City Council of Peachtree City
Agenda
June 6, 2002

7:00 p.m

I. Pledge of Allegiance

II. Announcements, Awards, Special Recognition
Recognize Julie Oldenburg for Service on the Library Commission

III. Minutes

IV. Monthly Reports

V. Consent Agenda
1. Approval of USA Pools Contract Extension
2. Change in License Representative for Kroger #654

VI. Old Agenda Items
05-02-CA3 Consider Library Meeting Room Policy

VII. New Agenda Items
06-02-01 Public Hearing – Lease/Purchase Financing of Land
06-02-02 Consider Consent Resolution Merger of AT&T Broadband and Comcast Corporation
06-02-03 Consider Dog Park
06-02-04 Appoint Board of Ethics Members for Ethics Complaint

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.

City Council of Peachtree City
Minutes of Meeting
April 18, 2002
7 p.m.

The City Council of Peachtree City met Thursday, April 18, 2002, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown presented a 10-year service pin to Dot Hayes and recognized her retirement from the Peachtree City Library. Jim Kretchman of the Fire Department was recognized as Employee of the Month for March and Scott Hicks of Public Services was recognized as Supervisor of the Quarter. Former Medical Advisor Dr. Bruce Perlman was recognized for 15 years of service. Ed Davis, president of the West Georgia Inspectors Association, presented Building Official Tom Carty with a $500 check for the organization's Safety Program Award. Wickus and Leone de Kock were recognized for obtaining their U.S. citizenship. The Mayor proclaimed April 13-20 as National Library Week and April 21-27 as Landscape Architecture Week. Airport Authority Member Jerry Cobb announced that the Airport Authority received a grant of $1 million to purchase property near Falcon Field.

Approval of Minutes

McMenamin moved to approve the March 21, 2002, regular meeting minutes with changes. Tennant seconded. The motion carried unanimously.

Brown moved to table the March 15-16, 2002, Retreat Minutes until the May 2 meeting so some changes could be added. McMenamin seconded. The motion carried unanimously.

Consent Agenda

1. Consider Appointment to Fayette County Library Board
2. Consider School Board/Centennial Deed to 20-acre School Site
3. Consider Request from Panasonic to Hold March of Dimes Car Wash

Rapson noted that the appointment to the Fayette County Library Board, Marie Washburn, was his mother-in-law. Rapson asked if there was an addendum to the School Board/Centennial Deed that stated the school site would revert back to greenspace if the Board of Education decided not to build on the site. Basinger said that had already been done. Weed said he would abstain from the vote on the school site since the site was included in an annexation approved by the prior Council. Tennant moved to approve the consent agenda. McMenamin seconded. The motion carried 4-0-1 (Weed).

Old Agenda Items

10-01-10 Budget Reduction Update

Salvatore detailed the Contingency Plan for the Budget Reduction. The Contingency Plan Maximum had been $1,463,596 (20% shortfall). The amount was now down to $834,041. Salvatore noted $629,555 was released from impoundment and detailed the line items to be funded, as well as the operating fund details. Salvatore continued that revenues were holding up well at this point, but the two problem areas were interest savings and hotel/motel taxes. The good news was that the percentage shortfall in hotel/motel taxes was down to seventeen percent (17%)

from thirty-seven percent (37%). Interest earnings continued to be a problem, but other line items were making up the shortfall.

Salvatore told Council that there were also problems on the expenditure side of the budget. The pension company sent word there would have to be an increase. The investment portfolio took a hit when the stock market fell after 9/11. Health insurance claims increased and Workers' Compensation increased. The property insurance carrier (GMA) notified the City that there would be a rate increase. Salvatore had not been told how much the rates would go up, but had heard there would be approximately a fifteen percent (15%) increase.

Brown noted the franchise fee from Georgia Power was down and asked Salvatore what had happened. Salvatore answered there had been a loss of industrial consumers in the City. Tennant noted that LOST was up almost $75,000, which was good, and commented that the windfall in the insurance fees helped make the shortfall in the hotel/motel taxes a wash. Salvatore said he would not know the effect of the state's sales tax holiday on LOST revenues until May. Rapson commented that if the insurance tax windfall were backed out of the revenues, the difference would be 0.63%, which was relatively flat.

01-02-05 Discussion on GEM/NEV Vehicles

Basinger updated Council on the latest information concerning House Bills 1439 and 1389. Bill Wood, attorney for Global Electric Motorcars (GEM), reported that neither bill had made it to the Governor's Office yet. House Bill 1389 was amended to include the tax credit and registration and would be effective upon the Governor's signature. Strobe lights had also been added to House Bill 1389. Wood said GEM was working on getting something together so strobe lights could be placed on the GEMs. Tennant moved to extend the grace period and allow the GEMs to operate on the cart paths. Weed seconded. The motion carried unanimously.

02-02-17 Discussion on Results of Workshop on Sports and Entertainment Opportunities

Leisure Services Director Randy Gaddo reported that a meeting with the presidents of all the City's sports associations had been held on April 11. The discussion was on how to leverage the capability of the Development Authority to assist in planning tournaments and events of statewide or national interest. Gaddo continued that there was a lot of good input. He and Recreation Administrator Sherry McHugh were developing a survey for the association presidents that asked them what they needed and what they were looking for. Gaddo, McHugh, and Virgil Christian, executive director for the Development Authority, would analyze the results. McHugh had developed a document that listed all the sports associations and events. The plan was to maximize the association's ability to get block hotel rates. Gaddo indicated it was a good meeting and everyone left with a positive attitude. Brown agreed the meeting went very well.

Christian provided an update since the April 11 meeting. He met with one association president and they were working on a tournament. Christian was encouraged by the associations' response and added that Gaddo and McHugh had done an outstanding job. Christian commented he was excited about working together.

McMenamin asked if any proposed activities would be affected by the national associations' bylaws. Gaddo answered one of the questions asked by the survey would be if national by-laws allowed the local associations to hold tournaments and events.

02-02-03 Consider Amendment to the Intergovernmental Agreement with the Development Authority

Tennant indicated that he had just received a copy of the proposed amendment and would like to table the matter until the May 2 meeting. Weed agreed. Tennant moved to postpone acting on the amendment to the intergovernmental agreement with the Development Authority until the May 2 meeting. Weed seconded. The motion carried 4-0-1 (Rapson).

01-02-11 Consider Amendment to the Intergovernmental Agreement with the Airport Authority

Tennant moved to table the vote on the amendment to the intergovernmental agreement with the Airport Authority until the May 2 meeting. Weed seconded. The motion carried 4-0-1 (Rapson).

New Agenda Items

04-02-01 Alcohol License – NEW -- Chopsticks

Jie Lin told Council his plans for Chopsticks. Brown asked Lin if he had read and understood the alcohol ordinance and Lin said yes. McMenamin moved to approve Jie Lin as the licensee and license representative for Chopsticks. Brown seconded. The motion carried unanimously.

04-02-02 Alcohol License – NEW – Casa Vieja of GA, Inc.

Susanna Alvarez Reyes discussed her plans for Casa Vieja of GA, Inc. Reyes applied to be the licensee and license representative. McMenamin moved to approve Susanna Alvarez Reyes as the licensee and license representative for Casa Vieja of GA, Inc. Weed seconded. The motion carried unanimously.

04-02-03 Public Hearing – Variance – Ashton Park

Bill Gibson, builder/developer for Ashton Park subdivision, addressed Council. Gibson told Council the variance was for Lot 6. He recalled that he had mentioned there might be a problem with one of the lots that would be difficult to build on during the rezoning process. Gibson said staff advised him to take it up with Council at a later time. Gibson explained that Lot 6 would not accommodate any of the prototype houses designed for the subdivision. Gibson requested a variance to the 35-foot undisturbed buffer in the rear yard of Lot 6.

Gibson continued that he had a sale pending on the lot, which was subject to the house plan. The variance would allow him to keep the flow of the neighborhood. City staff had recommended a 15-foot setback be considered. Gibson said the 15-foot setback allowed him to use one of the existing plans by moving the sunroom and screened porch. He said staff had also recommended landscaping in the buffer and he would do that. He told Council he appreciated their consideration in allowing him to keep the flow of the subdivision going. Brown asked Gibson if he had read staff's recommendations and agreed with them. Gibson said yes.

Developmental Services Director Jim Williams gave Gibson a pat on the back. He said Ashton Park was the best example in south Atlanta of a real cluster subdivision and the subdivision was a real complement to that end of town. Williams noted that Holly Grove Church Road had been converted to a driveway. He continued that Gibson's plan was very generous. If Gibson could assure that the undisturbed buffer remained undisturbed and that he would keep the 40-foot buffer along Holly Grove Church Road, then staff would enthusiastically support the variance.

Weed stated his findings on the variance request based on the evidence presented. Weed found there were special circumstances. The shape of the lot impacted the house. There was also a very special condition since Holly Grove Church Road was now a driveway rather than a public road. If the variance were not granted, a negative special condition would be imposed. Weed also found that the request was not due to an intentional act of the developer. With those findings, Weed moved to approve the variance with the following conditions: 1. That concrete assurances be provided by the developer that the 35-foot buffer would be protected on all other lots adjacent to the old road and on all portions of Lot 6 that were not essential for the actual construction of the house; and 2. That no portion of the proposed house on Lot 6 shall be closer than 15 feet to the rear property line and maintain the required minimum rear setback of 40 feet from the project boundary as required in the Zoning Ordinance for the district. Weed amended his motion to add the third recommendation by staff, which stated that the developer would provide supplemental landscaping in the buffer area of Lot 6 and in the adjoining greenbelt area in accordance with a re-vegetation plan that must be approved by the City Landscape Architect. Tennant seconded. The motion carried unanimously.

04-02-04 Public Hearing – Variance – Ashley Way

Ed Gronka, property owner of 517 Ashley Way, addressed Council. Gronka's variance request was to allow a 240 square-foot utility building to be placed in the setback area on the rear of his lot. Gronka told Council there was a 30-foot setback from the back of his property line. There was also a gully in his rear yard that would act as a natural setback. Gronka told Council he had contacted the adjoining property owner, Scott Bradshaw, and had a letter from Bradshaw stating his support for the variance. Brown asked Gronka if he agreed with the two conditions Bradshaw listed in his letter. The conditions Bradshaw listed were that Gronka would, at his expense, have a registered surveyor locate and/or stake the rear lot corners contiguous to Bradshaw's property and run a string between the pins or flag the line every 20-30 feet so that it could be determined that the building was 10 or more feet from the property line. In addition, Gronka was to plant and maintain Leyland Cypress or other comparable trees or large shrubs at the rear of the building to provide a visual screen to the future homeowner on the undeveloped lot adjacent to the property. Gronka said he agreed to the conditions.

Rapson noted that placement of the building did not make sense on paper, but was clear after he walked back and saw the location. Rapson agreed there were special circumstances.

Bill Gibson addressed Council and said he was the original developer of Smokerise Estates, Phase II. He added that he lived on Ashley Way and could not have chosen a better spot for the utility building. The location was not visible from the street and the utility building met the architecture covenants in the subdivision.

Williams told Council that staff recommended approval of the variance request. The subdivision had large, low-density lots. Brown commented that the discussion had cleared up a lot of his questions on the proposed variance.

Rapson noted there were special circumstances and moved to accept the recommendation of staff and recommended approval of the variance request. He amended his motion to include the two conditions stipulated by Scott Bradshaw in his letter. Weed seconded the motion. The motion carried unanimously.

04-02-06 Public Hearing – Variance – Surrey Trail

William Little, property owner at 101 Surrey Trail, addressed Council regarding his variance request. Little explained that he had torn down his porch and was planning to replace it with a bigger porch. When he went to get a building permit, it was discovered that the foundation of his house was five feet inside the setback. He asked for a variance for the foundation of the house and to enlarge the porch into the setback area to make the porch more usable.

Williams told Council that this was a very strange situation. He continued that Little had done everything right and had kept a good sense of humor. Williams explained that Little had bought a house with a foundation that encroached into the setback and staff recommended approval of that variance. Williams said staff felt compelled to recommend against the second variance, which would allow the new porch to encroach into the setback. However, Williams added that, architecturally, it would be better if the variance was approved and the porch was allowed to encroach into the setback.

Williams continued that there was also a gravel driveway on the side of the property that was not in accordance with the ordinances and needed to be rectified. Williams explained that Little planned to pull the drive back and it would be used only as an emergency service access to the back of the house. Little was taking steps to help solve the situation and the drive had been removed from the right-of-way. Rapson said the driveway came out on Bridlepath and noted his concerns about its use. Williams said the driveway was used only to get to the back of the house when needed to move items. Williams added they looked at how to correct the situation without making a major project out of it.

Tennant asked Little why he was replacing the porch. Little answered that the idea had been to put the porch back as it was, but after discussing the matter he and his wife decided to enlarge the porch. The original porch extended six feet into the setback and the plan was for the new porch to extend eight feet into the setback. They wanted to be able to put porch swings up and needed the extra space. McMenamin asked Williams if staff felt the bigger porch would look better. Williams answered yes. Brown expressed concern that Council would be setting a precedent based on aesthetics if the porch variance was approved.

Rapson clarified the issues Council was to consider. Rapson moved to grant the first variance for the original house structure. Weed seconded. The motion carried unanimously.

Brown reiterated his concern regarding the variance for the porch encroachment. McMenamin noted the house was on a corner lot and that the porch would be more usable if the encroachment into the setback were larger. Rapson felt a covered porch would be all right and said he was in favor of the variance. Rapson moved to grant the applicant a variance for the ability to build an eight-foot covered porch and noted the special circumstances of the structure and the location. Tennant seconded. Brown said he had to oppose the variance since it set a precedent for aesthetic purposes. Weed indicated that he had looked and looked at the situation and was worried about the long-term as well. He noted that Council might be doing wrong thing for the right reason. The motion carried 4-1 (Brown).

04-02-06 Consider Traffic Calming Actions for Golfview Drive

Brown commented there had already been a lot of discussion on this topic at the Council Retreat on March 15. He asked everyone in favor of traffic calming devices on the street to stand and approximately 20-25 people stood. He asked those who opposed the devices to stand and one person stood.

City Engineer Troy Besseche told Council that the Police Department had collected speed and volume data of Golfview Drive and summarized the information (the information is included in the meeting file). He explained that Golfview was classified as a neighborhood collector, which meant the road served through traffic. The warrants set for neighborhood collectors were set at 1,250 vehicles per day with fifty percent (50%) cut-through traffic. Besseche noted that the traffic on Golfview met the warrant for volume. He added that the cut-through warrant would be more difficult to establish and could not be determined by looking. It was assumed there were 1,110 trips per day from the 107 homes in the Golfview neighborhood. If that was the case, then the cut-through traffic did not meet that warrant. Besseche continued that the speed warrant was also difficult to meet. At least twice, the 85th percentile speed was over the speed limit. The warrants set at Retreat required a 10 mph threshold over the speed limit. There had been five accidents on Golfview in the past year, which satisfied the accident warrant. In light of the data, Besseche told Council that staff recommended a pilot project be implemented to assess how traffic-calming devices worked. The recommendation included the installation of multi-way stops at both intersections of Aberdeen Drive and Golfview; the installation of two sets of offset speed humps on the east end of Golfview, with the offset to provide an emergency vehicle gap; installation of raised pavement markers along the entire length of the centerline to assist with visibility; and the installation of no passing signs at two locations on Golfview.

