

City Council of Peachtree City

Agenda

June 7, 2001

7:00 p.m.

I. Pledge of Allegiance

II. Announcements, Awards, Special Recognition

Present Award of Recognition to Outgoing Library Commission Members – Cynthia Helmick & David Satterthwaite
Valentinos - Presentation of Community "Hope Print" - 2nd Annual Leukemia & Lymphoma Society
Recognize Georgia Power for \$5,000 Contribution to All Children's Playground

III. Minutes:

May 17, 2001, City Council Workshop

Approved 5-0

May 17, 2001, City Council Meeting

Approved 5-0 with one change

IV. Monthly Reports

V. Consent Agenda

Approved 5-0

1. Alcohol Licensee and License Representative Change – Valentinos
2. Consider Amended Election Resolution

VI. Old Agenda Items

04-01-07	Senior Facility Authority –	Authorized City Attorney to draft documents to create Authority	
01-01-10	Public Hearing - Proposed Charter Change –		No Action
05-01-10	Proposed Improvements to SR 74/54 -		Approved short-range projects 5-0

VII. New Agenda Items

06-01-01	Consider Alcohol License – NEW – Romano's Macaroni Grill – Licensee – and License Representative		Approved 5-0
06-01-02	Public Hearing – Variance Request – Front Setback Encroachment – Lot 54, Kedron Hills		Approved 5-0
06-01-03	Public Hearing - Variance – Land Development Ordinance Relative to 100' Wide Greenbelt – Hyland Developer's Subdivision at GA 74 and Crabapple Lane –		Approved 4-1 Tennant Opposed
06-01-04	Reconsideration of Distribution of Hotel/Motel Tax Increase -		No Action
06-01-05	Intergovernmental Agreements with Airport Authority and Development Authority –		Approved 5-0
06-01-06	GMA Lease/Purchase – Tennis Center Expansion/Amphitheater Improvements -		Approved 5-0
06-01-07	Discussion of Councilmembers' "Letters to the Editor" –		No Action
06-01-08	Discuss Golf Cart Safety Issues –		No Action
06-01-09	Discuss Status of Home Depot/WalMart Projects –		No Action

VIII. Council/Staff Topics

IX. Executive Session

Councilmembers Present: Mayor Robert L. Lenox, Carol Fritz, Steve Rapson, Annie McMenamin, and Dan Tennant

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Present Award of Recognition to Outgoing Library Commission Members – **Cynthia Helmick & David Satterthwaite**

Valentinos - Presentation of Community "Hope Print" - 2nd Annual Leukemia & Lymphoma Society – **Call Karen and Bob Stieber**

Recognize Georgia Power for \$5,000 Contribution to All Children's Playground – **Call Rod Drake**

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04-01-07 Senior Facility Authority

01-01-10 Public Hearing - Proposed Charter Change

05-01-10 Proposed Improvements to SR 74/54 - **PLEASE SEE BACK OF AGENDA FOR DETAILS** ⇒⇒

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06-01-04 Reconsideration of Distribution of Hotel/Motel Tax Increase

06-01-05 Intergovernmental Agreements with Airport Authority and Development Authority

06-01-06 GMA Lease/Purchase – Tennis Center Expansion/Amphitheater Improvements

06-01-07 Discussion of Councilmembers' "Letters to the Editor" *Added*

06-01-08 Discuss Golf Cart Safety Issues

06-01-09 Discuss Status of Home Depot/WalMart Projects

VIII. Council/Staff Topics

IX. Executive Session

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

ANNOUNCEMENTS

1. Present Proclamation to Mr. Imazu (Panasonic)
2. Present Award to Outgoing Soccer President – Dan Christensen
3. Present Award of Recognition to Outgoing Library Commission Members
– Cynthia Helmick & David Satterthwaite
4. Valentinos - Presentation of Community "Hope Print" - 2nd Annual
Leukemia & Lymphoma Society
5. Recognize Georgia Power (Rod Drake) for \$5,000 Contribution to All
Children's Playground

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City Council of Peachtree City

Minutes

May 17, 2001

7:00 p.m.

The City Council of Peachtree City met in a regular session on Thursday, May 17, 2001, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Councilmembers present were: Carol Fritz, Annie McMenamin, and Steve Rapson. Councilmember Tennant was unable to attend.

Announcements, Awards, Special Recognition

Mayor Lenox recognized Pat Webster of Leisure Services for 15 years of service to the city, and Robert Harkins of the Fire Department as the April Employee of the Month.

Approval of Minutes

McMenamin made a motion to approve the minutes of the April 9 Council Workshop as written. Fritz seconded the motion. Motion carried unanimously.

McMenamin made a motion to approve the minutes of the April 19 Council Meeting as written. Fritz seconded the motion. Motion carried unanimously.

Rapson made a motion to approve the minutes of the May 3 Council Meeting as amended. Fritz seconded the motion. Motion carried 3-0 with McMenamin abstaining.

Consent Agenda

1. Appointments to the Airport Authority
2. Consider Purchase of a New Speed Monitoring Device
3. Bond Issue – Architectural/Design Services.

Rapson recommended that the Police Speed Monitoring Device be purchased from the PIP Contingency Fund, rather than Council Contingency Fund. Lenox noted that the contracts for the bond issue design work were about half of the price originally estimated. Rapson made a motion to adopt the Consent Agenda as amended regarding the PIP Contingency Funding for the Speed Monitoring Device. McMenamin seconded the motion. Motion carried unanimously.

Old Agenda Items

04-01-07 Seniors Facility Authority

Lenox asked the Council if anyone had any questions or comments about the material provided on the issue. McMenamin said she appreciated the developers' patience, as well as the information and

the additional research. However, she had a couple of concerns, namely, adding another level of government and the links Neighborhood Development Collaborative (NDC) had to low income and subsidized projects.

David Cole of NDC, the non-profit partner of Prime Communities in this project, said that the organization was a non-profit, tax exempt housing developer and manager established in 1978. They were a niche housing provider. The first role of the organization, which was formed by housing professionals, was to provide advice and consulting services to the Department of Housing and Urban Development (HUD), the Veterans Administration, the Department of Commerce and other agencies. He said the group really served as a think tank for approximately 15 years before actually becoming directly involved with housing following the Savings & Loan crash. As part of that occurrence, a lot of properties were coming onto the market. That bothered the members of NDC, whose original mission had included the concern that government did not always take the right steps when it developed subsidized housing. NDC felt the need to look at special ways to deal with housing needs.

Cole said that the Savings & Loan properties had tended to be purchased by the lowest, not the highest, bidder. They acquired six apartment properties that had numerous problems, with the goal of making them good communities. Eight years later, they had succeeded in that goal, and had also created new types of housing not offered by either government or the private industry. Cole said NDC had used some tax credit financing in their projects, but their goal was not to create future slums, low income or subsidized housing. NDC's goal was to create affordable housing for the market in the area by making bad properties good and by creating new and good tax credit properties.

Cole then described the new tax exempt, non-profit bond funding, which was a new vehicle to create more niche housing needed by communities. He said that, as a non-profit entity, they did not need to make money, and they took this new concept and began to look for opportunities. Cole said he was formerly the Multi-Family head of the National Association of Home Builders (NAHB). When he came to the NDC, he helped to develop partnerships with his former NAHB contacts that were very beneficial, combining the skills of for-profit experts with the resources of a non-profit organization. They became involved with Prime Communities and their form of senior housing, which was an area the NDC had not formerly been involved in. The NDC felt Prime Communities was building an exceptional product in the for-profit world, and saw an opportunity to bring this into their non-profit fold. He noted that this type of senior housing was very expensive to build, but one of the NDC's missions was to bring housing to those who did not have options. Cole said Peachtree City had a large number of senior residents and an economy that helped to drive quality development. He noted that the goals listed on their web site were an accurate reflection of what NDC had accomplished in the past, but now they were going in an additional direction, and their primary focus was providing quality housing for people who needed quality housing. The NDC had elected to set a high standard for this project, but it would still be classified as affordable in the context of this community because the rental rates would be \$500 lower per month than what was charged for the same, for-profit project in North Atlanta. He said that the need for senior housing was so high that many of the other restrictions on the funding, such as provisions for low-income residents, had been removed.

McMenamin said she still questioned what the advantage would be to Peachtree City to create an authority to allow them to get tax credit, when the project would happen anyway.

Cole said the Authority would not allow them to get tax credit financing, but bond financing. He said tax credits required low-income provisions, while bond financing did not. He said the advantage to Peachtree City would be the lower rental rates of \$2100 versus \$2600 per month, which were certainly not "low" income. He also said there would be no Section 8 vouchers and no income limitations, adding that the project could accept millionaires, which could not be done in a tax credit project. He said this project was not out of step with Peachtree City and added that the city or the authority would receive a fee for issuing the bond.

Lenox said the same type of mechanism in the form of Industrial Revenue Bonds had been used for many of the buildings in the industrial park, lowering their costs and serving as an incentive for the companies to move here. McMenamin said the difference was that, with Industrial Revenue Bonds, the purpose was to build the community's tax base, adding that apartments could go on this corner even if the bonds weren't issued.

Cole said he thought this type of project was the best of all worlds for multi-family development, describing the resident population as self-sufficient and placing little demand on the infrastructure, but having a good deal of spending power. Fritz said it was difficult for her to reconcile the type of project Cole was describing with the "low income" projects described in the literature provided. She asked where a comparable project was being developed. Cole said the only comparable project, currently in the planning stages, would be located in Rome. That project featured apartments near a mall to help house the mall employees.

Rapson said he felt the financial projections provided had been very realistic, but noted that the project's break-even point did not occur until December 2003, with a projected 83% occupancy. He added that Council had been burned by tax credit developments in the past. Cole reiterated that this was not a tax credit property. Rapson said, from what he was hearing, the laws had been changed regarding the residents, and he said it looked sound financially; however, he continued to wonder if Peachtree City had 120 to 130 residents who could afford the project. Rapson suggested that, if Council was interested in moving forward with the project, it might be best to remand the issue to a committee including representatives from the Development Authority and the local senior community to evaluate the proposal and make a recommendation to Council. McMenamin asked what entity would receive the fee if the project did receive the bonds. Lenox said that, if the Development Authority were appointed as the Senior Facility Authority, they would get the fee. He added that they would have the authority to consider the project. Rapson said the corner would be built as multi-family regardless of Council's decision on the Senior Facility Authority, and asked if Peachtree City wanted the standard apartment complex in that location, or the project proposed.

Council directed staff to set up the evaluation committee, to include Tom Farr and Tate Godfrey of the Development Authority and three representatives from the local senior community to be forwarded by Councilmembers Fritz and McMenamin, with the Director of Developmental Services. The committee's findings, which should be reviewed by the City Attorney, and its

recommendation should be returned to Council for the first meeting in June. A citizen asked if the fee paid to the Development Authority would be a matter of public record, and Mayor Lenox confirmed that the amount would be a matter of open record.

Lenox made a motion to table the issue until the June 7 Council Meeting. Fritz seconded the motion. Motion carried unanimously.

05-01-02 New Alcohol License – Ginza

For clarification, McMenamin asked why this item had not been included on the Consent Agenda, as license transfers generally were. Lenox said the license would be conditional upon the sale of the restaurant, which was pending in June, and the new owner was from out of state. City Attorney Rick Lindsey said that the attorney for Mr. Lee, the applicant, had also advised his client that it would be better for him to own the restaurant as an individual rather than as the corporation indicated on the application. Lindsey said this change presented no problems with the ordinance because Mr. Lee had been investigated personally, rather than as a corporation. McMenamin made a motion to approve Mr. Silvestel Kun Lee as the Alcohol Licensee and License Representative for Ginza Steak & Sushi, conditional upon the sale of the restaurant. Fritz seconded the motion. Motion carried unanimously.

New Agenda Items

Lenox asked if the Wynnmeade Traffic Signal item could be heard first in the order of New Agenda Items and Council agreed

05-01-12 Discuss Wynnmeade Traffic Signal Relocation

Lenox said that the underlying crisis on this issue was that Summit Apartments, which had already received Certificates of Occupancy (COs) for approximately 100 apartments, had approximately 5 more buildings nearing completion. He said the city had always conditioned those COs on the completion of the relocation of the traffic signal to MacDuff Parkway. Lenox said he was unsure of where to place the blame, but the signal relocation was behind schedule. He said the city had asked developer Doug McMurray for a firm schedule on the completion of the project, and staff had checked on same with the Department of Transportation (DOT). City Manager Jim Basinger said staff's understanding from the DOT was that the permit for the light relocation should be approved the following week. Lenox said the latest information indicated that there would be a working signal on July 17. He said he was irritated at having to put up with that kind of delay, but the city had to determine if the lack of a signal for two months was a big enough problem to justify delaying additional COs for Summit Apartments.

Rapson said he sympathized with Summit's position, but his priority was the citizens of the city. He felt that, without the signal, traffic would be worse, and he said he would have a hard time approving any additional COs if the signal would not be operational until July. Rapson said the blame did not rest with the city because the signal relocation was in the development agreement,

and that he would deny COs at this time. He asked for the Police Chief's opinion of additional COs without the signal in place.

Police Chief James V. Murray said that there was always a concern with an apartment community and no traffic signals where they were supposed to be. He also said he was leery of the DOT's date projection, feeling that July could easily turn into October before the project was completed. Murray said that there was a serious traffic problem on Highway 54, and adding anything to that equation would add to the problem. Murray said there were a lot of "maybes" in this situation, and was especially concerned about left turns across Highway 54.

Lenox clarified that the MacDuff/54 intersection was currently limited to right in/right out movement onto Highway 54, and Fritz said that the DOT indicated this arrangement could remain in place for 120 days. Lenox asked where things stood in the relocation of the pole in the median of MacDuff. Basinger said that, according to Georgia Transmission, who was performing the work, the relocation would be completed by May 25. Lenox said that, at that time, it was possible to open the entrance to Wynnmeade, and Basinger confirmed this. McMenamin said she imagined a significant number of the apartment residents were already cutting through Wynnmeade, but Murray said it had not really been a problem to date but it could become a problem as the number of residents increased. McMenamin noted that would have to be a consideration in any action Council took. Basinger added that he thought, currently, more residents were turning right from MacDuff onto 54, and then making a U-turn at the Wynnmeade entrance.

Rapson asked how many units at Summit were ready to come on line, and Lenox estimated approximately 150. Rapson said they would all eventually be hitting the 54/74 corridor. Lenox said that, according to Summit, it was critical for them to have about 60 units, or two buildings, available. Rapson said he did not think the signal was a Summit problem, noting that they had delivered on their proposal to develop quality apartments. He said they were restricted by the development, despite the fact that another party was responsible for the signal and had dropped the ball. Rapson sympathized, but felt Council couldn't help.

Robert Trujillo of Summit Apartments addressed Council, saying that the first CO had been issued in January, and since that time Summit had leased about 95 units, or 25 units per month. He noted that, with move-in time requirements, over the next 60 days, they were hoping to have 30 additional leases per month but the reality would be 20 occupied units per month in that time period.

Lenox asked if COs for two additional buildings would meet their immediate needs, and Trujillo said it would, noting that Summit was becoming more proactive in working with Doug McMurrain and committing to do whatever it took to see the signal in place.

Lenox asked the City Attorney for his opinion on this possibility, in light of the development agreement. Lindsey said that there were issues on both sides of the question, and the city did not have the authority to withhold the COs based solely on the signal; however, RAM Development had the responsibility to act and get the process moving. Lindsey said the bottom line was that the signal was not in place. Lindsey first recommended against accepting MacDuff Parkway until the pole in the median had been removed. Once that had been completed, there was no legal reason not

to open MacDuff Parkway as far as Wynnmeade. Lindsey said that, at that time, there would be a viable entrance with a signal via Wynnmeade. This would place a burden on Wynnmeade, and Lindsey said that, if the Police Chief believed that scenario to be unsafe, the city would have an excuse to deny additional COs. If not, the city had no legal reason for denial. Lindsey acknowledged that this arrangement did not address the burden placed on the residents of Wynnmeade, and said Summit should address that with them to be a good neighbor. McMenamin agreed, and said her concern was the safety of the children in Wynnmeade, who were accustomed to the lower amount of traffic.

Attorney Doug Dillard said the development agreement had been the result of litigation, and the signal had always been an important issue. However, Highway 54 was controlled by the DOT, and McMurrain had applied for the permits in a reasonable amount of time, well over a year ago. Dillard said the DOT had not expressed objections to additional COs, that no one wanted to see anyone hurt or a neighborhood suffer, but there were millions of dollars on the line. Dillard said that, in the spirit of the agreement, the city should approve the additional COs. He said he was not sure the city was within its legal rights to withhold the COs for all the buildings that were ready. Dillard said that, despite the fact that it was not part of the development agreement, they would meet with the Wynnmeade residents about this temporary inconvenience.

McMenamin said she was concerned that everyone would be facing the same request in two months. Dillard said there were no guarantees, but the apartment buildings were ready to be leased and DOT did not share the city's concerns. Fritz pointed out that using Wynnmeade and the light at their entrance was also not part of the development agreement, but Dillard said Wynnmeade had been the ones who wanted to tie into MacDuff Parkway.

Rapson said he was hearing conflicting information regarding the time frame of RAM's permit application, and asked about the number of COs originally issued. Developmental Services Director Jim Williams said that, when Summit asked for the first COs, the city asked when the signal would be completed and was told between two and four weeks. The city issued the COs, which was probably a mistake, because his understanding was that the permit requests for the signal went in a week ago, rather than a year ago. Williams also said the DOT had indicated the signal could have been moved a long time ago. Williams also noted that the Building Department had not yet made final inspection of the apartment units pending because they were not yet ready, so no one was being damaged by the lack of COs yet.

Trujillo said they had requested COs for five buildings about eight weeks prior, and had inspections done, but only got the final punch list a week ago and had completed those items. He also pointed out that, at 30 leases per month for between \$1,000 and \$1,400 per month, it was costing Summit that money. McMurrain said he had applied for a permit in July of 2000, and asked for the city's cooperation in this matter.

Lenox said it was a thorny issue, noting that he had read the development agreement, and he was not sure the city had the right to withhold the COs, but he was also not sure the city needed a court case on the issue. He felt that, with 95 permits issued already, it would be hard to deny 60 more units based on health, safety and welfare. He said the city had independently verified the

information on timing with the DOT, and if the pole in the MacDuff median was removed by May 25 and the signal relocation would be completed by July 17, he felt Summit's request was reasonable. However, Lenox felt strongly that if the signal was not operational by July 17, no additional COs would be issued.

Wynnmeade resident John Dillahunt said that he did not see anything overly alarming about Lenox's proposal, noting that he had been very concerned about the pole in the median. He said that he did not see a problem with the situation for two months, but if the signal was not moved on time, it could be a problem due to the children using Wynnmeade Parkway to walk and ride bicycles. He felt strangers driving on Wynnmeade Parkway might be surprised by the pedestrian traffic. McMurrain said he was amenable to installing cautionary signage and speed humps to improve safety. McMenamin said McMurrain would have to determine what was needed with the Police Chief. Rapson asked Chief Murray if this proposal would be unsafe. After noting that The Avenue developers got a signal relocated in three days, Murray said the temporary solution of using the Wynnmeade signal was safer than vehicles trying to turn onto 54 with no signal.

Lenox made a motion, conditional upon the removal of the pole in the MacDuff median and the subsequent opening of the Wynnmeade entrance on MacDuff, and conditional upon the completed building inspections, that Certificates of Occupancy be issued for two additional buildings at the Summit Apartments, with the understanding that the signal will be relocated to MacDuff Parkway by July 17, and that no more COs be issued until that was completed; and that the developers work with the Police Chief and the residents of Wynnmeade on traffic calming to ensure a safe situation. McMenamin seconded the motion. Motion carried unanimously.

05-01-06 Consider New Alcohol License – Beef O'Bradys – A Family Sports Pub

Lenox said that Mr. Robert Ishmael, Jr., had purchased the Mexican restaurant at 100 Peachtree Parkway North to open a Beef O'Bradys Family Sports Pub, and had requested a new alcohol license, with himself appointed as the Licensee and License Representative. McMenamin made a motion to appoint Robert Ishmael, Jr., as the Alcohol Licensee and License Representative for Beef O'Bradys. Fritz seconded the motion. Motion carried unanimously.

05-01-07 Public Hearing – Consider Lifting Annexation Moratorium Relative to the Wieland Property (Centennial Subdivision).

Lenox read the rules for a public hearing and opened the floor to comment. Dan Fields, Vice President of John Wieland Homes, addressed Council, saying that in 2000 the city had rezoned about 100 acres at the northern end of MacDuff Parkway. The rezoning included conditions that affected the adjacent 80 acres in the unincorporated county, surrounded on three sides by Peachtree City, allowing a total of 350 lots for the combined properties with the understanding Wieland would donate a school site. Fields presented a list of issues on why the unincorporated 80 acres should be annexed, including allowing the design of a better plan and the coordination of public safety services, which would have to be provided by Peachtree City as that avenue offered the only access to the property. Fields noted that this request would not increase the number of homes on the property, but would allow the city to be appropriately reimbursed for the services provided to all the

homes and would give the city impact fees for all the homes, while eliminating septic tanks on a portion of the property and providing the city with development control of the entire neighborhood.

Lenox said that he had two requests: 1) that the traffic model requiring Wieland to make improvements be included in any discussions with staff; and 2) that space for a fire station be considered in the revised plan if that worked as part of the city's plan. Fields indicated a willingness to discuss that. Fritz also asked that the school site not have any time limitations for development, and Fields said they were open to discussion, adding that they would like to team up with the school to make the school of mutual benefit and have it constructed while the system had the funds to do so. Rapson said he had spoken to Jerry Whitaker with the school system about the site, and he was in favor of the site, but they requested that the road be moved further east. Rapson also wanted to ensure that the zoning in place was not changed. Lenox said that if they came back with an annexation petition, the zoning would be incorporated. Fields said they were looking at maintaining the GR-4 zoning with the 350-unit limit. Rapson said this site was somewhat unique because it was bordered on three sides by the city, and McMenamin said an annexation would even up the border.

Lenox asked if anyone else would like to speak in favor of the moratorium. Resident Steve Brown of Terrane Ridge gave a handout and addressed Council, saying that, although the original residential zoning for the property was a mistake, it could be made better through annexation. Brown felt developing for seniors would be better for traffic and the schools. He also said a lot of good things could happen with this site, but the city needed to play its cards right.

No residents spoke in opposition to lifting the moratorium, and Mayor Lenox called the public hearing to a close.

Basinger noted that Wieland's current traffic plan required a right turn lane, and asked Fields about the timing of that project. Fields said the plan was prepared and would be submitted to DOT the following week, and if they could emulate The Avenue, perhaps they could start in three days. He said the project was a priority, and McMenamin said Council would be discussing some other projects in the area so the information was helpful.

The Mayor and Councilmembers each said the concept made sense, although Lenox pointed out they weren't supporting a plan they had not seen. McMenamin noted the city would be providing services to the school, and Fritz said she had contacted the school system and they were supportive of annexation. Rapson asked if the moratorium were lifted, would it be specific to this site, and Lenox said it would only be for consideration of this site. McMenamin made a motion to lift the Annexation Moratorium to consider the annexation of the Wieland/Centennial Subdivision property. Rapson seconded the motion. Motion carried unanimously.

05-01-08 Proposed Financial Policies

Financial Services Director Paul Salvatore said that City Auditor Ed Wetherington was present and had reviewed the policies, and that Todd Barnes of A.G. Edwards had reviewed the debt policy and had made a couple of suggestions. On policy #7, Barnes had suggested that everything following the comma be removed to eliminate the 15% debt limitation. He had also recommended that on the

Purchasing Policy, in Section 3, that the word "goods" be removed to allow the city to enter into some goods contracts.

Rapson asked if, by eliminating open purchase orders, they were envisioning closing some of the blanket contracts used by Public Works. Salvatore said it would not eliminate those, but would allow them to start a pilot program for repetitive high volume, low cost items such as auto parts, eliminating the need to maintain a high inventory and the associated risks with that process.

Rapson requested that, in Car 11-1, Policy 2, the last sentence on Financial Services, add "working in conjunction with the City Auditor" to reflect the actual process. Rapson asked for a definition of "internal financing" as referenced in Policy 13. Salvatore said it related to bond financing, and that the city would not want to borrow money if sufficient funds were on hand. Rapson asked several questions about Policies 15 and 16 and the Purchasing CAR, which Salvatore answered. Rapson requested that Policy 23 be amended to include the "working in conjunction with the City Auditor" verbiage, and that, under the Purchasing CAR, exempt Information Technology after the telecommunications equipment.

Rapson made a motion to approve the financial policies as amended. McMenamin seconded the motion. Motion carried unanimously.

Rapson and Lenox commended Salvatore and Basinger for the effort that went into formalizing the policies.

05-01-09 Discuss Approval of City Funds Expenditures

Lindsey said that he had presented a revision for Ordinance 34-118 on the expenditure of city funds in which he had taken the limits already in place and delineated more clearly who had the authority to use at what levels. Lindsey said he had added a change removing the caps on budgeted capital projects, expenditures made from the PIP Contingency fund, and expenditures from capital projects' individual contingency funds. He said this change would enable staff to get the job done on projects already approved by Council if the funds were already in place in the contingency fund. Lindsey also suggested that Council consider raising the cap on budgeted items from \$25,000.

Rapson said they were really discussing two types of contingency funds, explaining that he viewed Council Contingency as usually operational in nature while the PIP Contingency was usually tied to capital funds for property, equipment or facilities. He said the Council Contingency Fund enabled Council to react to situations that occur throughout the city, while the PIP Contingency was in place to build the projects Council has already allocated in the 5-year capital plan. The PIP Contingency also gave the City Manager some leeway in addressing projects that run over cost or handling some projects critical to the city.

Rapson had several suggestions to modify the recommended ordinance:

1. Modify sections (A) and (B) by striking the phrase "and expenditures made from any capital project's individual contingency fund."

Rapson felt those individual project contingency funds were actually part of the projects, so those funds were already available for staff to utilize and not in the same category as the overall PIP Contingency Funds.

2. In (A) 3 and 4, increase those dollar amounts from \$25,000 to \$40,000.

Rapson said this mirrored the City Attorney's recommendation and allowed staff to react to cost overruns for approved equipment without having to return to Council on an agenda for equipment that was in the budget and already approved by Council. Rapson felt that would be a waste of time, and would give staff the time they needed to be working on what they were supposed to be accomplishing.

3. At the end of the sentence in (B), change the verbiage to "the mayor or city manager shall have the authority to expend up to \$25,000 per project with a monthly summary to Council on all such expenditures which exceed \$10,000."

Rapson wanted to mirror the language in (A) 3 for Council, and felt this was important to address problems that arise through the year as they occur, and the \$40,000 mirrored the State regulations. Rapson said he was agreeable to making the amount \$40,000, and Lindsey suggested doing so to make all the caps match. Rapson agreed.

4. Modify section (C) by striking the phrase "and expenditures made from any capital project's individual contingency fund."

Lindsey suggested the following additional change for consistency, to which Rapson agreed:

5. In section (C), change the verbiage "Public Improvements Contingency Fund", capitalize it and say "Public Improvement Program Projects Contingency Fund."

McMenamin said she didn't know when the policy was written, but felt sure costs had risen since it was adopted, and that she had asked the City Attorney to review the ordinance to make it reflect the actual operations. Rapson made a motion to adopt the proposed changes to Section 34-118 as amended. McMenamin seconded the motion. Motion carried unanimously.

05-01-10 Proposed Improvements to SR 74/54 Intersection

Jim Williams provided an overview of a shopping list of possible road improvements for Council, noting that traffic had built up on Highway 54 and would continue to do so with the additional projects on the way. Williams said that staff would have anticipated that Home Depot and Wal-Mart projects would have begun, along with their required improvements, but such was not the case. Because staff was unsure of the status of those projects, staff had been asked to consider what would happen if their projects, and their required road improvements, did not happen for a while longer. Staff had looked at the various improvement projects to see how money might best be spent to address the traffic problems in the corridor. Williams said everyone agreed that the main problem was the corridor itself, especially as it brought traffic into and out of the industrial park at

peak times. Staff had concluded that the single most important project would be to free up the right turning movement from Highway 54 onto Huddleston Road, allowing a large amount of traffic to turn there to access the industrial park. Williams also said the dogleg connection between Huddleston and Dividend was not ideal.

Williams said Wieland had agreed to construct 250 feet of right turning lane onto Huddleston Road, but the lane needed to be longer. Williams said that, if city funds were to be used, that lane should be extended by an additional 300 feet. A second project would be to straighten the Huddleston to Dividend transition. Additionally, other opportunities existed to improve the traffic, but those two projects would be a major relief.

Williams also described the extension of the Highway 74 southbound left turn lane onto Highway 54 as very important. He felt this could be done fairly simply and fairly economically, but they were not part of the Highway 54 widening project, instead being included in the Highway 74 widening that was at some unknown point in the future. However, Williams said they were part of the Home Depot & Wal-Mart requirements, so if they were to be constructed in a reasonable amount of time, the city could wait for them to build them, or could choose to move ahead with the projects itself. Williams said there were some additional and more expensive projects, but he felt the Huddleston Road and the Highway 74 lanes would be the most beneficial.

Lenox asked about the straightening of Huddleston/Dividend, noting that it was fairly expensive. He said that, from Williams' description, he understood that the turn lane on Highway 54 was the most important element, and Williams agreed. Williams said Wieland's improvements would provide an immediate benefit with no city funds, and the city could make major improvements on 74, if DOT would allow it, at fairly low expense.

McMenamin asked for clarification on the Huddleston turn lane, and Williams said Wieland's 250 feet would help a great deal, but a longer lane would be more efficient. McMenamin asked about combining the city's portion with Wieland's, but Williams said that rock would make the additional section more expensive, and right-of-way acquisition would take longer there.

Lenox said the city needed to be cognizant of balancing what should or could be spent for immediate relief, knowing the improvements would basically be lost once DOT widened the highway. Williams said that was true, but that the turn lane would probably stay even with the DOT improvements, and he felt the major issue would be if the city paid for the improvements and then Home Depot and Wal-Mart moved forward and did not have to pay their originally agreed-upon share. Lenox said the improvements were important, but very expensive and currently beyond the city's financial capacity. He did not want to waste any money and asked if it would be worthwhile to remand the issue to staff to work with Wieland, traffic engineer Ed Ellis and the DOT to see what the possibilities were. Williams said there were some quick, short-term things that could and probably should be done, and then some more elaborate, long-term projects.

