

City Council of Peachtree City

Agenda

May 17, 2001

7:00 p.m.

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
 - Present 15-Year Pin to Pat Webster
 - Recognize Employee of the Month – Robert Harkins
 - Keep Fayette Beautiful to present the Student Environmental Award
- III. Minutes:
 - 4/9/01 Council Workshop**
 - 4/19/01 Council Meeting**
 - 5/3/01 Council Meeting**
- IV. Consent Agenda
 - 1. Appointments to the Airport Authority
 - 2. Consider Purchase of a New Speed Monitoring Device
 - 3. Bond Issue – Architectural/Design Services
- V. Old Agenda Items
 - 04-01-07 Seniors' Facility Authority
 - 05-01-02 Ginza – New Alcohol License
- VI. New Agenda Items
 - 05-01-06 Beef O'Bradys (Family Sports Pub) – New Alcohol License
 - 05-01-07 Public Hearing – Consider Lifting Annexation Moratorium Relative to the Wieland Property (Centennial Subdivision)
 - 05-01-08 Proposed Financial Policies
 - 05-01-09 Discuss Approval of City Funds Expenditures
 - 05-01-10 Proposed Improvements to SR 74/54 Intersection
 - 05-01-11 Discuss Limiting Number of Package Stores in Peachtree City
 - 05-01-12 Discuss Wynnmeade Traffic Signal Relocation
- VII. Council/Staff Topics
- VIII. Executive Session

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 - 4/9/01 Council Workshop - Am as written, CF 4-0
 - 4/19/01 Council Meeting - Am as written, CF 4-0
 - 5/3/01 Council Meeting - Am abtained - SR as amended, CF 3-0

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

SR as amended
Am 2nd
4-0

V. Old Agenda Items

- 04-01-07 Seniors' Facility Authority RLL table, CF 2nd 4-0
- 05-01-02 Ginza – New Alcohol License AM - approve condit. on sale, CF 2nd 4-0

VI. New Agenda Items

- 05-01-06 Beef O'Bradys (Family Sports Pub) – New Alcohol License AM, CF 2nd, 4-0
- 05-01-07 Public Hearing – Consider Lifting Annexation Moratorium Relative to the Wieland Property (Centennial Subdivision) - AM, SR 2nd 4-0
- 05-01-08 Proposed Financial Policies - SR as amended, 2nd - 4-0
- 05-01-09 Discuss Approval of City Funds Expenditures SR - as amended, AM 2nd 4-0
- 05-01-10 Proposed Improvements to SR 74/54 Intersection - No action.
- 05-01-11 Discuss Limiting Number of Package Stores in Peachtree City - No action
- 05-01-12 Discuss Wynnmeade Traffic Signal Relocation RLL - 2 cos, AM 2nd 4-0

RLL motion to
hear 1st

VII. Council/Staff Topics

VIII. Executive Session

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ANNOUNCEMENTS

1. Present 15-Year Pin to Pat Webster
2. Recognize Employee of the Month – Robert Harkins
3. Keep Fayette Beautiful to present the Student Environmental Award

April 9, 2001 Council Workshop Minutes

**City Council of Peachtree City
WORKSHOP
Minutes of Meeting
April 9, 2001
6:00 p.m.**

The City Council of Peachtree City met in a workshop session, Monday, April 9, 2001, at 6:00 p.m. in the Peachtree City Library. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Carol Fritz, Dan Tennant, Annie McMenamin, and Steve Rapson.

ANNOUNCEMENT:

Developmental Services Director Jim Williams addressed Council and announced that City staff was in the process of organizing a Bond Referendum. Williams provided copies of the *Bond Project Work Program* that listed the various projects to be included in the referendum (attached and made a part of this official record). The document also included staff's recommendations for Task Force members to work on the projects. Williams requested that Council review the projects, and the recommended Task Force members and advise of any changes or additions at their earliest convenience. Williams explained that staff's goal was to appoint the Task Force members by Friday, April 13, 2001, in an effort to begin work on the projects the following week.

AGENDA ITEMS

04-01-01 Discuss Livable Centers Initiative

Mayor Lenox advised that City Planner David Rast had prepared a brief overview of the Livable Centers Initiative.

Rast addressed Council and stated that Peachtree City was one of 12 communities out of fifty-one applications in the metro-Atlanta area that had been selected to receive funding in the initial round of applications through the Atlanta Regional Commission's (ARC) Livable Centers Initiative, and that the ARC had allocated approximately \$300 Million Dollars over the next few years to fund the implementation of the studies. Rast explained that the ARC would like to see the incorporation of a commuter rail station into an overall Activity Center, as the commuter rail was a component of the recently adopted Regional Transportation Plan.

Rast said that the grant application was written so that all modes of alternate transportation could be considered, and centered on ways to connect existing and proposed development within the GA 54 West corridor utilizing alternate transportation.

Rast said two grant applications had been submitted for the initial Studies Grant to develop two activity centers in Peachtree City that had limited or no access to the Peachtree City multi-use path system. Rast explained that the first activity center, identified as Highway 54 East, would incorporate the Peachtree East Shopping Center area located outside the city limits.

The second activity center study area was the Highway 54 West Corridor, from the intersection of Georgia Highways 54 and 74 West to the city limits of Peachtree City. Rast said Peachtree City had been awarded the grant to study the Highway 54 West Corridor, and explained further that what ARC was looking for was – not to dictate where the transit stations, bus lines, etc., would be located – but to have the task force take a broader look at the activity center issue.

Rast brought Council's attention to the 54 West Corridor drawing he provided for Council's review and stated that one of the things staff would try to do was to tie the paths, rail lines, and secondary roads together and to also enhance existing streets, intersections, etc. Rast said a Scope of Services had been written and put out for bid, that four proposals had been received, and that The Brookwood Group had been chosen in January 2000 as the consultant for the Grant Study. Rast said that The Brookwood Group felt that ARC was promoting a commuter rail since Peachtree City would be one of the first communities to look at commuter rail in the future. Rast said staff had looked at doing was incorporating, not only the goals and objectives the City had for the 54 Corridor, but also how to make that whole area connect with what might one day become a commuter rail station.

Rast indicated that the City had identified three potential sites for the commuter rail facility – one on GA 74 north adjacent to the cable company building, one on the existing Line Creek Baptist Church property; and one at Falcon Field. In discussing the options with The Brookwood Group, and realizing that only one of these sites was located within a true activity center and located in what staff felt was actually the center of Peachtree City, staff felt the Line Creek Baptist Church site was best suited for commuter rail. Rast said The Brookwood Group began developing some schematic, yet refined, plans for the church property for a commuter rail or the potential of a commuter bus if commuter rail was several years away.

Rast advised that a Task Force had been formed to study the Livable Centers Initiative and that two meetings had been conducted. He said both meetings had been centered on proposing a commuter rail on the church property. Rast said staff wanted to go back and begin looking at the 54 Corridor and do a fairly intensive urban planning project. He said Jerry Peterson had taken some of the maps and done some very preliminary sketching and that he and Peterson had met to talk about it. Rast said if you looked at the 54 Corridor, there was a fairly significant amount of open space or park area already in place and that there was already a lot of development that was already occurring, so that as the Activity Center evolved, there really would not be a need for high density residential because, in essence, it already existed with the apartments and Cedarcroft and Wynnmeade, and all the homes that were already in place in that area. Rast said by connecting the rest of Peachtree City to this area by the path system, that many more homes would be provided access to the Activity Center. Rast said staff was defining Activity Center as a place where people could live, work, and play. Rast reiterated that residential and shopping was already in place (e.g., The Avenue, Market Place, and the potential for Home Depot and Wal-Mart), that there was a high concentration of retail right in that area. Rast said if the area was destined to be a commuter rail station that it would serve all those areas. He said feasibly someone could drive their golf cart to The Avenue for a cup of coffee, drive to the commuter rail station, park their golf cart and ride the commuter rail to Atlanta to work. He said that

was the kind of thinking that the Task Force and the Advisory Committee had.

Rast said if you looked at the potential of connecting some of the paths that were already in place with the bridge that was already funded over the railroad track, and the culverts that DOT had agreed to put in when they widen Highway 54, and then look at the potential of some secondary roads, you could see the alternate transportation system that began to emerge and that that was basically what they were looking at. He said on the church property site, at one point there was the potential of putting a community center and more office space there and those were things staff would evaluate as the plan for that area evolved. Rast said what The Brookwood Group provided was almost a worse-case scenario of what could happen – that no criteria had been established for the commuter rail station – how many parking spaces, how big an area would be required – and that he thought what The Brookwood Group envisioned here was if commuter rail was several years away, that the possibility of a commuter bus could happen much sooner. He said they designed the plaza area with the potential for a bus drop-off and the possibility that if that area became a node of a multi-jurisdictional transportation system, that down Highway 54 in Newnan you could have a Park and Ride lot and the buses could run down Highway 54, drop people off, get on the train and go to Atlanta. Rast said additionally that when you look at the regional picture, which was what ARC had asked the City to do, then that was why that particular section had been chosen the potential commuter rail station.

McMenamin asked what the Task Force's responsibility and value was when single issues seemed to be predetermined and not negotiated, debated or talked about within the Task Force meetings – for instance the rail discussion – she said it seemed like the idea was predetermined without a real scope from within the task force. McMenamin said she liked the urban planning project, but was just questioning who was driving the cart here. Rast said that actually the City's grant application and the grant program. McMenamin asked if one was contingent upon another. She said in the beginning the conversation was that what came out of the Task Force and what came out of ARC did not necessarily mean buy into the whole package – that there *may* be a rail, there *may* be a bus, there *may* be mutli-family. So, as we proceeded, at what point did the Task Force say that's not doable?

Rast said that was where they were at right now. He said the first two meetings had pretty much been *in your face* – this is a commuter rail station, and he thought the reaction staff received had made them take a step back and rethink it. He said as you can see, the corridor start to evolve in either the redevelopment or the development of that urban corridor, commuter rail might not be the best fit there. He said the City did not own the site, that the church owned the site, so they sort of did the pie in the sky first to kind of get reaction and that now they wanted to get back into more reality. He said as the plan moved forward, he thought one of the things he did not mention was the fact that within the project vision for the Livable Centers Initiative, it did talk about alternate transportation, brining in rail, bringing in high-density office, bringing in high density similar to Lindbergh Station. He said this was not the case here and he did not think that by accepting the grant and agreeing to look at this corridor, that Peachtree City had said, okay on these ten acres we're going to cram 600 apartments. He said he thought the City had the option to set the parameters on what was envisioned there. Rast said he thought the city had taken the wrong approach by bringing in the

consultants at the point the City did without establishing that up front.

McMenamin said she would have preferred to see the Task Force take a look at our community and determine if there was to be rail, what was the intention of the rail – was it to move the Peachtree City residents or was it to move workers in and out of the industrial park – or was it pleasure or tourist, and what was the goal for a rail. Rast said he thought staff had jumped the gun, but that they were now doing the legwork to get to something like this. He said this was not to say that if that site was ultimately selected, and it was recommended that the City pursue a commuter rail, that staff would not go back and look at some of the things The Brookwood Group had done there.

McMenamin mentioned that at one point the Historic Preservation Committee had looked the historic value of the church and the cemetery, and asked Rast if he had any thoughts as to preserving it as an historical site. Rast said if that site were chosen, he did not know about the church itself, but that the cemetery would definitely remain.

Rast said that Doug McMurrain, a member of the Task Force, had indicated that he was in negotiation with the church to purchase the property. Rast advised that McMurrain had indicated that he was in negotiations with the church to purchase that property and that the church was looking at sites elsewhere to build a new facility. Rast said that McMurrain had developed at least one site plan about what could ultimately go there, but that staff was trying to get McMurrain to delay his plans (and McMurrain had agreed to work with staff about delaying his plans for that site) until staff determined if this was something the City wanted to pursue.

Rast advised that the Living Centers Initiative Program was on a very tight time frame because staff had waited over a year to initiate the studies because of the west side annexation. He said the west side was potentially the true definition of an activity center because of the residential and everything that was there. He said with the funding that was available to implement the projects, staff was waiting to see if that went forward so that some of the funding could be used for infrastructure. He said the study had to be completed by June 30, 2001. He said the Task Force would begin meeting every other Monday night on the same night as the Planning Commission meetings.

Fritz said this was for one of the two grants and asked if the other application also had a deadline. Rast replied that there were two applications, but that the City had only received funding for the study he had been explaining.

Rast explained further that in the Regional Transportation Plan, ARC had allocated \$1 million dollars over the next three years to fund the studies and that also in the Regional Transportation Plan, ARC had also allocated upwards of \$3 million dollars to fund those projects that were included in the community studies – not to say ARC would not split those funds between 12 communities, but certainly some of the alternate transportation – even if it was paths – because the funding was available for that. He said they had secured funding for the multi-use bridge over the railroad that was awarded through a Transportation Enhancement Act, which was a part of the Regional Transportation Plan.

Rapson asked as far as the ARC's plan and what they had in their 5-year TIP plan,

what was their vision regarding the south side in general and what were their priorities with so many projects. Rast replied that he really did not know, but he did know that each county and municipality submitted projects for the Regional Transportation Plan and that an evaluation factor using a point scale where the projects that scored the highest were approved. He said ARC had tried over the past couple of years to make sure projects were included from *around* the metro-Atlanta area. Rapson said he had heard some fears (about this plan in particular) that if the City had a master, generalized-type plan, would that help the City's score because a lot of people in Peachtree City did not want the City to do anything to help our score regarding a commuter rail or even a bus station.

Rast said he thought the City was just in the preparation of the study and what happened after the study was completed and adopted, then a 5-Year Implementation Plan would have to be developed, provide projects to ARC, and that those would be evaluated. Rast explained further that the City could get through the study phase and it could be closed up.

Rapson said on the third page of the information Rast provided, with the actual system improvements to the cart paths with everything tied in, that that would be something that everyone would be in favor of pursuing. He said those were system-wide improvements that citizens would immediately benefit from. Rast said in the current Regional Transportation Plan, the emphasis was not on road building; it was on paths, bicycle lanes, etc., and that most of the City's cart path projects were in the Regional Transportation Plan. He said staff had inventoried all the cart paths that were outlined in the City's master plan and provided the information to the ARC. ARC now says that entities must have their plans in the RTP to be eligible for "T" funding, etc. Rast said the people he had spoken to at ARC at the staff level were referring a lot of communities and counties in the metro-Atlanta area to Peachtree City to see how smart growth works. He said if the City used this study to take it to the next level then funding might ultimately be available for a commuter rail. He said there had been a lot of discussion regarding the commuter rail program on-line, such as the CSX line that ran through Peachtree City that was a high-volume single track, that there was right-of-way to add a second line. He said that, what the Georgia Rail Authority wanted to do was on the lines where they had commuter rail was have a secondary line for passengers and that he thought what they envisioned at first was utilizing the same line that was there. However, CSX and Norfolk Southern and everybody came back and said they were going to increase their rail usage. He said that was where they were right now – that the commuter rail program in general had gone down on the priority list and that the multi-modal station in downtown Atlanta where all these rails were supposed to go into was now not even funded. Rast said that gets us to the plan where commuter bus was introduced, and that that idea had not been well received by the Task Force.