Besseche explained that the speed humps were 14-foot parabolic speed humps. Raised pavement markers would also be placed in the center. Instead of "No Passing" signs, the signs would read "Do Not Pass," which are regulatory signs and allowed the police to write tickets for passing. Besseche continued that the cost for the traffic-calming measures would be $8,000, based on a quote from a reputable paving contractor in the area. Public Works would be able to make the installations in the future as the paving crews got more experience in speed humps. Besseche said the measures were offered as a pilot program and should be funded from the Council Contingency. The cost of further study in other areas was $9,750. Staff recommended a Public Improvement Project be established and funded from Council Contingency in the amount of $17,750 to accomplish the Golfview pilot project and data collection for other streets in need of traffic calming.

Rapson asked Besseche how many residents would have to agree to installation of traffic-calming devices and cost sharing. Besseche said sixty-seven percent (67%).

Tennant said the plan looked good, but expressed concern about the intersection on the east side of Golfview at Pinemount. He understood why the intersection could not be a 3-way stop, but was concerned about speed on "Thrill Hill." He asked about putting a sign on Pinemount so people would know traffic was not stopping on the other side of Golfview. He said something needed to be done to slow traffic down before the hill. Rapson expressed concern that people would drive around the speed humps.

Pete Fritts represented the Golfview residents. Fritts said he understood the concerns about emergency vehicles, but added they were only talking about six-tenths (0.6) of a mile, from Blue Smoke to Flat Creek. Fritts was concerned that people would go into the oncoming lane trying to go around the speed humps. He also pointed out that something needed to be done before people got to Thrill Hill. If the devices worked correctly, the enforcement workload would be lessened. Fritts continued that unless a person lived on Golfview and experienced the problems day in and day out, the person would not understand. He hoped whatever was done would be done correctly the first time and added that he would like to see a little more done.

Other residents who spoke included Clyde Finley, Katherine Hesser, Pam Kemp, Owen Cook, Margie Swart, and Marlene Fulkerson. Their concerns included the volume and speed of cars on Golfview. The residents were also concerned that there would be problems with people crossing the double yellow line to avoid the speed humps.

Owen Cook told Council that based on his own count more than 2,400 trips were made on Golfview in a 24-hour period. He counted 399 cars between 3 p.m. and 4 p.m. one day. He asked where the traffic was counted and was told Oakmont. He suggested setting up the count in Finley's driveway. He pointed out that spot was on Thrill Hill where the speed limit was 20 miles per hour. He felt the solution was to put speed humps all the way across the road. Fritts suggested flashing lights be placed to warn drivers about the hill.

Brown told the residents that it was impossible to put a speed-calming device on the hill. He wished there was something that could be done in direct relation to the hill, but that was apt to cause more problems.

Besseche told the residents and Council that the measures he was recommended would not be lost if the speed humps had to go all the way across the road. He said the speed humps were just an interim step to see what the results were. Brown emphasized this was a pilot program. If the plan did not work, then the City would go to Plan B.

McMenamin asked about the speed humps and how EMTs could be thrown off balance. Her concern was how that would affect any procedures being performed. Rapson noted that the west side of Golfview would have no speed humps.

Fire Chief Stony Lohr told Council it was 0.8 mile from Station 82 on Peachtree Parkway to the intersection of Flat Creek and Golfview, then another 0.6 mile on Golfview to Bluesmoke. At that point, the fire department was getting close to the 1.5-mile limit. He continued that a large part of the area was already at the outer limit and that seconds meant lives. There were more senior citizens in the area, which meant a higher density of medical calls. He said he was just asking people to consider the advantages and disadvantages of the speed-calming devices.

McMenamin commented that Golfview became a collector road when Bluesmoke opened up. Brown explained that a collector road would never be designed like Golfview and that from a design stand point Golfview was the absolute worst situation the City could have. Brown continued that the substantial senior population in the area merited some additional consideration. He pointed out there had been significant incidents on the road that were not necessarily accidents and to measure on accident count alone shorted the process. He would support the traffic-calming devices and adding the "Do Not Pass" signs.

Weed asked Besseche the cost and then moved to approve the traffic-calming devices for Golfview as presented. Rapson asked to amend the motion by adding that the information should include research on flashing lights and that staff update Council in 30 days. Weed agreed to the amendment. Rapson seconded. The motion carried 5-0. Lindsey asked for a clarification of the motion. The motion was clarified to include the four staff recommendations: 1. Multi-way stops be installed at both intersections of Aberdeen Drive and Golfview; 2. Two sets of offset speed humps be installed on the east end of Golfview. The offset would provide for an emergency vehicle gap; 3. Raised pavement markers (RPM) be installed along the entire length of the centerline to assist with visibility; 4. Do Not Pass signs be installed at two locations on Golfview. Another amendment included in the motion was to add the research on the possibility of adding flashing lights at the top of Thrill Hill and that Council be updated on the impact of the measures after 30 days.

04-02-07 Consider Funding for Great Georgia Airshow

Greg Hall, chairman of Wings Over Dixie, Inc., the non-profit corporation that runs the Great Georgia Airshow, addressed Council. He complimented Chief Murray and Chief Lohr and noted they had their act down to a science and had a master plan that was working. Hall asked Council for $21, 575 to provide public safety during the Great Georgia Airshow September 14-15. Hall explained the organization of the airshow and told Council that every penny went back into the community.

Brown told Hall he had one concern, especially after the Finance Director had talked about the City's current financial situation. He indicated that he would like to have the money put forward by the City come out of the proceeds of putting on the show. If the show made no money, then the City would eat the cost.

Tennant asked how many people attended the airshow and Hall answered around 20,000. Tennant suggested adding a $1 surcharge to the admission price to recoup the cost of public safety.

McMenamin noted that she had been very involved in the airshow in the past. She continued that in the past the airshow had been committed to returning money to the City if there were a profit. The airshow was a Citywide event that drew thousands of people. McMenamin said there were many events throughout the year that relied on the participation of the Fire and Police

Departments. The airshow had supported 40 charities in the last two years. McMenamin continued that the airshow was trying to build corporate sponsorship and there should be some interest from the City.

Brown commented that he liked the airshow and added that when the Amphitheater had an event it paid for public safety. McMenamin responded that they were talking about the same amount of people and that the amount of public safety protection required by the City far exceeded what was required of an airshow. Brown said he did not know if that was true and he did not see that in the documentation. McMenamin said she would rather go by what the local police and fire departments wanted rather than the requirements of Airshow International.

Tennant commented that a lot of charities and a lot of local businesses benefited from the airshow and moved to grant $21,000 out Council Contingency to pay for the necessary Police and Fire protection at the upcoming airshow.

Rapson noted that giving the money to the airshow corporation was in essence giving it to a third party, such as for a soccer tournament. If the City was going to provide public safety why not just put it on the payroll rather than writing a third party check to a charitable organization. Rapson asked about the possibility of hiring fire and police from outside the City for the event. Chief Murray told Rapson that had been tried in the past and no one wanted to do it. The money requested paid for off-duty employment as set by policy.

McMenamin noted that Tennant's motion had died for lack of a second. She continued that the airshow should reimburse the City, but if the airshow made no profit then the City should pay for it.

Weed commented that he thought the airshow was a wonderful event and asked if the Kiwanis or Commemorative Air Force received any direct benefit from the airshow. McMenamin answered that the organizations received money from booths. Brown added that ticket sales and sponsors compensated the acts. Hall and McMenamin both noted that if it rained all weekend the acts had to be paid whether they performed or not.

Cobb explained that the Kiwanis and the Commemorative Air Force were partners in the airshow. He emphasized it was not a fundraiser and that the two organizations were just partners. McMenamin explained that the Kiwanis put up $10,000 and were reimbursed, hopefully, at the end of the show. Cobb added that each partner got back $8,000-$9,000 last year. If the fire and police money came out of the airshow budget, there would be nothing left. Rapson questioned if the airshow was going after additional sponsors. Cobb said they were ahead of schedule this year on lining up sponsors.

Brown commented, that in terms of fairness, the issue was where did Council draw the line on who to fund and who not to fund. Weed expressed concern about possible legalities. Weed continued that the airshow had a dramatic economic effect on the community. He suggested providing the funds as a contract and not as donation to an organization. Rapson said he could like to see the budget and actuals on last year's show.

McMenamin said the airshow was not asking for money, but for the City to provide safety for those coming to the airshow. The charitable organizations were providing a safe environment for an event that was economic development-driven. It benefited businesses and local charities. Rapson commented they were talking about the Police and Fire Departments and using the airshow as an economic development tool.

Weed read from the letter the airshow committee sent requesting the funding. Weed said Council was talking about compensation. He continued that Council was not making a donation, but contracting compensation for an economic development tool.

McMenamin compared the event to the Fourth of July parade, which was a City-sponsored event. Council paid for police and fire protection for that event. The City was a partner in the airshow by providing safety for citizens.

Basinger commented that the City Attorney made it clear every year that the City could not make a donation to the airshow, but could provide police and fire protection for the airshow. In exchange for the funds, the City provided a service.

Rapson asked if the discussion could be tabled so he could see the budget and actuals and the contract. Brown moved to continue the discussion until the May 2 meeting. Rapson seconded. The motion carried 4-1 (Tennant).

04-02-09 Consider Resolution on Jail Impact Fees

Brown told Council the resolution before them asked that Fayette County, Tyrone, Fayetteville, and Peachtree City consider an agreement on Jail Impact Fees. The impact fees would benefit all residents, and future residents. Brown moved to approve the Jail Impact Fee resolution. McMenamin seconded. The motion carried unanimously.

04-02-09 Consider Resolution to Provide Local Match for the LCI Initiative Study Implementation Plan

Rapson commented that the resolution just committed the City to asking for funds.

City Planner David Rast explained the Atlanta Regional Commission (ARC) had some extra money and had opened it up to communities who had submitted LCI plans. The grant was for $25,000 with a $12,500 match from the City. Rast continued that the City had to document that it would provide the local match with a resolution. If the City was selected for the grant, Rast said he would come back to Council to formally request the match funding.

Rapson moved to allow the Mayor to sign the resolution to provide a local match for the LCI Initiative Study Implementation Plan. Brown seconded. The motion carried unanimously.

Council/Staff Topics

Basinger announced that the annual Student Government Day with McIntosh High School was scheduled Thursday, April 25.

The Employee Picnic would be held Friday, April 19, 11:30 a.m.-1:30 p.m., at Picnic Park.

Brown told Council he would like to convene the Ethics Board to discuss whether sales promotions offered to employees were ethical or unethical. McMenamin said Council should ask for a legal advisory first. Lindsey said he had provided the Mayor with some guidance and he could put it in written form. **Weed said the City should not do it and asked the City Attorney to expand his opinion to include situations such as the Harley-Davidson special motorcycle offer to firefighters and police officers.** Brown continued that he would like to see the Ethics Board act as an ombudsman and delineate and define what was acceptable and what was not acceptable.

Weed reported on the work of the Dog Park Committee. He said the committee had met with Leisure Services Director Randy Gaddo and the meeting had been successful. They toured possible sites for the park. He added that the committee was composed of pet owners, a veterinarian, non-pet owners, Recreation Commissioners, and Humane Society members. The committee would make a full report at a later date with a drawing, costs, and proposed locations.

Brown said there were two real estate items and two legal items for executive session. Brown moved to recess from the regular meeting and reconvene in executive session. Rapson seconded. The motion carried unanimously.

McMenamin moved to recess out of executive session and reconvene the regular meeting. Rapson seconded. The motion carried unanimously.

There being no further business to discuss, McMenamin moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 10:30 p.m.

Pamela Dufresne, Recording Secretary

Stephen D. Brown, Mayor

Jane Miller, City Clerk

City Council of Peachtree City
Minutes of Meeting
May 16, 2002
7 p.m.

The City Council of Peachtree City met Thursday, May 16, 2002, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown proclaimed May 19-25 as EMS Week. Police Officer Erik Powell was recognized as Employee of the Month for April. Building Official Tom Carty was honored for being named Georgia's Building Official of the Year.

Approval of Minutes

McMenamin moved to approve the April 18, 2002 minutes as written. Rapson seconded. Weed noted that the recorder was not working during the meeting and some of his comments were not included in the April 18 minutes. Weed continued that he had contacted the recording secretary earlier in the afternoon with his proposed changes; however, the recording secretary had not been able to make the changes so Council could look at them prior to the meeting. McMenamin moved to table the April 18 minutes until the June 6, 2002, meeting. Rapson seconded. The motion carried unanimously.

Rapson moved to approve the May 2, 2002 minutes with changes. Weed seconded. McMenamin noted that it was appropriate for the minutes to just list the motions made, who seconded the motion, and the vote. The dialogue was available to anyone who wanted to listen to the tape. McMenamin continued that Council might want to decide if it wanted to go that way in the future. Weed said McMenamin was correct and that the minutes should also include who attended the meeting. The motion carried unanimously.

Consent Agenda

1. Change in License Representative for Chili's Grill and Bar
2. Change in Licensee and License Representative for Village Chevron
3. Declaration of Surplus – Ladder 8

Rapson commented on Consent Agenda Item # 3. He explained that typically the funds received when such items were surplused were placed in the General Fund and incorporated into subsequent budgets. He noted that the Fire Chief, in his memo, had requested the funds be held in reserve for another date. Rapson counseled against putting the money in any special fund and tagging it for future equipment acquisition. City Manager Jim Basinger pointed out that whatever the Fire Department needed would be funded anyway. Rapson moved to approve the consent agenda with that clarification. Tennant seconded. The motion carried 5-0.

Old Agenda Items

02-02-03 Consider Amendment to the Intergovernmental Agreement with the Development Authority

01-02-11 Consider Amendment to the Intergovernmental Agreement with the Airport Authority

Brown moved that items 02-02-03 and 01-02-11 be continued indefinitely until such time as the City had a valid agreement with both the Airport Authority and Development Authority, and that the City Council appoint special legal counsel to represent the City in this matter. As part of this motion Brown requested that Councilman Weed be chosen to select some candidates to fill the interim position as special legal counsel for the City Council to review. Once the list of candidates was compiled, the City Council would convene for a specially called meeting to make a selection. Weed seconded.

McMenamin asked for clarification on the motion. Brown replied that Council was recognizing the fact that it did not have a valid contract with the Airport Authority and the Development Authority.

Weed clarified his position and said he did not know if Council had a valid contract with the Airport Authority and Development Authority. He thought it was necessary to appoint independent special counsel to review the facts of the situation and to make that determination and to advise the Council on these issues.

McMenamin questioned if they were talking about the intergovernmental agreement that Council had with the Authorities about the refunding of the money in lieu of the shortfall. Brown said no, that they wanted to delay the amendments until Council had a definitive decision on the agreements with the Authorities.

McMenamin called for a point of order. She noted this was not on the agenda for discussion. She said Council was to discuss the amendments to the intergovernmental agreements. She continued that there was no point of discussion on any other intergovernmental agreement. Brown said that was correct.

