

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 7.41% 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 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
June 16, 2005
6:30 p.m.

The City Council of Peachtree City met Thursday, June 16, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, and Murray Weed. Judi Rutherford was unable to attend due to a work commitment.

Announcements, Awards, Special Recognition

Corporal Matthew Myers was recognized as the Employee of the Month. Police Chief Jim Murray presented Myers with the Medal of Valor, which was given to officers who saved a life. Mayor Brown recognized Gabby Acuna for her service as a founding member of the Youth Council. Brown recognized the McIntosh High School Boys Soccer Team as the runner-up in the State 4A championship.

Minutes

Kourajian moved to approve the June 2, 2005, Regular Meeting Minutes as amended. Rapson seconded. The motion carried unanimously

Consent Agenda

1. Consider Ordinance Amendment Relating to Hotel/Motel Tax Requirements

Brown noted that the lone Consent Agenda item was housekeeping to keep up with new Department of Community Affairs state policy

Kourajian moved to approve the Consent Agenda. Rapson seconded. The motion carried unanimously

Old Agenda Items

05-05-04 Consider Extension of Moratorium on General Commercial (GC) Zoning Ordinance (Big Box)

City Attorney Ted Meeker addressed Council. He noted that the extension was for another 45 days and remained very narrow in scope. He said there had been a problem scheduling the meeting with the consultant. There should be information ready by the end of the month.

Weed moved to approve agenda item "05-05-04 Consider Extension of Moratorium on General Commercial (GC) Zoning Ordinance (Big Box)." Kourajian seconded. The motion carried unanimously

New Agenda Items

06-05-06 Consider Master Lease/Purchase Agreement for Equipment

Financial Services Director Paul Salvatore said this was a follow-up to the Governmental Finance Corporation meeting held earlier. He said Council had previously approved the leasing company, All Points Capital, and this was the lease/purchase agreement between the City and the Peachtree City Governmental Finance Corporation. Salvatore said Council needed to approve the authorizing resolution and give approval to sign the other

original documents. Meeker added the other documents were attached in the agenda packet.

Weed moved to approve agenda item "06-05-06 Consider Master Lease/Purchase Agreement for Equipment" and authorize the Mayor to sign any and all documents relevant to the same. Kourajian seconded. The motion carried unanimously

06-05-07 Alcohol License – NEW OWNER – Peachtree City Shell

Chris Verdon, the applicant for Licensee and License Representative, addressed Council.

Rapson moved to approve the application for a change in the alcoholic beverage license to Mr Christopher Verdon as requested. Weed seconded. The motion carried unanimously

06-05-08 Consider Ordinance Prohibiting Consumer Fireworks in Peachtree City

Brown said concerns had been raised that the ordinance before them might be preempted by the new state law regarding sparklers. Meeker said he had discussed the matter with Fire Chief Stony Lohr. He explained that his concern was the City would be prohibiting something the state had just authorized and made legal. There was a doctrine in both the U.S. and Georgia constitutions called the "preemptive doctrine" that meant state or federal law could not be superseded by local law. Federal law governed state law, and state law governed local ordinance. Meeker said the state could preempt the ordinance based on the recent legislation.

Weed asked Meeker if he had reviewed the draft ordinance. Meeker said he had. Weed asked Meeker if it was his professional opinion that the draft ordinance would violate the preemption doctrine. Meeker said that was his opinion.

Rapson clarified that Council could not do anything with the ordinance. Meeker said, in his opinion, no. Rapson said he had not wanted to do anything in the first place.

Weed said he felt the legislature sold out on the issue, but he believed in following the law. He said the way to fight the legislation was at the state level. The local government had no right to go behind the state to alleviate what had been done.

Brown said this was similar to the smoking issue. He agreed with Weed that the bill was one of the worst things the state had done.

Fire Marshal John Dailey said local law could be more restrictive than state law. Weed said that the one exception was the preemption doctrine. Meeker said the reference was in the legislation itself. The new state law gave no enforcement authority to local governments.

Brown moved to take no action on the item due to the preemptive status for the state code. Kourajian seconded.

Dailey showed an example of the sparklers that met the state definition. He said the Fire Department would have a video to show children to educate them. Brown said that was a good idea and recommended working with the Parent-Teacher Associations at the schools.

Rapson said he was not in favor of restricting fireworks. July 4th was always about fireworks, but the sparklers had not been legal in Georgia until May 2. There would be sparklers and fireworks all over the City on July 4th. Dailey agreed. Rapson said the issue was one of common sense and that adults had to be responsible for how the fireworks were used. Kourajian said he appreciated the efforts for safety.

The motion carried unanimously.

Weed said this was a fight for another day, another time, and another venue, and noted that some were committed to the fight.

06-05-09 Consider Bids for Asphalt Paver

Brown noted there were additional documents on the dais – an e-mail from the City Manager to Paul Puckett dated June 16, 2005, with the subject, “Asphalt paver bids 05-115BPW,” and an e-mail from Paul Puckett to the City Manager dated June 16, 2005, with the subject, “Asphalt Paver Bids 05-115BPW.”

Public Services Director Tom Corbett addressed Council. Staff recommended the purchase of a LeeBoy Model 1000D Self-propelled Track Asphalt Paver from the Reynolds-Warren Equipment Company for \$46,550. Corbett continued that four bids had been received. He noted that the spreadsheet in the packet had the information on the specifications. He pointed out there had been a protest from one bidder based on the specifications. Corbett said waiting until after the bid opening was the wrong time to file a protest on the specifications. Corbett said the specification were what was needed to get the job done, and staff stood behind the specifications.

Weed said he read the materials and the complaint letter. Specs were specs and should be addressed before bidding. Weed continued that it seemed as though the City rarely chose the low bidder. Council approved the recommendations based on the reasons provided. He wondered if they needed to re-think the process since the low bidder was rarely selected.

Corbett said more research and thought had gone into the paver than anything else in while because the paving need was so great. They did not want to get anything that would be inadequate in a number of areas. Corbett pointed out that the specifications required a six-ton hopper, but one of the bids had a four-ton hopper. The six-ton hopper had a 50% greater capacity to hold asphalt. It would be a time saver and would put out better quality asphalt. It cost more, but would be worth it over time. If they were going to put down \$3 million in asphalt and use \$2 million in labor to do so, the cost of the paver was small compared to what was going to be done with it.

Weed said he did not disagree with Corbett, but continued that staff might want to look at issues more carefully and spend more time on specifications. Weed said he could not remember ever selecting the lowest bidder

Rapson disagreed and said they were not just selecting the lowest bid when a decision was made. Council was also selecting the most responsive company and the best person. Several factors were weighted for consideration. Two of the four bids were disqualified solely on the critical piece of equipment that did not meet specifications. The fact that the pavers were non-heated automatically threw out the bids. Rapson admitted this piece of equipment was more technical and outlined than usual. The machine would be used full tilt, and the City would get better "bang for its buck." He pointed out that there might be some leeway on many items, but four or five of the items were critical, including the two that had been discussed. Corbett added that, if a majority of the bidders had come off the specifications on some items and were within reason on others, then staff could live with that. All had an equal chance to meet the specs. He added that, in a way, it was an ethical issue to alter specs for one bidder. They would have to alter them for all the bidders.

Kourajian asked how the bids were advertised. Corbett said they had a vendor relationship with a number of companies to whom the bids were sent, and they were also advertised in a number of places, as well as the website. The bids were available to everyone.

Weed said he was not criticizing this particular bid, but the lowest bidder had not been selected in recent history and he was disturbed this might be a pattern. He wanted to work with staff to try to curb the pattern. Council had always received very good reasons to go with bidders who had not submitted the lowest price. McMullen explained that he approved items under \$40,000 that were in the budget, and the vast majority of those items were awarded to the lowest bidder. He said he could put the information together for Weed. Kourajian asked McMullen to also note if the bids met the qualifications.

Weed moved to purchase the asphalt paver at the highest bid. Kourajian seconded. The motion carried unanimously

06-05-10 Consider Purchase and Installation of a Dump Truck Body

Corbett pointed out that this item was so generic that anyone could get it for the lowest price. He noted the ranges of prices and said it was just a matter of profit for the bidders.

Rapson moved to award to the absolute lowest bidder. Kourajian seconded. The motion carried unanimously

Corbett thanked the Fire Department for providing the cab and chassis so they would not have to buy it.

Council/Staff Topics

Kourajian asked for an update on the opening of the Three Dollar Café. Brown asked when the alcohol license expired. Administrative Assistant Pam Dufresne said it expired at the end of the month.

Kourajian asked if the library was still on schedule for October. McMullen said it was and noted that the dome had been put up. They were working on a lot of the finishing items on the outside. Drywall should start going up next week.

Kourajian asked about the TDK Boulevard extension. Rapson noted that the City was doing absolutely nothing to impede the progress. McMullen said the Airport Authority was in the process of getting appraisals for the land. Once they had the appraisals, they would sit down with the property owners. Kourajian asked when construction would start. McMullen said they would need to get the money for the FAA for the land, which would happen in August or September or in the 2006 budget. Once the right-of-way was acquired, it would be up to the County as to when construction started. The golf course also had to relocate the two holes first.

Weed asked about the traffic signal at GA 74/Georgian Park. McMullen said additional information had been submitted to DOT. City Engineer Dave Borkowski and QK4, the traffic consultant, were waiting to hear from DOT. Weed asked if there was anything Council could do, or anyone they could call. McMullen said it would depend on the answer from DOT.

Brown asked what the agenda looked like for the July 7 meeting. McMullen said the most critical item would be the bid award for the library furniture and fixtures. Kourajian asked if there could be a special called meeting to handle the bid award. McMullen said he would have to look at the schedule.

Kourajian moved to reconvene in executive session for pending litigation and a personnel matter. Rapson seconded. The motion carried unanimously.

Kourajian moved to reconvene into regular session. Brown seconded. The motion carried unanimously.

There being no further business to discuss, Rapson moved to adjourn the meeting. Weed seconded. The motion carried unanimously. The meeting adjourned at 8.30 p.m.

Betsy Tyler, Deputy City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

ADMINISTRATIVE SERVICES MONTHLY REPORT

For Month of: May 2005

	<u>April-05</u>	<u>May-05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
<u>Human Resources</u>				
Workers Compensation Claims Filed	3	3	17	18
City Vehicle / Equipment Accidents	0	3	11	10
Lawsuit Legal Fees	\$8,277 80	\$5,294 46	\$75,340 86	\$37,688.65

Municipal Court

Fines Collected	\$96,595.50	\$112,594.67	\$864,602.55	\$849,885 67
Online Transactions	131	173	1,174	980
Citations Closed	605	576	5,336	5,746
Jail Fund Balance	\$3,793.08	\$1,364 15	\$61,718.84	\$40,273.39

A positive Jail Fund Balance reflects a credit with the County based on jail fees paid versus number of prisoners housed

Public Information

New Businesses Registered	16	23	224	231
Public Contacts, Questions & Complaints	74	102	577	421

This includes 4 complaints against Comcast Cable Company 6 complaints against EPI - Environmental Partners, and 6 Open Records/Lawsuit Discovery Requests.

2005 City Event Calendar

<u>July</u>	<u>August</u>	<u>September</u>
7/4 – Independence Day, City Offices Closed 9 AM – Parade 7 PM – Concert on Plaza 9:30 PM - Fireworks 7/7 – City Council Meeting, 7 pm 7/21 – City Council Meeting, 7 pm	8/1 – Budget Workshop, 6:30 pm 8/4 – City Council Meeting, 7 pm 8/15 – Budget Workshop, 6:30 pm 8/18 – City Council Meeting, 7 pm 8/20 – Kidz Fest (formerly Last Fling) at Shakerag Knoll, 11 am – 3 pm	9/1 – City Council Meeting, 7 pm 9/5 – Labor Day, City Offices Closed 9/12-16 – Qualifying for City Election 9/15 – City Council Meeting, 7 pm 9/17 & 18 – Shakerag Arts & Crafts Festival 9/24 – Hispanic Festival (at Picnic Park, 8 am – 6 pm)
<u>October</u>	<u>November</u>	<u>December</u>
10/6 – City Council Meeting, 7 pm 10/20 - City Council Meeting, 7 pm	11/3 – City Council Meeting, 7 pm 11/8 – Peachtree City General Election 11/17 - City Council Meeting, 7 pm 11/24 & 25 – Thanksgiving Holiday, City Offices closed 11/29 – Runoff Election (if needed)	12/1 – City Council Meeting, 7 pm 12/15 – City Council Meeting, 7 pm 12/23 & 26 – Christmas Holiday, City Offices closed.
2006		
<u>January</u>	<u>February</u>	<u>March</u>
1/5 – City Council Meeting, 7 pm 1/19 – City Council Meeting, 7 pm	2/2 – City Council Meeting, 7 pm 2/16 – City Council Meeting, 7 pm	3/2 – City Council Meeting, 7 pm 3/16 – City Council Meeting, 7 pm
<u>April</u>	<u>May</u>	<u>June</u>
4/6 – City Council Meeting, 7 pm 4/20 – City Council Meeting, 7 pm	5/4 – City Council Meeting, 7 pm 5/18 – City Council Meeting, 7 pm 5/29 – Memorial Day, City Offices Closed Memorial Day Celebration, 7.30 am at City Hall	6/1 – City Council Meeting, 7 pm 6/15 – City Council Meeting, 7 pm

Note: Items in **BOLD** are new additions

Updated 6/29/05

**PEACHTREE CITY BUILDING DEPARTMENT
FY 2005**

	Apr-05	May-05	Fiscal Y-T-D 2005	Fiscal Y-T-D 2004
DEVELOPMENT PERMITS:	16	10	104	206
BUILDING PERMITS:				
Single Family Residential	13	7	69	201
Multi-Family Residential	0	0	9	5
Misc.-Pools/fences/additions	41	68	409	486
Commercial/Industrial	10	17	90	65
TOTAL INSPECTIONS:	512	524	4,207	6,312
CERTIFICATE OF OCCUPANCY				
Residential	8	11	124	190
Commercial	10	6	30	28
Multi-Family Residential	0	0	3 *	15
CODE ENFORCEMENT				
Sign Violations	15	66	574	1087
Rehab	26	13	127	97
Notice of Violations	368	450	2162	2,764
Citations	4	3	15	27
Stop Work Orders	8	5	63	94
Complaints From Citizens	21	30	143	189
PERMIT FEES COLLECTED:	27,711	26,971	273,555	420,625
POPULATION	35,720	35,743	35,743	35,255
Based on 2.09 of completed occupancy				

***Fire rebuild in Twiggs Corner, not added to population figure.**

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT
 (UNAUDITED)
 AS OF
 MAY 31, 2005

Fund	Cash Balance	Total Investment	Total Cash and Investments	YTD Interest
General Fund	\$ 1 845,511	\$ 9 763 006	\$ 11,608,517	\$ 157 777
Neighborhood Parks Fund	14,039	-	14 039	10
DARE Fund	1,336	-	1,336	17
Federal Seizures Fund	9,628	-	9 628	738
HAZMAT Fund	2,353	-	2,353	20
Library Sales Tax Fund	11 169	-	11,169	149
Police Tuition Fund	4,079	-	4,079	40
Youth Council Fund	1,152	-	1,152	13
Fire/EMS Grant Fund	-	-	-	-
Athletic Assoc. Funds	37,285	-	37,285	373
Hotel/Motel Tax Fund	-	-	-	-
Library Construction Fund	-	2,686,722	2,686 722	62,461
Public Improvement Funds	37 477	1,012,847	1,050,324	27,978
Debt Service Funds	-	12,896	12,896	24
Municipal Court Fund	48,959	-	48,959	-
Landscape Deposit Fund	116 137	-	116,137	-
Total Collateralized Funds	\$ 2,129,125	\$ 13,475,471	\$ 15,604,596	\$ 249,600
Pension Trust Fund	-	7,249 462	7,249 462	-
Grand Total	\$ 2,129,125	\$ 20,724,933	\$ 22,854,058	\$ 249,600

Collateral Analysis as of May 31, 2005		
Safe-keeping Bank	Bank	Total Held
Bank of New York	Wachovia/SouthTrust Bank	\$ 17,353,571
Bank of New York	Peachtree National Bank	496,250

CITY OF PEACHTREE CITY
FINANCIAL SERVICES DIVISION MONTHLY REPORT (UNAUDITED)
GENERAL GOVERNMENTAL FUNDS BUDGET COMPARISON
FOR EIGHT MONTHS ENDED 5/31/05

REVENUES BY MAJOR CATEGORIES				
Description	2005 Amended Budget	YTD Actual	Dollar Difference	Percentage To-Date
General Property Taxes	\$ 8,642,166	\$ 8,225,103	\$ (417,063)	95.17%
Franchise Taxes	1,942,633	1,631,404	(311,229)	83.98%
Local Option Sales Tax	6,338,418	4,110,286	(2,228,132)	64.85%
Other Sales & Use Taxes	644,013	397,307	(246,706)	61.69%
Business Taxes	1,825,422	1,859,787	34,365	101.88%
Licenses & Permits	909,228	615,995	(293,233)	67.75%
Grants	204,616	-	(204,616)	0.00%
Charges for Services	1,293,091	622,434	(670,657)	48.14%
Fines & Forfeitures	975,667	688,125	(287,542)	70.53%
Investment Income	81,134	157,777	76,643	194.46%
Surplus Carryover	1,658,888	-	(1,658,888)	0.00%
Other Revenue	58,535	88,179	29,644	150.64%
Other Financing Sources	502,436	226,233	(276,203)	45.03%
Total General Fund	\$ 25,076,247	\$ 18,622,630	\$ (6,453,617)	74.26%
Hotel/Motel Tax Fund	946,308	648,041	(298,267)	68.48%
Total General & Hotel/Motel Tax Funds	\$ 26,022,555	\$ 19,270,671	\$ (6,751,884)	74.05%

EXPENDITURES BY DIVISION AND/OR TYPE PERCENTAGE OF BUDGET YEAR COMPLETED - 67%				
Division and/or Type	2005 Amended Budget	YTD Actual	Dollar Difference	Percentage To-Date
Administrative Services	\$ 1,379,922	\$ 813,348	\$ 566,574	58.94%
Developmental Services	1,630,045	850,118	779,927	52.15%
Financial Services	737,573	459,272	278,301	62.27%
Leisure Services	4,423,711	2,656,789	1,766,922	60.06%
Public Safety	9,084,393	5,428,034	3,656,359	59.75%
Public Works	4,462,346	2,224,253	2,238,093	49.84%
Council Contingency	100,000	-	100,000	0.00%
Non-Profit Organizations	15,000	15,000	-	100.00%
Grant Incentive Program	50,000	-	50,000	0.00%
Transfer to Development Authority	35,000	35,000	-	100.00%
Transfers to Other Funds	3,375,772	1,680,356	1,695,416	49.78%
Liability Insurance	85,585	88,791	(3,206)	103.75%
Legal Services	165,400	111,359	54,041	67.33%
General Administration	40,500	-	40,500	0.00%
Other	(509,000)	-	(509,000)	0.00%
Total General Fund	\$ 25,076,247	\$ 14,362,320	\$ 10,713,927	57.27%
<u>Hotel/Motel Tax Fund</u>				
Transfer to General Fund	315,436	188,356	127,080	59.71%
Transfer to Tourism Fund	630,872	376,712	254,160	59.71%
Total General & Hotel/Motel Tax Funds	\$ 26,022,555	\$ 14,927,388	\$ 11,095,167	57.36%

CITY OF PEACHTREE CITY
FINANCIAL SERVICES DIVISION MONTHLY REPORT (UNAUDITED)

SUMMARY OF MAJOR EXPENDITURES BY CITY MANAGER MAY 2005			
Description	Vendor	Award	Date
Sickle Mower	Wade Tractor & Equip.	\$ 10,070	05/10/05
C.E.R.T Trailers	Trailers for Less	12,585	05/31/05

PURCHASING REPORT FOR EIGHT MONTHS ENDED MAY 31, 2005 AND MAY 31, 2004		
Activity	Fiscal Year 2005	Fiscal Year 2004
Purchase Orders / Requisitions Processed	1 880	1,532
City Store Requisitions Processed	88	76
Sealed Bids Requested	46	22
Requests for Proposals	11	10
Bids Awarded	18	15
Requests for Proposals Awarded	9	8
Contracts Prepared	12	7
Fixed Assets Purchased	28	17

INFORMATION TECHNOLOGY REPORT APRIL 2005 AND YEAR-TO-DATE		
Activity	Current Month	Fiscal Year 2005
Work Orders Created	87	1,005
Work Orders Closed	75	897
Work Orders Open	11	57
Corrective Work Orders	34	407
Project Work Orders	18	64
Technical Support	34	257
Website Visits	30,276	194,855

**PEACHTREE CITY FIRE/EMS DEPARTMENT
2005 MONTHLY REPORT**

	Apr 05	May 05	2005 Y-T-D	2004 Y-T-D
FIRE/ACCIDENT CALLS				
Residential	3	3	29	19
Business/Industrial	0	0	7	9
¹ Rescue/EMS Assist	127	155	1104	131
¹ Vehicle/Golfcart Accidents	19	22	165	20
¹ False Alarms	16	27	193	13
² Other	32	21	244	1317
Total Engine Response	197	228	1742	1509
 Dispatched Fire Calls	 52	 59	 487	 368
 Response Time Fire	 4:56	 4 14	 4.51	 4 49
 RESCUE/EMS				
Trauma	56	90	528	345
Medical	60	118	669	499
Total # Patients	116	208	1197	844
 Patients Transported	 54	 104	 572	 410
 Dispatched EMS Calls	 147	 170	 1265	 1154
 Total Medic Response	 172	 215	 1554	 1061
 Dispatched Fire/EMS Total	 199	 229	 1752	 1522
 Response Time EMS	 4 17	 4.20	 4 12	 4.20
 EMS BILLING				
Patients Billed	119	104	692	623
 Revenue Generated	 45,070	 42,448	 268,929	 238,310
 ³ Total Revenue Received	 26,869	 23,844	 158,180	 185,700

¹Previously categorized as Other

²Other miscellaneous responses; gas and water leaks, hazmat spills, etc.