Lenox said he thought one of the ironies was that the City had spent considerable effort just trying to set up a commuter bus service to the airport, and thought it was important to understand that this system was intended primarily to take people from Peachtree City to work and bring them home because there would never be a balance of jobs in Peachtree City. He said everyone was very willing, but that it was incredibly expensive and no one was willing to front the whole thing and pull it together. Lenox said he also thought it was important to realize that out of all the \$36 Billion dollars that was

programmed into the Regional Transportation Plan over the next 20 years, that about two-thirds of that was for public transportation. Lenox said what that said, in effect, was there would not be much money for roads and in the Atlanta area, what money there was would be go to the north side primarily because their problems were incredible. Lenox said the City was faced with a peculiar situation and he did not know what the answer was, but if the City did not somehow make provisions to participate in what was going to be a massive forced shift to public transportation, that Peachtree City would be left out in the cold. He said whether we liked it nor, the Federal Government had dictated that no more roads would be built, and that we were not going to drive more cars, and that if the Federal Government had to, they would make it so painful to drive a car, that everyone would be willing to get on the bus and be driven to work.

McMenamin said she did not mind the concept, but that if it was forced on the City, we could (hopefully) say where we thought the best place to put it would be, so that neighborhoods and livable centers would not be degraded.

Lenox said the Task Force and professional planners had to have input into this type of plan and that the important thing to realize regarding commuter rail – wherever the station was placed, there would not be a train in that station for at least eight years. If you were talking about commuter buses, he did not think a commuter bus would be backed by the ARC or the state or anybody else within the next three to four years. He said it would take that long to get the effort rolling, and that this was a classic situation where the City needed to project itself into the future and determine what that area would look like in five to ten years from now and where should these facilities be built – taking into account, that if the rail had to come to Peachtree City (because that's where the rail line was), not only what was happening in Peachtree City, but what was happening around us because people were going to want to come to this station from surrounding areas too. He said how do you factor that in and not get hung up on the problems facing us just today. Fritz said the reality of the issue was that Peachtree City did need to plan for this and that the Task Force needed to have the input as to where a station would go so as not to have someone dictating where it would go.

Rapson said from an ARC perspective, if they got CSX onboard, the City would not have a whole lot of vote, and that the problem was that most of the density in Fayette County was in Peachtree City. He said the problem was no matter where the station was built, especially if you go further down Highway 74 south, the Highways 54/74 corridor would be affected because people would be coming from Newnan and everywhere else.

McMenamin said she thought it would be interesting to hear what the Peachtree City population wanted because she remembered during a public forum years ago when whatever organization was pushing the rail here, that she would say the majority of the population would be opposed to a rail here and would not use it, and neither would many of the airlines people. McMenamin maintained that she, as a woman, if she could get on a commuter rail in Peachtree City and be dropped off at Lenox Square, she would be all for it, but if seven or ten stops were made before she arrived, she would definitely not go by herself.

Task Force member Steve Brown requested that Rast have the minutes of the Task Force meetings approved prior to distribution to ensure accuracy.

At the conclusion of the discussion, Council decided to remand the matter back to the task force for additional study at this time.

04-01-02 Discuss City Clerk Position

Prior to discussing the City Clerk position Tennant thanked Fritz for providing the information for discussion.

Rapson said he thought Council should consider whether Peachtree City was large enough to have a full-time City Clerk, and that he felt the position should be considered to be on a director level for it to work appropriately because the City Clerk had to work with elected officials, and communicate with and be responsible to the constituents.

Peachtree City's former City Clerk, Frances Meaders, addressed Council and outlined the duties and responsibilities of a City Clerk. She said that the City Clerk, historically, was the keeper of the records and that currently there were State laws on records retention and that it was very important to have someone designated as the City Clerk who was aware of these laws.

McMenamin asked Meaders if she agreed that recording and transcribing minutes were not that difficult, that it was the interruptions during the day that interfered with completion of the minutes, and that it took a unique individual to be able to stop and start this task. Meaders responded that minutes took a long time to complete and that the duties of the Clerk required many hours to accomplish. Meaders added that she felt that the City definitely needed a designated City Clerk.

Fritz said it had always been her contention that the City did need a City Clerk, and if you were going to have a City Clerk, they were certified and trained a certain way, and that Council and staff should allow them to do the job that was required.

Rapson asked City Attorney Rick Lindsey if Jane Miller could be appointed as the City Clerk. Lindsey responded there would be no problem with that.

Tennant asked about the idea (that Council had pretty much agreed to) that the City Clerk would report to the City Manager, but could not be fired by anyone except Council. Fritz said she hoped so. Rapson said he had no problem with that. Tennant said he still maintained that, indeed, there were some tedious functions relatively speaking, but there were also some important public policy functions that were critical in the public's interest. Tennant added that he would not mind paying a little more for this position, and really liked Option #1 (*referring to previous information provided to Council in this regard*) – to have a Certified City Clerk reporting to the City Manager subject to dismissal only by Council. He said he felt *structurally* this would serve the public's interest best.

Fritz commented that a City Clerk was supposed to serve the City Council, but that if the Clerk was the administrator hired by the City Manager, there would be the conflict that the Clerk was not really working for the Council.

Rapson clarified that, if the Clerk reported to the City Manager, the City Manager would conduct the City Clerk's evaluation.

Lenox said there were certain aspects of the Clerk's job that required a high level of judgment, but that there were a lot of aspects of the Clerk's job that were tedious. He said he liked the idea that the Administrative Services Director - now or 20 years from now - would serve as the City Clerk because that person had the judgment and skills that go with that position, that the person would be paid to direct the work of a lot of people, and that those skills commanded a good salary. However, at the same time, he would expect that person to make those crucial judgments. He said when judgments had to be made relative to Council, that person would be responsible for making them. He said he also felt that person should have an assistant so that the work could be spread within the organization however it was most effective.

Lindsey said that had been one of his recommendations - that there was concern about having a situation with just one person doing all the work because if that person became sick, or was on vacation, or was occupied with other work - it would be better to have a situation where there was a City Clerk and an Assistant City Clerk. He said it would be better to have a Director or someone who has a department of people to take care of getting the information to the public, getting the zoning letters out, etc., so that if the Director or Clerk was gone, the work would get done.

Tennant said he thought the answer to that was what had happened with the current situation - given the fact that if the City Clerk reported to the City Manager and the Clerk was gone, it would be the City Manager's responsibility to delegate those functions and that he did not see that as a problem.

Lindsey said it would not be a problem unless the City Manager did not have control, and that the problem the City had all along was that the City Manager did not have control over the City Clerk, and that everyone knew it had been going on over a year and a half. Lindsey said Council should make sure that did not happen again. McMenemy said she thought when Council appointed the City Clerk to be supervised by the City Manager, all she heard was that it was working great - and that this information came from the City Clerk and the City Manager.

Lindsey said he felt for a time it had been working, but that it had been a band-aid approach. He said he still thought - with Gloria Reid, Betsy Tyler, and Jane Miller handling the work - that basically the same situation had been created. He said Council had a person (who happened to be the City Manager) delegating all the City Clerk's responsibilities. Lindsey said the question became - did Council want the City Manager (who the City was paying the most amount of money to) doing City Clerk work or would Council want to take it down a Director who was the Acting City Clerk and have them delegate duties. He said the City needed a higher paid person who could make the decisions.

In answer to McMenamin's inquiry as to what Lindsey's relationship was to the City Clerk, Lindsey replied that he was on the phone a fair amount of time talking about different issues when Meaders held the City Clerk's position, when Faulkner held the position, and now when Miller, Reid, and Tyler were performing the duties. He said that when you dealt with legal issues, you needed a higher paid person who could talk intelligently about things like the City Code. He said if there was only one person performing the duties, that eventually that person would become burned out or the duties would end up getting spread out among different people. Lindsey said further that he thought the City Clerk position should be put on a level with a Directorship or at least create a department with a City Clerk and an assistant so that the duties would not fall on the City Manager who was the highest paid employee.

Rapson said another problem was the fact that the person who served as City Clerk (who was almost autonomous in the system) had an elected type perspective on taking care of the public's interest. He said he also did not buy into the concept that, as in a Councilperson, it was an independent person you could go to other than the City Manager because as far as he was concerned there were many other City employees he could talk to about any question. Rapson said further that it really became a matter of trust, and that if the City hired the right person, it would not matter whether that person reported to the City Manager or the City Council.

Tennant commented that it came down to Council's own individual interpretation of the sensitivity of the position and that he was inclined to think it was a more sensitive position. He said he would err on the side of trusting government and would not be averse to having a City Clerk, and if necessary, an Assistant City Clerk; particularly, if Peachtree City paid its City Clerk \$45,000 a year when cities smaller than Peachtree City were paying \$85,000. He said the City could pay \$65,000 a year and still have good government.

McMenamin commented that she was trying to look long range – about 5 to 20 years from now, and she thought the City would definitely need a stand-alone City Clerk at that point. She said further that two years ago, when the City employed a City Manager, an Assistant City Manager, an Administrative Services Director and a City Clerk, she felt there was a lot of duplication of work and thought that this needed to be fine tuned at some point.

Lenox asked Council to keep in mind that Peachtree City would not become much larger, and the City Clerk's position would become relatively routine. Lenox said he was looking for fiscal efficiency, structural clarity, and maximum flexibility to get the job done. Lenox said the system that was used for years had worked very well, and that when the Administrative Services Director had served as the City Clerk, the City received the maximum fiscal efficiency because the City did not have to pay the Administrative Services Director *and* the City Clerk \$65,000 each a year, that one person was being paid a good salary at the Director level. He said this provided structural clarity because that person reported to the City Manager, and that no Director could be fired by the City Manager without the right of appeal to Council. Further, that this had also provided maximum flexibility because the Director could assign the work however he or she saw fit to the person who should appropriately be doing the work.

Tennant said the City had a million dollars sitting in the bank for self-insurance, and that he looked the City Clerk position as an insurance policy. He said he would rather have insurance that the City would have very, very open government with no potential for any difficulties.

Lenox said he had been looking at the ten-year budget projections and that millage rates were going up, that a lot of people had been hired the past two years and the City was faced with hiring more – particularly when the new Fire Station was built. He said the City should be very careful about redundancy of jobs and responsibility and that there was nothing wrong with the way the City's government functioned, that Peachtree City's government was the most open governmental structure he had ever seen.

McMenamin suggested that Council think about this issue, write down their version of what each Councilmember would like the City Clerk's position to be and submit the information to the Mayor.

City Manager Basinger addressed Council and stated that during the last three or four months, he and former City Clerk Nancy Faulkner had made a special effort to ensure work went smoothly – that they both had worked hard at it. However, during that time Faulkner was required to be out of the office quite a bit. He said that even when Faulkner was at work it had caused a lot of additional work for him to *directly* supervise the City Clerk because she could not always be at work. He said further that he had to get involved with things like Open Record Requests before they went to the City Attorney, Alcohol Beverage Licenses, etc., because Faulkner had to confirm things with him because she wanted to ensure she was making the right decision.

In response to McMenamin's question as to how the situation would change regardless of who served as the City Clerk because the Clerk would still have to report to him and come to him to ask questions, Basinger responded that it would change because Jane Miller had extensive experience in handling these matters. He said Faulkner did not have the experience that Miller had, and that Miller handled those matters for him. He said right now, since Miller was handling these things for him, they did not discuss many City Clerk tasks.

Tennant said that situation was okay for now, but what about in the future. Basinger said there would always be an Administrative Services Director. Tennant said that perhaps the City would not always have an Administrative Services Director as experienced as Miller.

Lenox said if the positions were combined, there would have to be a requirement for a *Certified City Clerk*.

Basinger said the City Manager's position entailed a lot of work and required many hours, and that adding the City Clerk's duties made the job that much more time consuming. He said if Council decided to task him with the City Clerk's duties, he would do the job that needed to be done, but that he did not think this was the correct way to do it. He said, as had been mentioned, that a City Clerk and an Assistant City Clerk was needed so that when the City Clerk was not there, the Assistant City Clerk would be there to perform the duties. He said it worked well when Frances Meaders

performed the duties of Administrative Services Director *and* the City Clerk with the assistance of an Assistant City Clerk and thought Council should give serious consideration about going back to that system.

Meaders commented that if Miller were to train someone as an assistant, and then the job became bigger, the City would already have a trained City Clerk. She said even if the Assistant City Clerk became certified, that it only involved a little expense and some time away from the office two or three times a year, but that it would be well worth it.

Rapson said he thought Council needed to make a commitment to pay for whomever that person was to become certified regardless of whether it was a City Clerk or an Assistant City Clerk.

Lenox said he thought Council should think about the City Clerk position, write down their thoughts and submit them to him for further discussions as McMenemy had suggested.

There being no further business to discuss, the meeting adjourned at 7:45 p.m.

Attest: Robert L. Lenox, Mayor

Jane Miller, City Clerk

April 19, 2001, City Council Minutes

City Council of Peachtree City

Minutes

April 19, 2001

7:00 p.m.

The City Council of Peachtree City met in a regular session on Thursday, April 19, 2001, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Councilmembers present were: Carol Fritz, Dan Tennant, Annie McMenamin, and Steve Rapson.

Announcements, Awards, Special Recognition

Mayor Lenox recognized Supervisor of the Quarter Scott McCord, presented an Award of Recognition to outgoing Development Authority member, Peter Cunningham, and recognized Lee Burton and the Patton Seed Company for the contributions of the golf courses to Peachtree City. Mayor Lenox proclaimed Frederick Brown, Jr. Amphitheater Week, Children's Week, National Day of Prayer and Georgia Cities Week.

Approval of Minutes

McMenamin made a motion to approve the minutes of the 2001 Annual City Council Retreat as amended. Rapson seconded the motion. Motion carried unanimously.

McMenamin made a motion to approve the minutes of the March 29, 2001 Council Meeting as written. Tennant seconded the motion. Motion carried unanimously.

McMenamin made a motion to table the minutes of the April 9, 2001 Council Workshop to allow for increased verbiage regarding the Livable Centers Initiative. Fritz seconded the motion. Motion carried unanimously.

Consent Agenda

- Alcohol License Representative Change – Ruby Tuesday
- Alcohol License Representative Change - Village Store/Texaco #18
- Consider Kedron Elementary School Funding Request
- Approve Contractor for All Children's Playground
- Consider July 4th Fire Works Contract

McMenamin noted that representatives from the All Children's Playground were in the audience, and thanked them for their efforts. Tennant asked City Attorney Rick Lindsey if he or McMenamin had any conflicts due to his children and Annie's granddaughter attending Kedron Elementary School, and Lindsey said that making the matter public knowledge should suffice and felt there was no conflict of interest in both members casting votes on the issue. McMenamin made a motion to approve the consent agenda items. Tennant seconded the motion. Motion carried unanimously.