Rapson asked if Williams could prioritize the projects, and Williams said Wieland's turn lane extension to Huddleston was the first priority. The city's extension of that lane would be second. Straightening the Huddleston/Dividend intersection would be third. In terms of overall priority,

Williams said building in continuous left and right turn lanes westbound on Highway 54 was important, although the extreme expense and land acquisition needs would make it realistically beyond the city's capability. Williams said the southbound work on Highway 74 would be the next priority, including the southbound left turn lane and the two through lanes on the north and south side of Highway 74 through Clover Reach. Lenox said that project could be looked at in two segments, with the short-term and long-term in mind. Williams said that improving the northbound turning movement on Highway 74 would eventually be needed as part of any commercial development, once 54 west was widened, as well as lengthening the existing dedicated left turn lane for southbound 74 traffic, removing some of the median.

Rapson asked the City Attorney how the traffic ordinance would be affected if the city made the improvements, feeling that the only way to protect the city would be through a development agreement. Lindsey said that Doug Dillard, representing the developers, had mentioned in the lobby that evening that the developers would reimburse the city for any of the projects they had agreed to do if the city moved forward with them first. Lenox said he had learned those developers had done some more accurate costing on their required projects, moving the estimate up from about \$850,000 to about \$1.3 million.

Rapson said he felt sure the Wieland project would proceed, taking care of the top priority. He said he was open to the next four priorities, which totaled about \$355,000, with the understanding that the city would work with Dillard and the developers to formalize an agreement to reimburse the city. Rapson said the only reason he was stopping with those four projects was because the total was about 50% of the Council Contingency Fund. Lenox said that staff needed to come back by June 7 if possible with costs and recommendations. Lenox noted that the information Lindsey had imparted had been beneficial, and Lindsey said he had gotten no information on the time frame. Lenox said his main concern was that he did not want to spend the city's money and then find out it was unnecessary. Lindsey said he told Dillard he wanted to include the reimbursement in the development agreement, but cautioned Dillard that nothing else was going to happen until that agreement had been signed, and his impression had been that the developers would sign the agreement right away. Williams said it was important that Council take no action until the agreement was signed if the action was based on the developers' participation.

Rapson said his concern was adding three more weeks to the problem, and asked if a special called meeting should be held prior to June 7. Lindsey and Lenox said the planning and pricing would probably take three weeks, and that time should be allowed for such a high expenditure. Williams again cautioned not to make any decisions until the agreement was signed. Lenox agreed.

Rapson asked if the Wieland annexation request could be heard at the same time to finalize their project, but Lenox said the legal advertising requirements would not allow that. McMenamin asked about changing the stop signs at Huddleston and Dividend to require the Paschall traffic to stop instead. Lindsey was unsure if the Motor Vehicle Code would allow that type of action, but McMenamin asked that the Police Chief look at that possibility. Lenox also asked staff to look at acquiring the land at Huddleston and Paschal that would be necessary to realign the intersection. Basinger said staff was actively working on that.

Lenox thanked Ed Ellis for coming, and asked if he had any comments. Ellis said that it would be a good time to act on the Highway 74 improvements, which had originally been barred by the Clean Air Act. He also said that Home Depot and Wal-Mart's improvements had all been submitted to DOT, so if the city used their plans, the permitting process should be completed. Fritz asked if those permits could expire, and Ellis said they could, but it was fairly simple to extend them.

05-01-11 Discuss Limiting Number of Package Stores in Peachtree City

McMenamin said she had been asked by a constituent to bring up this subject, noting that the city received requests from time to time to limit liquor stores. She said that, so far, Peachtree City had been fortunate to have Mom & Pop type establishments, and currently there were five in the city. She also said she did not have a problem with the current number, but had been asked to bring it up, and she certainly supported free enterprise, but she had asked the City Attorney to investigate what other cities were doing.

Lindsey said Riverdale had an ordinance restricting the number of liquor licenses based on population, but that the state code was silent on the matter. He noted that state law provided for Council to restrict the location of such establishments, limiting how close they could be to each other, and he thought Council could limit any additional stores in the Highway 54 corridor and the Crosstown area based on that. Lenox said that, based on some cities' restriction of one license per 2,000 people, Peachtree City could have 16 stores. McMenamin said she understood the state also limited the number of stores under one owner to two. She also asked about restricting local owners to one within the city.

One local establishment owner said he was hearing a lot about free enterprise, but there were a lot of restrictions on a lot of businesses. His concern was that Griffin currently had 29 liquor stores and felt a similar trend in Peachtree City would downgrade the community. He said he supported limiting the number of stores, and confirmed that the state allowed only one store per owner, and that all stores must be Mom & Pop owned because chain ownership was prohibited. He said many cities restricted the number of stores based on population, and felt Peachtree City did not need any more.

Another local liquor store owner addressed Council, saying that Riverdale's restrictions were one store per 10,000 residents. McMenamin and Lenox disagreed, and Lenox read Riverdale's ordinance, which limited it to one per 2,500 residents. The owner felt that information was incorrect. He was also in favor of passing such an ordinance in Peachtree City.

Lenox said the issue was somewhat difficult because a proliferation of such stores could be a problem, but he would also like it if the business forms printing industry was limited to one company, and that one was his. The owner pointed out that supermarkets and drug stores now sold alcohol, and there were enough sales locations in the city. McMenamin said she had received a call from a florist who was upset that a new grocery store was selling plants, thereby intruding on her business, and everyone had competition.

McMenamin said that there could be problems associated with these types of stores, but she felt Peachtree City really was not seeing those problems. She said she would rather wait, and asked Chief Murray for his assessment. He said Peachtree City was very fortunate with the establishments it had, but could address any problems in the future as they arose. Murray also noted that the requirement for Mom & Pop stores was frequently circumvented. He said the state had a great deal of control over alcohol licenses, and that the liquor lobby at the capitol might be a better avenue for such changes. Council agreed to take no action.

Council/Staff Topics

Basinger said that there were some vacancies coming up on the Commission on Children and Youth and needed a selection committee. Rapson agreed to serve, and Council agreed Councilmember Tennant could be the other representative.

Basinger said July 4th would be on a Wednesday, and asked if Council wanted to consider canceling the July 5th meeting because the city had received some rezoning requests. Council decided to leave the meeting as scheduled.

Councilmember Fritz requested that a workshop on public safety early retirement be scheduled at some time in the next six weeks, to allow for the appropriate research.

Lenox announced that the city had received a response from Fayette County on the Tax Equity Mediation, and that response was disappointing. Lenox said that, as far as he knew, the cities of Fayette were the first in the state to file for mediation, and the County had made a motion to dismiss based on technical and legal grounds. Lenox viewed it as the County, once again, not wanting to address the issue. He said the cities wanted to address the issue in a professional manner, and they were not getting an opportunity to do so.

Lenox made a motion to take a brief recess and reconvene in executive session to discuss a potential lawsuit. Rapson seconded the motion. Motion carried unanimously.

Executive Session

Council convened in Executive Session at 10:25 p.m. to discuss a legal matter. No action was taken.

McMenamin made a motion to adjourn from Executive Session and adjourn the meeting. Fritz seconded. Motion carried unanimously.

Attest: Robert L. Lenox, Mayor

Betsy Tyler, Deputy City Clerk

City Council of Peachtree City
WORKSHOP
Minutes of Meeting
May 17, 2001
6:00 p.m.

The City Council of Peachtree City met in a workshop session, Thursday, May 17, 2001, in the City Hall Council Chambers. Mayor Lenox called the meeting to order at 6:00 p.m. Other Councilmembers present were: Carol Fritz, Annie McMenamin and Steve Rapson. Dan Tennant was unable to attend.

Announcement

Basinger announced that Councilman Tennant had a last minute conflict arise while he was out of town on business, and he would be unable to attend the meetings that evening.

I. Old Agenda Items

01-01-10 Public Hearing – Proposed Charter Changes

City Attorney Rick Lindsey presented the revised draft of the Peachtree City Charter, noting that the only major change was the removal of the bulk of the City Manager verbiage, which would be placed in an ordinance, and the verbiage retained would serve to create the position in the charter in a manner similar to the City Clerk and City Auditor positions. Lindsey said the charter had been available to the public at City Hall and the Library all week.

Fritz commented on Section 2.6 (Duties of Councilmembers), saying she had intended to forward some information on that item and would like to see some changes. She said she would like to see some reference to the state code authorizing the city to establish these offices. She also felt the verbiage made it sound like the Council worked for the Mayor. McMenamin said Council did not really assist the Mayor; rather they brought their own policies to the table and all members worked together on them. She said no individual established policies, but all members contributed to them. Rapson suggested saying "Council shall establish . . ." Lenox suggested that the "assist" be replaced with "work with," and enumerate the duties as listed in Section 2.3 for Mayor. Lindsey had some concerns about repeating the duties in the event changes were made in the future, with multiple listings of duties requiring that all listings be changed appropriately. He said he would make some changes to remove the implication of subservience to the Mayor, and reference some of the other charter provisions and state laws as done in the samples Fritz had provided.

Fritz also requested that some reference to the Home Rule law be made in the beginning of the charter. Lindsey said Section 1.1 (d) referenced the state constitution and laws of the state, but that there had been three state constitutions since Peachtree City's incorporation, so he was hesitant to reference specific code sections. His concern was that Council had more powers than enumerated in the Home Rule Section, and he was concerned that trying to list all the sources might end up limiting

the Council's powers if some reference were to be omitted. Fritz said she saw what he was saying and perhaps had not realized the possible repercussions.

Fritz commented on Section 2.8 (c) regarding the Mayor Pro Tem establishing an appointment process, noting that the recent council seat appointment process had gone very well. She requested that it say, "the Mayor, with the approval of Council" to indicate operation as a group. Lenox pointed out that, with one seat vacant, there was a potential for a two to two vote. Lindsey said the goal was a process that was fair and gave the appearance of being fair, adding that the process earlier in the year had been excellent. Fritz noted that Lenox had devised that process, but he would not be present the next time. Lindsey said that was the difficulty of writing a charter, to make it applicable well into the future. Lenox said the exact process recently used could be put into ordinance form, which could be changed later if a future Council so desired. Lindsey suggested saying, "Unless provided in ordinance, the Mayor shall determine . . ." so if there was an ordinance, the process is in place, but if not the Mayor could establish the process. Then Council could enact a separate ordinance, but a change, while possible in the future, would require a majority vote." Council was agreeable to that verbiage.

Fritz mentioned Section 2.7 (e) regarding the requirement for the majority of votes. Lindsey said that was legally defined in the State Election Code, requiring 51% of the votes, rather than the most votes, which would be a plurality.

Fritz brought up Section 2.13 regarding the appointment and removal of officers, questioning the Mayor's right to suspend. She said that she was trying to look into the future and prevent any abuse, but Lenox said it was probably a necessary power. McMenamin expressed concern that Council was limited to a follow-up decision of either to terminate or not, thinking that some other action such as further suspension might be warranted. Lindsey suggested changing it to "appropriate further action," and Council agreed.

Rapson asked if Basinger was comfortable with the phrasing in Section 2.12 regarding Council interference with administration. Basinger said he was.

Fritz addressed Section 2.21 and 2.22 regarding grammar. Lindsey said he would remove the extra "department" from the first sentence of each.

Fritz asked why, in Section 4.5, it indicated short term loans would be repaid by December 31, rather than the Fiscal Year end of September 30. Lenox said that prevented Councils from committing future Councils to the debt.

Lenox brought up the fact that the salaries for the Mayor and Council had not changed in many years. Lenox felt that the job had become more demanding, and suggested a survey to see what was being paid elsewhere. McMenamin said the only problem she had was that she looked at the service to the community, noting that the County Commissioners were not paid anything. Lindsey pointed out that Councilmembers might have to take time off work to perform their duties, and by not paying a fair salary, the city might be preventing some people from running. McMenamin asked if the city would really pay enough to compensate in that situation.

McMenamin also brought up expense reports, saying she had never turned one in, but asking if a cap should be placed on that. Lenox said performing the job could cost money and, although he had never submitted an expense report either, that also might not be fair. McMenamin asked if there were any kind of cap, and Basinger said employees were paid \$35 per day for food and \$0.25 per mile for travel, as well as hotel bills. Lenox suggested having an ordinance saying the elected officials were eligible per the adopted City Administrative Regulation. McMenamin brought up that, in the case of employees, someone approved their trip, but such might not be the case for Council. A citizen suggested running the expenses through the Mayor. Rapson felt there could be room for abuse. Lindsey suggested giving the power to the public, and putting what Council spends in the monthly reports. Rapson said that might also be misleading, noting that Fritz would have high costs for courses due to her efforts to become an accredited Councilmember. Lenox said it would not be fair if four members did not turn in expense reports and one did. Lindsey said it was a fair issue to talk about. Rapson said Fulton County restricted the amount of travel expense each Councilmember could incur, and McMenamin said it might be a good idea to specify a legitimate expense amount per year per Councilmember. Lindsey said that should be an Ordinance, and Lenox asked staff to work on it.

Rapson brought up that the Mayor was authorized to hire a staff per Section 2.10 (c), and said Fulton County limited the number of that staff. Lenox said the section actually required Council approval, by saying Council "may provide for payment . . ." Rapson said that was fine.

Fritz asked that Section 6.1 (4) be changed from "sale" to "sell" for grammatical accuracy.

Fritz asked if Section 6.3, regarding Street Powers, should reflect the city could only improve streets allowed by law, noting that the city could not work on the state highways. Lindsey suggested saying "city-owned streets."

McMenamin asked about Section 4.1 (c), indicating that Council was the "final" decision on revoking licenses. She questioned pursuit of the revocation through the courts. Lindsey explained that there had to be a "final" authority locally because, if the issue were still subject to appeal with the city, it could be heard in court. McMenamin said she just wanted to ensure the city wasn't assuming too much power on the issue.

Fritz questioned the phrasing in Section 7.1 (b) that required assessment notices to be placed in the official newspaper in which the sheriff's ads appeared. Lindsey said that was original verbiage from the time when the city may not have had a designated legal organ, and the verbiage should be replaced with the city's legal organ.

Fritz asked why, in section 8.1 (4), the word recognizance had been deleted, and asked if that would hamper the Judge. Lindsey said that option had not been used in the 10 years he had served the city, so he had made the modification, but noted that it could certainly be returned. Fritz asked if they wanted to leave the option available, and Rapson observed that the option remained in Section 8.3 (4) (c). Lindsey said he would return the verbiage.

Lindsey suggested to Council that he incorporate the changes discussed that evening and compare his notes with the Deputy City Clerk's. He said that, at that point, the Charter would be ready for the two adoption hearings.

McMenamin questioned the phrasing on gender in Section 9.5, and Lindsey said he would delete the phrase "unless specifically referring to a male."

Citizen Lynn Bianco questioned Section 2.14, allowing Council to appoint the City Manager as the City Clerk. He said that would eliminate some of the checks and balances in the system and felt no one could know if future employees would be as scrupulous as those on staff at this time. Rapson said the phrasing left it available as an option, noting that most smaller cities functioned that way. He said that, even if the verbiage were removed, it would still be allowable. Lindsey added that the city could only prohibit that possibility because state law permitted it. He added that the city needed the option this year, and the other advantage to the arrangement was that the City Manager could serve without being or working toward being certified. Lenox said there were a lot of checks and balances within the departmental structure used by the city. Bianco said he did not want to tie the city's hands.

Lindsey committed to making the changes and forwarding them to the Deputy City Clerk, who would email them to the Mayor and Council. He said he thought it would be possible to hold the hearings in June.

There being no further business to discuss, the meeting adjourned at 7:50 p.m.

Attest: Robert L. Lenox, Mayor

Betsy Tyler, Deputy City Clerk

PEACHTREE CITY PRISONERS
FAYETTE COUNTY JAIL
APRIL 2001

DATE	MISD.	FELONY	TOTAL
04-02	7	3	10
04-03	7	3	10
04-04	7	4	11
04-05	7	4	11
04-06	7	4	11
04-09	7	2	9
04-10	7	2	9
04-11	6	2	8
04-12	9	2	11
04-13	7	2	9
04-16	8	2	10
04-17	8	2	10
04-18	7	3	10
04-19	11	2	13
04-20	8	2	10
04-23	6	2	8
04-24	7	2	9
04-25	6	2	8
04-26	10	2	12
04-27	12	2	14
04-30	12	2	14
AVERAGE	7.90	2.42	10.33

FAYETTE COUNTY JAIL FUND PAYMENTS:

January	\$6,666.73
February	\$7,101.58
March	\$5,090.68
April	\$6,986.11

**Public Information
2001 Citizen Call Log
As of 5/1/01**

Problem/Complaint	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD 2001	YTD 2000	% of 2001
Animal Control	1												1	0	2%
Business Complaint	1	1		1									3	0	5%
Development													0	1	0%
Garbage Company	3		1	1									5	14	8%
AT&T (InterMedia) Cable	4	6	8	14									32	10	48%
AT&T (Media One) Cable													0	1	0%
Ordinance/Code Violations	9	6	1	1									17	4	26%
Public Works Repair Request	1		1	1									3	0	5%
Recreation													0	0	0%
Traffic													0	2	0%
Utility Company	2		2	1									5	2	8%
Other													0	3	0%
TOTAL	21	13	13	19									66	37	100%

Average Response Time for action/update contact w/citizen	0.11 days	0.00 days	0.08 days	0.00 days											0.05 days
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% Response Time for response / action on same day	90%	100%	92%	100%											95%
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Other Issues/Comments:

AT&T cable complaints include some service outages, several unbundled cable lines reported by Code Enforcement and citizens, and complaints with "rate increases" - billing adjusted in several cases for franchise fee corrections and elimination of InterMedia bundled channel specials.

Revised

BUILDING DEPARTMENT

2001 MONTHLY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2001 YEAR-TO-DATE	2000 YEAR-TO-DATE
DEVELOPMENT PERMITS:	15	9	38	22	44	14	20	15	18				195	122

BUILDING PERMITS:

Single Family Residential	12	10	25	14	27	18	20	11	14				151	101
Multi-Family Residential	0	0	0	0	0	0	0	0	0				0	399
Misc.-Pools/fences/additions	33	40	55	64	74	61	78	52	51				508	582
Commercial/Industrial	15	12	29	4	8	9	10	8	8				103	82

TOTAL INSPECTIONS:

	838	789	749	551	555	686	631	899	700				6,398	3,778
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CERTIFICATE OF OCCUPANCY:

Residential	10	12	17	8	12	16	11	15	24				125	141
Commercial	2	7	16	15	6	8	2	6	4				66	18
Multi-Family Residential	69	35	0	0	0	83	0	212	0				399	0

CODE ENFORCEMENT:

Sign Violations	84	46	152	97	166	187	171	113	87				1,103	0
Rehab	16	11	13	31	18	13	13	2	1				118	0
Notice of Violations	282	195	234	376	260	282	240	233	194				2,296	3,002
Citations *	1	2	2	4	4	0	0	4	36				53	15
Stop Work Orders	7	3	4	12	7	5	5	1	7				51	48
Complaints From Citizens	14	8	13	25	29	6	16	5	16				132	3,397
Assessments	135	176	115	294	79	58	61	4	1				923	0

PERMIT FEES COLLECTED:

	21,956	30,692	47,309	16,939	23,856	33,109	32,766	36,149	37,036				279,812	334,964
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POPULATION: Based on

2.9 of completed occupancy

	32,158	32,294	32,343	32,366	32,401	32,688	32,720	33,378	33,448				33,448**	31,849**
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*35 citations to AT&T Broadband

**Adjusted to reflect
2000 Census figures

2001 MONTHLY REPORT

[illegible]

BUILDING PERMITS:

Single Family Residential	12	10	25	14	61	50
Multi-Family Residential	0	0	0	0	0	0
Misc.-Pools/fences/additions	33	40	55	64	192	271
Commercial/Industrial	15	12	29	4	60	41

TOTAL INSPECTIONS:

<u>TOTAL INSPECTIONS:</u>	838	789	749	551	2,927	1,686
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CERTIFICATE OF OCCUPANCY:

	Residential	Commercial	Multi-Family Residential
Number of units	10	2	69
Units completed	12	7	35
Units under construction	17	16	0
Units in inventory	8	15	0
Total units available	29	32	35
Units sold	17	10	104
Units absorbed	17	10	104
Units remaining in inventory	12	22	31
Months supply	2.4	2.2	2.3
Average unit price (\$)	\$100,000	\$100,000	\$100,000
Total value (\$)	\$1,000,000	\$200,000	\$3,500,000
Value absorbed	\$1,700,000	\$1,000,000	\$10,400,000
Value remaining in inventory	\$1,200,000	\$2,200,000	\$3,100,000
Days on market	47	40	104
Cost per unit (\$)	\$66,000	\$100,000	\$50,000
Cost absorbed	\$660,000	\$1,000,000	\$5,200,000
Cost remaining in inventory	\$660,000	\$2,200,000	\$1,600,000
Gross profit	\$340,000	\$0	\$2,300,000
Gross profit margin (%)	34%	0%	66%
Net income	\$340,000	\$0	\$2,300,000
Net income margin (%)	34%	0%	66%
Operating expenses	\$0	\$0	\$0
Operating expense ratio (%)	0%	0%	0%
Capital expenditures	\$0	\$0	\$0
Capital expenditure ratio (%)	0%	0%	0%
Depreciation and amortization	\$0	\$0	\$0
Depreciation and amortization ratio (%)	0%	0%	0%
Taxes	\$0	\$0	\$0
Tax rate (%)	0%	0%	0%
Interest expense	\$0	\$0	\$0
Interest expense ratio (%)	0%	0%	0%
Other income	\$0	\$0	\$0
Other income ratio (%)	0%	0%	0%
Other expenses	\$0	\$0	\$0
Other expense ratio (%)	0%	0%	0%
Total operating expenses	\$0	\$0	\$0
Total operating expense ratio (%)	0%	0%	0%
Pre-tax income	\$340,000	\$0	\$2,300,000
Pre-tax income margin (%)	34%	0%	66%
Income tax expense	\$0	\$0	\$0
Income tax expense ratio (%)	0%	0%	0%
Net income before taxes	\$340,000	\$0	\$2,300,000
Net income before taxes margin (%)	34%	0%	66%
Net income after taxes	\$340,000	\$0	\$2,300,000
Net income after taxes margin (%)	34%	0%	66%
Return on investment (%)	34%	0%	66%
Return on equity (%)	34%	0%	66%
Return on assets (%)	34%	0%	66%
Debt service coverage ratio	1.0	1.0	1.0
Liquidity ratio	1.0	1.0	1.0
Solvency ratio	1.0	1.0	1.0
Equity ratio	1.0	1.0	1.0
Debt ratio	1.0	1.0	1.0
Current ratio	1.0	1.0	1.0
Quick ratio	1.0	1.0	1.0
Working capital	\$0	\$0	\$0
Fixed assets	\$0	\$0	\$0
Intangible assets	\$0	\$0	\$0
Goodwill	\$0	\$0	\$0
Patents	\$0	\$0	\$0
Trademarks	\$0	\$0	\$0
Other intangible assets	\$0	\$0	\$0
Total intangible assets	\$0	\$0	\$0
Total fixed and intangible assets	\$0	\$0	\$0
Capital assets	\$0	\$0	\$0
Non-current assets	\$0	\$0	\$0
Long-term investments	\$0	\$0	\$0
Other long-term investments	\$0	\$0	\$0
Total long-term investments	\$0	\$0	\$0
Total non-current assets	\$0	\$0	\$0
Total current assets	\$0	\$0	\$0
Total assets	\$0	\$0	\$0
Liabilities	\$0	\$0	\$0
Current liabilities	\$0	\$0	\$0
Accounts payable	\$0	\$0	\$0
Accrued liabilities	\$0	\$0	\$0
Deferred liabilities	\$0	\$0	\$0
Other current liabilities	\$0	\$0	\$0
Total current liabilities	\$0	\$0	\$0
Long-term liabilities	\$0	\$0	\$0
Bonds payable	\$0	\$0	\$0
Mortgage payable	\$0	\$0	\$0
Other long-term liabilities	\$0	\$0	\$0
Total long-term liabilities	\$0	\$0	\$0
Total liabilities	\$0	\$0	\$0
Equity	\$0	\$0	\$0
Common stock	\$0	\$0	\$0
Preferred stock	\$0	\$0	\$0
Retained earnings	\$0	\$0	\$0
Other equity	\$0	\$0	\$0
Total equity	\$0	\$0	\$0
Total liabilities and equity	\$0	\$0	\$0
Total balance sheet	\$0	\$0	\$0

CODE ENFORCEMENT:

Sign Violations	84	46	152	97		379	0
Rehab	16	11	13	31		71	1,146
Notice of Violations	282	195	234	376		1,087	0
Citations	1	2	2	4		9	4
Stop Work Orders	7	3	4	12		26	22
Complaints From Citizens	14	8	13	25		60	0
Assessments	135	176	115	294		720	0

PERMIT FEES COLLECTED:

<u>PERMIT FEES COLLECTED:</u>	21,956	30,692	47,309	16,939	116,896	93,194
--------------------------------------	--------	--------	--------	--------	---------	--------

POPULATION: Based on

POPULATION: Based on	34,061	34,204	34,256	34,280
3.05 of completed occupancy				
				34,280
				33,508

Financial Services Monthly Report

STATUS OF FUNDS AS OF APRIL 30, 2001									
Fund	Cash		Total		Total Fund		YTD		MTHLY % INC/(DEC)
	Balance	Investment	Balance	Interest	Balance	Interest	Balance	Interest	
General Fund	\$290,217	\$3,329,722	\$3,619,939	\$114,562	\$3,619,939	\$114,562			
Land Reserve Fund	\$7,297	\$0	\$7,297	\$7,658	\$7,297	\$7,658			
Library Sales Tax Fund	\$47,911	\$0	\$47,911	\$1,194	\$47,911	\$1,194			
Public Improvement Fund	(\$103,042)	\$2,555,030	\$2,451,988	\$57,072	\$2,451,988	\$57,072			
Police Station Lease	\$0	\$658,905	\$658,905	\$37,709	\$658,905	\$37,709			
Self Insurance Fund	\$144,296	\$991,075	\$1,135,371	\$26,738	\$1,135,371	\$26,738			
Debt Service Fund	\$6,291	\$0	\$6,291	\$403	\$6,291	\$403			
Bond Fund	\$0	\$0	\$0	\$0	\$0	\$0			
Municipal Court Fund	\$99,598	\$0	\$99,598	\$1,311	\$99,598	\$1,311			
Develop & Impact Fees	\$191,477	\$478,128	\$669,605	\$41,688	\$669,605	\$41,688			
Neighborhood Parks/Rec.	\$53,871	\$0	\$53,871	\$1,032	\$53,871	\$1,032			
Federal Seizures Police Fd	\$3,986	\$0	\$3,986	\$5	\$3,986	\$5			
Police Tuition Account	\$2,974	\$0	\$2,974	\$34	\$2,974	\$34			
Escrow Account	\$184,528	\$130,698	\$315,226	\$7,020	\$315,226	\$7,020			
Grand Total	\$929,404	\$8,143,558	\$9,072,962	\$296,428	\$9,072,962	\$296,428			
General Fund Budget Comparison Revenues - By Major Category									
Description	2001 Budget		Actual YTD		Difference		%		%
General Property Taxes	\$4,672,069	\$4,413,448	(\$258,621)	94%					59%
Franchise Taxes	\$1,880,054	\$1,402,833	(\$477,222)	75%					70%
Local Option Sales Tax	\$5,541,890	\$3,248,516	(\$2,293,374)	59%					49%
Other Sales & Use Taxes	\$1,031,622	\$584,533	(\$447,089)	57%					56%
Business Taxes	\$1,020,302	\$1,033,683	\$13,381	101%					54%
Licenses & Permits	\$386,632	\$378,088	(\$8,544)	98%					54%
Grants	\$201,606	\$36,887	(\$164,719)	100%					56%
Charges for Services	\$723,073	\$516,793	(\$206,280)	71%					7%
Fines & Forfeitures	\$629,685	\$473,491	(\$156,194)	75%					99%
Investment Income	\$151,770	\$123,415	(\$28,355)	81%					84%
Surplus Carryover	\$2,048,586	\$0	(\$2,048,586)	0%					100%
Other Financing Sources	\$0	\$0	\$0	0%					61%
Total	\$18,287,289	\$12,211,685	(\$6,075,604)	67%					
General Fund Budget Comparison Expenditures by Division YTD									
Division	2001 Budget		Actual YTD		Difference		%		%
Administrative	\$990,359	\$586,652	\$403,707	59%					
Developmental	\$821,197	\$575,352	\$245,845	70%					
Finance	\$454,135	\$224,649	\$229,486	49%					
Leisure Services	\$2,971,120	\$1,648,978	\$1,322,142	56%					
Public Safety	\$5,444,999	\$2,951,782	\$2,493,217	54%					
Public Works	\$2,297,553	\$1,239,069	\$1,058,484	54%					
Trfr to PCDA/PCAA	\$449,321	\$253,036	\$196,285	56%					
Council Cont. Res.	\$675,000	\$46,303	\$628,697	7%					
Land Acquisition	\$161,221	\$160,000	\$1,221	99%					
Transfer to PIP	\$2,823,227	\$2,359,992	\$463,235	84%					
Transfer to Self Ins	\$1,199,157	\$1,199,157	\$0	100%					
Total	\$18,287,289	\$11,244,969	\$7,042,320	61%					
Summary of Major Expenditures by City Manager									
Description	Budget		Award		Sygs/Short		Date		Date
N/A									
Collateral Analysis as of April 30, 2001									
Security Location	Bank		Total Held		Total Held		Total Held		Total Held
Bank of New York		First Union							\$6,730,804
Bank of New York		Peachtree National							\$5,356,513
									\$12,087,317

**2001 MONTHLY REPORT
Fire/EMS Department**

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	2001 Y-T-D	2000 Y-T-D
Fire/Accident Calls														
Residential	6	2	5	4									17	9
Business/Industrial	1	0	0	0									1	4
Other	156	150	133	164									603	425
Total Engine Response	163	152	138	168									621	438
Dispatched Fire Calls	53	30	37	38									158	184
Response Time Fire	4:45	4:02	5:03	4:44									4:49	4:35
Rescue/EMS														
Trauma	51	51	50	39									191	223
Medical	74	79	85	97									335	312
Total # Patients	125	130	135	136									526	535
Patients Transported	72	70	78	75									295	292
Dispatched EMS Calls	110	122	101	130									463	477
Total Medic Response	146	145	135	166									592	601
Dispatched Fire/EMS Total	163	152	138	168									621	661
Response Time EMS	3:54	4:10	4:27	4:23									4:00	4:05
EMS BILLING														
Patients Billed	98	60	74	74									306	291
Revenue Generated	34,515	20,850	25,910	25,680									106,955	59,775
*Total Revenue Received	12,103	13,682	17,672	14,438									57,895	46,667

***Revenue Received on All Outstanding Accounts**

HUMAN RESOURCES DEPARTMENT

2001 MONTHLY REPORT

REPORT PERIOD	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	2001 YTD TOTAL	2000 YTD TOTAL
1. Authorized Permanent Positions	223	223	223	223									223	211
2. Positions Open	14	12	11	9										
3. Workers Comp. Claims Filed	2	2	1	5									10	11
4. City Veh./Equip. Accidents	2	0	1	1									4	1
5. Health Insurance Claims	\$80,652	\$ 43,314	\$55,208	\$72,246									\$251,420	\$ 321,520
6. Law Suit Legal Fees	\$ 3,490	\$ 8,126	\$4,407	\$ 6,168									\$22,191	\$ 19,810

- Police Officer/Police (3); Police Captain/Police (1); Building Inspector/Building (1); Maintenance Technician I/Public Works (2); Fire Lieutenant-Training/Fire (1); Staff Assistant/City Hall (1).
- Police Corporal slipped on railing causing hairline fracture to ankle (1) Police; Firefighter/Paramedic strained upper back while securing boats to trailer (1) Fire; Maintenance Technician was pierced in left hand by wire thrown by weedeater (1) Public Works; Maintenance Technician experienced abrasion to left eye when blade of grass got behind safety glasses (1) Public Works; Police Corporal suffered gunshot wound to left leg when weapon discharged as it was being reholstered (1) Police.
- Code Enforcement Officer hit parked car when backing out of a driveway (1) Building.
- Balance remaining in health insurance account: \$193,342.
- Lazarus \$299.00; O'Keefe \$5,163.00; Tax Equity Issue \$706.00.

