lower bidder, is major steel certified, but is not currently certified in Georgia (list QPL-60) for bridge construction. City Ordinances (Appendix B – Land Development Ordinance – Sec. 803) also note that design standards must conform to standards published by the City or if no City-published standards exist, the work shall conform to the latest specifications of the GDOT. Steadfast Bridges currently meets all required specifications of the City and GDOT and have built several bridges for the City in the past.

The bid package did not specifically say that the bidder had to be on GDOT's QPL-60 list, but Staff feels that with the notice on Addendum #4 and with our ordinance that we feel that Excel should not qualify even though they are the low bidder

JHC Corporation's bid for the abutment construction and bridge installation meets GDOT requirements for structure installation according to GDOT's engineering firm, Moreland Altobelli

It is Staff's recommendation that bids be awarded to Steadfast Bridges and JHC Corporation for the Flat Creek Multi-Use Bridge project. With this award, the City will request permission from GDOT to issue a notice to proceed with this project.

Budget Impact

The balance to complete this project is \$173,953. There is currently \$83,113 in the PIP budget for this project. Staff requests that the remaining amount of \$90,840 be transferred from the 2005 PIP Contingency, leaving a balance in PIP Contingency of \$85,763

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: Assistant City Manager 

DATE: July 14, 2005

SUBJECT Congestion Relief Accord – Memo of Understanding
July 21, 2005, City Council Meeting

Mayor Brown requested that the City Manager add this item to the July 21 Council Meeting Agenda. His email explaining the Accord and a copy of the Memorandum of Understanding are attached.

CH/bt

Betsy Tyler

From: Bernard McMullen
Sent: Friday, July 01, 2005 9:45 AM
To: Betsy Tyler
Subject: FW: Congestion Relief Accord - July 21 Council Mtg.



Congestion Relief
Accord.doc

-----Original Message-----

From: Steve Brown [mailto:stevebrownptc@ureach.com]
Sent: Wednesday, June 29, 2005 5:04 PM
To: Bernard McMullen
Cc: Clyde Stricklin; Dave Borkowski; David Rast; Gloria AAREid;
jmunford@thecitizennews.com; kduffy@ajc.com; lee@fayettedailynews.com
Subject: Congestion Relief Accord - July 21 Council Mtg

Bernie,

I have been meeting with government planning officials over the past several years to discuss transportation planning opportunities that would benefit Peachtree City and many of our neighboring jurisdictions. This multi-jurisdictional effort began when started interacting with the South Fulton CID. Since that time we have managed to pull in some substantial input from jurisdictions in Fayette, Fulton and Coweta.

Obviously, the traffic congestion is worsening in specific areas outside our city and we are negatively impacted as well as other jurisdictions. A number of the planning officials and I have concluded that the time has come for us to consolidate our support for specific projects where we can all benefit from enhanced scheduling and implementation.

The primary projects in the CONGESTION RELIEF ACCORD are the improvements to the interchange of State Route 74/I-85 and the possibility of creating a half diamond northward onto I-85 from State Route 92. The half diamond project would aid in relieving congestion from the hundreds of tractor trailer trucks and thousands of new residents coming to South Fulton.

As noted, signing this accord does not obligate Peachtree City, in any way, for funding or technical assistance for the projects listed. The accord merely provides our support to GDOT and our state elected officials for the projects.

Please include this e-mail in the council book as well as the attached Congestion Relief Accord. You can entitle the agenda item, "Consider approval of Congestion Relief Accord".

Thanks -
Steve B

Get your own "800" number
Voicemail, fax, email, and a lot more
<http://www.ureach.com/reg/tag>

Congestion Relief Accord

MEMORANDUM OF UNDERSTANDING

I. INTRODUCTION

A. This Memorandum of Understanding (MOU) is recognized by the South Fulton Community Improvement District (CID), Coweta County, Fayette County, Fulton County, City of Peachtree City, City of Senoia, Town of Tyrone, City of Union City and City of Fairburn.

B. This MOU addresses the basic relationship of how multiple jurisdictions are impacted by regional components within the transportation system and addresses the need for a collaborative effort to highlight and resolve specific congestion problems.

II. PURPOSE

Traffic congestion is a major problem in South Metro Atlanta. Congestion impacts not only commute times, but it also hinders economic development. The parties listed within the MOU understand that certain improvement measures would improve traffic for all jurisdictions.

The projects included in the MOU are:

- A. Improvements to the State Route 74/I-85 interchange
- B. Implementation of a half diamond northward on to I-85 from State Route 92
- C. Implementation of van pooling and park and ride lot site identification
- D. Representation from the jurisdictions within South Metro Atlanta on the Atlanta Regional Commission's Regional Freight Study

III. AUTHORITY

The aforementioned projects lie within South Fulton County, Georgia Department of Transportation District 7. However, the governmental bodies within Georgia Department of Transportation District 3 are equally impacted by the congestion generated with the projects listed. Therefore, if the congestion problems are left unresolved, the impacts will be felt sub-regionally.

IV. ROLES OF PARTIES AND STAKEHOLDERS

A. For all parties to recognize the significance of the aforementioned projects through the signing of this MOU.

B. For all parties to work in unison with the Georgia Department of Transportation and State Elected Officials to expedite the planning, engineering, and funding process for the aforementioned projects.

C It is agreed that nothing contained herein shall obligate the parties within this MOU for any of the responsibilities of planning, engineering or funding of the aforementioned projects.

President, South Fulton Community Improvement District (CID)

Chairman, Coweta County Commission

Chairman, Fayette County Commission

Chairman, Fulton County Commission

Mayor, City of Peachtree City

Mayor, City of Senoia

Mayor, Town of Tyrone

Mayor, City of Fairburn

Mayor, City of Union City

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers

VIA: City Manager *[Signature]*
Assistant City Manager *[Signature]*
Director of Financial Services *[Signature]*
Assistant Finance Director *[Signature]*
Purchasing Agent *[Signature]*

FROM: Director of Leisure Services *[Signature]*

DATE: July 8, 2005

SUBJECT Consider Awarding Pool Management Contract to USA Pools
For July 21, 2005 City Council Meeting

Recommendation.

That City Council award a partial-year contract to USA Pools (the incumbent contractor) for swimming pool management services from Oct. 1, 2005 through Dec 31 2005 (@\$54,225), with an option for three (3) one-year automatic calendar renewals (Jan. 1, 2006 – December 31, 2006 Jan. 1, 2007 – Dec. 31, 2007 Jan. 1, 2008 – Dec. 31, 2008, {@274,260 each year} The only other qualified proposal was from Sears Pool Management for the same time periods at a cost of (2005)-\$44,600; (2006)-\$257,500; (2007)-\$258,800; (2008)-\$260,000 Spreadsheet A shows this cost comparison and also the results of a comparison of the two companies based on rating criteria presented in the request for proposals. Staff believes that the higher cost of USA Pools services is justified by USA Pools significantly higher level of related experience and ability to handle a contract of this size. In addition, there are potential cost additives in the Sears agreement, which lead staff to believe that the quote is lower than the company can successfully support. Staff feels that the comparatively modest savings reflected in the Sears proposal would not offset the potential for interruption of safe and efficient service during the initial and predictably lengthy trial period with a new contractor

Discussion.