New Agenda Items

04-01-01 - Appointment to Fayette County Board of Health

Basinger said that he, McMenamin and Fritz had served on the selection committee for the Board of Health position, and 10 applications had been received. The committee recommended that Thomas Bowman be appointed to serve a term from April 20, 2001 through December 31, 2001, and that Jill Long be appointed as the alternate. McMenamin said that they had received 10 incredible applications, and it was a difficult decision to select from all the talent and experience available. Fritz echoed this comment, saying they had a wonderful selection of volunteers for this appointment. Fritz made a motion to appoint Bowman as the Board of Health representative and Jill Long as the alternate. McMenamin seconded the motion. Motion carried unanimously.

04-01-02 - Consider Private Streets

Developmental Services Director Jim Williams addressed Council, saying that Peachtree City currently had 34 subdivisions with privately owned streets. Of those, twelve were commercial and the rest were residential. Williams said that, due to the higher likelihood of conversion for single-family residential, Public Works performed a cost study for bringing the 14 neighborhoods up to city standards (one-time cost of \$113,855), annual operating and maintenance costs (\$57,480 per year) and paving them once in the ten-year period (\$458,390 over the 10-year period or approximately \$46,000 per year).

Williams said the city had allowed private streets because developers received a higher return on their investment and private streets allowed them more flexibility and more control over their subdivisions. The city did not encourage this type of development, but the Ordinance allowed it because the city received the benefit of the design of the neighborhood and the cost savings of not having to own and maintain the streets.

Williams said staff felt the private neighborhoods were well planned and coordinated, and the developers informed the buyers that the streets would stay private. Therefore, staff felt the city should not assume the responsibility for them. He added that, if the city did assume responsibility, the streets needed to be city owned, which would require a complicated process of variances to setbacks and, in some cases, to city standards. Williams said if Council decided to assume ownership, no more private streets should be allowed.

Mayor Lenox asked if all the subdivisions had some type of homeowners association, and Williams said they did and that they were commonly owned or had easements for maintaining the streets by the associations. Lenox said the neighborhoods were set up from the beginning to have private streets, and changing that would be very problematic. However, Lenox empathized that the associations were not street maintenance experts and suggested that, because he felt taking over the streets would be inappropriate, Public Works develop a program to assist the associations with planning and possibly contracting to perform some of their repair work. Rapson asked if he meant this to bring the streets up to city standards, and then the city would

accept the streets. Lenox clarified that he was talking only about the ongoing maintenance, which would remain a homeowners association expense. Tennant agreed that the city had the finances and the professional wherewithal to be of assistance in this regard.

Fritz asked if, under the association setup, the members paid a monthly fee that went toward street maintenance. Williams said that most, if not all, paid in such a monthly fashion. McMenamin expressed concern about private citizens using public employees on a contractual basis, feeling that it could create a boss-type situation. McMenamin felt the situation was unfortunate, but the owners had bought into a unique type of neighborhood and the amenities it offered, so she was somewhat hesitant to say that the city would at any time be responsible for maintaining their streets. However, she asked how cumbersome it might be for the city to accept one neighborhood if the residents agreed to bring their streets up to city standards first. Tennant said that most of the neighborhoods asking for this had already agreed to that. Rapson felt it would be cost prohibitive, looking at the average 10-year cost of \$120,000 per neighborhood for the city to bring them up to standard, maintain and repave, and this cost would be absorbed by taxpayers who did not live in the neighborhoods. Rapson said Council might look at it if they agreed to bring them up to city standards, but noted that the city could not spend public funds on private streets. Rapson also said the city would not accept substandard roads from developers, and should not in this case. While he empathized with the plight of the residents of these neighborhoods, he felt that home purchases did require the buyer to beware.

Fritz suggested that, when it was time for a neighborhood to repave its streets, they work with the city to obtain a better deal. Rapson asked the City Manager to evaluate the possibility of that, noting other joint partnerships that existed with the county. McMenamin said she would not be so hard pressed to reject accepting the streets if the neighborhood agreed to bring them up to city standards first. Tennant agreed, saying that it would be the least the city could do for the residents and that most had committed to that. McMenamin said there might be some that would not be able to do that, but that she thought Council would be interested in the ones that could be accomplished with only a few variances.

Rapson agreed and said he felt the Land Development Ordinance should be changed to prohibit private streets in the future. He added that the change should not prohibit Council from permitting private streets on an individual basis that were requested in the future. Tennant asked if it would be possible to send a letter to the Tax Commissioner advising him that residents on private streets did not receive the same services as those on public streets and requesting that the taxes reflect this. Fritz said that a certain amount was currently spent on public roads, and the overall cost would go up, so she asked if it was really a tax inequity. Tennant said he understood that, but it was perceived as a tax inequity, and he would like to see if the tax office could take that fact into account when assessing the properties. Lenox said, in a perfect world, one would expect the market value to take the private streets into account. Rapson added that the homes on private streets were typically more valuable.

Lenox said failure to maintain the roads would certainly bring down the property values, and the associations would have to shoulder that responsibility. He said he heard a consensus that, if the city could advise these neighborhoods and help them, Council was more than willing to do so.

Tennant said the surrounding neighborhoods certainly wouldn't want to see the private street neighborhoods deteriorate either. McMenamain asked about some of the flag lots with common drives on Bridlepath, noting she had received calls in the past about the city repairing them. Williams said those residents owned the drives. Rapson said it seemed the city really didn't have much authority in ensuring the maintenance of those areas, and Williams said that was true to some extent, but if it got to the point of affecting mail delivery or services, the city would ask them to make repairs. Fritz asked if street maintenance was covered under the building codes, and Williams said it was somewhat, and that if a large pothole posed a danger to fire service, the city could make the owners repair it.

Fritz said the whole issue was a bad situation, and Williams said it was safe to say that the developers made a better profit due to private streets, and the homebuyers should have gotten a discount because of that. Fritz said that was not really something Council had control over. Williams said the city's main benefit was no long-term maintenance costs.

McMenamin asked if a motion was needed. Lenox said he didn't think one was necessary, but directed staff to proactively go to the associations and see if the city could assist them with planning for road maintenance, and bring back to Council the question of whether the development ordinances should prohibit private streets with a staff opinion paper on the subject. Tennant asked staff to contact the Tax Commissioner's office about taking private streets into consideration when appraising property.

04-01-03 - Consider Use of E-Bikes on Cart Paths

City Manager Jim Basinger said the city had received a request from a Ms. Barbara Evans, who owned an e-bike distributorship in Peachtree City, to allow the e-bikes on Peachtree City's paths. Basinger noted that the Police Department had recommended against this decision, and Mrs. Evans had provided a response to each of the department's concerns. Basinger noted that, if Council elected to allow the vehicles on the paths, Peachtree City's ordinance would have to be altered, and a draft ordinance was before them as well.

Ms. Evans addressed Council, saying she first saw the e-bikes in an ad and, as a Peachtree City resident, she thought they would be perfect for the city. She contacted the Police Department to make sure they were allowed on the paths, and was assured the department was familiar with the product and they were perfect for the paths. She purchased her dealership in November 2000. Ms. Evans said the product was geared toward citizens of retirement age whose health might require assistance to cycle on the paths. The cost, from \$1,000 to \$2,000 each, made them impractical for the average teen. Ms. Evans also noted that the top speed of the e-bikes was 18 miles per hour, which was slower than most of the golf carts. Other models of the e-bikes had a top speed of only 10 miles per hour. She asked Council to consider allowing her to stay in business.

McMenamin confirmed that Evans was targeting seniors and persons with physical limits who might want to ride for exercise with the electrical system there to assist. Evans agreed, saying seniors had shown the most interest and that she had sold many to campers and people who traveled in recreational vehicles. Rapson said he had seen the bikes and they were impressive, and he was

not sure a teen would pay the price to own one. Rapson said he saw both Evans' and the Police Department's points about the product on the paths, but the draft ordinance incorporated most of the Police concerns, and he felt allowing the bikes on the paths would be an amenity to the city.

McMenamin asked if the bikes had bells or horns, noting that she had received complaints about all bicycles not providing the mandatory audible signal when approaching pedestrians from behind. Evans said the larger bikes came equipped with horns, and the smaller bikes came equipped with bells. McMenamin said she also felt the bikes should be treated as carts and be registered. Fritz felt that was a good idea, considering the Police Department concerns, and she suggested having the registration forms and rules at the dealership and require the local buyers to sign something acknowledging the rules. Fritz also suggested limiting the bikes to paved surfaces and not allowing them on the soft trails such as the crushed brick paths at the Line Creek Nature Area. Rapson also suggested prohibiting them on boardwalks.

City Attorney Rick Lindsey suggested changing the ordinance to prohibit golf carts in those locations as well. He did note that state law prohibited the state from registering e-bikes and said he would need to make sure the city would not be prohibited from same. Tennant asked why the bikes should be registered, and McMenamin said such a process would help to ensure safe use and to identify any stolen e-bikes. Evans said the bikes did have a Vehicle Identification Number (VIN) that might legally meet the requirement. Rapson suggested adding the VIN to the rules acknowledgement form they signed and forwarded to the city. Tennant felt that copies of the rules should be provided to Ms. Evans at the city's expense. Lindsey requested some time to research the registration issue.

Tennant said it was difficult for him to go against the recommendation of the Police Department, but he was in favor of the e-bikes and felt they were much safer than regular bicycles. McMenamin questioned whether the legal age would be 15 or 16, and Evans said the state law set the age at 15. Rapson made a motion to accept the proposed amendments to Sections 78-91, 78-94, 78-95 and 78-96 of the Code of Ordinances to allow e-bikes on the paths and to make the appropriate changes regarding paved paths and registration. Tennant seconded the motion. Lindsey requested that the motion be amended regarding registration and use of non-paved paths to allow staff to draft the changes and research the registration issue. Rapson and Tennant modified their motions to reflect this request. Motion carried unanimously. Lenox commended the Police Department on the extensive research they did in evaluating the bikes.

04-01-04 - Public Hearing - Consider Ordinance Amendment to Increase Hotel/Motel Tax from 3% to 5%

Lenox noted that Council had discussed this increase before, and said the local hotel and motel managers had not opposed the increase, recognizing the purpose for the increase. The increased revenues would, for the most part, go toward the Development Authority and Airport Authority, for debt service, to supplement the operation of their facilities and for improvements to their facilities, including an expansion to the Tennis Center. Some funds would be retained by the city for facilities and services that promoted economic development. Basinger outlined the recommended allocation

formula and said staff recommended the increase and approval of the formula, to be implemented July 1, 2001.

Mayor Lenox opened the hearing to public comment. Resident Steve Brown said that, in the past, the city had a funding policy in place for the Authorities designed to wean the authorities off of the supplemental funds. He felt the increase was a complete reversal on that policy and asked if it was really worthwhile. Brown also felt there might be more worthy projects toward which the Hotel/Motel tax dollars could be spent.

Tennant said the city was very limited on what it could spend Hotel/Motel Tax dollars on, and Lindsey confirmed that was the case, adding that the additional 2% was required to go to the Development Authority to promote tourism and economic development. Lindsey also said that, by law, the dollars already spent could not decrease. He noted that some other services, such as the paths, did contribute to tourism, but the city did not have free reign even over the initial 3% already collected.

Lenox said the city had looked at the authorities, which were charged with operating, maintaining and utilizing for the city's benefit the three most expensive recreational facilities in the city: Falcon Field, the Amphitheater and the Tennis Center. Lenox said the entire Council would like to see those facilities break even or better, and he felt they could achieve that goal, but the supplement given to them was the total expense to the city for those facilities. The supplement would give them some financial certainty so they could operate and plan for the future. When they became self-sustaining the city could look at ways to use that money within the constraints of the state law and maximize the benefits to the city.

Cathy Nelms, Chairman of the Airport Authority, confirmed that the Authority's stated goal was to become self-sustaining, and the supplement from the city would help them to get on their feet financially over the next few years and achieve that goal.

Virgil Christian, manager of the Peachtree City Tennis Center, said their goal was also to become self-sustaining. He said the center had historically operated on about half of what the centers in Dothan and Macon received from their cities. The supplement allowed the center to offer world-class tournaments and facilities. He said that they ran their operation and did not take the supplement for granted, but would someday like to see the supplement come down to zero.

Rapson said he agreed that the Hotel/Motel Tax should be increased, noting that Peachtree City's Hotel/Motel Tax was lower than about every other place in Metro Atlanta. Rapson said that, if the bond failed, he would take issue with expanding the Tennis Center, and if the expansion was planned regardless of the bond, the voters should know that up front or the city might need to look at revenue bond financing or some other option. Lenox agreed that any confusion about the expansion should be eliminated, explaining that things had proceeded as they had because the city had already made a decision to expand the center and use the increased Hotel/Motel Tax funds to do so. However, the best way to finance the expansion would be through bond financing, and the question was how to present that to the voters.

McMenamin said she had originally initiated the scaling down of the supplements to the Authorities, but she said there came a time when one had to realize that a small additional amount would go a long way to ensure quality facilities in the city. She said she attended an Airport Authority meeting that day and was pleased with Ms. Nelms' leadership and she thought the authority was moving in the right direction and communicating well with the airport users. Rapson asked why the city would wait until July 1 to implement the increase. Basinger said that would provide enough time for the local hotels to implement the increase and integrate it into their computers, adding that if Council felt June 1 would be better, it could certainly be accomplished. Rapson felt July 1 was acceptable. Fritz reiterated that, even with the increase to 5%, Peachtree City's Hotel/Motel Tax would be lower than that of other Metro Atlanta communities.

Rapson made a motion to increase the Hotel/Motel Tax to 5% and utilize the Attachment 1 allocation formula schedule, to go into effect July 1, 2001. Fritz seconded the motion. Motion carried unanimously.

04-01-05 - Public Hearing - Revenue Fee Increases

Lenox said staff would make their presentation on the topic, and then Council would take comment from the public. Basinger said staff had completed an analysis of revenue sources and had recommendations ready, but also recommended no action that evening to allow citizens and businesses to learn more about the proposed increases in the newspaper and attend the public hearing on May 3. Basinger said staff could also place an ad in the local paper about the May 3 public hearing on the proposed increases if Council so desired.

Salvatore outlined the process staff used to study the existing fees, saying that each department gathered data from other city and county governments that charge similar fees as Peachtree City. The data collected was then compared to Peachtree City's fee structures and examined for similarities and differences. Based on this examination, recommendations for changes to the current fee structures were proposed, and proposals for new fees and charges were also included. Finally, the Atlanta Regional Commission was asked to provide additional information on potential fees.

Based on the results of the study, staff recommended the following increases:

Occupational Taxes – raise the per employee rate from \$12 to \$15; raise the minimum from \$75 to \$100 and increase the maximum tax from \$1250 to \$1575, then increase the maximum by an additional \$500 per year for a four-year period.

Alcohol License fees – Implement increases to various fees associated with alcohol consumption over a five-year period.

Building Department permit fees – Increase various fees, add a new fee for sign permits, and remove the fee for elevator inspection.

Recreation fees & charges – Increase various fees, add an additional fee for use of tennis courts by large competitive organizations.

Court fines & charges - Add a \$2 per citation technology fee for maintaining the computer system.