LEISURE SERVICES MONTHLY REPORT 2001

ACTIVITY DESCRIPTION	UNIT	January	February	March	April	May	June	July	August	September	October	November	December	2001 Year to Date	2000 Year to Date
LIBRARY															
1. Books Circulated	Num.	14,747	14,227	15,771	14,082		0	0	0	0	0	0	0	58,827	47,109
2. Average Daily Traffic															
a. Monday - Saturday	Num.	561	577	557	528		0	0	0	0	0	0	0	569	539
b. Sunday	Num.	287	368	420	346		0	0	0	0	0	0	0	358	286
3. Story Time Participants	Num.	74	93	112	108		0	0	0	0	0	0	0	387	602
4. Revenue from Overdue Books	Dis.	1,828	1,659	1,679	2,187		0	0	0	0	0	0	0	7,353	4,347
5. Revenue from Copy Machine	Dis.	717	796	736	946		0	0	0	0	0	0	0	3,195	3,602
6. Reference Assistance	Num.	1,303	741	865	787		0	0	0	0	0	0	0	3,896	3,791
7. Internet Usage	Num.	1,406	1,472	1,479	1,283		0	0	0	0	0	0	0	5,640	3,291
8. Renewals by Phone	Num.	927	618	868	786		0	0	0	0	0	0	0	3,199	3,318
Leisure Programs															
1. Adult Athletics															
a. Ongoing Programs	Num.	1	2	2	2		0	0	0	0	0	0	0	7	6
b. New Programs	Num.	0	0	0	0		0	0	0	0	0	0	0	0	0
c. Participants	Num.	240	240	1,248	1,058		0	0	0	0	0	0	0	2,786	2,907
d. Revenues	Dis.	0	0	18,158	0		0	0	0	0	0	0	0	18,158	28,065
e. Expenses	Dis.	0	0	0	3,968		0	0	0	0	0	0	0	3,968	11,382
f. Refunds	Dis.	0	0	0	0		0	0	0	0	0	0	0	0	657
g. Balance (+ or -)	Dis.	0	0	18,158	-3,968		0	0	0	0	0	0	0	14,190	\$16,026.00
RECREATION															
Leisure Programs															
1. Classes/Programs															
a. Classes/programs	Num.	105	118	125	122		0	0	0	0	0	0	0	470	395
b. Participants	Num.	3,229	3,037	1,954	3,090		0	0	0	0	0	0	0	11,310	10,131
c. Revenues	Num.	19,450	23,601	27,710	25,093		0	0	0	0	0	0	0	95,854	76,791
d. Expenses	Dis.	15,550	18,665	20,585	19,779		0	0	0	0	0	0	0	74,580	60,085
e. Refunds	Dis.	125	107	1,608	153		0	0	0	0	0	0	0	1,993	1,032
f. balance (+ or -)	Dis.	3,775	4,828	5,518	5,160		0	0	0	0	0	0	0	\$19,281.33	\$15,673.70
2. Special Events															
a. Events	Num.	4	4	3	4		0	0	0	0	0	0	0	15	10
b. Participants	Num.	210	245	190	4,852		0	0	0	0	0	0	0	5,497	1,538
c. Revenues	Dis.	0	2,251	15	0		0	0	0	0	0	0	0	2,266	25
d. Expenses	Dis.	0	2,220	0	1,534		0	0	0	0	0	0	0	3,754	1,761
e. Refunds	Dis.	0	3	15	0		0	0	0	0	0	0	0	18	25
f. balance (+ or -)	Dis.	0	28	0	-1,534		0	0	0	0	0	0	0	(\$1,506.42)	(\$1,781.00)
Sports and Facilities															
1. Playing Surface Mowing	Hrs.	31	0	220	350		0	0	0	0	0	0	0	601	666
2. Playing Field Preparation	Hrs.	264	725	711	560		0	0	0	0	0	0	0	2,260	2,244
3. Building Maintenance	Hrs.	168	200	136	40		0	0	0	0	0	0	0	544	639
4. Parks/Pools/Tennis Courts															
a. Safety Inspections	Num.	32	32	32	32		0	0	0	0	0	0	0	128	0
b. General Repairs/Maint	Hrs.	112	109	95	80		0	0	0	0	0	0	0	396	650
c. Grounds/Landscape Maint.	Hrs.	512	543	281	211		0	0	0	0	0	0	0	1,547	580
5. Litter Removal	Num.	96	120	136	175		0	0	0	0	0	0	0	527	512
6. Vandalism Repairs	Dis.	0	0	120	55		0	0	0	0	0	0	0	175	0
7. Complaints Answered	Num.	3	4	3	4		0	0	0	0	0	0	0	14	0

CRIME REPORT - APRIL 2001

PART I CRIMES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD 2001	YTD 2000
MURDER	0	0	0	0									0	0
RAPE	0	0	0	0									0	0
ROBBERY	0	0	0	0									0	0
AGGRAVATED ASSAULT	0	2	2	0									0	1
ARSON	0	0	0	1									4	4
AUTO THEFT	1	6	1	11									1	0
THEFT	16	12	8	11									19	10
BURGLARY	2	1	2	0									47	63
TOTAL PART I CRIMES	19	21	13	23									5	4
ALCOHOL/DRUG ARRESTS													76	82
DUI - TOTAL	16	15	27	18										
DUI - ADULT	15	15	26	14									76	55
DUI - UNDERAGE	1	0	1	4									70	45
OTHER UNDERAGE													6	10
ALCOHOL ARRESTS	9	7	0	13									29	64
DRUG ARRESTS	7	18	21	14									60	44
ARRESTS														
PROPERTY CRIMES	8	12	4	14									38	20
PERSON CRIMES	4	3	9	10									26	24
CITY ORDINANCES	43	33	52	48									176	184
*OTHER	81	72	67	85									305	487
ADMINISTRATIVE AVERAGE RESPONSE TIME	5.21	5.22	5.12	5.32									5.21	5.32
CALLS ANSWERED	5094	4165	4863	5182									19,304	17,330
TRAFFIC CITATIONS ISSUED	659	585	661	740									2645	2294
WARNINGS ISSUED	725	576	676	611									2588	1713
ACCIDENTS - TOTAL	63	60	74	83									280	277

TOP 5 ACCIDENT LOCATIONS - MONTH TOTAL

1. HWY 54 / HWY 74 6
2. HWY 54 / KEDRON DR. 4
3. HWY 74 / ABERDEEN PARKWAY 3
4. HWY 54 / PLANTERRA WAY 2
5. HWY 74 / CROSTOWN RD. 2

TOP 5 ACCIDENT LOCATIONS - YEAR TOTAL

1. HWY 54 / HWY 74 24
2. HWY 74 / CROSTOWN RD. 7
3. HWY 54 / PEACHTREE PARKWAY 6
4. HWY 54 / PLANTERRA WAY 6
5. HWY 74 / WILLOW ROAD 5

2001 MONTHLY REPORT
PUBLIC SERVICES DIVISION

Activity Description	Unit	January	February	March	April	May	June	July	August	September	October	November	December	2000 YEAR-TO-DATE	2000 YEAR-TO-DATE
CART PATHS															
1. Const./Reconst./Overlay	Ft.	0	0	12	1,250									1,262	2,696
2. Drainage Maintenance	Hrs.	270	297	465	291									1,323	415
3. General Maintenance	Hrs.	201	164	201	134									700	1,069
4. Mowing	Hrs.	0	0	0	92									92	135
5. Litter Removal	Hrs.	75	60	60	53									248	256
FLEET MANAGEMENT															
1. Equipment Maintenance	Hrs.	16	59	40	5									120	137
2. Equipment Repairs	Hrs.	138	89	105	135									467	613
3. Vehicle Maintenance	Hrs.	168	134	115	201									618	431
4. Vehicle Repairs	Hrs.	262	212	229	251									954	1,005
5. Fleet Down Time	Hrs.	595	505	498	599									2,197	2,165
RIGHT OF WAY															
1. Litter Removal	Hrs.	410	400	369	329									1,508	1,422
2. Right-of-Way Mowing	Hrs.	0	0	0	540									540	984
3. General Maintenance	Hrs.	656	649	1,084	186									2,575	2,854
LANDSCAPE															
1. Litter Removal	Hrs.	0	30	38	12									80	190
2. Mowing (Sub. Entrances)	Hrs.	0	0	158	888									1,046	851
3. General Maintenance	Hrs.	1,045	443	617	277									2,382	2,154
4. Planting	Hrs.	90	267	8	0									365	123
RECYCLING SITE															
1. City Employees Hours	Hrs.	235	103	79	66									483	472
2. City Employees Salaries	Dis.	3,760	1,304	1,256	1,112									7,432	3,718
3. Revenues	Dis.	652	495	529	504									2,180	2,640
4. Participants															
a. Recycling	Num.	641	605	634	727									2,607	2,455
b. Composting	Num.	1,166	1,124	1,043	1,692									5,025	4,985
c. Mulch (Pick Up)	Num.	70	177	135	217									599	628
SIGN MAINTENANCE															
1. Building Maintenance	Hrs.	21	20	22	16									79	84
2. Subdivision Sign Maintenance	Hrs.	76	78	87	41									282	448
3. Traffic Sign Maintenance	Hrs.	156	156	174	72									558	660
STREETS															
1. Street Sweeping	Hrs.	137	17	23	8									185	134
2. Pavement Patching	Hrs.	0	45	75	158									278	514
3. Drainage Maintenance	Hrs.	113	150	227	137									627	429
4. General Maintenance	Hrs.	491	761	573	483									2,308	1,589
MISCELLANEOUS															
1. Vandalism	Dis.	149	161	205	97									612	468
2. Complaints Answered	Num.	28	24	47	47									146	186
3. Wash Police Cars	Hrs.	0	6	23	2									31	174

April

2001 City Event Calendar		
<u>April</u>	<u>May</u>	<u>June</u>
		6/2 – Youth Triathlon, Glenloch, 7 a.m. 6/7 – City Council Meeting, 7 p.m. 6/21 – City Council Workshop, 6 p.m. City Council Meeting, 7 p.m. 6/24 – Open House, New Police & Fire Stations, 2-4 p.m. (TENTATIVE DATE)
<u>July</u>	<u>August</u>	<u>September</u>
7/4 – Independence Day Holiday – City offices closed; Parade, 10 a.m.; Fire Dept. Expo, 3 p.m.; City Hall Concert, 7 p.m., Fireworks, 9 p.m. 7/5 – City Council Meeting, 7 p.m. 7/10 – AFCG Meeting, 7 p.m., Tyrone 7/19 – City Council Budget Workshop, 6 p.m. Floy Farr Room at the Library 7/19 – City Council Meeting, 7 p.m.	8/2 – City Council Meeting, 7 p.m. 8/11 – Last Fling, 11 a.m. – 3 p.m., Shakerag Knoll 8/16 – City Council Meeting, 7 p.m.	9/3 – Labor Day Holiday, City offices closed 9/6 – City Council Meeting, 7 p.m. 9/15 & 16 Shakerag Arts/Crafts Festival, Sat 10-6, Sun. 1-5 9/20 – City Council Meeting, 7 p.m.
<u>October</u>	<u>November</u>	<u>December</u>
10/4 – City Council Meeting, 7 p.m. 10/6 – Alzheimer's Memory Walk 10/13 – PTC Classic Road Race, 6 a.m. – 2 p.m. 10/18 – City Council Meeting, 7 p.m. 10/19 Employee Picnic, 11:30 - 1:30 10/20 – Citywide Garage Sale	11/1 – City Council Meeting, 7 p.m. 11/6 – City Election 11/15 – City Council Meeting, 7 p.m. 11/22, 23 – Thanksgiving Holidays, City offices closed 11/27 – City Election (run-off)	12/1 - Christmas Tree Lighting, 7 p.m. 12/6 – City Council Meeting, 7 p.m. 12/7- Annual Employee Luncheon, Noon–1:30 p.m. (City offices closed) 12/20 – City Council Meeting, 7 p.m. 12/24 & 25 – Christmas Eve holiday, City offices closed
2002 City Event Calendar		
<u>January</u>	<u>February</u>	<u>March</u>
1/1 – New Year's Holiday – City offices closed 1/3 – City Council Meeting, 7 p.m. 1/17 – City Council Meeting, 7 p.m. 1/21 – Martin Luther King Holiday – City offices closed	2/7 – City Council Meeting, 7 p.m. 2/21 - City Council Meeting, 7 p.m.	3/7 – City Council Meeting, 7 p.m. 3/21 – City Council Meeting, 7 p.m.

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

Updated 6/01/01

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Jane Miller 

DATE: May 31, 2001

SUBJECT: Alcohol – Licensee & License Representative Change - Valentinos

A change of ownership is occurring for Valentinos. Ms. Karen Stieber (Malone) has applied to be the Licensee and Mr. Robert Victor Stieber has applied to be the license representative.

The application is attached for your consideration. Mr. And Mrs. Stieber will attend the meeting on June 7th to answer any questions you may have.

:gr

Attachments



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

I, Chief of Police James V. Murray, for the City of Peachtree City, do hereby certify that:

Karen Stieber (Malone)

Name

207 Rustica Drive Newnan, GA 30263

Address

has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal drugs within five (5) years prior to the date of the application for this license.

James V. Murray
Signature

May 11, 2001
Date

Major Mike Duker
Witness



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

I, Chief of Police James V. Murray, for the City of Peachtree City, do hereby certify that:

Robert Victor Stieber
Name

207 Rustica Drive Newnan, GA 30263
Address

has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal drugs within five (5) years prior to the date of the application for this license.

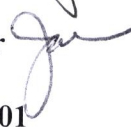
James V. Murray
Signature
May 11, 2001
Date

Major Mike Butler
Witness

Is any person who owns an interest in the license an employee of the City of Peachtree City? NO

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers
VIA: Jim Basinger 
FROM: Jane Miller 
DATE: May 31, 2001
SUBJECT: Amendments to Election Resolution

On January 18, 2001 Council adopted the attached election resolution (attachment 1). Two amendments to that resolution are needed. The ending date for voter registration should be October 9th instead of October 8th as the 8th is a State holiday and registration cannot end on a State holiday. The other requested change is to the proposed run-off election date from November 20th to November 27th. The 20th is only two weeks after the election and is also Thanksgiving week. State law currently allows for a run-off election to be held between 14 and 21 days after the election. That law is changing to provide for run-off elections to be held 21 days after the election. This allows a little more time to get new ballots, especially for those who need to vote absentee. An amended resolution is attached for your review and action (attachment 2).

/jsm

Attachments

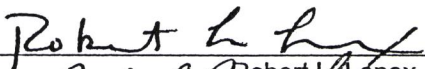
**RESOLUTION ESTABLISHING DATE FOR CITY ELECTION FOR
PURPOSE OF ELECTING A MAYOR AND COUNCIL MEMBER FOR POST 3 AND POST 4;
ESTABLISH FEES AND DATE FOR QUALIFYING OF CANDIDATES;
ESTABLISH DATES FOR VOTER REGISTRATION
AND FOR OTHER PURPOSES**

- WHEREAS:** A municipal general election shall be conducted on November 6, 2001, for the purpose of electing a mayor and council member for Post Three and Post Four, and,
- WHEREAS:** Candidates who are elected in said election shall serve for a term of four years, and,
- WHEREAS:** Persons eligible to become candidates for said election shall be at least 21 years of age and be a qualified elector of the City who shall have continuously resided and maintained his or her domicile in Peachtree City for at least six months immediately preceding the election, and,
- WHEREAS:** Candidates for said election shall qualify with the City Clerk in City Hall. Qualifying shall open at 8:30 a.m. on the 10th day of September, 2001, and shall close at 4:30 p.m. on the 14th day of September, 2001, and,
- WHEREAS:** Voter Registration for said election shall close at 5 p.m. on the 8th day of October 2001, and,
- WHEREAS:** The date for a run-off election, if required, shall be November 20, 2001, and
- WHEREAS:** The City Council does hereby declare that the qualifying fee for Mayor shall be \$270.00 and the qualifying fee for Council Post 3 and Council Post 4 shall be \$180.00.

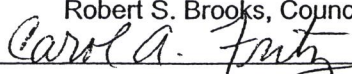
NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of Peachtree City that the general election is hereby authorized pursuant to the rules and regulations set out in this Resolution and pursuant to the Georgia Municipal Election Code as amended.

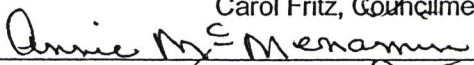
FURTHER, The Superintendent of Elections and Absentee Ballot Clerk shall be the Fayette County Board of Elections who is hereby authorized to provide an appropriate number of poll workers to conduct said election. Polling places within Peachtree City shall be open from 7:00 a.m. to 7:00 p.m. on the day of the general election and on the day of the run-off election, if required.

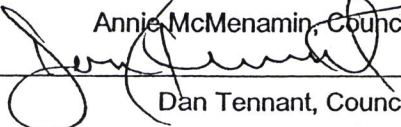
Adopted this 18th day of January 2001.

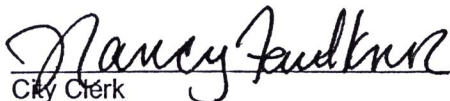

Robert L. Lenox, Mayor


Robert S. Brooks, Councilmember


Carol Fritz, Councilmember


Annie McMenamin, Councilmember


Dan Tennant, Councilmember


Nancy Faulkner, City Clerk Attest

**AMENDED RESOLUTION ESTABLISHING DATE FOR CITY ELECTION FOR
PURPOSE OF ELECTING A MAYOR AND COUNCIL MEMBER FOR POST 3 AND POST 4;
ESTABLISH FEES AND DATE FOR QUALIFYING OF CANDIDATES;
ESTABLISH DATES FOR VOTER REGISTRATION
AND FOR OTHER PURPOSES**

- WHEREAS:** A municipal general election shall be conducted on November 6, 2001, for the purpose of electing a mayor and council member for Post Three and Post Four, and,
- WHEREAS:** Candidates who are elected in said election shall serve for a term of four years, and,
- WHEREAS:** Persons eligible to become candidates for said election shall be at least 21 years of age and be a qualified elector of the City who shall have continuously resided and maintained his or her domicile in Peachtree City for at least six months immediately preceding the election, and,
- WHEREAS:** Candidates for said election shall qualify with the City Clerk in City Hall. Qualifying shall open at 8:30 a.m. on the 10th day of September, 2001, and shall close at 4:30 p.m. on the 14th day of September, 2001, and,
- WHEREAS:** Voter Registration for said election shall close at 5 p.m. on the 9th day of October 2001, and,
- WHEREAS:** The date for a run-off election, if required, shall be November 27, 2001, and
- WHEREAS:** The City Council does hereby declare that the qualifying fee for Mayor shall be \$270.00 and the qualifying fee for Council Post 3 and Council Post 4 shall be \$180.00.

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of Peachtree City that the general election is hereby authorized pursuant to the rules and regulations set out in this Resolution and pursuant to the Georgia Municipal Election Code as amended.

FURTHER, The Superintendent of Elections and Absentee Ballot Clerk shall be the Fayette County Board of Elections who is hereby authorized to provide an appropriate number of poll workers to conduct said election. Polling places within Peachtree City shall be open from 7:00 a.m. to 7:00 p.m. on the day of the general election and on the day of the run-off election, if required.

Adopted this 7th day of June 2001.

Robert L. Lenox, Mayor

Annie McMenamin, Councilmember

Carol Fritz, Councilmember

Dan Tennant, Councilmember

Steve Rapson, Councilmember

Jane S. Miller, City Clerk

Attest

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: Jim Basinger 

DATE: May 26, 2001

SUBJECT: Residential Care Facilities for the Elderly Authority

Council, the committee appointed by Council to evaluate subject Authority met Friday, May 25, 2001. Citizen members of the committee were Floy Farr, Jim Steinbach, Tom Farr and Tate Godfrey. Staff members attending the meeting included Jim Williams, Chiefs Murray and Lohr, Jane Miller, David Rast, and Betsy Tyler. City Attorney Rick Lindsey was an advisor to the committee. Mr. Norman Hansen of Prime Properties and three associates represented the owner/developer.

After discussion of the subject for approximately one and a half hours, the citizen members of the committee unanimously agreed to recommend that Council establish subject Authority and move forward with this project. The committee also recommended that two senior citizens be appointed to the Authority, and that those two members be Floy Farr and Jim Steinbach. Both Mr. Farr and Mr. Steinbach agreed to serve should Council appoint them. Mr. Steinbach was asked to present the committee's recommendation to the Council at the June 7, 2001, meeting.

For your information, I have attached a copy of the minutes of the committee meeting so that you may be aware of the depth of the discussion on this matter. Additionally, I have attached a copy of the City Attorney's original legal opinion as well as copies of relevant emails on this subject.

Attachments

**Senior Housing Authority
Evaluation Committee Meeting
Friday, May 25, 2001
9:30 a.m.
Minutes**

City Manager Jim Basinger called the meeting to order at 9:30 a.m. Others present included citizens Jim Steinbach and Floy Farr, Development Authority members Tom Farr and Tate Godfrey, City Attorney Rick Lindsey, Developmental Services Director Jim Williams, Administrative Services Director/City Clerk Jane Miller, Police Chief James Murray, Fire Chief Stony Lohr, City Planner David Rast, and Public Information Officer/Deputy City Clerk Betsy Tyler. Representing the developer were Norm Hansen of Prime Communities, Bill Lincicome of Post Landscaping Group, Michael Corcoran, project architect and Bill Leesman of RAM (apartment manager).

Basinger thanked everyone for coming, noting that the purpose of the committee would be to evaluate the project and make a recommendation to the City Council on whether or not to form the Senior Housing Authority. Williams gave an overview of the proposal, saying the developers had approached the city several months before about developing an independent living facility. He said they described the project as catering to residents who were ready to give up home and yard maintenance for something more elegant. The project would provide apartment living with a lot of extras.

Williams said staff looked around to find samples of this type of facility, and did note that one possible site was adjacent to Village Park. The zoning for that site allowed 144 apartment units, and the original conceptual plan submitted by Bob Adams Homes when Village Park was developed to include some type of senior apartments. Prime Communities returned with a plan that fit the site well and was ready to break ground when the possibility of the Senior Housing Authority arose. Williams said if Prime was able to resolve a few minor issues with their plan, staff was supportive of this type of facility and this type of design in this particular location.

Lindsey asked the committee members to keep in mind that the property was already zoned for multi-family construction, and the committee would be looking at whether or not Council should create the Authority. He said cities and counties could create these bodies to promote housing for senior citizens, and that no one under age 62 could rent the units. Lindsey said Council was concerned about any potential relation to Section 8 housing, but this project was not associated with that type of development. He said Council would also have to know whom to place on the Authority, if approved. One solution was to have the members of the Development Authority serve as members, who would only meet to approve the bond issue. No city property would be used as collateral and there would be no risk to the authority or to the city. Lindsey said this was how the bonds were set up, and the state was using the bonding power of a local authority to issue the tax-free bonds. Lindsey said that, after that issuance, no other tracts in the city would really be eligible for this type of development. Lincicome asked if existing facilities could use the bonds, and Lindsey was not sure.

Hanson described the concept of Senior Independent Living, noting that they would be combining high-end apartments with the services of a luxury hotel to provide a secure place for independent seniors to live. He said they would have a dining room with one meal a day provided, as well as maid service, concierge, valet, a house automobile, etc.

Hanson noted that seniors create the least impact on community infrastructure while providing spending power. They would bring their own cars, but half would never use them. He also said that, if a 62-year old had a younger spouse, that would be permitted.

Hanson said his firm had planned the same style of project under a for-profit operation, providing the same services to the residents. They needed the bond financing in Peachtree City to be able to lower their rents from the average of \$2,600 per month to \$2,200 per month to have more qualified potential renters in the area. The financing would make the project more affordable to more seniors. He stressed that they were not talking about low-income, and that only 30% of area residents age 70 and older would be able to afford the facility.

Hanson said Prime Communities had chosen Neighborhood Development Collaborative (NDC) as their 501C3 non-profit partner because they had a lot of experience and knowledge, and were looking at moving into senior housing.

Basinger asked for staff questions and comments. Chief Lohr said his primary concern would be life safety and emergency services issues, and asked about the number and training of staff, access for emergency vehicles and fire exits. Hanson asked Corcoran to comment, and he said they met all the local fire code requirements with the Piedmont project, and they were also very concerned with resident safety. Steinbach asked about fire walls and fire escapes. Corcoran said that the building would have access for fire trucks all the way around the building with grass-crete or some suitable surface. He also said there were refuges inside the building, including the stairs, as well as numerous fire exits.

Chief Murray noted that Section 8 housing was always a concern for the Police Department, while senior citizens demanded very little in the form of police services. He said that, while he was very anti-apartment, this project provided the best of both worlds, because apartments would be located on that site regardless, and seniors would lessen the impact. Hanson added that the project would have security elements added as part of the landscaping to reduce trespassing. Murray noted that the Crosstown/Parkway intersection was very busy, and this type of development would not add cars or school busses during rush hour.

Floy Farr said that, in reviewing the concept of Peachtree City, this type of development was absent although a need existed. Hanson said Prime recognized that need, adding that this type of development was really filling a new niche. Floy Farr agreed, saying that Peachtree City had a nursing home and an assisted living facility, and this was needed.

Steinbach said he was familiar with nursing homes through his volunteer work, and he agreed the concept was a nice fit. His primary concerns were about safety, and he would be happy if the Fire Chief were satisfied. He was also concerned about NDC's specialization in low-income projects. He asked Lindsey if, in three or four years, the project could change to Section 8. Lindsey said he could not imagine any prohibition against it, but he could not see changing the project in that direction either. Steinbach asked if children would be allowed, and Hanson said no. Lincicome asked if a usage limitation could be placed on the zoning, and Williams said that would not be possible, adding that the site planning process would tie into some restrictions. Williams said the project could conceivably have been marketed as Section 8 with no recourse by the city, and Tom Farr commented that any project could convert to Section 8 housing and the city could not stop it. Murray said that he had met with one local moderate-income apartment community about their possible conversion to a senior community, but the design of the apartments made that impractical due to the three-bedroom design. Murray said that worked both ways, and the design of the senior apartments would make them unattractive to families with children. Hanson added that their design would feature a lot of expensive public spaces and the units would be designed for the elderly, adding that the \$18 million in debt could never be paid off if they converted to Section 8.

Williams asked what would happen if the senior market was not here to support the project. Hanson said there weren't many options to fall back on, but said it would continue as a seniors project. Prime selected NDC due to that organization's resources, which could feed the project if it didn't lease quickly. Also, if the project went beyond the budgeted operating reserves, Prime partners Post and Minerva would also probably contribute to preserve their names.

Addressing Steinbach's question about NDC's low-income housing involvement, Lindsey said there were new federal law opportunities to get into senior housing that did not exist when NDC first formed. Hanson agreed, noting that the laws changed in 1994 and Congress began to encourage housing for seniors. He said NDC really started by trying to improve low-income housing. Steinbach acknowledged that they had clearly been proactive in the projects they had taken over, but was concerned about a senior development when Peachtree City had no public transportation. Steinbach asked Lindsey if the Authority, if created, would have any influence on the project. Lindsey said not really, comparing it to the Development Authority's issuance of revenue bonds to

industries for their buildings, but not having any control over the business operation. Rast asked if another developer could come in, rezone property, and use the same type of funding. Lindsey said they would have to meet all the requirements for the funding. Rast said that at least one other developer got as far as the Planning Commission but the costs had been too high. Hanson said one of their reasons for being attracted to Peachtree City was that only one site was zoned for this type of development. Godfrey pointed out that land uses and zoning could change with future Councils, and Lindsey agreed that there were no guarantees.

Godfrey said the proposed project was beautiful and very impressive, but he had some questions as well. He asked what the property tax implications would be with the tax-exempt bond financing, and would the owners have to pay local property taxes. Lindsey said he was not sure, but Hanson felt NDC would not be exempt from local taxes. Godfrey also said that, whenever the Development Authority issued bonds, they technically owned the property in question until the business paid the bonds back, and asked how it would work in this case. Lindsey said the bonds would be issued, but the property itself would be the collateral and the authority would not own it. Tom Farr compared it to traditional Industrial Revenue Bonds, rather than the tax-exempt bonds. He used the Hospital Authority as an example, saying that board had been created to issue the bonds for Fayette Community Hospital and for no other purpose.

Godfrey asked what would happen if, in the worst-case scenario, which he had no reason to expect, they declared bankruptcy. He wanted to know if the Authority would then own the property. Lindsey said no, and Hansen said it would go through bankruptcy court, but before it got there the various participants would step in to provide additional funding. Tom Farr said it was similar to secured first mortgage financing, and Godfrey said the Authority was strictly a conduit.