³Revenue Received on All Outstanding Accounts

LEISURE SERVICES MONTHLY REPORT

May 2005

<u>Activity Description</u>	<u>Unit</u>	<u>May 05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
Library				
Books Circulated	number	16,056	123,750	131,569*
Internet Usage	visits	2,533	18,629	18 372*
Computer Lab Use	hours	22	154	203*

*Library Closed to Move to Temp Location

Recreation

Class/Program Revenue	\$	\$2,483	\$32,224	\$28,482
Playing Surface Mowing	hours	483	1,881	1,802
Playing Field Preparations	hours	820	4,830	4 114
Building Maintenance	hours	441	3,431	3,495
Safety Inspections	visits	50	400	400
Litter Removal	hours	304	2,336	2,216
Complaints answered	number	1	9	14

**PEACHTREE CITY POLICE DEPARTMENT
2005 MONTHLY REPORT**

	MAY 05	APR 05	2005 CYTD	2004 CYTD
PART I CRIMES				
Murder	0	0	0	0
Rape	0	0	1	2
Robbery	0	0	2	0
Aggravated Assault	1	1	4	3
Arson	4	0	6	0
Auto Theft	8	8	27	18
Theft	20	14	86	91
Burglary	0	4	6	10
TOTAL PART I CRIMES	33	27	132	124
ALCOHOL/DRUG ARRESTS				
DUI – TOTAL	19	18	97	114
DUI – ADULT	18	16	89	95
DUI – UNDERAGE	1	2	8	19
MINOR IN POSSESSION OF ALCOHOL	12	8	30	65
DRUG ARRESTS	14	7	45	81
ARRESTS				
PROPERTY CRIMES	9	3	42	57
PERSON CRIMES	7	4	25	27
CITY ORDINANCES	26	40	169	265
OTHER	77	75	349	481
AVERAGE RESPONSE TIME	5.45	6.05	5.48	5.23
CALLS ANSWERED	6399	6026	31,540	31,489
TRAFFIC				
CITATIONS ISSUED	785	551	3103	4425
WARNINGS	551	359	2197	3599
ACCIDENTS	104	83	455	476

TOP 5 ACCIDENT LOCATIONS – MONTH

HWY 54 / HWY 74	4
HWY 54 / PEACHTREE PARKWAY	4
HWY 54 / MARKET PL CONN	3
HWY 54 / COMMERCE DR	2
HWY 54 / STEVENS ENTRY	2

TOP 5 ACCIDENT LOCATION – Y T D

HWY 54 / HWY 74	22
HWY 54 / PEACHTREE PARKWAY	16
HWY 54 / HUDDLESTON DR	15
HWY 54 / PLANTERRA WAY	13
HWY 74 / CROSSTOWN DR	12

PUBLIC SERVICES MONTHLY REPORT

MAY 2005

<u>Activity Description</u>	<u>Unit</u>	<u>May- 05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
Street Patching	Hrs.	349	882	2,395
Street Crack Sealing	Hrs.	0	461	488
Drainage Maintenance	Hrs.	450	2,596	1,474
Street Sweeping	Hrs.	34	313	350
Cart Path Paving	Ft.	715	8,430	14,796
Cart Path Litter Removal	Hrs.	140	440	543
Cart Path Drainage Maintenance	Hrs.	32	935	1,381
 R.O W Mowing	 Hrs.	 876	 2,117	 2,006
R.O W Litter Removal	Hrs.	200	2,194	2,973
 Landscape Maintenance	 Hrs.	 854	 3,902	 3,415
Landscape Planting/Mulching	Hrs.	301	2,440	2,858
Litter Removal	Hrs.	0	14	47
 Subdivision Sign Maintenance	 Hrs.	 32	 247	 439
Traffic Sign Maintenance	Hrs.	55	1,250	934
 Vandalism Repairs	 Hrs.	 9	 1,382	 262
Citizen Requests Answered	Num.	106	823	404
Community Service	Hrs.	0	51	84
 <u>RECYCLING SITE</u>				
Manhours	Hrs.	61	514	714
 PARTICIPANTS				
Recycling	Num	205	1,767	4,243
Composting	Num.	1,722	11,917	9,609
Mulch Pick Up	Num.	228	769	1,973

PUBLIC SERVICES MONTHLY REPORT

MAY 2005

<u>Activity Description</u>	<u>Unit</u>	<u>May- 05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
Street Patching	Hrs.	349	882	2,395
Street Crack Sealing	Hrs.	0	461	488
Drainage Maintenance	Hrs.	450	2,596	1,474
Street Sweeping	Hrs.	34	313	350
Cart Path Paving	Ft.	715	8,430	14,796
Cart Path Litter Removal	Hrs.	140	440	543
Cart Path Drainage Maintenance	Hrs.	32	935	1,381
R.O W Mowing	Hrs.	876	2,117	2,006
R.O W Litter Removal	Hrs.	200	2,194	2,973
Landscape Maintenance	Hrs.	854	3,902	3,415
Landscape Planting/Mulching	Hrs.	301	2,440	2,858
Litter Removal	Hrs.	0	14	47
Subdivision Sign Maintenance	Hrs.	32	247	439
Traffic Sign Maintenance	Hrs.	55	1,250	934
Vandalism Repairs	Hrs.	9	1,382	262
Citizen Requests Answered	Num.	106	823	404
Community Service	Hrs.	0	51	84
<u>RECYCLING SITE</u>				
Manhours	Hrs.	61	514	714
PARTICIPANTS				
Recycling	Num.	205	1,767	4,243
Composting	Num.	1,722	11,917	9,609
Mulch Pick Up	Num.	228	769	1,973

PUBLIC SERVICES MONTHLY REPORT MAY 2005

<u>Activity Description</u>	<u>Unit</u>	<u>May- 05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
Street Patching	Hrs.	349	882	2,395
Street Crack Sealing	Hrs.	0	461	488
Drainage Maintenance	Hrs.	450	2,596	1,474
Street Sweeping	Hrs.	34	313	350
Cart Path Paving	Ft.	715	8,430	14 796
Cart Path Litter Removal	Hrs.	140	440	543
Cart Path Drainage Maintenance	Hrs.	32	935	1,381
R.O W Mowing	Hrs.	876	2,117	2,006
R.O W litter Removal	Hrs.	200	2,194	2,973
Landscape Maintenance	Hrs.	854	3,902	3,415
Landscape Planting/Mulching	Hrs.	301	2,440	2,858
Litter Removal	Hrs.	0	14	47
Subdivision Sign Maintenance	Hrs.	32	247	439
Traffic Sign Maintenance	Hrs.	55	1,250	934
Vandalism Repairs	Hrs.	9	1,382	262
Citizen Requests Answered	Num.	106	823	404
Community Service	Hrs.	0	51	84

RECYCLING SITE

Manhours	Hrs.	61	514	714
----------	------	----	-----	-----

PARTICIPANTS

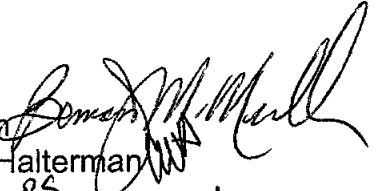
Recycling	Num.	205	1,767	4,243
Composting	Num.	1,722	11,917	9,609
Mulch Pick Up	Num.	228	769	1,973

COORDINATION LIST			
Due Date: _____			
ROUTING ORDER	TITLE	DATE	APPROVED INITIALS
0	DAS		
1	DPS	6/15	ser
	DPS		
	PC		
	FC		
3	ACM	6/15	ACM
4	CM	6/15	ACM

CITY OF PEACHTREE CITY

INTER-OFFICE MEMORANDUM

TO Mayor Brown and Members of Council

VIA. City Manager, ATTN Mr Bernie McMullen 
Assistant City Manager, ATTN Mr Colin Halterman
Director of Finance, ATTN Paul Salvatore PS
Assistant Director of Finance, ATTN Janet Camburn JC

FROM:  Story Lohr
Fire Chief

DATE. June 22, 2005

SUBJECT Federal Fire Grant Acceptance
(July 7, 2005 Council Agenda)

Recommendation:

Staff recommends that Council accept FY2004 Federal Fire Grant EMW-2004-FG-17318 in the amount of \$151,096 00

Discussion:

- 1 The federal fire grant will provide approved diesel exhaust systems for each fire station. This is a bonafide safety issue.
2. For us the grant will provide 90% funding. Our 10% matching funds of \$15,109 00 will be covered by funds (\$40,277) for the diesel exhaust system approved by Council for Fire Station #82.

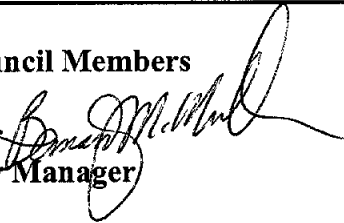
Budget Impact:

There is no budget impact. The 10% matching funds of \$15,109 00 can be covered using the \$40,277 00 already approved by Council in FY2005 PIP for a diesel exhaust system for station 82.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Assistant City Manager

FROM: Administrative Services Director / City Clerk 

DATE: June 29, 2005

SUBJECT: Consider Amendment to Hotel/Motel Tax Ordinance
July 7, 2005 Council Agenda

Recommendation.

Approve the attached proposed amendment deleting Article V Section 74-166 Registration of operators; forms and contents; execution; certificate of authority

Discussion.

During a review of the Hotel/Motel Tax Ordinance, staff determined that State law did not require the above referenced section of the ordinance. This section requires an operator of a hotel/motel to register with the city prior to renting guest rooms for occupancy and also requires that the city issue a certificate of authority for each hotel/motel to collect tax from the guest room occupant. All businesses, including hotels and motels, register with the city prior to opening through payment of their annual occupational tax so this additional requirement is not necessary. Additionally, there is no State requirement to issue any type of certificate of authority. Therefore, staff recommends this section be deleted in entirety.

Budget Impact:

None

/jsm

Attachment

AN ORDINANCE TO DELETE SECTION 74-166 OF THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA,, AND FOR OTHER PURPOSES.

BE IT AND IT IS HEREBY ORDAINED BY CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that:

Section 1 Section 74-166 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 reserving said section for future use.

Sec. 74-166. Reserved ~~Registration of operators; form and contents; execution; certificate of authority.~~

~~Every person engaging in business as an operator of a hotel in this city shall register with the city clerk, on a form provided for such registration, prior to renting guest rooms for occupancy. Such registration shall set forth the name under which such person transacts business or intends to transact business, the location of his place of business and such other information which would facilitate the collection of the tax as the city clerk may require. The registration shall be signed by the owner if a natural person; in case of ownership by an association or partnership, by a member or partner; in case of ownership by a corporation, by an officer; in case of a limited liability company, by a member; in case of any other type of ownership, by the person who generally manages the business. The city clerk shall, after such registration, issue without charge a certificate of authority to each operator to collect the tax from the occupant. A separate registration shall be required for each place of business of an operator. Each certificate shall state the name and location of the business to which it is applicable.~~

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

Section 3. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _____ day of July, 2005

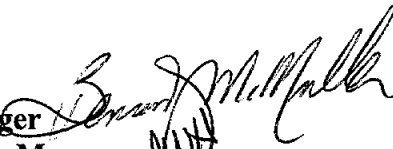
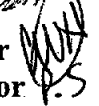
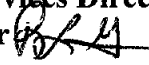
Stephen D Brown, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Bernard McMullen, City Manager 
Colin Halterman, Assistant City Manager 
Paul Salvatore, Financial Services Director 
Janet Camburn, Assistant Financial Services Director
Randy Gaddo, Leisure Services Director 

FROM: Angela Egan, Purchasing Agent 

DATE: June 20, 2005

SUBJECT Rebuild of Gazebo for Huddleston Pond
July 7, City Council Meeting

Recommendation. Staff recommends the purchase of an all steel, hexagon shaped picnic shelter at Huddleston Pond Park from Leisure Lines for the bid price of \$15,974 00

Discussion. Recommendation was made during the City Council Retreat that the wooden gazebo structure which was nearly burned to the ground be rebuilt during this fiscal year. Based on the Council's recommendation, Purchasing solicited sealed bids for an all steel picnic shelter based on attached specifications.

Four bids were received as follows.

Leisure Lines	\$15,974 00
Contract Connection	\$17,345 00
Hasley	\$22,926 00
Lester Construction	\$23,620 00

Budget Impact: Clearly, the replacement of this Gazebo was an unforeseen event and a cost not anticipated in the FY 2005 budget. Staff recommends the Council approve the funds for this project come from PIP Contingency

- Use of additional space at Amphitheater/Flat Creek Nature Center (Southern Conservation Trust offices not included) should be evaluated as an additional senior space.
- Press release should be sent when Resurgens playground built near Kedron rink.
- * • Huddleston gazebo should be rebuilt this fiscal year
- Water features/spray parks should be considered.

9 Kudzu Eradication Program (Tom Corbett)

- Eradication with chemicals could take four-10 years and nothing would grow in the area for a number of years.
- Eradication methods were for agricultural land and it was not known how the methods would work in an urban setting.
- Herbicides were not selective; they would kill everything.
- A livestock solution (goats) had been effective in other areas.
- City ordinance would have to change to allow goats.
- Staff was to contact UGA for more information regarding the use of goats for kudzu eradication.
- Natural solution was preferable to chemical solution.

10. LOST Project – 2010 Distribution Estimates (Paul Salvatore)

- The next distribution would be in 2013 and would be based on the 2010 census.
- The LOST continued as long as there was an agreement between parties.
- Funds should be kept in reserve so the City would be in a better negotiating position.
- Was the City in the position to get a MOST instead of using the LOST?
- The long-term financial plan must be integrated with and used as an evaluation tool for the Comprehensive Plan. The Comprehensive Plan added stability to the City's financial plan.
- GFOA had cautioned the City to ensure communication of the long-term approach to keep budget documents solid.

11. Tax Equity (Bernard McMullen)

- Problem with EMS service issue was that the EMS language in the service delivery agreement had been modified.
- County did the paving for LARP projects; however, work had to be done on their schedule and City employees had to assist with traffic control and other related work, which pulled City employees off of their primary responsibilities.
- Service delivery agreement was subject to change every 10 years with LOST negotiations.
- A request to negotiate service delivery could be sent once a triggering event occurred. A triggering event could be LOST negotiations or Comprehensive Plan updates.
- Council would initiate the review of the service delivery strategy
- Creation of Comprehensive Plan task force would be on next agenda.
- The City should consider working with other municipalities on similar issues, such as working on recreation with Tyrone.

12. FY 2005 Mid-Year Finance Review (Paul Salvatore)

- Budget was in pretty good shape.
- Rutherford wanted to be more involved in the budget process.
- Brown recommended two Council Members at a time meet with directors and chiefs to review budgets.

CITY OF PEACHTREE CITY

SPECIFICATIONS

ALL STEEL PICNIC SHELTER

The following specifications are for the provision and installation of an all steel, hexagon shaped picnic shelter at our Huddleston Pond Park located at the corner of Wingate Road and Bridlepath, Peachtree City, GA 30269

Background:

Situated on a twenty six foot diameter by at least four inch slab, was an all wood structure, eight inch by eight inch wooden support posts with tongue and groove wood decked asphalt shingled roof. The primary slab as mentioned measures twenty six feet across there is a four inch step down to a two foot apron around the perimeter then another four inch step down to another two foot apron around the perimeter

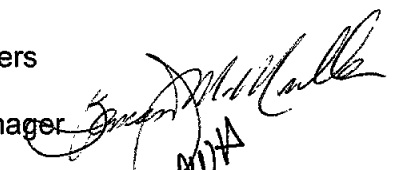
Specifics:

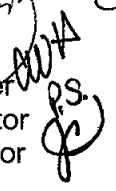
- **INSTALLATION SHALL BE INCLUDED**
- **STRUCTURE SHALL BE 6 SIDED WITH NO CENTER COLUMN
ALL STEEL**
- **STEEL ROOF 24GA. PANELS**
- **ALL REQUIRED FASTENERS**
- **ROOF SLOPE 4 12, DESIGNED FOR A 30 PSF LIVE LOAD AND
MINIMUM WIND LOAD BASED ON 80 MPH**
- **MEASUREMENT FROM CENTER OF COLUMN TO CENTER OF
COLUMN NOT TO EXCEED 26'**
- **STRUCTURAL STEEL FRAME CONFORMING TO ASTM-500**
- **ROOF AND STRUCTURAL STEEL **COLORS** SHALL BE DECIDED
ON **BY OWNER** PRIOR TO MATERIALS BEING ORDERED**
- **EXISTING CONCRETE SLAB SHALL BE SAW CUT AND THE
INTERIOR OF THAT HOLE SHALL BE EXCAVATED TO THE
DESIGN SPECIFIED DEPTH AND POURED WITH CONCRETE W/
APPROPRIATE ANCHOR BOLTS FOR STRUCTURE MOUNTING**
- **LEAD TIME FOR SHIPMENT AND INSTALLATION SHALL BE
PROVIDED**
- **EQUIPMENT CHARGES IF ANY AND SHIPPING CHARGES SHALL
BE INCLUDED**

A site visits can be arranged by contacting the Recreation Facilities Manager, Mr Scott Christopher, at office number 770-631-2542 or cell number 404-798-0597

CITY OF PEACHTREE CITY

MEMO TO: Mayor and City Council Members

VIA: Bernard J. McMullen, City Manager 

FROM: Colin W. Halterman, Assistant City Manager
Paul J. Salvatore, Financial Services Director
Janet I. Camburn, Assistant Finance Director 

DATE: June 24, 2005

SUBJECT: Natural Gas and Compressed Natural Gas Provider
July 7, 2005 City Council Agenda

Recommendation.

That Peachtree City enter into a one-year agreement with Coweta-Fayette EMC Natural Gas to provide natural gas and compressed natural gas to City facilities effective August 1, 2005

Discussion.

On June 14, 2005, the City requested sealed bids from ten (10) natural gas providers for the purpose of entering into a one-year contract for natural gas and compressed natural gas services. The request for bid was for a fixed price for both natural gas and compressed natural gas for the City

On June 23, the City received four (4) sealed bids from the following vendors:

- SCANA Energy Group
- PS Energy Group
- Coweta-Fayette EMC Natural Gas
- Infinite Energy

A fifth bid (quote) was received from Shell Energy Services via fax and was not considered.

Both SCANA Energy Group and Infinite Energy bid a cost per therm that is subject to change prior to signing a contract. PS Energy Group and Infinite Energy did not include a price for compressed natural gas.

Coweta-Fayette EMC Natural Gas, the City's current vendor, submitted a fixed price bid per therm for both natural gas and compressed natural gas. An analysis of their bid (see

attached) provides the lowest overall cost to the City. They are also willing to offer a variable rate for the first three months should that be lower than the fixed rate quoted.

Staff recommends that the City enter into a one-year agreement with Coweta Fayette EMC Natural Gas for natural gas and compressed natural gas services.

Budget Impact:

Due to the current increase in natural gas prices, it is expected that any natural gas agreement that the City may enter into this year will cost more than prior year. However, it is anticipated that the City's current and proposed budget can adequately handle this increase.

Attachments

NATURAL GAS/COMPRESSED NATURAL GAS SERVICE ANALYSIS

Provider	Cost Therm	DDDC		Monthly Capacity Charge	Transportation Charge		Meter Charge		Dth Annual Totals	Total (4)	Cost/Therm
		DDDC			Monthly	Yearly	Monthly	Yearly			
SCANA Energy (1)	\$ 0.969	135.723	\$	8.50	\$ 1 153.65	13,843.75	\$ 5.75	\$ 1,035.00	\$ 77,869.47	\$ 92,748.22	\$ 1.15
PS Energy Group (2)	\$ 0.950	224.630	\$	6.00	\$ 1,347.78	16,173.36	\$ 5.95	\$ 1,071.00	\$ 76,342.62	\$ 93,586.98	\$ 1.16
Coweta-Fayette Electric	\$ 0.908	155.671	\$	7.35	\$ 1 144.18	13,730.18	\$ -	\$ -	\$ 72,967.47	\$ 86,697.65	\$ 1.08
Infinite Energy (3)	\$ 0.9195	148.247	\$	8.50	\$ 1,260.10	15,121.19	\$ 5.00	\$ 900.00	\$ 73,891.62	\$ 89,912.81	\$ 1.12
Shell Energy (submitted and unsealed quo via fax)											

- (1) SCANA Energy per therm cost is subject to change prior to signing contract.
- (2) PS Energy Group does not include a bid for CNG.
- (3) Infinite Energy therm rate is at 6/24/05 and is subject to change prior to signing contract.
Infinite Energy does not include a bid for CNG.
- (4) Does not include AGL charges that are added to each vendors monthly billings.

Coweta-Fayette
Electric Membership Corporation
Post Office Box 488
Newnan, Georgia 30264

Telephone 770-502-0226
Facsimile 770-251-9788
<http://www.utility.org>

June 22, 2005



City of Peachtree City
Janet I. Camburn, Assistant Finance Director
151 Willowbend Rd.
Peachtree City GA 30269

Dear Janet,

Thanks for giving Coweta-Fayette EMC Natural Gas the opportunity to submit pricing for the natural gas needs of Peachtree City for the next year. We appreciate your business over the last year and look forward to a continued partnership. The attached pricing is based on the NYMEX market for today and differs from our discussion a few weeks ago because of increases in wholesale prices. I have also included the NYMEX futures prices for your review. As we also discussed, we are willing to offer a Variable Rate for the first three months of a new agreement as we did last year to possibly reduce your costs because of the high wholesale market. In addition, we will agree to match any qualified price from another marketer should we not have the lowest proposed rate.

Hopefully this information will be helpful and if you have any questions please let me know. Thanks again for the opportunity to submit pricing for next year.

Sincerely,

A handwritten signature in black ink that reads "Jimmy Adams".

Jimmy Adams
Coweta-Fayette EMC Natural Gas

PRICING SHEET

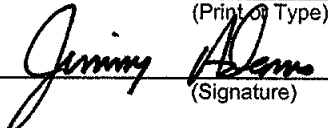
Conversion factor (CCF to therms)	<u>Approximately 1.025</u>
Natural gas	\$ <u>0.908</u> per therm *
Compressed natural gas	\$ <u>0.908</u> per therm *
Total DDDC for all accounts	<u>155.671</u>
Total annual therms	<u>83,155</u>
DDDC charge per month	\$ <u>1,144 18</u> per month
Customer service charge per month	\$ <u>0.00</u> per month

x 7 35

* The price per therm shall include the price of fuel and the interstate transportation charges. This price shall equal the burner tip price.