Rapson asked if letters were sent out annually regarding Alcohol License Renewals, and asked if the incremental increases could be added to the notice. Basinger confirmed that notices were mailed, and said the information could be included. Rapson asked if the current fees for out-of-county recreation users were 50% higher than those for Fayette County residents, and Basinger confirmed this. McMenamin noted that some of the fees were the same for residents and non-residents, and expressed concern because she had received calls from residents concerned about facilities crowded with non-residents. Gaddo said that, for some activities such as open swim and open gym, no i.d. was required, but that pool passes would be increased. Tennant agreed that the out-of-county fees needed to be increased in all possible categories.

Lindsey said that Judge Powell had increased the fines for speeding in School Zones to 100% over the fine for the same speeding violation in non-school zones. Lindsey noted that Peachtree City did not have lighted signs that flashed when the school zones were active, and some people who had received tickets had indicated they were not aware of the zone. Tennant said that signage indicating “fines up to \$1,000” might help to prevent the problem.

Council requested that staff place an ad for the May 3 public hearing, and place notices in the UPDATE Newsletter and on Cable Channel 2 to ensure citizens were aware of the proposed increases.

04-01-06 - Consider Bond Issue/GMA Brick and Mortar Program/Public Improvement

Basinger said Council had before them a proposed long-term financing plan that included Georgia Municipal Association (GMA) Brick & Mortar financing for facilities and equipment, and a bond issue that included an existing debt refinancing, as well as the construction of new facilities and some expansion to existing facilities. The elements of the plan were discussed at the City Council Retreat.

Basinger said long-term financing had become necessary because the city could no longer afford to continue paying cash for the construction of major new facilities and the acquisition of major equipment, as it has done in the past. Long-term financing would spread the cost of equipment and facilities over a number of years, and would allow future residents to help pay for the associated costs.

Basinger said the proposed list of facilities and equipment with the associated projected costs that would be included in the Brick & Mortar financing included approximately \$2.8 million in facilities and almost \$3 million in equipment. The construction funds would be borrowed from GMA for 15 years, and Council could approve that financing. Funds for equipment would be borrowed for a lesser time depending on the life of the equipment. The program would be included in the FY 2002

PIP and require Council approval with the FY2002 Budget later in the year. Basinger said staff was not asking Council to approve the program that evening, merely to authorize staff to press on with developing a Brick and Mortar and Equipment Acquisition program.

Regarding the proposed bond, Basinger said staff would like to review the proposed refinancing and projects that would be on the ballot, although the items were not yet set in concrete and would be finalized over the next few months. The current proposed bond amount totaled approximately \$16.5 million. Basinger reiterated that staff was not asking for final approval of the bond, only for Council input on the refinancing and the list of projects, and for authorization to continue preparations for the bond issue. Basinger said staff was not yet prepared to say how the bond issue would be packaged or appear on the ballot, but those answers would be available after Council had selected Bond Counsel and the Bond Underwriters. He added that staff had only had a few weeks to develop the projections, and the construction and operating costs had not been finalized and would not be finalized until a committee of users and staff members had a chance to analyze the projects, assist in the design, and make a recommendation to Council.

Financial Services Director Paul Salvatore gave a presentation of the proposed GMA Bricks and Mortar program, as well as a list of projects and refinancing that were proposed for the bond. Following the presentation, Rapson said he had concerns about how the projects were presented, and said he would like to see the Tennis Center and Kedron Fieldhouse expansions pulled out to stand alone for the voters. Salvatore reiterated that the current listing was not how the items would be presented on the bond, but Rapson was concerned that the public might not perceive that, based on the detail of the presentation. Lenox said it was important to realize that \$5.5 million of the proposed bond funds were already owed, and the bond gave the city an opportunity to refinance that debt at a better rate. An additional \$5 million were for projects Council had already decided to fund, such as the Tennis Center expansion, Amphitheater improvements, Drake Field, etc. The city needed to convey that it was committed to these projects and was asking the voters' approval for the most logical financing. The final element, the Community Center, was completely optional. Lenox felt it would be a good project, but it was completely up to the citizens to decide.

Rapson said he agreed with a lot of the things Lenox said, but was not sure about some of the projects. His concern was that, if the citizens voted down the bond for the Tennis Center expansion, they could perceive it as turning down the expansion. He was concerned about then moving forward with the project under other financing. Lenox said the irony was that Peachtree City's Public Improvement Program had been extremely aggressive over the past 20 years and, with the exception of the 1993 bond referendum, the projects were all completed without asking the voters. Rapson said that had changed, and the finances now dictated that the voters be asked. Lenox disagreed because other financing was available, it just might not be the best way to build the projects. Lenox noted that all the facilities were part of the Master Recreation Plan, which had tremendous public input, and now the city was asking the voters to approve the best financing. Rapson was still not comfortable packaging the facilities in a bond issue, and felt if they were packaged that way and turned down, Council had to respect the voters wishes, and if the projects were going to be built no matter what, the Council should not put them on the bond but might want to investigate other options such as revenue bonds.

Lenox said that, basically, there were two issues: would the city build the projects that had been planned and seek the best financing to do so, or would the city throw the planning out the window and ask the voters whether they want them or not? Rapson said it was really a matter of approach, and suggested putting out a survey to residents asking them to rate the projects, as was done several years ago. McMenamin said that survey had generated a lot of confusion because many respondents had thought they could only vote for one item. Rapson said perhaps several of the projects already funded should be financed through the Brick & Mortar program. Salvatore mentioned the restriction on Brick and Mortar funding to essential buildings, and Rapson suggested taking take the elements that would qualify and put them there. Salvatore also brought up the contract for the purchase of Drake Field, noting that the primary items that would not happen without the bond were the Drake Field Improvements, the Community Center and the Kedron expansion. The others would happen either way. Fritz asked if financing was available for the other projects without the bond. Salvatore confirmed that, but noted the public perception of moving forward with the projects if the bond failed.

Rapson said he felt staff was asking if the projects on the list were the projects Council wanted staff to pursue for long-term financing to make projections on the construction and operating costs, and he would say yes and only suggest adding the Library expansion to either the Brick and Mortar or the bond projects list. Salvatore felt the Library expansion would be appropriate for the Bricks and Mortar once the grant was secured, because grant funds would fund the majority of the cost. Rapson also said the construction costs were not the problem, rather the ongoing operating costs would be, and Salvatore agreed. Rapson also felt it would be misleading for the local press to try to lock the city into numbers at this point, noting that all the numbers presented that evening were educated guesses. Salvatore said the Community Center and the Kedron Fieldhouse expansion numbers were probably the most likely numbers to change as the planning went forward.

Salvatore said if Council agreed to proceed with this type of financing plan, bond counsel and a bond underwriter needed to be selected right away. Additionally, staff was asking Council to appoint Foley Design as the brand name purchase for the design work on the Kedron Expansion because that firm had designed the original facility and had worked on preliminary expansion plans at that time. Staff was also requesting authorization to proceed with Requests for Qualifications from architects for the Community Center and Drake Field conceptual design work. Finally, regardless of the decision on the bond items, staff was also asking Council authorization to make arrangements with GMA for Bricks & Mortar financing for the capital facilities and the GMA Master Lease Agreement for capital equipment.

Tennant asked what the cost to the city would be to bring the bond to the ballot. Salvatore estimated \$25,000 to get conceptual designs, costs and some up-front legal fees. Rapson said the biggest issue to slow staff down would be selecting the bond underwriter, and he felt everything staff was asking for that evening was essential to get information to Council to make a decision. Basinger recommended taking the fees for these up-front costs from Council Contingency, noting that he did not anticipate the cost exceeding what he was authorized to spend, specifically in the \$25,000 to \$30,000 range, but assuring Council he would keep them informed of the design costs for each facility.

Rapson asked about using A.G. Edwards and Kilpatrick and Stockton for bond counsel and bond underwriters, noting their work on the Georgia Utilities acquisition. Lindsey said Council could take action on that because it fell under professional services. Rapson said he would be in favor of that. Basinger reiterated how important speed would be in getting the facilities designed and packaged to get the accurate information out to the public and allow them time to make an informed decision, and that staff would welcome the appointment in speeding up the process. Lenox agreed with the idea, saying both firms knew the city and had done a superb job in the past.

Rapson made a motion to accept A.G. Edwards and Kilpatrick and Stockton as the Bond Underwriter and Bond Counsel; to approve Foley Design for the design work on the Kedron Fieldhouse expansion; to move forward on the RFQ process for the Community Center and Drake Field improvements; and to proceed with making arrangements with GMA for the capital facilities and the master lease agreement. Purchasing Agent Marcie Blind requested that the motion be altered to move forward with Requests for Proposals (RFPs) for the design of the Community Center and Drake Field improvements, and Rapson amended his motion to reflect that request. Tennant seconded the motion. Motion carried unanimously.

Mayor Lenox made a motion to take a brief break. McMenamin seconded the motion. Motion carried unanimously.

04-01-07 - Seniors' Facility Authority

Lindsey said the developers of the new independent living center at the corner of Peachtree Parkway and Crosstown Road had approached Mayor Lenox about the possibility of financing their project through a unique option that would require the formation of a Senior Housing Authority. This body would have the power to issue a bond and allow the facility to be built at a lower cost. The state had created such an authority for each county if the local government wished to activate it through a resolution. Lindsey said the only parcel that could be developed as a senior housing complex existed on this site. If the city created this authority, they would come together this one time to pass the bond issue for this project and then cease to exist. Lindsey said there was no prohibition in state law against letting the Development Authority serve as the Senior Housing Authority. He also had checked to see if this would also involve any type of income-based housing, and it would not. The only restriction would be minimum age, which was 62, and services provided specifically for seniors, which this development would have.

Mr. Norm Hanson, the Senior Vice President of Prime Communities, addressed Council on behalf of the developers, owners and managers of the proposed project. He said that the project would have 144 units for senior independent living. Their project was a new and upscale residential community for seniors, and although the project would be age restricted at 62, their target market would be persons aged 75 to 85. The project would be a cross between a luxury apartment community and an upscale hotel, with services similar to those found in an upscale residential hotel, including hotel-style dining, concierge, valet, room service, beauty and barber shop, business center with high-speed internet access, screening rooms, etc. The monthly rentals would be \$1800 to \$2800 per month. The seven apartment plans would have an average of 820

sq. ft., with efficiency 1-bedroom units up to luxury 2-bedroom units. Prime Communities was an owner-operator of independent living communities, and this facility would be managed by RAM Independent Services, a wholly owned subsidiary of Post Properties. These types of facilities had two different financing options; a full-profit mode for which taxable financing was acquired or a non-profit mode where Prime did not act as owner but affiliated with a 501C3 owner. The reason they decided to pursue the tax exempt financing was to lower the overall capital cost of the project, which would translate to lower monthly rents. He said they were building a similar project in Atlanta that would be operated for profit, and the rents would average \$2600 per month, while the Peachtree City facility would average \$2100 per month due to the tax exempt financing. They felt this reduced rate would widen their market and allow the project to work here.

McMenamin said she would have liked to have seen a package explaining in detail about the company and the financing structure. She said that, while she was very much in favor of providing amenities to seniors, she was very concerned about the statements about income levels of the residents and the security of the revenue bonds. She understood it to say they could not turn down a resident based on their income. Hanson clarified that income was not a problem as long as the resident could afford the rent, and there would be no subsidies for the residents.

McMenamin said she was not really familiar with this type of living arrangement, saying it was obviously not assisted living, and she questioned their ability to restrict the residents due to age, noting some other "senior" neighborhoods in town that had younger residents with children moved in. She was also concerned about the long-term level of need for this type of project, considering the number of senior facilities already in existence in the area. Ultimately, she felt she did not have enough information on the request.

Hanson said he certainly had more information that he could provide to Council. He said they could legally restrict the age of residents to 62 and over, and said it was not an open neighborhood, but a closed apartment building with an average resident age of 80 years. They would provide security and upscale services for seniors who could still live independently, noting that residents who needed long-term care would have to move out. Hanson said there was a need for this type of housing option due to the growing number of people who were not yet ready for assisted living and did not wish to live with those who needed that level of service. He said there was currently very little with which to compare the project, although the two facilities in all of Atlanta that did compare were both full and had waiting lists. Tennant asked if the rates at those facilities were subsidized or market driven. Hanson said the costs were market driven and they received no subsidies for the rental rates. Fritz asked if those facilities offered health care services or were they accurate comparisons, and Hanson said no facility in Atlanta had exactly the same services as they were proposing here.

McMenamin asked what responsibility the Authority would have, and Hanson said they would only issue the bond, and the repayment obligation would be on his company. Rapson asked if, by saying they were non-profit, that meant they received no federal subsidies, state incentives or tax credits. Hanson said no to all three, and said they were in no way affiliated with Section 8 housing. Rapson asked if they received any reimbursements from Medicaid, and Hanson said no

because they offered no medical services. Rapson said if the 144 units were at 75% occupancy, they would be taking in approximately \$2.7 million, and asked if there was a minimum occupancy to break even. Hanson said the break-even point was 75-78% occupancy under the tax-exempt financing option. Rapson asked if Peachtree City had 100 residents over 62 able to pay \$2,000 per month. Hanson said their market studies indicated that there were enough within a ten-mile radius.

Tennant said this was a different concept than he had seen before, and he asked if it would be of benefit to the citizens of Peachtree City. As an example, Lenox said his 82-year old father lived here and currently still lived in a house, but it was becoming harder for him to take care of it. Lenox saw the sole benefit to the community and reason for using this financing as being the reduction in rents of about \$500 per month. He said from his point of view, his father could be living there in the next couple of years and Lenox would probably be assisting with his monthly payments. Lenox said this financing would make the facility more available to the city's residents. Rapson said that, in comparing a senior apartment community to a standard apartment community, this seemed like a good project, but he felt he did not have enough information. Tennant felt that the rates should be market driven and another level of government should not be created to facilitate it. He asked Hanson basically what benefit Prime Communities received by using the bond financing. Hanson said that Prime communities would develop the project and then be out of the picture, RAM would get the ongoing management fee, and the non-profit owner would be able to use the "profits" earned by this particular project to reinvest in their other non-profit projects. However, their market analysis indicated that, at the higher rental rates, not enough people in the area would be able to afford it and they would not be able to do the project here.

McMenamin asked if either of the two other comparable projects in Atlanta were financed through the tax-exempt bonds, and Hanson said neither had been. She asked where else this type of financing had been used, and Hanson said he was not aware of any other projects that had used this financing, although Cobb County had a Senior Facilities Authority that had expressed interest in financing such a project there, but this had not yet transpired.

Fritz asked Williams how many units the land was zoned for, and Hanson said 144. Williams said that it was probably higher. Tennant asked if the finished project would be the same regardless of financing, and Hanson confirmed that, and Tennant asked if anything in addition to the rents would change due to the financing. Hanson said it would only affect the rent.

Fritz asked if the residents would have their own cars. Hanson said most would bring their own cars, but he felt only about 25% would use them, noting that a car was a psychological link to independence. Fritz reiterated that Council's questions were primarily due to the lack of information forwarded ahead of time, and said she still had a lot of questions about the non-profit status and finding any potential catches. Lenox said he took the blame for that because Hanson had approached him about the subject and Lenox had only asked him to be present for the discussion.