McMenamin asked for a point of order that Council could not have any discussion on that at this time. Brown noted that the motion was to continue those items indefinitely. Basinger told Council that City Attorney Rick Lindsey would be at the meeting, but was running late due to another commitment.

McMenamin again expressed concern that the item being discussed was not on the agenda. Weed pointed out that Title 50 allowed Council to bring up matters that were not on the formal agenda. McMenamin agreed and added that Council could discuss it, but could not take action on it.

Weed disagreed and noted there was currently a motion and a second on the floor and Council was discussing it. McMenamin said she would abstain from the vote.

Rapson asked if McMenamin had been provided with the same information as the rest of the Council. McMenamin said no. She asked how Council could discuss something that was obviously discussed behind the scenes and felt it should be discussed publicly.

Rapson said he took offense to McMenamin's comments about discussions "behind the scenes" and said he was provided information on Saturday in reference to some research that Mr. Brown had done in regards to these contracts. He believed the Mayor's motion was based on that. Rapson continued that if McMenamin had not received the same information, he had the same issue that she did.

Weed said it would be appropriate for McMenamin to be provided the same information as the other Council Members. Brown said he would be glad to provide McMenamin with the information.

Brown explained to the public that there was a possibility there was not a valid agreement with both of the authorities. In doing some research, he discovered that there were some documents that were stated as draft documents that were presented in a meeting in June 2001 with the former Mayor given permission to sign off on those agreements if they were not substantially altered.

McMenamin again called for a point of order and stated that the discussion had nothing to do with the agenda. Brown said it had everything to do with the agenda. If there was not a valid agreement to start with, Council could not amend said agreement.

Weed pointed out that both the Development Authority and Airport Authority had refused to limit the two sub-agreements that were in the agenda packet in any way. McMenamin said that was what she thought Council was supposed to discuss at the meeting. Weed said they were trying to do that underneath a motion and the appropriate second. Weed continued that obviously if the original agreements were invalid, then amendments to those agreements would be inappropriate too. Weed said that was called an *ultra vires* act, an act the Council did not have the authority to perform, so they are part and parcel the same thing.

Airport Authority Member Jerry Cobb and Development Authority Executive Director Virgil Christian asked to speak. Brown said no to both.

Brown repeated the motion. He moved that Council continue items 02-02-03 and 01-02-11 indefinitely until such time as the City had a valid agreement with both the Airport Authority and the Development Authority and that the City Council appoint special legal counsel to represent the City in this matter. As part of this motion, Brown requested that Councilman Weed be chosen to select some candidates to fill the interim position as special legal counsel for the City Council to review. Once the candidates were compiled, the City Council would convene for a special called meeting to make a selection. The motion carried 4-0-1 (McMenamin abstained due to the fact that she did not think it was a valid agenda item).

12-01-09 Consider Public Safety Retirement Plan

Administrative Services Director Jane Miller addressed Council and reminded them that the City had been discussing public safety retirement for 12 years. She continued that the City needed to look at older employees performing public safety functions and said the retirement plan was getting critical. She pointed out that the workforce had gotten older and both departments had a lot of longevity. Staff felt it was time to take action. Work began on the plan last year and time ran out with that Council and the new Council was established in January. Based on the actuarial studies that had been done, Miller said the option the Public Safety Retirement Committee was looking at, and recommending, was age 55 (fifty-five) with a minimum of 10 (ten) years of service. She continued that currently anyone who retired at 55 took a 50% (fifty percent) hit in his or her retirement benefit. Studies indicated that the physical requirements of public safety jobs were very demanding on employees in their mid-fifties and older. The City did not provide medical coverage for retired employees and those who retired at 55 (fifty-five) had a 10-year (ten-year) bridge until Medicare was available. The Committee suggested tying medical insurance for the employee only to length of service for public safety employees, and the formula was 10 (ten) years of service – the City would pay 25% (twenty-five percent) of medical; 15 (fifteen) years of service – 50% (fifty percent); 20 (twenty) years – 75% (seventy-five percent); and 25 (twenty-five) or more years – 100% (one hundred percent).

Miller continued that, from an actuarial standpoint, the Committee had good numbers on the retirement plan itself, but the medical costs were harder to get a handle on. To try and come up with a baseline figure, the committee looked at the research done last year when employee medical insurance was up for bid. The premium information was used as an indicator of the cost. Miller said the figures probably would not cover all costs because the City's exposure would be up to $40,000 per person for medical. She did not think the City would spend $40,000 per person, but cautioned that the numbers provided could be low. The retirement figures could however be higher than what the actual cost would be. The figures were predicated on the basis that everyone who could retire at 55 (fifty-five) would choose to do so. If not, the cost of the pension fund would be lower.

Miller said the Public Safety divisions supported the plan and the Committee recommended that Council approve the amendment to the retirement plan for field personnel with the option to retire at 55 (fifty-five) with 10 (ten) years of service and that medical be provided as discussed. Miller said there was an ordinance in the Council packet if Council decided to do that and would be forwarded to the retirement company. The plan year was October through November and the start date of the ordinance was July 1. Seed money ($100,000) had been set aside for the plan and part of that money would be used to fund it for this budget year and the remainder would be rolled over to FY 2003.

Tennant asked Police Chief Jim Murray and Fire Chief Stony Lohr to come forward and address recruitment and retention and how the retirement plan would affect it. McMenamin noted that her son-in-law was an officer in the Police Department and said she would abstain from the discussion and the vote.

Murray addressed Council and said the retirement plan had been worked on since 1990. Murray recognized the efforts of late Fire Chief Gerald Reed, as well as Council Member Rapson during his tenure as the City's Finance Director. Murray said the plan would be in line with federal agencies and would be a great recruiting tool. He continued that in a big department there were a lot of positions that could be filled by people who were up in age, but unfortunately they were not able to do the same thing in small departments. The plan set the standard for cities this size and gave some quality of life after putting in a lot of public service.

Lohr said Murray's comments also applied to the Fire Department. Lohr also acknowledged the efforts of Chief Reed and Rapson. Both departments were looking for quality people. Quality people on the emergency medical side and fire side were typically older because of the time needed to go through the extensive training. To get them to come and to stay required additional incentives, especially as it was more competitive with other agencies. Lohr continued that the early retirement program would get people to come and stay. It made the Fire Department more competitive and was a definite plus for recruiting and retention.

Brown asked Financial Services Director Paul Salvatore how comfortable he felt with the numbers. Salvatore answered that the projected amounts were based on 2½% (two and one-half percent) of covered payroll with a 5% (five percent) increase each year. Brown said his fear was that, under self-insurance, the City could find itself grasping for funds. Salvatore said that with self-insurance, the City's maximum exposure would be $40,000 per employee. Brown asked if there were any hard numbers on health care cost increases for the last five years. Salvatore said he was not prepared to answer that question, but it was hard to nail down an exact figure. Miller said, at a guess, that it would be in the low double digits.

Rapson said that, based on the current employees and current costs, he wholeheartedly supported the recommendation. He said it was the right thing to do. Tennant agreed and said he was a long-time proponent of this. Tennant moved to approve the ordinance as written for the public safety retirement program with an effective date of July 1, 2002. Weed seconded.

Rapson said Council needed to agree with Salvatore about the incremental funding for 2003. Rapson continued that he did not want to fund it for just this year, but forever. Tennant and Weed accepted the amendment. Tennant clarified the length of service for medical coverage and said 10-14 years was 25%, 15-19 years was 50%, 20-24 was 75%, and 25 years or more was 100%. Tennant amended the motion to reflect that clarification and Weed accepted the clarification. The motion carried 4-0-1 (McMenamin).

Chief Murray also thanked former Mayor Bob Lenox and former Council Member Carol Fritz for their work on the plan.

01-02-05 Discussion on GEM/NEV Vehicles

Brown said both pieces of legislation (HB 1439 and HB 1389) had been signed by Governor Barnes and the Department of Natural Resources had mailed out the tax credit certificates.

City Manager Jim Basinger reported that the Fayette County tag office had received an advisory e-mail that said registration would begin after June 1. He asked Council to continue the use of the vehicles on the cart paths for one more month.

Lindsey suggested Council consider extending the use of the vehicles on the paths until July 31 in case any delays came up. He pointed out that most laws became effective July 1.

Brown commented that the legislation signed by Governor Barnes included a requirement for a strobe light. The City needed to keep an eye on that and see what had been worked out with the manufacturer and what the turnaround time was to install the lights.

Murray reminded those attending the meeting that the low-speed motor vehicles were not golf carts, but automobiles, and all state laws that applied to automobiles applied to them, including the requirement that only licensed drivers operate them. Brown asked Murray to clarify that the vehicles did not need to be registered with the City. Murray confirmed that.

Tennant moved to extend the use of the GEM/NEV vehicles on the cart paths through July 31. Rapson seconded. The motion carried unanimously.

05-02-CA3 Consider Library Meeting Room Policy

Weed said he asked the City Attorney to work on a definition of non-profit and Lindsey had done so. Weed had added some comments and Lindsey had prepared a second version. Basinger told Council that the second version of the definition had been received, but staff was still discussing it. Staff recommended tabling the discussion.

McMenamin moved to table the Library Meeting Room Policy and the definition of non-profit until the June 6 meeting. Rapson seconded. The motion carried unanimously.

New Agenda Items

05-02-03 Public Hearing – Rezoning – Bostick Tract, E-R to O-I

Judy Bostick, property owner, addressed Council and said she wanted to rezone the parcel from E-R (Estate-Residential) to O-I (Office-Institutional). Brown asked Bostick if she agreed with the four conditions listed on staff's position paper on the proposed rezoning. Bostick replied that she was not in full agreement with the stipulations, but that she was willing to abide by the conditions.

City Planner David Rast told Council the property was currently zoned E-R (Estate-Residential) and was surrounded on two sides by the Peachtree City United Methodist Church complex currently under construction. Another church and Mowell Funeral Home were located across Robinson Road. The lot was 0.853 acres in size and the minimum lot size in E-R was three (3) acres. He continued that Bostick had asked for a variance to keep the single-family home on the parcel several years ago and the variance was granted. The parcel was designated as O-I (Office-Institutional) on the Land Use Plan, but had not been rezoned. Rast added that the parcel was designated as O-I in both the 1995 and 2002 Land Use Plan Updates.

Rast continued that the conceptual site plan that was presented maintained the original structure and added some parking to give an idea of what could happen on the property. The Planning Commission asked that the site plan not be considered as part of the approval. They felt work needed to be done, but the concept of changing the rezoning was fine. The Land Use Plan recommended the church be rezoned to O-S (Open Space). There had been some discussions with the church, but it had not been formally presented to the church. Rast explained that as Robinson Road developed the church would be a natural break between the O-I and OS and Residential zoning. The parcel would be limited to professional/office uses. Currently, the only access to the property was off Old Stagecoach Road and Rast said staff would like to limit access to the parcel to Robinson Road. He explained that significant improvements would be necessary to Old Stagecoach if it were the access road, and staff would like the road to remain gravel to serve the homes located there. The property was currently on septic and staff would like to put sewer in to service the O-I uses.

Rapson expressed concerns about staff's condition #3. The condition stated "That the developer of the site shall investigate the availability of public sewer service and connect to the existing system if it is economically feasible to do so or if it is required by a City ordinance or a public policy in effect at the time the property is actually converted to a permitted OI use." Rapson said if there was a sewer system, then people should connect to it.

Rast said connecting to the sewer system would depend on the use when the property was re-developed. He pointed out that a professional office would be a less intensive use than a dental office. He continued that Fayette County required buildings within 500 feet of a sewer line to connect to it.

Rapson asked the City Attorney if he was comfortable with the wording in condition #3. Brown asked Lindsey if any new building would have to connect to sewer if a developer razed the old building. Lindsey answered yes. Rapson asked if condition #3 could be changed to so that the tiein to sewer was contingent upon Planning Commission's approved of a conceptual site plan. Rick said that satisfied him, but he suggested that additional wording be included that, if the applicant was unhappy with the Planning Commission's decision, the applicant had the right to appeal to Council.

Mike Lorber, who was working with the Bosticks, asked where the sewer line was located. Rast showed the location on the maps, which showed the line, was contiguous to the Bostick property. Lorber asked if the church had been required to provide an easement for the sewer. If not, then the church could hold the Bosticks hostage and they would have to buy an easement from the church.

Tennant acknowledged that he was a member of the church and asked Lindsey if there was a problem with that. Lindsey said no. Carol Fritz addressed Council and said that WASA should be included in any discussion regarding the sewer.

Paul Fisher, who said he was a member of the church but was not a church representative, expressed concern about putting another curb cut on Robinson Road. Brown said the use would be light and there would be less wear and tear on Old Stagecoach.

Rapson asked Bostick what her feelings were about connecting to sewer. Bostick said there were two septic tanks on the property. She knew the systems would be in the way of the parking. Bostick continued that she did not think office use would work without tying into the sewer system. Brown asked Rast if there were a sizable addition to the building, would the building have to hook into sewer. Rast answered probably. Brown closed the public hearing.

Rapson moved to approve the recommendation to rezone the Bostick property from E-R to O-I with conditions 1,2, and 4. In addition, condition #3 would include that the Planning Commission determine whether or not the property would be connected to sewer and the applicant could appeal the Planning Commission's decision to Council. Tennant seconded. The motion carried unanimously.

05-02-04 Consider Airport Authority Bond Resolution and Approval of Bond Purchase Agreement

Basinger told Council that Todd Barnes was on his way and asked Council to move the item to the end of the agenda. Brown moved to table the agenda item to the end of the meeting. Rapson seconded. The motion carried unanimously.

McMenamin asked to move 05-02-07 forward since there were Booth Middle School students attending the meeting who might want to speak. Weed moved the agenda item be moved forward. Rapson seconded. The motion carried unanimously.

05-02-07 Consider July 4th Parade Candy Policy

Leisure Services Director Randy Gaddo addressed Council and told them that staff recommended the candy either be handed out by people walking alongside floats or soft-tossed to the back of the crowd. There had been incidents of young children and adults coming out on to the parade route and there had been several close calls. Some feet had been run over. After each parade, a committee composed of all the departments involved in the parade met and went over the details of what happened during the parade. The committee felt there was a considerable safety issue involving the throwing of candy and this was staff's recommendation. This was an attempt to provide a safer environment.

McMenamin introduced the Booth Middle School students and said the students had discussed the issue during a mock City Council meeting.

Keegan Vinings said she was opposed to not throwing candy during the parade. She pointed out that many kids came to the parade for the candy. Businesses advertised and even the Mayor had handed out campaign flyers at the last parade. Her recommendation was to make the parade safer, possibly making it only for golf carts.

Booth teacher Beth Loftin told Council that a person who was running for office had addressed the class and was concerned the politicians would not be able to throw campaign items. She agreed it was a safety issue, but there were other ways to deal with the problem such as putting up barricades or having volunteers walk along and keep people back.

Rapson commented that there were three considerations discussed at the workshop held prior to the meeting. One was to direct City staff to provide information on safety issues. The second was to change the order of the parade and have the golf carts first. The third was to go to civic organizations and get them to help keep the crowd back in dense areas. Rapson continued that the large floats driven by trucks needed spotters to walk next to them as well.