The price per therm shall be fixed for the contract period of August 2005 through July 2006

Note: A separate attachment to this pricing sheet shall be included detailing all additional charges not listed above.

COMPANY NAME	<u>Coweta-Fayette EMC Natural Gas</u>
AUTHORIZED REPRESENTATIVE	<u>Jimmy Adams</u>
	(Print or Type)
AUTHORIZED REPRESENTATIVE	<u></u>
	(Signature)
TITLE	<u>Major Account Representative</u>
MAILING ADDRESS	<u>807 Collinsworth Rd.</u>
(no post office box numbers)	<u>Palmetto GA 30268</u>
PHONE NUMBER	<u>770-502-0226 ext. 4781</u>
FAX NUMBER	<u>770-251-9788</u>
E-MAIL ADDRESS (if available)	<u>jadams@utility.org</u>
DATE	<u>6/22/05</u>

NYMEX as of June 22, 2005 at 10:30am

	Open	High	Low	Last	Change
JUL 05					
7.4953	7.5	7.51	7.485	7.495	0.021
AUG 05					
7.5753	7.59	7.59	7.56	7.575	0.03
SEP 05					
7.613	7.62	7.62	7.61	7.61	0.023
OCT 05					
7.6653	7.66	7.665	7.655	7.665	0.031
NOV 05					
8.133	8.17	8.17	8.13	8.13	0.001
DEC 05					
8.613	8.61	8.625	8.61	8.61	0.021
JAN 06					
8.9153	8.92	8.94	8.915	8.915	0.016
FEB 06					
8.943	8.93	8.94	8.93	8.94	0.028
MAR 06					
8.833	8.81	8.83	8.81	8.83	0.038
APR 06					
7.683	7.7	7.7	7.68	7.68	0.018
MAY 06					
7.573	7.57	7.57	7.57	7.57	0.058
JUN 06					
7.613	7.61	7.61	7.61	7.61	

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

FROM: Tom Corbett, Public Services Dir

VIA: Bernard J. McMullen, City Manager
Colin Halterman, Assistant City Manager
Angela R. Egan, Purchasing Agent
Paul Salvatore, Financial Services Director
Randy Gaddo, Leisure Services Director
Clyde Stricklin, Development Services Director

DATE: June 17, 2005

SUBJECT: Truck Bids
July 7 City Council Agenda

Recommendation:

Staff recommends that all eight (8) low bids for new Ford vehicles be accepted as described herein.

Discussion:

The City solicited sealed bids on April 8, 2005, for eight (8) Ford trucks (bids #05-105BPW through #05-112BPW). Three companies submitted bids on these vehicles (with trade-in discounts on current surplus vehicles). The results are summarized on the attached bid tabulation.

The lowest bids were submitted by two companies, as follows.

Allen Vigil Ford	One (1) truck	\$19,466.00 total
Legacy Ford	Seven (7) trucks	\$99,164 00 total

(Council previously approved surplus vehicles during May 19, 2005, Council Meeting.)

Budget Impact:

Funds are available in all of the following accounts for the purchases described, and all vehicles are included in their respective departments' FY 2005 budgets as adopted.

100-4100-54-2050(Public Works)	100-7410-54-2050 (Planning)
100-6122-54-2050 (Recreation)	100-7450-54-2050 (Code Enforcement)
100-1575-54-2050 (Engineering)	100-7210-54-2050 (Building)

CITY OF PEACHTREE CITY BID TABULATION**Eight (8) Ford Trucks**

(Revised)

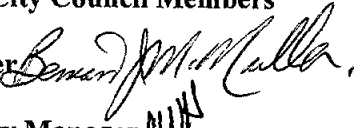
VEHICLES:	Bidder:		Bidder:		Bidder:		
	ALLEN VIGIL		LEGACY FORD		LOU SOBH		
1 BID #05-105BPW F-250 TRUCK							Public Works
BASE	\$ 20,966.00		\$ 23,512.00		\$ 22,894.09		
TRADE-IN	\$ 1,500.00		\$ 2,600.00		\$ 2,300.00		
NET	\$ 19,466.00		\$ 20,912.00		\$ 20,594.09		
Trade: 1999 CROWN VIC. NGV VIN# 2FAFP7190XX159629							
2. BID #05-106BPW 4X4 RANGER							Dev Ser
BASE	\$ 18,146.00		\$ 17,642.00		\$ 18,227.00		
TRADE-IN	\$ 200.00		\$ 2,600.00		\$ 200.00		
NET	\$ 17,946.00		\$ 15,042.00		\$ 18,027.00		
Trade: 1989 FORD CROWN VIC. VIN#2FABP72F2KX225867							
3. BID #05-107BPW 4X4 RANGER							Dev Ser
BASE	\$ 18,146.00		\$ 17,642.00		\$ 18,227.00		
TRADE-IN	\$ 700.00		\$ 1,000.00		\$ 1,500.00		
NET	\$ 17,446.00		\$ 16,642.00		\$ 16,727.00		
Trade: 1993 FORD RANGER VIN#1FTCR10X7PUC29963							
4 BID #05-108BPW 4X2 RANGER							Dev Ser
BASE	\$ 14,189.00		\$ 13,915.00		\$ 14,500.00		
TRADE-IN	\$ 1,800.00		\$ 2,800.00		\$ 3,000.00		
NET	\$ 12,389.00		\$ 11,115.00		\$ 11,500.00		
Trade: 1999 CROWN VIC. NGV VIN# 2FAFP7199XX159628							
5. BID #05-109BPW 4X2 RANGER							Dev Ser
BASE	\$ 14,189.00		\$ 13,915.00		\$ 14,500.00		
TRADE-IN	\$ 2,000.00		\$ 3,200.00		\$ 4,000.00		
NET	\$ 12,189.00		\$ 10,715.00		\$ 10,500.00		
Trade: 1999 CROWN VIC. NGV VIN# 2FAFP7197XX159627					(#2418)		
6. BID #05-110BPW 4X2 RANGER							Dev Ser.
BASE	\$ 14,189.00		\$ 13,915.00		\$ 14,500.00		
TRADE-IN	\$ 300.00		\$ 2,400.00		\$ 1,500.00		
NET	\$ 13,889.00		\$ 11,515.00		\$ 13,000.00		
Trade: 1994 CROWN VIC. VIN# 2FALP71WORX149792							
7 BID #05-111BPW 4X2 RANGER							Dev Ser
BASE	\$ 14,189.00		\$ 13,915.00		\$ 14,500.00		
TRADE-IN	\$ 500.00		\$ 2,400.00		\$ 1,200.00		
NET	\$ 13,689.00		\$ 11,515.00		\$ 13,300.00		
Trade: 1994 CROWN VIC. VIN# 2FALP71W8RX149796							
8. BID #05-112BPW F-150 TRUCK							Recreation
BASE	\$ 21,684.00		\$ 21,220.00		\$ 21,982.00		
TRADE-IN	\$ 200.00		\$ 1,800.00		\$ 800.00		
NET	\$ 21,484.00		\$ 19,420.00		\$ 21,182.00		
Trade: 1986 Ford F-150 VIN # 1FMEE11Y7GHB94664							
Total of Low Bids:	\$19,466.00		\$ 99,164.00				
GRAND TOTAL.			\$118,630.00				

06/17/05

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council Members

VIA: City Manager 

FROM: Assistant City Manager 
Public Services Director

DATE: June 21, 2005

SUBJECT Deed of Easement Agreement for Emergency Warning System, Peachtree Parkway
and Braelinn Road
July 7, 2005 City Council Agenda

Recommendation:

That Council authorize the Mayor to sign an easement agreement with the County for installation and maintenance of an Advanced Emergency Warning System at the intersection of Braelinn Road and Peachtree Parkway (Agreement attached) Additionally, that Council rescind the previous approval of the easement agreement at Braelinn Road and Morallion Hills.

Discussion:

At the May 19, 2005, Council Meeting, Council approved an easement agreement for an Advanced Warning System at the intersection of Braelinn Road and Morallion Hills "based on staff's review of the location and the look of the pole." Captain Pete Nelms, County Emergency Management coordinator, approached the City requesting to relocate the Advanced Emergency Warning System from the intersection of Braelinn Road and Morallion Hills to the greenbelt at the intersection of Peachtree Parkway and Braelinn Road because of the cost of providing electrical power to the warning siren. Placing the system here is in line with the overall County plan to strategically distribute these systems to enhance the County's emergency warning capability because this location provides better coverage than the previously approved locations. City staff has visited this site and there should be no issue with aesthetics of the pole at this location. Captain Nelms explained that the system is similar to the one on Robinson Road across from Mowell's Funeral Home. The warning siren enables emergency announcements to be broadcast over a wide area. One system can cover a total area of one-and-one quarter to one-and-one half miles, and broadcasts in all directions simultaneously. It can be used to broadcast severe weather warnings or to make other emergency-related announcements. This advance system not only has a siren, but also allows the County Emergency Management staff to make specific announcements and give direct verbal guidance to citizens. The system has a silent, self-diagnostic testing mode that tests weekly, and it will also be audibly tested once each year in February as part of the annual severe weather awareness week.

This device consists of the broadcast mechanism on top of a 50-foot wooden pole installed, wired and maintained by Coweta-Fayette EMC.

Budget Impact:

There will be a fee for electricity to Coweta-Fayette EMC of about \$5 00/month, which can be covered in the existing Public Services operating budget.

Attachments

WARNING SIREN LOCATIONS

Existing Locations

Rivers Road and Cedar Trail	Unincorporated Fayette County
Ellis Road and Hwy 85	Unincorporated Fayette County
Robinson Road at Hwy 74	Peachtree City
McCurry Park	Unincorporated Fayette County
Old Senoia Road at Whispering Pines Mobile Home Park	Tyrone
Huiet Road at the YMCA Play Park	Unincorporated Fayette County
Landmark Mobile Home Park	Unincorporated Fayette County

To be Installed

Braelinn Road at Peachtree Parkway	Peachtree City
Starr's Mill School Complex, Redwine Road at Hwy 74	Unincorporated Fayette County
Kiwanis Field off Redwine Road	Unincorporated Fayette County
Baseball Complex off Hwy 74	Tyrone

Phase Installation of Warning Sirens

Phase I was to warn manufactured housing communities.
Phase II is public venues such as recreation facilities.
Phase III is high-density populations.

City Council of Peachtree City
Minutes of Regular Meeting
May 19, 2005
7:00 p.m.

The City Council of Peachtree City met Thursday, May 19, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:05 p.m. Other Council Members present were: Steve Rapson, Judi Rutherford, and Murray Weed. Stuart Kourajian arrived late.

Announcements, Awards, Special Recognition

Mayor Brown recognized the companies and volunteers that participated in Community Action Day on May 14

Consent Agenda

1. Alcohol License – Change in Licensee and License Representative – Wal-Mart
2. Consider Sanitary Sewer Easement for Line Creek
3. Consider Easement Agreement with Fayette County for Weather Warning Siren (Braelinn Road)
4. Consider Appointment of City Attorney
5. Consider Library Commission Appointments
6. Consider Disposal of Surplus Property

Brown noted there were additional documents on the dais regarding Consent Agenda Item #3 – a letter from City Attorney Ted Meeker dated May 17, 2005, regarding the City Attorney appointment and a memo from the Assistant City Manager to Mayor and Council dated November 15, 2002, with the subject, "Appointment of City Attorney/City Solicitor."

Rutherford moved to approve the Consent Agenda. Rapson seconded.

Rapson asked if staff had confirmed the easement line with Southern Conservation Trust (SCT) (Consent Agenda Item #2) since they were responsible for the Line Creek conservation area. Developmental Services Director Clyde Stricklin said the easements were right on the edge of the property. He added that he had discussed the matter with SCT.

Rapson asked if the residents along Braelinn Road knew the weather-warning siren (Consent Agenda Item #3) was going in their area rather than at the Baseball/Soccer Complex on GA 74. City Manager Bernard McMullen told Council he did not know if Fayette County had notified the residents or not. Rapson said, in that case, they should pull Item #3.

Rapson noted that his mother-in-law was the Library Commission chairman (Consent Agenda #5).

Rutherford amended her motion to approve Consent Agenda #1, #2, #4, #5, and #6. Rapson seconded the amendment. The motion carried 4-0.

Rapson moved to table Consent Agenda #3 until staff could find out if Fayette County sent notification to residents. Rutherford seconded.

Weed asked if Council was saying they were not committed to putting the siren on Braelinn Road at all, or if they were just making sure the County notified the residents. Weed clarified that if Council's approval was contingent upon notifying the neighbors, then they could go ahead and approve the siren. Rapson said he was not in favor of putting the siren in that area if the neighbors did not like the location. He understood that the County felt the Braelinn Road location was better than GA 74 South. Rutherford, a resident of the Braelinn Road area, said she understood why Rapson wanted to notify the residents. She noted that the siren would be tested in February during National Severe Weather Week, and she would be glad to know whether roaring the roaring noise was the train or tornado. In the end, Rutherford said it was good for the whole community.

McMullen asked which areas should be included in the notification. The siren could be heard for one and one-half miles. Rapson said the issue was aesthetics, not noise. Assistant City Manager Colin Halterman said the siren would be located in a greenbelt area and would be brown, similar to the warning siren located on Robinson Road. Halterman said the pole on Robinson Road could not be seen from the road. Rutherford clarified that Rapson's objection was to the pole, not the siren. Rapson said he wanted to know what the pole would look like before the City just put it somewhere. Brown suggested that something about the siren be placed in the newspapers to get comments. Rapson said he would approve the siren based on staff's recommendation that the location was not an issue. Weed said he felt better about that position.

Rapson rescinded his prior motion and moved to approve Consent Agenda #3 based on staff's review of the location and the look of the pole. Rutherford seconded. The motion carried 4-0. Meeker clarified that, pending staff's approval, the Mayor could sign the easement. Weed said yes.

Kourajian arrived at 7 40 p.m.

New Agenda Items

05-05-09 Consider Appointment of Solicitor Pro Hac

Public Information Officer/Deputy City Clerk Betsy Tyler addressed Council. She explained that a solicitor pro hac was needed in the event City Solicitor Marcia Moran took vacation or was ill. Keith Martin had agreed to provide the services for \$100 an hour for two court days, or approximately 16 hours. Tyler said there might also be a few hours of prep time. Tyler said Martin was very experienced and currently served as the solicitor for Tyrone and Fayetteville.

Rutherford asked if the City had advertised for the position. Tyler said they had not advertised for the position due to the short duration. Rutherford said that, potentially, if something were to happen to the City Solicitor, there was no pro hac. She had no problem with approving the appointment for June only. If there was a need for a back-up

STATE OF GEORGIA
COUNTY OF FAYETTE

DEED OF EASEMENT

THIS INDENTURE, made and entered into this _____ day of _____, in the year Two Thousand Five, between CITY OF PEACHTREE CITY, Georgia, as party of the first part, hereinafter referred to as "GRANTOR", and FAYETTE COUNTY, a political subdivision of the State of Georgia, as party of the second part, hereinafter referred to as "GRANTEE" ("GRANTOR" and "GRANTEE" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESS THAT Grantor, for and in consideration of TEN (\$10 00) Dollars and other good and valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, alienated, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto the said Grantee the following:

A permanent nonexclusive easement, over, through, under and across certain property of the Grantor located in Land Lots 36 and 41 of the 6th District of Fayette County, Georgia. Said easement is hereby described in Exhibit "A" attached hereto. Such Exhibit is, by this reference, incorporated herein and made a part hereof.

The purpose of this grant of easement is to allow the Grantee, through its agents and employees, the right and privilege to install, construct and maintain a severe weather warning siren for the use of the public, together with all necessary and required structures and related apparatus, over, through, under, and across the subject property. The permanent easement herein granted shall be perpetual in duration.

This instrument shall be binding upon the heirs, successors and assigns of the Grantor herein, and shall inure to the benefit of the successors in interest of the Grantee herein.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed of Easement, the day and year first above written.

CITY OF PEACHTREE CITY

By _____ (SEAL)

WITNESS

NOTARY PUBLIC

Exhibit "A"

All that tract or parcel of land lying and being in Land Lots 36 and 41 of the 6th District of Fayette County, and being more particularly described as follows:

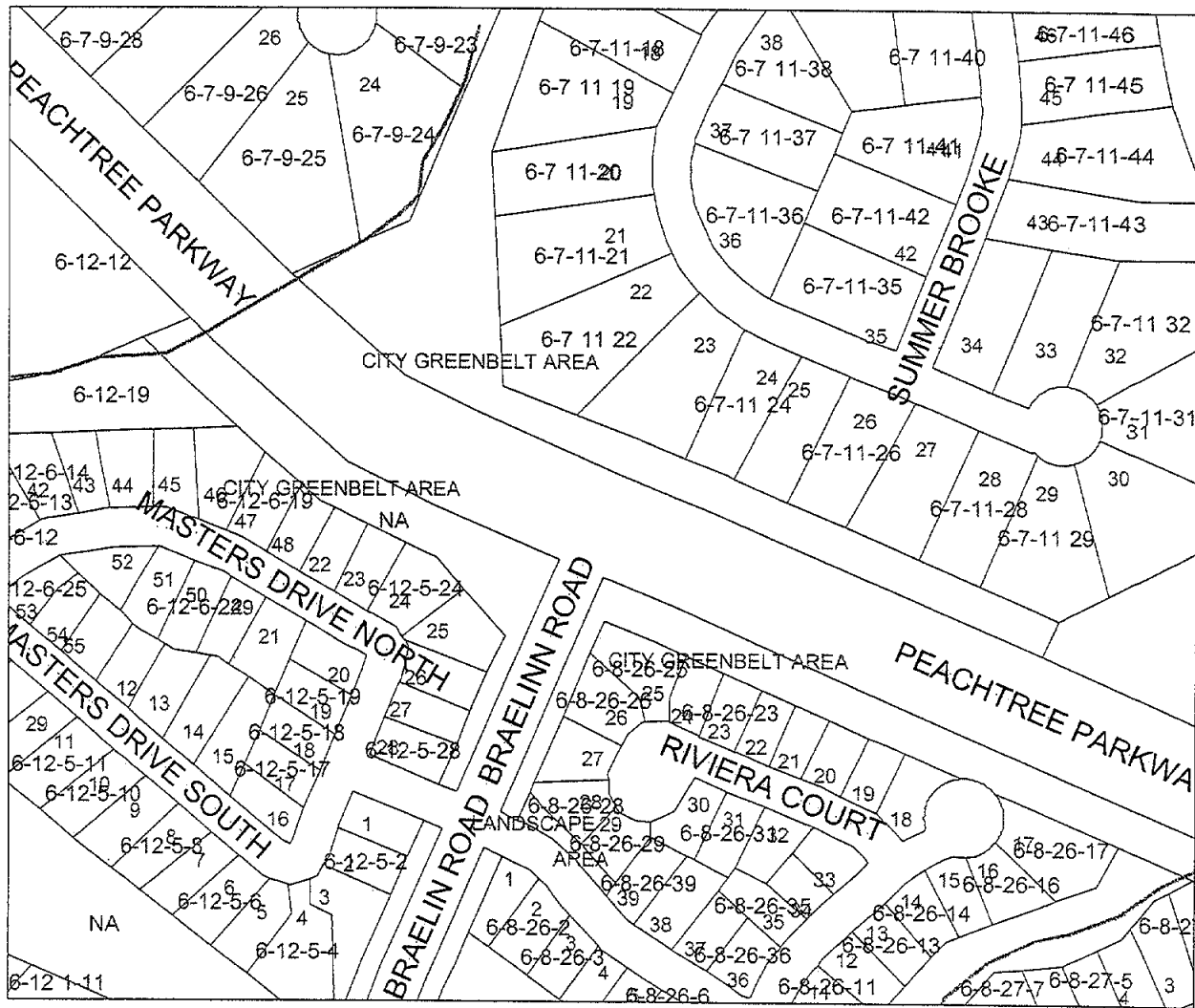
All that land contained in that certain parcel of land shown as City Greenbelt area on that certain plat of survey of The Fairways Subdivision, Phase I of record at Plat Book 22 page 142, Fayette County, Georgia records.

Also

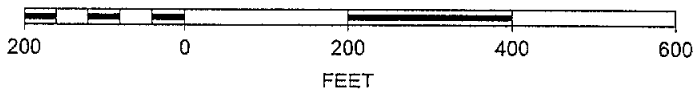
All that land contained in the right of way of Peachtree Parkway and Braelin Road (60' r/w) as shown on that certain plat of survey of The Fairways Subdivision, Phase I of record at Plat Book 22, page 142, Fayette County, Georgia records.