Tennant asked what would keep the rents lower if the demand was greater than expected. Hanson said the rents might increase after the project was built, but he did not think the apartments would be completely rented at the higher rental rate so it would not be built without the tax-exempt financing due to the risk involved. Tennant said that was his point, and the market would drive the success of the project. Rapson said he tended to disagree because the AMLI Apartments, which had very high rental rates, were full. McMenamin felt that, if the project were built, residents would come. Her concern was not fully understanding the bond issue and not having background material. Rapson said he agreed and preferred to table the project until May 3, and if Council were giving the Development Authority permission to issue revenue bonds, he would like to see some more information on their revenue projections. McMenamin added that, if Peachtree City was a prototype for this type of project, she wanted to make sure it was done properly, and she needed more information to have a comfort level with making a decision. Hanson agreed to forward more information. McMenamin made a motion to table the issue until May 17. Fritz seconded the motion. Motion carried unanimously. McMenamin thanked Hanson for his willingness to answer Council's questions.

04-01-08 - Adopt the STWP/ CIE Update

Jim Williams said the Short Term Work Program (STWP) and the Capital Improvements Element (CIE) were part of Peachtree City's Comprehensive Planning process through the Atlanta Regional Commission (ARC) and the Department of Community Affairs (DCA), and they must be updated every year due to Peachtree City's levying of impact fees. The STWP was submitted by staff informally in December, then approved by Council in January and formally submitted. Staff had been notified that it was now ready for adoption. Through some miscommunication, Peachtree City's status as a Qualified Local Government had lapsed. With the approval of the program that evening, that status would be reinstated. Staff recommended adoption of the STWP and CIE.

Basinger noted that the City did submit the documents on time, and thought there might have been some miscommunication between ARC and DCA. He said he just wanted to be up-front with Council that staff had not erred. McMenamin made a motion to approve the Comprehensive Plan Update for return to the ARC and DCA. Rapson seconded the motion. Motion carried unanimously.

04-01-09 - Consider City Clerk Position

Lenox said that, based on the April 9 Workshop meeting and the subsequent input from Council, he offered the recommendation of naming the Administrative Services Director (ASD) as the City Clerk and the Public Information Officer (PIO) as the Deputy City Clerk, and hiring an administrative assistant to handle a lot of the routine clerical aspects of the job. Both the Administrative Services Director and the Public Information Officer would be expected to become certified City Clerks, giving the city two on staff at any time.

Rapson asked what staff recommended for funding for the new position and the training. Basinger asked Council to approve the position, and allow him to see what funds would be needed to hire a person and advise Council of the actual cost through year-end. Basinger also recommended that the

cost, if it could not be found within the existing budget, be funded through the Council Contingency Fund.

McMenamin questioned the need of hiring an administrative assistant, feeling the job description seemed to be more of a secretarial level. Basinger said that long-term, they were looking at the position becoming a Deputy City Clerk. Administrative Services Director Jane Miller noted that the requirement to take minutes, and have some experience in that task, was somewhat beyond the normal requirements for a secretary. McMenamin said that with Miller and Tyler's training, the person could become proficient in taking minutes very quickly.

Fritz said she still had some strong feelings on this matter, and that she had understood the Public Information Officer would be made the Clerk and the city would hire someone who would be trained as the Deputy, and she had been fine with that, but she would vote against this arrangement. Fritz questioned the reasoning of why previously the City Clerk position had not been considered worthy of any type of assistant and now it was. McMenamin said she felt that, to mainstream the position and have the position run effectively for the city in the long-term, the ASD should be the City Clerk. Also, in the past the clerk was responsible for public information, and the Public Information position was added at a later time. McMenamin wanted an open-door accessibility to the City Clerk and the Deputy City Clerk, and felt Council should have input into the hiring of future clerks, as well as promotions, bonuses, raises, etc., for the City Clerk and Deputy City Clerk.

Rapson made a motion to appoint the ASD as the City Clerk and the PIO as the Deputy City Clerk in addition to the duties assigned to those positions, require both to become certified City Clerks, and authorize the City Manager to hire a secretary to assist in the duties associated with those positions. McMenamin seconded the motion.

Tennant said that he had given the issue a lot of thought for the best possible management structure, and felt it was important for everyone to work closely together, and he felt this was probably the best setup Council could find structurally. Tennant reiterated that a clear channel of communication between Council and the City Clerk and Deputy City Clerk was expected. McMenamin asked how long the certification process would take, and Miller said that 100 hours of training was involved and it would take about two years. McMenamin requested that the certification process be completed as quickly as possible. Rapson asked if the funding issue needed to be addressed in his motion. Basinger said the starting salary would be required, but asked that he be authorized to find the best person for the best price and then advise Council in a memo of the amount needed from the Council Contingency Fund. Rapson felt that would be acceptable.

Motion carried 4 – 1, with Fritz opposing.

04-01-09 - Consider Wynnmeade Traffic Signal Relocation

Mayor Lenox announced this item had been withdrawn from the agenda.

Council/Staff Topics

Basinger reminded Council of the workshop with the Airport Authority on Wednesday, April 25, 6:00 p.m., at the Airport, Student Government Day at City Hall on Tuesday, April 24, and the City Employee Picnic on Friday, April 27 from 11:30 p.m. to 1:30 p.m., at Picnic Park. Basinger invited Council to attend if they were able.

Basinger said several Councilmembers, as well as staff, had received complaints about the traffic backup on Highway 54 on the afternoon of Friday, April 13. Basinger said that a serious accident on I-85 resulted in the state directing traffic onto Highway 54, which compounded traffic problems, and he wanted everyone to be aware that the situation was not the new traffic norm for Highway 54.

McMenamin requested that Council discuss restricting the number of package stores on the May 17 agenda. She noted that Peachtree City currently had 4 liquor stores and they were owner-operated, and she wanted to look at the possibility of limiting more due to stores' ability to sell beer and wine now. Lindsey said he would research existing state restrictions on such establishments, along with Council's ability to restrict this issue.

McMenamin requested that, based on the discussion at Retreat, Council discuss Section 34-1-18 on the approval of expenditures of city monies at the May 17 meeting.

Fritz requested updated copies of the proposed layout of City Hall following the renovation.

Basinger said there were two legal matters and one real estate matter that needed to be discussed in Executive Session.

Executive Session

Council convened in Executive Session to discuss two legal matters and one real estate matter. No action was taken.

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

Attest: Robert L. Lenox, Mayor

Betsy Tyler, Deputy City Clerk

May 3, 2001, City Council Minutes

City Council of Peachtree City
Minutes
May 3, 2001
7:00 p.m.

The City Council of Peachtree City met in a regular session on Thursday, May 3, 2001, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Councilmembers present were: Carol Fritz, Dan Tennant, and Steve Rapson.

Announcements, Awards, Special Recognition

Mayor Lenox recognized the Art Contest Winners for Georgia Cities Week. Mayor Lenox presented a proclamation to the Kiwanis Club for "Skip a Meal for the World's Children" Week.

Approval of Minutes

Fritz made a motion to table the minutes of the April 19, 2001, Council Meeting to allow Council an opportunity to review them. Tennant seconded the motion. Motion carried unanimously.

Consent Agenda

1. Alcohol License Representative Change – Holiday Inn Hotel & Suites
2. Alcohol License Representative Change – Wyndham Peachtree
Conference Center
3. Award Bid – 2001 Street Resurfacing Program
4. Appointments to Library Commission
5. Consider Additional Book funds for Library
6. Consider Ordinance Amendment Relative to Beavers

Rapson stated for the record that one of the applicants for the vacancy on the Library Commission was his mother-in-law.

Lenox read the list of consent agenda items aloud for the benefit of the audience. Rapson made a motion to approve the consent agenda as proposed. Fritz seconded the motion. Motion carried unanimously.

Tennant thanked Rapson for his suggestion to provide the book funds to the Library because he thought it would be a very valuable asset.

Old Agenda Items:

04-01-02 Discuss Private Streets

Lenox said this item had been rescheduled because Council felt there were some residents who wished to make additional comments.

Tennant thanked Council for placing this item back on the agenda and stated that the reason he had requested that the item be continued to the May 3rd Council meeting was due to his miscommunication regarding the date, and felt that was only fair to the interested parties.

Director of Developmental Services Jim Williams addressed Council and stated that at the April 19th Council meeting, Council had given the following instructions:

1. *Establish contact with some of the subdivisions that had private streets to find out what kind of technical assistance the City could render in handling the private street situation.* Williams said that the Public Works Department was responsible for this task, that they had made contact with several of the subdivisions, and had begun the process. Williams said Public Works would continue to contact all the subdivisions.
2. *If the City planned to make some of the private streets public, evaluate whether an ordinance should be passed to prohibit future private streets.* Williams said staff recommended that, if the City did pass an ordinance to that effect, it be directed against private streets in single-family residential areas and not disrupt the use of private streets in the commercial/industrial areas or in the multi-family areas because it did not make sense to have public streets in condominium projects for example. Williams stated further that an ordinance had been prepared and included in the Council package to reflect this if Council desired to approve the ordinance.
3. *Council directed that the Tax Assessors Office be contacted about taking private streets into consideration when appraising property.* Williams advised that the Public Information Officer had contacted the Tax Assessors Office and they had advised there was no difference in the way they looked at a house on a private street vs. a public street and that there were some facts and figures to back their statement up. However, if a private street was allowed to deteriorate, and obviously affect the appearance of the neighborhood, that it would have an effect on the assessments.

In response to Lenox' inquiry regarding the number of residential subdivisions and the costs involved, Williams stated there was a total of 34 subdivisions of which 12 or 14 were single-family, residential subdivisions, and that Public Works had calculated that it would cost approximately \$100,000, plus \$150,000 to bring those streets up to public standards, plus an ongoing cost of about a half million dollars every ten years to maintain the streets to public standards.

Ms. Sue Neilson, a resident of Masters Square, addressed Council and stated that she had read the minutes of the last meeting and understood the restrictions, that these were not City streets, and that there were no requirements to make them City streets. Neilson stated for the record that the six subdivisions she represented were willing to assume the costs to bring the streets up to City standards, and assume the costs of the lights, water and landscaping. She said their main concern was the paving of the roadway, that in some instances this represented a considerable amount of money. She said some of the residents had been able to set aside some reserves, but it appeared that the reserves would not be adequate by the time the streets were paved. Neilson said their assessments were not modified because they lived on private streets, that they paid the same tax rates, and that the residents felt they were paying comparable taxes, but were not receiving comparable services. She said the residents would appreciate it if they could get some type of tax consideration.

Resident Phyllis Aguayo addressed Council and asked how this would affect any future subdivision that wanted to come into town, such as a gated community, and would an ordinance prohibiting private streets preclude there being a gated community in the future. Lenox said that unless an exception was made in planning such a community would be prohibited.

Tennant stated that these residents were between a rock and hard place because on the one hand there was a *buyer beware syndrome*, but on the other hand he thought the public felt *duped* as had happened in this particular case, and thought government could and probably should lend a helping hand to the extent that was reasonable. Tennant said he personally felt the compromise discussed this evening – specifically if the subdivisions assumed the cost of bringing the streets up to code and assumed the cost of the lights, water, landscaping maintenance, etc., that the City would not be setting a dangerous precedent because there would be no more private streets.

The President of the Fairways Association, addressed Council and stated that he thought the intent was to bring the construction of the road - the thickness and correct construction up to Code but not the curbs or setbacks.

Lenox said this was a very major and significant problem because if the City accepted the roads as public streets it would literally create hundreds of non-conforming lots under the City's ordinances and the only way to legally correct the situation was to survey each lot and go through a formal variance procedure. He said otherwise there would be a situation in the future where residents would be unable to obtain a permit to do anything to their property, and they would have trouble conveying the property as the survey took place. Lenox said anything the City did short of doing it correctly would create a potential horror for some of the property owners. He said further that, from a street standpoint, he was empathetic and thought a way could be worked out so that it would be fair to everyone, but that he was concerned about the legal point.

Tennant said he thought the sole concern at that point was simply the paving the streets, and Fritz replied that it was not that simple because, once the streets were paved and brought up to City standards, all the other things automatically came into play.

The Fairways Association President addressed Council again and suggested the creation of a semi-private street category.

Lenox said there was a finite number of streets to deal with, and he thought part of the problem regarding private streets was that in reality no one took responsibility for the streets. There was no street expert in the community who knew when and what and how to do the things that needed to be done to keep streets in good condition. He said the City *was* an expert at maintaining streets, and suggested that the City do the same thing for private streets as they did for all the public streets (e.g., score them and review them every year, do the things that prolonged the life of the streets and minimized the costs, and planned ahead for the resurfacing). Assuming this could be brought into the equation, the City could meet with each subdivision and develop an agreement with the Homeowner Associations that said the City would maintain the streets for the residents for a price. He said the price did not necessarily have to be the full load, but could be tailored to each subdivision. He said, in reality, the City could determine how much City taxes went for road maintenance and try to work out something that was fair. He said, even though that would be a lot of work, it would be a better solution because it would not create problems in the future regarding titles or variances, and it would not disturb the private association covenants.

Rapson agreed with Lenox and said he did not think another ordinance was needed specifically for these types of streets, but as far as tax and equity was concerned, the street was just a small piece of that equation, and did not want to give the perception that the residents would receive a huge credit because they probably would not receive a credit. He said he felt the City was the expert in the field and that there were some economies of scale associated with the fact that the City did all the streets versus the residents doing just one street, and that would play into the equation. He said the problem would be that the streets would have to be up to standards and that there would have to be some testing to find out what really needed to be done.

Lenox said one of the reasons the streets would have to be brought up to City standards would be if the City were going to take them over, and that Council was not agreeing to take over the streets. He said the Homeowner Associations owned those streets, and the standard the streets were built to and the standard they were maintained to was up to the Home Owner Associations (within some constraints), but that the City could simply contract to maintain the streets at a fair price that recognized all the factors, then the streets would not have to be brought up to code, and it would not create a lot of problems.

Rapson said he thought that City staff would have to work with the associations to develop an agreement.

The Fairways Association President addressed Council again and asked if the home owners agreed to bring the streets up to City standards, wouldn't their taxes then be applied toward the maintenance of the streets the same as in other communities who paid taxes to maintain their streets. He said if the homeowners agreed to cover the cost to bring them up to City standards, there should not be any additional maintenance costs required for their streets because their

taxes should cover that. He said he had no problem forming a committee to negotiate whether they wanted to pay to bring them up to standards or if they wanted to set the money aside to pay the City for the maintenance of the streets. He said he thought they would rather bring the streets up to standard and then have the City maintain them without additional burden to the homeowners.

Lenox said there were 22 subdivisions and that some of them would need a lot of work and some would be as good as new, and that he did not know how to reconcile the problem.

City Manager Jim Basinger addressed Council and stated that he thought a standardized contract should be developed to ensure that all the private subdivisions were treated fairly and equally, obtain approval for the contract, meet with the homeowners and tailor a contract based on the individual needs of each subdivision based on that model contract.

Rapson agreed, but thought the ordinance should be adopted in case someone wanted to build a gated community that made sense for Peachtree City because they would then have to request a variance in this regard, and we felt the ordinance would not preclude this.

Lenox suggested that City staff work on this, look at a few subdivisions to determine the scope of the problem, and then take a look at the ordinance.