Tennant noted that all of the suggestions were essentially common sense and it was good to state them. He said this was one of those things Council needed to stay out of and leave to the common sense of the community.

Lindsey said his concern was liability. He agreed that the larger floats needed people to walk alongside them. The incident in Douglasville had put everyone on notice that people could get hurt. Any good idea could be taken to the extreme, but any float over a certain size must have a spotter, which should be made the responsibility of that entry. There needed to be a rule that stated it. Lindsey said it should be the responsibility of the entrant to have spotters to walk alongside and watch out for children. Brown suggested one person for every 10 linear feet. The length would include the float and the vehicle that pulled it. Lindsey said the big tractors and trucks were the problem, as well as golf carts that pulled trailers.

Weed commented on one thing that had come out of the student discussion and that was parental control. He felt that was the solution, but added that parental control could not be legislated. He acknowledged that parents needed to control their children. Weed said he did not think there needed to be an ordinance regarding the parade, but he felt spotters were a vital part of the discussion.

Rapson said he did not think mandating spotters would work since most of the floats had someone walking alongside them anyway. Changing the order of the parade was good. He felt those things were really staff directions and did not need to be in ordinance form. Weed agreed. He thought the spotter issue had been resolved and that depending on the size of the float there should be at least two spotters. He felt the spotters were a vital part.

Council thanked Ms. Loftin and her students for attending the meeting and participating in the discussion.

05-02-04 Consider Airport Authority Bond Resolution and Approval of Bond Purchase Agreement

Todd Barnes of A.G. Edwards addressed Council and reminded Council that this was the Airport Authority debt refinancing that had been approved by the bond referendum in November 2001. He recapped the sale of the bond and said the bond would pay off four notes that the Airport Authority had that were outstanding and the pay-off amount was $1,510,000. The bonds went out to January 2015 and were locked in at a fixed rate, instead of a variable rate. The annual debt service would be approximately $160,000. He said Council needed to approve the bond ordinance, which formally authorized the sale of the bonds, the use of the official statement to market the bonds, the continuing disclosure certificate, the signing of the bond purchase agreement, and to levy an ad valorem to pay for the bonds. Barnes pointed out the Council used the hotel/motel tax to pay the debt service, instead of ad valorem taxes. The motion would be to approve the bond ordinance as presented.

Rapson moved to approve the bond resolution as presented. Weed seconded. Barnes clarified that it was a bond ordinance, rather than a resolution. Rapson restated the motion to approve the bond ordinance as presented. Weed seconded. The motion carried unanimously.

05-02-05 Consider COLA (Cost of Living Increase) for Some Retired Employees

Miller addressed Council and said there had been some discussion regarding employees who retired prior to October 1995 when there had been some improvements to the retirement plan. One of those retired employees had some questions, and that had been the impetus for staff looking to improve the benefits. The retirement payment was indexed to Social Security, and most of the benefits were calculated at 1.25% of salary. The improvements made in October 1995 increased the formula to 2%. There were four employees and two beneficiaries receiving the benefit based on the lower formula. Staff had discussed a one-time adjustment since these employees retired before the benefit enacted. Staff suggested a 10% one-time payment, which would cost about $20 a month. Miller continued that the pool of people would diminish over time.

Weed said he would abstain because Frances Meaders, one of the retired employees, was a dear friend and had worked on his campaign.

Rapson said he was in favor of granting the one-time payment and that it was the right thing to do. He said he would make it effective July 1 and moved to do so. Tennant seconded. The motion carried 4-0-1 (Weed).

Miller said staff would provide an ordinance for the Mayor to sign based on the motion.

05-02-06 Consider Amendment to CAR on Cash Reserve Policy

Salvatore reminded Council that Rapson had proposed changes to the CAR on the Cash Reserve Policy at this year's Retreat. The proposed changes were under Policy #8 – Types and Levels of Reserves. The proposed changes included reducing the target of Cash Reserves from 34% (thirty-four percent) to 24% (twenty-four percent). The Cash Reserves estimate for FY 2003 had been $5.1 million. The estimate with the proposed changes would be $3.6 million. Salvatore continued that rating agencies were just happy the City had a cash reserve policy on the books, whether it was 24% or 34%. The amount would be what Council was comfortable with and in consideration of what they wanted to do. Salvatore continued that sometimes Cash Reserves were used as a cash flow tool when the City was waiting on grant money or other funds. October 2004 had been set as the target for meeting the Cash Reserves policy.

Rapson explained that having a target reserve of 34% would drive staff to recommend millage increases for the next two to three years. Based on the next 10 years, lowering the cash reserve target would keep the millage rate the same. The City had a AA rating and to get a AAA rating the City would need to keep 50% (fifty percent) of the operating budget in reserve. Rapson said that would not happen in Peachtree City. Rapson said he tried to scale the City back down to something that was more than needed, but at the same time provided security for revenue stabilization funds and ongoing concerns in the Cash Reserves. The changes included an addition under "Special Considerations" that gave Council the ability to access the reserves. Salvatore said another clause had been added that gave staff the ability to combine some of the reserves if necessary.

Rapson moved that the reserve policy as drafted CAR 11-2 with the revised policy be adopted. Weed seconded. The motion carried unanimously.

Council/Staff Topics

Brown said there were two items for executive session, one real estate and one involving a lawsuit. Weed moved to recess from the regular meeting and to reconvene in executive session. Rapson seconded. The motion carried unanimously.

Brown moved to recess out of executive session and reconvene the regular meeting. Tennant seconded. The motion carried unanimously.

There being no further business to discuss, Brown moved to adjourn the meeting. Tennant seconded. The motion carried unanimously. The meeting adjourned at 9:15 p.m.

Pamela Dufresne, Recording Secretary

Stephen D. Brown, Mayor

Jane Miller, City Clerk

2002 City Event Calendar		
April	**May**	**June**
		6/6 – City Council Meeting, 7 pm 6/20 – **City Council Workshop, 6 pm** City Council Meeting, 7 pm 6/22-25 – GMA Annual Convention, Savannah
July	**August**	**September**
7/4 & 5 – Independence Day holidays, City offices closed (7/4 – City Council Meeting cancelled) 7/18 – City Council Meeting, 7 pm	8/1 – City Council Meeting, 7 pm 8/7-9 – GMA Leadership Institute for Municipal Officials 8/15 – City Council Meeting, 7 pm 8/23-24, GMA 2-day Training, PTC	9/2 – Labor Day, City offices closed 9/5 – City Council Meeting, 7 pm 9/19 – City Council Meeting, 7 pm 9/30 – GMA Joint Fall Conf., Atlanta
October	**November**	**December**
10/3 – City Council Meeting, 7 pm 10/17 – City Council Meeting, 7 pm 10/18 - Employee Picnic, 11:30am – 1:30	11/7 – City Council Meeting, 7 pm 11/21 – City Council Meeting, 7 pm 11/28 & 29 – Thanksgiving Holiday – City Offices Closed	12/5 – City Council Meeting, 7 pm 12/19 – City Council Meeting, 7 p.m 12/24 & 25 – Christmas Holiday – City Offices Closed at noon on 24th

2003 City Event Calendar		
January	**February**	**March**
1/02 – City Council Meeting, 7 pm 1/16 – City Council Meeting, 7 pm	2/6 – City Council Meeting, 7 pm 2/20 – City Council Meeting, 7 pm	3/6 – City Council Meeting, 7 pm 3/20 – City Council Meeting, 7 pm
April	**May**	**June**
4/03 – City Council Meeting, 7 pm 4/17 – City Council Meeting, 7 pm	5/01 – City Council Meeting, 7 pm 5/15 - City Council Meeting, 7 pm	6/5 – City Council Meeting, 7 pm 6/19 – City Council Meeting, 7 pm

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

Updated 4/26/02

BUILDING DEPARTMENT

2002 MONTHLY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2002 YEAR TO DATE	2001 YEAR TO DATE
DEVELOPMENT PERMITS:	38	15	19	14									86	84
BUILDING PERMITS:														
Single Family Residential	22	28	5	16									71	61
Multi-Family Residential														
Misc-Pool/fences/additions	34	75	56	103									268	192
Commercial/Industrial	7	13	11	6									37	60
TOTAL INSPECTIONS:	689	518	640	771									2,618	2,927
CERTIFICATE OF OCCUPANCY:														
Residential	12	18	23	10									63	47
Commercial	3	6	3	5									17	40
Multi-family Residential	24	56	12	34									126	104
CODE ENFORCEMENT:														
Sign Violations	94	49	36	137									316	379
Rehab	20	5	10	5									40	71
Notice of Violations	302	149	183	321									955	1,087
Citations	6	2	3	3									14	9
Stop Work Orders	12	6	2	6									26	26
Complaints from Citizens	39	17	25	35									116	60
Assessments	50	57	43	46									196	720
PERMIT FEES COLLECTED:	65,830	52,939	85,195	40,928									244,892	116,896
POPULATION:	33,843	33,998	34,071	34163									34,163	32,366

Based on 2.09 of completed occupancy

Peachtree City Prisoners at Fayette County Jail
2002

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD 2002	Previous Year
*Average Misdemeanors	10.33	7.25	8.19	6.59									8.09	9.82
*Average Felonies	1.04	1.00	1.00	1.00									1.01	2.71
*Average Totals	11.37	8.25	9.19	7.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9.10	12.53

*These totals do not include weekend incarcerations.

Fayette County Jail Fund

Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD 2002	Previous Year
$5,752.64	$6,220.96	$5,920.47	$4,099.00									$21,993.07	$74,839.29

Financial Services Monthly Report

STATUS OF FUNDS AS OF APRIL 30, 2002

Fund	Cash Balance	Total Investment	Total Fund Balance	YTD Interest
General Fund	$830,600	$3,534,055	$4,364,655	$43,918
Library Sales Tax Fund	$0	$0	$0	$0
Public Improvement Fun	$82,256	$4,875,780	$4,958,036	$19,173
Self Insurance Fund	($69,282)	$1,511,283	$1,442,001	$13,294
Debt Service Fund	$0	$856,295	$856,295	$5,141
Municipal Court Fund	$41,300	$0	$41,300	$0
Develop & Impact Fees	$186,040	$215,933	$401,973	$3,554
Neighborhood Parks/Rec	$50,409	$0	$50,409	$438
Governor's Greenspace P	$5,875	$0	$5,875	$160
Federal Seizures Police F	$4,090	$0	$4,090	$86
Police Tuition Account	$2,954	$0	$2,954	$7
Escrow Account	$244,376	$0	$244,376	$2,823
Grand Total	**$1,378,620**	**$10,993,346**	**$12,371,966**	**$88,595**

Purchasing Monthly Report

For Calendar Year	2002 TOTAL YTD	2001 TOTAL YTD	MTHLY % INC/(DEC)
Purchase Requistions Processed	803	722	14.24%
City Store Requistions Processed	48	69	-12.23%
Sealed Bids Requested >$10,000	6	9	-8.33%
Requests for Proposals	2	5	100.00%
Requests for Proposals Awarded	1	1	100.00%
Written Quotes Req $5,000-10,000	40	40	-22.09%
Verbal Quotes Requested $	162	88	-1.42%
Total # Purchase Orders Issued	803	745	0.92%
Total # of Bids Awarded	3	18	38.10%
Contracts Required >$10,000	2	4	100.00%
# of Fixed Assets Purchased >$500	17	36	-4.84%
Total $ of Fixed Assets Purchased	$101,443	$395,998	-48.93%

Collateral Analysis as of April 30, 2002

Security Location	Bank	Total Held
Bank of New York	First Union	$4,502,371
Bank of New York	Peachtree National	$3,322,191
Federal Res Bk of Boston	South Trust	$3,300,000
		$11,124,561

General Fund Budget Comparison
Revenues - By Major Category

Description	2002 Budget	Actual YTD	Difference	%
General Property Taxes	$5,617,076	$5,324,374	($292,702)	94.79%
Franchise Taxes	$1,919,452	$1,446,630	($472,822)	75.37%
Local Option Sales Tax	$5,900,051	$3,484,094	($2,415,957)	59.05%
Other Sales & Use Taxe	$1,417,927	$714,619	($703,308)	50.40%
Business Taxes	$1,126,268	$1,466,099	$339,831	130.17%
Licenses & Permits	$494,254	$506,897	$12,643	102.56%
Grants	$0	$26,337	$26,337	0.00%
Charges for Services	$860,823	$202,387	($658,436)	23.51%
Fines & Forfeitures	$650,179	$389,270	($260,909)	59.87%
Investment Income	$172,689	$53,120	($119,569)	30.76%
Surplus Carryover	$358,534	$0	($358,534)	0.00%
Other Financing Sources	$0	$0	$0	0.00%
Total	**$18,517,253**	**$13,613,828**	**($4,903,425)**	**74%**

General Fund Budget Comparison
Expenditures by Division YTD

Division	2002 Budget	Actual YTD	Difference	%
Administrative	$1,065,008	$620,904	$444,104	58%
Developmental	$870,340	$467,523	$402,817	54%
Finance	$559,093	$299,699	$259,394	54%
Leisure Services	$3,283,059	$1,791,682	$1,491,377	55%
Public Safety	$6,037,024	$3,176,264	$2,860,760	53%
Public Works	$2,477,446	$1,161,479	$1,315,967	47%
Trfr to PCDA/PCAA	$596,035	$288,416	$307,619	48%
Council Contingency	$217,521	$30,547	$186,974	14%
Council Reserve	$300,000	$0	$300,000	0%
Transfer to PIP	$1,260,216	$1,494,112	($233,896)	119%
Transfer to Debt Svc	$261,974	$261,974	$0	100%
Transfer to Self Ins	$1,589,537	$1,744,199	($154,662)	110%
Total	**$18,517,253**	**$11,336,799**	**$7,180,454**	**61%**

Summary of Major Expenditures by City Manager

Description	Budget	Award	Svgs/Short	Date
Public Works Asphalt Roller	$24,968	$24,968	$0	3/29/02

PEACHTREE CITY FIRE/EMS DEPARTMENT
2002 MONTHLY REPORT

	Oct. 01	Nov. 01	Dec. 01	Jan. 02	Feb. 02	Mar. 02	Apr. 02	May. 02	Jun. 02	Jul. 02	Aug. 02	Sept. 02	Fiscal Yr. 2002 Y-T-D	Fiscal Yr. 2001 Y-T-D
Fire/Accident Calls														
Residential	2	2	6	3	2	2	1						18	28
Business/Industrial	0	0	1	0	0	0	1						2	6
Other	180	183	185	174	157	166	167						1212	934
Total Engine Response	182	185	192	177	159	168	169						1232	968
Dispatched Fire Calls	62	48	61	52	39	50	37						349	289
Response Time Fire	4:46	4:40	4:26	4:01	4:37	4:16	3:58						4:17	4:35
Rescue/EMS														
Trauma	49	62	67	47	59	49	57						390	419
Medical	76	102	113	84	105	74	87						641	585
Total # Patients	125	164	180	131	164	143	144						1051	1004
Patients Transported	77	65	88	79	79	63	77						528	527
Dispatched EMS Calls	121	137	130	127	124	118	139						896	862
Total Medic Response	141	146	180	148	164	143	144						1066	1137
Dispatched Fire/EMS Total	183	185	191	179	163	168	176						1245	1151
Response Time EMS	4:16	3:57	3:46	4:09	4:16	4:05	3:39						4:00	4:07
EMS BILLING														
Patients Billed	83	83	69	98	68	65	77						543	508
Revenue Generated	28,665	29,571	23,300	32,795	23,395	21,875	26,440						186,041	178,600
***Total Revenue Received**	17,911	17,137	18,400	19,823	18,780	18,600	17,429						128,080	95,546

***Revenue Received on All Outstanding Accounts**

HUMAN RESOURCES DEPARTMENT

2002 MONTHLY REPORT

REPORT PERIOD	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	2002 YTD TOTAL	2001 YTD TOTAL
1. Authorized Permanent Positions	224	224	224	224									224	223
2. Positions Open	5	7	7	6									----	----
3. Workers Comp. Claims Filed	0	1	1	2									4	10
4. City Veh./Equip. Accidents	1	0	2	1									4	4
5. Health Insurance Claims	$108,515	$ 93,252	$67,643	$128,615									$398,025	$ 251,420
6. Law Suit Legal Fees	$ 12,853	$ 11,247	$1,543	$ 640									$26,283	$ 22,191

2. Police Officer/Police (4); Building Inspector/Building (1); Assistant Finance Director/Finance (1).
3. Maintenance Employee sprained wrist while applying pine straw (1) Public Works; Police Sergeant fractured right elbow while pursuing a suspect on foot (1) Police.
4. Maintenance Employee damaged truck when boom of track excavator struck truck (1) Public Works.
5. Balance remaining in health insurance account: $67,584.81.
6. Beaman/Shaver Appeal $20.24; O'Keefe $374.50; Tax Equity Issue $245.43.