On April 7, 2005 the City mailed requests for proposals (RFP) to eight pool management firms and placed the RFP on the City's web site. A mandatory pre-proposal meeting was held on April 19 Four contractors attended. The contractors present were briefed on the parameters of the RFP and staff answered questions. An addendum to the RFP was issued to contractors who attended the pre-proposal meeting. Proposals were due by 3 p.m. on April 26

The City received proposals from four pool contractors. Southern Crescent Aquatics Inc., Aquatic Management Services, LLC, Sears Pool Management Consultants, Inc., and USA Pools. The proposals were evaluated on the following criteria.

Experience and record of performance in managing pool facilities	30%
Price Proposal	50%
Ability, capacity, skill, reputation and experience of the firm and the Individuals who will execute the contract and provide required services	10%
Record of performance with related governmental contracts	10%

A preliminary review of qualifications eliminated two firms who did not meet one or more of the basic requirements listed in the RFP specifications. Neither Southern Crescent Aquatics Inc., a start-up firm, nor Aquatic Management Services, LLC, in business less than 2 years, had the required minimum five (5) years experience in professional pool management. This minimum level of experience is critical to ensure the contractor has adequately experienced key staff and organizational depth to handle the requirements of a large public contract.

Staff completed a thorough comparison of the remaining two companies' proposals to determine which was the most **responsible** contractor, with capability in all respects to fully and **safely** perform the contract requirements, and the most **responsive**, whose bid conformed in all respects to the invitation for proposals. A weighted point system based on the criteria percentages was used to quantify this comparison. Spreadsheet A summarizes those results. USA Pools obtained the higher score based on the following findings.

Related Experience: In this category we were looking for previous experience operating multiple pools, some year-round, in a high-bather load environment. This is a key element to successful safe operations in Peachtree City, which, with five pools, two of them year-round pools, constitutes a significant pool management operation. One important element here is the ability and organizational depth to provide the large numbers of well-trained guards during the summer and winter. In addition, we were looking for the capability to provide on site maintenance when required, 24/7/365. Also, proposers needed to demonstrate that they have the resident expertise to support and maintain a prolific and successful swim lesson program. A direct comparison of several elements within this requirement clearly demonstrates that USA is more qualified.

Years and Classification of Experience:

- **Sears Pools.** The company is in its 9th year. It has only managed two municipal pool operations on a much smaller scale than Peachtree City's (Decatur, 3 summer pools (one closed for repairs this year), Atlanta, one summer pool), with **no public sector year-round experience, which is crucial to Kedron's winter operations.** There are unique operational issues concerning year-round pools, such as, it is extremely challenging to find qualified lifeguards during the winter season because most are in college or high school, so recruiting methods must accommodate that need. In addition, there are different operational and safety concerns when the pools are enclosed which

require experienced handling. For example, knowing how to evacuate the bubble should it begin to come down is a critical need that only training and experience can provide. Also, neither of their municipal contracts includes swimming lessons, which are a major component of the current operation. The current swim lesson program here has continued to grow and improve year after year, now serving more than 1,300 students. It is also a viable revenue source for the city. Sears background has mostly been in homeowners associations and health club environments.

- **USA Pools:** This company has been in operation 26 years, and manages several municipal pool operations throughout the southeast besides Peachtree City's, including Valdosta, Atlanta, Orange Beach, and Laurel, Mississippi. USA operates year-round facilities at several of these and offers swim lessons on a routine basis.

Ability, capacity, skill, reputation and experience of the firm and the individuals who will execute the contract and provide required services:

- **Sears Pools:** Experience has shown us that the most important contractor staff member is the on-site manager. Sears did not initially provide background on the person they planned on assigning in this position as requested in paragraph IV (1) (a) (2) of the request for proposals. Upon verbal request, they provided an email identifying their candidate as a young lady who has previously been a lifeguard here and was a good head guard at Pebblepocket Pool for a summer or two. However, in subsequent follow up phone calls from our purchasing agent to Sears, we found that the candidate has been working in sales for a promotional company unrelated to pool management operations. In addition, she is not current in basic level lifeguard certifications, and she has no demonstrated experience in management or broader aspects of aquatic operations. She is not currently an employee of Sears and would not be hired unless they were awarded this contract and then would come on with insufficient experience and credentials.
- **USA Pools:** The USA on-site aquatics director has 20 years experience in the pool management field and holds a number of specialized certifications, including Certified Pool Operator, 1st Responder, Water Fitness Instructor, Red Cross Water Safety Instructor Trainer and Basic Water Rescue. She was the American Red Cross Georgia Safety Award Recipient in 95-96, received the Red Cross Health and Safety Award for the State of Georgia in 1997 and is recipient of USA Pools' Spirit of Excellence award for customer satisfaction. She has been in this position for the past 3 years, and has proven to be dependable, creative and professional. Under her supervision, the city swim lesson program now serves more than 1,300 students. Revenue from those lessons to the city has increased 7.6 percent to an estimated \$14,000 in 2005. Prior to this position, she held a similar position with another pool company for 5 years. For 10 years prior to that, she was the aquatic director at BentTree, a planned golf community of 1,000 homes in the Georgia mountains (Pickens County), where she oversaw all operations and maintenance at two large pools, a staff of 12 and a \$200,000 budget.

- **Sears Pools:** In their proposed agreement, Sears says that if an unforeseen event such as vandalism or contamination occurs that requires Sears to spend extra time getting the pool back in operation, there will be an “extra trip charge” of \$45/visit plus an hourly rate of \$45/hr (one-hour minimum
- **USA Pools:** Currently, the USA on-site manager and guards on duty handle contamination issues as directed by the city as part of the contract cost.

General Observations: There are several sections of the proposed agreement that came with the Sears package which indicate there is significant disparity between the type of services the company is accustomed to providing and what the city would require. It is anticipated that they would have to raise the price of the contract were they to provide expected levels of service, since they all represent a cost:

- They indicate that supervision and safeguarding users of the wading pools (we have two, one each at Clover Reach and Pebblepocket) is the responsibility of the parents of the children, and they ask for indemnification (page 6, para. 13). We hold contractors responsible for every pool operation inside the fence.
- (Page 7, para. 16) The draft agreement indicates that for 15 minutes every hour lifeguards will take a break and not be on duty, and Sears won't be responsible for the pools during that time. City pools are never left unattended while lifeguards take breaks. Lifeguards get breaks through normal guard rotations. The number of guards specified in the contract allows for this to happen.
- They state that their maintenance service tech is on duty 6 days per week “during the season,” (page 2, para. 3) indicating summer swim season; we require 24/7/365 availability due to our year-round heavy schedule
- (page 6, para. 15, Water Quality) the minimum chlorine level is quoted as 1.0 parts per million; the city summer pools are kept at a minimum of 3.0 for added safety due to the intense sun and high bather load.
- (page 9, para. D, Major Repairs) Their proposed agreement states that if the Client (City) does not approve recommended repair work, Sears may cancel the agreement if failure to have such repair work interferes (at their discretion) with their ability to carry out its responsibilities. This arrangement gives the contractor too much control over City budget processes and decision-making. In addition, were the contract cancelled, all pools would be shut down pending the RFP process to obtain another contractor, causing loss of patron confidence and revenue.
- General language in the agreement indicates that it is a boilerplate used to service homeowner's associations or similar organizations. There are references such as “the board,” the client's “president,” and “club members,” which indicate the company did not take the time, and/or did not possess the expertise, to tailor it to a large municipal operation.