Rapson referred to Attachment B, 2 of 2, Definition Number 11: *Private street. Private street means any parcel of land set aside to provide access to development and which will not be dedicated or deeded to the city. These streets shall be constructed to standards adopted by the City of Peachtree City.* Rapson said he liked this because Peachtree City's standards might become more strict as time went on. Rapson then referred to Attachment B, 1 of 2, that represented the proposed ordinance, he thought the definition in the ordinance would replace Definition Number 11 of the Land Development Ordinance. Therefore, that Peachtree City standard would be incorporated into the language.

City Attorney Rick Lindsey addressed Council and stated that the new proposed ordinance did not have a standard, but that if Council wanted to adopt language that private streets were to be constructed according to the standards of Peachtree City, that

the last sentence of the present definition to the ordinance. Rapson said if Council was talking private streets, did they want to give homeowners that type of flexibility.

Lenox asked why a construction standard would be added to something they would not permit to be built. Williams said the definition should have been included in the definition, but was left out in error.

Rapson made a motion to approve the proposed ordinance with the addition of Definition Number 11. Lindsey confirmed that the definition read: *These streets shall be constructed to standards adopted by the City of Peachtree City*, which was the present language. Tennant seconded the motion. Motion carried unanimously.

04-01-05 Public Hearing – Service Fee Increases

Salvatore addressed Council and stated that this was the second of two public hearings to discuss revisions to Peachtree City's fee structures, and that some of the fees -- particularly Occupational Tax and Alcohol License fees -- had not been revised since 1993. Salvatore pointed out that, in the Financial Policies that would be proposed at the May 17th Council meeting, a policy would be included to revise and update the fees on at least a three-year basis.

Salvatore provided a power point presentation (included in meeting packet) and brief overview of the process that was conducted, including information received from other cities and counties on similar fees, in comparison to Peachtree City's fee structures. Based on that examination changes to the current fee structure were proposed. Some proposals had also been made for new fees and charges. The Atlanta Regional Commission (ARC) had also assisted staff in gathering data.

Regarding Occupational Taxes, Salvatore explained that most of the cities surveyed used the gross receipts method to collect fees, and that Peachtree City was one of the few cities that calculated the fees based on the number of employees and that the City of Norcross was the only city that was comparable to Peachtree City -- they charged a fee of \$15 per employee with no maximum. Salvatore said Peachtree City's current fee was \$12 per employee (\$75 minimum and \$1250 maximum), and that the City proposed to raise the fee to \$15 per employee (\$100 minimum and \$1575 maximum). He said staff felt that if the City had either changed to the gross receipts method (like most other cities were doing) or eliminated the maximum, it would have created an excessive burden on most of the businesses in the community. Instead, staff proposed to change the maximum gradually over a four-year period of \$500 each year. Salvatore clarified for Tennant that, if a person had a one-person, home-based business, they would just pay the \$100 minimum.

Regarding Alcohol License fees, Salvatore explained that staff had found that several fees currently being charged were in line (change in License and Distilled Spirits, Beer and Wine Retail); however, some of the other fees were low, so staff proposed implementing a five-year schedule to increase these fees. Salvatore said further that staff found there were several new fees that should be added, including a \$100 additional fee for Sunday Sales, which other cities charged, but Peachtree City did not charge.

Another new fee proposed would be a \$100 delinquent renewal fee. Salvatore said Peachtree City's current procedure was such that if a business was delinquent, they would have to reapply and go through the entire application process to obtain a new license. To avoid the administrative burden this imposed, staff proposed charging a \$100 delinquent fee to reinstate the license. In addition, staff proposed adding a \$2500 Alcohol Lounge fee to relieve the burden of certain lounges to be subject to the fee increase, they would just be held to the \$2500 if they were not part of a restaurant/bar.

Regarding Building Department fees, Salvatore advised that the fee for elevator inspections had been deleted and pointed out that the chart included comparable data from other cities and counties.

Regarding Leisure Service fees, Salvatore reminded Council that some of the fees had been discussed at the 2001 Annual City Council Retreat. Salvatore pointed out that meeting room fees would be changed to \$25 (small meeting rooms) and \$40 (large meeting rooms). In addition, the pool pass fees for out-of-county residents had been increased.

Tennant said he had spoken with a number of people about the Recreation fee schedule and that it was a very touchy subject for Peachtree City's citizens. He said the more he thought about it, and in light of the fact that the City was substantially increasing the out-of-town fees and creating a new category of commercial use fees, he felt that resident fees should not be increased.

Salvatore said the survey staff had conducted had been long overdue (7 or 8 years) and that, during that time, the City fell behind what other cities and counties were charging for their facilities, and that the City's costs had risen over that period of time. He said the reason they were proposing the increases was to help defray the costs of operating the Recreational facilities proportionately.

Lenox confirmed that if a Peachtree City resident paid \$40/Hour for the Pebblepocket Pool, they were actually paying to use that pool exclusively. Gaddo said that was the case, noting that they would not be charging more for use by the general public, only for private usage that took the public facility out of public use.

Fritz asked Gaddo if staff had looked at Fayette County and if their rates were higher than Peachtree City's as well, and Gaddo said it varied, but that Peachtree City was at or below what most communities were charging.

Rapson said he thought the fees represented a fair price, but he did not think a lot of the residents understood the pool passes and how they worked. He said if residents used the pools a lot, they were better off buying a year-round membership, but if they did not, they would pay \$2 per visit.

Rapson said he liked the fact that he could reserve a tennis court for \$40, but a corporation would have to pay a \$100 fee. He said this would discourage the corporations from tying up the City's facilities.

Tennant said the other side of the coin was that the corporations were subsidizing average citizens, which was okay because they had deeper pockets. Tennant said further that he hated to see the City charge for unlighted tennis courts and other items that had not previously had fees. Gaddo reiterated that the fees were only charged when the facilities were reserved for use. Tennant said he understood that, but felt the average 14-year-old

could not afford to reserve a court, and would lose the ability to play because adults had done so. Gaddo said the adults would have to pay for that right, and Fritz felt the children's parents could reserve courts. Tennant said he liked the idea of first-come, first serve for the tennis courts. Tennant reiterated that he still thought that the out-of-county increases and the creation of the commercial category would more than offset any necessary increases to Peachtree City residents.

Lenox asked what the mix of users were for the facilities. Gaddo said that, too, varied by facility. He said the Kedron meeting rooms were primarily reserved for resident birthday parties, while other meeting rooms and parks were seeing a great deal of commercial use that had begun to encroach on the resident usage because the costs were so inexpensive. Rapson asked if it would be a fair statement to say that Homeowner Associations that met regularly every month reserved the meeting rooms for months at a time, and Gaddo responded that the policies placed some limits on how far in advance rooms could be reserved for regular meetings. Rapson noted that most of the facilities were used by residents and were not self-supporting. Gaddo indicated that 99% of other cities charged fees for such usage. Rapson said he was less concerned about what other cities charged than the fact that the rates had not changed since the early 1990s, and the new rates were not even representative of adjustments for inflation. Gaddo and Salvatore said that was a fair assessment. Rapson felt the proposed rates were fair, and Gaddo said the department did not receive complaints about the rates charged.

Tennant said he received a lot of complaints on the cost of Recreation fees from families with children, but Fritz and Lenox said they did not receive such complaints. Rapson agreed, saying that parents generally were not even aware they could reserve some of the facilities.

Tennant asked how much additional revenue would be generated by increasing the residential rates, and did not feel the increase would be worth the negative sentiment in the community. Salvatore said the revenues would be difficult to estimate because some of the out-of-county and commercial fees would also reduce those types of usage, which was another goal of those fees. The resident fee increases would support less crowded facilities. Salvatore said Recreation was the largest departmental expense in the city, greater even than Fire or Police, and the city needed to be responsible in charging fees to ensure that the users were paying their fair share.

Rapson said it was like Local Option Sales Tax, where the people who used the most helped to pay for it. Fritz said she had looked at the budget and found a considerable difference in what the city collected in recreation fees versus what was paid out for recreation. She felt all the taxpayers were making up that difference. Tennant said that a fee was a tax, but Fritz felt it was a tax directly on the people using the service. Tennant said that, when people moved here, they assumed part of the responsibility for paying for the services that were here.

Resident Phyllis Aguayo, addressed Council, saying that charging fees when a facility was converted from public to private use did not impact the general user in cost, while the whole

community was paying for the general user. Tennant said he did not disagree, but pointed out that fees were already in place to offset that cost. Fritz felt those fees were antiquated. Rapson asked if Council would be voting on the item that evening, and Basinger said they could if they so desired. Tennant asked if the fees could be separated for the vote, and Lenox felt it would be fairer to separate them. Basinger recommended that the fees become effective on July 1, 2001.

Salvatore advised Council that the City was lacking in the commercial fee area, and that the Atlanta Lawn Tennis Association (ALTA) had expressed an interest in the use of the Glenloch Tennis Courts. He said Gaddo had put together a fee schedule that he felt was reasonable to accommodate ALTA.

Regarding Court Fines and Citations, Salvatore said that those fees were set by the Judge, who was currently satisfied with the City's basic fine structure, although he did agree to double the fine for speeding in school zones. Salvatore pointed out that Peachtree City was at or near the highest fine for charges involving alcohol and drugs, reckless driving, and no insurance. Salvatore explained that staff had also proposed a new fee of \$2 per citation that represented a Technology Fee to help defray the cost of the City's computer systems (a common fee charged by other cities).

Salvatore reiterated that the proposed implementation date for the new fees would be July 1, 2001, and that new Alcoholic Beverage Licenses would be charged the new fees beginning on July 1st. Lenox questioned whether or not Alcohol Beverage Licenses were prorated and Basinger said he would check on this and advise Council.

Lenox made a motion to increase the Occupational Taxes as recommended, effective July 1, 2001. Fritz seconded the motion. Motion carried unanimously.

Lenox made a motion to increase the Alcoholic Beverage Taxes as recommended, effective July 1, 2001. Fritz seconded the motion. Motion carried unanimously.

Lenox made a motion to increase the Building Department Permit Fees as recommended effective July 1, 2001. Fritz seconded the motion. Motion carried unanimously.

Lenox made a motion to increase the Recreation Fees and create the new Recreation Fees and Charges Structure as recommended, effective July 1, 2001. Rapson seconded the motion. Motion carried 3-1 with Tennant opposing.

Lenox made a motion to add a \$2 per citation for a Technology Fee to maintain the City's computer system as recommended effective July 1, 2001. Tennant seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS:

05-01-01 Acceptance of FY-2000 Audit

Salvatore explained that the Auditor, Ed Wetherington, was not present and that Wetherington had planned to give a brief presentation on the audit, particularly regarding the issue of Reserves. Salvatore said that the Financial Policies would be presented at the May 17th Council meeting, and that a policy to address the Reserve issue would be proposed at that time. Salvatore said staff recommended that Council accept the Audit Report.

Rapson asked how close the actual cash reserves were to the model Salvatore presented at the 2001 City Council Retreat, and Salvatore said he thought they were up from what was projected. However, Salvatore commented that Council voted to put that money back in the budget in several forms – one of which was a decrease in the millage rate (there was no increase in the millage rate for pay raises recently approved), and that staff was anticipating the excess cash reserves in September 30, 2000, to be approximately half that amount by September 30, 2001.

Rapson said he had reviewed all the financial information and made a motion to accept the audit as presented. Fritz seconded the motion. Motion carried unanimously.

05-01-02 Alcohol Licensee and License Representative Change – Ginza

Lenox announced that the applicant was unable to be present due to unforeseen circumstances, and made a motion to table the item to the May 17th Council meeting because the new owners were from out-of-state. Fritz seconded the motion. Motion carried unanimously.

05-01-03 Public Hearing – Proposed Rezoning – SW Corner of GA 74 and Crabapple Lane

Lenox read the rules for a Public Hearing and set a time limit of 25 minutes per side.

Jerry Peterson, Pathway Communities, addressed Council and stated that the applicant had requested that the 6.7-acre tract located at the southwest corner of Highway 74 and Crabapple Lane be rezoned from R-43 to OI (Office Institutional). He described the property as being a triangular shaped and explained that the long side of the triangle was situated on Highway 74. Peterson said the property had been zoned in the mid-80s along with most of Kedron Village and that it was the edge of the zoning, that the property to the west had not been zoned at that time and was still in the reserved category today. He said that the R-43 zoning was not an appropriate use for this piece of land anymore because of the current uses in the area.

Peterson described the property in more detail, explaining that the topography on the top end of the property adjacent to Crabapple (the broad end of the triangle) was fairly level; that the south end (at the narrow end of the triangle) was a drainage area that came from the west, crossed the property and went under the highway; and that there was some fairly steep ground (about 20% slopes). He said the trees covered the entire site and the south end along the drainage and steep slopes had the best trees on the site. He said further that the site was very open to Highway 74 especially due to the triangular shape (more specifically along northbound Highway 74), the long end of the triangle where the ground sloped up away from the road so that the interior site was clearly visible.

Peterson brought Council's attention to the drawing of the site and explained that he thought the area where Highway 74, Peachtree Parkway, and Crabapple Lane (to the west) was the frontage of the site (directly across from the Fire Station). He said Georgia Power owned the property on the other two sides where the new substations were under construction, and that the water tank was in back. He said these three things took up the exact frontage of the property on the north side of Crabapple. Additionally, he considered the back door of the property to be across Highway 74 where the Kedron Kroger Center was located. The northeast corner consisted of the new Kedron Office Park and the new World Airways Building. Peterson described the second phase of the Kedron Center that was currently an open field, Georgian Park, the hotel, the retail center, and the Georgian Park Condominiums, and that on the west side of the highway was the school church complex that consisted of an eight-acre campus, which was a short distance from the tip of the property being proposed for rezoning on Highway 74. He said below that the zoning was GR-4 and GR-12 where the apartments were under construction. Immediately west of the property was land that was still in the AR reserved zoning category. Peterson said in addition to the uses around the area, the Peachtree City city limits were at the north end of the drawing. He said he felt this corner was the first sense of arrival when a person was entering Peachtree City and that there were public uses on three sides. He said Pathway Communities had discussed landscaping all four corners with the same types of trees and shrubbery, maybe some low brick walls or something to help reinforce the feeling that a person had arrived. He said he felt it would be inappropriate to have a house sitting on the fourth corner when trying to make the statement of an arrival point.

Peterson said Council's information packet contained the layout of R-43, one-acre lots and that with the shape of the property, the buffers and setbacks, there were three lots on the 6.7 acres – two of which backed up to Highway 74 and one backed up to the corner and that one-acre lots were about the only way to lay this property out. Peterson said he had developed a potential layout for an OI office on the site and that due to the shape of the property there were about 3.5 acres of the 6.7 acres that would be usable for a building location and thought that an office on that corner would be much more appropriate and would look better than a house backing up to the corner. He said he thought it would also be a nice gateway to Crabapple Lane because as a person came from Highway 74 and the shopping area, they would enter Crabapple and that the Fire Station and the office building would serve as a transition for the other uses going on down Crabapple Lane. Peterson said he hoped Council

would vote yes for the proposed rezoning to help clean up some relationships that did not exist when the property was originally zoned.