Tom Farr said no agency was completely without some liability, noting that on a previous occasion the Development Authority had had to settle some IRS issues due to some mistakes made by their Bond Counsel. Lindsey said that the liability had stemmed from those mistakes, not from the law. Godfrey said it sounded simple with the Authority meeting one time. He asked who would serve as bond counsel, etc. Hanson said that Prime Communities had their own representatives to serve those functions. Godfrey asked about the expense for separate counsel to represent the authority, and Tom Farr confirmed that he would want such an arrangement if he were serving on the authority. Hanson brought up the issuance fees that would be paid to the Authority, and Lindsey said the Authority's attorney could also discuss the fees with the developers' counsel.

Steinbach suggested adding one or two additional members to the authority to assist with any legwork. Although Tom Farr felt the leg work would all be handled by the attorneys, he had no problem with that. Godfrey asked about the philosophy of the authority, noting that the Development Authority existed to attract industry. He said normally those types of bonds were not issued with a private developer in the middle, making a profit. Lindsey said Council had been grappling with that issue, asking if government was stepping in to assist private companies. However, he said the state legislature had recognized the great need for senior housing as the "Baby Boomers" age, and had created this avenue for governments to get involved and address that need.

Godfrey asked if existing assisted living facilities would be coming to the city to ask for refinancing under these bonds. Hanson pointed out that they would have to meet the criteria, including being a non-profit agency, or obtain a volume cap allocation, which was extremely difficult.

Williams asked what the possibility would be of the federal government taking ownership if the project went into foreclosure. Hanson said that, unless the project was built on a security, which was doubtful, no federal agency would be involved, so they would have no opportunity to take it over. Hanson said that a buyer for the debt would be found in the private sector.

Hanson then asked Leesman to address Lohr's earlier question about staffing. Leesman said there would be over four times the number of staff than a regular apartment community, with the front desk manned 24 hours per day. Each unit would have a call system, and all staff, including maintenance and housekeeping, would have CPR certification. Lindsey asked about staff drivers, and Hanson said various staff members would have the responsibility, with designated drivers on each shift. Leesman said that part of the service to active seniors

would be to keep them active. Hanson said they would also be installing golf cart ports. Steinbach asked if the entrance onto Crosstown would be a problem, and Hanson said that entrance would be limited to residents only. The primary entrance would be the Village Park entrance, after some improvements were made there.

Steinbach asked about the wetlands near the property. Williams said the development was entirely out of the wetlands, and they had incorporated natural features into their plan to enhance the area.

Floy Farr asked how long Prime Communities had been in operation, and Hanson said since November of 2000. Floy Farr asked if they had any other locations, and Hanson said they were building the Parc at Piedmont in East Cobb County. Tom Farr asked when that property would open, and Hanson said in September. Hanson said Prime was affiliated with Post Properties and Minerva Investment, which had both been in operation a long time, and they met NDC through their banking agency. The relationship with NDC was that they would be Prime's client, with Prime serving as the fee developer for NDC. Steinbach commented that he was familiar with NDC.

Basinger asked Steinbach, Godfrey and Tom and Floy Farr, as the committee, to see if they could reach a consensus on a recommendation to Council and designate a spokesperson for the June 7 meeting. Steinbach felt it made sense to use the Development Authority with one or two additional members. Godfrey and Tom Farr were agreeable to that. Lindsey recommended that the two additional members be seniors, and they decided Steinbach and Floy Farr would be appropriate. Steinbach would speak for the committee at the Council meeting.

Floy Farr asked if RAM had experience in operating this type of facility, and Leesman said he had experience with senior and age restricted housing in Kansas City, and they were bringing in Sandy Cooper, who also had eight years of experience in the field, as well as a Masters Degree in gerontology. Floy Farr said it would be very important to handle the operation successfully, and Leesman agreed, saying they were trying to bring a high level of service and a caring management style to the operation.

Steinbach asked if a health person would serve on staff, and Leesman said their goal was to hire an RN.

Basinger thanked everyone for attending. There being no further items for discussion, the meeting was adjourned at 10:30 a.m.

Betsy Tyler

Betsy Tyler, Public Information Officer / Deputy City Clerk

WEBB, LINDSEY, COLLINS, JONES & WADE, LLC

Attorneys-At-Law

James H. Webb Jr. *
Richard P. Lindsey
H. Clay Collins
Carlton H. Jones III
Jonathan J. Wade

Susan M. Brown
Karen C. Gainey
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Christy R. Jindra †
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April 11, 2001

Mr. Jim Basinger
City Manager
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

RE: Residential Care Facilities for the Elderly Authority

Dear Jim:

The mayor recently has been approached by the developer of the proposed senior independent living center (corner of Crosstown and Peachtree Parkway) about a fairly unique financing option available for the developer. In order to have this option, the developer needs the city's assistance. The State of Georgia has a law concerning Residential Care Facilities for the Elderly (O.C.G.A. §31-7-110 through 120) and has created authorities for each county and city throughout the state to address such facilities. These goals of these authorities is to work to attract developers for such facilities and assist in the development of such facilities by issuing tax exempt bonds to help finance the construction of such facilities. The developer has asked Bob to have the council consider activating the Authority so that the bonds can be issued. Bob asked me to research the law and call the developer's attorney for additional information. I have done so and the results of my research appears below.

After determining that there is a great need for more senior housing developments throughout the state, the Georgia General Assembly created a Residential Care Facilities for the Elderly Authority for each county and municipal corporation in the state. In order to activate such an Authority for Peachtree City, the City Council simply must adopt a resolution that there is a need for such an Authority to function in this City and a copy of the resolution must be filed with the Secretary of State. O.C.G.A. §31-7-113(d).

The Residential Care Facilities for the Elderly Authority is set up under the state law almost exactly as the Development Authority is set up. Therefore, if Council chooses to create the Authority and if Council so desires, the Council can simply declare that the Peachtree City Development Authority shall serve as the Residential Care Facilities for the Elderly Authority.

April 12, 2001

Page 2

The Authority would have the power to issue bonds; however, the bonds are not general obligation bonds, but, rather are revenue bonds and are secured solely by the revenues generated from such residential facilities and the facilities themselves. Thus, any bonds issued by the Authority would not be a debt of the City.

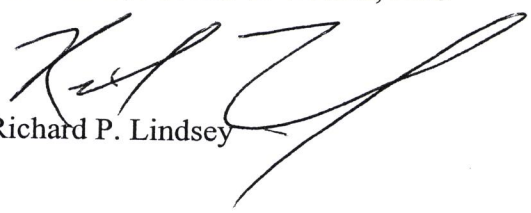
From my conversation with the attorney, this arrangement is nothing like Section 8 housing. Income levels of the residents cannot be a factor in determining who can live at the facility. Age is a factor. Residents must be at least 62 years of age and the facility must provide some services for the senior residents. Also, the amenities which are planned for this development will make the monthly rent high - even with the bond financing. Council may want to ensure that the amenities package remains as the developer has presented if council chooses to create the Residential Care Facilities for the Elderly Authority.

Should you have any further questions, please do not hesitate to contact me.

Best regards.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC


Richard P. Lindsey

RPL:jmf

Jim Basinger

From: JSteinb555@aol.com
Sent: Tuesday, May 29, 2001 11:44 AM
To: Jim Basinger
Cc: rlindsey@wsl-law.com
Subject: Senior Housing Authority

Jim,

Would please do me a favor and ask Rick to send me the section(s) of the OCGA that cover the age restriction of 62 etc. I went to OCGA and was only able to spot Sections 33-11-25, 33-11-26, and 33-11-55. These are all essentially addressing the funding stream.

Also Norman Hansen stated that children would not be permitted. The context that I received the statement was that this provision is also legally defensible by legislation.

I would like to read the legislation and therefore be able to state to council what the law says or doesn't say as I have seen it written.

As you can appreciate, having briefed command groups over the years on sensitive and or controversial issues. I always provided read-aheads which can be read prior to my brief.

Cold turkey presentation on crucial points is always a disaster. I believe that as the status of the PARC was discussed we can't say with absolute certainty that PARC PTC would never become a Section VIII funded project, but we can at least give the members of council the legal cite for the age 62 and older restriction for the principal renter and if correct the prohibition on children. (I must say that on reflection, I wonder about this latter point.)

Please include therefore what Rick sends to me in the councils read-ahead books for the June 7th council meeting.

I have dropped copied Rick directly as you have noted as I know he needs your OK to proceed with my request.

Hope you had a Great Memorial weekend. I played in the Flat Creek Championship. I did well as I finished tied for 3rd low net in my flight!!! (Last flight).

Let me know if you are OK with this request.

Thanks,
Jim

WEBB, LINDSEY, COLLINS, JONES & WADE, LLC

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Other Licenses:
* Florida
† Illinois
†† Texas

TELECOPIER COVER LETTER

DATE: May 29, 2001

To:	Jim Basinger	Office No:	(770) 487-7657
From:	Martin C. Jones	Fax No.:	(770) 631-2505
Re:	RE: Senior Housing Authority - Case Law	Matter:	1243-001

Total Number of PAGES (Including Cover Sheet): Four

COMMENTS: Jim;

Attached please find a copy of case law you requested relative to the above-captioned matter. Please forward same to the party (Jsteinb555@aol.com) at their fax number. If you need any additional information, please contact me.

Best regards.

Martin C. Jones

Note: The information contained in this fax message is intended only for the personal and confidential use of the designated recipient named above. This message may be an attorney/client communication, and as such, is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

If you do not receive all of the pages or if you are having difficulties with reception, please call (770) 631-1811 as soon as possible.

GA Code 31-7-112, Definitions.

Page 1

*31030 Code, 31-7-112

CODE OF GEORGIA
TITLE 31, HEALTH
CHAPTER 7, REGULATION
AND CONSTRUCTION OF
HOSPITALS AND OTHER
HEALTH CARE FACILITIES
ARTICLE 5, RESIDENTIAL
CARE FACILITIES FOR THE
ELDERLY AUTHORITIES

Current through 2000 General Assembly

31-7-112 Definitions.

As used in this article, the term:

(1) "Authority" means each public corporation created pursuant to this article.

(2) "Cost of project" includes:

(A) All costs of construction, purchase, or other form of acquisition;

(B) All costs of real or personal property required for the purposes of the project and of all facilities related thereto and the cost of extinguishing any liens or security interests related to the property so acquired, including land and any rights or undivided interest therein; easements, franchises, water rights, fees, permits, approvals, licenses, and certificates; the securing of such franchises, permits, approvals, licenses, and certificates; and the preparation of applications therefor;

(C) Costs of all machinery, equipment, initial fuel, and other supplies required for the project;

(D) Financing charges, interest prior to and during construction and for six months thereafter;

(E) Costs of engineering, architectural, and legal services;

(F) Fees paid to fiscal agents for financial and other advice or supervision;

(G) Costs of plans and specifications and all expenses necessary or incidental to the construction, purchase, or acquisition of the project or to determining the feasibility or practicability of the project; and

(H) Administrative expenses and such other expenses as may be necessary or incidental to the financing authorized in this article.

There may also be included, as part of the cost of a project, the repayment of any loans made for the advance payment of any part of such cost, including interest thereon at rates to be determined by the authority, which loans are authorized if made payable solely from the proceeds of the authority's bonds or notes or revenues to be received in connection with the leasing, sale, or financing of the project. The cost of a project may also include a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, and such other reserves as may be reasonably required by the authority with respect to the financing and operation of any project and as may be authorized by any bond resolution or trust agreement or indenture pursuant to the provisions of which the issuance of any such bonds may be authorized. Any obligation or expense incurred for any of the foregoing purposes shall be paid or reimbursed as a part of the cost of the project out of the proceeds of revenue bonds or notes issued under this article.

*31031 (3) "County" means any county of this state.

(4) "~~Eligible persons~~" means persons who have reached the age of 62 years and who have need for housing which provides the special facilities and services required by elderly persons and who meet

*

GA Code 31-7-112, Definitions.

Page 2

the criteria for eligibility set forth in rules and regulations which are from time to time promulgated by the authority pursuant to the grant of authority so to do which is contained in subsection (b) of Code Section 31-7-114.

(5) "Governing body" means the elected or duly appointed officials constituting the governing body of each municipal corporation and county in this state.

(6) "Municipal corporation" means each city and town in this state.

(7) "Project" or "residential care facility for the elderly" means:

(A) Any one or more buildings or structures to be used in providing at a single location the comprehensive services required by the elderly, including, without limitation, residential care and the types of services provided in skilled nursing homes, intermediate care homes, and personal care homes supplied with all necessary or useful furnishings, machinery, equipment, parking facilities, landscaping, and facilities for outdoor storage, all as determined by the authority, which determination shall be final and not subject to review; provided, however, that no single project or residential care facility shall be required to render all types of services and levels of care referred to above. There may be included as part of any such project all improvements necessary to the full utilization

thereof, including, without limitation, site preparation; roads and streets; sidewalks; water supply; outdoor lighting; belt line railroad; railroad sidings and lead tracks; bridges; causeways; terminals for railroad, automotive, and air transportation; transportation facilities incidental to the project; and the dredging and improving of harbors and waterways. However, none of the aforementioned improvements shall be the primary purpose of any project;

(B) The acquisition, construction, leasing, or equipping of new residential care facilities for the elderly or the improvement, modification, acquisition, expansion, modernization, leasing, equipping, or remodeling of existing residential care facilities for the elderly located or to be located within the area of operation of the authority; and

*31032 (C) The acquisition, construction, improvement, or modification of any property, real or personal, which any qualified sponsor might desire to use, acquire, or lease in connection with the operation of any project located or to be located within the area of operation of the authority.

(8) "Qualified sponsor" means any nonprofit corporation which has met criteria established by the authority and which has undertaken to provide residential care facilities for the elderly which will be available for sale or rent to eligible persons.

(Ga. L. 1980, p. 1466, § 3.)

Jim Basinger

To: Jim Steinbach (E-mail)
Subject: FW:

Jim, Marty Jones has provided this response to your question regarding children residing in the senior facility. Please note he also addressed the spouse issue. Finally, I am forwarding the sections of the OCGA you requested by a separate email. Please advise if I can be of further assistance. Regards. Jim

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

From: Martin C. Jones [mailto:mjones@webb-firm.com]
Sent: Wednesday, May 30, 2001 9:50 AM
To: CityMGR@Peachtree-City.org
Subject:

In response to Jim Stein's inquiry I cite the following code sections:

OCGA 31-7-112 (4) defines "Eligible persons" under the Residential Care Facilities for the Elderly Authorities Act as: "persons who have reached the age of 62 years and who have need for housing which provides the special facilities and services required by elderly persons and who meet the criteria for eligibility set forth in rules and regulations which are from time to time promulgated by the authority pursuant to the grant of authority so to do which is contained in subsection (b) of Code Section 31-7-114."

OCGA 31-7-114 (b) provides "The authority shall adopt and promulgate rules and regulations which establish and prescribe criteria for determining eligible persons and qualified sponsors for the purposes of this article."

OCGA 31-7-116 (h) provides: "Before issuing any bonds to finance any project, the authority shall obtain from the qualified sponsor of the project an undertaking that only eligible persons will be permitted to use or acquire any of the facilities constituting a part of the project or to enjoy or benefit from any of the services to be rendered in connection with any such project."

In our opinion a reasonable interpretation of these statutory provisions would allow for the Authority to adopt a rule or regulation allowing a renter of the age of 62 years or older to reside with his or her spouse regardless of whether the spouse independently meets the 62 year minimum age requirement. Any other reading would preclude a significant number of married couples from eligibility and can't reasonably be the

intent of the General Assembly. However, we do not believe that the rule making authority would extend to allowing children or other relatives to reside with the eligible renter unless they were of the minimum age. I hope this is responsive to Mr. Stein's request.

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Gloria Reid

From: Jim Basinger
Sent: Wednesday, June 06, 2001 4:02 PM
To: Annie McMenamin (E-mail); Bob Lenox (E-mail); Carol Fritz (E-mail); Dan Tennant (E-mail); 'Steve Rapson'
Cc: Betsy Tyler; Gloria Reid; Jane Miller
Subject: FW: Parc at Peachtree City

Council, I would suggest that prior to taking action on the Senior Facility Authority tomorrow night that a commitment be obtained from Mr. Hansen that the issues contained in the attached memo from Chief Lohr will be resolved to his satisfaction. I asked the Chief to forward a copy of his memo to Mr. Hansen so he is not surprised tomorrow night. Regards. Jim

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

From: Chief Stony Lohr
Sent: Wednesday, June 06, 2001 1:02 PM
To: Jim Basinger
Cc: Art Bernard; Betsy Tyler; Chief James Murray; David Rast; Ed Eiswerth; Gloria Reid; Jim Williams; John Dailey; Maxine Barbour; Tom Hughey; Tom Carty; Troy Besseche
Subject: Parc at Peachtree City

I have attached a memo regarding our visit to the Parc at Piedmont and the issues that I believe need to be identified, resolved and closely monitored during the approval and construction process.

I recognize the need and support the concept. I also believe that this is one of those projects that requires attention to detail to preclude potential disaster.

Stony



Memo-Parc at
Piedmont Visit.do...

CITY OF PEACHTREE CITY

INTER-OFFICE MEMORANDUM

TO: City Manager, ATTN: Mr. Jim Basinger

FROM: Stony Lohr
Fire Chief

DATE: June 5th, 2001

SUBJECT: Parc at Piedmont Visit

Fire Marshal John Dailey and I visited the Parc at Piedmont site on June 4th to view construction techniques and quality, discuss concepts of operation, and obtain a better perspective on the proposed Parc at Peachtree City.

Parc at Piedmont is a 166-unit two (2) story complex. All units have a fully equipped all electric kitchen. The complex is wood frame construction with brick veneer. There were no "Silent Floors" observed, but there is lightweight wood truss construction for the floors and the attic. The sprinkler system is a 13-R residential system. The Piedmont complex is intended to house senior citizens, as is the proposed structure at Peachtree City. Norman Hansen and Associates showed us the site and we discussed a number of issues.

The Parc at Piedmont is only two stories because that is all that Cobb County would permit. Apparently the complex is a compromise reached after a long round of court suits and litigation. Another site in Gwinnett County will be three stories, and all future facilities are projected to be three stories or more because that configuration provides the most ease of use of the facilities by residents.

Prime Communities estimates that 80% of the rooms will be occupied by single persons (e.g., widows and widowers), and 20% by couples. Based on 144 units, this equates to about 173 persons, or about 58 persons per floor. The upper floors will probably have a higher density because the common use facilities will be on the first floor.

The Fire Department recognizes the need, and supports the concept with the explicit understanding that there are several life safety and emergency service issues that need to be addressed and properly resolved as part of project approval. This will be one of those locations where initial response and a large number of firefighters will be needed on scene quickly to preclude a fire incident from becoming a potential disaster. We need to take maximum advantage of fire prevention and protection technology. As Fire Chief, I have reservations with wood frame construction for such a facility, and even more reservations with lightweight wood truss and Silent Floor construction. Such construction is widely utilized for modern construction because of its reduced cost. It complies with building codes, and under normal circumstances it provides satisfactory structural performance. Under fire conditions, it fails much more quickly, and could represent an increased hazard to both residents and firefighters. In a three-story facility with a high number of residents with a minimum age of 62 years, and a typical age of 70-80 years, I consider it absolutely essential that there be compensatory safeguards.

There is great emphasis that this is an independent living facility and that there is an effective, responsive system for transferring persons who need assisted living or more specialized medical care to other facilities. Even if this is accurate, I project a substantial number of medical calls because of the advanced age of the residents. This will be a case-by-case incident, but we will need to insure that there are elevators that will accommodate gurneys and attending medical personnel, back-up power for at least one elevator, and stairs that are designed for gurney passage if elevators do not function for whatever reason. A relevant issue is that they have decided to not to install an emergency generator at Piedmont because the noise of periodic operation would cause additional stress on residents.

My primary concern is an incident involving fire and/or smoke because that is the type of incident that will impact the entire facility and cause the greatest threat to life safety. The fact that every unit is equipped with a full kitchen and that kitchen fires are a leading cause of residential fires will play a significant role in the need for fire responses to this complex. The following issues are relevant.

a. Sprinkler System. Parc at Piedmont has a 13-R residential sprinkler system. They have previously agreed to an NFPA 13 system at Peachtree City, but are hoping that they can convince us that a 13-R system would be adequate. It is my judgment that this 3-story facility needs a full NFPA Standard 13 system. The NFPA 13 system provides much greater capability to protect the structure and life safety.

b. Fire Protection. All wood surfaces need to be protected by at least fire rated sheetrock. Use of lightweight truss construction creates much greater opportunity for fire spread. The metal gusset plates connecting the wood truss components are susceptible to rapid failure when subjected to fire. It is normal practice for the various trades to punch holes in some of these fire rated surfaces during construction. Finished work must insure that any such opening is properly sealed and fire caulked.

c. Compartmentation. The building needs to be separated into compartments by various 4-hour and 2-hour walls to protect against the spread of smoke and fire throughout the structure. All doors and windows in such a firewall need to be equally fire rated. Doors need to be self-closing or automatic closing. This structure enables firefighters to concentrate on evacuating, rescuing and protecting those residents in the effected compartment without needing to immediately worry about residents in other compartments.

d. Place of Refuge. A place of refuge is a location to which residents on each floor in each compartment may go if they cannot get outside the building. These would provide a safe haven from smoke and fire until they can either get out of the building by themselves or be rescued by firefighters. This may be an enclosed stairwell with landings of an appropriate size or some other structure. It is typically constructed of either type I (fire resistive) or type II (noncombustible) concrete and steel with no combustible contents and at least a 2-hour fire rating. It contains a positive pressure air source to maintain an atmosphere free of smoke and toxic gases, and has self-closing fire rated doors.

e. Ventilation. Central ventilation at the Piedmont facility has been eliminated because the noise of operation would cause additional stress in residents. Other than comfort, ventilation systems are an important aspect of smoke and heat removal. Positive pressure ventilation will be imperative in the places of refuge. Emergency or alternate power to operate them in an emergency is also needed.

f. Emergency Communication System. The emergency communication system is a panic button. A resident would activate an alarm monitoring panel at some central location that would identify that something is wrong. It would not specify what is wrong, and an on duty staff member would have to respond to the location to obtain further information. We believe that a three-button system to identify the type of need or emergency (fire/EMS/security) would be beneficial and that a 2-way intercom would also help quickly identify the specific need in most cases. Some sort of system to identify whether residents are in their unit would be helpful.

g. Fire Alarm. The fire alarm system needs to be designed and installed in accordance with NFPA Standards 101 and 72. The system should be addressable to the extent that it provides the identification of the point of activation (e.g., a specific location) and the type of activation (heat, smoke or manual). This is important because for this type of structure and residency, firefighters need to be able to quickly identify the location and type of incident to which they are responding without needing to search. It appears that this is included in current plans.

h. On-duty staffing. Discussions regarding on-duty staffing have been non-specific as to numbers and functions. A previously mentioned number was about 23. This was a total number, distributed across a 24-hour time frame. Our most recent discussions indicated that there may only be 2 persons (Assistant Manager and a security person) on duty from 8:00 or 9:00 P.M. until 11:00 P.M., and from 11:00 P.M. until the next morning only a single security person. We believe that there needs to be a minimum of two persons on duty at all times.

i. Access. Current plans include 360-degree access for emergency apparatus. As plans develop, we will need to analyze distances, especially for the ability of the Tower to reach locations on the building.

Initial discussions have been positive, and the companies involved appear cooperative and disposed to provide a quality and safe product. However, the above issues will need to be closely monitored throughout the approval and construction process, and the implementation of some items will require additional cost which will undoubtedly become items of further discussion.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

FROM: Jim Basinger 

DATE: May 31, 2001

SUBJECT: Public Hearing – Proposed Charter Changes

As Council knows, there have been several discussions on changes to the City charter. The changes that have been discussed have been incorporated in the attached draft charter and explanation. State law requires two public hearings before final action can be taken on amending a city charter. The first of these public hearings is scheduled for the June 7th meeting. The second hearing is scheduled for the June 21st meeting at which Council may take official action to amend the charter.

JB/jsm

Attachment

DRAFT 5/24/01

ARTICLE I. IN GENERAL

Sec. 1.1 Reincorporation; corporate powers.

(a) Peachtree City, in Fayette County, and the inhabitants thereof, are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style Peachtree City, Georgia, and by that name shall have perpetual succession.

(b) Said city shall have full powers to govern itself by such ordinances, bylaws, rules and regulations for municipal purposes as may be deemed proper and not in conflict with this charter, the constitution or laws of this state or the United States.

(c) Said city shall have full power in and by said corporate name

(1) to contract and be contracted with;

(2) to sue and be sued;

(3) to plead and be impleaded;

(4) to purchase, hold, receive, enjoy, possess and retain for the use of and benefit of said Peachtree City or the inhabitants thereof in perpetuity or for any term, any estate, real or personal, or lands, tenements or hereditaments of any kind, within or without the limits of said city, for corporate purposes;

(5) to use, manage, improve, sell, convey, rent or lease any such estate or property;

(6) to have and use a common seal; and

(7) to perform all acts necessary or incident to its corporate existence or capacity.

(d) In addition, the city shall have all powers possible for a city to have as found in O.C.G.A. Sections 36-35-1 *et seq.* and as may be amended, Title 36 of the Official Code of Georgia and as may be amended, and all other provisions under the present or future constitution and laws of the state as fully and completely as though they were specifically enumerated in this charter.

(e) The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(f) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.

Sec. 1.2. Corporate limits.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be described in an ordinance adopted by city council and shall be shown on a map to be retained permanently by the city clerk, or his successor.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supercede for all purposes the earlier map or maps which it is designated to replace.

Sec. 1.3. Corporate

**authority and territorial jurisdiction of governing body
officers.**

and

(a) The corporate authority of said city and the territorial jurisdiction of the governing body and the officers thereof shall extend, for police and sanitary purposes, over all lands which are controlled and all lands which may hereafter be owned or controlled by said city for waterworks, electric light, sewerage, drainage, or cemetery purposes outside of the territory as indicated in this Article.

(b) The governing body and officers of said city shall have full power and authority to make and enforce such ordinances, bylaws, rules and regulations as they may deem necessary to protect the land, premises, and other property referred to in this Article and all rights and interest of said city therein as fully and completely as if the same were located within the limits of said city proper as indicated in section 1.2 hereof.

ARTICLE II. GOVERNING BODY; DEPARTMENTS; APPOINTIVE OFFICERS

Sec. 2.1. Governing body; composition, quorum, meetings.

(a) The government of said city shall be vested in a mayor and four (4) councilmembers chosen as hereinafter provided, in such other officers and employees as required under the terms of the charter, and in such other officers and employees as the mayor and councilmembers consider necessary and proper to appoint and employ.

(b) The chief administrative and operational officer of the city shall be the city manager.

(c) The mayor and councilmembers of said city shall collectively be known as "Council of Peachtree City" (hereinafter sometimes referred to as "city council" or "council" and when so referred to shall be construed to mean the Council of Peachtree City), in which all legislative powers of said city shall be vested.

(d) Except as otherwise set forth below, the mayor and three (3) councilmembers, or four (4) councilmembers without the mayor, shall constitute a quorum of the city council. Less than a quorum may meet and compel the attendance of absentees as provided by ordinance. In the event the office of mayor and one or more offices of council shall become vacant or more than one office of council shall become vacant, then a quorum shall be the mayor and two (2) councilmembers, or three (3) councilmembers without the mayor. If two or more offices of council shall be vacant simultaneously or if the office of mayor and one or more offices of council shall be vacant simultaneously, then all of the remaining members of the council may meet to appoint persons to fill vacancies on the council, set the date for a special election and qualification thereof, and, if necessary, appoint a provisional mayor pro tem.

(e) The city council shall meet at such specified time and place as may be provided by ordinance. Special meetings may be called at any time by the mayor upon giving not less than twenty-four (24) hours notice of said special meeting.

Sec. 2.2. Eligibility qualifications of mayor and councilmembers.

No person shall be eligible to hold the office of mayor or councilmember of said city unless he or she is twenty-one (21) years of age and is a qualified elector of said city who shall have continuously resided and maintained his or her domicile therein for at least six (6) months

immediately preceding his or her election. Except as authorized by law, the mayor and councilmembers shall not hold any other city office or city employment during the term for which each such person was elected unless the mayor or councilmember affected shall first resign.

Sec. 2.3. Duties and authority of mayor.

The mayor shall be the chief executive officer of said city and it shall be his duty

- (1) to preside at all meetings of the city council;
- (2) to see that all meetings are conducted in a parliamentary manner;
- (3) to preserve order and decorum in such meetings;
- (4) to inflict such punishment upon any person guilty of contempt before said council as may be authorized by municipal ordinances;
- (5) to see that all laws, ordinances, rules, regulations and resolutions of the city council of said city are faithfully executed and enforced;
- (6) to appoint and be an *ex officio* member of all committees;
- (7) to see that all funds are properly accounted for and that all revenues are properly and promptly collected;
- (8) to inform the council from time to time of the general condition of said city and its affairs and recommend such measures as he may deem necessary or expedient for the welfare of said city;
- (9) to inspect or cause to be inspected by one or more of the councilmembers of said city the records and books of accounts of the city and see that they are properly and correctly kept to require such reports to be made by such city staff and given to the council;
- (10) to see that order is maintained in said city and that its property and effects are preserved;
- (11) to convene the council in extra session as frequently as he may deem proper;
- (12) to bind said city by signing any contract, obligation or other matter entered into and authorized by ordinance or resolution of the council of said city, properly passed in accordance with the provisions of this act; and
- (13) to do acts and things as may be proper and necessary in the proper conduct of the affairs of said city and as may be hereinafter authorized.

Subject to the limitations contained in this Charter, the said mayor shall exercise general supervision and jurisdiction over the affairs of the said city; however, the responsibility for the daily operation and administration of the city shall be delegated to the city manager who shall report on such activities to the mayor and councilmembers as hereinafter provided.

Sec. 2.4. Authority of mayor to vote.

The mayor shall be entitled to vote on all questions before the city council.

Sec. 2.5. Duties of mayor pro tem.

The mayor pro tem shall discharge the duties and exercise the powers and authority of the mayor in the absence, disability or disqualification of the mayor and during a vacancy in the office of mayor provided his rights and duties as councilmember shall remain unimpaired, except he shall not receive the salary or expense of a councilmember while receiving the salary and expense of mayor when there is a vacancy in the office of mayor.

Sec. 2.6. Duties of councilmembers.

Councilmembers shall work with the mayor in establishing city policies, drafting ordinances, handling budgetary matters, and addressing any other matters which come before city council in order to carry out the powers and responsibilities as enumerated in Sec.1.1.

Sec. 2.7. Date of municipal general election; election of mayor and councilmembers, post designation; assuming office; term; oath.