The Fairways I
PB 22 P142

- Bridge
- ▣ Lakes
- Streams
- County Line
- City Limits
- ++ Railroad
- Roads-Text
- Abc Easement Text
- Easement Line
- Abc Legal Lot
- ▢ Parcel



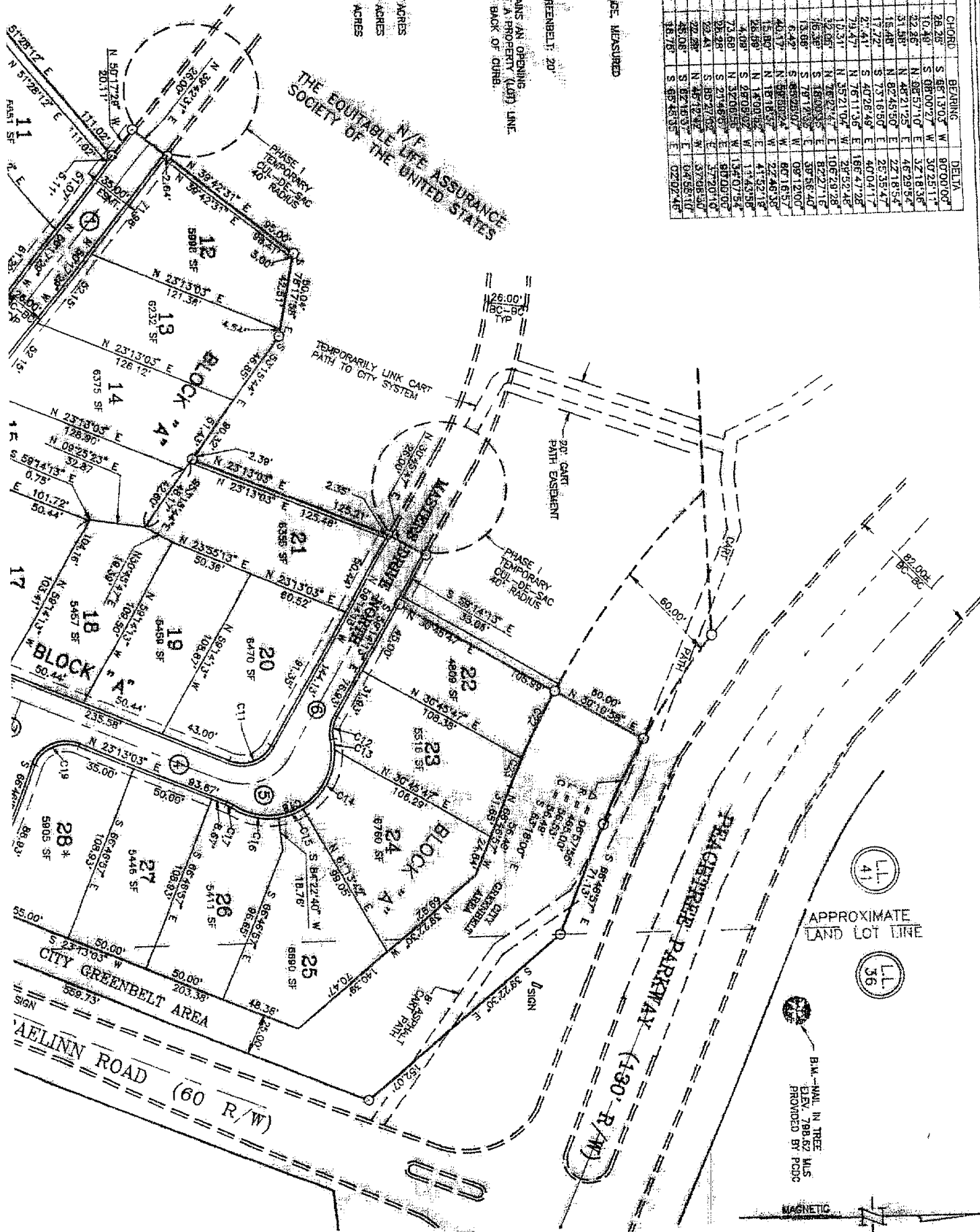
SCALE 1 2,789



CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	20.00'	31.42'	20.00'	20.00'	S 86°13'03" W	90°00'00"
C2	20.00'	31.42'	20.00'	20.00'	S 08°00'27" W	30°25'11"
C3	20.00'	31.42'	20.00'	20.00'	N 08°57'10" E	32°18'36"
C4	20.00'	31.42'	20.00'	20.00'	N 48°21'25" E	46°28'54"
C5	20.00'	31.42'	20.00'	20.00'	N 82°45'50" E	22°18'54"
C6	20.00'	31.42'	20.00'	20.00'	S 73°16'50" E	25°35'47"
C7	20.00'	31.42'	20.00'	20.00'	S 40°28'49" E	40°04'17"
C8	20.00'	31.42'	20.00'	20.00'	N 76°11'36" E	186°47'28"
C9	20.00'	31.42'	20.00'	20.00'	N 35°21'04" W	28°52'48"
C10	20.00'	31.42'	20.00'	20.00'	S 08°00'27" W	106°27'16"
C11	20.00'	31.42'	20.00'	20.00'	S 78°12'55" E	88°56'40"
C12	20.00'	31.42'	20.00'	20.00'	S 88°22'50" W	08°12'00"
C13	20.00'	31.42'	20.00'	20.00'	S 88°22'50" W	08°12'00"
C14	20.00'	31.42'	20.00'	20.00'	S 88°22'50" W	08°12'00"
C15	20.00'	31.42'	20.00'	20.00'	S 88°22'50" W	08°12'00"
C16	20.00'	31.42'	20.00'	20.00'	S 88°22'50" W	08°12'00"
C17	20.00'	31.42'	20.00'	20.00'	S 88°22'50" W	08°12'00"
C18	20.00'	31.42'	20.00'	20.00'	S 88°22'50" W	08°12'00"
C19	20.00'	31.42'	20.00'	20.00'	S 88°22'50" W	08°12'00"
C20	20.00'	31.42'	20.00'	20.00'	S 88°22'50" W	08°12'00"
C21	20.00'	31.42'	20.00'	20.00'	S 88°22'50" W	08°12'00"
C22	20.00'	31.42'	20.00'	20.00'	S 88°22'50" W	08°12'00"
C23	20.00'	31.42'	20.00'	20.00'	S 88°22'50" W	08°12'00"

SETBACKS (HOUSE SEPARATION):
FRONT: 15' TO HOUSE, 20' TO GARAGE, MEASURED TO BACK OF CURB
SIDE TO SIDE: 10'
SIDE TO SIDE: 20'
SIDE TO STREET: 10'
SIDE TO REAR: 40'
REAR TO PROJECT BOUNDARY OR GREENBELT: 20'

NOTES
1. NO EXTERIOR WALL WHICH CANNOT BE OPENING SHALL BE LOCATED WITHIN 5' OF A PROPERTY (LIFT) LINE.
2. LOT LINES ARE LOCATED AT THE BACK OF CURB.
NO 100 YR FLOOD PLAIN AREA LOCATED ON THIS TRACT OF LAND.
AREA: 5.212 ACRES
PROPERTY IS ZONED: GR
LOTS (28) - 169866 SF 3.805 ACRES
STREETS - 20048 SF 0.4607 ACRES
GREENBELT - 26324 SF 0.6030 ACRES



CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Developmental Services Director 

FROM: City Engineer 

DATE: June 20, 2005

SUBJECT Atlanta Gas Line Easement at SR 54 and Planterra Way
July 7th City Council Meeting

Recommendation.

For Council to grant an easement to Atlanta Gas Light for the maintenance of an existing line.

Discussion:

Atlanta Gas Light Company is in need of repairing the existing gas line that runs between SR 54 and Planterra Way (see attached plat). In order for them to do so they need to be granted an easement since this gas line is on City property

If City Council agrees to sign the easement agreement, we will need two original signed copies.

Budget Impact:

There is no budget impact associated with this request.

Attachments

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

Space above this line for recorder's use

After Recording Return To
Atlanta Gas Light Company
c/o Harold D Saunders – Location 1355
Post Office Box 4569
Atlanta, GA 30302 – 4569

And

Theodore P Meeker, III, Esq.
Davis & Meeker, LLC
6631 Watson Street
Union City, Georgia 30291

EASEMENT FOR GAS REGULATOR STATION

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made and executed this ____ day of _____ 2004

FOR AND IN CONSIDERATION OF THE SUM OF ONE DOLLAR (\$1 00) and other consideration in hand paid, the receipt of which is hereby acknowledged THE CITY OF PEACHTREE CITY, hereinafter called Grantor, hereby grants unto ATLANTA GAS LIGHT COMPANY, hereinafter called Grantee, the right to construct, install, maintain, inspect, operate, repair, replace, change or remove gas regulator station or stations, including, without limitation, regulators, heaters, pipe line gate valve or valves with any by-passes, cross-overs, scraper traps, gas main or mains and other appurtenances and equipment used in connection therewith or incidental hereto, or any part thereof, within a strip of land, in and through the following described property of Grantor, which Grantor warrants to be the owner of the fee simple title:

Land lying in Land Lot 160 of the 7TH District, FAYETTE County, Georgia.

TOGETHER WITH free right of ingress and egress on the Property to and from said gas main or mains, gas regulator station or stations and appurtenances, in the approximate location as shown on Exhibit "A", attached hereto and made a part hereof.

Notary Public

TITLE. _____

My Commission Expires:

ATTEST _____

(NOTARY SEAL)

Space above this line for recorder's use

After Recording Return To
Atlanta Gas Light Company
c/o Harold D Saunders – Location 1355
Post Office Box 4569
Atlanta, GA 30302 – 4569

And

Theodore P Meeker, III, Esq.
Davis & Meeker, LLC
6631 Watson Street
Union City, Georgia 30291

EASEMENT FOR GAS REGULATOR STATION

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made and executed this ____ day of _____ 2004

FOR AND IN CONSIDERATION OF THE SUM OF ONE DOLLAR (\$1 00) and other consideration in hand paid, the receipt of which is hereby acknowledged **THE CITY OF PEACHTREE CITY**, hereinafter called Grantor, hereby grants unto ATLANTA GAS LIGHT COMPANY, hereinafter called Grantee, the right to construct, install, maintain, inspect, operate, repair, replace, change or remove gas regulator station or stations, including, without limitation, regulators, heaters, pipe line gate valve or valves with any by-passes, cross-overs, scraper traps, gas main or mains and other appurtenances and equipment used in connection therewith or incidental hereto, or any part thereof, within a strip of land, in and through the following described property of Grantor, which Grantor warrants to be the owner of the fee simple title:

Land lying in Land Lot **160** of the **7TH** District, **FAYETTE** County, Georgia.

TOGETHER WITH free right of ingress and egress on the Property to and from said gas main or mains, gas regulator station or stations and appurtenances, in the approximate location as shown on Exhibit "A", attached hereto and made a part hereof.

Grantee shall at all times have full rights of ingress and egress to and from said Property for the full use and enjoyment by said Grantee of the rights herein granted.

Grantee shall pay to relocate and/or replace any trees removed or destroyed by any activity described herein. The Grantee shall coordinate with the City of Peachtree City as to the place of relocation, or size and species of replacement trees.

Grantee shall pay to restore the easement and any areas disturbed by the activities described herein to as near original condition as practical.

Grantee agrees to hold City harmless and shall indemnify, enter and defend the City against any and all claims filed by third parties for injuries and damages allegedly suffered as a result of the Grantee's use of the easement conveyed herein and against any and all liabilities, damages and expenses arising from injury, damage or loss to persons or caused by Grantee's employees, agents, assigns, visitors or licensors, or any property of said persons, in or about said easement from any cause whatsoever growing out of or connected with the use of or activities within such easement.

TO HAVE AND TO HOLD SAID rights perpetually unto Grantee, its successors or assigns, providing that if said Grantee, its successors or assigns shall permanently abandon the use of said premises for the purposes herein stated, then all rights and privileges herein conveyed shall ipso facto be terminated.

The rights herein granted may be assigned in whole or in part.

The terms, conditions and provisions of this Indenture shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the Grantor causes these presents to be executed by its proper officers, thereunto duly authorized and its seal affixed, this the day and year first above written.

Signed, sealed and
delivered in the
presence of:

THE CITY OF PEACHTREE CITY

Witness

BY _____

Notary Public

TITLE. _____

My Commission Expires: _____

ATTEST _____

(NOTARY SEAL)

Notary Public

TITLE.

My Commission Expires:

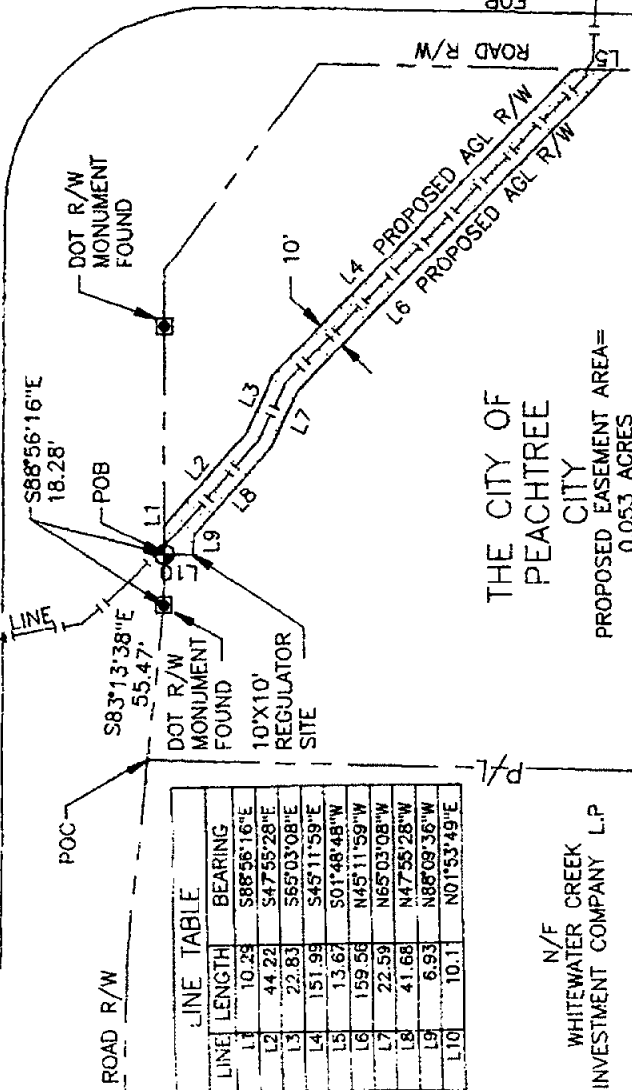
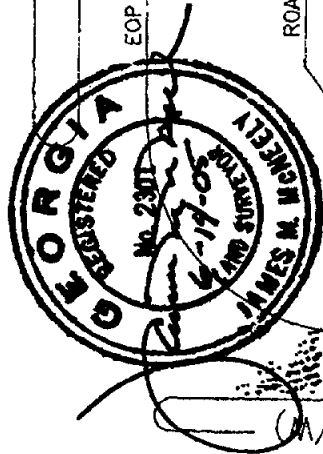
ATTEST

(NOTARY SEAL)

LAND LOT 160, 7TH DISTRICT
FAYETTE COUNTY, GEORGIA
EXHIBIT A



GA. STATE ROUTE 54
R/W VARIES



LINE TABLE	
LINE	BEARING
L1	S88°56'16"E
L2	S47°55'28"E
L3	S65°03'08"E
L4	S45°11'59"E
L5	S01°48'48"W
L6	N45°11'59"W
L7	N65°03'08"W
L8	N47°55'28"W
L9	N85°09'36"W
L10	N01°53'49"E

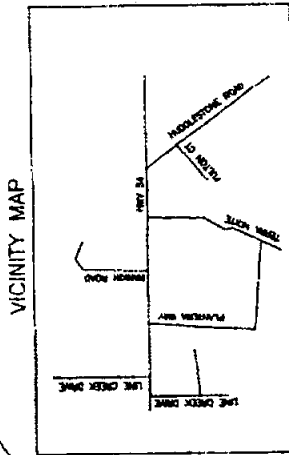
THE CITY OF
PEACHTREE
CITY
PROPOSED EASEMENT AREA=
0.053 ACRES

N/F
WHITEWATER CREEK
INVESTMENT COMPANY L.P.

LEGEND

- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- N/F NON OR FORMALLY
- EOP EDGE OF PAVEMENT
- IPF ROW P/N FOUND
- MONUMENT FOUND
- AGL R/W TO BE ACQUIRED
- EXISTING GAS LINE
- P/L PROPERTY LINE

The field data upon which this map or plat is based has a closure
>> precision
>> of on foot in 10,000 feet and an angular error of 0" per angle and
>> not
>> adjusted.
>> This map or plat has been calculated for closure and is found to be
>> accurate
>> within one foot in 161,178 feet.



ATLANTA GAS LIGHT COMPANY
ATLANTA, GEORGIA

PROPOSED 10' AGL EASEMENT CROSSING
THE PROPERTY OF
THE CITY OF PEACHTREE CITY
FAYETTE COUNTY GEORGIA

DRAWN S/N&A
FILE EXHIBIT A
SCALE 1"=50'
DATE 5/20/05
CHECKED
SHEET 1 OF 1

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: City Manager 

DATE: June 29, 2005

SUBJECT: Consider Approval of Letter to Congressional Delegation Opposing Any Changes to Cable Franchising
July 7, 2005, City Council Meeting

Recommendation.

Staff recommends that Council consider forwarding the attached letter to our Congressional Delegation.

Discussion.

Through the City Attorney, staff was made aware of pending Federal legislation that could eliminate local cable and telecommunications franchising to facilitate competition in the local video market. Staff has serious concerns about this issue, as our local franchise agreements, and the associated franchise fees we receive for the use of our rights-of-way, are our only tool in exacting and enforcing any standards of customer service for our residents. Franchise agreements also prevent discriminatory practices such as refusing to provide services to lower income areas, and ensure proper restoration of rights-of-way following major utility work on our property

The U.S. Conference of Mayors has also adopted a resolution opposing changes to existing cable and telecommunications franchising.

Budget Impact:

This item has no immediate budget impact, but could ultimately affect the approximately \$150,000 per year we receive in cable television franchise fees and over \$200,000 per year in telephone franchise fees.

July 8, 2005

The Honorable Lynn Westmoreland
United States Congress
1118 Longworth House Office Building
Washington, D C. 20515

Dear Congressman Westmoreland.

We are writing to request your support for your constituents by ensuring that any changes in telecommunications laws to address Internet Protocol (IP) service maintain the same franchising and fee structure currently applied to cable and telephone companies. With the advancement in technologies and a wider range of services, it can seem a simple matter to rush forward with legislation to facilitate “newer” and “better”. However, changes currently under consideration can be very damaging to the citizen customers of providers, and to the local governments serving them.

Like cable television and telephone services, IP is provided over wires located in the public right-of-ways that cities, counties and states must protect and maintain. Local franchises provide the mechanism by which we can accomplish this while requiring that the business enterprises using the right-of-ways to make a profit share in the costs. Both we, and our residents, need the protections cable franchises provide. For example franchises:

- Prohibit discrimination against customers
- Protect access to public infrastructure
- Ensure the proper maintenance of public infrastructure
- Provide local access programming
- Establish customer service requirements and local enforcement mechanisms
- Require local emergency alerts not available on the federal emergency alert system

These types of provisions have been in cable franchises for 50 years. They work well, are needed, and must be continued. They also work best in terms of responsiveness when handled at the local, rather than federal, level. For these reasons, we ask you to support the continuation of cable-type franchising for cable and broadband services and the fees currently paid by telephone companies.

Sincerely,

Stephen D Brown, Mayor

Murray Weed, Council Member

Judi-ann Rutherford, Council Member

Steve Rapson, Council Member

Stuart Kourajian, Council Member

cc:

The Honorable Joe Barton
2109 Rayburn House Office Building
Washington, DC 20515-4306

The Honorable Saxby Chambliss
United States Senator
416 Russell Senate Office Building
Washington, DC 20510

The Honorable Fred Upton
2161 Rayburn House Office Building
Washington, DC 20515-2206

The Honorable Johnny Isakson
United States Senator
120 Russell Senate Office Building
Washington, DC 20510

The Honorable John Dingell
2328 Rayburn House Office Building
Washington, DC 20515-2215

The Honorable Edward Markey
2108 Rayburn House Office Building
Washington, D C. 20515-2107

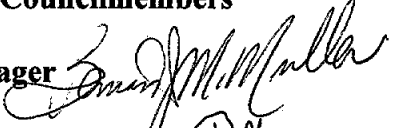
The Honorable Ted Stevens
522 Senate Hart Office Building
Washington, DC 20510-0201

The Honorable Daniel Inouye
722 Senate Hart Office Building
Washington, DC 20510-1102

The Honorable Conrad Burns
187 Senate Dirksen Office Building
Washington, DC 20510-2603

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers
VIA. City Manager 
FROM: Director of Leisure Services 
DATE: June 28, 2005
SUBJECT Consider Intergovernmental Agr w/BOE re: PTC Elem. use of Riley Track
July 7, 2005 City Council Agenda

Recommendation: That Council authorizes the mayor to sign the attached Intergovernmental Agreement with the Board of Education to enable Peachtree City Elementary children to use the Riley track during school hours when school is in session.

Discussion. Peachtree City Elementary PTO requested \$5,000 from the city as a matching grant to build a \$10,000 asphalt "track" on the east side of the school, which is on the opposite side of the school from the Riley track. The track was to be used for PE classes. When the Recreation Department received the request, staff questioned why the children couldn't just use the Riley track, which is a rubberized, 7-lane track that had just been resurfaced and re-striped. It is equal distance from the school as the asphalt track would have been. The PTO president checked with school officials and was informed that because the Riley track was off school property, parents would have to provide written permission each time their children used the track because it was considered a "field trip." Recreation staff worked with school administrators up to Dr DeCotis, and permission was granted to allow a waiver to that requirement in this case. The attached agreement is intended to formalize the arrangement. This use by students in PTC Elementary, who are all Peachtree City residents, is considered a good use of this city facility during times of the day when it is not heavily used. There will be no disruption to city-sponsored programs and this light use will not cause undue wear to the track. School and city staffs will coordinate to ensure that children are not present during maintenance operations such as grass mowing, which will occur on Thursdays. The Recreation Commission reviewed this approach and concurs.

Budget Impact:

Approval of this agreement will save the city and PTO \$5,000 each.

FROM

PHONE NO. 7706313249

Jun. 30 2005 11 28AM P2

Peachtree City Elementary

201 Wisdom Road • Peachtree City, GA 30269

770-631-3250 • 770-631-3249 fax

Dr. Kiawana Kennedy, Principal

Noreen Taylor, Assistant Principal



June 30, 2005

Randy Gaddo
Peachtree City Parks and Recreation Department
Peachtree City, GA 30269

Dear Mr Gaddo,

Due to our proximity to Riley Field and the fact that we do not have a track at our facility, Peachtree City Elementary is requesting permission to use Riley Field during school hours to enhance our Physical Education program. The health and physical fitness of all of our students is very important to us.

We have received approval from the Recreation Department and they have agreed to post a sign to notify the public of our use during school hours.

Fayette County School Board Superintendent, Dr John DeCotis, has also given approval. We assured him that adult supervision would be present at all times.

When you speak to the City Council, please emphasize our great need to use the city's facility, that we have students anxious to have a place to participate in an organized running program, and that we will respect city property at all times.

Thank you from all of the staff and students at PCES.

Sincerely,

Dr. Kiawana Kennedy
Principal

KK/cd

STATE OF GEORGIA

COUNTY OF FAYETTE

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement for use of Riley Track is entered into on the date of the last signature by and between the City of Peachtree City, Georgia ("City"), a municipal corporation duly created by the State of Georgia, and the Fayette County Board of Education ("BOE"), a government authority organized and existing under the laws of the state of Georgia.