Lenox noted that, in the packet submitted with the office zoning, Pathway Communities would bore the highway and put sewer on that side of the road, but that he did not see anything relative to that on the Residential R-43, and he assumed those lots would be on septic tanks. Peterson confirmed that the one-acre lots would have to be on septic tanks.

Tennant asked Peterson to elaborate on what he meant by the property being better for OI and that it could feature some kind of walls at each of the four corners to provide extra continuity. Peterson said the idea was to help reinforce the sense of an entry upon arrival and to take some common units of the four corners – whether it was trees, shrubbery, or perhaps a low brick or stone wall. He said you could do something like that if all four corners had similar uses and that he was worried that the back of a house would not make that work.

Hearing no one else to speak in favor of the proposed rezoning, Developmental Services Director Jim Williams addressed Council and stated that at the Public Hearing held by the Planning Commission there were other people that spoke in favor of the rezoning who were interested in possibly extending the commercial zoning a little further down Crabapple Lane. He said his main concern was whether it would stop there because the people who lived next door clearly had that in mind because they had already contacted some developers to promote that idea. Williams said the Land Use Plan in the mid-80s reflected the character of the property and that a lot of things had changed in that area, but that nothing had changed in the Land Use Plan for the area. Additionally, when the Land Use Plan was last updated in 1995 or 1996, it was once again projected to be residential on that corner. He said this was not a new idea, but it was also not something that staff had thought about over the last 10 or 15 years. Williams said it was a fairly straight forward issue, that the Land Use Plan said residential in that area – that it did not say commercial anywhere along there – the commercial was all on the other side of the street. He said the closest thing the City had to commercial in the area was the Fire Station, that Fire Stations typically went in residential areas, and that the City recently rezoned the property adjacent to the Fire Station and the towers the same category that this property was already located in. Williams said he thought there was plenty of precedent for retaining the residential zoning there, but he agreed with the comments about a home being located there, stating that if it were improperly developed, a backyard could be a problem. Williams said there was a 100-foot greenbelt between the road and the backs of the houses, and that hopefully the City would be able to keep the property from being developed that way. Williams said the Planning Commission and staff recommended denial of the project because they felt there was not a compelling public interest in changing the Land Use Plan in that area.

Tennant said he thought Peterson had made a good presentation and that it did make sense that that particular piece of property would be more suitable to an office building than it would be for three lots.

Mr. Greg Francis, a resident on Crabapple Lane, addressed Council and stated that he was opposed to the rezoning because it was against the Land Use Plan. He said when he pictured Peachtree City, he thought about the greenbelt, the cart paths, homes and woods, and did not picture office buildings on all four corners. He said he was more afraid of the domino effect – that he knew the McElreaths and the Henry families were seeing dollar signs, and that the Henry family already had their property for sale with a commercial developer. He said if the OI zoning were approved, he thought other rezoning requests for OI would be forthcoming. Francis said he had heard rumors that, if the Pathway rezoning request was approved, land developer Jimmy Halligan would want to change his recently approved rezoning request to OI because he would much rather develop office buildings on the north side of Crabapple Lane where the residential project was going to go in. He said his fear was that there would be commercial buildings, then 5 houses with 15 kids, and that there was already a major traffic problem on Crabapple Lane and this would only make things worse.

Resident Phyllis Aguayo addressed Council and stated that the Planning Commission had seemed very concerned even though they thought Peterson's presentation was very compelling, but that it was really not what was wanted. She said there was a gateway there, but felt that a commercial or office feeling was not representative of Peachtree City. Aguayo said the office building that was currently located there was interesting, but that one of the Planning Commission members had made a statement that she had heard from many people, which was that it was so nice to come home to that *Welcome to Peachtree City* sign and now all of a sudden the backdrop to *Welcome to Peachtree City* was an office building. She said people felt that was an unfortunate statement about Peachtree City and not a statement they would like to make on all four corners. She said Peachtree City should be represented by greenspace, buffers, and houses – not office buildings and commercial areas. Aguayo added that she felt it had been a mistake to have the commercial and offices at the entrance and thought it would mitigate it somewhat to have something soft and residential on one side. She said by putting OI there, the City would be pushing out long-term residents by changing the nature of the neighborhood.

Ms. Paula Taylor, who lived on Leisure Trail and Crabapple Lane, addressed Council and stated that the area should be left because of the trees.

Ms. Bonnie Beerbower, 144 Crabapple Lane, addressed Council and stated that her property was three pieces of property down from the corner section, next to the Henry and McElreath's properties. She said the Land Use Plan zoned the property as R-43, and that her property, the Henry, McElreath, and Cole properties were AR reserved. She said there was a concern that if Pathway Communities' proposed rezoning request was approved for OI, Jimmy Halligan would come back before Council to request OI as well. She said she knew the Henry family had their property for sale and hoped to sell commercial, that they wanted to move and they wanted as much money for their property as they could get. She said she chose Peachtree City because it was a planned residential community and that she would appreciate it if Council did not approve the proposed rezoning request.

Hearing no one else speak in favor of the rezoning, Lenox called the public hearing to a close so that Council could debate the issue and reach a decision.

Rapson commented that Peterson had made a compelling argument, but that he thought Peterson's definition and his definition of a gateway to the community were different. Rapson clarified the fact that they were talking about building three homes versus building a 3500-foot office building that might generate 140 cars and that Council had already heard a lot about traffic being a problem in that area. Also, if the zoning were changed, the greenbelt would be shrunk from 100 feet to 60 feet. He said he would be opposed to that and it seemed as though the request could be viewed as a spot rezoning type request. Rapson said the proposed zoning did not comply with the Land Use Plan and the Planning Commission recommended denial, and, from his point of view, a message should be sent to all developers that said if they did not follow the Land Use Plan and could not get past the Planning Commission, then it would not be approved by City Council. Therefore, Rapson said he would be opposed to changing the nature or the character of the gateway.

Fritz said she also agreed that Peterson had presented a compelling presentation, and she saw the logic of what he had said, but that Council had recently considered an issue on Highway 74 where some property was rezoned, and that a domino effect was being experienced there. She said further that she was concerned that the same thing would happen with this property and Council would be put in the same position and for that reason she would have to oppose the rezoning request.

Tennant said Council had also heard some compelling arguments from Peachtree City residents, and that he thought Council owed it to them not to change the rules. He said despite the fact that one could be easily swayed to rezone this piece of property, he thought less damage would be done if Council denied the rezoning request and adhered to the Land Use Plan; therefore, he would be in favor of denying the request.

Lenox said he thought if three houses were built there, Council would regret it. On the other hand, he also had difficulty rezoning the property to OI because he was adamant about the fact that the area had always been planned as residential, and needed to remain residential. He said he was also concerned about the domino effect.

Tennant made a motion to deny the rezoning request for Crabapple Lane West. Rapson seconded the motion. Motion carried unanimously.

Lenox made a motion to adjourn for a five-minute recess. Tennant seconded the motion. Motion carried unanimously.

05-01-04 Consider Ordinance Amendment – Golf Cart and E-bike Rules

City Attorney Rick Lindsey addressed Council and stated that this item was a continuation of the ordinance that Council adopted at the April 19th Council meeting. He said there were two issues Council had asked staff to research. One issue was to consider adopting an ordinance

that would restrict vehicles off what was referred to as *soft paths*. The other issue was whether registration of the E-bikes would be required.

Lindsey said the City could require registration of the E-bikes and could also require registration of traditional bikes. Lindsey explained that he had not taken the liberty of drafting a proposed ordinance because he wanted more direction. He said if the City required registration of the E-bikes, Council would be faced with the same issue as they were eight or nine years ago with the golf carts. He said that information was considered a public record and could be obtained by the Tax Commissioner and he did not know if residents would have to pay an Ad Valorem Tax on their bicycles. Secondly, if Council did desire registration for the E-bikes, would Council want to use the VIN number on the E-bikes or license plates, etc., because there was not a solid place on the bikes that a numbered decal could be affixed to as on the golf carts.

Regarding the soft path issue, Lindsey said he had drafted a proposed ordinance, and he did not include skates, skateboards, etc., in the list because he did not think they could be driven on the dirt paths anyway. Lindsey apologized that the proposed ordinance he had drafted stated "Planterra Nature Trail" and should have read the "Line Creek Nature Trail." He explained that the ordinance would basically limit all vehicles with the exception of wheel chairs and those types of vehicles from the soft paths. He said these soft paths would have to be marked with a sign that said "No Vehicles" or something to that effect.

Tennant said he had been disappointed that Lindsey had left out motorcycles and that would be the only addition to the ordinance he would like to see.

Lenox said he thought the ordinance was fine for the purpose it was intended, but asked if Council wanted to pursue the registration issue. Rapson said he thought the VIN numbers on the bikes could be used and that perhaps a form could be developed for the owners of the bikes to sign that stated that they could not drive the bikes on soft paths and in this way, the VIN number could be captured.

Lindsey clarified that this would only be for the E-bikes, not traditional bikes. Fritz said this would be for security purposes so that people would know what the ordinances were.

Lindsey suggested that Ms. Barbara Evans who attended the April 19th Council meeting be required to give out the City's package of information at her store where the bikes were sold as well as to provide the information on her web site rather than have the owners of the bikes obtain the information from City Hall. Lindsey said he did not see this as a problem, but that if it did present a problem it could be incorporated into the ordinance. He said the problem then would be how the rules could be enforced. He said what he really wanted to do was get the information to the residents and thought the best way to accomplish this was to have the seller of the E-bikes provide a copy of the City's rules for cart paths. Resident Francis Meaders stated that the reason golf carts were originally registered was for behavior identification and thought the City might have the same problem with E-bikes.

Lindsey said he did not know if registering the E-bikes would require a metal tag or a decal, but that he did not have enough information to decide what to do about registration of E-bikes.

Lenox commented that the City went a long time without registering golf carts, and did not really have a problem, but when it got to the point where there were enough golf carts there had been some abuse. Lenox said if Council adopted the ordinance, the soft paths would be protected, the sellers would be required to hand out a pamphlet that the City could provide for the time being, and a year from now if there was a problem, they could look at it again. Fritz agreed with Lenox that this issue should be left alone until it became a problem.

Tennant made a motion to add Section 70-40, Article III Nature Trails as amended. Rapson seconded the motion. Motion carried unanimously.

05-01-05 Expenditure of City Funds

Lenox introduced agenda item 05-01-05, stated that Councilmember Tennant had requested that this item be placed on the agenda and offered the floor to Tennant.

Tennant said what he had to say was probably going to make some people angry, and that it was not his intention to hurt anyone's feelings or to make anyone angry. He said he had been very, very troubled and emotionally bothered by the particular subject he was going to bring up tonight. Tennant apologized in advance if he did offend anyone, but there were some things that needed to be said as it related to the Council Contingency Fund.

Tennant read the following prepared statement:

The Peachtree City Council Contingency Fund is part of the City's budget - to be used at Council's discretion on unbudgeted and unforeseen expenses. It has always been my belief and understanding that this public money could only be spent with a public majority vote of Council. Unfortunately, and remarkably, I have evidently been mistaken in my assumption, according to a recent interpretation of the law by City Attorney Rick Lindsey. So, we have a problem to fix and a loophole to close all because Mayor Lenox, in my opinion, abused his privileges and betrayed the public's trust by unilaterally authorizing expenditures from the Council Contingency fund without the express approval of Council. Allow me to briefly explain how this subject has been brought to the surface.

As most citizens know our former City Clerk, Nancy Faulkner, entered into a severance package agreement with the City that was astonishingly generous and totally unprecedented. Ms. Faulkner's severance package included three components - six month's salary (which amounted to \$22,179), six months of health insurance valued at \$887 and \$7500 in tuition costs for paralegal training. The total cost of this deal was in excess of \$30,000. The \$7500 expense was paid with Council Contingency funds, despite my vehement objections I provided in writing to the Mayor, and despite a lack of any express consent by Councilmembers Fritz or McMenamin. And, by the way, Council was composed only of three Councilmembers at the time of the Mayor's authorization of the expenditure of the

money ... of the \$7500 ... since Dr. Brooks had resigned, but Councilmember Rapson had not yet been appointed. In any case, when I made some inquiries about the legitimacy of these expenditures with our City Attorney Rick Lindsey, I was provided with the following legal interpretation, among others, of the Mayor's actions by Mr. Lindsey and it went like this.

"The Mayor had the authority to expend funds from the Council Contingency Fund without Council approval and specifically had the authority to expend \$7500 from the Council Contingency Fund for the Paralegal training for Ms. Faulkner." I was very surprised to read that legal opinion until I thought more about the source of the opinion. It is essential to understand that the author, City Attorney Lindsey, was appointed as such at the suggestion and urging of Mayor Lenox when troubling issues arose with partner, Jim Webb, early last year. From May 4, 2000, when we appointed Rick Lindsey to be our City Attorney, through March 31, 2001, we have paid Mr. Lindsey over \$206,000. This very substantial amount of taxpayer money has been paid in a span than less than 11 months. We are a big customer to Mr. Lindsey by anyone's standards. While I certainly respect Rick Lindsey's legal expertise, abilities and credentials, and have no personal animosity toward him whatever, he is only human, and in my opinion is not in a position to render a completely objective legal opinion on these matters. In light of that, I highly recommend that Council seek at least two additional legal opinions regarding these financial matters from independent and objective legal observers. I'm not a lawyer, nor do I claim to be a legal scholar, but I am not stupid. Council Contingency Funds belong to the people and should be spent only after a majority vote of Council in a public meeting. That is clearly the intent of the fund. Until such time that we create a Mayor's Contingency Fund, the unilateral expenditure of funds from this account by Mayor Lenox is in my opinion, the ultimate exhibition of arrogance and disregard of good judgment, and it only fosters the continued erosion of the public's confidence in their elected representatives. The Mayor is fond of stating that each citizen's City tax bill is roughly the equivalent to one's cable tv bill. Well, for about 25 families your annual City taxes went to pay for paralegal school for a former City Clerk. All because Bob Lenox decided to spend their money at his own discretion. This is wrong, immoral, unfair and it has to stop now. From a much broader perspective we must rectify the unprecise wording of our ordinances governing City expenditures; specifically, Section 34-118, of the Peachtree City Code. I understand that, fortunately, this subject has been placed on our next meeting's agenda by Councilmember McMenamin. In the meantime, it is imperative that we make it crystal clear that funds expended from the Council Contingency Fund be authorized only by a majority of Council in a public meeting. It's a sad day in Peachtree City's history for me as an elected representative to feel compelled to sponsor legislation to clarify what, by any reasonable standards should be considered obvious. But in order to prevent what I believe is the further abuse of the expenditures of the public's money, I'm prepared to make a motion. I move that we add Section 34-118.1 to the Peachtree City Code of Ordinances as prepared by Mr. Lindsey, - subject to the following changes, and specifically where it reads, "Except as provided herein, the City Council shall (and I would like to see put in there) by a majority vote in a public meeting. And the other change I would like to see put in is in the third line where it says "funds due to be in the best interest of Peachtree City," I would like to strike

that and put "perceived to be a legitimate emergency." The rest of it, I think, is well written and I can live with it, so I'd like to make that motion.