Price Proposal:

As shown in Table A, USA Pools is \$9, 625 higher for the remainder of 2005 and \$16,760, \$15,460 and \$14,260 higher in 06-08 respectively. However, staff is convinced that the city will more than realize the benefit of that cost in terms of safe, sustained and proven quality service from USA Pools. In addition, we believe that there are factors relative to conducting a municipal aquatic management operation of this magnitude that Sears has not properly considered or addressed, and that down the road these shortcomings will lead either to inadequate service or potentially higher costs to the city. Since Sears lacks the level of experience and depth of organization we know we need to be successful, we believe that awarding them the contract would lead to a significant drop in safety, service efficiency and customer satisfaction during what we anticipate will be a lengthy period of transition while their organization grows and conforms to the level we need. The current Recreation staff has spent endless hours and effort developing high safety and operational standards and working with the contractor to meet them. Several pool managers were tried and rejected before finding the successful fit for our needs. Staff believes that in the long term the time, energy and money spent bringing on a new management company would not be offset by the short-term monetary gain we would experience. While we have no doubt that Sears Pools does a very good job with smaller operations, we do not believe they have the base required to sustain successful operations at the level we have now reached.

Budget Impact: The current FY 2006 budget would require an amendment to increase the pool line item by \$14,340

[illegible]

Sears Pool Management Consultants, Inc.1180 Hightower Trail
Atlanta, GA 30350

Ph: (770) 993-7492 Fax: (770) 993-7491



April 26, 2005

Ms. Angela Egan
City of Peachtree City Purchasing Department
151 Willowbend Rd.
Peachtree City, GA 30269

Dear Angela,

It was a pleasure to meet you and Jim and Scott on site at your pools last week. Enclosed you should find two sets of three signed copies of our pool management proposal for the City of Peachtree City. The proposal includes turnkey service, based on the RFQ you sent me.

The first set contains the proposals for October 1 - December 31, 2005. The second set contains the proposals for January 1, 2006 - December 31, 2008.

Now in our ninth year in business, Sears Pool Management Consultants, Inc. has grown to become a leader in the Atlanta pool management market. We have been providing pool management services to the City of Decatur and the City of Atlanta (Chastain Park) going on 4 years. We also provide pool management services to many other large homeowner associations and private clubs throughout the metro area.

We currently have a combined (General and Professional) liability insurance limit of \$3,000,000.00 aggregate. However, we are planning to increase this to \$5,000,000.00 this year, and will have this coverage in place prior to beginning service for the City of Peachtree City.

Please feel free to contact some of our current customers to inquire about our services:

The City of Decatur	Clandia Whaley	404-377-7231
Chastain Park	Jim King	404-841-0076

If you would like more references, let me know, and I will be happy to provide them. These are the municipal pools we manage.

We have an on site manager in mind who is a resident of Peachtree City and has prior experience working at the city of Peachtree City. She also has prior experience organizing and running swim lesson programs.

We have a Maintenance Supervisor who currently works for the company and lives on the south side of Atlanta. He has attended various training seminars including APSP Technician training. We intend to have him service the city pools, if awarded the contract.

Please let me know if you have any questions about our proposal or our services. If there is something in our proposal that is contrary to city policy, let us know. We are flexible within reason, and some sections of the proposal are negotiable. We are very interested in earning your business. We wish you a successful summer season in 2005, and look forward to working with you in the near future!

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Sears', written over a horizontal line.

Craig Sears
President



Where The  Always Shines

Professional Pool Management

Service • Safety • Supplies

April 26, 2005

City of Peachtree City
Attention: Angel Egan- Purchasing
151 Willowbend Road
Peachtree City, GA 30269

RE: RFP Pool Management # 05-103PLS

Dear Ms. Egan:

On behalf of USA Pool Management, Inc., I wish to thank you for allowing us the opportunity to bid and compete for your business. Enclosed you will find a comprehensive business plan as outlined in the RFP #05-103PLS. This letter should serve as our cover letter letter of intent and general overview of the enclosed material.

Primarily we would thank the City of Peachtree City for recognizing USA Pools as an experienced, professional organization that achieves full compliance with each and every aspect of the prequalification requirements as directed by the RFP. Understanding that our (City of Peachtree City and USA Pools) primary objectives are to insure that your community enjoys a safe, family oriented swimming environment, we are confident that our mutual efforts will continue to provide a consistent, reliable service to the community. The USA spirit continues to elevate the positive expectations in every aspect of facility management and customer satisfaction. Our comprehensive safety procedures and extensive facility management experience provides for a highly trained and experienced staff that proactively serves the community and City.

Our success was established 26 years ago on fresh creative dreams while implementing innovative programs to supplement existing activities. In the late 80's USA Pools began working with a small builder name John Weiland in an exclusive city named Peachtree City. We soon realized that you do not work in Peachtree City; you eat, sleep and live the hometown attitude of this great city. As the 90's approached, our desire to live the Peachtree City experience solidified as we expanded operations throughout Peachtree City and Greater Fayette County. The consistency and professionalism of our training and structure enabled USA Pools to optimize our services through unparalleled hiring and training standards. In April of 1998, the USA Spirit opened the doors to begin serving the City of Peachtree City. Over a decade of service to this unique community that we have grown up with, had culminated into the opportunity to continue to serve the patrons with the City.

Too often, operations fall into the same routines, which lead to decreasing satisfaction, or quite simply day in and day out routines. In our 7 years of service with the Peachtree City team, we continue to raise the bar of service. As this City continues to expand and grow, we have successfully increased pool usage, added programming, grown an unmotivated swim lesson program into a 1200+ strong program of satisfied students. Our impeccable service response time has eliminated any down time that could affect user groups.



1073 Green Street • Roswell, Georgia 30075-3608
Phone: (770) 248-1USA (1872) • Fax: (678) 352-0USA (0872)
www.usapools.com



We have successfully integrated activities and programs to maximize usage of the satellite operations and created a breeding ground of pool safety with each class. The USA presence on deck for the City of Peachtree City has reduced liability to the City and increased the efficiency of operations. The operational systems that we have customized with the City of Peachtree City have created a foundation of success that has freed up the Recreation Department to focus on innovation in the growing city

USA Pools provides operational assurance that our team members are on task for performance, encompassing safety customer satisfaction and the most innovative management techniques and reward programs to not only motivate the USA Pools lifeguard team but also provide the highest level of customer service to our patrons and City Staff.