(a) Pursuant to the law commonly referred to as the Georgia Municipal Election Code, the municipal general election shall be conducted on the Tuesday next following the first Monday in November of odd numbered years.

(b) For the purposes of electing councilmembers, positions on the council shall be numbered as posts 1 through 4, respectively.

(c) In 1992, Peachtree City altered the length of the mayor and councilmembers' terms from two years to four years. After a period of transition, the elections for posts 1 and 2 are held every four years from 1995 forward. The elections for mayor and posts 3 and 4 are held every four years from 1993 forward. All persons elected shall assume office on the first meeting in January following the election except in the case of special elections when such elected official shall assume office at the first meeting following the certification of the election.

(d) After January 1, 1993, any mayor or councilmember who has been elected for two (2) consecutive four-year terms under the provisions of this Charter shall not be eligible to be elected for the same position of mayor or councilmember for the succeeding term; however, nothing contained herein shall prevent a person who has served as mayor for two (2) consecutive four-year terms to be eligible and qualified to be elected for a position as councilmember for the succeeding term. Likewise, nothing contained herein shall prevent a person who has served as councilmember for two (2) consecutive four-year terms to be eligible and qualified to be elected for a position as mayor for the succeeding term.

(e) The candidate for each respective office who shall receive the majority of votes cast for such office by the electors of said city shall be elected to such office.

(f) Candidates elected to office shall on or before the day of assuming office qualify by taking and subscribing before the municipal judge, the mayor, or some other officer authorized by law to administer oaths, the following oath: "I do solemnly swear or affirm that I will well and truly perform the duties of (mayor) (mayor pro tem) (councilmember) of Peachtree City by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of Peachtree City and that I will support and defend the Charter and ordinances thereof as well as the constitution and laws of the State of Georgia and of the United States of America. So help me God." Such oath shall be filed with the city clerk, who shall record the same upon the minutes of the meeting of the council of Peachtree City, next following such filing, unless such oath is filed during a regular meeting of the said council in which latter case such oath shall be recorded upon the minutes of the meeting then in session.

Sec. 2.8. Filling vacancies on council.(a) In the event that the office of mayor, or the office of any one or more of the councilmembers shall become vacant by death, resignation, removal or otherwise, and said vacancy or vacancies are for unexpired terms of

twelve (12) months or less, then said vacancy or vacancies may be filled by appointment and selected by majority vote of the remaining members of the mayor and council in the case of vacancies in said council, and by the councilmembers in the case of a vacancy in the office of mayor.

(b) Persons so selected shall be duly qualified to fill such vacancies for the unexpired terms.

(c) Unless provided otherwise by ordinance, the mayor, or in the case of a vacancy in the office of mayor, the mayor pro tem, shall determine the procedure for council to follow in the appointment process; provided, however, that such procedure shall comply with the laws of the state and of the United States and, further, provided that such procedures are given to the members of council at least ten (10) days before the meeting during which such appointment is to be made.

(d) Should such vacancy or vacancies exceed twelve (12) months then a special election shall be called to determine the person who shall fill the unexpired term. The date of such special election shall comply with the laws of the state and of the United States. In the event of such vacancy or vacancies which exceed twelve (12) months, the city council may appoint an individual or individuals to fill such vacant office or offices until the date of the next available election. In no event shall any appointment be for a period exceeding one year.

Sec. 2.9. Declaration of vacancy in office of mayor or councilmember.

Should the mayor or any member of the council fail or refuse to perform the duties of his office for the term of three (3) consecutive months, or should any officer-elect refuse to qualify, the office may be, in the discretion of the majority of the remaining members of the council, declared vacant and the vacancy filled as above provided.

Sec. 2.10. Compensation of mayor and councilmembers as fixed; expenses of office allowable.

(a) The mayor shall receive an annual salary and each councilmember shall receive such annual salary as shall be established by ordinance during the proceeding term for which such official shall have been appointed or elected. Said salaries shall be paid in twelve (12) equal monthly installments on or before the last day of each month.

(b) In addition to their salaries, each councilmember may be reimbursed for actual out of pocket expenses incurred on behalf of the city as provided by ordinance.

(c) The city council may also provide for payment of all reasonable expenses which may be incurred by the mayor in the discharge of his duties, including such staff as may be appointed by the mayor.

Sec. 2.11. Organization of council; mayor pro tem; provisional mayor pro tem.

(a) The city council shall at its organizational meeting and thereafter at its first regular meeting in January of each year, elect one of its members mayor pro tem for a term of one year.

(b) Before entering on the discharge of his duties the mayor pro tem shall, in addition to the oath taken as councilmember, take the oath prescribed for mayor pro tem.

(c) In case neither the mayor nor mayor pro tem can attend to or discharge the duties of mayor, whatever the cause, the city council shall elect a provisional mayor pro tem to act until a

mayor or mayor pro tem can act, from its membership, who shall take the same oath and be clothed with all of the rights, power and authority of mayor until a mayor or mayor pro tem can act.

Sec. 2.12. Council Interference with Administration.

The city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager except for purposes of gathering needed information which is of routine matters or is the type of information which such officers and employees can easily and quickly assemble. Except as provided above, the city council and its members shall not give orders directly to such officers and employees, either publicly or privately, but shall coordinate all orders and instructions through the city manager.

Sec. 2.13. Appointment of officers by council; removal.

The city council shall at its organizational meeting and thereafter at the discretion of city council appoint a clerk, a city attorney, a city auditor, a city judge, a city manager and any other city positions as required by ordinance. Such appointed individuals, after their initial appointment, need not be reappointed on an annual basis but shall serve subject to the pleasure of the mayor and council and may be removed from office by the council at any time; provided, further, that the mayor may suspend any such individual pending a meeting of the council to make a formal decision on the appropriate action to take.

Sec. 2.14. City Clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be the custodian of the official city seal and city records; maintain city council records as required by state law or by ordinance; and perform such other duties as may be required by the city council. The city clerk shall report to the city manager and shall be subject to all of the rights, privileges and obligations of the city's personnel policies; however, the city clerk can be terminated or removed from such position only by the city council. The city council may appoint the city manager to serve as the city clerk.

Sec. 2.15. City Attorney.

The city council shall appoint a city attorney, which may be a law firm, and shall provide for the payment of such attorney for the services rendered to the city. The city attorney shall be responsible for the representation and defense of the city in all litigation in which the city is a party and will coordinate such representation with all attorneys provided to the city through applicable insurance contracts, if any; shall be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney.

Sec. 2.16. City Auditor.

The city council shall appoint a city auditor who shall be a certified public accountant or accounting firm to ensure that the city's financial records are kept appropriately and according to the laws of this state and of the United States. The city auditor shall conduct an annual independent audit of all city accounts, funds and financial transactions. The audit shall be

conducted according to generally accepted auditing principles.

Sec. 2.17. City Judge.

The city council shall appoint a city judge pursuant to the requirements of Section 8.2.

Sec. 2.18. City ManagerThe mayor and council shall appoint and contract with a city manager who shall serve subject to the pleasure of the mayor and council for a term as set forth in the contract and according to state law. The title of such officer shall be city manager of the city. His salary shall be determined by the mayor and council and included as a part of the contract. Such officer shall be the chief administrative and operational officer of the city and shall perform such executive duties as may be delegated by the mayor and council. The city manager's job performance shall be evaluated and subject to review annually by the mayor and council.

Sec. 2.19. Officers elected by council to perform described duties and give bond.

All officials appointed by said council shall discharge such duties in addition to those prescribed in this act as are, or may be, prescribed by ordinances of said council and shall give such bonds for the faithful discharge of their respective duties as said council may require; provided, the surety on the bond shall be a duly authorized guaranty or surety company, qualified to transact business in this state.

Sec. 2.20. Police department.

The city council shall create a police department which shall consist of a chief of police and such other police officers as the city council shall provide. Subject to the requirements of the laws of the state and of the United States, it shall be the duty of the chief of police and the police officers to make arrests, within and without the limits of said city of all persons violating any ordinance of said city, and to make arrests of all persons who have violated the penal statutes of this state or of the United States, either with or without warrant or summons therefor. They shall have power to release all persons upon such bond as may be prescribed by such ordinances. Said police force shall be so uniformed and armed as to be readily recognized by the public as peace officers, the arms and uniform to be furnished by the city and to remain the property of the city.

Sec. 2.21. Fire department.

The city council shall create a fire department which shall consist of a chief and such other officers as the city council shall provide. It shall be the responsibility of this department to provide the citizens of the city protection from fires and other such hazards as the city council shall deem appropriate. Additionally, the fire department may offer emergency medical services to the citizens of the city as deemed appropriate by the city council.

Sec. 2.22. Other divisions and departments; employees thereof.

The city council shall be and it is hereby authorized, without any further specific authorization on the part of the General Assembly, to create by proper ordinances such other divisions and departments and to prescribe their functions and the duties of the affairs and employees of such departments as it may deem necessary and for the best interest of the residents of Peachtree City.

ARTICLE III. REGISTRATION OF ELECTORS; ELECTIONS

Sec. 3.1. Qualifications of electors.

No person shall vote in any primary or election conducted by the city unless he shall be duly registered and possesses the qualifications prescribed by O.C.G.A. § 21-2-216 as now or hereinafter amended.

Sec. 3.2. Voting by person not qualified therefore.

Any person voting at any election of said city who is not a qualified voter according to the provisions of this charter, shall be guilty of a misdemeanor, and upon conviction therefor shall be punished as prescribed in the penal code of this state.

Sec. 3.3. Applicability of General Law.

All primaries and elections shall be held and conducted in accordance with the Georgia Municipal Election Code (Title 21, Chapter 3 of the Official Code of Georgia Annotated) as now or hereinafter amended.

ARTICLE IV. TAXATION; LICENSES; BORROWING

Sec. 4.1 Property Tax.

The city council may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of providing revenues to defray the costs of operating the city government, of governmental services, for the repayment of principal and interest on bonded indebtedness and other proper debts of the city, and for any other public purpose as determined by the city council in its discretion.

Sec. 4.2 Millage Rate; Due Dates; Payment Methods.

The city council, by ordinance, shall establish a millage rate for the city property tax with a due date as established by the Fayette County Tax Commissioner. The Fayette County Tax Commissioner shall be the official tax commissioner for the city; however, if the Fayette County Tax Commissioner fails or refuses to act as such, then the Director of Financial Services shall be the official tax commissioner for the city and shall have all the necessary duties and powers to carry out this position as permitted by law.

Sec. 4.3 General Obligation Bonds.

The city council shall have the power to issue bonds for the purpose of providing revenue to accomplish any project, program or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

Sec. 4.4 Revenue Bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such revenue bonds are to be serviced out of any revenue produced by the project, program or venture for which they were issued and shall not be a general obligation of the city.

Sec. 4.5 Short-Term Loans.

The city, with the approval of city council, may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

Sec. 4.6 Lease-Purchase Contracts.

The city, with the approval of city council, may enter into multi-year lease, purchase or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of section 36-60-13 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.

Sec. 4.7 Occupational, Business, and Other Taxes.

The city council by ordinance shall have the power to levy such occupation, business, and other taxes as are not denied by law. The city council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawful and may compel payment of such taxes as provided herein.

Sec. 4.8 Regulatory Fees; Permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business within the city to obtain a permit for such activity from the city and pay a regulatory fee for such permit. Such fees shall reflect the total cost to the city of regulating the activity, and if unpaid, shall be collected as provided herein.

Sec. 4.9 Franchises.

(a) The city council shall have the power to grant franchises for the use of the city's streets by telephone companies, electric companies, electric membership companies, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city council receives just and adequate compensation therefor. The city council shall provide by ordinance for the registration of all franchises.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of the city's streets for the purposes of railroads, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.

Sec. 4.10 Collection of Delinquent Taxes and Fees.

The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city by whatever means as are not precluded by law. This shall include providing for the dates when taxes or fees are due; late penalties and/or interest; issuance and execution of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

Sec. 4.11. Authority to license, regulate and control business and other activities.

Unless otherwise prohibited by law, the city council of said city shall have full power and

authority to license, regulate and control all businesses and activities of every kind and character carried on within the corporate limits of said city unless prohibited from doing so by law.

Sec. 4.12. Revoking licenses and prohibiting operation.

(a) Unless otherwise prohibited by law, the city council of said city may revoke the license of, or prohibit the operation of, any business or establishment, in the event the same becomes a nuisance or is dangerous, hazardous or injurious to the health or morals of the inhabitants of said city.

(b) No revocation or prohibition shall occur without giving written notice to the person, firm or corporation conducting such business, said notice stating the reasons why such license is being revoked or prohibition is occurring, and affording such person, firm or corporation an opportunity to be heard on the question before the said council, the said notice setting forth the time and place of the hearing on the revocation or prohibition. At said hearing the person holding said license or conducting said business, or the firm or corporation holding or conducting the same, may submit to said council whatever evidence he may desire touching upon the question of revocation of such license or prohibition of such business.

(c) The decision of the city council revoking any such license or prohibiting such business shall be final.

ARTICLE V. PERSONNEL

Sec. 5.1 Position Classification and Pay Plans.

The city manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan.

Sec. 5.2 Personnel Policies.

All employees serve at-will and may be removed from office at any time unless otherwise provided in this charter, by ordinance, or by adopted contract or personnel policies.

Sec. 5.3. Social security, hospitalization and workmen's compensation benefits for employees authorized.

The city council shall be authorized to provide insurance, retirement and other pension benefits, workmen's compensation benefits for its employees, their dependents and survivors, and shall be authorized to expend funds of said city. The city council shall be authorized to provide for social security benefits for its employees as provided by the laws of the United States.

ARTICLE VI. COUNCIL POWERS AS TO ANIMALS, EMINENT DOMAIN AND STREETS

Sec. 6.1. Council powers as to animals and fowl.

The city council of said city shall have the power and authority

(1) to prevent all animals and fowl from running at large in said city;

(2) to prevent and prohibit the keeping of grazing, herd, and other traditional farm animals within the city limits, or to regulate the manner in which they must be kept if allowed to

remain;

(3) to impound such animal, or animals as referred to above when found upon the streets of said city, and to charge such fees for same as they may prescribe, and in addition thereto charge for the keep of such animal or animals so impounded;

(4) to sell such animals as referred to above when the owner or owners of such animal or animals so impounded, shall fail or refuse to pay the impounding fee and cost of keeping said animal or animals, and the proceeds applied to the payment of said feed and cost of keeping said animal or animals; or

(5) to dispose of such animals under such rules and regulations as may be prescribed by said council.

Sec. 6.2. Condemnation of property for municipal purpose; eminent domain.

(a) The city council of said city shall have full powers and authority to condemn property to carry out any and all lawful purposes in the furtherance of its corporate functions, both governmental and proprietary, and when the power and authority granted by this section is exercised by said council it may be done, whether the land to be condemned is in the hands of an owner, trustee, administrator, guardian or agent in the manner provided by Title 22 of the Official Code of Georgia Annotated and the acts amendatory thereof which by this reference thereto is incorporated herein as if set forth verbatim.

(b) This right of condemnation by the city shall extend beyond its corporate limits where the property to be condemned is needed by the city and is deemed useful by the council to afford and make available to the city such property for use in development and thereafter the operation, maintenance, repair, extension and improvement to any city facility, either governmental or proprietary.

(c) Without limiting the generality of the foregoing the city shall have full and complete power and authority to exercise the power of eminent domain to acquire rights to take water from navigable and nonnavigable streams and from lakes and other places within and without the corporate limits of said city and within and without the County of Fayette; and to exercise such power of eminent domain to acquire land or any interest therein, within and without the corporate limits of said city and within and without the County of Fayette, necessary for water, sewer, other utilities, and airport property and facilities, together with the usual and necessary appurtenances therefor, or such land or any interest therein necessary in order to lay out, grade, open, pave, straighten, maintain, elevate, lower, improve and relocate, streets, sidewalks, alleys, recreational paths, and ways on, in, across, along, through, under or over private property, and property already devoted to public use, and particularly Fayette County School District property; and also under, over or across the rights-of-way of public utility companies, railroads, and all others having the right to acquire private property by exercise of the power of eminent domain or any similar power.

Sec. 6.3. Street powers.

(a) Said city shall have full and complete power and authority to open, lay out, grade, widen, construct, pave, re-pave, curb, and otherwise permanently improve any and all publicly owned streets, sidewalks, alleys, recreational paths, and ways, and to maintain, relocate, repair,

re-pave, extend, abandon or close them, and to construct, maintain, repair, replace and remove street curbing, streets, sidewalks, alleys, recreational paths, or ways.

(b) (i) To provide funds for the purpose of improving or removing sidewalks, curbing and sewer, the associated construction costs, except costs of sewers which cannot serve the abutting real estate nor the owners thereof, may be assessed against the abutting real estate and owners thereof, but only on the side of the street on which such improvements are made, if on one side only.

(ii) To provide funds for these purpose of improving or removing streets, alleys and ways, one-third of the associated construction costs may be assessed against abutting real estate and owners thereof on one side of such street, and one-third ($\frac{1}{3}$) against abutting real estate and the owners thereof on the other side, the city paying the remaining third. In real estate subdivisions all street construction costs may be assessed against the abutting real estate and owners thereof.

(iii) To provide funds for these purpose of improving or removing recreational paths, one-half of the associated construction costs may be assessed against the owners of and all real estate situated in a subdivision to which or in which such new recreational paths are constructed or removed. The city shall pay the remaining one-half.

(c) Cost of maintenance and repair of all city streets shall be paid out of the city treasury except in special cases provided for by city ordinance.

ARTICLE VII. PUBLIC IMPROVEMENTS; ASSESSMENT

Sec. 7.1 Improvement assessment.

(a) Provision shall be made by ordinance for all sewer, sidewalk, street, alley, recreational path, way, or street curbing construction, maintenance or repairs if any part of the cost thereof is to be assessed against abutting or other real estate or the owners thereof.

(b) After the first reading of such ordinance, notice that it has been introduced shall be published one time by the city clerk in the legal organ of the city to appear at least eight (8) days before final passage of said ordinance. Said notice shall state that such ordinance has been introduced in the council and shall include a general description of the improvement, its location, estimated cost, and shall state that the actual cost or such part thereof as the ordinance provides, will be assessed against the abutting real estate and the owners thereof, or against such real estate and the owners thereof as shall be benefitted by such improvement, and that anyone objecting to such improvement, or objecting to the amount of his or her assessment may appear and make such objections at the next regular meeting of the council after the expiration of said eight (8) days. Notice shall also be sent by the city clerk via certified mail to the owners of such property at the street address of all real estate which is affected by the assessment. Receipt of the notice by the owner of the real estate is not required. Information concerning names of owners and street addresses obtained from the Fayette County Tax Commissioner's Office shall be deemed to be adequate for the purposes of providing this notice. No other or further notice of any kind shall be required, but if some other notice is given or ordered to be given, failure to give such additional notice shall not invalidate such ordinance or the assessment of such costs or the lien herein created against such abutting or other real

estate nor the ordinance assessing the costs of such improvement. The second reading of such ordinance shall not be waived until the expiration of said eight (8) days after said publication of notice required by this section. But after the expiration of said eight (8) day notice such ordinances may be taken up and adopted at any regular meeting of the council without further notice.

Sec. 7.2. Improvement assessment against public property.

When the city council orders any sewer, sidewalk, street, alley, recreational path, way, or street curbing paved or otherwise improved, upon which any public property abuts, the city council shall assess the cost of such improvements against said public property in the same manner and to the same extent as it does where private property is assessed. And when any sewer, sidewalk, street, alley, recreational path, way, or street curbing is paved or otherwise improved upon which public property abuts and the public officer or agency controlling such public property fails or refuses to pay the assessed cost of such improvements the city council shall enforce payment of the same by levy and sale, mandamus or other appropriate legal proceedings; provided, such action for collection of the assessed cost of such improvements upon which public property abuts may be defended by the authorities in control of said public property by proving that the amount claimed to be due, or some part thereof, is not justly due or owing by said authorities; and, provided further, that when any action is begun and said authorities admit that part of the amount claimed is due, the amount so admitted to be due shall be paid as a condition precedent before any defense shall be heard by any court.

Sec. 7.3. Scope of improvement assessment.

(a) Cost assessed against abutting or other property and the owners thereof for sewer, sidewalk, street, alley, recreational path, way, or street curbing shall, except as otherwise provided by this act, include all cost of such improvement, including necessary engineering, surveying, ditching, back filling, grading, blasting, dynamiting, pipe, and all other labor and materials, and shall include tearing up and reconstructing, re-paving, repairing and replacing of sewer, sidewalk, street, alley, recreational path, way, or street curbing, and extending, relocating and regrading for any of these, to the private property line of the property assessed.

(b) Expense of maintenance and repairs of street, alley, recreational path, or way shall not be assessed against abutting real estate, but cost of maintenance and repairs of sidewalks, curbing and service sewers may be so assessed.

Sec. 7.4. Lien for improvement cost.

(a) To secure costs of sewer, sidewalk, street, alley, recreational path, way, or street curbing assessed against abutting or other real estate and the owners thereof, and costs of repair of any of these, said city shall have a lien against such abutting real estate and the owners thereof, or against the real estate and the owners thereof for the primary benefit of which such improvement is made, from the date of adoption of the ordinance providing for the work and assessing the cost, which lien shall be prior and superior to all other except state, county and city taxes, and said city shall have the right to sell and transfer all such liens and claims to third parties, who shall be protected by the same lien and rights as the city has and holds against such property and the owners thereof.

pay the cost in full for paving or otherwise improving such street, alley, recreational path, or way between their tracks and two (2) feet on each side thereof.

(b) Any bus company or other public transportation company shall also be liable for such street taxes as the council may lawfully impose.

ARTICLE VIII. MUNICIPAL COURT

Sec. 8.1. Creation. (a) There is hereby established a court to be known as the "Municipal Court of Peachtree City" which shall have jurisdiction and authority to try offenses against laws and ordinances of said city and to punish for a violation of the same.

(b) This court shall have the power

(1) to enforce its judgments by the imposition of such penalties as may be provided by law;

(2) to punish witnesses for nonattendance, and to punish also any person who may counsel or advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before said court, to go or move beyond the reach of the process of the court;

(3) to try all offenses within the territorial limits of Peachtree City constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to the extent of and in accordance with the provisions of such laws and all laws subsequently enacted amendatory thereof;

(4) to establish bail or recognizance to insure the presence of those charged with violations and to prescribe the conditions of forfeiture of the same; and

(5) to administer oaths and to perform all other acts necessary and proper to the conduct of said court.

(c) The presiding officer of such court shall be known as the judge.

(d) Said court shall be convened at such times as designated by ordinance or at such times as deemed necessary by the judge to keep current the dockets thereof.

(e) The court shall sit at a place designated by the council.

Sec. 8.2. Judge.

(a) No person shall be qualified or eligible to serve as judge unless he shall have attained the age of twenty-one (21) years, and shall not have been convicted of a crime involving moral turpitude.

(b) No person shall be qualified or eligible to serve as judge unless he shall be a licensed member of the Georgia State Bar, in good standing, who is also licensed to practice law in the State of Georgia.

(c) Neither the mayor, any member of council, appointed officer, nor any employee of Peachtree City shall be qualified or eligible to serve as judge.

(d) The judge shall be appointed by the city council and shall serve at the discretion of the city council. The compensation of the judge shall be fixed by the city council.

(e) The judge pro hac vice shall serve in the absence or disqualification of the judge; shall have the same qualifications as the judge; and shall be appointed by the city council.

(f) Before entering on duties of his office, the judge or judge pro hac vice shall take an oath before the mayor or mayor pro tem, that he will truly, honestly and faithfully discharge the

duties of his office to the best of his ability without fear, favor or partiality. This oath shall be entered upon the minutes of the meeting of the mayor and council.

Sec. 8.3. Jurisdiction.

(a) Unless a lesser penalty is provided by ordinance or a greater penalty is provided by general law, the judge shall have power to impose fines, costs and forfeitures for the violation of any law or ordinance of Peachtree City passed in accordance with this Charter as follows:

(1) to impose a fine in an amount not to exceed one thousand dollars (\$1,000.00) for each offense;

(2) to imprison offenders for a period of not more than six (6) months for each offense;

(3) to commit offenders to community service for not more than forty (40) hours per week for a period of not more than six (6) months for each offense; and

(4) to combine any one or more of these punishments in the discretion of the judge.

(b) Said judge shall not have the authority to inflict a greater punishment for contempt than to impose a fine of two hundred dollars (\$200.00) or imprisonment not exceeding ten (10) days, or any combination of the two.

(c) The judge shall be authorized to issue warrants for offenses committed within the corporate limits of Peachtree City, which warrants may be executed by any police officer of said city, and to commit the offenders to jail or admit them to bail or recognizance in bailable cases for their appearance at the next term of court of competent jurisdiction.

(d) The judge is hereby authorized to issue subpoenas to compel the attendance of witnesses to said municipal court, and to issue such other processes as may be necessary for the proper administration of said court.

(e) The municipal court shall also have concurrent jurisdiction with that of the magistrate over offenses against the criminal laws of the state committed within the corporate limits of the city.

(f) Except as may be herein otherwise specified, the judge is vested with all of the jurisdiction and powers as to the entire area within the corporate limits of Peachtree City.

(g) The municipal court is specifically invested with all jurisdiction and powers throughout the entire area within the corporate limits of the city granted by state laws generally to municipal courts and particularly such laws as authorized the abatement of nuisances.

(h) Said judge is hereby authorized to administer oaths.

Sec. 8.4. Right of judicial review of final judgments and sentences.

Any defendant who is dissatisfied with the judgment or sentence of the municipal court shall have the right to seek review of said judgment or sentence by filing a petition for the writ of certiorari in the superior court of Fayette County as provided by the general law of this state. Upon the filing of a notice of intention to petition for certiorari with the clerk of the municipal court in writing and within ten (10) days after the date of the final judgment, it shall be the duty of the judge of said court to assess a reasonable bond pending the review of the judgment of conviction, with such surety or sureties to be approved by the clerk of said court, and such bond, when filed and approved as provided herein, shall act as a supersedeas of judgment until the final judgment of the superior court.

Sec. 8.5. Court costs.

In all cases in the municipal court of Peachtree City, the costs incurred and allowable herein may be computed under the provisions of the laws of the State of Georgia fixing costs in the courts of said state or the city council may establish by ordinance a schedule of fees to defray the costs of operation. The council may also provide a uniform scale of costs of the clerk and police officers of said city for all services in the arrest and prosecution of offenders in the municipal court and in the issuance and collection of tax and other executions; and for their collections and payment into the city treasury.

Sec. 8.6. Rules for court.

With the approval of the mayor and council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the business of said court; provided, however, that the mayor and council may adopt in part or in toto the rules and regulations relative to the procedures to the operation of the superior courts under the general laws of the State of Georgia.

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.1. Existing Ordinances, Resolutions, Rules and Regulations.

All ordinances, resolutions, rules and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the city council.

Sec. 9.2. Existing Personnel and Officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges and powers shall continue beyond the time this charter takes effect until otherwise decided by the city council.

Sec. 9.3. Pending Matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city personnel or officers as may be provided by the city council.

Sec. 9.4. Severability.

If any article, section, subsection, paragraph, or sentence of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph and sentence be enacted separately and independent of each other.

Sec. 9.5. Gender.

The use of masculine pronouns in the charter shall include the feminine.

Sec. 9.6. Repealer.

All other laws and parts of laws in conflict with this charter are hereby repealed.

Sec. 9.7. Effective Date.

This charter shall become effective on its passage.