WITNESSETH

WHEREAS, the City and BOE desire the efficient use of funds for improvements to City and BOE facilities, and

WHEREAS, the City and BOE desire to coordinate their efforts and work together in the use of Riley Track, a City recreation facility, by students at Peachtree City Elementary School.

NOW, THEREFORE, for and in exchange of one dollar (\$1 00) in hand paid, from the BOE to the City, the sufficiency of which is acceptable, the parties agree as follows.

- 1) Use of City Facility The BOE shall be allowed to utilize Riley Track during school hours in connection with school-related activities. The BOE understands and recognizes that it will not have exclusive use of such track during school hours. BOE covenants that any use of the Riley Track during school hours will be under the supervision of at least one (1) faculty person of Peachtree City Elementary School, and that in no instance will students of such school be allowed to use Riley Track during school hours for a school-related activity unless such students are under the supervision of at least one (1) faculty person.
- 2) The City and BOE agree that the consideration of this agreement is the use of Riley Track in lieu of the City contributing the requested \$5,000 00 for the addition of a track to Peachtree City Elementary School.
- 3) To the extent permitted by Georgia law, the BOE shall indemnify, defend and hold harmless, the City, its directors, agents and representatives from and against any and all claims or demands, including reasonable attorneys' fees and costs, arising out of, or relating to, the use of Riley Track by students of Peachtree City Elementary School, or arising out of, or relating to, the negligence of the City, or the negligence of its agents, representatives, contractors or subcontractors, in performing their obligations under this Agreement.

- 4) Entire Agreement. This Agreement encompasses the entire agreement between the parties. No modifications shall be binding unless such are reduced to a writing executed by all of the parties.
- 5) Severability Should any portion of this Agreement be found by the arbitrator or court of competent jurisdiction to be invalid, the offending portion shall be struck and the remaining Agreement shall be read as if the offending portion was never included
- 6) Multiple Counterparts. This Agreement may be written in multiple counterparts, each which shall be regarded as an original

IN WITNESS WHEREOF, the parties, by and through their representatives who have been properly authorized to enter into this Agreement, hereby affix their hands and seals on the date written below

CITY OF PEACHTREE CITY

By: _____
Steve Brown, Mayor

Date: _____

FAYETTE COUNTY BOARD OF EDUCATION

By: _____

Date: _____

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Manager

DATE: June 30, 2005

SUBJECT CORRECT WORDING IN PEACHTREE CITY TOURISM
ASSOCIATION BY-LAWS
July 7, 2005, City Council Meeting

Recommendation: Authorize Mayor to re-sign subject By-Laws with correction to verbiage.

Discussion: Section 3 1, Page 4, sentence starting on line 8, was changed from, "*Under no circumstances, however, shall any actions be taken which are consistent with its Articles of Incorporation or these By-Laws,*" to "*Under no circumstances, however, shall any actions be taken which are inconsistent with its Articles of Incorporation or these By-Laws.*" A copy of the revised Page 4 is attached.

Budget Impact: None

BJM:gr

Attachment

BY-LAWS
OF
PEACHTREE CITY TOURISM ASSOCIATION, INC.

Incorporated as a Not-for-Profit Corporation
Under the laws of the State of Georgia

Incorporated ____ January 12_____, 2004

ARTICLE ONE

Name, Location and Offices

1.1 Name. The name of this Corporation shall be:

“PEACHTREE CITY TOURISM ASSOCIATION, INC.”

1.2 Registered Office and Agent. The Corporation shall maintain a registered office in the State of Georgia, and shall have a registered agent whose address is identical with the address of such office, in accordance with the requirements of the Georgia Nonprofit Corporation Code.

1.3 Other Offices. The principal office of the Corporation shall be located at such places as designated by the Board of Directors. The Corporation may have other offices at such place or places, within or outside the State of Georgia, as the Board of Directors may determine from time to time or the affairs of the Corporation may require or make desirable.

ARTICLE TWO

Purposes and Governing Instruments

2.1 Not-for-Profit Corporation. The Corporation shall be organized and operated as a not-for-profit corporation under the provisions of the Georgia Nonprofit Corporation Code.

2.2 Purposes. The Corporation is an association of members the purposes of which, as set forth in the articles of incorporation, are not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual within the meaning of Section 501(c)(6) of the Internal Revenue Code. The Corporation was organized, and at all times shall be operated, to serve the needs and interests of tourism within the City of Peachtree City. The purposes of the Corporation shall include, but shall not be limited to, the following:

- Improve the availability of basic goods and services within the City of Peachtree City;
- Develop the educational, cultural and economic potential of the City of Peachtree City;
- Enlist the active interest and financial support of individuals and businesses in the development, improvement and beautification of the City of Peachtree City;

- Improve and maintain the appeal of the City of Peachtree City by improving and maintaining the physical, environmental and business conditions in the City;
- Increase City revenues by stabilizing the tax base, enhancing property values and increasing retail sales in the City;
- Contract with the City of Peachtree City to expend on behalf of the City of Peachtree City that portion of the hotel/motel tax authorized by Georgia law and other funding, and use the tax revenue and other funds to promote tourism, conventions and trade shows within the City. The Corporation's overall purpose will be to promote the welfare of the public, stimulate commerce and otherwise serve the public interest of the City of Peachtree City, as set forth in these Articles of Incorporation and the Bylaws, including the exercise of all other power and authority enjoyed by corporations generally by virtue of the provisions of the Georgia Nonprofit Corporation Code, within the subject to the limitations of Section 501(c)(6) of the Internal Revenue Code; and
- By contract with the City of Peachtree City to manage and operate the Frederick W. Brown, Jr. Amphitheater and the Peachtree City Tennis Center

2.3 Governing Instruments. The Corporation shall be governed by its articles of incorporation and these bylaws.

2.4 The Corporation shall not lobby or otherwise attempt to influence legislation. The Corporation shall not in any manner or to any extent participate in or intervene in any political campaign on behalf of any candidate for public office. In the event of dissolution or liquidation of the corporation, the balance of all assets received by the Corporation for its operations, after the payment of all debts and obligations of the Corporation, shall be distributed to the City of Peachtree City (or an entity that is an integral part of the City of Peachtree City) provided that such entity's entire income is excludable from gross income under Section 115(1) of the Internal Revenue Code.

ARTICLE THREE

Board of Directors

3.1 Authority and Responsibility of the Board of Directors. The supreme authority of the Corporation and the government and management of the affairs of the Corporation shall be vested in the Board of Directors, and all the powers, duties, and functions of the Corporation conferred by the articles of incorporation, these bylaws, state statutes, common law, court decisions, or otherwise, shall be exercised, performed, or controlled by the Board of Directors.

The governing body of the Corporation shall be the Board of Directors. The Board of Directors shall provide supervision, control and directions of the management, affairs and property of the Corporation, shall determine its policies or changes therein; and shall actively pursue its purposes and objectives and supervise the disbursement of its funds. The Board of Directors may adopt, by majority vote, such rules and regulations for the conduct of its business and the business of the Corporation as shall be deemed advisable, and may, in the execution of the powers granted, delegate certain of its authority and responsibility to an executive committee. Under no circumstances, however, shall any actions be taken which are inconsistent with its articles of incorporation or these bylaws, and the fundamental and basic purposes of the Corporation, as expressed in the articles of incorporation and these bylaws, shall not be amended or changed.

The Board of Directors shall not permit any part of the net earnings or capital of the Corporation to inure the benefit of any member, director, officer, trustee, or other private person or individual.

The Board of Directors may, from time to time, appoint, as advisors, persons whose advice, assistance and support may be deemed helpful in determining policies and formulating programs for carrying out the purposes and functions of the Corporation, and to employ such person or persons, including an executive director or officer, attorneys, trustees, agents, and assistants, as in its judgment are necessary or desirable for the administration and management of the Corporation, and to pay reasonable compensation for the services performed and expenses incurred by any such person or persons. The Board of Directors may obtain some or all of these services from the City of Peachtree City, on a reimbursable basis, contingent on approval of the City Council.

The five (5) member Board of Directors and any officers of the Corporation shall be appointed in the manner established in Section 3.3 of these Bylaws. The Board of Directors shall have full power and authority to review and approve in advance both short-term and long-term budgets, capital and operating, of income and expenditures of the Corporation and to exercise such other supervision and control over the affairs and property of the Corporation as the Board of Directors of the Corporation may deem necessary or desirable to ensure the 501(c)(6) purposes and functions of the Corporation are carried out.

3.2 Board of Directors. The ultimate property affairs, activities and concerns of the Corporation shall be vested in a Board of Directors, consisting of five (5) directors. The members of the Board shall, upon appointment, immediately enter upon the performance of their duties and shall continue in office until their successor shall have been duly appointed and qualified, or until the director's earlier death, resignation, removal or disqualification.

3.3 Manner of Appointment and Term of Office. The five (5) member Board of Directors shall be appointed by the City Council of the City of Peachtree City

("Council"); provided that initially one (1) director shall be the City Manager of the City of Peachtree City, one (1) director shall be the Financial Services Director of the City of Peachtree City; one (1) director shall be the Chairperson of the Peachtree City Recreation Commission, all of whom shall serve ex officio. And two (2) directors shall be members of the City Council and shall be appointed by a majority of the Council at the first scheduled Council meeting following the appointment of newly elected Council members. No later than December 31, 2004, the makeup of the board shall transition such that one (1) director shall be the City Manager of the City of Peachtree City, or designee. The designee shall be someone under the direct supervision of the City Manager by virtue of their employment, one (1) director shall be the Chairperson of the Peachtree City Recreation Commission, both of whom shall serve ex officio, two (2) directors shall be citizens of Peachtree City at large, preferably one of whom shall be employed in the restaurant or hotel/motel business and one of these same citizens shall have a minimum of five (5) years of fiscal experience (fiscal experience shall be defined as on the job training, education, degrees, and/or licenses gained in finance, accounting, and/or professional budgeting.). Also, the citizens-at-large shall serve for a maximum of two consecutive three-year terms. The initial terms shall be for two and three years such that the appointments will be staggered and one (1) director shall be a member of the City Council and shall be appointed by a majority of the Council at the first scheduled Council meeting following the appointment of newly elected Council members. The Board shall consist of a chair, a vice-chair and a secretary/treasurer to be chosen by the Board of Directors of the Corporation. At the expiration of his/her term, any director may be re-appointed. The City Council may stagger the terms of the directors so as to provide continuity on the board.

3.4 Removal. Any director may be removed by the Council. A removed director's successor shall be appointed by the Council to serve the unexpired term. Failure of any director to attend seventy-five percent (75%) of the meetings of the Board of Directors of the Corporation held in any fiscal year of the Corporation shall operate as a tender of such director's resignation, and such director shall be removed from the Board, provided, however, that a director, may petition the Board for an excused absence due to unavoidable circumstances.

3.5 Vacancies. Any vacancy in the Board of Directors arising at any time and from any cause, may be filled for the unexpired term only by the Council. Unless otherwise provided by these bylaws, each director so appointed shall hold office until the expiration of his or her term and the qualification of his or her successor

3.6 Compensation. There shall be no Director compensation. Directors may be reimbursed for actual out-of-pocket expense incurred in pursuing the business of the Corporation, provided the expenses are approved by the Board prior to being incurred, or are incurred pursuant to prior established Board policy

ARTICLE FOUR

Meetings of the Board of Directors

4.1 Place of Meetings. Meetings of the Board of Directors may be held at any place within the State of Georgia as set forth in the notice thereof or in the event of a meeting held pursuant to waiver of notice, as may be set forth in the waiver, or if no place is so specified, at the principal office of the Corporation.

4.2 Annual Meeting; Notice. The annual meeting of the Board of Directors shall be held at such place as the Board of Directors shall determine on such day and at such time as the Board of Directors shall designate. Unless waived as contemplated in Section 5.2, notice of the time and place of such annual meeting shall be given by the secretary either personally or by telephone or by mail or by telegram not less than ten (10) nor more than fifty (50) days before such annual meeting.

4.3 Regular Meetings; Notice. Regular meetings of the Board of Directors shall be held from time to time between annual meetings at such times and at such places as the Board of Directors may prescribe.

4.4 Special Meetings; Notice. Special meetings of the Board of Directors may be called by the Chair, or by any three (3) of the directors in office at that time. Notice of the time, place and purpose of any special meeting of the Board of Directors shall be given by the secretary/treasurer either personally, by telephone, by mail, by email, by telegram, or by facsimile at least twenty-four (24) hours before such meeting.

4.5 Waiver Attendance by a director at a meeting shall constitute waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of business because the meeting is not lawfully called.

4.6 Quorum. At meetings of the Board of Directors, at least eighty percent (80%) of the directors then in office shall be necessary to constitute a quorum for the transaction of business. In no case, however, shall less than four (4) directors constitute a quorum.

4.7 Vote Required for Action. Except as otherwise provided in these bylaws or by law, the act of a majority of directors present at a meeting at which a quorum is present at the time shall be the act of the Board of Directors.

4.8 Adjournments. A meeting of the Board of Directors, whether or not a quorum is present, may be adjourned by a majority of the directors present to reconvene at a specific time and place. It shall not be necessary to give notice of the reconvened meeting or the business to be transacted, other than by announcement at the meeting that was adjourned. At any such meeting at which a quorum is present, any business may be transacted which could have been transacted at the meeting, which was adjourned.

ARTICLE FIVE

Notice and Waiver

5.1 Procedure. Whenever these bylaws require notice to be given to any director, the notice shall be given as prescribed in Article Four. Whenever notice is given to a director by mail, the notice shall be sent by first-class mail by depositing the same in a post office box or letter box in a postage prepaid sealed envelope addressed to the director at his address as it appears on the books of the Corporation and such notice shall be deemed to have been given at the time the same is deposited in the United States mail. Notice shall be deemed to have been given by telegram, cablegram, facsimile, or email at the time notice is filed with the transmitting agency.

5.2 Waiver. Whenever any notice is required to be given to any director by law, by the articles of incorporation, or by these bylaws, a waiver thereof in writing signed by the director entitled to such notice, whether before or after the meeting to which the waiver pertains, shall be deemed equivalent thereto.

ARTICLE SIX

Officers

6.1 Number and Qualifications. The executive officers of the Corporation may consist of officers as the Board deems necessary for the efficient management of the Corporation, but the Corporation shall not be required to have, at any time, any officers other than the chair, vice-chair and secretary/treasurer which shall be members of the Board.

6.2 Election and Term of Office. The executive officers of the Corporation, shall be elected by the Board of Directors of the Corporation on a biannual basis at the first meeting after Board appointments have been made by Council, and shall serve at the will of said Board.

6.3 Other Agents. Subject to Section 3.1 of these Bylaws, the Board of Directors may appoint from time to time such agents as it may deem necessary or desirable, each of whom shall hold office at the pleasure of the Board, and shall have such authority and perform such duties and shall receive such reasonable compensation, if any, as the Board of Directors may from time to time determine.

6.4 Removal. Any officer or agent elected or appointed by the Board of Directors of the Corporation, may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation will be served thereby; provided that any such removal shall be without prejudice to the contract rights, if any, of the officer or agent so removed.

6.5 Vacancies. A vacancy in any office arising at any time and from any cause may be filled for the unexpired term by the Peachtree City Council.

6.6 Chair The chair shall preside at all meetings of the Board of Directors. The chair shall appoint the members and chairs of any committee of the board. He or she shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe. The chair shall be a member of the Board and shall report to and be supervised by the Board of Directors.

6.7 Vice-Chair The vice-chair shall preside at all meetings of the Board of Directors in the absence or disability of the chair, and shall act in the place of the chair in the chair's absence or disability. He or she shall perform such other duties, and have such other authority and powers as the Board of Directors may from time to time prescribe. The vice-chair shall be a member of the Board, and shall report to and be supervised by the Board of Directors.

6.8 Secretary / Treasurer The secretary/treasurer shall attend all meetings of the Board of Directors and record, or cause to be recorded, all votes, actions and the minutes of all proceedings in a book to be kept for that purpose and shall perform, or cause to be performed, like duties for other board committees when required. The secretary/treasurer shall give, or cause to be given, notice of all meetings of the Board of Directors. The secretary/treasurer shall keep in safe custody the seal of the Corporation and, when authorized by the Board of Directors or the Chair, affix it to any instrument requiring it. The secretary/treasurer shall be a member of the Board and shall report to and be under the supervision of the Board of Directors. He or she shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe.

ARTICLE SEVEN

Conflict and Disclosure of Interest

The directors and officers of the Corporation shall comply with and enforce the "Conflict and Disclosures of Interest" policies as adopted by these Bylaws, and may be amended from time to time.

7.1 Purpose. The purpose of the conflicts of interest policy is to protect the Corporation's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Corporation. This policy is intended to supplement but not replace any applicable state laws governing conflicts of interest applicable to nonprofit and charitable corporations.

7.2 Definitions.

Interested Person. Any director, principal officer, or member of a committee with board delegated powers that have a direct or indirect financial interest, as defined

below, is an interested person. If a person is an interested person with respect to any entity or venue in which the Corporation is a part, he or she is an interested person with respect to all such entities.

Financial Interest. A person has a financial interest if the person has, directly or indirectly, through business, investment or family:

- a. An ownership or investment interest in any entity with which the Corporation has a transaction or arrangement, or
- b. A compensation arrangement with the Corporation or with any entity or individual with which the Corporation has a transaction or arrangement, or
- c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Corporation is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are substantial in nature.

A financial interest is not necessarily a conflict of interest, a person who has a financial interest may have a conflict of interest only if the Board of Directors decides that a conflict of interest exists.

7.3 Procedures

7.3.1 Duty to Disclose. In connection with any actual or possible conflicts of interest, an interested person must disclose the existence of his or her financial interest and must be given the opportunity to disclose all material facts to the Board of Directors and members of committees with board delegated powers considering the proposed transaction or arrangement.

7.3.2 Determining Whether a Conflict of Interest Exists. After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Board meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board members shall decide if a conflict of interest exists.

7.3.3 Procedures for Addressing the Conflict of Interest.

- a. An interested person may make a presentation at the board or committee meeting, but after such presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement that results in the conflict of interest.

- b. The chair/president of the Board shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the Board shall determine whether the Corporation can obtain a more advantageous transaction or arrangement with reasonable efforts from a person or entity that would not give rise to a conflict of interest.
- d. If a more advantageous transaction or arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, the Board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Corporation's best interest and for its own benefit and whether the transaction is fair and reasonable to the Corporation and shall make its decision as to whether to enter into the transaction or arrangement in conformity with such determination.

7.3 4 Violations of the Conflicts of Interest Policy

- a. If the Board has reasonable cause to believe that a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the response of the member and making such further investigation as may be warranted in the circumstances, the Board determines that the member has in fact failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action
- c. Copies of the Peachtree City Tourism Association meeting minutes will be submitted to City Hall for inclusion in the City records.

7 4 Records of Proceedings.

The minutes of the Board and all committees with board-delegated powers shall contain.

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the board's or committee's decision as to whether a conflict of interest in fact existed.

- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection therewith.

7.5 Compensation.

- a. A voting member of the Board of directors who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member's compensation.
- b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member's compensation.

7.6 Annual Statements.

Each member of the board and each officer shall annually sign a statement, *which* affirms that such person.

- a. has received a copy of the conflicts of interest policy,
- b. has read and understands the policy,
- c. has agreed to comply with the policy, and
- d. understands that the Corporation is a charitable organization and that in order to maintain its federal tax exemption it must engage primarily in activities, which accomplish one or more of its tax-exempt purposes.

ARTICLE EIGHT

Committees

8.1 Committees of Directors. Committees, each consisting of one (1) or more directors, not having and exercising the authority of the Board of Directors in the management of the Corporation may be designated by a resolution adopted by a majority of directors.

8.2 Advisory and Other Committees. The Board of Directors may provide for such other committees, including committees, advisory groups, boards of governors, etc., consisting in whole or in part of persons who are not directors of the Corporation, as it deems necessary or desirable, and discontinue any such committee as its pleasure. It shall be the function and purpose of each such committee to advise the Board of Directors on matters relating to the business and affairs of the Corporation, and each such

committee shall have such powers and perform such specific duties or functions, not inconsistent with the articles of incorporation of the Corporation or these bylaws, as may be prescribed for it by the Board of Directors.

8.3 Committee Governance. Except as otherwise provided in Board resolution or in these bylaws, a committee formed by the Board shall be generally governed as follows:

8.3.1 Appointment and Removal. Except as otherwise provided in such resolution or in these bylaws, members of each such committee shall be appointed by the chairperson of the Corporation. Any member of any committee may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the Corporation shall be served by such removal.

8.3.2 Terms of Appointment. Each member of a committee shall continue as such until the next annual meeting of the Board of Directors or until his successor is appointed, unless the committee shall be sooner terminated, or unless such member shall be removed from such committee, or unless such member shall cease to qualify as a member thereof.

8.3.3 Meetings, Notice and Waiver The committee may establish a regular meeting schedule. Special meetings of the committee may be called by, or at the direction of, the chairperson of the committee, the Corporation's Chair, or a majority of the members of the committee. Notice of the time, place and purpose of any meeting, except scheduled regular meetings, shall be given, in writing, by the chairperson of the committee or the president, or either's designee, to each member personally by personal delivery, telephone, facsimile, e-mail or telegram at least twenty-four (24) hours prior to the meeting, or by mailing at least three (3) days prior to the meeting. Attendance of a member at a meeting shall constitute a waiver of notice of the meeting. Attendance of a member at a meeting shall constitute a waiver of notice of the meeting, except where the member delivers to the chairperson, before any vote is taken, a written objection to the notice or the calling of the meeting. No business shall be conducted at any called meeting except that stated in the notice, unless all then serving members are present and consent to non-noticed business being discussed or acted upon. Business may be conducted at a special meeting upon written waiver of notice by all members, or upon written waiver of notice being obtained from all members not receiving notice. The committee shall keep minutes of its proceedings and shall report to the Board at meetings of the Board.

8.3.4 Chair One member of each committee shall be appointed chair thereof by the chair of the Corporation.

8.3.5 Vacancies. Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

8.3 6 Quorum. Unless the Board of Directors directs otherwise, eighty percent (80%) or more of the committee members then serving shall constitute a quorum, and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

8.3 7 Rules. Each committee may adopt rules for its own government, so long as such rules are not inconsistent with these bylaws or with rules adopted by the Board of Directors.