In addition to providing an all-star team, we continue to cooperatively serve The **City of Peachtree City** with 21st Century technology As part of our professional management, we will continue to provide interactive, innovative programming to the City and Patrons at each of the swimming facilities.

- **Special Events**

- Memorial Day Pool parties with lots of surprises, to kick off the season the right way & promote community pool usage
- Dive in Movies. allow the kids the opportunity to bask in the pool at night and watch their favorite movies, with friends and family
- Jelly Bean Guessing Contests... children love USA lifeguards and the mentor program....how better to build relationship than whip cream pies in the lifeguards face.
- Coloring Contests where every child walks away a winner
- Sidewalk Chalk. gives Mom and Dad a break at the pool to enjoy the summer vacation. Easy cleanup activities encourages children's creative minds.
- Back to School Parties...who says school has to be blah...with weekend school parties, all children will look forward to school.
- And Much, Much More..

- **IPSS (Interactive Pool Safety System) Pool Cam**

- Parents can check out the exact conditions of the pool 24/7 via the Internet
- Motion detection at the pool that will email photos to a designated agent when the pool is closed.
- Provides a wireless Internet connection for those who wish to be online & work while at the pool
- Provides "Real Time" actual camera coverage at the facility 24/7 from anywhere Internet access is available, just log onto our Website and view the facility at your leisure.
- **Is password protected for your community's privacy**

At USA Pools.. we constantly strive for 110% customer satisfaction. Each season, we gather customer surveys from patrons to provide to the Recreation Department with direct feedback from the patrons. Throughout the summer, we keep our fingers on the pulse of our patrons and provide these results to the City It's one of the many ways we have created a "checks and balances" system in order to continually improve upon our performance. Additional commitment to excellence include:

- Bi annually we have provided complete pre/post season walkthrough evaluations **FREE** to the city By eliminating surprises at the beginning or end of the season, we promote fixed budgets and long range master planning for ultimate pool care.
- The USA training has completely eliminated year round staffing challenges with our strong employee base. 5:30 am swim team practices have never looked so good!!! The

USA Management team provides this unparalleled, uncompromised service to the city day in and day out.

- Membership services collect and deliver deposits to City personnel with full accounting of the daily fees. Additionally, audits of the collections are performed.
- With our systems in place, we help you **grow your community** by implementing new programs to supplement existing activities, thus drawing more interest and new participants.
- We can repair, design, renovate and build from the ground up with our **in-house experts!!!!**
- **We are on call for your facility 24 hours a day, 7 days a week FREE to the CITY!!**
You have the assurance that if a problem arises, behind the scenes we will have it fixed without impacting operation, **GUARANTEED!**

Of course, there is much more that we offer. For those who want to explore the ocean bottom, we offer Certified Scuba Lessons right there at the pool. Don't have a dive trip planned? Let us do the planning for you! For those wanting to get into shape, we offer Aqua Aerobics for a complete work out. If you have always wanted to swim, or just improve your stroke, we offer a complete line of Swim Lessons through our FISHES Program; tailored to meet your specific abilities.

Upon inception of the FISHES Program in 1998, USA Pools has increased swim lessons participation from just over 375 to over 1200 per year annually

Over the past seven (7) years, the City has experienced tremendous growth. The City has increased budgets in every aspect of City Management. The stalwart of fiscal responsibility matched with superior service has rested in the strength of the consistent disciplined management by USA Pools. For seven years, the City has not received a price increase. For Seven years, budgets have risen with USA Pools holding our pricing firm. Whereas the average pay rate of labor over the past 7 years has risen dramatically, USA Pools has provided the budget conscious, consistency of a fixed budget for seven years. We recognize that our relationship is strong because of this unchanging commitment to quality at a fixed cost.

As we enter a new contract period, we know that we are the voice and stalwart of experience in this industry. We recognize that many fledgling operations are born out of desire to land the big catch of a large operation without the experience, background, or knowledge to manage this type of operation and most importantly protect the City, the Council, the Departments, and the Community from liability. We recognize that the City has created stringent RFP demands to ensure that only capable bidders approach this operation as a serious management challenge as opposed to a lottery ticket. We pride ourselves that the USA Pools front line Aquatic manager for the City of Peachtree City has more aquatic management experience than all competitor bidders collectively. The USA Pools Aquatic Director has more swimming pool management experience than the principles of all other bidders combined. This strong front line approach is only the first level of the USA Pools depth chart of resources and experience. The level of experience in Swimming pool management only increases as you continue up the ladder of the USA Pools Team.

Pursuant to the request on RFP #05-103PLS, we have provided below in the order in which they were produced, our responses in part, to the questions that have been requested. We strongly urge the principals to review the attached information that will provide comprehensive insight to our operations, principles and professionalism.

- a. Our recommendations and methodology for the enclosed facilities is based from our 26 years of experience overall and 7 years management experience of the

Peachtree City facilities. Specifically, we have trained over 20 thousand lifeguards in our experience. We have trained tens of thousands in swimming. More specifically, we recruit, train and hire over 200 team members in the Peachtree City area annually. We have taught over 8000 children to swim in Fayette County. We have implemented adult swim lessons at a financial loss to serve the city. We have donated over \$50,000 in lifeguard labor outside of the agreement to allow for Saturday morning Swim team practices. We worked cooperatively with the City and SCAT to enable these morning practices without impacting the Peachtree City budget. This sizable donation is a demonstration of our commitment to success in the City that we have grown with. In addition to the specifics of this operation, all of our work and standards are set forth through the American Red Cross, NSPI (National Spa and Pool Institute), and National Pool Management Group. In managing an operation like the City of Peachtree City, you not only have to have extensive pool management experience, unparalleled service record, strong financial stability, highest ethical standards, a strong working knowledge of the community, but also a commitment to community and people that is not dictated by the bottom line. We focus not on financial impacts but service to people. We urge the City to see if any of the bidders could provide a bond to insure operational satisfaction. In the end, USA Pool Management, Inc., proudly and respectfully works for the City of Peachtree City.