**CITY OF PEACHTREE CITY
PROPOSED CHARTER CHANGES / EXPLANATION**

DRAFT 5/24/01

CHARTER CHANGES	REASON
Sec. 1.1 Reincorporation; corporate powers. (a) <u>Peachtree City, in Fayette County, and the same is hereby incorporated as a city under the name and style of "Peachtree City", and as such constitutes inhabitants thereof, are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate of said state under the name and county style Peachtree City, Georgia, and by that name and style shall have perpetual succession.</u>	<i>Self-explanatory</i>
(d) <u>In addition, the city shall have all powers possible for a city to have as found in O.C.G.A. Sections 36-35-1 et. seq. and as may be amended, Title 36 of the Official Code of Georgia and as may be amended, and all other provisions under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.</u>	<i>This is a reference to the Home Rule powers and all other powers set forth in the state law.</i>
(e) <u>The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.</u>	<i>(see above)</i>
(f) <u>The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.</u>	<i>(see above)</i>

CHARTER CHANGES	REASON
Sec. 1.2. Corporate limits. (a) The corporate limits of said city shall be and are defined as follows: All that territory and the inhabitants thereof embraced and contained in the sixth land district of Fayette County, Georgia, being land lots numbered 24 to 63, inclusive, and all that territory and the inhabitants thereof embraced and contained in the seventh land district of Fayette County, Georgia, being land lots numbered 64 to 68, inclusive, and land lots numbered 90 to 103, inclusive, and land lots numbered 122 to 135 inclusive, and land lots numbered 155 to 162, inclusive, and such tracts and parcels as shall be incorporated within the corporate limits of said city pursuant to law. (1973 Ga. Laws, page 2821, § 1) Sec. 2.1 [Deannexation]. Any other provision of section 2 of this Charter notwithstanding, the following described property is hereby deannexed and excluded from the corporate limits of the City of Peachtree City: All that tract or parcel of land lying and being in land lot 155 and possibly in land lot 154 of the seventh land district of Fayette County Georgia and being that 5.813 acres of land shown on a plat of survey dated 7/29/83, prepared by Lum C. Hall, registered land surveyor for Robert L. House and being more particularly described as follows: BEGINNING at an iron pin on the eastern side of State Highway 74, 1295.65 feet south of the southeast corner of Highway 74 and Crabapple Lane; running thence South 03 degrees 01 minutes 25 seconds West along the eastern side of State Highway 74, 420 feet to an iron pin; running thence South 85 degrees 35 minutes 04 seconds East 648.30 feet to an iron pin; running thence North 00 degrees 02 minutes 32 seconds East 375 feet to an iron pin; running thence North 81 degrees 24 minutes 35 seconds West 631.58 feet to the point of beginning. (1993 Ga. Laws, page 4380, § 1) Sec. 3. <u>boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be described in an ordinance adopted by city council and shall be shown on a map to be retained permanently by the city clerk, or his successor.</u>	<i>This is to simplify the description of the city limits. The description will now be placed in an ordinance which will be easier to administer.</i>
<u>(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supercede for all purposes the earlier map or maps which it is designated to replace.</u>	<i>Self-explanatory</i>
ARTICLE II. GOVERNING BODY; DEPARTMENTS; APPOINTIVE OFFICERS Sec. 2.1. Governing body; composition, quorum, meetings. (a) The government of said city shall be vested in a mayor and four (4) councilmembers, initially appointed and thereafter chosen as hereinafter provided, in such other officers and employees as are provided for by this act required under the terms of the charter, and in such other officers and employees as the mayor and councilmembers consider necessary and proper to appoint and employ as hereinafter provided.	<i>This reflects that the city government is composed of elected officials and professional staff.</i>
<u>(b) The chief administrative and operational officer of the city shall be the city manager.</u>	<i>This reflects the true organization of the city.</i>

CHARTER CHANGES	REASON
(d) <u>Except as otherwise set forth below, the mayor and three (3) councilmembers, or four (4) councilmembers without the mayor, shall constitute a quorum of the city council. Less than a quorum may meet and compel the attendance of absentees as provided by ordinance. In the event the office of mayor and one or more offices of council shall become vacant or more than one office of council shall become vacant, then a quorum shall be the mayor and two (2) councilmembers, or three (3) councilmembers without the mayor. If two or more offices of council shall be vacant simultaneously or if the office of mayor and one or more offices of council shall be vacant simultaneously, then all of the remaining members of the council may meet to appoint persons to fill vacancies on the council, set the date for a special election and qualification thereof, and, if necessary, appoint a provisional mayor pro tem.</u>	<i>This provides for a quorum of three (3) in the event one or more seats are vacant, and provides the council with the ability to hold elections or make appointments if a quorum does not exist because of vacancies.</i>
Sec. 2.2. Eligibility qualifications of mayor and councilmembers. No person shall be eligible to hold the office of mayor or <u>councilmember</u> of said city unless he or she is twenty-one (21) years of age and is a qualified elector of said city who shall have continuously resided and maintained his or her domicile therein for at least six (6) months immediately preceding his or her election. <u>Except as authorized by law, the mayor and councilmembers shall not hold any other city office or city employment during the term for which each such person was elected unless the mayor or councilmember affected shall first resign.</u>	<i>This reflects the current state law.</i>
(9) to inspect or cause to be inspected by one or more of the councilmembers of said city the records and books of accounts of the officers of said city and see that they are properly and correctly kept to require such reports to be made by such officers, <u>city staff</u> and <u>given</u> to the council as he may deem proper;	<i>Self-explanatory</i>
(10) to see that order is maintained in said city and that its property and effects are preserved. The said mayor shall exercise general supervision and jurisdiction over the affairs of the said city; shall have authority	<i>Moved to the next paragraph.</i>
<u>Subject to the limitations contained in this Charter, the said mayor shall exercise general supervision and jurisdiction over the affairs of the said city; however, the responsibility for the daily operation and administration of the city shall be delegated to the city manager who shall report on such activities to the mayor and councilmembers as hereinafter provided.</u>	<i>This reflects the true operation of the city.</i>

CHARTER CHANGES	REASON
Sec. 2.4. Authority of mayor to vote; veto power; overriding veto. The mayor shall be entitled to vote on all questions before the city council. Every ordinance and resolution passed and every election of an officer or employee by the council shall be subject to the veto of the mayor, except in those circumstances where the vote of the mayor was necessary for passage. In order to veto, the mayor shall, within four (4) days, write out his objections to such resolution, ordinance, or election; and the council shall, at the next regular or called meeting at which a quorum shall be present, order said objections entered in the minutes and take a vote on the question as to whether said ordinance, resolution, or other action shall be adopted over said veto. If three (3) councilmen vote in the affirmative, said resolution, ordinance or other action shall stand affirmed and shall become effective without the approval of the mayor; otherwise, it shall not. The "ayes" and "nays" shall in all cases be entered on the minutes. (1985 Ga. Laws, page 4202, § 1) Sec. 8. Designation of mayor and councilmen originally]. There be and is hereby designated and named Joel H. Cowan, as mayor of said city and R. H. Huddleston, R. Hugh Huddleston, John E. Robinson and J. A. Pollard, as councilmen of said city who shall immediately take office upon the approval of this act as hereinafter provided upon taking oath of office herein prescribed, which said officers shall hold the respective office to which appointed until their successors are elected and qualified at an election held in said city as provided in section 9 of this act or until a vacancy should occur as provided in section 10 of this act.	<i>The veto power is basically worthless under our system of procedure</i>
Sec. 2.5. Duties of mayor pro tem. <u>The mayor pro tem shall discharge the duties and exercise the powers and authority of the mayor in the absence, disability or disqualification of the mayor and during a vacancy in the office of mayor provided his rights and duties as councilmember shall remain unimpaired, except he shall not receive the salary or expense of a councilmember while receiving the salary and expense of mayor when there is a vacancy in the office of mayor.</u>	<i>Identifies the duties of the Mayor Pro Tem</i>
Sec. 2.6. Duties of councilmembers. <u>Councilmembers shall work with the mayor in establishing city policies, drafting ordinances, handling budgetary matters, and addressing any other matters which come before city council in order to carry out the powers and responsibilities as enumerated in Sec. 1.1.</u>	<i>Identifies the duties of the Councilmembers</i>
Sec. 2.7. Date of municipal general election; election of mayor and councilmembers, post designation; assuming office; term; oath. (a) <u>Pursuant to the law commonly referred to as the Georgia Municipal Election Code, the municipal general election shall be conducted on the first Tuesday of December of each year except that after January 1, 1993, municipal general elections shall be held on the Tuesday next following the first Monday in November of odd numbered years each year.</u>	<i>This reflects the true date of election</i>

CHARTER CHANGES	REASON
(b) For the purposes of electing councilmembers, positions on the council shall be numbered as posts 1 through 4, respectively. Successors to those councilmen from posts 1 and 2 whose terms of office expire on the date of the first scheduled meeting of the council in 1993, shall be elected at the municipal general election in 1992, shall take	<i>Changes explained in sections (c) and (d) below.</i>
(c) <u>In 1992, Peachtree City altered the length of the mayor and councilmembers' terms from two years to four years. After a period of transition, the elections for posts 1 and 2 are held every four years from 1995 forward. The elections for mayor and posts 3 and 4 are held every four years from 1993 forward. All persons elected shall assume office on the date of that first scheduled meeting of the council which is held in 1993, and shall serve for terms of office of three (3) years each. Successors to the mayor and to those councilmen from posts 3 and 4 whose terms of office expire on the date of the first scheduled meeting of the council in 1994 shall be elected at the municipal general election in 1993, shall take office on the date of that first scheduled meeting of the council which is held in 1994, and shall serve for terms of office of four (4) years each. Thereafter, successors to the mayor and each councilman whose term of office is to expire shall be elected at the municipal general election immediately preceding the expiration of such term, shall take office at the first scheduled meeting of the council held first meeting in January following their election, and shall serve for terms of office of four (4) years each. Each person elected as mayor or councilman shall serve the terms specified in this paragraph and until the election and qualification of such person's respective successor, except in the case of special elections when such elected official shall assume office at the first meeting following the certification of the election.</u>	<i>This provides a history of how the city arrived at the four-year terms and the years of elections. The transition language which was needed is no longer necessary, and was thus deleted.</i>
(d) After January 1, 1993, any mayor or councilmember who has been elected for two (2) consecutive four-year terms under the provisions of this Charter shall not be eligible to be elected for the <u>succeeding term same position of mayor or councilmember for the succeeding term</u>; however, nothing contained herein shall prevent a person who has <u>served as mayor for two (2) consecutive four-year terms to be eligible and qualified to be elected for a position as councilmember for the succeeding term. Likewise, nothing contained herein shall prevent a person who has served as councilmember for two (2) consecutive four-year terms to be eligible and qualified to be elected for a position as mayor for the succeeding term.</u>	<i>This clarifies the intent of the mayor and council as expressed in the first meeting of January, 1992, when the term limitations became law.</i>

CHARTER CHANGES	REASON
(f) Candidates elected to office shall on or before the day of assuming office qualify by taking and subscribing before <u>the municipal judge, the mayor, or some other officer authorized by law to administer oaths, the following oath: "I do solemnly swear or affirm that I will well and truly perform the duties of (mayor) (mayor pro tem) (or councilmen as the case may be) councilmember) of Peachtree City by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of Peachtree City and the common interest thereof that I will support and defend the Charter and ordinances thereof as well as the constitution and laws of the State of Georgia and of the United States of America. So help me God."</u> Such oath shall be filed with the city clerk, who shall record the same upon the minutes of the meeting of the council of Peachtree City, next following such filing, unless such oath is filed during a regular meeting of the said council in which latter case such oath shall be recorded upon the minutes of the meeting then in session.	<i>The new oath accomplishes the goals of the state law.</i>
Sec. 2.8. Filling vacancies on council (a) In the event that the office of mayor, or the office of any one or more of the councilmembers shall become vacant by death, resignation, removal or otherwise, <u>and said vacancy or vacancies are for unexpired terms of twelve (12) months or less, then said vacancy or vacancies may be filled by appointment and selected by majority vote of the city remaining members of the mayor and council, in the case of vacancies in said council, and by the councilmembers in the case of a vacancy in the office of mayor.</u>	<i>This clarifies when appointments may be made, which is a reflection of state law.</i>
(b) <u>Persons so selected shall be duly qualified to fill such vacancies for the unexpired terms provided it does not exceed twelve (12) months, except that should.</u>	<i>Self-explanatory.</i>
(c) <u>Unless provided otherwise by ordinance, the mayor, or in the case of a vacancy in the office of mayor, the mayor pro tem, shall determine the procedure for council to follow in the appointment process; provided, however, that such procedure shall comply with the laws of the state and of the United States and, further, provided that such procedures are given to the members of council at least ten (10) days before the meeting during which such appointment is to be made.</u>	<i>This allows for flexibility but ensures all Councilmembers have been informed of the procedure.</i> <i>Any procedure adopted as an ordinance would still allow for procedural changes while requiring a majority vote of Council to do so.</i>
(d) <u>Should such vacancy occur prior to January 2, 1962, such twelve (12) month limitation shall not be applicable. On or after January 2, 1962 should such period or vacancies exceed twelve (12) months then a special election shall be called to determine the person who shall fill the unexpired term. The date of such special election shall comply with the laws of the state and of the United States. In the event of such vacancy or vacancies which exceed twelve (12) months, the city council may appoint an individual or individuals to fill such vacant office or offices until the date of the next available election. In no event shall any appointment be for a period exceeding one year.</u>	<i>This sets forth the requirement for a special election (reflecting state law), but also provides the council with the ability to appoint a Councilmember in an effort to coordinate the special election with another election.</i>

CHARTER CHANGES	REASON
Sec. 2.9. Declaration of vacancy in office of mayor or councilmember. Should the mayor or any member of the council fail or refuse to perform the duties of his office for the term of three (3) consecutive months, or should any officer-elect refuse to qualify, the office may be, in the discretion of the <u>majority of the</u> remaining members of the council, declared vacant and the vacancy filled as above provided.	<i>Self-explanatory.</i>
Sec. 2.10. Compensation of mayor and councilmembers as fixed; expenses of office allowable. (a) The mayor shall receive an annual salary and each councilmember shall receive such annual salary as shall be reduced <u>established by ordinance</u> during the preceeding term for which such official shall have been appointed or elected. Said salaries shall be paid in twelve (12) equal monthly installments on <u>or before</u> the last day of each month.	<i>Self-explanatory.</i>
(b) In addition to their salaries, each councilmember may be reimbursed for actual out of pocket expenses incurred on behalf of the city <u>as provided by ordinance</u>.	<i>An ordinance could limit individual expenditures</i>
Sec. 2.11. Organization of council; mayor pro tem; provisional mayor pro tem. (b) Before entering on the discharge of his duties the mayor pro tem shall, in addition to the oath taken as councilmember, take and subscribe the oath prescribed for mayor <u>pro tem</u>.	<i>Self-explanatory</i>
<u>Sec. 2.11. Organization of council; mayor pro tem; provisional mayor pro tem.</u> (a) <u>The city council shall at its organizational meeting and thereafter at its first regular meeting in January of each year, elect one of its members mayor pro tem for a term of one year.</u> (b) <u>Before entering on the discharge of his duties the mayor pro tem shall, in addition to the oath taken as councilmember, take the oath prescribed for mayor pro tem.</u> (c) <u>In case neither the mayor nor mayor pro tem can attend to or discharge the duties of mayor, whatever the cause, the city council shall elect a provisional mayor pro tem to act until a mayor or mayor pro tem can act, from its membership, who shall take the same oath and be clothed with all of the rights, power and authority of mayor until a mayor or mayor pro tem can act.</u>	<i>Self-explanatory</i>
Sec. 2.12. Council Interference with Administration. <u>The city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager except for purposes of gathering needed information which is of routine matters or is the type of information which such officers and employees can easily and quickly assemble. Except as provided above, the city council and its members shall not give orders directly to such officers and employees, either publicly or privately, but shall coordinate all orders and instructions through the city manager.</u>	<i>Self-explanatory</i>

CHARTER CHANGES	REASON
Sec. 2.13. Appointment of officers by council; removal; salaries as fixed}. The city {council} shall at its organizational meeting and thereafter at its regular meeting in January <u>the discretion of each year city council</u> appoint a clerk. They may also appoint a chief of police, fire chief, city engineer, building official, public works director, recreation director, and a librarian, and such other officers as may in their judgment be necessary to the best interest of the city, a city attorney, a city auditor, a city judge, a city manager and any other city positions as required by ordinance. Such appointed officers <u>individuals</u>, after their initial appointment, need not be reappointed on an annual basis but shall serve subject to the pleasure of the mayor and council and may be removed from office by the council at any time upon a showing of cause in accordance with the then-existing city personnel policies; provided, further, that the mayor may suspend any official <u>such individual</u> pending a meeting of the council to make a formal decision on the appropriate action to take <u>termination.</u> Any officers appointed pursuant to this section will	<i>This relieves the administrative task of appointing numerous individuals to fill certain positions every January. All officers of the city serve subject to the pleasure of the mayor and council, and such appointments are now made at the discretion of the city council.</i> <i>The final change provides flexibility to Council on taking actions other than termination.</i>
Sec. 2.14. City Clerk. The city council shall appoint a city clerk who shall not be a councilmember. <u>The city clerk shall be the custodian of the official city seal and city records; maintain city council records as required by state law or by ordinance; and perform such other duties as may be required by the city council. The city clerk shall report to the city manager and shall be subject to all of the termination procedures therein and contained in rights, privileges and obligations of the city's personnel policies.</u> The salaries of the officers provided for in this section shall be such as may be prescribed by ordinances of said city council. The said; however, the city clerk can be terminated or removed from such position only by the city council. The city council may appoint the city manager to serve as the city clerk.	<i>This sets the dates of the city clerk and definitively establishes that the city clerk may only be terminated by city council.</i>
Sec. 2.15 City Attorney. <u>The city council shall appoint a city attorney, which may be a law firm, and shall provide for the payment of such attorney for the services rendered to the city. The city attorney shall be responsible for the representation and defense of the city in all litigation in which the city is a party and will coordinate such representation with all attorneys provided to the city through applicable insurance contracts, if any; shall be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney.</u>	<i>The City Attorney's position is not mentioned in the charter or ordinances. Since the person is appointed by city council, it has been placed in the charter.</i>

CHARTER CHANGES	REASON
Sec. 2.16 <u>City Auditor.</u> <u>The city council shall appoint a city auditor who shall be a certified public accountant or accounting firm to ensure that the city's financial records are kept appropriately and according to the laws of this state and of the United States. The city auditor shall conduct an annual independent audit of all city accounts, funds and financial transactions. The audit shall be conducted according to generally accepted auditing principles.</u>	<i>(see above)</i>
Sec. 2.17 <u>City Judge.</u> <u>The city council shall appoint a city judge pursuant to the requirements of Section 8.2.</u>	<i>The city Judge position is discussed at length in Article 5; however, for ease of reading and understanding the charger, the city Judge position is discussed briefly here.</i>
Sec. 2.18. <u>City Manager.</u> <u>The mayor and council shall appoint and contract with a city manager who shall serve subject to the pleasure of the mayor and council for a term as set forth in the contract and according to state law. The title of such officer shall be city manager of the city. His salary shall be determined by the mayor and council and included as a part of the contract. Such officer shall be the chief administrative and operational officer of the city and shall perform such executive duties as may be delegated by the mayor and council. The city manager's job performance shall be evaluated and subject to review annually by the mayor and council.</u>	<i>The City Manager's position was elevated from the ordinances to the charter because he is appointed by the city council</i>
Sec. 2.19. <u>Officers elected by council to perform described duties and give bond.</u> <u>All officers elected officials appointed by said council shall discharge such duties in addition to those prescribed in this act as are, or may be, prescribed by ordinances of said council and shall give such bonds for the faithful discharge of their respective duties as said council may require; provided, the surety on the bond shall be a duly authorized guaranty or surety company, qualified to transact business in this state.</u>	<i>Self-explanatory</i>

CHARTER CHANGES	REASON
Sec. 2.20. <u>Police department.</u> <u>The city council shall create a police department which department shall consist of a chief of police and such other police officers as the city council shall provide—by ordinance. It. Subject to the requirements of the laws of the state and of the United States, it shall be the duty of the chief of police and the police officers to make arrests, within and without the limits of said city of all persons violating any ordinance of said city, and to make arrests of all persons who have violated the penal statutes of this state or of the United States, either with or without warrant or summons therefore. They shall have power to release all persons upon such bond as may be prescribed by such ordinances. Said police force shall be so uniformed and armed as to be readily recognized by the public as peace officers, the arms and uniform to be furnished by the city and to remain the property of the city.</u>	<i>Self-explanatory</i>
2.21. <u>Fire department.</u> <u>The city council shall create a fire department which shall consist of a chief and such other officers as the city council shall provide. It shall be the responsibility of this department to provide the citizens of the city protection from fires and other such hazards as the city council shall deem appropriate. Additionally, the fire department may offer emergency medical services to the citizens of the city as deemed appropriate by the city council.</u>	<i>Council wanted the Fire Department placed in the charter.</i>
Sec. 2.22. <u>Other divisions and departments; employees thereof.</u> <u>The city council shall be and it is hereby authorized, without any further specific authorization on the part of the General Assembly, to create by proper ordinances such other divisions and departments and to prescribe their functions and the duties of the affairs and employees of such departments as it may deem necessary and for the best interest of the residents of Peachtree City.</u>	<i>Self-explanatory</i>
Sec. 3.2. <u>Voting by person not qualified.</u> <u>Any person voting at any election of said city who is not a qualified voter according to the provisions of this Charter, shall be guilty of a misdemeanor, and upon conviction e shall be punished as prescribed in the penal code of this state.</u>	<i>Self-explanatory</i>

CHARTER CHANGES	REASON
Sec. 23.[Opening and closing of polls; certifying election results]. The polls for the holding of all elections in and for Peachtree City shall be open at 7:00 o'clock a.m. and shall remain open until 7:00 o'clock p.m. Eastern Standard Time or such other time as shall hereafter be prescribed as the official time of the State of Georgia. The managers of each election shall certify the results thereof to the council who shall in the presence of and together with the several managers consolidate the returns of said election and declare the results thereof and who shall record same on the minutes of the council, and said record shall be the evidence of the results of said election<u>3.3. Applicability of General Law.</u> <u>All primaries and elections shall be held and conducted in accordance with the Georgia Municipal Election Code (Title 21, Chapter 3 of the Official of Georgia Annotated) as now or hereinafter amended.</u>	<i>This was changed to reflect the state law requirements.</i>
ARTICLE IV. TAXATION; LICENSES<u>Sec. 24.[General purpose and bond sinking fund ad valorem taxes authorized]. For; BORROWING</u> <u>Sec. 4.1 Property Tax.</u> <u>The city council may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues for the support, operation and maintenance of said city and its affairs, including reserves for capital improvements, the to defray the costs of operating the city government, of governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.</u>	<i>The taxation and borrowing powers of the city were separated and listed individually for ease of reading and understanding.</i>
<u>Sec. 4.2 Millage Rate; Due Dates; Payment Methods.</u> <u>The city council, by ordinance, shall establish a millage rate for the city property tax with a due date as established by the Fayette County Tax Commissioner. The Fayette County Tax Commissioner shall be the official tax commissioner for the city; however, if the Fayette County Tax Commissioner fails or refuses to act as such, then the Director of Financial Services shall be the official tax commissioner for the city and shall have all the necessary duties and powers to carry out this position as permitted by law.</u>	<i>(see above)</i>
<u>Sec. 4.3 General Obligation Bonds.</u> <u>The city council shall have full power and authority to levy, assess and collect in each year for such general purposes, an ad valorem tax on all property, real, personal and mixed, including money, notes, stocks, bonds and other evidences of debt, money used in banking and every other species of property in said city, or owned or held therein, the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.</u>	<i>(see above)</i>

CHARTER CHANGES	REASON
Sec. 4.4 <u>Revenue Bonds.</u> <u>Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program or venture for which they were issued.</u>	(see above)
Sec. 4.5 <u>Short-Term Loans.</u> <u>The city, with the approval of city council, may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.</u>	(see above)
Sec. 4.6 <u>Lease-Purchase Contracts.</u> <u>The city, with the approval of city council, may enter into multi-year lease, purchase or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of section 36-60-13 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.</u>	<i>This was listed separately and such financing probability did not exist 40 years ago.</i>
Sec. 4.7 <u>Occupational, Business, and Other Taxes.</u> <u>The city council by ordinance shall have the power to levy such occupation, business, and other taxes as are not denied by law. The city council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawfully taxed by said city, which tax shall not exceed twenty five (25) mills on each dollar of taxable value, and in addition such annual ad valorem tax shall be levied on each dollar of taxable value of such property, subject to taxation for bond purposes, as may be necessary to produce amounts required and sufficient to provide a sinking fund lawful and may compel payment of such taxes as provided herein.</u>	<i>This section was drafted to reflect the current state law.</i>
Sec. 4.8 <u>Regulatory Fees; Permits.</u> <u>The city council by ordinance shall have the power to require businesses or practitioners doing business within the city to obtain a permit for such activity from the city and pay a regulatory fee for such permit. Such fees shall reflect the total cost to the city of regulating the activity, and if unpaid, shall be collected as provided herein.</u>	(see above)

CHARTER CHANGES	REASON
Sec. 4.9 Franchises. <u>(a) The city council shall have the power to grant franchises for the use of the city's streets for the purpose of paying the principal of an interest on the bonded indebtedness of said city as required by law. The ad valorem tax above authorized for general purposes and the bond sinking fund tax shall be levied by separate ordinances, and each shall specify the purpose for which the tax is levied, and all proceedings for collecting said taxes shall show the amount due on each of said tax levies. Sec. 25.[Authority to provide for tax returns, etc.] telephone companies, electric companies, electric membership companies, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city council receives just and adequate compensation therefor. The city council shall provide by ordinance for the returns and assessments of all taxable property in said city and provide suitable penalties for neglect or refusal to comply with the same. Sec. 26.[Return of property for taxation; ex officio tax commissioner and receiver]. All properties subject to taxation by said city shall be returned for taxation at their true and fair market value by the owners thereof or their duly authorized agents, to the clerk, who shall act as ex officio tax commissioner and tax receiver. Such returns shall be made by the taxpayer on or before April first of each year. If such properties are not returned by April first, or if returned at less than their fair market value, the clerk shall assess such properties at their fair market value from the best information obtainable as to their value for the taxable year, but such assessment shall not become final until twenty (20) days after such property owner shall be notified of said assessment by registered mail by said clerk. If the property owner is dissatisfied with such assessment as made, said owner shall file his objections in writing with registration of all franchises.</u>	<i>This section was added to clarify the city's authority to grant franchises.</i>

CHARTER CHANGES	REASON
(b) If no franchise agreement is in effect, the city council within such twenty (20) days from the date of the within notification and if no appeal is made within such twenty (20) day period the assessment of the tax commissioner shall be and become final. (1973 Ga. Laws, page 2821, § 5) Sec. 27.[Valuation of property for taxation; delinquency; collection]. All property subject to ad valorem taxation shall be assessed at forty (40) percent of its fair market value and taxed according to forty (40) percent of its fair market value and pursuant to O.C.G.A. § 48-5-353 by a levy of Peachtree City against such property. All ad valorem taxes shall be due and payable on December twentieth, in the year for which they are levied and assessed, and all taxes shall bear interest at seven (7) percent per annum from their due date, and said city shall have a lien upon all property of the taxpayer prior and superior to all other liens from the first day of January of the year for which such taxes are levied and assessed, except as otherwise provided by law. If such taxes are not paid on said due date then execution shall be issued in the name of the city by the clerk not later than fifteen (15) days thereafter and recorded on the general execution docket tax fi. fas. for taxes not paid when due, and proceed at once to advertise, levy and collect same as provided by law for collection of ad valorem taxes. At any such sale, the city shall have the right to purchase any such property so sold. Such tax fi. fas., however, may be sold and transferred by the clerk, with the approval of the council, for the full amount of taxes and accrued interest and costs. Said clerk, as ex officio tax commissioner and tax receiver, shall perform such other duties as may be incident to the office or the duties thereof, and such others as may be required by ordinance. (1973 Ga. Laws, page 2821, § 6) Sec. 28.[Bonding and insurance business tax and occupational and license tax authorized; tax on entertainments; street tax] <u>has the authority to impose a tax on gross receipts for the use of the city's streets for the purposes of railroads, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.</u>	<i>This protects the city if a company refuses to enter into a franchise agreement but continues to operate in the city.</i>

CHARTER CHANGES	REASON
Sec. 4.10 Collection of Delinquent Taxes and Fees. The city council shall have power and authority to levy, assess and collect a tax upon all bonding, insurance and other capital employed therein; to impose, levy and collect a specific or occupation tax and license against factors, bankers, agents, managers of give enterprises [sic], and all persons exercising an occupation, profession, trade, calling or business of any nature whatever within said city; provided, such tax or license is not in conflict with the laws of this state. The said council shall have power and authority to tax all theatrical performances, circuses, street parades, exhibitions, athletic events and all other kinds of shows, entertainments, and activities within the corporate limits of the city. It shall also have power and authority to levy and collect a street tax on every inhabitant of the city subject to road duty between the ages of eighteen (18) and fifty (50) years; provided, such street tax shall not exceed three dollars (\$3.00) per annum for each person; and provided, further, that such person may satisfy the same by working one day on the streets under the direction of the city authorities; and in case of a failure to do said work or pay said street tax, the police court may enforce the same by fine, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city by whatever means as are not precluded by law. This shall include providing for the dates when taxes or fees are due; late penalties or interest; issuance and execution or compulsory labor on the streets in the discretion of the recorder as may be provided by ordinance. Sec. 29. of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.	<i>This clarifies the city's power to collect delinquent taxes and fees.</i>

CHARTER CHANGES	REASON
Sec. 4.11. Authority to license, regulate and control business and other activities. Unless otherwise prohibited by law, the city council of said city shall have full power and authority to license, regulate and control all businesses and activities of every kind and character carried on within the corporate limits of said city, including, but not limited to markets, taverns, hotels, boardinghouses, cafes, restaurants, saloons for the sale of creams, ices and such articles, barbershops and beauty shops, ice plants, laundries, waterworks, swimming pools, recreation establishments, pool rooms, opera houses, theaters, picture shows, drays, hacks, taxis, wagons, automobiles used for hauling of any kind, and vehicles used for brokers, agents, auctioneers, itinerant dealers, immigrant agents, all fire or life insurance companies doing business in said city, traders of all kinds, itinerant dealers in merchandise, itinerant dealers in jewelry and medicine except such as are exempt by the laws of this state. Also any person running a flying jenny, flying horse, merry go round, shooting gallery, bicycle or skating rink and all circuses, side shows and all other shows or performances exhibiting in said city, and all persons, firms, companies or corporations, selling goods, wares and merchandise by sample advertisement of retail, or by wholesale, and all other businesses, callings or vocations which under the constitution and laws of this state are not exempt from licenses. Sec. 30. [Same—Ordinance, rules and regulations]. The council shall have full power and authority to provide, by ordinance, a tax or license ordinance for each of the businesses, occupations or professions, trades or vocations which, under the laws of this state, are subject to municipal license; classifications of different classes of businesses, occupations or professions; proration of the license fee or tax; to enact all other rules and regulations necessary and proper in the premises. (1973 Ga. Laws, page 2821, § 7) Sec. 31. [Revoking business unless prohibited from doing so by law.	<i>This reflects current stat law and eliminates antiquated businesses. The language was written in a general manner so that it will not become antiquated as businesses, and types of businesses, may change.</i>
Sec. 4.12. Revoking licenses and prohibiting operation. (a) Unless otherwise prohibited by law, the city council of said city may revoke the license of, or prohibit the operation of, any business or establishment for which a license may have been issued, in the event the same becomes a nuisance or is dangerous, hazardous or injurious to the health or morals of the inhabitants of said city and in case of such license shall be refunded. But no license shall be revoked.	<i>The changes improve the readability of this section.</i>
(b) <u>No revocation or prohibition shall occur</u> without giving written notice to the person, firm or corporation conducting such business, said notice stating the reasons why such license is being <u>revoked or prohibition is occurring</u>, and affording such person, firm or corporation an opportunity to be heard on the question before the said council, the said notice setting forth the time and place of the hearing on the revocation of such license or prohibition. At said hearing the person holding said license <u>or conducting said business</u>, or the firm or corporation holding <u>or conducting the same</u>, may submit to said council whatever evidence he may desire touching upon the question of revocation of such license <u>or prohibition of such business</u>.	(see above)
(c) The decision of the city council revoking any such license <u>or prohibiting such business</u> shall be final.	(see above)

CHARTER CHANGES	REASON
ARTICLE V. PERSONNEL Sec. 5.1. <u>Position Classification and Pay Plans.</u> <u>The city manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan.</u>	<i>This reflects the recent adoption of the pay plan.</i>
Sec. 5.2. <u>Personnel Policies.</u> <u>All employees serve at-will and may be removed from office at any time unless otherwise provided in this charter, by ordinance, or by adopted personnel policies.</u>	<i>This reiterates the fact that all city employees serve at-will and do not have a property interest in their jobs.</i>
Sec. 5.3. Social security, hospitalization and workmen's compensation benefits for employees authorized. <u>The city council shall be authorized to provide insurance, retirement, and other pension benefits, coverage under federal old age and survivors insurance programs, hospitalization benefits and workmen's compensation benefits for its employees, their dependents and survivors, and shall be authorized to expend funds of said city. The city council shall be authorized to provide for social security benefits for its employees as provided by the laws of the United States.</u>	<i>This reflects the current compensation package paid by the city and eliminates antiquated language.</i>
ARTICLE VI. COUNCIL POWERS AS TO ANIMALS, EMINENT DOMAIN AND STREETS Sec. 6.1. Council powers as to animals and fowl. <u>The city council of said city shall have the power and authority to prevent horses, mules, eattle, hogs, sheep, dogs, goats and all other animals or fowls (1) to prevent all animals and fowl from running at large in said city, and;</u>	<i>Self-explanatory.</i>
<u>(2) to prevent and prohibit the keeping of eattle grazing, hogs herd, and goats other traditional farm animals within the city limits, or to regulate the manner in which they must be kept if allowed to remain.</u>	<i>Self-explanatory.</i>
<u>(4) to sell such animals as referred to above when the owner or owners of such animal or animals so impounded, shall fail or refuse to pay the impounding fee and cost of keeping said animal or animals, said animal or animals may be sold at public outcry and the proceeds applied to the payment of said feed and cost of keeping said animal or animals; or</u>	<i>Self-explanatory.</i>