8.3 8 Board Reports and Control. Any action of a committee shall be reported to the Board of Directors at its regular meeting next succeeding such action and shall be subject to control, revision and alteration by the Board of Directors.

ARTICLE NINE

Contracts, Checks, Deposits, and Funds

9 1 Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name and on behalf of the Corporation. Such authority must be in writing and may be general or confined to specific instances.

9.2 Checks, Drafts, Notes, Etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by the chair or vice-chair and countersigned by the City Manager or Director of Finance of the City of Peachtree City

9.3 Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

9 4 Gifts. The Board of Directors may accept on the behalf of the Corporation any contribution, gift, bequest, or devise for the general purposes or for any special purpose of the Corporation.

ARTICLE TEN

Indemnification and Insurance

10.1 Indemnification. In the event that any person who was or is a party to or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, seeks indemnification from the Corporation against expenses, including attorney's fees (and in the case of actions other than those by or in the right of the Corporation, judgments, fines and amounts paid in settlement), actually and reasonably incurred by him in connection with such action, suit, or proceeding by reason of the fact that such person is or was a director, officer, employee, trustee, or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee, trustee, or agent of another Corporation, domestic or foreign, not-for-profit or for profit, partnership, joint venture, trust, or other enterprise, then, unless such indemnification is ordered by a court, the Corporation shall determine, or cause to be determined, in the manner provided under Georgia law; and, to the extent it is so determined that such indemnification is proper, the person claiming such indemnification shall be indemnified to the fullest extent now or hereafter permitted by Georgia law.

10.2 Indemnification Not Exclusive of Other Rights. The indemnification provided in Section 10.1 above shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under the articles of incorporation of bylaws, or any agreement, vote of members or disinterested directors, or otherwise, both as to action in his official capacity and as to action in another capacity while, holding such office, and shall continue as to a person who has ceased to be a director, officer, employee, trustee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of such a person.

10.3 Insurance. To the extent permitted by Georgia law, the Corporation may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee, trustee, or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee, trustee, or agent of another corporation, domestic or foreign, not-for-profit or for profit, partnership, joint venture, trust or other enterprise.

ARTICLE ELEVEN

Miscellaneous

11.1 Books and Records. The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors. The Corporation shall keep at its registered or principal office a record giving the names and addresses of the directors.

11.2 Corporate Seal. The corporate seal (of which there may be one or more exemplars) shall be in such form as the Board of Directors may from time to time determine.

11.3 Fiscal Year. The Board of Directors is authorized to fix the fiscal year of the Corporation and to change the same from time to time, as it deems appropriate.

11.4 Internal Revenue Code. All references in these bylaws to sections of the Internal Revenue Code shall be considered references to the most recent revision of the Internal Revenue Code, as from time to time amended, to the corresponding provisions of any applicable future United States Internal Revenue Law, and to all regulations issued under such sections and provisions.

11.5 Construction. Whenever the context so requires, the masculine shall include the feminine and neuter, and the singular shall include the plural, and conversely. If any portion of these bylaws shall be invalid or inoperative, then, so far as is reasonable and possible, the remainder of these bylaws shall be considered valid and operative, and effect shall be given to the intent manifested by the portion held invalid or inoperative.

11.6 Table of Contents, Headlines. The table of contents and headings are for organization only.

11.7 Relation to Articles of Incorporation. These bylaws are subject to, and governed by, the articles of incorporation.

ARTICLE TWELVE

Amendments

12.1 Powers to Amend Articles and Bylaws. Subject to the provisions of Section 12.2 of this Article, the Board of Directors shall have the power to alter, amend, or repeal the articles of incorporation or these bylaws, or adopt new bylaws; provided, however, that the Board of Directors shall have no power or authority to make any changes in the articles of bylaws which would in any way diminish or derogate from the duties at Section 2.2 of these Bylaws. Once approved, any and all changes to the By-Laws shall be submitted to the City of Peachtree City for inclusion in the City records.

12.2 Conditions. Action by the Board of Directors with respect to the articles of incorporation or these bylaws shall be taken by the affirmative vote of a majority of all directors then holding office. Anything in these bylaws to the contrary notwithstanding, no action with respect to the articles of incorporation or these bylaws shall be taken without the prior written approval of the Council.

ARTICLE THIRTEEN

Reserved Powers of the Council

13.1 Limitations on Board of Directors. Notwithstanding any other provision contained herein, the Board of Directors of the Corporation shall not undertake the following actions without the prior approval of the Council.

- a. Expend cash or incur any indebtedness with respect to any transaction or group of related transactions in excess of \$20,000 00, excluding any amounts previously approved as a part of the Corporation's capital budget or business plan (such transactions requiring approval pursuant to this section being hereinafter referred to as "Material Transactions"). The Peachtree City Tourism Association shall make an annual budget presentation to the City Council of Peachtree City
- b. Approve the acquisition of control by the Corporation of, or the affiliation of the Corporation with, any other entity;
- c. Amend the articles of incorporation or bylaws of the Corporation,
- d. Voluntarily file any petition in bankruptcy;
- e. Adopt any short-term capital or operational or long-term budget of the Corporation, or
- f. Acquire, sell, transfer or otherwise dispose of any assets of the Corporation, excluding: (i) transactions occurring in the ordinary course of business, (ii) transactions previously approved as part of the Corporation's budget or business plan, (iii) transactions among the Corporation and the City of Peachtree City

ARTICLE FOURTEEN

Tax-Exempt Status

14.1 The affairs of the Corporation at all times shall be conducted in such a manner as to assure its status as an organization as defined in Section 501(c)(6) of the Internal Revenue Code.

14.2 The Corporation shall have all the powers permitted nonprofit corporations in the State. Notwithstanding anything contained herein to the contrary, the Corporation.

- a. Shall only exercise such powers

- b. Shall engage in only such activities
- c. Is organized exclusively for such purposes as shall be permitted under Section(c)(6) of the Internal Revenue Code and regulations issued pursuant thereto as they now exist or as they may hereafter be amended.

14.3 No part of the income of the Corporation shall inure to the benefit of, or be distributable to, any director, officer, employee, or other agent of the Corporation or to any other private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in furtherance of its purposes), and no director, officer, employee, or other agent of the Corporation, or any other private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

14.4 In the event of dissolution, the balance of all assets received by the Corporation for its operations, after the payment of all debts and obligations of the Corporation, shall be distributed to the City of Peachtree City (or an entity that is an integral part of the City of Peachtree City), provided that such entity's income is excludable from gross income under Section 115(1) of the Internal Revenue Code.

ARTICLE FIFTEEN

Adoption of Bylaws

Peachtree City Tourism Association, Inc. is organized under the laws of the State of Georgia on this 15th day of June, 2005. The Bylaws were adopted by resolution of the Board of Directors and the Corporation on and became effective as of said date.

{Signatures appear on the following page.}

Adopted by a majority vote of the Board of Directors, in a public and open session of a regularly scheduled meeting of the Board of Directors, at which a quorum was present and voting.

Adopted. 

Attest: _____

Approved on _____, 200~~5~~, by a majority vote of the City of Peachtree City Council ("Council"), in a public and open session of a regular scheduled meeting, at which a quorum was present and voting.

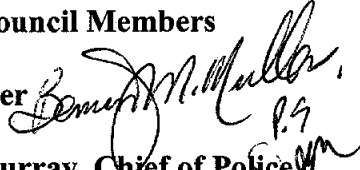
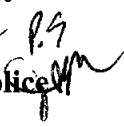
By: _____
Stephen Brown, Mayor

ATTEST

Jane Miller, City Clerk

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

POSITION PAPER

Proposed Variance: Lot 75, Wilshire Estates

Todd and Elise Tucker

City Planner/ Zoning Administrator

June 30, 2005

Situation:

Todd and Elise Tucker own the home at 1402 Shale Terrace within the Wilshire Estates subdivision. The overall parcel is 0.29 acres in size and is zoned R-12 Residential, which requires a minimum rear building setback of 30'. Prior to construction of the homes within this phase of the subdivision, Centex Homes cleared a significant amount of vegetation in order to mass grade the property. There are no trees or other vegetation within the back yard of the subject parcel or the adjoining parcels.

To reduce the amount of sun entering the windows on the rear of the home and to provide shade over their existing patio, the Applicants constructed a freestanding pergola and trellis across the rear of their home. The structure was constructed 6" from the edge of the home and is 14.5' in width by 44' in length. The home was constructed 3.3' from the rear building setback line, and the pergola/ trellis structure extends approximately 11.7' into the 30' rear building setback. Mr. and Mrs. Tucker have applied for a variance to permit this encroachment (Attachment "A").

Facts:

- 1 The subject parcel is zoned R-12 Residential, which requires a minimum rear building setback of 30'. The foundation survey submitted by Centex Homes indicates the rear corner of the home is 33.3' from the rear property line (Attachment "B").
2. The Building Official approved the foundation survey for the subject parcel on October 13, 2003. Prior to approval of this drawing, the Plans Examiner added a note to the file copy stating "*No structure allowed in setbacks in future*" (Attachment "C"). The purpose of this note was to alert the Building Department of setback issues should Building Permits be submitted for additions to the home.
- 3 Mr. and Mrs. Tucker purchased the home from Centex Homes. According to the Applicants, representatives from Centex Homes told them they could not add a screened porch or sunroom to the rear of the home because it would encroach into the rear building setback. They also claim they were told they could add play sets, pergolas or a trellis as long as they were not attached to the home.

Proposed Variance: Lot 75, Wilshire Estates

June 30, 2005

Page 2

- 4 The Applicants constructed the pergola/ trellis structure on their property without submitting plans or securing a permit from the Building Department. When the Building Department became aware of this construction, they visited the site and issued a Stop Work Order
- 5 The pergola/ trellis structure is permitted as an accessory use. Section 908.1(k), Uses accessory to dwellings, allows *"fences, walls, exterior lighting fixtures, and other general landscaping and site development facilities."* However, Section 908 6 (c) and (d) limits the size of the accessory structure to no more than 125 SF and no more than 12' in height from finish grade (Attachment "D"). The pergola/ trellis structure measures 14.5' in width by 44' in length, for a total of 638 SF
- 6 A copy of the portion of the Zoning Ordinance that addresses variance policies and procedures is included as Attachment "E"

Recommendation:

City Staff recommends that the variance not be approved. While the pergola and trellis structure is an attractive addition to the home, it extends into the minimum rear-building setback and exceeds the maximum size permitted as an accessory structure. Additionally, if the Applicant had applied for a Building Permit prior to construction, we would have been able to identify these issues at that time and work with them to permit a smaller structure.

It should be noted that the entire structure would not need to be removed if the variance request is not approved, as the accessory use ordinance would allow the pergola and trellis structure within the building setback as long as it did not exceed 125 SF

Attachments A - E"

REQUEST FOR VARIANCE ZONING ORDINANCE, CITY OF PEACHTREE CITY

This is a request for a variance from the requirements of the Peachtree City Zoning Ordinance for the property located at: 1402 Shale Terrace

The reason this variance is being requested is as follows: _____

Please see attached note

Along with this form, the applicant should submit a detailed report justifying the granting of the requested variance. In preparing the report, please consider the following:

Variances from the provisions of this Ordinance may be approved by the City Council if it is determined that they will not cause substantial detriment to the other parties or impair the purpose or intent of this Ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this Ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the City Council shall consider the following factors:

- Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- Whether or not the request is due to an intentional action of the applicant to violate the requirements of this Ordinance.

I certify that I am the owner or duly authorized agent of the owner of the above-described property:

Name: (Please type or Print) Todd & Elise Tucker
 Address: 1402 Shale Terrace, Peachtree City GA 30269
 Phone: 678-364-1217 cell 404-579-9963
 Signature: M Todd Tucker

This request, along with the required fee and all necessary supplemental documents, has been properly submitted and is hereby accepted for consideration by the City Council at a public hearing in the City Council Chambers at 7:00 PM on the date shown below:

Signature: David E. Rant
 Title: City Planner / Zoning Administrator
 Date of Acceptance: June 14, 2005
 Date of Public Hearing: July 7, 2005 (adv June 22)

Variance Request

June 1, 2005

Todd & Elise Tucker
1402 Shale Terrace
Wilshire Estates

We are requesting a variance to the "No structure allowed" within the current rear setback on Lot 75 in Wilshire Estates. Due to bad advice from our builder and being new to the PTC area, we were three-fourths the way completed with our project when we were informed that the said structure (pergola/trellis) would require a permit. At our previous home we had built a similar structure, free standing and not attached to the home, and neither an inspection nor permit was required.

When we put money down on this new home we were told by the builder's representative that the house could not have a screen in porch or room additions due to the set-backs shown on the 6/18/03 survey. However we were told that we could have other structures such as, play-sets, pergolas / trellis, as long as they were free standing and not attached to the house. We were shown a survey dated 6/18/03 that is attached and shows the set-backs at 30 feet from the rear of the property. When we went for the permit we were shown the current survey that is on file, dated 8/25/03. This particular survey has a hand-written note that states "No structure allowed in setback in future 10-8-03 AB". We were never shown this particular survey through-out the purchase process of our home nor at closing. If that information had been provided we would have not have purchased this particular home.

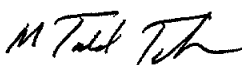
The current rear set back of our property leaves only 3.3 feet from the back of the house to build "any" structure. The said pergola is 11 7 feet into the set-back of the property with the support posts being 9 7 feet into the set-back. The pergola covers the original patio that the builder had put in place. Again, we were under the assumption that we could not go farther than the allowed patio distance with a pergola.

The reason that we wanted to build a Pergola/Trellis was to provide shade for the back yard, cut energy cost, and to improve the appearance of our house and neighborhood. Before building the pergola we felt the back of the house was just a box without character and an unattractive site in our neighborhood. We feel that it has made a tremendous improvement to the character of our home & has provided much needed shade. Prior to starting, we discussed our plans with our next door neighbors and especially our rear neighbors, and they had no objections. Currently our neighbors have expressed how nicely they think it looks even before the landscaping is completed. Attached are 10 letters from our next door neighbors and surrounding neighbors supporting the pergola/trellis. In addition the trellis was approved by our home owners association.

In closing – we wanted to sincerely state that we were not in any way trying to by-pass the permit system. We feel we are victims of bad advice and zoning ignorance. We know we made a mistake in our over-zealousness for the opportunity to improve the appearance and functionality of our home. We are prepared to pay the fee and fines required to keep our structure.

Photos attached – prior to landscaping.

Todd & Elise Tucker



FAX: (770) 254-138

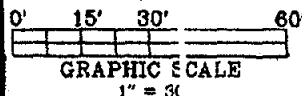
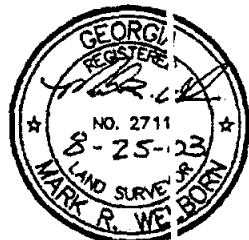
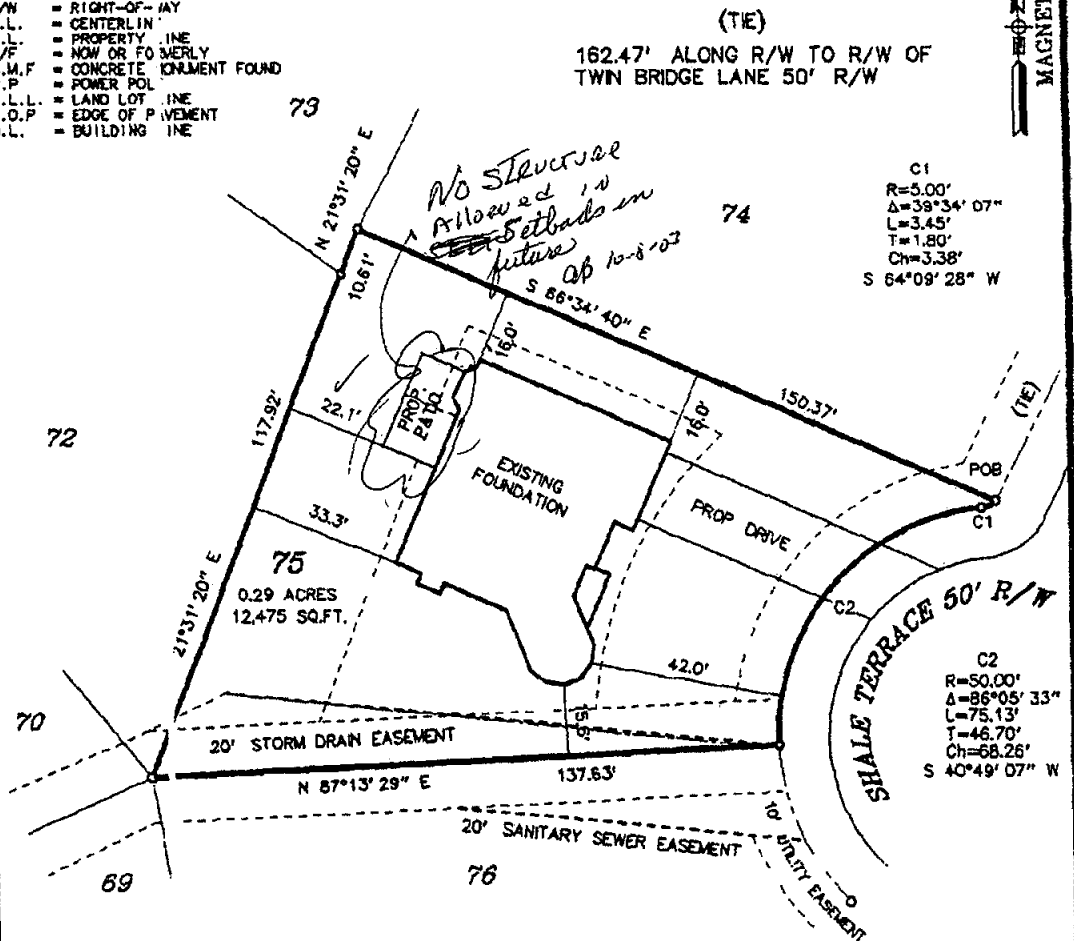
LEGEND

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
I.P.S. = IRON PIN SET
I.P.F. = IRON PIN FOUND
R/W = RIGHT-OF-WAY
C.L. = CENTERLINE
P.L. = PROPERTY LINE
N/F = NOW OR FORMERLY
C.M.F. = CONCRETE MONUMENT FOUND
P.P. = POWER POLE
L.L.L. = LAND LOT LINE
E.O.P. = EDGE OF PAVEMENT
B.L. = BUILDING LINE

THERE IS A 10' WIDE DRAINAGE EASEMENT ON ALL SIDE LOT LINES, 5' EITHER SIDE OF PROPERTY LINE. ALSO THERE IS A 10' WIDE DRAINAGE EASEMENT TO ALL REAR YARDS.

SETBACKS:
FRONT: 40'
SIDE: 10'
REAR: 30'

MAGNETIC



Mark R. Welborn 10/13/03
BUILDING OFFICIAL
CITY OF PEACHTREE CITY

ACCORDING TO THE LATEST FAYETTE COUNTY F.I.R.M. COMMUNITY PANEL NO. 13113CD090 D DATED MARCH 18, 1998, THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD ZONE.

PREPARED FOR

CENTEX HOMES
(FOUNDATION SURVEY)

CLOSURE DATA: DATE: 8/18/03
Field Closure: 1' in BASELINE TRAVERSE
Angle Point Error: NONE
Equipment Used: Topcon GTS-303
Adjustment Method: No Adjustment
Plat Closure: 1' in 100,000+

SUBDIVISION:	WILSHIRE ESTATES PHASE 3	P.B.	37	PG.	76
LOT:	15	LAND LOT:	29	DISTRICT:	6TH
CITY:	PEACHTREE CITY	COUNTY:	FAYETTE	STATE:	GEORGIA
SCALE:	1" = 30'	DATE:	8/15/03	JOB NO:	WLS-03-0584

WELBORN LAND SURVEYING, INC.