The USA Pools team consists of:

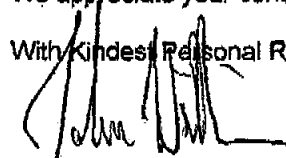
- 200 lifeguards, pool managers, swim instructors that live and work less than 15 minutes from any one of the pools.
 - Priscilla Peak- Aquatics Director-
 - o 20 years experience
 - o Lifeguard Instructor Water Safety Instructor Trainer, Certified pool Operator, 1st responder, Water fitness Instructor Basic Water Rescue DFACS
 - o American Red Cross State of GA Safety Award Recipient 95-96
 - o Over 15,000 children taught to swim
 - o Thousands of lifeguards trained
 - o Unparalleled PTC service record
 - o USA Pools Spirit of Excellence award for Customer satisfaction
 - The backing of Corporate Office who has assigned a team consisting of 18 full time USA team members who will coordinate, assist and insure constant customer satisfaction.
- b. Our expertise in successfully managing facilities such as this is paralleled with such Cities as the City of Valdosta, GA, City of Laurel, MS City of Atlanta, GA, City of Orange Beach, City of Hapeville, etc.
 - c. USA Pools year round management experience, City of Peachtree City City of Laurel, Dekalb YWCA, Deer Run, etc.
 - d. USA Pools started the pool management business in Metro Atlanta 26 years ago.
 - e. USA Pools continues to carry minimum of \$5 million insurance to protect our operations.
 - f. See attached contracts
 - g. Attached Cost proposal sheet
 - h. Additional material is enclosed that was not specifically requested that provides a better overview of the services, and the manner in which our services are carried out. Our staffing plans begin with a core foundation of principles that are vital to success. We recruit throughout the southeast for the cream of the crop. We provide training and continuing education every week a team member is with our organization. We instill job satisfaction through knowledge, training, relationship developing activities for pool patrons through our Fun Pak, and incentive based bonus structure that rewards our high standards in customer service. The Lifeguard information Book shall provide a glimpse of the level of expectations of our team members. Included is a USA Pools sales presentation that will walk you through our annual business plan and educate

you on day to day operations. USA Pool Management will continue our aggressive recruiting plan for lifeguards, pool managers, and swim instructors both locally and regionally. With our diverse operations, we are able to supplement any needs for the pool season.

In 1996, the City of Peachtree City identified that USA Pools was the road to management success in day to day operations and programming. Our cooperative efforts from inception of developing an unparalleled level of service has saved the City thousands of man hours over the years. We have worked successfully with Mr. David McDaniel on the technical side of operations, Mr. Randy Gaddo and Ms. Sherry McHugh on contract planning and budgeting, Mr. Jim Miller on every aspect of day to day operations and various Cities team members on providing for special pool activities and camps. The stability that USA Pools provides on a day to day operational level enables the Recreation Department to continue to plan for the future of this great city.

We appreciate your continued faith in USA Pool Management for all of your operational needs.

With kindest Personal Regards,



John Williams
President
770.248.1872*105
404.307.3711 Direct
678-352-0USA Facsimile
John@usapools.com
www.usapools.com

Cc: File

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *Bonnie M. Muller*
Finance Director - *Asst. Jc*
Purchasing Agent *one*
Developmental Services Director *Curly*

FROM: City Engineer *Dave B*

DATE: July 13, 2005

SUBJECT: State Route 54 and Stevens Entry Traffic Signal
July 21st City Council Meeting

Recommendation.

For Council to authorize the Mayor to sign all three copies of the attached Request For Traffic Signal.

Discussion:

Previously, the City of Peachtree City requested the Georgia Department of Transportation (DOT) to perform a traffic study to see if a traffic signal was warranted at Stevens Entry and State Route 54. The DOT has informed us that the intersection meets warrants for a signal and they have sent us the official Request for Traffic Signal application.

The DOT has agreed to supply all the equipment necessary for the signal installation if the City of Peachtree City pays for the installation and the cost of electricity and phone service.

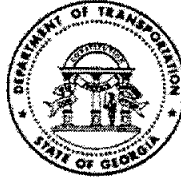
Once the application is signed and returned, it will be sent to the Atlanta DOT office for final approval. If the application is approved then we will be notified by the DOT's Thomaston District and we can proceed at any time to install the signal.

Budget Impact:

The cost of installation is approximately \$70,000, and the cost of electricity and phone service is estimated at \$150 per month. This project will be funded from the Special Purpose Local Option Sales Tax funds. The additional cost of the electricity and phone service would have to be budgeted out of Public Works as they currently pay for the electricity on the signals we service.

cc: City Engineers File
Jennis Rice (w/copy of approved memo for PO)
Gloria Reid (w/copy of approved memo and archival cover sheet)

Attachment



Department of Transportation
State of Georgia
Thomaston District Office

May 27, 2005

Dave Borkowski
City Engineer
153 Willowbend Road
Peachtree City, GA 30269

RE. State Route 54 @ Steven's Entry

Mr Borkowski,

As requested, our office conducted a study at State Route 54 and Steven's Entry to determine if a stop and go traffic signal is warranted. Attached is the application for a stop and go traffic signal. Please sign all three (3) copies and return them to our office.

Per our phone conversation, it is our understanding that you will pay for the installation of the traffic signal and loops, provided that our office provides you with the equipment. Thank you for your cooperation in this matter

If you have any questions, or if we can be of further assistance, please contact Sue Anne Decker at 706-646-6562.

Sincerely,
Thomas Howell, P. E.
District Engineer

A handwritten signature in black ink, appearing to read "K. B. Rohling", is written over the printed name of the District Traffic Engineer.

By: Keith B Rohling, P.E.
District Traffic Engineer

KBR. SHD

Distribution
White – Applicant
Yellow – State Traffic Engineer
Pink – District Traffic Engineer

Do Not Write In This Space

Application No _____

Permit No _____

**DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA**

REQUEST FOR TRAFFIC SIGNAL

To the Georgia Department of Transportation.

The City of Peachtree City in Fayette County hereby request approval for the use of a traffic signal at the location described below.

LOCATION

Local Street names Floy Farr Pkwy at Steven's Entry (MP 3.02)

State Route Numbers 54 at Steven's Entry

TYPE SIGNAL

☒ Stop and Go ☐ Flashing Beacon ☐ School Beacon ☐ Other

CONDITIONS OF APPLICATION AND STANDARDS OF OPERATION

In the event that the Georgia Department of Transportation authorizes the use of a traffic signal at the above location, the undersigned agrees to participate in the costs to purchase and install the signal. This level of participation will be determined after a study of the location has been completed. The signal must be installed to the Department's standards and conform with the authorization issued by the Department and the provisions set forth therein.

COST OF OPERATION

The full and entire costs of the electric energy and telephone service used to operate the signal shall be at the expense of the applicant without any cost to the Georgia Department of Transportation. The applicant understands that the Department may ask for participation in the cost for the purchase, installation and maintenance of the signal if approved.

INSPECTION AND APPROVAL

The installation, maintenance and operation of said signal shall be subject at all times to inspection and approval by a duly authorized engineer of the Georgia Department of Transportation.

RIGHT TO REVOKE

The Georgia Department of Transportation reserves the right to revoke the approval should it for any reason desire to do so, by giving the applicant thirty (30) days written notice, and in that event, the applicant agrees to remove said signal from said right-of-way at its own expense or allow it to be removed by the Department.

This application is hereby submitted and all of the terms and conditions are hereby agreed to. The undersigned are duly authorized to execute this instrument.