CHARTER CHANGES	REASON
(c) Without limiting the generality of the foregoing the city shall have full and complete power and authority to exercise the power of eminent domain to acquire rights to take water from navigable and nonnavigable streams and from lakes and other places within and without the corporate limits of said city and within and without the County of Fayette; and to exercise such power of eminent domain to acquire land or any interest therein, within and without the corporate limits of said city and within and without the County of Fayette, necessary for water, sewer and electric lines, <u>other utilities</u>, gas pipe lines and airport property and facilities, together with the usual and necessary appurtenances therefor, or such land or any interest therein necessary in order to lay out, grade, open, pave, straighten, maintain, elevate, lower, improve and relocate, streets, lanes, sidewalks, alleys, <u>recreational paths</u>, and ways on, in, across, along, through, under or over private property, and property already devoted to public use, and particularly Fayette County School District property; and also under, over or across the rights-of-way of public utility companies, such as railroad, express, telephone, telegraph, electric, gas, street railway, trackless trolley and bus companies <u>railroads</u>, and all others having the right to acquire private property by exercise of the power of eminent domain or any similar power.	<i>Self-explanatory.</i>
Sec. 6.3. Street powers. (a) Said city shall have full and complete power and authority to open, lay out, grade, widen, construct, pave, re_pave, curb, and otherwise permanently improve any and all <u>publicly owned</u> streets, sidewalks, <u>alleys</u>, <u>recreational paths</u>, and ways, and to maintain, relocate, repair, re_pave, extend, abandon or close them, and to construct, maintain, repair, replace and remove street curbing, <u>streets</u>, sidewalks, alleys, <u>recreational paths</u>, or ways.	<i>The language was changed so that each section now refers to publicly owned streets, sidewalks, alleys, recreational paths, or ways.</i> <i>The term publicly-owned reflects city-owned streets while making allowances for approved improvements to other publicly owned properties such as State Highways 54 and 74.</i>
(b) (i) To provide funds for the purpose <u>of improving or removing</u> sidewalks, curbing and sewer, <u>the associated</u> construction costs, except costs of sewers which cannot serve the abutting real estate nor the owners thereof, may be assessed against the abutting real estate and owners thereof, but only on the side of the street on which such improvements are made, if on one side only.	<i>Self-explanatory.</i>
<u>(ii) To provide funds for these purpose of improving or removing streets, alleys and ways, one-third of the cost of street-associated construction costs</u> may be assessed against abutting real estate and owners thereof on one side of such street, and one-third (¹/₃) against abutting real estate and the owners thereof on the other side, the city paying the remaining third. In real estate subdivisions all street construction costs may be assessed against the abutting real estate and owners thereof.	<i>Self-explanatory.</i>

CHARTER CHANGES	REASON
<u>(iii) To provide funds for these purpose of improving or removing recreational paths, one-half of the associated construction costs may be assessed against the owners of and all real estate situated in a subdivision to which or in which such new recreational paths are constructed or removed. The city shall pay the remaining one-half.</u>	<i>This was added to provide a mechanism for assessing costs of adding recreational paths.</i>
ARTICLE VII. PUBLIC IMPROVEMENTS; ASSESSMENT Sec. 35.[Sewer cost assessment]. Cost of sewers shall not be assessed against abutting real estate which cannot be served or benefited by such sewers which are constructed solely for the benefit of other real estate or the owners thereof other than such abutting real estate; in which latter case, the cost may be assessed against the real estate to be served for which such sewer is constructed. Sec. 36.[Water line cost assessment]. The cost of water lines may be assessed against the abutting real estate and owners thereof when such lines are constructed solely for their benefit. Sec. 37.[7.1 Improvement assessment ordinance]. (a) Provision shall be made by ordinance for all sewer, sidewalk, street, <u>alley, recreational path, way,</u> or street curbing construction, maintenance or repairs if any part of the cost thereof is to be assessed against abutting or other real estate or the owners thereof.	<i>This was changed to reflect that the city does not install water lines and the language was changed to include alleys, etc.</i>
(b) <u>After the first reading of such ordinance, notice that it has been introduced shall be published one time by the city clerk in the legal organ of the city to official newspaper in which sheriff's advertisements for Fayette County appear at least eight (8) days before final passage of said ordinance. Said notice shall state that such ordinance has been introduced in the council and shall include a general description of the improvement, its location, estimated cost, and shall state that the actual cost or such part thereof as the ordinance provides, will be assessed against the abutting real estate and the owners thereof, or against such real estate and the owners thereof as shall be benefitted by such improvement, and that anyone objecting to such improvement, or objecting to the amount of his or her assessment may appear and make such objections at the next regular meeting of the council after the expiration of said eight (8) days. Notice shall also be sent by the city clerk via certified mail to the owners of such property at the street address of all real estate which is affected by the assessment. Receipt of the notice by the owner of the real estate is not required. Information concerning names of owners and street addresses obtained from the Fayette County Tax Commissioner's Office shall be deemed to be adequate for the purposes of providing this notice.</u> No other or further notice of any kind shall be required, but if some other notice is given or ordered to be given, failure to give such additional notice shall not invalidate such ordinance or the assessment of such costs or the lien herein created against such abutting or other real estate nor the ordinance assessing the costs of such improvement. The second reading of such ordinance shall not be waived until the expiration of said eight (8) days after said publication of notice required by this section. But after the expiration of said eight (8) day notice such ordinances may be taken up and adopted at any regular meeting of the council without further notice.	<i>Notices should appear in the city's designated legal organ.</i> <i>A new notice provision was added so that information was more likely to reach the affected property owners.</i>

CHARTER CHANGES	REASON
Sec. 7.2. <u>Improvement assessment against public property.</u> When the city council orders any sewer, sidewalk, street, alley, recreational path, way, or <u>street curbing</u> paved or otherwise improved, upon which any public property abuts, the city council shall assess the cost of such improvements against said public property in the same manner and to the same extent as it does where private property is assessed. And when any street-sewer, sidewalk-or, street, alley, recreational path, way, or street curbing is paved or otherwise improved upon which public property abuts and the public officer or agency controlling such public property fails or refuses to pay the assessed cost of such improvements the city council shall enforce payment of the same by levy and sale, mandamus or other appropriate legal proceedings; provided, such action for collection of the assessed cost of such improvements upon which public property abuts may be defended by the authorities in control of said public property by proving that the amount claimed to be due, or some part thereof, is not justly due or owing by said authorities; and, provided further, that when any action is begun and said authorities admit that part of the amount claimed is due, the amount so admitted to be due shall be paid as a condition precedent before any defense shall be heard by any court.	<i>Self-explanatory.</i>
Sec. 7.3 Scope of improvement assessment. (a) To secure costs of streets-sewer, sidewalks, sewer-and-street, alley, recreational path, way, or street curbing assessed against abutting or other real estate and the owners thereof, and costs of repair of any of these, said city shall have a lien against such abutting real estate and the owners thereof, or against the real estate and the owners thereof for the sole-primary benefit of which such improvement is made, from the date of adoption of the ordinance providing for the work and assessing the cost, which lien shall be prior and superior to all other except state, county and city taxes, and said city shall have the right to sell and transfer all such liens and claims to third parties, who shall be protected by the same lien and rights as the city has and holds against such property and the owners thereof.	<i>Self-explanatory.</i>
ARTICLE VIII. MUNICIPAL COURT Sec. 8.1. Creation (b) This court shall have the power (3) to try all offenses within the territorial limits of Peachtree City constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal or police courts to the extent of and in accordance with the provisions of such laws and all laws subsequently enacted amendatory thereof;	<i>Self-explanatory.</i>

CHARTER CHANGES	REASON
Sec. 8.2. Judge. (a) No person shall be qualified or eligible to serve as judge unless he shall have attained the age of twenty-one (21) years, and shall not have been convicted of a crime involving moral turpitude. The mayor, or any councilman, may serve as judge, or any person who shall be <u>(b) No person shall be qualified or eligible to serve as judge unless he shall be a licensed member of the Georgia State Bar, in good standing, who is also licensed to practice law in the State of Georgia.</u> <u>(c) Neither the mayor, any member of council, appointed officer, nor any employee of Peachtree City shall be qualified or eligible to serve as judge.</u>	<i>These changes reflect current state law and require the Judge to be a licensed member of the Georgia Bar who is licensed to practice law.</i>
<u>(f) Before entering on duties of his office, the judge or judge pro hac vice shall take an oath before an officer duly authorized to administer oaths in this state the mayor or mayor pro tem, that he will truly, honestly and faithfully discharge the duties of his office to the best of his ability without fear, favor or partiality. This oath shall be entered upon the minutes of the meeting of the mayor and council.</u>	<i>Self-explanatory.</i>
Sec. 8.3. Jurisdiction. (a) Unless a lesser penalty is provided by ordinance <u>or a greater penalty is provided by general law</u>, the judge shall have power to impose fines, costs and forfeitures for the violation of any law or ordinance of Peachtree City passed in accordance with this Charter, <u>as follows:</u>	<i>Self-explanatory.</i>
(2) to imprison offenders for a period of not more than twelve <u>six</u> (12-6) months for each offense;	<i>This reflects current law.</i>
or at labor on <u>(3) the roads and streets or other public works of said city to commit offenders to community service for not more than twelve</u> forty <u>(40)</u> hours per week for a period of not more than six <u>(42-6)</u> months for each offense; and	<i>This gives the Judge the power to order community service.</i>
<u>(4) to combine</u> any one or more of these punishments in the discretion of the judge.	<i>Self-explanatory.</i>
<u>(b) Said judge shall not have the authority to inflict a greater punishment for contempt than to impose a fine of one <u>two</u> hundred dollars (\$100 <u>200</u>.00) or imprisonment not exceeding twenty <u>ten</u> (20-<u>10</u>) days, or any combination of the two. He shall be to all intents and purposes a justice of the peace, so far as to enable him</u>	<i>This reflects the powers given to Superior Court Judges.</i>
<u>(c) The judge shall be authorized to issue warrants for offenses committed within the corporate limits of Peachtree City, which warrants may be executed by any police officer of said city, and to commit the offenders to jail or admit them to bail or recognizance in bailable cases for their appearance at the next term of court of competent jurisdiction.</u>	<i>Self-explanatory.</i>
<u>(d) The judge is hereby authorized to issue subpoenas to compel the attendance of witnesses to said municipal court, and to issue such other processes as may be necessary for the proper administration of said court.</u>	<i>Self-explanatory.</i>

CHARTER CHANGES	REASON
(g) The municipal court is specifically invested with all jurisdiction and powers throughout the entire area within the corporate limits of the city granted by state laws generally to mayors, municipal, police courts, and particularly such laws as authorized the abatement of nuisances.	<i>This reflects the terminology now used by the state law.</i>
Sec. 8.5. Court costs [compelling witness attendance]. In all cases in the municipal court of Peachtree City, the costs incurred and allowable herein may be computed under the provisions of the laws of the State of Georgia fixing costs in the justice of the peace courts of said state or the city council may establish by ordinance a schedule of fees to defray the costs of operation. The council may also provide a uniform scale of costs of the clerk and police officers of said city for all services in the arrest and prosecution of offenders in the municipal court and in the issuance and collection of tax and other executions; and for their collections and payment into the city treasury. The judge is hereby authorized to issue subpoenas to compel the attendance of witnesses to said municipal court, and to issue such other processes as may be necessary for the proper administration of said court.	<i>Self-explanatory.</i>
ARTICLE IX. LEGALGENERAL PROVISIONS Sec. 9.1. Existing Ordinances, Resolutions, Rules and Regulations. <u>All ordinances, resolutions, rules and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the city council.</u>	<i>Self-explanatory.</i>
Sec. 9.2. Existing Personnel and Officers. <u>Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges and powers shall continue beyond the time this charter takes effect until otherwise decided by the city council.</u>	<i>Self-explanatory.</i>
Sec. 9.3. Pending Matters. <u>Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city personnel or officers as may be provided by the city council.</u>	<i>Self-explanatory.</i>
Sec. 9.4. Severability. <u>If any article, section, subsection, paragraph, or sentence of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph and sentence be enacted separately and independent of each other.</u>	<i>Self-explanatory.</i>
Sec. 9.5. Gender. <u>The use of masculine pronouns in the charter shall include the feminine.</u>	<i>Self-explanatory.</i>

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council

VIA: City Manager 

FROM: City Engineer 

DATE: May 31, 2001

SUBJECT: Improvements to GA 54 & GA 74

At the May 17 City Council meeting, staff was directed to address concerns expressed regarding improvement projects on GA 54. Council cited the overall cost of improvements as it relates to the Council Contingency Fund Balance, possible reimbursement by the developer, and the implications of an imminent widening project by GDOT as considerations.

Staff then sought to reorganize the list of proposed improvements to GA 54 & 74 accordingly to more closely match objectives stated in the concerns expressed. Starting with an assumed budget range of \$350,000 to \$500,000, the projects were evaluated according to the cost of the project, its impact on Highway 54 traffic, and the life of the improvement. The costs can be estimated and the project life cycle quantified. However, the benefits are of a more qualitative nature and rely on using the level of service as the measure where available and where feasible. The resulting list therefore is prioritized as follows:

	Rank	Project Description	Estimated Cost	Cumulative Cost	LOS Improvement	Impacted by 54 Widening?	Assessment of Benefit
Short Range Projects	1	EB Right Turn Lane Extension: GA 54 @ Huddleston (250'). In addition to work assoc. with Wieland Project	\$85,000	\$85,000	F to D	No	Allows for more efficient use of the intersection.
	2	NB Right-Turn Lane on Huddleston (250')*	\$102,000	\$187,000	No Data	No	Keeps signal phasing shorter on Huddleston.
	3	SB Left-Turn Lane on GA 74 at GA 54 (add 250')	\$40,000	\$227,000	E to D	No	Keeps signal phasing shorter on GA 74.
	4	SB Right Turn lane on GA 74, from Longhorn Drive; Continue a through lane to Clover Reach.	\$150,000	\$377,000	E to C	No	Keeps signal phasing shorter on GA 74.
	5	NB 2nd Left Turn lane on GA 74 at GA 54*	\$55,000	\$432,000	E to D	No	Keeps signal phasing shorter on GA 74.
Short Range Projects Subtotal			\$432,000				
Long Range	6	Huddleston/Dividend Intersection Realignment*	\$175,000	\$607,000	No Data	No	Will encourage the use of Huddleston as an entrance to the industrial park.
	7	WB Left & Right Turn Lanes on GA 54 (new). Includes by-pass (Huddleston) and through lanes.	\$570,000	\$1,177,000	D to D	Yes	Increases capacity and reduces congestion caused by turning movements.
Total			\$1,177,000				

*Not reimbursable under the Development Agreement

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Jane Miller 

DATE: May 22, 2001

SUBJECT: Alcohol – NEW – Romano's Macaroni Grill

An application has been submitted for an alcohol license for Romano's Macaroni Grill, a new restaurant located at 200 Market Place Connector. Ms. Barbara Lynn Mahoney has requested that she be appointed as the Licensee and Mr. Nick Malegni has requested to be appointed as the License Representative. Please note that Mr. Malegni is an Area Director, not the restaurant Manager. Attached is a letter from Rick Lindsey addressing this issue. Currently, both Chilis and On The Border restaurants operate with an Area Director as the License Representative.

The application is attached for your consideration. Mr. Malegni will attend the meeting on June 7th to answer any questions you may have.

:gr

Attachments

WEBB, LINDSEY, COLLINS, JONES & WADE, LLC
Attorneys-At-Law

James H. Webb Jr. *
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Jonathan J. Wade

400 Westpark Court
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E-mail:
postmaster@webb-firm.com

Other licenses:
* Florida
** Illinois
*** Texas

Web Site:
www.webb-firm.com

May 9, 2001

Ms. Jane Miller
Director of Administrative Services and City Clerk
151 Willowbend Road
Peachtree City, Georgia 30269

re: Area Directors/Managers As Alcohol License Representatives

Dear Jane:

At least one of the restaurants operating in our city and currently licensed to sell alcoholic beverages has indicated that an area director is serving as its alcohol license representative for Peachtree City. This individual is not scheduled to work solely on the premises of the restaurant located in the city but supervises several restaurants in the local area. The area director is in the local restaurant on a regular basis and is normally in the restaurant four to five times each week but is not usually present in the restaurant for eight hours, five days a week. It is also your understanding that these area director positions are more stable than restaurant manager positions in that the turnover rate is lower. You have requested a formal opinion concerning the legal requirements of the license representative in order to determine if such a practice complies with our ordinances.

The applicable ordinance is found at Section 6-2, the definition section for the Chapter 6, Alcoholic Beverages. A *license representative* is defined as "a resident of the state and a manager of the business who is on the premises on a regular basis." The chapter does not include a definition for "manager" so I have looked to Webster's for guidance. *Manager* is defined by Webster's as "one that manages;" further, Webster's defines *manage* as "to exercise executive, administrative, and supervisory direction of." Thus, there is no requirement under the definitional section which would preclude the use of such area directors as license representatives PROVIDED such area directors are on the premises on a regular basis. These area directors/managers will have to comply with Section 6-116 (Responsibility of owner of license) and the requirements of Section 6-48 (Standards to be applied by city council in granting licenses).

Therefore, if the area directors/managers are on the subject premises on a regular basis and they are willing to comply with the requirements of Section 6-116 and the City Council believes that these individuals fulfill the requirements of Section 6-48, there is no legal impediment to allowing such area directors/managers from serving as the alcohol license representatives.

Best regards.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC



POLICE DEPARTMENT

350 South Highway 74 • Peachtree City, Georgia 30269 • 770-487-8866 • Fax: 770-631-2512



JAMES V. MURRAY
Chief of Police

State of Georgia

City of Peachtree City:

I, Chief of Police James V. Murray, for the City of Peachtree City, do hereby certify that:

Barbara Lynn Mahoney
Name

3806 Seminole Court, Carrollton, TX 75007
Address

has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal drugs within five (5) years prior to the date of the application for this license.

James V. Murray
Signature
May 23, 2001
Date

Major Mike Deffen
Witness



POLICE DEPARTMENT

350 South Highway 74 • Peachtree City, Georgia 30269 • 770-487-8866 • Fax: 770-631-2512



JAMES V. MURRAY
Chief of Police

State of Georgia

City of Peachtree City:

I, Chief of Police James V. Murray, for the City of Peachtree City, do hereby certify that:

Nick Malegni
Name

153 Eagle Glen Dr., Woodstock, GA 30189
Address

has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal drugs within five (5) years prior to the date of the application for this license.

James V. Murray
Signature
May 23, 2001
Date

Major Mike Decker
Witness



CITY OF PEACHTREE CITY
151 WILLOWBEND ROAD
PEACHTREE CITY, GA 30269
(770) 487-7657

C 177600

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: Romano's Macaroni Grill	Business Location: 200 Market Place Connector	30269 Peachtree City, GA
Nature of Business: Restaurant	Mailing Address: 6820 LBJ Frwy, Legal Dallas, TX 75240	Business Phone Number: 770/487-0379
Name of Licensee: Barbara Mahoney Brinker Georgia, Inc.	Home Address: 6820 LBJ Frwy Dallas, TX 75240	Home Phone Number: 972/980-9917
Name of License Representative: Nick Malegni	Home Address: 153 Eagle Glen Dr. Woodstock, GA 30189	Home Phone Number: 678/494-9460
Please indicate type of licenses applying for:		
Retail Consumption Dealer	Retail Package Dealer	Wholesale Dealer
XX Malt Beverage	Malt Beverage	Malt Beverage
XX Wine	Wine	Wine
XX Distilled Spirits	Distilled Spirits	Distilled Spirits
Please provide complete information according to type of business entity (use separate sheet if necessary):		
Individual - Owner Name: N/A	Home Address:	Phone Number:
Partnership - Partner's Names: N/A	Home Addresses:	Phone Numbers:
Close Corporation Name: N/A	Close Corporation Addresses:	Phone Number:
Officers of Close Corporation:	Home Addresses:	Phone Numbers:
Directors of Close Corporation:	Home Addresses:	Phone Numbers:
Stockholders of Close Corporation:	Home Addresses:	Phone Numbers:
Corporation Name: Brinker Georgia, Inc.	Corporation Address: 6820 LBJ Freeway Dallas, TX 75240	Phone Number: 972/980-9917
Name of GA Registered Agent named for service process: The Prentice-Hall Corp. Sys. Inc.	Home Address: 100 Peachtree Street Atlanta, GA 30303	Phone Numbers: unavailable
Is any person who will own an interest in the license/licenses an employee of the City of Peachtree City? No		

POSITION PAPER
Proposed Variance: Lot 54 Kedron Hills Subdivision
Director of Developmental Services
May 16, 2001

Situation:

Kenny Johnson Homes is building a new house on the northeast corner of Loring Lane and Portico Place in the Kedron Hills Subdivision (Lot 54, Phase I). Due to an error in laying out the foundation, the left front corner was discovered to encroach into the setback along Loring Lane. The builder has submitted a variance request to correct the encroachment (Attachment "A").

Facts:

1. The required front setback along Loring Lane is 50 feet. Based on a survey dated April 3, 2001, a corner of the house under construction on Lot 54 encroaches into that setback 3.1 feet (Attachment "B").
2. The builder of the house, Mr. Kenny Johnson, has submitted a letter explaining how the encroachment came about and why alteration of the house to correct the encroachment at this time would pose a hardship on both his business and his customer (Attachment "C").

Recommendation:

The Staff recommends approval of the variance. The encroachment is relatively minor; and, in addition, an unusual situation exists with respect to the Loring Lane right-of-way in front of Lot 54. It widens out from the standard 50-foot width to 80 feet at the intersection with Portico Place (Attachment "B"). This causes the setback to increase an extra 15 feet for Lot 54, and the increased setback is what caused the builder to misjudge the location of his foundation. It is not felt that this technical encroachment will in any way adversely affect the nearby property or the neighborhood.

JBW/cbb

Attachments "A" – "C"

**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: 300 Loring Lane, Peachtree City, GA 30269

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

Corner of garage is 3' over building line.

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:

- a. Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- b. Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- c. 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) Kenny Johnson Homes, Inc.

Address: 110 Bastille Way, Suite B, Fayetteville, GA 30214

Phone: (770) 460-6026

Signature: _____

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:

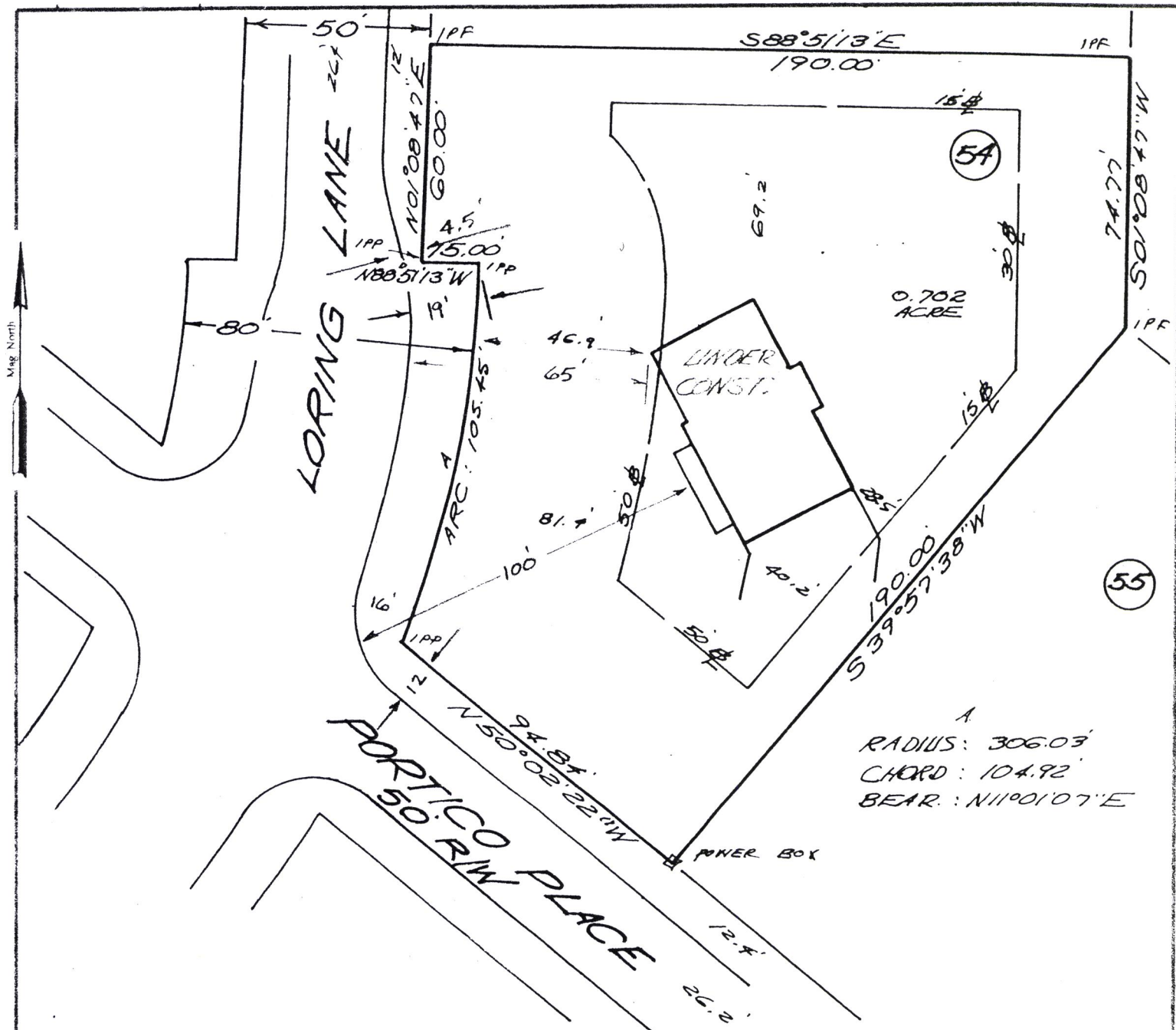
Signature: _____

Title: _____

ZONING ADMINISTRATOR

Date of Acceptance: MAY 1, 2001

Date of Public Hearing: JUNE 7, 2001



CLIENT: KENNY JOHNSON HOMES

PROPERTY ADDRESS: 300 Loring Lane

Lot 54, Phase I, Kedron Hills Subdivision

Land Lot 122, 7th. District, Fayette County, Georgia

DATE OF PLAT April 3, 2001

DATE OF SURVEY: March 30, 2001

ALVIN E. VAUGHN & ASSOC., INC.

PLANNERS - SURVEYORS

P.O. BOX 703, STOCKBRIDGE, GA 30281

PHONE (770) 474-1106 FAX (770) 474-0166

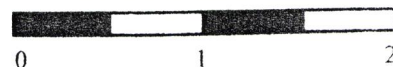
THIS PLAT IS FOR THE EXCLUSIVE USE OF THE CLIENT NAMED ABOVE AND IS NOT CERTIFIED TO OTHERS.

UNLESS DESIGNATED OTHERWISE THIS PROPERTY IS NOT IDENTIFIED ON THE F.I.R.M. AS BEING INSIDE A FLOOD HAZARD AREA.



SCALE: 1" = 40'

GRAPHIC SCALE IN INCHES



BL BUILDING LINE	CB CATCH BASIN	CMP CORRUGATED METAL PIPE
DE DRAINAGE EASEMENT	DI DROP INLET	IPF IRON PIN FOUND
IPP IRONPIN PLACED	PL POWER LINE	PP POWER POLE
ROW RIGHT OF WAY	RCP REINFORCED CONC. PIPE	SSE SANITARY SEWER EASEMENT

Attachment "B"

EQUIPMENT USED: TOPCON GST TOTAL STATION

CLOSURE PRECISION: TRAVERSE _____ PLAT 20,000+

ADJUSTMENTS MADE BY THE COMPASS RULE.

KENNY JOHNSON HOMES

Mr. David Rast, City Planner
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

May 1, 2001

RE: Variance request for property located at 300 Loring Lane, Peachtree City, GA 30269

Mr. Rast:

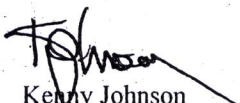
Please allow this letter to serve as my explanation for the request for a variance on the property located at 300 Loring Lane, Peachtree City. I regret this variance is necessary due to a misunderstanding on the part of Kenny Johnson Homes. The reason that the variance is requested is because approximately 3 feet of the western corner of the garage is over the building line.

I request the city counsel to consider the following:

- A. I believe the special circumstances contributing to the variance request is the fact that the right of way on Loring Lane changes from 50 feet to 80 feet and the set back lines from the curb change from 12 feet to 19 feet. This is peculiar to the west side of this lot only. The balance of the lot facing Portico Place as well as the 193 other lots in Kedron Hills have a 12 foot set back from the curb.
- B. This situation does pose a hardship for two reasons:
 - 1. The stage of construction is framed and roofed and altering the structure to comply with the existing building line will result in an unsightly structure at the entrance to the neighborhood.
 - 2. The home is sold and the purchaser has an occupancy date of September 28, 2001.
- C. This request is due to an honest mistake made by our field personnel in not picking up on the fact that the set back line from the curb had changed from 12 feet to 19 feet on the west side of the lot. The recorded plat for Kedron Hills does not reflect the change in the set back line. It was in no way an intentional act. I do not believe that granting this variance would cause any substantial detriment to any other parties. My company has built over 200 homes in Peachtree City without need for a variance. This situation is not the result of intentional disregard of the ordinance.

I appreciate the opportunity to be heard and regret that this error was made.