ACTIVITY DESCRIPTION	UNIT	January	February	March	April	May	June	July	August	September	October	November	December	2002 Year to Date	2001 Year to Date
LIBRARY															
1. Books Circulated	Num.	16,866	15,762	15,446	16,701	0	0	0	0	0	0	0	0	64,775	58,827
2. Average Daily Traffic															
a. Monday - Saturday	Num.	578	595	558	579	0	0	0	0	0	0	0	0	578	569
b. Sunday	Num.	330	390	332	378	0	0	0	0	0	0	0	0	330	358
3. Story Time Participants	Num.	198	173	261	208	0	0	0	0	0	0	0	0	840	387
4. Revenue from Overdue Books	Dls.	2,370	1,671	2,080	2,221	0	0	0	0	0	0	0	0	8,342	7,353
5. Revenue from Copy Machine	Dls.	719	776	809	941	0	0	0	0	0	0	0	0	3,245	3,195
6. Reference Assistance	Num.	392	616	601	634	0	0	0	0	0	0	0	0	2,243	3,696
7. Internet Usage	Num.	1,688	1,738	1,730	1,895	0	0	0	0	0	0	0	0	7,051	5,640
8. Renewals by Phone	Num.	535	659	568	575	0	0	0	0	0	0	0	0	2,337	3,199
9. Computer Lab Use	Num.	42	84	46	48	0	0	0	0	0	0	0	0	220	0
Leisure Programs															
1. Adult Athletics															
a. Ongoing Programs	Num.	1	1	0	1	0	0	0	0	0	0	0	0	3	7
b. New Programs	Num.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
c. Participants	Num.	240	240	0	1,085	0	0	0	0	0	0	0	0	1,565	2,786
d. Revenues	Dls.	0	0	7,875	14,587	0	0	0	0	0	0	0	0	22,462	18,158
e. Expenses	Dls.	0	0	7,357	953	0	0	0	0	0	0	0	0	8,309	3,968
f. Refunds	Dls.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
g. Balance (+ or -)	Dls.	0	0	518	13,635	0	0	0	0	0	0	0	0	14,153	$14,190.00
RECREATION															
Leisure Programs															
1. Classes/Programs															
a. Classes/programs	Num.	132	127	137	130	0	0	0	0	0	0	0	0	526	470
b. Participants	Num.	3,091	1,988	3,272	2,759	0	0	0	0	0	0	0	0	11,110	11,310
c. Revenues	Num.	19,772	27,426	29,108	32,338	0	0	0	0	0	0	0	0	108,644	95,854
d. Expenses	Dls.	15,443	21,557	22,511	25,537	0	0	0	0	0	0	0	0	85,047	74,580
e. Refunds	Dls.	60	63	363	121	0	0	0	0	0	0	0	0	607	1,993
f. balance (+ or -)	Dls.	4,269	5,807	6,234	6,680	0	0	0	0	0	0	0	0	$22,990.30	$19,281.33
2. Special Events															
a. Events	Num.	1	2	1	1	0	0	0	0	0	0	0	0	5	15
b. Participants	Num.	12	68	0	1,000	0	0	0	0	0	0	0	0	1,080	5,497
c. Revenues	Dls.	0	1,581	0	0	0	0	0	0	0	0	0	0	1,581	2,266
d. Expenses	Dls.	485	1,359	0	80	0	0	0	0	0	0	0	0	1,924	3,754
e. Refunds	Dls.	0	25	0	0	0	0	0	0	0	0	0	0	25	18
f. balance (+ or -)	Dls.	-485	197	0	-80	0	0	0	0	0	0	0	0	($368.00)	($1,506.42)
Sports and Facilities															
1. Playing Surface Mowing	Hrs.	0	0	0	358	0	0	0	0	0	0	0	0	358	601
2. Playing Field Preparation	Hrs.	290	650	720	516	0	0	0	0	0	0	0	0	2,176	2,260
3. Building Maintenance	Hrs.	264	205	237	210	0	0	0	0	0	0	0	0	916	544
4. Parks/Pools/tennis Courts															
a. Safety Inspections	Num.	32	44	50	50	0	0	0	0	0	0	0	0	176	128
b. General Repairs/Maint.	Hrs.	305	120	100	75	0	0	0	0	0	0	0	0	600	396
c. Grounds/Landscape Maint.	Hrs.	550	575	300	360	0	0	0	0	0	0	0	0	1,785	1,547
5. Litter Removal	Num.	104	150	232	304	0	0	0	0	0	0	0	0	790	527
6. Vandalism Repairs	Dls.	0	0	25	50	0	0	0	0	0	0	0	0	75	175
7. Complaints Answered	Num.	0	2	1	5	0	0	0	0	0	0	0	0	8	14

CRIME REPORT – APRIL 2002

PART I CRIMES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD 2002	YTD 2001
MURDER	0	0	0	0									0	0
RAPE	0	1	0	0									1	0
ROBBERY	0	0	1	0									1	0
AGGRAVATED ASSAULT	0	2	1	0									3	4
ARSON	0	0	0	0									0	1
AUTO THEFT	3	3	1	5									12	19
THEFT	18	19	22	23									82	46
BURGLARY	1	2	2	4									9	5
TOTAL PART I CRIMES	22	27	27	32									108	75
ALCOHOL/DRUG ARRESTS **DUI – TOTAL**	18	17	24	14									73	76
DUI – ADULT	16	15	21	11									63	70
DUI – UNDERAGE	2	2	3	3									10	6
OTHER UNDERAGE ALCOHOL ARRESTS	7	9	6	8									30	29
DRUG ARRESTS	22	8	19	12									61	60
ARRESTS														
PROPERTY CRIMES	8	16	8	6									38	38
PERSON CRIMES	9	7	6	6									28	26
CITY ORDINANCES	26	19	38	34									117	176
*OTHER	88	45	93	96									322	305
ADMINISTRATIVE AVERAGE RESPONSE TIME	5.07	5.31	5.11	5.08									5.14	5.21
CALLS ANSWERED	6506	5730	5939	5955									24,130	19,304
TRAFFIC CITATIONS ISSUED	493	521	634	494									2142	2645
WARNINGS ISSUED	475	578	561	511									2125	2588
ACCIDENTS – TOTAL	86	79	89	79									333	282

TOP 5 ACCIDENT LOCATIONS – MONTH	TOTAL #
1. HWY 54 /HUDDLESTON DR.	6
2. HWY 74 / KELLY DR.	4
3. HWY 54 / PLANTERRA WAY	4
4. CROSSTOWN DR / PTREE PARKWAY	3
5. HWY 54 / HWY 74	3

TOP 5 ACCIDENT LOCATIONS – YEAR	TOTAL #
1. HWY 54 / HWY 74	18
2. HWY 54 / HUDDLESTON DR.	14
3. HWY 74 / CROSSTOWN DR.	10
4. HWY 54 / COMMERCE DR.	10
5. HWY 54 / PEACHTREE PARKWAY	8

Public Information
2002 Citizen Call Log
As of 4/30/02

Problem/Complaint	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD 2002	YTD 2001	% of 2002
Animal Control													**0**	1	
Business Complaint													**0**	3	
Development													**0**	0	
Garbage Company													**0**	5	
AT&T Cable	72	15	4	2									**93**	32	**30%**
AT&T Automated Complaints	13	127	39	24									**203**	0	**64%**
Ordinance/Code Violations		3	5	1									**9**	17	**3%**
Public Works Repair Request	1		1	1									**3**	3	**1%**
Recreation				1									**1**	0	
Traffic				1									**1**	0	
Utility Company													**0**	5	
Other	5												**5**	0	**2%**
TOTAL	**91**	**145**	**49**	**30**									**315**	**66**	**99%**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD 2002
Average Response Time for action/update contact w/citizen	0.01 days	0.00 days	0.11 days	0.20									**0.03 days**
% Response Time for response / action on same day	99%	100%	90%	83%									**97%**

2002 MONTHLY REPORT
PUBLIC SERVICES DIVISION

Activity Description	Unit	January	February	March	April	May	June	July	August	September	October	November	December	2002 YEAR-TO-DATE	2001 YEAR-TO-DATE
CART PATHS															
1. Const./Reconst./Overlay	Ft.	835	290	395	2768										
2. Drainage Maintenance	Hrs.	225	308	148	135									4,288	1,262
3. General Maintenance	Hrs.	199	245	207	122									816	1,323
4. Mowing	Hrs.	0	0	0	75									773	700
5. Litter Removal	Hrs.	68	45	53	45									75	92
														211	248
FLEET MANAGEMENT															
1. Equipment Maintenance	Hrs.	0	17	40	64										
2. Equipment Repairs	Hrs.	183	150	144	212									121	120
3. Vehicle Maintenance	Hrs.	203	135	168	189									689	467
4. Vehicle Repairs	Hrs.	215	182	156	142									695	618
5. Fleet Down Time	Hrs.	608	484	514	610									695	954
														2,216	2,197
RIGHT OF WAY															
1. Litter Removal	Hrs.	560	375	294	245										
2. Right-of-Way Mowing	Hrs.	0	0	180	588									1,474	1,508
3. General Maintenance	Hrs.	700	927	490	127									768	540
														2,244	2,575
LANDSCAPE															
1. Litter Removal	Hrs.	30	12	15	29										
2. Mowing (Sub. Entrances)	Hrs.	0	0	356	659									86	80
3. General Maintenance	Hrs.	927	1068	231	384									1,015	1,046
4. Planting	Hrs.	139	97	27	15									2,610	2,382
														278	365
RECYCLING SITE															
1. City Employees Hours	Hrs.	192	70	88	70										
2. City Employees Salaries	Dls.	4024	1264	1712	1343									420	483
3. Revenues	Dls.	489	355	328	424									8,343	7,432
4. Participants														1,596	2,180
a. Recycling	Num.	409	465	379	567										
b. Composting	Num.	1295	1117	1120	1867									1,820	2,607
c. Mulch (Pick Up)	Num.	61	128	95	219									5,399	5,025
														503	599
SIGN MAINTENANCE															
1. Building Maintenance	Hrs.	20	20	21	22										
2. Subdivision Sign Maintenance	Hrs.	75	77	123	123									83	79
3. Traffic Sign Maintenance	Hrs.	174	148	120	136									398	282
														578	558
STREETS															
1. Street Sweeping	Hrs.	0	24	8	16										
2. Pavement Patching	Hrs.	53	99	45	55									48	185
3. Drainage Maintenance	Hrs.	98	221	30	71									252	278
4. General Maintenance	Hrs.	513	733	823	681									420	627
														2,750	2,308
MISCELLANEOUS															
1. Vandalism	Dls.	121	91	241	117										
2. Complaints Answered	Num.	20	28	12	12									570	612
3. Wash Police Cars	Hrs.	12	31	12	15									72	146
														70	31

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and City Council**

VIA: **City Manager**
Director of Financial Services P.S.

FROM: **Director of Leisure Services**

DATE: **May 7, 2002**

SUBJECT: **USA Pool Contract Extension**

Staff recommends that Council approve a request to extend the current contract with USA Pools. Attached you will find a letter from Mr. John Williams, President of USA Pools, detailing the offer. USA Pools, with whom we have contracted for the past four years for services at our three summer swimming pools and two year-round pools, has made an offer that we believe bears serious consideration. They offer a three-year extension to the current contract, with no additional cost to the city and are offering additional incentives totally $6,000.

We are currently in the last year of a three-year contract with USA Pools, in the amount of $264,000. This contract was also a no-increase contract, which means we are still paying the same annual cost that we did three years ago. If council approves this request, we would have no increase in the pool contract for a total of six years.

For this cost, USA provides all lifeguard staffing, training, certifications and scheduling. In addition, they provide a full-time manager to oversee their operation here. They provide summer and winter maintenance services for our three summer pools (Pebblepocket, Clover Reach and Glenloch) and our two year-round Kedron pools. They conduct a swim lesson program that this winter served a record 400 youth and adults, and this summer will serve 1,200 youth and adults. This program has become a very popular and sought after service with revenues from the program, expected to be more than $20,000 this year, flowing back into the general fund, They offer a full range of swim classes and activities to reach a wide range of patrons, including handicapped youth and adults.

It took a great deal of time and effort both on our part and that of the USA staff to foster an effective and lasting professional working relationship that ensures the highest degree of safety for patrons. As you may know, operation of swimming pools carries with it the highest liability of nearly any municipal service. A working environment of trust and mutual respect is paramount for this partnership to work. We now have an exemplary working team in the USA and Kedron staffs. We feel that to bid the job back out and possibly have to start all over with another unknown company would put the city at a high level of risk for the period of time, a year or more, that it takes to re-develop that level of trust and partnership.

Water quality is also a prime factor in the safety equation, and County Environmental Health Specialist, Robert Kurbes, has held our pools as a standard for others in the area to live up to. (See attached letter from Mr. Kurbes, and associated letter from Matt Satterly, USA Regional Manager) We have consistently exceeded what is required from County health standards. We were the first to request and receive a courtesy inspection under the new, more stringent county pool standards, and were the first to be permitted in the county. This level of quality is directly attributable to the high level of attention to detail paid to water quality and pool conditions by USA managers and staff, in association with Kedron staff.

There have also been other benefits in establishing this relationship with USA. The company has gone to great lengths to ensure that the right company management team is in place for our operation. They have been selective in choosing the best site manager and worked with the Kedron staff to address concerns as they came up. We now have in place a management team that is totally in sync with the needs of the community and of city staff. This level of understanding can only be accomplished with time and experience. To duplicate it from scratch would take another two or more years.