This the _____ day of _____ 19__

Attest

By _____

Title _____

Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers

VIA: City Manager 
Assistant City Manager 

FROM: Director of Leisure Services 

DATE: July 15, 2005

SUBJECT Discuss County Commission Actions Relative to County Library
July 21, 2005 City Council Agenda

Recommendation: That City Council review the attached material, receive a briefing on the subject and be prepared to take a position should the need arise in the future.

Discussion. The attached background information will familiarize Council with issues surrounding the County Library Board's recent recommendation to only pay the Flint River Regional Library System (hereafter the Region) \$4,000 for services to the Fayette County Library. The County Library Board, with cooperation from staffs of the Fayette County, Peachtree City and Tyrone libraries, was in the process of preparing an update to the 1982 agreement with the Region. The attached material is largely a product of that effort.

However, County Library Board actions relative to payments to the Region have further prompted the County Commission Chairman to promulgate measures he announced at the most recent Association of Fayette County Governments meeting on July 12th. These actions were reported in the local media. Essentially, he is going to be asking the Flint River Regional Library Director for pertinent financial information. In and of itself, that is not an unreasonable thing to do. However, any actions taken by the County Commission vis a vis the Region can have a significant impact on the Peachtree City library. The purpose of this discussion will be to provide some basic information and answer questions that you may have after reviewing the attachments.

Budget Impact: There is no direct budgetary impact related to this discussion. However, future actions taken by the County Commission relative to library services in the county could have significant budgetary implications to the City.

**Division of Leisure Services, Peachtree City
Library Department
Position Paper**

Topic: **Proposed Fayette County Library System**
Date: **06/28/2005**

Prepared by: Jill Prouty
 Library Technology & Training Manager

Reviewed by: City Manager
 Director of Leisure Services

Background:

Over the past five months, the Fayette County Library Board has been discussing the advantages of pulling out of the Flint River Regional Library System (FRRLS) and forming a separate Fayette County Library System. Even though staff representatives from Peachtree City and Tyrone libraries, and County Library Board Member Marie Washburn (also chair of PTC Library Commission) have not supported this effort, some Board members and the county library staff continue to push the issue. This position paper is intended to provide background to Council to accompany a request from staff for support of our position on this matter

Discussion:

At the March 15, 2005 meeting of the Fayette County Library Board, the Board requested that a committee made up of managers from Fayette County Public Library, Peachtree City Library, and Tyrone Library review and update the participating agreement with Flint River Regional Library System (last renewed 04/26/1982). The members of the Committee were Chris Snell (Fayette County), Jill Prouty (Peachtree City), and Julie Digby (Tyrone). The Committee met twice and developed a revised agreement that was acceptable to all with the exception of the membership fees. Membership fees are monetary amounts that each participating government agency pays to Flint River Regional Library for services which include, but are not limited to, centralized ordering, cataloging, and processing of materials, weekly delivery services, and consolidated reporting (see **Spreadsheet B** for additional items provided by the Region). The current membership fees are as follows. Fayette County - \$72,975, Peachtree City - \$13,000; Tyrone - \$11,000. Due to the different level of services received by each library, the Committee suggested that the membership fees be revised to reflect the amount of services received by each library (see **Spreadsheet A**). What the Committee discovered was that Fayette County Library and Peachtree City Library were getting the best deal, while Tyrone was paying 2% more of the fees for less service. To correct the

discrepancy, the Committee suggested revising the membership fees to make it more equitable for all as follows. Fayette County - \$76,048, Peachtree City - \$15,010; Tyrone - \$9,006 (**again, see Spreadsheet A**). These numbers are all within 2% of the current payments being made to FRRLS. The one major sticking point was that Snell refused to acknowledge that her position as Director of Fayette County Public Library was a benefit received by the County and objected to her position being listed as a benefit, even though the position is state-paid through FRRLS, and is clearly only benefiting the county library. In addition, FRRLS supplements Snell's salary and pays for all benefits for which she is eligible. According to officials at Georgia Public Library Service (GPLS), state paid positions are allocated to regional libraries, and not member libraries. It is not the norm to send them out to member libraries. This was done at the discretion of the Regional Director, who can reallocate resources as he sees fit to best serve the Region.

At the last Fayette County Library Board meeting, held on June 21, 2005, the Board elected to proceed with the new revised agreement provided by the Committee, with the deletion of specified membership fees. The Board was to have forwarded the amended agreement to the County attorney for review, and then set a meeting with Region Director Walter Murphy to discuss the revisions (minus monetary issues). The Board then voted to authorize the payment of not more than \$4,000 for FY06 in payment of annual fees to FRRLS from Fayette County, clearly reversing their earlier decision. If the FCBOC approves the recommendation, it would leave Peachtree City and Tyrone in a predicament. If FRRLS decides to terminate Fayette County's membership in the Region because of lack of funding, then according to Georgia law, Peachtree City and Tyrone will be no longer eligible to participate in the regional system. This is especially concerning for Tyrone, as they have been approved to receive state grant money for a new library next fall, which will come from FRRLS.

I have calculated the costs associated with the formation of a separate Fayette County Library System, which are detailed on **Spreadsheet B**. These numbers are based on information contained on a document titled, "Public Library System Considerations, Draft, June 2004" provided by David Singleton, Deputy State Librarian. In summary, the initial start-up cost if not supported by the state would be \$683,637 with the recurring costs estimated at \$327,237. If the new system were approved by Georgia Public Library Service (GPLS), *which is a requirement to receive state and federal funding*, the start-up cost would be \$551,248 with the recurring costs estimated at \$223,348. It is expected that this cost would then be passed on to member libraries in membership fees. Obviously, this is more costly than remaining part of FRRLS. Please note that the "GPLS approved" costs are rough estimates, as state funding is not only based on a formula, but also by available funds. GPLS makes no promise that it will be able to provide the level of support that it has in the past, either in funding or staffing.

Previous members of the Fayette County Library Board have said that if Fayette County were to pull out of FRRLS, Peachtree City and Tyrone would have no choice but to follow suit or be left "out in the cold" without state and federal funding. There is some truth in that statement as Peachtree City and Tyrone are part of the Fayette County agreement with FRRLS, and according to Georgia law, only the County can enter into an

agreement for regional library service. However, I have spoken with David Singleton, Deputy State Librarian, and he indicated that it is unlikely the County would receive GPLS recognition without the support of Peachtree City and Tyrone. This is due to the fact that the County would have to come up with a plan to serve all residents of Fayette County. Obviously, this would be extremely difficult to accomplish (and extremely expensive) without the aid of the facilities in Peachtree City and Tyrone. Thus, all libraries in Fayette County, including the Fayette County Public Library, would be "left out in the cold." (This scenario, for Peachtree City Library, would add approximately \$66,640 to our operating costs in order to provide, as an independent library, the same level of service to our patrons.)