PHONE: (770) 254-1383

507 HOOD ROAD
NEWNAN, GA. 30283

FAX: (770) 254-1383

** NEED PERMIT for fence & Pergola*

IF COMMENCEMENT
IF BEGINNING
N SET
N FOUND
IF WAY
INE
Y LINE
FORMERLY
E MONUMENT FOUND
OLE
T LINE
PAVEMENT
G LINE
T

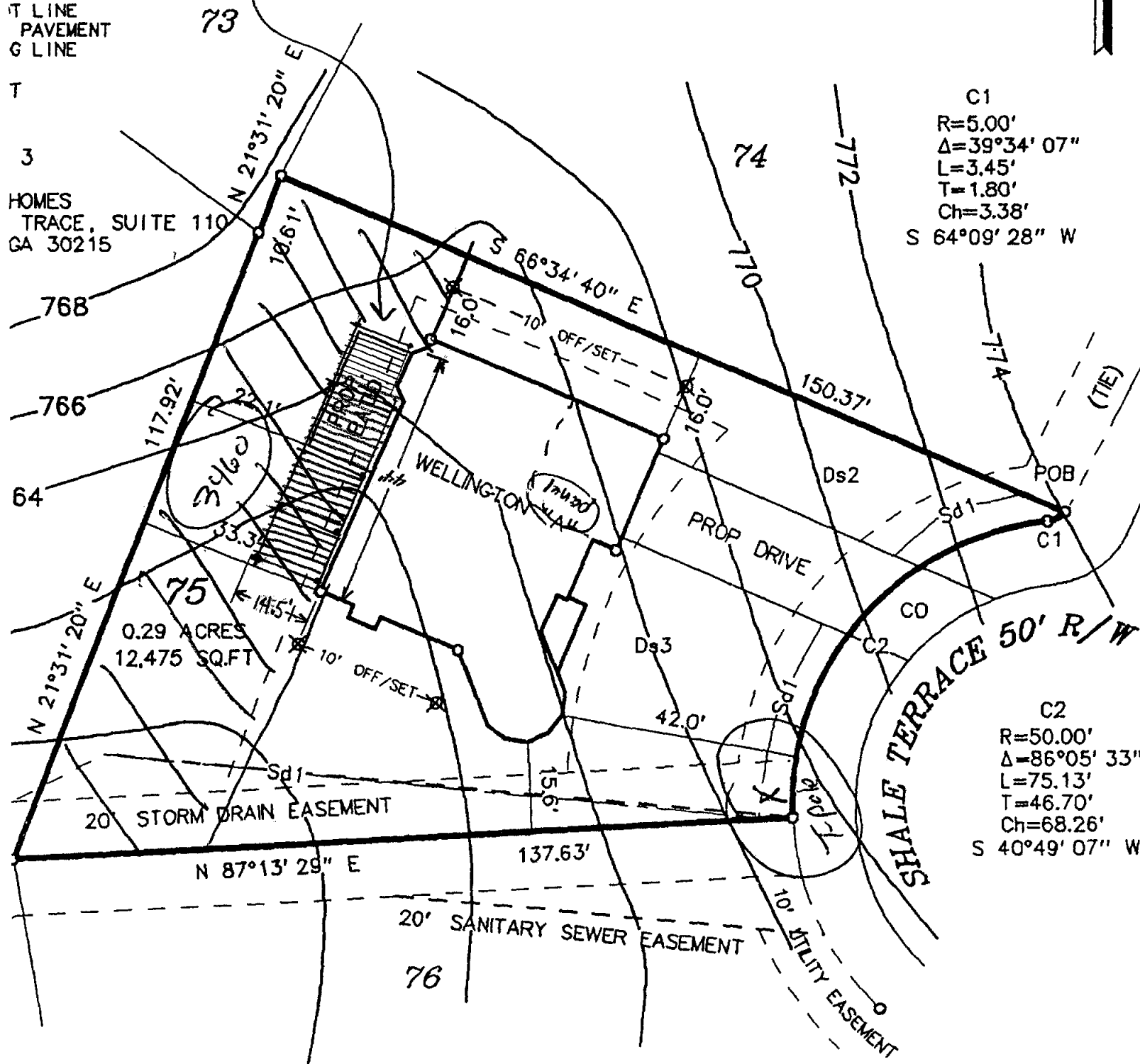
THERE IS A 10' WIDE DRAINAGE EASEMENT
ON ALL SIDE LOT LINES, 5' EITHER SIDE
OF PROPERTY LINE ALSO THERE IS A 10'
WIDE DRAINAGE EASEMENT TO ALL REAR YARDS

SETBACKS:
FRONT 40'
SIDE 10'
REAR 30'

Pergola is 14.5' x 44'
Set 6" off house back

(TIE)

162.47' ALONG R/W TO R/W OF
TWIN BRIDGE LANE 50' R/W



C1
R=5.00'
 $\Delta=39^{\circ}34'07''$
L=3.45'
T=1.80'
Ch=3.38'
S 64°09'28" W

C2
R=50.00'
 $\Delta=86^{\circ}05'33''$
L=75.13'
T=46.70'
Ch=68.26'
S 40°49'07" W

31A
RED
Sed -



A note from...

05/31/05

Kathleen Hargrove

To Whom it may Concern:
My husband and I
have no objections
to the pergola in
the Tucker's back
yard. We live directly
behind them at
1303 Grand Prairie Chase

Sincerely,

Kathleen Hargrove

May 27, 2005

To whom it may concern.

We are Peachtree City residents and live at 1118 Twin Bridge Lane in Wilshire Estates. This letter is to inform you that we approve of Todd and Elise Tucker's new outside addition to their home (1402 Shale Terrace). We think they have made many beautiful additions to their backyard and that the arbor structure only adds to the beauty of their landscaping. If you have any other questions you may reach us at 678-364-6563

Thank you.

Jim and Shelley Glenfield

Tuesday, May 31, 2005

To Whom It May Concern:

The pergola located above the patio on 1402 Shale Terrace is very tastefully positioned and quite appealing to the eye. It provides a great source of shade to the family and has provoked an interest to us as to whether or not we should also purchase one. We are located directly next door to the Tuckers on the north hand side. We receive 100% sun all of the time. I enjoy the pergola and hope the Tucker's will also enjoy it in the years to come.

Sincerely,

A handwritten signature in cursive script that reads "Diane Pena". The signature is written in dark ink and is positioned below the word "Sincerely,".

Diane and John Pena
1120 Twin Bridge Lane
Peachtree City, Georgia 30269
678-364-0434

31 May 2005

To Whom It May Concern,

As homeowners and neighbors in the Wilshire Estates subdivision, we do not object to the pergola built by Todd and Elise Jucker. We feel that it beautifies their property, as well as provides much needed shade in the backyard for their two small children. We hope that the pergola will be allowed to remain.

Thank you for your attention in this matter,

Mindy & Bradane and Matt Buhhl

1127 Turn Bridge Lane
Peachtree City, Ga 30269
770) 1631-6769
SKYSp42@earthlink.net

John & Dawn Malsbury

*104 Shale Terrace
Peachtree City, GA 30069
Phone: (770) 486-7777
na.skid@bellsouth.net*

May 28, 2005

To Whom It May Concern,

We live next door to Todd and Elise Tucker who recently built a pergola in their back yard.

I want to inform you that I feel that their pergola adds to the community and enhances home as well.

Sincerely,

John Malsbury
Dawn Malsbury
Signature

May 30, 2005

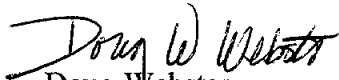
To Whom It May Concern,

I am writing this letter in response to the conflict over the pergola at the home of Elise and Todd Tucker. We think the pergola brings a nice touch to the home. The addition adds to the beauty of the home and therefore enhances the neighborhood. Having homeowners interested in improving their homes value is an asset to the development. It would be a shame to make the Tucker's take down the pergola that provides shade to the entire back of their home. We want the people to be outside enjoying the neighborhood and the neighbors and this pergola provides the shade and the area for many to enjoy.

Thank you for your consideration on this important matter.

A handwritten signature in cursive script, appearing to read "Cindi Rothamn-Webster".

Cindi Rothamn-Webster

A handwritten signature in cursive script, appearing to read "Doug Webster".
Doug Webster

Sarah Cochran
1504 Fountain Glen Court
Peachtree City, GA 30269

May 27, 2005

To whom it may concern,

I am a resident of Wilshire Estates in Peachtree City, Georgia. From my house, I am able to view the pergola at Todd and Elise Tucker's home at 1402 Shale Terrace. I do not feel that this structure is obtrusive, nor does it take away from the attractiveness of their home. It adds a pleasant appearance to their backyard.

Thank you,

A handwritten signature in cursive script that reads "Sarah Cochran".

Sarah Cochran

elisetucker@bellsouth.net

From: Scott & Lisa Arnold [ptcarnold@earthlink.net]

Sent: Wednesday, June 01, 2005 12:56 PM

To: Tucker, Elise

Subject: pergola

To whom it may concern:

In regards to the pergola at 1402 Shale Terrace we think it looks beautiful and that adds a lot to the Tucker's house. We hope that they are able to keep it up.

Lisa and Scott Arnold
303 Aster Ridge Trail
Milshire Estates
770-632-8480

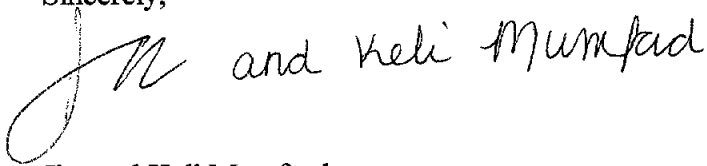
6/1/2005

May 30, 2005

To Whom It May Concern:

We would like to take this opportunity to tell the city how great we think the pergola at 1402 Shale Terrace looks. We feel that this is not only a great addition to the Tucker's home, but also to our neighborhood. After looking at so many neglected backyards throughout Peachtree City we love the idea that the Tuckers are taking steps to beautify and improve their backyard. We sincerely hope that they will be able to keep this attractive addition to their home. If you have any other questions please feel free to contact us at the below address or number

Sincerely,

 and Keli Mumford

Jim and Keli Mumford
1309 Grand Prairie Chase
Peachtree City, GA 30269
770-631-8729

To Whom It May Concern:

I am writing in support of Elise and Todd Tucker's recent construction of a wooden pergola. We believe that the pergola is an attractive addition to their home and the community. Not only is it esthetically pleasing, the pergola also provides much needed shade in the Tuckers backyard, which receives direct sunlight during the hottest times of the day.

Kind Regards,

Kelly Hall
Wilshire Estates Resident

From: Sunday, June 05, 2005 10:03 AM
Subject:Appeal

To whom it may concern,

My wife and I have been visitors of the Tuckers several times in 2004 and 2005. We heard about the recent pergola variance taking place and wanted to submit our comments. As a previous Town Manager Base Civil Engineer, and current Bed & Breakfast owner, I feel the pergola on the rear of the home is a grand addition. It not only improves the looks and functionality of the back yard but also improves the aesthetics of the neighborhood. It would be a shame for the city not to pass this variance.

Thank you for your time.

Jerry and Linda Pullium
Cozad-Cover Bed & Breakfast
1194 Main Street
Andrews, NC 28901
828-321-1017
<http://www.bbonline.com/nc/cozadcover/index.html>

6/5/2005

To whom it may concern,

June 5, 2005

I used to live in Wilshire Estates and was over at the Tuckers house for a playdate last week and noticed the wonderful arbor I commented on it to Elise and she told me what was happening with the city - that they weren't aware that a permit was needed I feel that it would be a shame to not approve an appeal It is such a treat to see such a nice improvement to the neighborhood since most in PTC seem so run down and need of repair The back of the homes in Wilshire just lack beauty or interest The arbor makes such a nice view and helps with the shade issue that some of the homes have Please allow the Tuckers to keep the arbor

Thank you for your time,

Tom & Dee Waller

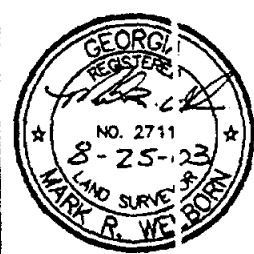
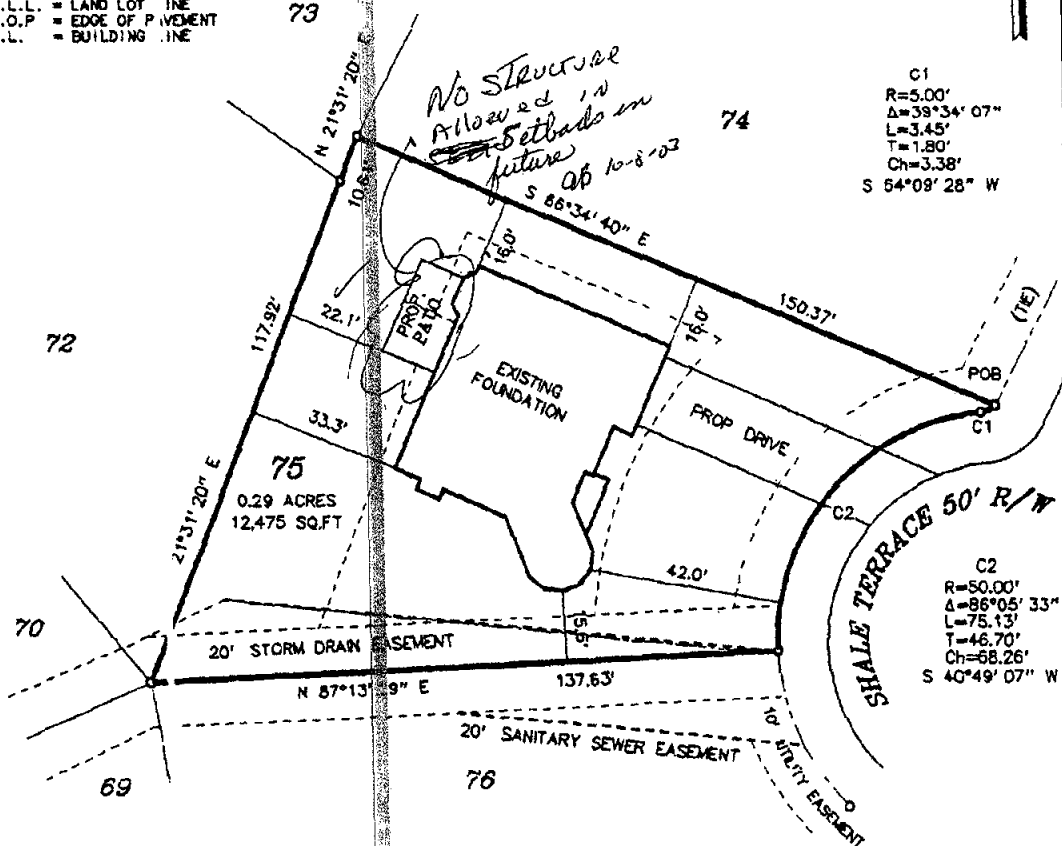
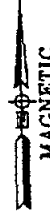
Formerly 104 Holly Springs Drive (Wilshire Estates)
Currently 105 Edinburgh Court (Millpond Manor)
770-461-6555

LEGEND

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
I.P.S. = IRON PIN SET
I.P.F. = IRON PIN FOUND
R/W = RIGHT-OF-WAY
C.L. = CENTERLINE
P.L. = PROPERTY LINE
N/F = NOW OR FORMERLY
C.M.F. = CONCRETE MONUMENT FOUND
P.P. = POWER POLE
L.L.L. = LAND LOT LINE
E.O.P. = EDGE OF PAVEMENT
B.L. = BUILDING LINE

THERE IS A 10' WIDE DRAINAGE EASEMENT ON ALL SIDE LOT LINES, 5' EITHER SIDE OF PROPERTY LINE. ALSO THERE IS A 10' WIDE DRAINAGE EASEMENT TO ALL REAR YARDS

SETBACKS:
FRONT: 40'
SIDE: 10'
REAR: 30'



Handwritten signature 10/13/03
BUILDING OFFICIAL
CITY OF PEACHTREE CITY

ACCORDING TO THE LATEST FAYETTE COUNTY F.I.R.W. COMMUNITY PANEL NO. 13113C0090 D DATED MARCH 18, 1998, THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD ZONE.

PREPARED FOR

CENTEX HOMES
(FOUNDATION SURVEY)

CLOSURE DATA: DATE: 6/18/03
Field Closure: 1' in BASELINE TRAVERSE
Angle Point Error: NONE
Equipment Used: Topcon GTS-303
Adjustment Method: No Adjustment
Plat Closure: 1' in 100,000+

SUBDIVISION:	WILSHIRE ESTATES PHASE 3	P.B.	37	PG.	76
LOT:	15	LAND LOT:	29	DISTRICT:	6TH
CITY:	PEACHTREE CITY	COUNTY:	FAYETTE	STATE:	GEORGIA
SCALE:	1" = 30'	DATE:	8/15/03	JOB NO:	WLS-03-0584

WELBORN LAND SURVEYING, INC.

PHONE: (770) 254-1383 507 HOOD ROAD FAX: (770) 254-1383
NEWNAN, GA. 30263

NEED PERMIT for fence & Pergola

LEGEND

P.O.C. = POINT OF COMMENCEMENT
 P.O.B. = POINT OF BEGINNING
 I.P.S. = IRON PIN SET
 I.P.F. = IRON PIN FOUND
 R/W = RIGHT-OF-WAY
 C.L. = CENTERLINE
 P.L. = PROPERTY LINE
 N/F = NOW OR FORMERLY
 C.M.F. = CONCRETE MONUMENT FOUND
 P.P. = POWER POLE
 L.L.L. = LAND LOT LINE
 E.O.P. = EDGE OF PAVEMENT
 B.L. = BUILDING LINE

THERE IS A 10' WIDE DRAINAGE EASEMENT ON ALL SIDE LOT LINES, 5' EITHER SIDE OF PROPERTY LINE. ALSO THERE IS A 10' WIDE DRAINAGE EASEMENT TO ALL REAR YARDS.

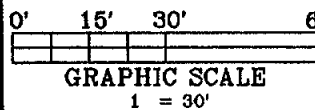
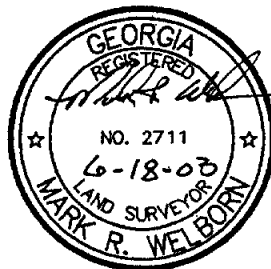
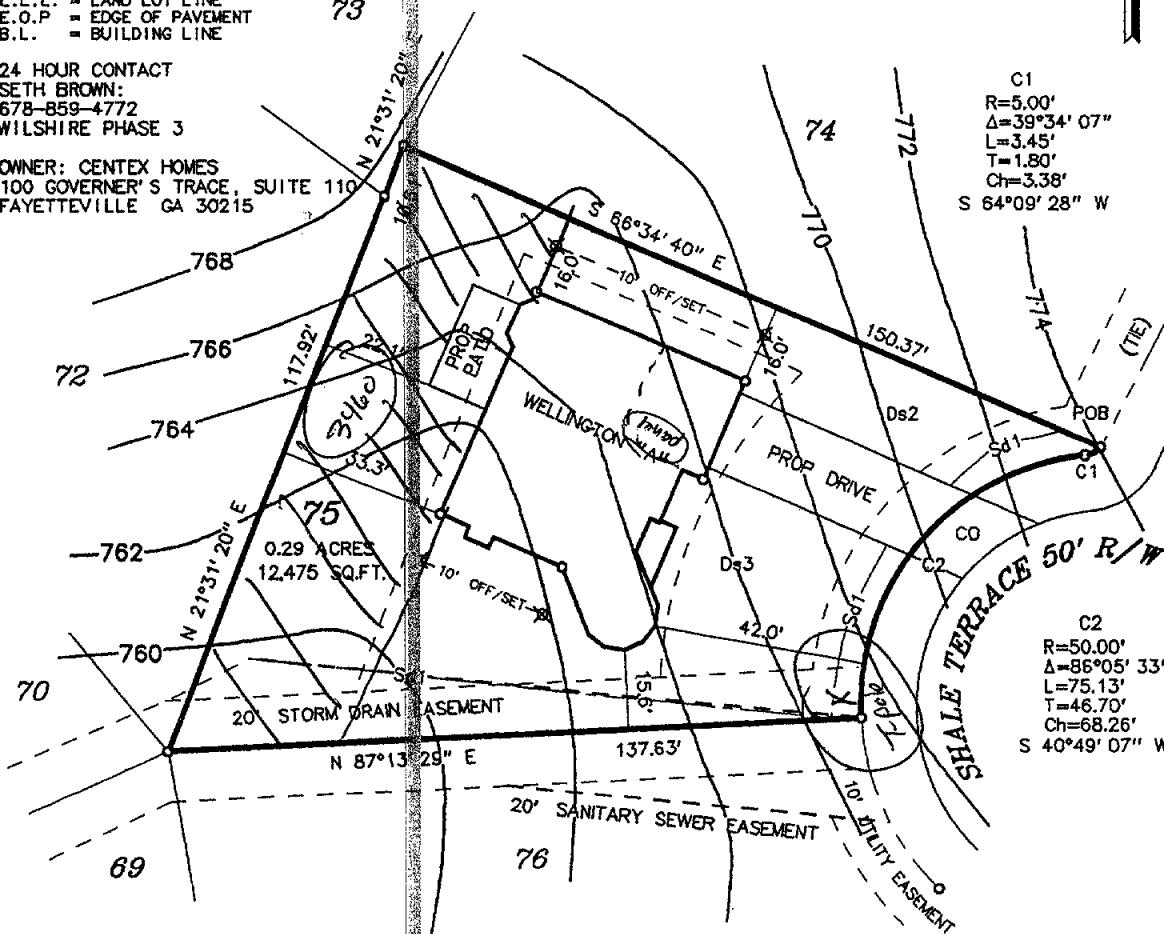
SETBACKS:
 FRONT 40'
 SIDE: 10'
 REAR: 30'

(TE)

162.47' ALONG R/W TO R/W OF TWIN BRIDGE LANE 50' R/W

24 HOUR CONTACT
 SETH BROWN:
 678-859-4772
 WILSHIRE PHASE 3

OWNER: CENTEX HOMES
 100 GOVERNOR'S TRACE, SUITE 110
 FAYETTEVILLE GA 30215



500 -
 12,475
 - 4,032
 - 2,832
 5611
 - 3460
 2200 S.F.
 Cpt. area

EROSION/SEDIMENT CONTROL & TREE SAVE PLAN
 FOR LOT NO. 75 WILSHIRE ESTATES
 PEACHTREE CITY ENGINEERING
 APPROVED: _____
 DATE: _____

CITY PLANNER
 APPROVED: _____
 DATE: _____

ACCORDING TO THE LATEST FAYETTE COUNTY
 F.I.R.M. COMMUNITY PANEL NO. 13113C0090 D
 DATED MARCH 18, 1996, THIS PROPERTY DOES
 NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD
 ZONE.

PREPARED FOR:

CENTEX HOMES
 (HOUSE LOCATION & SITE PLAN)

CLOSURE DATA: DATE: 6/18/03
 Field Closure 1' in BASELINE TRAVERSE
 Angle Point Error NONE
 Equipment Used Topcon GTS-303
 Adjustment Method No Adjustment
 Plat Closure 1' in 100 000+

SUBDIVISION:	WILSHIRE ESTATES PHASE 3	P.B.	37	PG.	76
LOT:	75	LAND LOT:	29	DISTRICT:	6TH
CITY:	PEACHTREE CITY	COUNTY:	FAYETTE	STATE:	GEORGIA
SCALE:	1" = 30'	DATE:	6/18/03	JOB NO:	WLS-03-0419

WELBORN LAND SURVEYING, INC

PHONE: (770) 254-1383

507 HOOD ROAD
 NEWNAN, GA. 30263

FAX: (770) 254-1383

Sec. 908. Accessory uses.

In addition to the principal uses permitted within the zoning districts established by this ordinance, it is intended that certain uses customarily incidental or accessory to such principal uses shall also be permitted.