Again, staff recommends that Council approve a no-increase 3-year extension to the current contract with USA Pools.

January 29, 2002

Jim Miller
City of Peachtree City
202 Kedron Drive
Peachtree City, GA 30269

Dear Sir:

Over the past four years, USA Pools has worked closely with the City of Peachtree City to ensure that the patrons of the Kedron Aquatic center enjoy a first class safe, clean swimming environment. As we have grown together over these years, we have effectively created and tailored a service to our customers, the citizens of the City of Peachtree City. During this span of time, our programming has served a growing number of satisfied swimmers in swim lessons and overall pool usage.

All of the satellite pools have been renovated and the filtration of these systems have been upgraded. The pools continually from year to year over this time span have received more compliments and the staffing has remained solid. Because of the efforts of the Recreation Department and USA Pools, the county health department directed by Mr. Robert Kurbes has proclaimed the city facilities as "model" pools for operation and upkeep. The strong efforts of our respective teams working together have built a foundation for future successes.

As we face lean times as a Country, City, Community and Company, we recognize that we are all in this ship together and we must continue to work cooperatively to achieve our mutual goals of service to our patrons. With the ever-growing effects of unemployment rates and local company's pending layoffs, we are sensitive to the value of the almighty dollar. Understanding the impact that these changes have on a community, we are pleased to offer a three-year extension to our agreements (USA Pool Contract and Summer/Winter Pool Maintenance Contract) at no increase. Additionally, we wish to offer as a demonstration to our commitment to the city $4000 in splash cash to use toward any maintenance repairs or supplies for the swimming pools. Also we wish to provide 50 scholarship swim lessons annually to be designated by the city for those struck by these hard economic times.

We are confident that this extension will assist in battling through the recession and stabilize the budget for years to come. We thank you for your continued faith in USA Pools and we look forward to serving you, the Recreation Department, and the City for many years to come.

Respectfully,

John Williams
President

Fayette County Health Department

140 Stonewall Avenue West ♦ Suite 105 ♦ Fayetteville, Georgia 30214
Phone (770) 460-5730 Ext 5415 ♦ Fax (770) 461-7907

April 24, 2002

Mr. Jim Miller
Kedron Recreation Manager
202 Kedron Drive
Peachtree City, GA 30269

Dear Mr. Miller:

This letter is in reference to the pools at the Kedron Aquatic Center. I would like to take this opportunity to commend you and your staff for the condition of these facilities.

As you are aware, the Fayette County Board of Health adopted local swimming pool regulations in 2000. These regulations were adopted in response to the proposed State of Georgia Public Swimming Pool Regulations that were recently adopted across the state. The pools at the Kedron Aquatic Center were the first pools to be permitted under the local regulations. These pools continue to maintain high marks on the routine inspections conducted by our office. Even with these inspections being unannounced, the pools are found to be within, or exceeding, the requirements of the regulations for the cleanliness of the facility, the water chemistry and the filtration system.

I greatly appreciate the effort that goes into maintaining these facilities. If you have any questions, or I can be of any assistance to you, please do not hesitate to contact me at (770) 631-0743.

Sincerely,

Robert F. Kurbes

Robert F. Kurbes
Environmental Health Specialist III

Rfk
Xc: file

Professional Pool Management
Service • Safety • Supplies

Where The SON Always Shines

December 4, 2000

Robert Kurbes
Fayette County Health Department
140 Stonewall Avenue West
Fayetteville, GA 30214

Dear Robert:

I would like to thank you for taking the time to meet with us Kedron. I was very impressed with how much more thorough your inspections were compared to most I have worked with in the past. Jim and I have spent a lot of time over the past several years to increase our level of compliance to the highest standards of safety and efficiency at Kedron and the satellite facilities.

Through your inspections, it is good to know that our work has paid off and that our facilities are above the expectations you have for a public facility. We look forward to working with you this winter and spring in checking our other facilities so that they comply with the rules the county has adopted.

I will be following up with you in the next two weeks to set up the next inspection to permit both pools at Kedron. If you have any questions, please feel free to give me a call at 770-248-1872.

Thanks again,

Matt Satterly
Region Manager, USA Pools

Cc: Jim Miller – Kedron Fieldhouse and Aquatic Center
Sherry McHugh – City of Peachtree City Parks and Recreation
Randy Gaddo – City of Peachtree City Parks and Recreation

3145 Gateway Drive • Suite J • Norcross, Georgia 30071-1128
Phone: (770) 248-1USA (1872) • Fax: (770) 248-1059

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council**

VIA: **City Manager**

FROM: **City Clerk**

DATE: **May 31, 2002**

SUBJECT: Alcohol License –License Representative Change – Kroger #654

A request for a change in the License Representative has been submitted for Kroger Store #654. Ms. Tammie Young-Ennaemba has requested to be appointed as the License Representative. Ms. Young-Ennaemba is the new manager for Kroger #654. The application and affidavit are attached for your review.

Ms. Young-Ennaemba will attend the June 6th Council meeting to answer any questions you may have.

JSM:pd

Attachments

Peachtree City

Georgia

State of Georgia

City of Peachtree City:

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

Tammie Young Ennaemba
Name

1028 Barberry Lane Apt. #1026 Peachtree City, GA 30269
Address

has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendre, 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 29, 2002
Date

Major Mike Dulen
Witness

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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name:	Business Location:	
Kroger Store # 654	100 N. Peachtree Pkwy	30269 Peachtree City Ga
Nature of Business:	**Mailing Address:**	**Business Phone Number:**
Grocery / Retail	2175 Parklake Drive Atlanta Ga 30345	678-364-0318
Name of Licensee:	**Home Address:**	**Home Phone Number:**
Tim Brown	420 Bethany Green Cove Alpharetta Ga, 30004	770-569-4400
Name of License Representative:	**Home Address:**	**Home Phone Number:**
Tammie Young-Emmaemba	1028 Barberry Lane #1026 Peachtree City Ga 30269	770-632-1527

Please indicate type of license applying for

Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer	
	Malt Beverage	X	Malt Beverage		Malt Beverage
	Wine	X	Wine		Wine
	Distilled Spirits		Distilled Spirits		Distilled Spirits

Please complete information below (use separate sheet if necessary)

NAME Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	ADDRESS Please provide Home Addresses for the individuals listed:	PHONE NUMBERS Please provide Home and Business Phone Numbers for individuals listed:
Nathan L. Buckles	600 Brents Cove Stockbridge, Ga 30281	678 583-4182

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 City Council**

VIA: **City Manager**

FROM: **Director of Leisure Services**

DATE: **May 29, 2002**

SUBJECT: **Definition of Non-Profit for Library Meeting Room Policy**

At a recent council meeting, Councilman Weed requested a definition of non-profit organizations in relation to their use of the Floy Farr room in the Library. The city attorney did forward an opinion, the body of which is attached in email form (attachment 1). This verbiage has also been incorporated into paragraph III(A)(3) of the CAR 22-1 (attachment 2). I have also included a copy of my previous memo on this topic (attachment 3).

Note that I have added a paragraph at the end of III(A)(3) to delineate administration of this section of the CAR. This is intended to provide the library staff a higher level of review for requests from organizations that believe they meet criteria for an exception to the general rule that no for-profit organization should use the room.

If this definition meets council's approval, staff will proceed with implementing the revised CAR 22-1.

Betsy Tyler

From: Rick Lindsey [rlindsey@webb-firm.com]
Sent: Friday, May 10, 2002 8:23 AM
To: Betsy Tyler
Subject: Definition of Non-Profit for CAR

"Non-profit organizations" shall include only those entities which are established for purposes other than generating profit for their owners or for anyone else except for philanthropic endeavors. Non-profit organizations shall also include schools, school groups, community service organizations, religious groups, and governmental committees and entities unless such group is engaged in an activity designed to generate a profit for another person or entity except for philanthropic endeavors. Non-profit organizations shall not include: any business (whether a corporation, partnership, sole proprietorship, limited liability company, or other such entity) or part of such a business which is established to generate a profit, whether or not a profit has been generated; groups or individuals acting on behalf of any such business; and, any individual acting in a manner to make a profit for himself, another person, business, or organization. It is not necessary to be a 501(c)(3) organization as determined by the Internal Revenue Service to be a non-profit organization for purposes of this CAR. Those entities which would otherwise be excluded from use of the library meeting rooms because they fall outside of the definition of non-profit organization as set forth herein may nevertheless use the meeting rooms provided that the use is purely philanthropic and the user affirmatively states to library personnel that there will be no discussions concerning the sale of products or provision of services which are sold or marketed to individuals attending the meetings conducted in the library meeting rooms.

RULES GOVERNING USE OF LIBRARY MEETING ROOM

Purpose	Section	I
Policy		II
Rules		III

I. PURPOSE

The purpose of this CAR is to establish rules on the use of the Floy Farr Room for those groups who are eligible.

II. POLICY

It is the policy of the Peachtree City Library to provide meeting space for library sponsored or co-sponsored programs. The meeting space may also be used, free of charge, by individuals or non-profit organizations for educational or informational meetings that are open to the public.

III. RULES

A. GENERAL

1. No smoking or alcoholic beverages will be allowed in the Library.

2. Individuals must be at least 21 years of age to reserve the Floy Farr Room and must present an acceptable form of identification.

3. The Floy Farr Room is available to: (1) individuals or groups within the Flint River Regional Library System (Fayette, Spalding, Butts, Lamar, Monroe and Pike counties) that provide non-profit community services to the residents of Peachtree City; (2) individuals or non-profit organizations, on a non-regular basis to conduct informational or educational meetings that are *open to the public;* or (3) for-profit organizations who use it for purely philanthropic purposes, as explained later in this paragraph.

   "Non-profit organizations" shall include: only those entities that are established for purposes other than generating profit for their owners or for anyone else except for philanthropic endeavors; schools, school groups, community service organizations, religious groups, and governmental committees and entities unless such group is engaged in an activity designed to generate a profit for another person or entity except for philanthropic endeavors. It is not necessary to be a 501(c)(3) organization as determined by the Internal Revenue Service to be a non-profit organization for purposes of this CAR.

Non-profit organizations shall not include: any business (whether a corporation, partnership, sole proprietorship, limited liability company, or other such entity) or part of such a business which is established to generate a profit, whether or not a profit has been generated; groups or individuals acting on behalf of any such business; and, any individual acting in a manner to make a profit for himself, another person, business, or organization.

Those entities that would otherwise be excluded from use of the library meeting rooms because they fall outside of the definition of non-profit organization as set forth herein may nevertheless use the meeting room provided that the use is purely philanthropic and the user affirmatively states to library personnel that there will be no discussions concerning the sale of products or provision of services which are sold or marketed to individuals attending the meetings conducted in the library meeting rooms.

It will be the library staff's routine practice to deny use of the room to organizations that do not meet the criteria of a non-profit as defined above. However, in cases where representatives of such an organization feel they meet the criteria for an exception, the Director of Leisure Services must review their request and make the final determination.

5. The Floy Farr Room may be scheduled for use during the Library's normal hours of operation only. Individuals or groups are expected to end their meetings ten (10) minutes prior to the library closing and to have the room vacated by the actual closing time. Persons attending meetings are subject to all Library rules and regulations.

6. The Library will **NOT** commit the Floy Farr Room for long-term, regularly scheduled meetings nor can the meeting room be reserved more than six (6) months in advance or more than six (6) times per year by any one individual or group.

7. The Floy Farr Room may not be used for personal or private profit. No admission can be charged and no collection can be taken by individuals or groups using the Floy Farr Room. Donations may be accepted, but in no way may these donations be mandatory. Exceptions may be made for meetings involving a small fee for supplies for classes or workshops sponsored by the Library or other non-profit organizations.

8. Library and City programs will be given priority in the reservation of the Floy Farr Room.

9. The Floy Farr Room may not be used for social gatherings.

10. Meeting or programs held in the Floy Farr Room may not disturb the use of the Library by other patrons.

11. Applications to use the Floy Farr Room are taken at the Main Desk during regular Library hours. Reservations will not be taken over the telephone. Requests for the use of Library audiovisual equipment must be made with the Librarian at the time application is made. There is no charge to use the Floy Farr Room; however, a $75.00 refundable security/damage deposit is required at the time the application is made.

12. In consideration of other individuals or groups that may be waiting to use the room, all groups are expected to observe the time allotted for their group in the original application.

13. Individuals or groups requiring the reconfiguration of the meeting room furniture must have permission from the staff member on duty and must return the room to its original set up before leaving.

14. The Library cannot provide personnel to assist in handling exhibits or other materials needed by individuals or groups using the meeting room.

15. Light refreshments may be served in the Floy Farr Room. Individuals or groups using the kitchen facilities are responsible for clean up and placement of all trash in the proper receptacles. Library facilities must be left in a clean and orderly condition.

16. Users must pay for any damage to facilities. The Library will not be responsible for materials left in the building.

17. After the meeting, a representative of the organization must meet with a library staff member to check the room, and record the number of participants. At this time, the $75.00 deposit will be refunded if the room is found to be in acceptable condition.

18. The Library encourages publicity regarding usage of the Floy Farr Room. However, the Library assumes no responsibility for the promotion or announcement of meetings.

19. Any individual or group showing a video tape should warrant that all necessary performance licenses have been secured, in order that the Library can be indemnified for any failure on their part to do so.

20. The Library reserves the right to cancel any reservation for the Floy Farr Room. The Library will give notice as soon as possible, if cancellation is necessary. Individuals or groups holding a reservation are requested to notify the Library of any cancellation on their part, at the earliest possible date.

21. Permission to use the Floy Farr Room does not constitute an endorsement of the users or their beliefs by the Library or the City of Peachtree City.

22. Failure to comply with the above rules may result in a group(s) being denied future use of the Floy Farr Room.

APPROVED:

City Manager
Director of Leisure Services
Library Manager

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and City Council**

VIA: **City Manager**

FROM: **Director of Leisure Services**

DATE: **April 23, 2002**

SUBJECT: **Revision to Library Meeting Room Policy**

The Library Commission, upon request by staff, forwards a recommendation to city council to revise existing policies related to use of the Floy Farr Room in the Library. The recommended changes to CAR 22-1, Rules Governing Use of Library Meeting Room, are:

- 1. Restrict its use to non-profit groups only
- 2. Limit its use by any non-profit group to no more than 6 times per year
- 3. Require that authorized users vacate the room at or before Library closing time

Background:

(1) The extremely high demand for the Library's one meeting room, the Floy Farr Room, has significantly affected the Library staff's ability to plan the wide range of Library programs demanded by patrons. This has become increasingly more difficult since converting two of the original meeting room spaces to storage and workspace due to the shortage of such space in the library. Often, important Library programs must be denied because other organizations have already booked the room. For this reason, staff researched restricting its use to non-profits only. The research revealed that according to the rules governing state aid, "The library system board of trustees shall not allow a rental or fee to be charged for the use of library facilities, except that a maintenance fee to cover cleaning of the designated area and/or utilities may be charged." Currently, the Library charges a fee of $25/hour for profit-making businesses, so long as the purpose is to "conduct informational or educational seminars that are open to Peachtree City residents as long as no fee is charged and no actual sale of a service or product is made at the meeting." However, it can be reasonably surmised that any commercial enterprise that provides a product or service will ultimately have a goal of selling that product or service to people for profit, regardless of how they package their presentation. There are other commercially provided meeting spaces available throughout the city for this type of activity.