Peachtree City Library continues to receive satisfactory service from FRRLS. Over the past year, the library has received a record number of new books, averaging 500 a month. The new Technical Services staff in Griffin does an exceptional job of processing our orders. The new online system of ordering has enabled us to see our estimated discounts as well as which items will be cancelled and/or backordered due to limited availability. In turn, this enables us to carefully track every order placed.

Conclusion:

Staff supports the continuation of membership in the Flint River Regional Library System, and requests that the Mayor and Council endorse that position. Services provided by the Region are meeting our operational needs and, further, the regional staff is assisting us in processing and storing a large "re-opening day" collection, and are working on plans for the new Tyrone Library, which will be state funded through FRRLS.

Fayette County Library System – Cost Considerations

If Fayette County were to pull out of the Flint River Regional Library System to form a county system, the County would need six new positions in order to be recognized by Georgia Public Library Service (GPLS), which is required to receive state and federal funding. One Director (now state paid through Flint River) for administrative functions, as well as two Technical Services positions to handle acquisitions, original cataloging, and processing of books. In addition, the system would need a Technology Librarian, Bookkeeper, and a part-time Delivery/ILL Service Coordinator. This assumes that there is no current “surplus” of staff at the Fayette County Library that could be pulled from their normal day-to-day job duties. Items highlighted in yellow are items that would likely be covered by state funding if new system was approved by GPLS. Totals at bottom reflect both scenarios. (Note: If some participating agencies [namely Peachtree City and Tyrone] do not favor a Fayette County Library System, it is unlikely that the system would receive GPLS approval due to the population served by those two entities.)

Additional Regional Staff

~~FT Director:~~ \$60,000

FT Technology Librarian. \$50,000

FT Professional Cataloger \$40,000

FT Bookkeeper \$35,000

PT Technical Services Assistant: \$11,169

PT Delivery/ILL Service Coordinator \$11,169

Est. Benefits. \$55,500

Total for additional staffing: \$262,838

Delivery Services (Incl. Van, Courier, & ILL)

Van. \$21,000

Gas: \$364

Courier Service (~~5x week FA~~, 2x week PT, 1x TY&BR): \$6,720 ~~(-\$3,120)~~

Postage/Mailing Supplies: \$4,500

Total for Delivery Services: \$32,584

Additional Workspace

An expansion and/or renovation would need to be done at the Fayette County Library in order to house a Technical Services Department, as well as provide additional workspace for the Technology Librarian. Additional computers would also need to be purchased for Technical Services staff (2), Technology Librarian (1), Delivery/ILL Service Coordinator (1), and the Bookkeeper (1).

Expansion/Renovation (2,000 s.f. at \$150 per s.f./ave.): \$300,000
Additional Computers: \$5,000

Total for Additional Workspace: \$305,000

Membership Dues (Incl. OCLC Access)

SOLINET/OCLC (Sole Provider of Cataloging Utility): \$33,649 ~~(-\$33,049)~~
Georgia Library Association: \$50
American Library Association. \$500

Total Membership Dues: \$34,199

Additional Costs:

New Integrated Library System: ~~\$35,000~~ or PINES Policy Name Change: \$1,500
GALILEO Access: \$800
Internet Access: \$1,920
Accounting Software: \$500
Technical Services Supplies: \$5,000
Travel Budget for Director: \$1,296
Bonds & Insurance (Incl. fiduciary bond & liability): \$4,500

Estimate for misc. expenses: \$49,016

***Initial Independent Start-Up TOTAL = \$683,637**

***(Recurring = \$327,237)**

***Initial "GPLS Approved" Start-Up TOTAL = \$551,248**

***(Recurring = \$223,348)**

*It is expected that these costs would be passed on to member libraries, unless the Fayette County agreed to pick up the entire tab.

Spreadsheet A
Benefits Received by Fayette County Libraries from FRRLS

DRAFT

	Fayette County	Tyrone	Peachtree City	Totals
1	1 FT Library Director Salary			
	Approx. Fringe Benefits			
		100%	0%	0%
		\$62,000.00	\$0.00	\$62,000.00
		100%	0%	0%
		\$18,600.00	\$0.00	\$18,600.00
2	State Grant Money			
		68.24%	14.39%	17.37%
		\$27,505.00	\$7,000.00	\$40,305.00
3	*Coordinator of Tech Services			
	*Data Processing Editor			
	*Public Services Librarian (Ordering)			
	*Tech Services Assistant			
		67.34%	8.32%	24.34%
		\$25,252.50	\$9,127.50	\$37,500.00
		67.34%	8.32%	24.34%
		\$15,151.50	\$5,476.50	\$22,500.00
		67.34%	8.32%	24.34%
		\$12,626.25	\$4,563.75	\$18,750.00
		67.34%	8.32%	24.34%
		\$2,705.05	\$977.74	\$4,017.00
4	**Tech Services Supplies			
		67.34%	8.32%	24.34%
		\$2,020.20	\$730.20	\$3,000.00
5	1/wk Delivery			
		1/3	1/3	1/3
		\$6,500.00	\$6,500.00	\$19,500.00
6	TOTAL BENEFIT OF SERVICES			
		76%	9%	15%
		\$172,360.50	\$34,376.69	\$226,172.00
7	Region Proposed FY06 Membership Fees			
		75%	14%	14%
		\$75,164.00	\$13,900.00	\$100,064.00
8	Recommended FY05 Membership Fees			
	Based On Services Received			
		76%	9%	15%
		\$76,048.00	\$15,010.00	\$100,064.00
*Calculations based on staff time spent on combined Fayette libraries (75%), then each library's percentage of book order money sent to GR in FY04				
**Calculation based on 75% of GR supplies budget, then each library's percentage of book order money sent to GR in FY04				

Line 6 shows the amount of benefits received by each library through membership in FRRLS.

Line 7 shows the Region proposed membership fees for FY06. Please note the discrepancy in percentage of benefits received by each library vs. the percentage of membership fees paid.

Line 8 shows the recommended FY06 membership fees based on percentage of services received at each library. Fayette County and Peachtree City would increase 1% each, while Tyrone would decrease by 2%.

Spreadsheet B
Fayette County Library System
Cost Considerations

For details of each line item,
see Supplement 1 attached.

Table 1

	Independent Start-Up Costs	Recurring Costs
FT Director	\$60,000.00	\$60,000.00
FT Tech Librarian	\$50,000.00	\$50,000.00
FT Cataloger	\$40,000.00	\$40,000.00
FT Bookkeeper	\$35,000.00	\$35,000.00
PT Tech Services Asst	\$11,169.00	\$11,169.00
PT Delivery	\$11,169.00	\$11,169.00
Est. Benefits	\$55,500.00	\$55,500.00
Van	\$21,000.00	
Gas	\$364.00	\$364.00
Courier Service	\$6,720.00	\$6,720.00
Postage/Mailing Supplies	\$4,500.00	\$4,500.00
Workspace	\$300,000.00	
Additional Computers	\$5,000.00	
SOLINET/OCLC	\$33,649.00	\$33,649.00
GLA	\$50.00	\$50.00
ALA	\$500.00	\$500.00
Integrated Lib System	\$35,000.00	\$5,000.00
GALILEO	\$800.00	\$800.00
Internet	\$1,920.00	\$1,920.00
Accounting Software	\$500.00	\$100.00
Tech Services Supplies	\$5,000.00	\$5,000.00
Travel Budget for Director	\$1,296.00	\$1,296.00
Bonds & Insurance	\$4,500.00	\$4,500.00
TOTAL	\$683,637.00	\$327,237.00

Table 1 shows the start-up and annual recurring costs if the Fayette County Library Board withdrew from FRRLS to form an independent (non-GPLS approved) Fayette County Library System.