For the purposes of this ordinance, each of the following uses is considered to be a customary accessory use, and may be situated on the same zoning lot as the principal use or uses for which it serves as an accessory:

(908.1) Uses accessory to dwellings:

- (a) Private garages.
- (b) Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
- (c) Structure for a children's playhouse and the storage of children's play equipment.
- (d) Private kennel in any R-12, R-15, R-22, R-43 or ER zoning districts for no more than three dogs or cats four months of age or older. A permitted kennel shall not be maintained in such a way as to constitute a nuisance to any adjoining property.
- (e) Private swimming pool and bath house or cabana.
- (f) Private tennis courts provided that lights are not used in conjunction with their use in any residential zoning district other than R-43, ER and AR. A private tennis court as contemplated by this section may be surrounded by a fence up to ten feet in height; and if said fence is a chain link fence, it must be coated with green vinyl.
- (g) Noncommercial garden, including a greenhouse and other customary garden structures not over eight feet in height.
- (h) Private boat docks and boathouses on zoning lots adjoining a water body to which the residents of the principal building have legal access rights.
- (i) Pump and well houses for on-site water systems.
- (j) Decks, patios, bar-b-que grills and other such facilities.
- (k) Fences, walls, exterior lighting fixtures, and other general landscaping and site development facilities.
- (l) No trailer, recreational vehicle, travel trailer, camper pick-up coach, motorized home, boat trailer or boat shall be permitted to be parked in front of or at the side of the main building or within 20 feet of the rear lot line, unless same is parked or stored completely within an enclosed garage or roofed carport.
- (m) No accessory use permitted by this section shall be constructed for the purpose of conducting commercial activities outside a permitted dwelling on a zoning lot.

- (n) No accessory use permitted by this section shall be constructed for the purpose of providing separate, self-contained living quarters outside a permitted dwelling on a zoning lot, except in ER estate residential, AR Agricultural[-Reserve], and R-43 residential zoning districts. Self-contained living quarters are considered as a minimum to include kitchen facilities, a bath, and a bedroom area.
- (o) For purposes of interpreting and administering paragraphs (m) and (n) above, accessory uses cannot be attached to and made a part of a permitted dwelling by extended hallways or breezeways; rather, in order to qualify for use as an area for a home occupation or for living quarters, the space must be within and be an integral part of a permitted dwelling. (Ord. No. 171, 9-13-1979; Ord. No. 215, 10-2-1980; Ord. No. 358, 3-28-1985, Ord. No. 366, § 19, 5-22-1985, Ord. No. 563, 5-16-1991)

(908.2) Uses accessory to churches:

- (a) Off-street parking area for the use of members and visitors to the church.
- (b) Religious education building, including an assembly room that may be used for church-related recreation activities.
- (c) Parsonage, pastorium or parish house, including any use accessory to a dwelling as permitted in subsection (908.1).
- (d) Fences, walls, exterior lighting fixtures, and other general landscaping and site development facilities.

(908.3) Uses accessory to businesses and industries.

- (a) Off-street parking areas for customers, clients, and employees.
- (b) Off-street loading facilities.
- (c) Central trash collection dumpsters, provided they are effectively screened from view from any adjoining streets.
- (d) Completely enclosed buildings for the storage of supplies, stock, merchandise, and equipment.
- (e) Repair or service facility incidental to the principal use, provided that the operation of the repair or service facility does not constitute a nuisance to adjoining properties, and the operation is not otherwise specifically prohibited in the zoning district.
- (f) Exterior display and sales facilities including on-site signs, provided such use is not otherwise specifically prohibited in the zoning district.
- (g) The open, outside storage of building materials, junk, salvage, and inoperative vehicles is prohibited unless specifically permitted in the zoning district, and such use is properly screened from view from adjoining streets and properties.
- (h) Fences, walls, exterior lighting fixtures, and other general landscaping and site development facilities.

(908.4) *Uses accessory to agriculture.*

- (a) Dwellings, including any use accessory to a dwelling as permitted in subsection (908.1).
- (b) All structures and facilities commonly associated with the operation of the permitted agricultural activities, unless otherwise specifically prohibited.

(908.5) *Uses accessory to open space.* All structures and facilities commonly associated with the operation of the permitted uses in OS zoning districts, provided such structures and facilities are not otherwise specifically prohibited in the district.

(908.6) *Accessory use standards:*

- (a) No accessory use structure shall be located in the rear setback area of any residential zoning lot that is less than 50 feet wide at the rear property line.
- (b) If a residential zoning lot is at least 50 feet wide at the rear property line, a single accessory use structure with an area of no more than 100 square feet may be located in the rear setback area.
- (c) If a residential zoning lot is at least 100 feet wide at the rear property line, two accessory use structures may be located in the rear setback area provided the total combined area of the structures does not exceed 125 square feet.
- (d) No accessory use structure which is allowed to encroach into the rear setback area of any residential zoning lot in accordance with the provisions of this ordinance shall be located closer than three feet to the rear property line, nor shall any encroaching structure exceed eight feet in height above the existing ground at its eave line or 12 feet above the existing ground at the highest point of its roof
- (e) The color scheme of an accessory use structure shall blend with the colors of the primary structure on the same zoning lot, or shall be earth tones.
- (f) No accessory use structure intended to store flammable materials shall be located closer than 20 feet to the primary structure on the zoning lot, or any other primary or accessory structure.
- (g) The location and design of swimming pools and pool accessories are regulated by article X of the building and construction ordinance, [chapter 18].

(Ord. No 404, 8-21-1986, Ord No. 562, 4-18-1991, Ord. No. 698, 11-5-1998)

(1202.2) The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.

- (a) Variance applications shall be filed with the city planner on forms provided by the city planner
- (b) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.
- (c) An application fee of \$50 00 must accompany each variance application.
- (d) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.
- (e) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.
- (f) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.
- (g) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney
- (h) Variances from the provisions of this ordinance may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the city council shall consider the following factors:

- (1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- (2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- (3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance. (Ord. No. 589, 11-19-1992; Ord. No. 618, 7-7-1994)

(1202.3) After due consideration of an application for special exception, the city council shall take such action or establish such reasonable conditions of approval as will accomplish the intent and purposes of this ordinance.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council

VIA: City Manager 
Director of Financial Services PS
Purchasing Agent 

FROM: Director of Leisure Services 

DATE: June 28, 2005

SUBJECT Consider Furniture Bids for New/Expanded Library Space
July 7, 2005 City Council Agenda

Recommendation: That Council approves furniture bid from Dekalb Office, in the amount of \$204,817 72, for the Library Expansion project. City Manager has approved the awards to Georgia Institutional, CWC and GSI since their awards are under \$40,000.

Discussion. Twenty-eight furniture vendors were mailed notifications of the bid request; 11 attended a mandatory pre-bid meeting and 5 qualified vendors submitted full or partial bids. Of the five qualified vendors, staff chose the low responsive and responsible bid offered by each vendor for each category of equipment. One of the vendors did not submit a low bid for any category, so staff recommended purchases from only 4 of the 5 qualified vendors. A detail listing of the low bids by qualified vendors is attached.

70 percent of existing furniture and 100 percent of the existing shelving is being refurbished and reused. The process to identify, select and purchase new or re-finish existing furniture began months ago and has been extensive. It involved Library, Purchasing and other City staff, the Library Commission, the Leo Daly interior design staff and the public. The Daly consultants worked closely with staff to identify furniture that is not only comfortable and attractive for specific uses, but which also is proven to be quality furniture that will withstand the test of time. The entire furniture plan, new and refurbished, is coordinated with other design and color schemes in the re-designed library to create a professional, eye-catching, contemporary "pulled together" look.

Before bids were requested, when specific pieces were identified they were shipped to the temporary library location where staff, Library commission members and library patrons tested them for comfort and commented on style and appearance. Even after the bids were opened and the design team was comparing products, samples were reviewed on site to ensure comfort, durability, style and colors are exactly what we're looking for. Extreme due diligence has been exercised by city staff and the Daly design team to ensure we are getting the products, prices and service best suiting our needs.

Once this request is approved, furniture ordering will commence and delivery/installation will be timed with the project completion date of Oct. 7

Budget Impact: Funds are available in the Library Construction budget for this line-item expense. If approved, this expenditure will reduce the remaining balance in the furniture, fixtures and equipment (FF&E) budget to \$44,936. Most of this balance is earmarked for computers, technology and signage.

Interoffice Memorandum
City of Peachtree City

TO: City Council and Mayor

FROM: Developmental Services Director 

VIA: City Manager 

DATE: June 28, 2005

SUBJECT: Fincher Contract
Agenda July 7, 2005

Recommendation:

Authorize cancellation of the construction contract for the Satellite Auto Shop with Fincher Commercial Construction, Inc.

Discussion

On June 21, 2004 the City awarded Fincher Commercial Construction, Inc. the Satellite Auto Shop based upon the low bid (\$468,695.00). Construction was to start August 30, 2004 and be complete in 180 days. During excavations for the building foundations, ground water and unsuitable soils were encountered, which eventually led to staff's recommendation that the site for the building be changed. The Contractor abandoned the site in December at the City's request. On December 6, 2004, working with United Geotechnical consultants, the City identified an alternative location behind public works. The City worked with United Geotechnical and ISE for site engineering and provided the contractor the Geotechnical analysis on December 16, 2004. Revised site plans that enabled the use of the original building design were developed and approved on March 23, 2005. Fincher Construction was asked to provide cost estimates for the new site as a change order. Fincher's proposed cost estimates were provided June 16, 2005. The cost estimates submitted (\$765,230.50) is excessive and exceed allowable cost increases according to Section 15 of the General Provisions.

Staff proposal is to cancel the contract with Fincher Construction and re-bid the project with the city performing the role of general contractor in order to complete the project within budget.

Budget Impact:

The proposed cost exceeds budgeted amounts.

July 8, 2005

Darren Fincher
Fincher Commercial Construction, Inc.
46 Southern Grace Place
Rome, Georgia 30161

Subject: Fincher Contract Notice of Cancellation

Dear Mr. Fincher,

As per the contract signed by the City and Fincher Commercial Construction Inc. dated June 30, 2004, the City provided a revised site plan and requested revised cost estimates on March 23, 2005. After numerous requests from the City, proposed cost estimates were provided by Fincher Construction on June 16, 2005.

The proposed changes are unacceptable. Reasonable changes are defined in Section 15 page 01100-11. Based upon increased quantities major items may not be changed more than fifty percent (50%). The June 16, 2005 proposed cost changes include 32 out of 55 items over 50%. More than half were increased over 100% and several ranged from 200%–443%. Some increases do not show any change in the quantities listed in the bid. A cost analysis is attached as Exhibit "A."

Section 10 of the General Provisions Page 01100-9 states: "The city shall have the right to cancel those portions of the contract relating to the construction of any item provided for therein." **THE CITY HEREBY CANCELS THE FINCHER CONTRACT PURSUANT TO SECTION 10 OF SAID GENERAL PROVISIONS.**

As per Section 16 the City shall pay the contractor the retainage on approved partial payments to date and reimbursable cost only. The contractor must provide building design drawings, receipts for water taps, permits, and deposits for which payment is requested. A duly executed affidavit or release of lien shall be provided from all subcontractors that they have been paid in full prior to any City payment. As per Section 10, no allowance will be made for anticipated profits.

While the City has received information concerning other claims your company may raise, Section 10 of the General Provisions set forth the amount of damages that can be claimed in this matter. In addition, you have now indicated that your company has lost a certain amount representing the down payment on the building. Initially, you discussed this matter with me and you indicated in a meeting on December 6, 2004 that the building was ordered and due to be received on December 19, 2004. You were notified in this meeting that the City would provide a shipment location for storage. Subsequently, you indicated that you never ordered the building. Now, you are claiming that you ordered the building, then cancelled it, and therefore lost the down payment. You will need to clarify the information you have provided to date and, if you did in fact order the building, you will need to provide verification of both the order and down payment, as well as any

terms of the purchase agreement between your company and the manufacturer, before this issue can be considered further

Respectfully,

Bernard J McMullen,
City Manager

Attachment: Exhibit "A" Relocating Satellite Auto Shop to Public Works Analysis

Fincher Commercial Construction, Inc.
Relocating Satellite Auto Shop to Public Works Analysis

Exhibit "A"

ORIGINAL CONTRACT

PROPOSED COSTS FOR RELOCATION TO PUBLIC WORKS

Item No.	Description of Work	Scheduled Value	Item No.	Description of Work	Scheduled Value	Variance	Percent Increase	Minus Credits
1	Mobilization	6,050.00	1	Mobilization	10,250.00	4,200.00	69.42%	
2	Bond	13,805.00	2	Bond	25,185.00	11,380.00	82.43%	(15,185.00)
3	Insurance (Builders Risk)	1,375.00	3	Insurance	3,687.00	2,312.00	168.15%	
4	Temporary Utilities	2,200.00	4	Temporary Utilities	3,500.00	1,300.00	59.09%	
5	Erosion Control	4,757.50	5	Erosion Control	10,500.00	5,742.50	120.70%	
6	Termite Control	1,127.50	6	Termite Control	2,500.00	1,372.50	121.73%	
7	Building Slab (Forming up & dig out Labor)	4,850.00	7	Building Slab	14,990.00	10,140.00	209.07%	
8	Grading and Excavation	6,050.00	8	Grading and Excavation	30,000.00	23,950.00	395.87%	
9	Excavate Footings for Retaining Wall	1,320.00	9	Excavate Footings for Retaining Wall	1,320.00	0.00	0.00%	(1,320.00)
10	Foreman	10,450.00	10	Foreman	41,600.00	31,150.00	298.09%	
11	Forming Retaining Wall	13,475.00	11	Forming Retaining Wall	13,475.00	0.00	0.00%	(13,475.00)
12	Utility Trenching	1,320.00	12	Utility Trenching	2,052.00	732.00	55.45%	
13	Plumbing (Rough In)	15,510.00	13	Plumbing (Rough In)	23,510.00	8,000.00	51.58%	
	Plumbing (Final)	10,340.00		Plumbing (Final)	18,340.00	8,000.00	77.37%	
14	Pour Concrete Slab (L & M)	11,154.00	14	Pour Concrete Slab	22,154.00	11,000.00	98.62%	
15	Form Concrete Sidewalk (L & M)	9,625.00	15	Form Concrete Sidewalk	11,125.00	1,500.00	15.58%	
16	Gravel (Slab, Sidewalk, Retention Pond)	7,947.50	16	Gravel	10,948.00	3,000.50	37.75%	
17	Pump Trucks	2,090.00	17	Pump Trucks	3,590.00	1,500.00	71.77%	
18	Curb & Gutter (L & M)	9,625.00	18	Curb & Gutter	9,625.00	0.00	0.00%	(9,625.00)
19	Install Asphalt Parking Lot	40,712.50	19	Install Asphalt Parking Lot	40,712.50	0.00	0.00%	(40,712.00)
20	Install Back Concrete Parking Lot	18,282.00	20	Install Back Concrete Parking Lot	18,282.00	0.00	0.00%	(18,282.00)
21	Metal Building	62,700.00	21	Metal Building	79,410.00	16,710.00	26.65%	
22	Exterior Insulation	3,740.00	22	Exterior Insulation	6,040.00	2,300.00	61.50%	
23	Metal Building Install Labor	17,050.00	23	Metal Building Install Labor	28,550.00	11,500.00	67.45%	
24	Exterior Canopies	7,260.00	24	Exterior Canopies	15,160.00	7,900.00	108.82%	
25	Mezzanine Stairway and Rail Install	7,150.00	25	Mezzanine Stairway and Rail Install	15,950.00	8,800.00	123.08%	
26	Mezzanine Concrete	3,685.00	26	Mezzanine Concrete	7,985.00	4,300.00	116.69%	
27	Electrical (Rough In)	32,670.00	27	Electrical (Rough In)	41,755.00	9,085.00	27.81%	
	Electrical (Final)	21,780.00		Electrical (Final)	29,165.00	7,385.00	33.91%	
28	Heating and Air (Rough In)	14,190.00	28	Heating and Air (Rough In)	23,752.00	9,562.00	67.39%	
	Heating and Air (Final)	9,460.00		Heating and Air (Final)	19,022.00	9,562.00	101.08%	
29	Interior Insulation	2,035.00	29	Interior Insulation	4,035.00	2,000.00	98.28%	
30	Interior Sheetrock Install (L & M)	2,271.50	30	Interior Sheetrock Install	4,972.00	2,700.50	118.89%	
31	Garage Door (L & M)	31,350.00	31	Garage Doors	40,850.00	9,500.00	30.30%	
32	Interior Tile (L & M)	7,920.00	32	Interior Tile	10,830.00	2,910.00	36.74%	
33	Interior Carpet	715.00	33	Interior Carpet	1,325.00	610.00	85.31%	
34	Interior and Exterior Doors	9,185.00	34	Interior and Exterior Doors	14,185.00	5,000.00	54.44%	
35	Door Sighs (L & M)	550.00	35	Door Signs	710.00	160.00	29.09%	
36	Fire Extinguishers	302.50	36	Fire Extinguishers	612.00	309.50	102.31%	
37	Cabinets	1,375.00	37	Cabinets	7,475.00	6,100.00	443.64%	
38	Dumpster Fees	660.00	38	Dumpster Fees	2,500.00	1,840.00	278.79%	
39	Perimeter Chain Link Fence	13,750.00	39	Perimeter Chain Link Fence	13,750.00	0.00	0.00%	(13,750.00)
40	Dumpster Encloser (L & M)	10,835.00	40	Dumpster Encloser	43,340.00	32,505.00	300.00%	(10,835.00)
41	Water Meter	1,815.00	41	Water Meter	1,815.00	0.00	0.00%	(1,815.00)
42	Lower Manhole	275.00	42	Lower Manhole	275.00	0.00	0.00%	(275.00)
43	Recessed Mats	1,650.00	43	Recessed Mats	2,050.00	400.00	24.24%	
44	Bath Accessories	2,750.00	44	Bath Accessories	3,050.00	300.00	10.91%	
45	Cement Joint Cutting	1,045.00	45	Cement Joint Cutting	2,320.00	1,275.00	122.01%	
46	Finish Grading	6,050.00	46	Finish Grading	15,000.00	8,950.00	147.93%	
47	Equipment Rental	2,310.00	47	Equipment Rental	5,451.00	3,141.00	135.97%	
			48	Plumbing (Utility-Exterior)	28,100.00	28,100.00		
			49	Install Concrete	70,000.00	70,000.00		
			50	Concrete Footing Labor	5,500.00	5,500.00		
			51	Alarm System	7,900.00	7,900.00		
			52	Painting	4,500.00	4,500.00		
			53	Trim Labor and Material	8,500.00	8,500.00		
			54	Acoustical Ceiling	4,400.00	4,400.00		
			55	10 Bollards	2,925.00	2,925.00		
Total		\$ 468,595.00						

Totals \$ 890,504.50 \$ 421,809.50 90.04% (\$126,274.00)

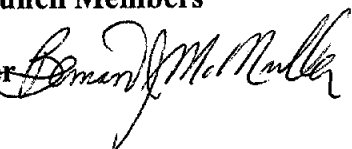
Total Cost to Relocate Satellite Auto Shop to Public Works Site \$ 766,230.50

Change Order to Relocate Satellite Auto Shop to Public Works Site \$ 296,635.50

Total Additional Items \$ 131,825.00

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.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: Developmental Services Director 

VIA: City Manager 

DATE: July 1, 2005

SUBJECT: Residential and General Contractors License Ordinance
July 7, 2005 City Council Agenda

Recommendation.

Approve the City Ordinance adopting state Licensing Standards for Residential and General Contractors.

Discussion.

The State of Georgia adopted House Bill 1003 in the 2004 General Session establishing a State Licensing Board and several divisions to administer a Statewide program requiring residential and general contractors to be licensed and bonded subject to the appointment and funding of the Licensing Board. In the 2005 Session Senate Bill 124 was adopted that provided the procedure for appointment of the Licensing Board and its implementation date of July 1, 2005. The Board anticipates that it will begin issuing licenses January 1, 2006. Enforcement of the law is by the board and its division in Superior Court of the respective county of violators. Cities are prohibited from adopting additional licensing requirements and from issuing permits to Residential and General contractors who do not have a license. Currently general contractor must submit a list of sub contractors. Sub contractors must provide the license number and identity of the General Contractor for whom they work. Repair and specialty contractors hired directly by property owners are exempted provided they disclose their exemption. A City Ordinance effecting these changes in the City Code is attached.

Budget Impacts:

There are no budget impacts associated with this proposal.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF
THE CITY OF PEACHTREE CITY SO AS TO ADOPT THE
STATE OF GEORGIA STANDARDS FOR LICENSING
RESIDENTIAL AND GENERAL CONTRACTORS**

WHEREAS, The State of Georgia, has enacted House Bill 1003 amending Title 43 of Official Code of Georgia to provide for state licensing for residential and general contractors, and,

WHEREAS, The State of Georgia, has allocated funding to provide for the State Licensing Board and its divisions, authorized at section 43-41-5 (b) (1) among other things to request information from political subdivisions, and,

WHEREAS, Peachtree City citizens have requested that the City assist in ensuring that, builders and contractors are aware of state standards when such standards are in use and commonly practiced in the building construction industry, and;

WHEREAS, the City Council of the City of Peachtree city has determined it to be in the best interest of the health, safety, and welfare of the residents of the city to provide the State Licensing board information as they may require to actively implement and enforce the provisions of Title 43 as amended.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED:

That Section 18 of the Code of Ordinances of the City of Peachtree City, as amended is hereby further amended by adding a new Section 18-12 to read and to be codified as follows:

(a) **Section 18-12 Building and General Contractors Licensing.** Any person intending to perform work as a residential or general contractor for a building permit shall furnish his or her license number and identity of any business organization as per the requirements of Official Code of Georgia Section 43-41

(b) **Unlawful issuance:** It shall be unlawful for any building inspector to issue a building permit unless the applicant has furnished his or her residential contractor or general contractor license number and identify as per the Official Code of Georgia Section 43-41

(c) **Owners:** Nothing in this chapter shall preclude any person from constructing a building or structure on real property owned by such person which is intended upon completion for use or occupancy solely by that person and his or her family, and not for

use by the general public and not offered for safe of lease as per section 43-41-17 of the Official Code of Georgia.

(d) **Enforcement:** The Licensing Board may apply to the superior court of Fayette County for a restraining order and injunction to restrain violations and the superior court shall have jurisdiction to grant the requested relief.

(e) **Education:** The City Building Official shall address this concern at regularly scheduled builders meetings as part of the City of Peachtree City's on-going educational outreach program and include or reference the city standards in publications of the department.

Adopted by the City Council in Regular session this ____ day of _____, 2005

CITY OF PEACHTREE CITY

Stephen D Brown

Attest:

Jane Miller, City Clerk