(2) Restricting any non-profit group to no more than 6 times per year ensures that groups don't "homestead" and continue booking the room concurrently as their regular meeting space. The room is intended instead for such groups to hold special meetings or events, and they must plan accordingly.

(3) Requiring that authorized users of the room vacate at or before closing time maintains a higher level of safety and security for materials and equipment in the Library. As the CAR reads now, "Special arrangements must be made with the Librarian for meetings scheduled outside normal hours of operation or for meetings lasting longer than four hours or for a series of meetings lasting several days." There have been frequent instances where people using the meeting room have been allowed to stay after staff had left, with explicit instructions on how to secure the area, and doors have been left unsecured, and/or alarms unset. This allows anyone to walk into the bottom level of the library, where they have access to the meeting room and storage rooms, and forced entry could get them into the computer lab or the upper level of the Library. Attempting to approach the users after this occurs can become a public relations challenge for the staff, because invariably the users deny wrongdoing, say they did everything correctly and it must have been the cleaning crew. Staff feels that having everyone out by closing and enabling staff to conduct lockup procedures would eliminate these circumstances.

(4) These changes would be in line with the policy used at the Fayette County Library, which limits use of their meeting room to non-profit groups only. They allow a group to use the room a maximum of four times a year, and limit its use to only regular library operating hours.

Again, staff, with support of the Library Commission, recommends approval of the recommended changes to CAR 22-1.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and City Council**

VIA: **Jim Basinger, City Manager** Jim

FROM: **Paul Salvatore, Director of Financial Services** P.S.

DATE: **May 29, 2002**

SUBJECT: **Public Hearing – Lease Purchase Financing of Land**

Pursuant to Section 36-60-13 of the Official Code of Georgia Annotated, the City is required to hold a public hearing regarding the use of lease purchase financing for the acquisition of real property. The real property to be acquired by the city is land located at the intersection of Wynnmeade Parkway and Highway 54 in Peachtree City.

The estimated amount of lease purchase debt to be incurred is $840K, which includes $825K for the land purchase plus $15K of estimated closing costs. The annual debt service payments are estimated at $88K, depending upon final determination of interest rate and closing costs.

Staff has determined that this is the only viable method of financing the land acquisition, at this time, that does not involve the outlay of city cash reserves. Therefore, staff recommends that Council take action to approve the use of lease purchase financing for this land acquisition, pursuant to our existing Master Lease Agreement with GMA. Earle Taylor of Kilpatrick Stockton will provide a resolution for Council to adopt at the June 6 City Council Meeting that will authorize this transaction.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council**

VIA: **City Manager**

FROM: **Developmental Services Director**

DATE: **May 30, 2002**

SUBJECT: **Blount Tracts**

When the Wynnmeade Subdivision was platted about 30 years ago, the developer reserved two tracts along GA 54, presumably for potential future commercial development. However, both tracts remained zoned R-1 Residential, the same zoning as the Wynnmeade Subdivision.

Tract "A" is 2.011 acres and is located on the west side of Wynnmeade Parkway. Tract "B" is 3.165 acres and is located on the east side of Wynnmeade Parkway (Attachment "A"). The Land Use Plan that was approved in 1995 indicated Tract "A" should remain residential but that Tract "B" could possibly be developed for some special Limited Use Commercial purposes.

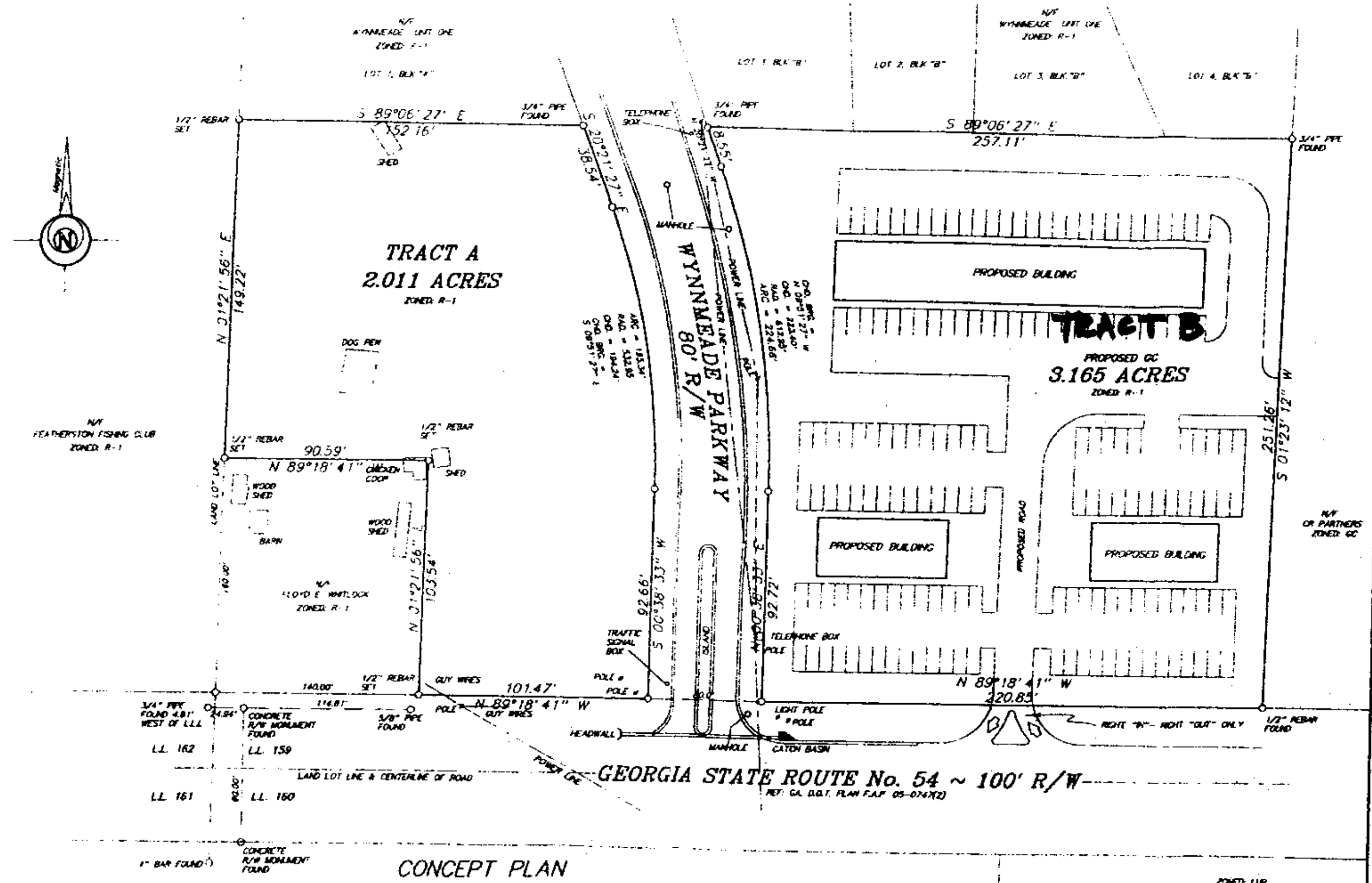
In 2001, Mr. Marvin Isenberg, the agent for the Blount Tracts, requested that Tract "B" be rezoned to GC General Commercial. This rezoning request is still pending, but it has been continued indefinitely to allow Mr. Isenberg time to negotiate with the City for the possible sale of the property to the City.

The City contracted for an independent appraisal of the property which indicated a conservative fair market value of $264,000 per acre, or $835,560 for Tract "B." The City then offered Mr. Isenberg a total of $825,000 for both Tracts "A" and "B," and Mr. Isenberg accepted the offer contingent upon Council approval.

Staff recommends that Council approve the purchase of Tracts "A" and "B" for $825,000. Putting the entire 5.1 acres in public ownership will permanently protect it from strip commercial development; serve to enhance property values within the subdivision; afford the City the opportunity to develop some badly needed recreation amenities for the subdivision; and provide an area that is needed for the installation of a new pedestrian bridge across GA 54, as proposed in the recently adopted LCI Corridor project.

JBW/jir

Attachment "A"



CONCEPT PLAN

PRESENT ZONING: R-1
PROPOSED ZONING: GC

ZONED OS

ZONED LUR

GRAPHIC SCALE: 1 inch = 50 feet

0' 50' 100' 150' 200'

This plat was prepared for the exclusive use of the person, persons or entity named hereon. Said plat does not extend to any unnamed person, persons or entity without a recertification by the surveyor naming said person, persons or entity.

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP. Community No.: 130078 0080 D Dated: MARCH 18, 1996

The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 15,575 ft. and an angular error of .03" per angle point, and is UNADJUSTED. A GTS-313 was used to obtain linear and angular measurements.
It is my professional opinion, that this plat is true and correct representation of the land platted, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 100,000 ft.

W.D. Gray and Associates, Inc. land surveyors - planners 103 WESTPARK DRIVE SUITE C PEACHTREE CITY GEORGIA 30269 PH. 770-486-7552 FAX 770-486-0496	PREPARED FOR PIEDMONT PROPERTIES, INC.	LAND LOT 159 7th DISTRICT FAYETTE COUNTY, GA. SCALE: 1" = 50'	DATE OF FIELD WORK: 09-05-01 DATE OF DRAWING: 11-01-01 DRAWING REV. 11-16-01 JOB NO. 0109005

Attachment "A"

Rec'd 11/26/01

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**

FROM: **Administrative Services Director / City Clerk**

DATE: **May 30, 2002**

SUBJECT: **Consent Resolution Merger of AT&T Broadband and Comcast Corporation**

Attached is a Consent Resolution for the merger of AT&T Broadband, the cable television provider in Peachtree City, and Comcast Corporation. Both Peachtree City's franchise agreement and federal law requires that Peachtree City approve the merger.

The City Attorney has reviewed the Form 394 Application packet submitted by AT&T and is prepared to answer any questions Council may have. The packet, which includes information on a CD ROM, is also available at City Hall for additional review should you so desire.

Although Peachtree City has experienced some significant problems with AT&T Broadband over the past several months, the merger application appears to be in order. Staff recommends approving the Consent Resolution as presented.

JSM/bt

RESOLUTION NO. ________

CONSENT TO CHANGE OF CONTROL AND INTERNAL RESTRUCTURING

WHEREAS, the cable franchise holder ("Franchisee") in Peachtree City ("Franchise Authority") is an indirect subsidiary of AT&T Corp. ("AT&T"), and AT&T intends to merge with Comcast Corporation ("Comcast") to create a new company to be known as AT&T Comcast Corporation ("AT&T Comcast") pursuant to the terms of an Agreement and Plan of Merger dated December 19, 2001 by and among AT&T Corp., AT&T Broadband Corp., Comcast Corporation and certain of their respective affiliates, and a Separation and Distribution Agreement dated December 19, 2001 by and between AT&T Corp. and AT&T Broadband Corp. (the "Merger"); and

WHEREAS, prior to the Merger, pursuant to an internal corporate restructuring, the cable franchise or stock of the Franchisee, or indirect ownership of the Franchisee, may be transferred through one or more internal transfers or mergers to another direct or indirect subsidiary of AT&T, or Franchisee may elect as permitted by law to convert or reorganize its legal form to a limited liability company (together with the Merger, the "Transactions"); and

WHEREAS, following the Transactions, the resulting entity will be controlled by AT&T Comcast but will continue to operate the System and continue to hold and be responsible for performance of the cable franchise; and

WHEREAS, Franchisee and AT&T Comcast have requested that Franchise Authority consent to the Transactions in accordance with the requirements of the cable franchise and have filed an FCC Form 394 ("Transfer Application") with the Franchise Authority requesting such consent Transactions; and

WHEREAS, the Franchise Authority has reviewed the Transfer Application, examined the legal, financial and technical qualifications of AT&T Comcast, followed all required procedures in order to consider and act upon the Transfer Application, and considered the comments of all interested parties.

WHEREAS, the Franchise Authority is willing to consent to the Transactions.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Franchise Authority hereby consents to the Transactions in accordance with the terms of the cable franchise and applicable law.

SECTION 2. This Resolution shall be deemed effective upon adoption.

SECTION 3. This Resolution shall have the force of a continuing agreement with Franchisee and AT&T Comcast.

SECTION 4. AT&T Comcast and the resulting entity shall be bound by all terms of the existing franchise agreements with the City.

PASSED, ADOPTED AND APPROVED this _____ day of __________________, 2002.

BY: ________________________________

Name of Community: City of Peachtree City
Fayette County, Georgia 30269

ATTEST:

____
Title:

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and City Council**

VIA: **City Manager**

FROM: **Director of Leisure Services**

DATE: **May 28, 2002**

SUBJECT: **Discussion of Choice for Dog Park Location**

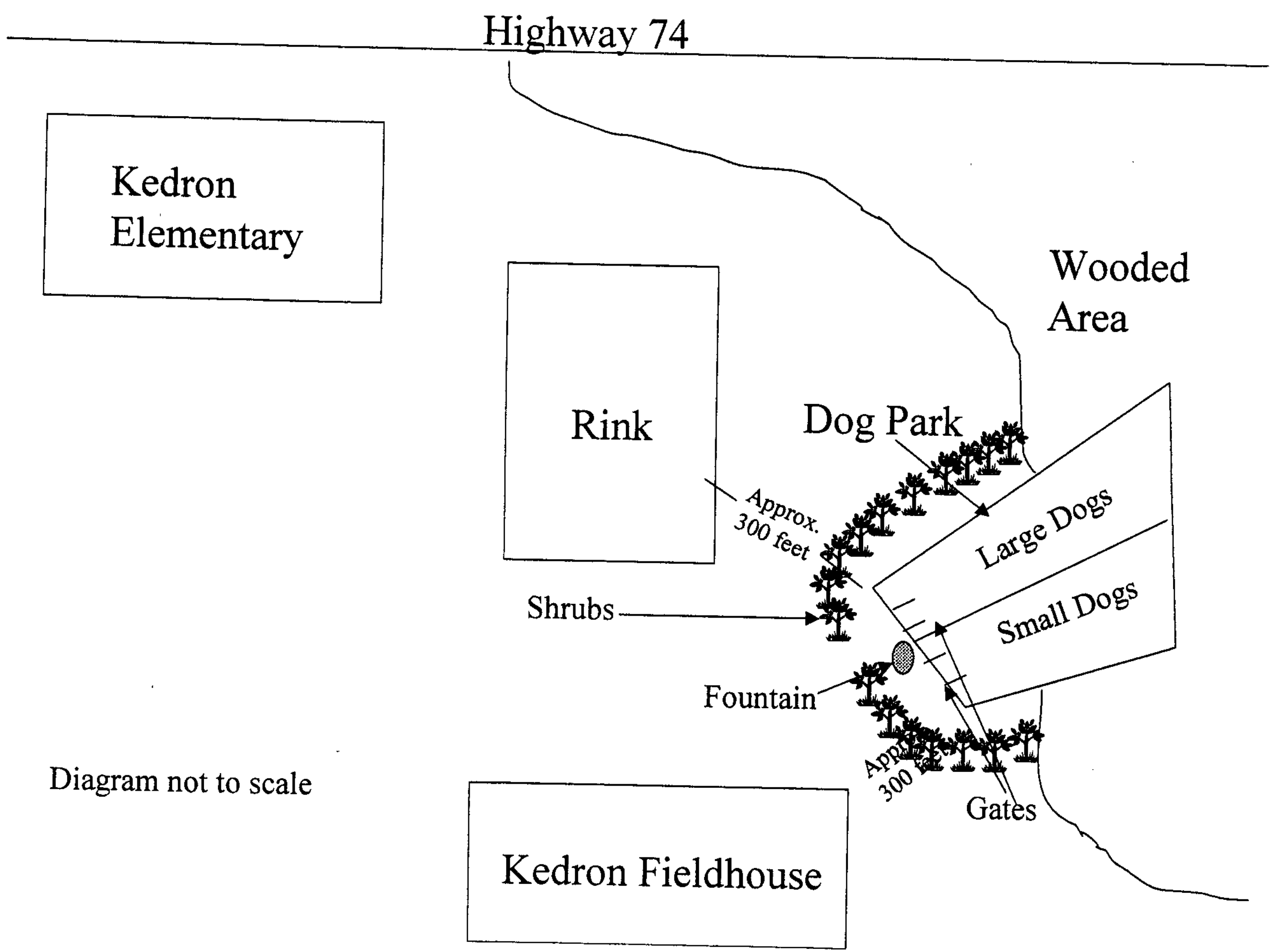
As you know, during the 2002 City Council Retreat, Councilman Weed proposed the construction of a dog park at a selected location. This fenced facility would enable dog owners to allow their pets to run un-leased within the fenced area. After the retreat Councilman Weed instructed staff to form a committee that consisted of him, a member of the Recreation Commission, a representative of the humane society and a citizen at large. The committee was also in consultation with a local veterinarian. This committee reviewed several sites around the city that would have potential to serve as the park's location. These included Braelinn Recreation Area on Loghouse Road, Drake Field, the 22-acre wooded area at South 74 BSC and the area next to the Kedron Multipurpose Rink. Criteria for a good location included an area that has trees and shade, open area, and a source of water. Drake Field was at first chosen as a good site for those factors, but use of that area for this purpose is not in keeping with the intent of the State Greenspace Grant Program, which funded a major portion of its purchase, so it was dropped from the list.

The committee's second choice was in the area near the Kedron Multipurpose Rink, as depicted in the attached diagram. Staff was then directed to prepare a plan for installation of the dog park at that site.

The 1-acre area has combined cleared space and shaded area. A water line will need to be installed from existing lines coming into the Kedron facility in order to place a water fountain near the facility. Minor underbrush clearing will be required in the wooded area, but all trees will be left for ample shade. All clearing and ground preparation can be done in-house using city staff and equipment. The fenced area (4-foot vinyl-coated fence) will be divided in half with an un-gated fence to allow one side for larger dogs (40 pounds or more) and one for smaller dogs less than 40 pounds. Each side will have its own gate. The water fountain, specially designed with a lower bowl for dogs and an upper bowl for people, will be placed just outside the gates for easy access.

The facility will not be monitored, and will be opened to the public at all times. Pet owners will be responsible for the actions of their pets. Appropriate signage will be installed to define rules of conduct, common courtesy and cleanup, as well as to signify the large/small dog areas. Owners will be expected to clean up after their animals. During operating hours the staff at the Kedron Fieldhouse and Aquatic Center will be available in case of emergency. The Recreation maintenance staff will conduct routine safety and maintenance inspections and ensure that the facility is in good repair. Adequate parking is available in the Kedron lot. We intend to place fast-growing shrubs around the perimeter of the fence in the cleared area and perform other landscaping that will blend the facility into the wood line.

Total cost to install the facility will be $14,150. This includes $10,500 for fencing, $650 to run the water line, $2,000 for the fountain and $1,000 for landscaping materials. If council approves Councilman Weed's recommendation for a dog park at the Kedron Rink site, staff requests that this funding be taken from Council Contingency.


Highway 74
Kedron Elementary
Rink
Wooded Area
Dog Park
Approx. 300 feet
Large Dogs
Small Dogs
Shrubs
Fountain
Gates
Diagram not to scale
Kedron Fieldhouse

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council Members**

VIA: **Jim Basinger** Jim

FROM: **Jane Miller** Jane

DATE: **May 28, 2002**

SUBJECT: **Appointment of Members to Board of Ethics**

As you know, there have been two ethics complaints (attached) filed against Council Member Steve Rapson. The City's Ethics Ordinance establishes the process for handling these types of complaints. A Board of Ethics comprised of five members and two alternates must be appointed by Council to hear the complaints. At the June 6, 2002 Council meeting each Council Member will randomly draw one name from the pool of candidates until five members are selected. The Mayor will then draw two more names of candidates to serve as alternates. Once the members have confirmed that they can serve, I will set up a training session on the City's Ethics Ordinance to be conducted by the attorney who will be handling this for the City. Both Council Member Rapson and Robert L. Lenox (complainant) have agreed to have both complaints heard at the same time by the same board as long as they are considered separate counts. The public hearing for the board to hear the evidence on both complaints will be scheduled to be held no later than July 19, 2002 to comply with the ordinance requirement to conduct the hearing within 60 day of the receipt of the complaint.

/jsm

Attachments

RECEIVED
MAY 20 2002
PEACHTREE CITY
CITY HALL

Mr. Jim Basinger, City Manager
City of Peachtree City
151 Willowbend Rd.
Peachtree City, GA 30269

May 20, 2002

Dear Mr. Basinger,

This is a formal ethics complaint against Councilman Steve Rapson. I believe that he is consciously and purposefully using his Council position to garner significant financial gain for him and his family. My basis for this complaint is as follows:

A) The Peachtree City Development Authority employed Mr. Rapson's wife for several years, ending last fall.
B) Ms. Rapson resigned in an apparent dispute with the Authority over her salary and overall remuneration structure.
C) Ms. Rapson subsequently filed suit against the Authority alleging gender discrimination and seeking significant monetary recovery. Mr. Rapson would obviously share in the benefits of such a financial windfall.
D) On February 11, 2002 I wrote a letter to Mr. Rapson politely warning him that he could not ethically participate in any way whatsoever in matters pertaining to the Development Authority. (copy enclosed)
E) On February 19, 2002 the City Attorney officially advised Mr. Rapson that he must abstain from—in paraphrase—discussing, voting or otherwise participating in official acts or actions relative to the Development Authority. (copy enclosed)
F) At the City Council meeting on May 16, 2002 Mr. Rapson voted on a matter relative to the Development Authority.
G) It is obvious from public comments, the conduct of the meeting, and from materials received in response to a variety of citizen Open Record requests that Mr. Rapson was in the forefront of formulating this issue and bringing it to a City Council vote.

I believe that Mr. Rapson is acting with the following motives:

1) Mr. Rapson is working, publicly and privately, to destroy the credibility of the Development Authority in an effort to force a monetary settlement of his wife's lawsuit on terms favorable to him and his family.
2) Mr. Rapson's activities and vote were in direct furtherance of an effort to negate the Agreements between the Development Authority and the City under which the Development Authority operates the Amphitheater and the Tennis Center. Mr. Rapson seeks to bring the Amphitheater under direct Council control so that he can engineer the rehiring of his wife as its director at an exorbitant salary.
3) Mr. Rapson further seeks to cripple the Development Authority financially so that they will be unable to effectively defend themselves in court against his wife's lawsuit.

I deeply regret having to file this complaint, but the arrogance and greed demonstrated by Mr. Rapson leave me no choice. Despite prior warnings and with utter disregard for the fact that he risks destroying the Tennis Center and the Amphitheater in the process, Mr. Rapson is using his office to further his personal financial interests.

Please confirm to me your receipt of this complaint and advise me of the timetable of events that will now be set in motion under the City ethics ordinance. This situation is extremely serious and demands prompt action. Please be advised, however, that due to a prior unbreakable commitment I will not be available from June 6 through July 2. I would appreciate your establishing the schedule with this in mind.

Sincerely,

Robert L. Lenox

Robert L. Lenox
407 Bradford Pt
Peachtree City, GA 30269
770.487.5415
blenox@cfcmail.com

Mr. Steve Rapson, Councilman
151 Willowbend Road
Peachtree City, GA 30269

February 11, 2002

Dear Mr. Rapson,

As a result of the Council meeting last week the idea of forming a Sports and Entertainment Authority is inextricably linked with alleged shortcomings in the past performance of the Development Authority. Because of this I do not believe that you can make any comment whatsoever about such an Authority without violating the ethical responsibilities of your Office.

Any such comments would easily be construed by citizens as being intended to attack the credibility, competence and accomplishments of the Development Authority in furtherance of your wife's lawsuit against them. I know you would not want such a thing to happen so I am sending you this letter as a courtesy lest you unwittingly commit what all the citizens of Peachtree City would regard as a serious and flagrant violation of your ethical responsibilities.

I also send it as a polite warning. If I learn that you have, publicly or privately, verbally or in any written form, made any comment whatsoever about the Development Authority, the Sports and Entertainment Authority, the Tennis Center or the Amphitheater I will be compelled to file a formal complaint against you in the manner outlined in the Peachtree City ethics ordinance.

Very Truly Yours,

Robert L. Lenox

Second, the term "immediate family" is defined as spouse and children.

Third, the word "transaction" is defined as "the conduct of any activity that results in or may result in an official act or action of the City."

Fourth, the terms "official act" and "action" are defined as "any executive, legislative, administrative, or discretionary act of any official or any employee of the City or any agency of the City."

Finally, the word "participate" is defined as "to take part in official acts, actions or proceedings personally as an official employee through approval, disapproval, decision or the failure to act or perform a duty."

Thus, reading the above quoted provisions of the Code of Ethics along with the preamble as set forth in Section 62-71 and the requirement that "this article shall be construed liberally to effectuate his purposes and policies" as found in Section 62-92, I have arrived at the conclusions which are listed below.

Matters Related to the Development Authority

While the lawsuit is pending between your wife and the Development Authority, and possibly for some time following the conclusion of that lawsuit, the Code of Ethics requires that you abstain from "participating in any such discussion, voting or otherwise participating in any such official acts or actions" on such matters. Thus, you must refrain from all such activity until the lawsuit has been fully and finally concluded.

Matters Related to the Proposed Sports, Recreation and Entertainment Authority

The question presented by the Sports, Recreation and Entertainment Authority is a more difficult question. If discussions regarding such authority had not already been intertwined with the possible operation of the Tennis Center and Amphitheater by the new authority (both of which, as you know, are presently operated by the Development Authority), then this question would be much simpler to answer. Likewise, had statements not been made offering positions of membership on the Board of the Sports, Recreation and Entertainment Authority to the current members of the Development Authority, this question would be easier to answer. However, since such communications and statements have been made, I am of the opinion that you must abstain from "participating in any such discussion, voting or otherwise participating in any official acts or actions" which concern the Sports, Recreation and Entertainment Authority. If, at some point in the future, a solid division occurs which keeps the discussions of the Sports, Recreation and Entertainment Authority separate from discussions involving the Tennis Center and Amphitheater, then I would deem it to be appropriate to review, and possibly revise, this opinion.

If you wish to discuss the contents of this opinion letter, please do not hesitate to contact me.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC

Richard P. Lindsey

RPL:jmf

cc: Mayor Stephen D. Brown

Conflict of Interest - Sports, Recreation & Entertainment

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February 19, 2002

Mr. Steve Rapson
Council Member
City Council of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

RE: Opinion, Possible Conflict of Interest in Matters Affecting the Development Authority of City of Peachtree City and Matters Related to the Proposed Recreation, Sports and Entertainment Authority

Dear Steve:

You have asked for an official written opinion concerning the proper and ethical course of conduct you should take regarding matters affecting the Development Authority of Peachtree City ("Development Authority") and matters relating to the proposed Sports, Recreation and Entertainment Authority of Peachtree City ("Sports, Recreation and Entertainment Authority"). The reason you have asked for such an opinion is that your wife has a pending lawsuit against the Development Authority.

Three provisions of the Peachtree City Code of Ethics possibly come to bear on your situation. These are as follows:

1. Section 62-73 - Impartiality. "No official or employee shall by his conduct give reasonable basis for the impression...that such official or employee is affected unduly by kinship, rank, position or association with any person."

1. Section 62-76 - Coercion. "No official or employee shall use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons within his immediate family ... ."

1. Section 62-81 - Abstention. "An official or employee who has an interest that he has reason to believe may be affected by his official acts or actions or by the official acts or actions of the city shall disclose that interest. Such official or employee shall abstain from participating in any such discussion, voting or otherwise participating in any official acts or actions affected by such interest. That interest shall be disclosed by such official or employee prior to there being taken any official act or actions."

Likewise, there are certain words and terms which are defined in the Code of Ethics. First, the word "interest" means

> "... any direct or indirect pecuniary or material benefit accruing to a public officer or employee as a result of a ... transaction, which is or may be the subject of an official act or action by or within the city. ... For the purposes of this article, an official or employee shall be deemed to have an interest in the affairs of ... any person in his immediate family."

Mr. Jim Basinger, City Manager
City of Peachtree City
151 Willowbend Rd.
Peachtree City, GA 30269

May 23, 2002

Dear Mr. Basinger,

This is a second formal ethics complaint against Councilman Steve Rapson. My basis for this complaint is as follows:

A) The Peachtree City Development Authority employed Mr. Rapson's wife for several years, ending last fall.
B) Ms. Rapson resigned in an apparent dispute with the Authority over her salary and overall remuneration structure.
C) Ms. Rapson subsequently filed suit against the Authority alleging gender discrimination and seeking significant monetary recovery.
D) On February 19, 2002 the City Attorney officially advised Mr. Rapson that he must abstain from—in paraphrase—discussing, voting or otherwise participating in official acts or actions relative to the Development Authority.
E) At the special called City Council meeting on May 22, 2002 Mr. Rapson participated in an official act relative to the Development Authority when he voted affirmatively to appoint special counsel to investigate a certain agreement between the Development Authority and the City. Mr. Rapson made no mention of his conflict of interest prior to voting.

The Mayor and the other Council members are aware of Mr. Rapson's ethical problem and are conversant with the contents of the City Attorneys' letter of February 19. None of them saw fit to remind Mr. Rapson of his conflict of interest nor to inform the public present that such a conflict of interest existed. Consequently, I feel that all the Council members who voted were complicit in concealing the fact that Mr. Rapson could not ethically vote on this issue. As a consequence I would request that you obtain from the City Attorney for the benefit of the citizens of Peachtree City an opinion covering two points:

1) Are the other members of the City Council who voted also open to ethics violation charges for aiding and abetting Mr. Rapson in concealing his conflict of interest?
2) Is, in fact, the entire action taken by the Council null and void since everyone who voted chose to consciously withhold from the public the fact that Mr. Rapson has a conflict of interest?

I will look forward to hearing from you in due course as to the schedule of actions relative to this complaint dictated by the City ethics ordinance and as to the opinion from the City Attorney in response to the above two questions.

Sincerely,

Robert L. Lenox

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