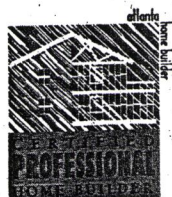
Sincerely,


Kenny Johnson
President



Attachment "C"

110 BASTILLE WAY • SUITE B • FAYETTEVILLE, GEORGIA 30214 • (770) 460-6026



Kedron Hills Community Association, Inc.
P.O. Box 276
Tyrone, GA 30290

June 7, 2001

Peachtree City Council
Peachtree City GA, 30269

Re: Variance Lot 54/300 Loring Lane
Kedron Hills Subdivision

Dear City Council:

Kenny Johnson Homes is requesting a variance for a house he is building in Kedron Hills Subdivision. Mr. Johnson met with me regarding the variance and explained what happened. I am the president of the Kedron Hills Homeowners Association.

The Board of Directors discussed this matter. The Homeowners Association is in full support of granting the variance for this property. This is the first house one sees when driving into the subdivision and the Association does not want to have an odd looking home as the first one you see driving into the community. Because of the location, the Association would NOT be in favor of requiring the corner of the home to be "chopped" off to meet the set back requirements.

The Homeowners Association urges the City Council to grant the variance request for Lot 54/300 Loring Lane in Kedron Hills Subdivision.

Sincerely,



William M Kessler -- President
Kedron Hills Homeowners Association

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Director of Developmental Services 

DATE: May 29, 2001

SUBJECT: Halligan Property, GA 74 and Crabapple Lane

The Halligan property is a 58.4-acre tract at the northwest corner of GA 74 and Crabapple Lane. It was recently rezoned to R-43 Residential with the understanding there would be a 100-foot wide city-owned greenbelt along GA 74, as required by the Land Development Ordinance. However, Council also stipulated that if the applicant, Mr. Halligan, was able to work out an alternative to the greenbelt that was acceptable to the staff, the Planning Commission, and the City Attorney, Council would consider possibly approving a variance to implement that alternative (Attachment "A").

Since the rezoning hearing, a proposed alternative, a conservation easement, has been prepared that is acceptable to all concerned (Attachment "B"). Therefore, Mr. Halligan has initiated a variance request for the proposed alternative (Attachment "C"). A public hearing on the variance request is scheduled for the meeting on June 7, 2001.

Staff recommends approval of the proposed variance with the following conditions:

1. The easement agreement (Attachment "B") is established on all lots that are adjacent to GA 74;
2. It is clearly shown on the final plat for the subdivision that is recorded as part of the permanent records for the subdivision;
3. It is clearly shown on the sales documents for each lot;
4. It is made a prominent part of each deed for the lots;
5. It is clearly marked on the ground on each lot with a permanent concrete monument;
and
6. The rear setback of 30 feet for each lot is measured from the easement rather than from the property line.

It is the opinion of the staff that the proposed easement with the above conditions will be a reasonable solution to the developer's land planning problems and, at the same time, will protect

Halligan Property, GA 74 and Crabapple Lane
Page 2
May 29, 2001

the buffer area and the public interest as well as a city-owned greenbelt would. In effect, the City would own all the rights to the use of the land, while not actually holding title to the land. A conservation easement is a tested and proven tool for use in protecting buffer areas like this. A copy of the proposed subdivision plat is included for your information as Attachment "D."

JBW/jir

Attachments "A" – "D"



Peachtree City

Georgia

March 30, 2001

G. Douglas Dillard, Esq.
Dillard and Galloway, LLC
1500 Monarch Plaza
3414 Peachtree Road, NE
Atlanta, GA 30326

RE: *Rezoning Request – 43.2 acre tract at the northwest corner of GA 74
and Crabapple Lane*

Dear Mr. Dillard:

Your rezoning request for a 43.2 acre tract of land located on the northwest corner of GA 74 and Crabapple Lane was approved the City Council on March 29, 2001. The property was rezoned from AR (Agricultural) to R-43 (Residential) with the following conditions:

- 1) The property between Georgia Power and the Water Tower to the west and GA 74 to the east should be included in required greenbelt area.
- 2) The proposed 25-foot buffer along Crabapple Lane should be a 25-foot wide City-owned greenbelt.
- 3) A continuous decorative privacy fence, or other acceptable barrier, should be installed to separate Lots 29, 35, 36, 37, and 38 from the Georgia Power and Water Tower tracts.
- 4) Include language in the covenants relative to the fact that Lots 35, 36, 37, and 38 back up to the Georgia Power Sub-station.
- 5) The 100-foot buffer along GA 74 should be a 100-foot wide City-owned greenbelt, as required by the Buffer Ordinance. However, the applicant, the staff, the Planning Commission, and the City Attorney may work out a mutually acceptable compromise to this requirement as a part of the concept plat review process, provided that compromise is brought back to Council for final approval prior to the approval of the concept plat.

Please retain this official notification for your records.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Basinger".

Jim Basinger
City Manager/City Clerk

cc: Mr. Jimmy Halligan, Pres., Hyland Developers, Inc.
Zoning Administrator
Building Official

After recording return to:
Dillard & Galloway, LLC
Suite 1500, Monarch Plaza
3414 Peachtre Road, NE
Atlanta, Georgia 30326

CONSERVATION EASEMENT AGREEMENT

THIS CONSERVATION EASEMENT AGREEMENT dated and effective as of the ____ day of _____, 2001 (hereinafter referred to as to this "Agreement"), made and entered into by and between HYLAND DEVELOPERS, INC., a Georgia corporation (hereinafter referred to as "Grantor") and the PEACHTREE CITY, GEORGIA (hereinafter referred to as "Grantee");

WITNESSETH:

WHEREAS, Grantor is the owner of certain real property located in Fayette County, Georgia (hereinafter referred to as "Grantor Property"), the same being more particularly described in Exhibit "A" attached hereto and by reference made a part hereof; and

WHEREAS, Grantor filed a petition for a Rezoning of the Grantor Property from AR to R-43 to develop into a single family subdivision and said Rezoning was granted on March 29, 2001; and

WHEREAS, Grantor and Grantee agreed to a condition in said Rezoning for Grantee to have a 100-foot buffer along Georgia 74 Highway or work out a mutually acceptable compromise to the 100-foot buffer to be approved by the City Council of Grantee in order that said 100-foot buffer can be used in the calculation of the minimum lot size for the lots of said subdivision which front on Highway 74; and

WHEREAS, City Ordinances require that Grantor convey in fee simple said 100-foot buffer; and

WHEREAS, Grantor and Grantee have agreed that Grantor will create a Conservation Easement over and across the 100-foot buffer area for the benefit of Grantee.

NOW, THEREFORE, in consideration of the covenants contained herein, the sum of TEN AND NO/100THS DOLLARS (\$10.00) in hand paid to each of the parties hereto, and the other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the parties hereto do hereby agree as follows:

1.

Grantor does hereby create on Grantor's Property for the benefit of Grantee a perpetual ~~and nonexclusive~~ exclusive easement for undisturbed buffer purposes and green space, on, over and upon the portion of the Grantor Property described in Exhibit "B" attached hereto and by reference made a part hereof (the "Conservation Easement Area") (hereinafter referred to as the "Conservation Easement").

2.

Grantor and Grantee do hereby further acknowledge and agree that:

a. The Conservation Easement Area shall be under the control of Grantee.

Notwithstanding the foregoing, Grantor hereby reserves the rights of entry and use and all other

rights accruing for its ownership in fee simple of the Conservation Easement Area not inconsistent with the purposes and restrictions of the Conservation Easement. Without limiting the generality of the foregoing, the following rights are expressly reserved:

(i) Grantor shall have the right to lease, give, sell, assign or otherwise transfer the Conservation Easement Area or any portion thereof by operation of law or deed to any person or entity without any prior approval or consent of Grantee, in each case subject and subordinate to this Agreement but must notify Grantee of any such transfer of title;

(ii) Grantor shall have the right, but not the obligation, to notify Grantee that trash and dead vegetation are located within the Conservation Easement Area and Grantee shall have the right, but not the obligation, to remove trash and dead vegetation within the Conservation Easement Area;

(iii) Grantor shall have the right, but not the obligation, to request Grantee to take action necessary to prevent erosion within the Conservation Easement Area and to protect public health or safety, said right and request Grantee to include the cutting of out a tree or trees within the Conservation Easement Area if such tree(s) shall become a hazard to people or property;

(iv) Grantoree shall have the right, but not the obligation, to take such actions as are necessary in an emergency situation to preserve the natural state of the Conservation Easement Area.

(v) Provided that Grantor abides by the restrictions contained in this Conservation Easement. Grantee shall indemnify and hold Grantor harmless from any and all claims which may arise from the natural state of the Conservation Easement Area.

b. No portion of the Conservation Easement Area may be used for the construction of buildings, retaining walls or retention basins. Grantee agrees not to utilize the Conservation

Easement Area for any purpose other than as stated herein. Finally, no portion of the Conservation Easement Area may be graded or cleared, and said Conservation Easement Area shall be left in its natural state except as allowed hereunder.

3.

Grantor and Grantee agree that, notwithstanding anything to the contrary contained herein or the Rezoning Ordinance rezoning the Grantor Property, the Conservation Easement Area may be used in the calculation of density for the subdivision and the minimum lot size for those lots which are a portion of the Conservation Easement Area.

4.

All notices and communications required, necessary or desired to be given pursuant to this Agreement, including a change of address for purposes of such notices and communications, shall be in writing and either served personally or sent by nationally recognized, overnight courier service or U.S. registered or certified mail, postage prepaid, return receipt requested, addresses as follows:

GRANTOR: Hyland Developers, Inc.
P.O. Box 3510
Peachtree City, Georgia 30269

with a copy to: G. Douglas Dillard, Esquire
Dillard & Galloway, LLC
Suite 1500, Monarch Plaza
Atlanta, Georgia 30326

GRANTEE: Peachtree City, Georgia
151 Willowbend Road
Peachtree City, Georgia 30269
Attention: Jim Williams
Director of Developmental Services

with a copy to: Richard P. Lindsey, Esquire
Webb, Lindsey, Collins, Jones & Wade, LLC
400 Westpark Court, Suite 220
Peachtree City, Georgia 30269

5.

The Conservation Easement hereby granted shall be perpetual, shall run with the title to the land burdened thereby, and shall inure to the benefit of the ~~and~~ and shall be binding upon Grantor and Grantee and their respective heirs, executors, legal representatives, successors, successors in title and assigns.

6.

The interpretation and performance of this Agreement shall be governed, interpreted, constructed and enforced in accordance with the laws of the State of Georgia.

7.

If any provision of this Agreement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Agreement or the application of such provisions to purposes or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

8.

This Agreement contains the entire agreement of the parties hereto with the respect to the subject matter hereof, and no promises or agreements, oral or otherwise, not expressly set forth herein, shall be of any force or effect.

9.

No amendment to this Agreement and no waiver of any right herein shall be binding upon any party hereto unless such amendment or waiver is in writing and signed by the party against whom enforcement thereof is sought.

Executed under the hands and seals of the undersigned on the date first above-written.

GRANTOR:

HYLAND DEVELOPERS, INC.

By: _____
Its: _____

Attest:

By: _____
Its: _____

Signed, sealed and delivered in
the presence of:

Unofficial Witness

Notary Public

My Commission Expires:

(AFFIX NOTARIAL SEAL)

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

GRANTEE:

PEACHTREE CITY, GEORGIA

By: _____
Its: _____

Attest:

By: _____
Its: _____

Signed, sealed and delivered in the
presence of:

Unofficial Witness

Notary Public

My Commission Expires:

(AFFIX NOTARIAL SEAL)

REQUEST FOR VARIANCE
LAND DEVELOPMENT ORDINANCE, CITY OF PEACHTREE CITY

This is a request for a variance from the requirements of the Peachtree City Land Development Ordinance for the property located at:

Northwest corner of GA 74 and Crabapple Lane

The reason this variance is being requested is as follows: Please see attached Letter of Intent.

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.

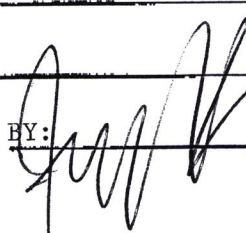
In making a determination on a variance request, the City Council shall consider the following factors:

- 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.

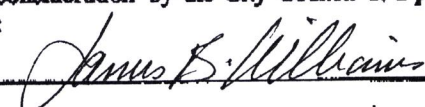
I certify that I am the owner or duly authorized agent of the owner of the above described property:

Name: (Please type or Print) Hyland Developers, Inc.
c/o G. Douglas Dillard, Esq.

Address: Dillard & Galloway, LLC
3414 Peachtree Road, N.E., Suite 1500
Atlanta, GA 30326
Phone: 404-965-3682

Signature: BY:  Hyland Developers, Inc.
Jimmy Halligan

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 Hall Council Chambers at 7:00 PM on the date shown below:

Signature: 

Title: ZONING ADMINISTRATOR

Date of Acceptance: May 18, 2001

Date of Public Hearing: June 7, 2001

LETTER OF INTENT FOR VARIANCE

This variance is being requested for the purpose of allowing the 100-foot buffer along GA Hwy. 74 to be conveyed to the City by way of a conservation easement as opposed to a deed in fee simple. Pursuant to action by Council in the rezoning of this property, they allowed the property owner to provide for the 100-foot buffer along GA Hwy. 74 by way of a permanent conversation easement as opposed to a deed. The Ordinance does not contemplate a conservation easement and, therefore, this variance is requested consistent with action by Council at the time the property was zoned. As such, Council should consider the following factors:

a. **WHETHER OR NOT THE SPECIAL CIRCUMSTANCES CONTRIBUTING TO THE REQUEST ARE PECULIAR TO THE PARTICULAR PROPERTY INVOLVED:**

There are special circumstances contributing to this request which are peculiar to this property. If the property is deeded to the City, then all setbacks would begin 100 feet from the right-of-way of GA Hwy. 74. This would result in a loss of density to the property owner which is clearly unnecessary when a buffer can be provided and the intent of the Ordinance satisfied by way of a conservation easement.

b. **WHETHER OR NOT THE SITUATION FOR WHICH THE REQUEST IS BEING MADE POSES AN UNNECESSARY HARDSHIP FOR THE APPLICANT:**

The provision to deed this property as opposed to reserving it by easement does create a hardship in that the Applicant will lose lots which he would otherwise be able to sell. The intent of the Ordinance is preserved by way of the easement in that the City will receive unrestricted and absolute dominion and control over the property. The Applicant/property owner will be allowed to use the property in the calculation of density for the subdivision. The subsequent owner of the lot will not be allowed disturb or in any way violate the property reserved since the same is totally protected and controlled by the City. The hardship, however, is significant to the Applicant/property owner if required to convey by deed.

c. **WHETHER OR NOT THE REQUEST IS DUE TO AN INTENTIONAL ACTION OF THE APPLICANT TO VIOLATE THE REQUIREMENTS OF THIS ORDINANCE:**

The Applicant has done nothing to violate the requirement of the Ordinance to convey the buffer. He has at all times anticipated and requested of the City throughout the zoning process that the buffer be preserved but be allowed to be used by the property owner in

the calculation of density for the subdivision. This request is consistent with the action of Council at the time the property was zoned and is consistent with the intent and purpose of the Ordinance in preserving the buffer along GA Hwy. 74.

This Ordinance, in requiring that the property be deeded to the City, is a taking of the Applicant's property in that it would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The Ordinance requiring a conveyance by deed of a 100-foot buffer is an arbitrary and capricious act by the Mayor and Council of Peachtree City without any rational basis therefor constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

DILLARD & GALLOWAY, LLC

By: 
G. Douglas Dillard
Attorney for Applicant

1500 Monarch Plaza
3414 Peachtree Road, N.E.
Atlanta, GA 30326
(404) 965-3682
94890



Post Landscape Group, Inc.
2971 Atlanta Road
Smyrna, Georgia 30080
Phone 770.805.3900
Fax 770.436.8881
www.postlandscape.com

ATLANTA | CHALLOTTE
LANDSCAPE ARCHITECTURE | DESIGN BUILD | INSTALL
MAINTENANCE | COLOR

CONCEPTUAL SITE PLAN

CRABAPPLE LANE PROPERTY
FAYETTE CO., GEORGIA
FOR
HYLAND DEVELOPERS, INC.

[illegible]

Job No: 407638
Scale: 1" = 100'
Date: 1/4/01

L-1

NOT FOR CONSTRUCTION

Job No: 407638
Scale: 1" = 100'
Date: 1/4/01

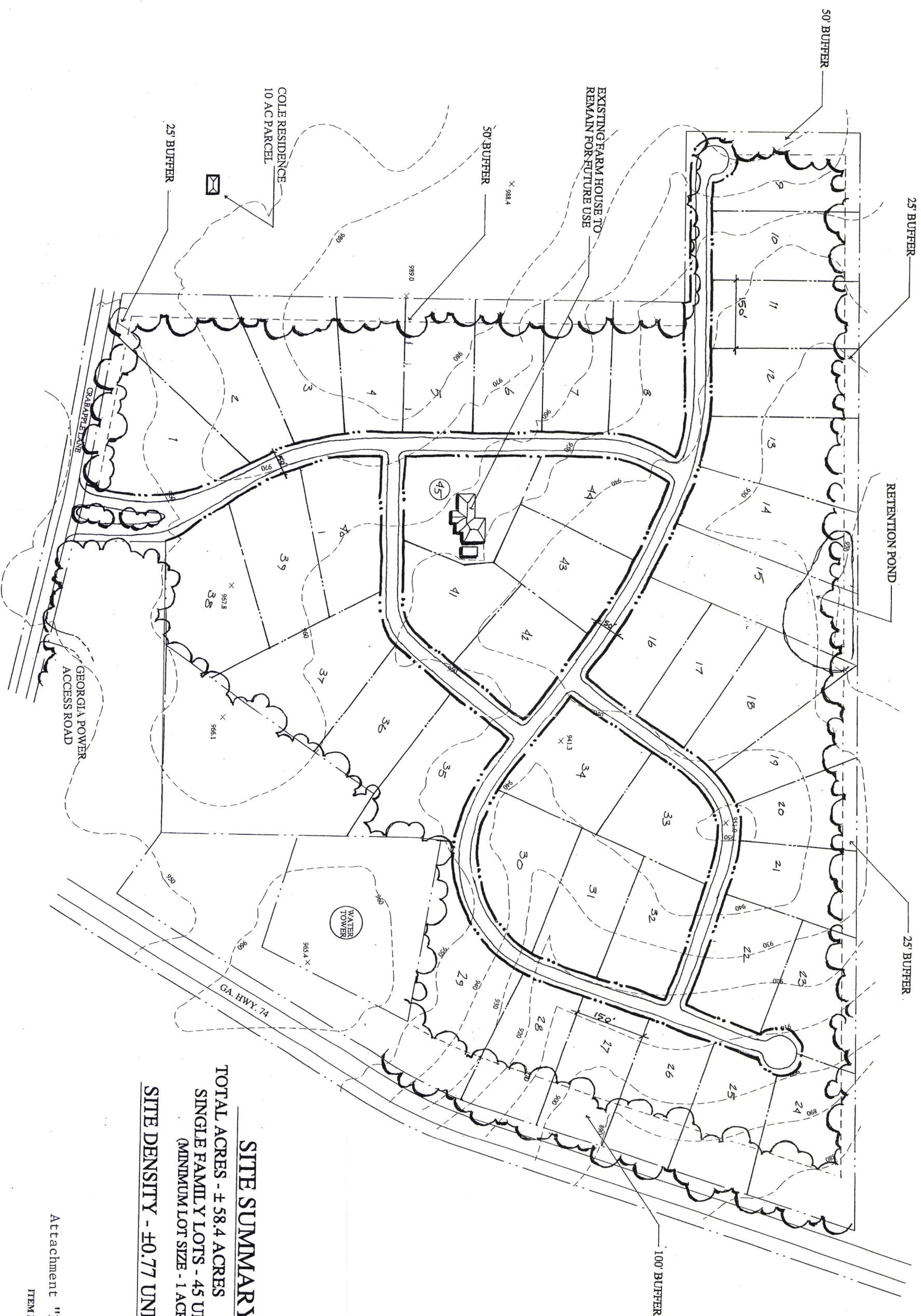
L-1

NOT FOR CONSTRUCTION

ITEM NO. 14

TOTAL ACRES - ± 58.4 ACRES
SINGLE FAMILY LOTS - 45 UNITS
(MINIMUM LOT SIZE - 1 ACRE)

SITE DENSITY - ±0.77 UNITS/ACRE



WEBB, LINDSEY, COLLINS, JONES & WADE, LLC

Attorneys-At-Law

James H. Webb Jr. *
Richard P. Lindsey
H. Clay Collins
Carlton H. Jones III
Jonathan J. Wade

400 Westpark Court
Suite 220
Peachtree City, Georgia 30269

Telephone: (770) 631-1811
Facsimile: (770) 631-1771

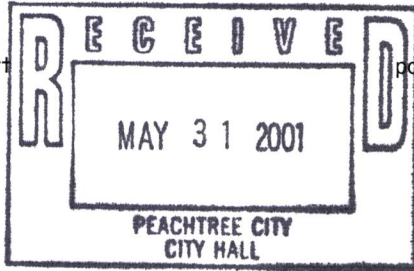
Other Offices
Atlanta, Georgia
Fairburn, Georgia
McDonough, Georgia

Susan M. Brown
Karen C. Gainey
Stacey M. Jenkins ††
Christy R. Jindra †
Martin C. Jones

E-mail:
postmaster@webb-firm.com

Web Site:
www.webb-firm.com

Other licenses:
* Florida
† Illinois
†† Texas



May 25, 2001

Mayor and Council
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

re: Intergovernmental Contracts with the Development Authority and the Airport Authority

Dear Mayor and Council:

I have prepared a proposed intergovernmental contract for use with the Development Authority and a similar contract for use with the Airport Authority. These contracts will enable the authorities to plan appropriately for the use of the increased hotel/motel tax which will become effective on July 1, 2001. The Airport Authority will be able to utilize this contract to obtain the needed financing to start its construction projects immediately. Since the Development Authority is not permitted to obtain direct financing to improve city owned facilities, the contract proposes that the City obtain the necessary financing to fund the previously approved improvements to both the amphitheater and the tennis center. The City would then utilize some of the hotel/motel tax to pay the debt service for such financing.

With the execution of these contracts, the proposed bond issues are clarified so that the citizens are fully informed of the correct questions before them in November. As Council has discussed, the proposed bond issues involving the current debt obligation of both authorities and the additional debt to be incurred for the improvements to the airport, the amphitheater, and the tennis center are simply matters of re-financing these debts with bond money as opposed to continuing to utilize shorter term loans.

Additionally, these intergovernmental contracts provide the necessary vehicle to fulfill the promise made to the local hotel managers when the City discussed increasing the hotel/motel tax. The promised improvements can be constructed immediately and such improvements be funded by the increased tax.

Mayor and Council

May 25, 2001

Page 2

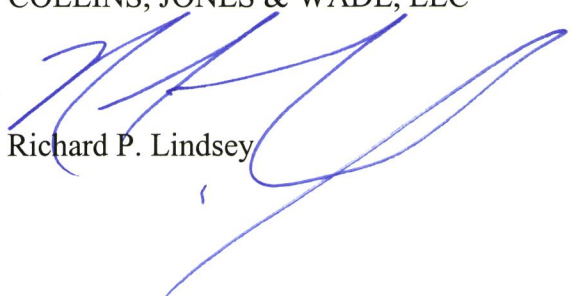
You will recall that there are legal constraints on the use of the additional monies collected by the City through the increased hotel/motel tax. These contracts fulfill the legal constraints while providing the City and the authorities with the ability to achieve the goals set forth by all three entities. The contracts also permit an adjustment to the distribution of these monies should the bond issues pass in November and the City has the ability to re-finance the subject debts.

Finally, you will be presented with an option to finance the improvements to the amphitheater and to the tennis center utilizing the GMA Bricks and Mortar program. The contract with the Development Authority will permit Council to utilize this option.

Should you have any question, please do not hesitate to contact me.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC


Richard P. Lindsey

RPL:

WHEREAS, through the Development Authority's control and guidance, both the Amphitheater and Tennis Center are now premier facilities;

WHEREAS, the Development Authority and the City agreed in 1993 that funds from the hotel/motel tax would be utilized to pay for the capital improvements to the Amphitheater and Tennis Center as such improvements have been designed to promote tourism and trade;

WHEREAS, it is the goal of the City that the Tennis Center and the Amphitheater be further improved and that such improvements be funded through the most cost effective method available;

WHEREAS, the City is willing to pay for the cost of improving the Tennis Center and the Amphitheater while giving to the Development Authority control over the management of constructing and designing those improvements provided that all designs and associated contracts are approved by the City; and,

WHEREAS, the City is willing to dedicate a certain portion of the hotel/motel tax monies to assist the Development Authority in satisfying the previous debt incurred, to continue to promote economic development, and to further promote tourism and trade.

NOW, THEREFORE, in consideration of the mutual covenants provided herein, the governing bodies of the City and the Development Authority agree to enter into a contract to permit the Development Authority to continue to manage the Amphitheater and the Tennis Center, to permit the Development Authority to manage the construction and design of the improvements to the Amphitheater and the Tennis Center, and to provide a steady stream of income for the Development Authority to promote economic development, tourism, and trade which, in turn, benefit all Peachtree City citizens by improving the local tax base as follows:

1. The City shall continue to dedicate a portion of the hotel/motel tax to the Development Authority sufficient to satisfy the past indebtedness incurred by the Development Authority and to

supplement the budget of the Development Authority according to the provisions shown on Exhibit A attached hereto concerning the Amphitheater, the Tennis Center, and economic development;

1. The Development Authority shall utilize the funds it receives from the City to service its outstanding debt, to assist in the costs of operating the Amphitheater and Tennis Center, to promote economic development, and to promote tourism and trade.

1. The City will provide the funds needed to construct the improvements to the Amphitheater and Tennis Center which have been presented to the City and approved by the Mayor and Council.

1. The Development Authority shall manage the construction of the improvements to the Amphitheater and Tennis Center and shall control the design of all such improvements provided that the City approves all designs and contracts prior to the actual implementation of the improvements.

1. This Agreement shall continue and shall be in force for the lesser of: (1) the period of time permitted by law, (2) the period of time the City chooses to fund such indebtedness through moneys raised by a bond issue, (3) the period of time the City chooses to fund such indebtedness from moneys obtained from another source, or (4) the period of time until the date the current indebtedness is retired and the Development Authority and the City agree that the supplemental funding is no longer necessary for the continued operation of the Amphitheater and Tennis Center. The City, at its sole discretion, may decrease the amount of moneys provided hereunder as the indebtedness of the Development Authority is retired and/or the Tennis Center and Amphitheater generate ample income to become financially self-sufficient.

1. If the City is able to pay to the Development Authority moneys as provided herein through funds received through a bond issue or otherwise, the City and the Development Authority shall re-negotiate the terms of this Agreement concerning the payment of past indebtedness.

1. Both the City and the Development Authority have agreed, through their respective governing bodies, to enter into this Agreement, and have given the Mayor and the Chairman the power to sign on behalf each.

This Agreement entered into as of the date first above-written.

CITY OF PEACHTREE CITY

DEVELOPMENT AUTHORITY

BY: _____
Robert L. Lenox, Mayor

BY: _____
Thomas Farr, Chairman

ATTEST:

City Clerk

City of Peachtree City
5% Hotel/Motel Tax Analysis
Distribution to PTC Airport & Development Authorities

Current estimate at 3% level: \$563,976
 Adjusted estimate at 5% level: \$939,960
 Estimated Annual % Increase 2.5%

Allocation of tax collections:

	<u>FY2002</u>	<u>FY2003</u>	<u>FY2004</u>	<u>FY2005</u>	<u>FY2006</u>	<u>FY2007</u>	<u>FY2008</u>	<u>FY2009</u>	<u>FY2010</u>	<u>FY2011</u>
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PTC Development Authority

Amphitheater Supplement	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Tennis Center Supplement	\$155,000	\$155,000	\$155,000	\$155,000	\$155,000	\$155,000	\$155,000	\$155,000	\$155,000	\$155,000
Economic Development Activity	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Debt Service - Existing	\$60,096	\$60,096	\$60,096	\$60,096	\$60,096	\$60,096	\$60,096	\$60,096	\$60,096	\$60,096
Total Funding Requirement:	\$265,096	\$265,096	\$265,096	\$265,096	\$265,096	\$265,096	\$265,096	\$265,096	\$265,096	\$265,096

Percent of total tax collections:
 Portion of 5%:

	28.20%	27.52%	26.84%	26.19%	25.55%	24.93%	24.32%	23.73%	23.15%	22.58%
	1.41%	1.38%	1.34%	1.31%	1.28%	1.25%	1.22%	1.19%	1.16%	1.13%

PTC Airport Authority

Airport Supplement	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000
Airport Improvement Loan (2001) (1)	\$21,271	\$21,271	\$21,271	\$21,271	\$21,271	\$21,271	\$21,271	\$21,271	\$21,271	\$21,271
Construction Loan	\$146,230	\$146,230	\$146,230	\$146,230	\$146,230	\$146,230	\$146,230	\$146,230	\$146,230	\$146,230
Bank Note	\$25,438	\$25,438	\$25,438	\$25,438	\$25,438	\$25,438	\$25,438	\$25,438	\$25,438	\$25,438
Eastern Aviation Fuels Loan	\$18,000	\$18,000	\$7,608							
Total Funding Requirement:	\$330,939	\$330,939	\$320,547	\$312,939	\$312,939	\$287,501	\$287,501	\$287,501	\$287,501	\$287,501

Percent of total tax collections:
 Portion of 5%:

	35.21%	34.35%	32.46%	30.92%	30.16%	27.03%	26.37%	25.73%	25.10%	24.49%
	1.76%	1.72%	1.62%	1.55%	1.51%	1.35%	1.32%	1.29%	1.26%	1.22%

Total Percent going to Authorities:

	3.17%	3.09%	2.97%	2.86%	2.79%	2.60%	2.53%	2.47%	2.41%	2.35%
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CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

FROM: City Manager 

DATE: June 4, 2001

SUBJECT: DISCUSS COUNCILMEMBERS' *"LETTERS TO THE EDITOR"*

Councilmember McMenamin has requested that this item be placed on the June 7th Council agenda. She will speak on this matter at the meeting.

JB:gr

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

FROM: Jim Basinger 

DATE: May 31, 2001

SUBJECT: Golf Cart Safety Issues

Councilmember Tennant requested that this item be placed on the June 7 council agenda. He will speak on this matter at the meeting.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

FROM: Jim Basinger 

DATE: May 31, 2001

SUBJECT: Discuss Status of Home Depot/WalMart Projects

Councilmember Tennant requested that this item be placed on the June 7 council agenda. He will speak on this matter at the meeting.