Table 2

	GPLS Approved Start-Up Costs	Recurring Costs
	\$50,000.00	\$50,000.00
	\$40,000.00	\$40,000.00
	\$35,000.00	\$35,000.00
	\$11,169.00	\$11,169.00
	\$11,169.00	\$11,169.00
	\$55,500.00	\$55,500.00
	\$21,000.00	
	\$364.00	\$364.00
	\$3,600.00	\$3,600.00
	\$4,500.00	\$4,500.00
	\$300,000.00	
	\$5,000.00	
	\$600.00	\$600.00
	\$50.00	\$50.00
	\$500.00	\$500.00
	\$1,500.00	
	\$500.00	\$100.00
	\$5,000.00	\$5,000.00
	\$1,296.00	\$1,296.00
	\$4,500.00	\$4,500.00
	\$551,248.00	\$223,348.00

Table 2 shows the start-up and annual recurring costs if the Fayette County Library Board voted to withdraw from FRRLS to form a separate (GPLS approved) Fayette County Library System. Cooperation from Peachtree City and Tyrone would be crucial in receiving GPLS approval.

DAVIS & MEEKER, L.L.C.

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THEODORE P MEEKER, III
E-MAIL: tmeeker@fairburn.com

TO: Mayor and Council
City of Peachtree City

FROM: Theodore P Meeker, III
City Attorney

DATE: July 20, 2005

RE: Moratorium on Commercial Structures over 32,000 square feet

On March 19, 2005, the Council adopted a moratorium on this issuance of building permits, or receipt of site plans, which reference or pertain to commercial structures in excess of 32,000 square feet. That moratorium has been extended twice, and is scheduled to expire on July 31, 2005. Since that date, staff has been coordinating with a planning consultant so as to examine the need for the City's current "Big Box" regulations, and to provide planning support for such regulations.

Preliminary indications from the consultant are that the regulations, if imposed, will require changes to the City's Comprehensive Plan. As the City is currently reviewing its Comprehensive Plan as part of the update for 2006, our timing is good on this issue.

I expect to meet with the consultant and the City Manager within the next couple of weeks and will hopefully be able to move forward with a recommendation. While this issue is still under review, it is my recommendation that Council renew the moratorium for an additional ninety (90) days. The extension of the moratorium should be sufficient to further analyze this issue, and to make a recommendation to the Planning Commission and City Council regarding the regulations. In addition, extending it for such a time period will avoid having to extend the moratorium any further.

The moratorium resolution will be identical to the original resolution that was discussed and adopted by the City Council on March 19, 2005.

TPM/bf

CITY OF PEACHTREE CITY
STATE OF GEORGIA

RESOLUTION No.

A RESOLUTION TO ADOPT A MORATORIUM ON THE ACCEPTANCE OR APPROVAL OF APPLICATIONS FOR BUILDING PERMITS FOR COMMERCIAL STRUCTURES IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT IN EXCESS OF 32,000 SQUARE FEET, OR THE ACCEPTANCE OR APPROVAL OF CONCEPTUAL SITE PLANS, OR FINAL SITE PLANS WHICH REFERENCE OR INCLUDE COMMERCIAL STRUCTURES IN EXCESS OF 32,000 SQUARE FEET WITHIN THE CITY OF PEACHTREE CITY, GEORGIA, TO REPEAL CONFLICTING LAWS AND RESOLUTIONS, TO PROVIDE FOR SEVERABILITY, AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Peachtree City, Georgia, is the duly authorized governing body of the City; and

WHEREAS, decisions by the City Council are binding law upon all persons within the corporate boundaries of the City of Peachtree City, Georgia, and

WHEREAS, the City Council of the City of Peachtree City has adopted regulations for commercial structures within the General Commercial (GC) zoning district, limiting the size of such structures to be occupied by any single use, owner, occupant or tenant that exceeds 32,000 square feet, as codified in the Zoning Ordinance of the City of Peachtree City; and

WHEREAS, the City Council of the City of Peachtree City desires to review and potentially revise and amend the regulations applicable to commercial structures to be occupied by any single use, owner, occupant or tenant that are in excess of 32,000 square feet within the General Commercial (GC) district; and

WHEREAS, the City Council will refer to the Planning Commission and staff for a review of the regulations applicable to commercial structures within the General Commercial (GC) district and the requirements for the construction thereof and determine if a revision to the Zoning Ordinance of the City of Peachtree City is necessary; and

WHEREAS, the Planning Commission should consider the review at its October 2005 meeting and the City Council should consider the report of the Planning Commission in October 2005, and

WHEREAS, the City Council has determined that it is in the best interest of the citizens and property owners in the City of Peachtree City that a moratorium on the acceptance of applications for, or the issuance of, building permits for new construction of commercial structures to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet within the General Commercial (GC) zoning district, and the acceptance or approval of conceptual or final site plans for developments zoned General Commercial (GC) upon which a commercial structure to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet is indicated, be adopted during the pendency of the review and consideration of and the possible adoption of a text amendment to the Zoning Ordinance for the City of Peachtree City

THEREFORE, BE IT RESOLVED that the City Council of Peachtree City does hereby impose a moratorium on the acceptance and approval of applications for building permits for commercial structures within the General Commercial (GC) zoning district to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet, and upon the acceptance and approval of conceptual site plans and final site plans for parcels zoned General Commercial (GC) and upon which it is indicated that any commercial structure to be occupied by any single use, owner, occupant or tenant will be in excess of 32,000 square feet, for a period of ninety (90) days from the date of adoption of this resolution, or until such time as revisions to the General Commercial (GC) zoning district be adopted by the Mayor and Council, whichever is sooner;

BE IT FURTHER RESOLVED that this moratorium shall not apply to any applications for building permits received by the City as of the date of this Resolution for commercial structures to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet, or to any applications for building permits received by the City for commercial structures within the General Commercial (GC) zoning district to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet which are located in a development for which the conceptual site plan and/or the final

site plan for such development has been approved as of the date of this Resolution, provided that such structure(s) was indicated on the approved conceptual or final site plan.

IT IS SO RESOLVED, this 21st day of July, 2005

ATTEST

City Clerk

Steve Brown, Mayor

Judi-ann Rutherford, Council-member

Stuart Kourajian, Council-member

Steve Rapson, Council-member

Murray Weed, Mayor Pro-Tem