Rapson asked Tennant if he said - where it says "best interest of Peachtree City" - make it what? Tennant replied, no, instead of where it says "the best interest of Peachtree City," scratch that and put "is deemed to be a legitimate emergency."

Rapson said he would second that, but he would like to modify it even further.

He said the very first sentence read fine, but he would like to scratch where it started with "in any situation" all the way down to the end of the sentence up until it started to say "under no circumstances." For the benefit of the audience, Rapson read the current Ordinance and explained how he intended to change it. The ordinance stated: "In any situation where the expenditure of monies in the Council Contingency Fund is to be in the best interest of Peachtree City" ... which Tennant has just changed ... "by the Mayor and the prior approval of the City Council, such expenditures from the Council Contingency Fund cannot be obtained because a meeting of the City Council cannot be held before such expenditure must be made, the Mayor or the City Manager may expend such money from the Council Contingency Fund, discussion of such an expenditure shall occur as a regular agenda item at the next City Council meeting." Rapson said he would like to change it to make it a whole lot simpler, but also to give some more authority to the Mayor and the City Manager in regards to certain emergencies. Rapson said he would like the ordinance to read: "In situations present an immediate public health, safety and welfare emergency, the Mayor or City Manager is authorized to expend monies from the City Council Contingency Fund. Discussion of approval of such emergency shall occur at the next regularly scheduled City Council meeting as a regular agenda item."

Tennant commented that all Rapson did was clarify what an emergency was, and Rapson said he was basically giving them the authority to fix the problem. Tennant said he absolutely believed the Mayor and City Manager needed to have the authority to fix an emergency problem, and that there was no question about that. Rapson clarified that Tennant was okay with that suggestion. Tennant reiterated that he was absolutely okay with that and would amend his motion to reflect Rapson's change.

Rapson added that the only other change that he had was in the very last sentence. He said they had talked about expending the money and he thought Tennant was trying to isolate it to the Council Contingency Fund. Tennant said yes. Rapson said he would just question whether Council should broaden it to say "Under no circumstances does the Mayor or the City Manager have the authority to expend money from the Council Contingency Fund on any project if the City Council has voted on a previous occasion not to so spend the money." Rapson said, he basically wanted to say that "under no circumstances does the Mayor or City Manager have the authority to expend money .. period .. on any project if the City Council had already voted on a previous occasion not to do so."

Tennant asked if Rapson wanted to scratch "from the Council Contingency Fund."

Rapson said right, that maybe he would broaden it to say they couldn't spend it from anywhere because Council had already taken action that said not to. Tennant replied that he would modify his motion to reflect that change also.

Rapson said he thought that would leave some flexibility with the City Manager as well as the Mayor to fix those health and safety type issues that they were charged with. He said he did not want to tie their hands so much that they could not do anything.

Fritz asked if it needed to be two separate ordinances, and Lindsey confirmed they were talking about Section 34-118. Tennant said he thought it was on the next meeting's agenda.

Rapson said in the beginning of the discussion, Council had talked specifically about Council Contingency and then towards the end they had broadened it back up again.

Tennant said Section 34-118 needed a lot of work, and he thought Council understood that very clearly, and it was his understanding that Councilmember McMenamin had already requested that Council place this item on the May 17th Council agenda.

Lindsey asked Rapson to go back to his comment about striking the phrase "from the Council Contingency Fund." Lindsey said he understood Rapson's intent, but that he thought Section 34-118 should be addressed at the May 17th Council meeting. Lindsey said that this was an ordinance that was concerned only with the Council Contingency Fund – not with other expenditures. He said he did not have a problem so much with what Rapson suggested, but he thought it made it clearer and cleaner and that possibly it would not conflict with whatever Council decided about Section 34-118 at the next meeting. Lindsey clarified that Rapson was only talking about one issue, and if he wanted to place the same constraint on all expenditures, to do that in Section 34-118.

Rapson said he thought there needed to be a lot more latitude when it came to capital expenditures.

Lindsey asked Tennant to clarify his first changes, and Tennant he wanted to change the ordinance as follows: "Except as provided herein, the City Council shall, *by a majority vote in a public meeting*, approve all expenditures, etc." He said his main objective was to correct the problem tonight. Fritz said that answered her questions.

Lenox asked if Council were in the discussion period now, and Tennant replied that the Mayor was the presiding officer, that he had made a motion and it had been seconded.

Lenox stated that, inasmuch as he was somewhat offended, the actions about which Tennant was concerned all took place in the beginning of March, and now it was two months later, and Lenox asked why Tennant waited all this time to raise the issue.

Tennant said it had weighed heavily on his mind for quite some time, but he hadn't wanted to do anything rash or stupid. Lenox asked Tennant if he had talked with him about the issue since the agreement was executed on March the 5th, and Tennant replied he thought he had.

Lenox replied that Tennant had not talked to him about it, nor had Tennant tried to talk to him. Tennant replied that that was yet another lie.

Lenox reminded Tennant that he had emailed him and that he had not spoken with him about this issue since March 5th. Tennant replied that the Mayor had made his decision to execute the agreement and asked what exactly did the Mayor expect him to do? Lenox said it might have been worth discussing before Tennant asked for a legal opinion or interpretation of his action. Lenox stated that Tennant had asked Mr. Basinger to obtain a legal opinion on the issue, and that Tennant had asked Basinger to keep it confidential from him. Lenox asked why Tennant had done that. Tennant said because he chose to ask Basinger to keep it confidential, and Lenox asked Tennant why again. Tennant replied that he chose to. Lenox said that was evident, but he would like to know why Tennant wanted it to be kept confidential from him and the other Councilmembers. Tennant said he had that prerogative, and it was his privilege.

Lenox asked Tennant if he had provided the legal opinion to any newspaper, and Tennant said not that he knew of. Lenox said he thought it was strange that there was a story about this in the previous day's paper. Tennant asked that he be allowed to clarify that his answer was no, he did not, but he was finished with the inquisition, and that he was not the guy that broke the rules.

Lenox said he now had the floor, and asked Tennant not to speak, saying he had listened politely while Tennant spoke. He said Tennant's premise was that Lenox alone decided that the settlement agreement was acceptable, and that he had grossly exceeded his authority by spending this money. Tennant replied that was correct. Lenox said the facts did not support that premise, and that everyone was aware that the City Clerk position, and Ms. Faulkner, were a contentious and divisive subject for Council, the staff and the city for several months. Lenox continued and stated that actually, at the first February meeting, Council had heard Ms. Faulkner's pay plan appeal and Council had denied it three to two. Lenox stated it was still divisive, and still a problem for everyone. He said about a week after that meeting, Mr. Lindsey and Ms. Faulkner had lunch, at Faulkner's request he thought, but he was not sure about that. Lenox explained further that Faulkner at that lunch, had presented the idea that she would consider voluntarily leaving the City's employ if a mutually satisfactory separation agreement could be reached, and that she, in fact, felt that the whole situation had deteriorated to the point that this was the only way to end the contention and acrimony, and was actually best for her and the City. He said at the February 15th meeting, Mr. Lindsey commented in passing to Council that this possibility existed, and Lenox had asked if Council wished him to pursue it to see if they could come up with something acceptable, and everyone said, including Dr. Brooks, who was still on Council at that time said, "Yes, good idea, let's see what we come up with." Lenox said his schedule at that point, and Tennant was welcome to review his book, was such that he was traveling on business every day from February the 15th through February the 26th, except for Tuesday, February the 20th. He said further that he had one day in the office, and that he instructed Mr. Lindsey to see what he could negotiate with Ms. Faulkner. Lenox said when he returned on February 27th, Mr. Lindsey presented him with an agreement that was acceptable to and, in fact, had been signed

by Ms. Faulkner. Lenox said if he had wished to act on his own, which he thought he could have done and despite Tennant's diatribe to the contrary, he would have signed the agreement right then. Lenox said further that contrary to Tennant's opinion that he had somehow run amok, he had used the spending authority, which he believed Peachtree City's ordinances had given him, exactly twice in his nine and a half years as Mayor. He said the first time was several years ago when he authorized emergency repairs to a washed-out bridge in Smokerise because the residents couldn't get out of their subdivision without the repairs. The second was a \$7500 expenditure last year for the design charette regarding Highway 54 and Walt Banks Road. He said he would have placed the agreement with Ms. Faulkner on the agenda for the March 1st Council meeting, but that meeting had been cancelled, and he did not feel that the matter could wait. Therefore, on February 28th, a Wednesday, Lenox sent the following memo and a copy of the agreement to Tennant and to the other two Councilmembers at that time.

Lenox read the following interoffice memorandum:

"To: Councilmembers. From: Mayor Lenox. Date: February 28th, 2001. Subject: Agreement between Nancy Faulkner and the city. The attached agreement, drafted by the City Attorney between Nancy Faulkner and the city, is forwarded for your information and consideration. I personally feel it is a fair settlement. Please note that Nancy has signed the agreement and her final day of employment will be March 9th, 2001. Please contact me if you have concerns about the agreement. Depending on feedback from you, my tentative plan is to sign the agreement on Monday, March 5th, 2001, with no further action on this matter required by Council."

Lenox said, in addition to the memo, he asked Mr. Lindsey to call each Councilmember and answer any questions or clarify anything that might be unclear to anyone. Lindsey did so, and Lenox received one call relative to this agreement from Tennant. Lenox said Tennant thought the agreement was "too generous, would make it look like the City was trying to hide something, and would reflect badly on him." Lenox said he thanked Tennant for his input. Lenox continued and stated that on Monday, March the 5th, five days after sending the memo, he had heard nothing from Councilmembers McMenamin or Fritz, and that, on the perfectly valid assumption that three members of the Council found the agreement acceptable and one did not, at 5:00 p.m. on March 5th, he executed the agreement on behalf of the City. Lenox said in retrospect, everything that happened until then was perfectly appropriate and that he did not enter into that agreement on his own. He said the normal procedure would have been to put the item on the agenda at the next public meeting and ratify Council's decision, but that no one, including Tennant, asked that the item be put on the March 15th agenda and, in fact, by March 15th it was probably academic because the ink wasn't dry on that agreement before the City had requests for it from the newspaper, and that by March 15th the agreement had literally been printed in the newspaper. Lenox said that was all he could say about it, that Tennant could beat this dead horse, and spend more of the City's time, money and resources on what Lenox could only perceive as a personal vendetta. Lenox asked why Council should get more opinions as to whether he had violated the rules when, in fact, the Council had approved the agreement before he executed it.

Tennant said he also had a copy of the memorandum that Lenox referred to dated February 28th where he said, in fact, *"Please contact me if you have concerns about the agreement. Depending on feedback from you my tentative plan is to sign the agreement . . ."* Tennant said his contention was that Lenox did not hear from Councilmembers Fritz nor McMenamin, so he could certainly have not assumed that they were in compliance with Lenox' behavior.

Lenox reiterated that he had said in his memo, *"If you have concerns about the agreement, contact me."* He said he specifically asked Mr. Lindsey to call each of the Councilmembers, knew for a fact that Lindsey had done so, and had answered any questions or inquiries that Council may have had. Lenox said if Tennant had an issue, he suggested that he talk to Councilmembers Fritz and McMenamin. Tennant replied that he had, and both of them said that they did not give Mayor Lenox any input on this matter at all. Lenox replied that they had given him input.

Tennant said silence was not input, and that the bottom line was Lenox had spent people's money because he was sick of ten plus years of dealing with Nancy Faulkner, and that he had that in writing. Tennant said additionally that if Lenox wanted to get into the writing game, he could go toe to toe with him on that.

Lenox said he did not spend the money on his own, and Tennant said Lenox had spent \$7500 of the taxpayers' money without the consent of Council, that it was wrong, and Lenox may have thought he had the implied consent, but that he most certainly had not.

Lenox said he had the implied consent of Council, that he took great pains to make sure Council was fully aware of the situation and had given Council five days to comment. Lenox noted he hadn't sent the memo out and said "if you don't get back to me by noon today I'm signing up." Tennant said he had one day to respond and Lenox said he gave five days. Tennant said he had one day to analyze it because he was out of town also. Tennant said he read the email and said "whoa, what was this?"

Lenox said that was not his problem, that Tennant should pay attention to his mail, and that he thought the March 1st meeting had been cancelled because Tennant couldn't be there. Tennant said no, that the meeting had been rescheduled.

Tennant asked Lenox if he could explain the comment relative to Faulkner, *"I assure you that a majority of Council agreed with the decision. I would not otherwise have taken the action I did."* Lenox had also said he though Tennant's concerns were pretty valid and that he did not blow them off. Lenox replied that was an email that he sent to Tennant. Lenox asked what the problem was and Tennant said the problem, quite obvious from those remarks, was that Lenox was the one who had the problem with Nancy for ten years, that Lenox had unilaterally signed off on the deal, and that Lenox could not assume the implied consent of Council. Lenox said he most assuredly could. Tennant said instead of Lenox getting his feelings hurt, why didn't he just acknowledge the fact that this was probably not

the way he should have done this, and that maybe Council needed to tighten up the laws such that this kind of situation did not happen again. Tennant asked what in the world was wrong with that, and why did Lenox take this so personally.

Lenox said he completely agreed with the ordinance, but that he completely disagreed with the fact that Tennant thought he did this on his own when he quite simply did not. Lenox said obviously they completely disagreed, and Tennant agreed that they did disagree, and that the appearance of impropriety was obvious to him. Lenox said there was no appearance of impropriety. Lenox said he took great pains to make sure that everyone on Council was fully informed.

Lenox told Fritz he hated to put her on the spot, and asked why hadn't she responded. Fritz said she had been really torn with that whole thing. Lenox said he was also. Fritz said she felt that Council should have put it publicly on the agenda at one point or another, and voted on it publicly. However, she had fairly recently come to the realization that it would be much healthier for Faulkner's situation if she were to go. Fritz said she had talked about it with Ms. Faulkner as well, and that Ms. Faulkner had been aware of her feeling. Fritz said she told Ms. Faulkner she needed to make the decision about what she wanted to do and Fritz would support that decision. Fritz said she would have liked to have seen Ms. Faulkner stay but what needed to be done was what was best for Nancy. Fritz said she did not respond to Mayor Lenox because she felt like that's what needed to happen, and didn't (at the moment) have any suggestions for a better way to do it. She said she thought Council should have placed it on a Council agenda, but she figured, someone would say something and things would work out. Fritz said that up until Tennant brought the subject up, she had no idea whether McMenamin had talked to Lenox. She said she knew McMenamin had talked to Lindsey, but she had no idea what McMenamin had said to him, if anything, or to Tennant or what Tennant had said. She said she really just didn't know, had never asked, and just felt like it was done, that Nancy was going to move on and the City could get reorganized and move on.

Lenox added that he was also aware that Rick had followed his instructions and had had a conversation with each Councilperson well before Monday. He said that was his verification, in fact, that Council had received the memo, Council had read the agreement, Council had had it fully explained, and that Council knew what the memo said. He said further that he had been perfectly legitimate in his assumption that if Council had some objection, they would have called him.

Tennant said Lindsey had not contacted him. Lindsey reminded Tennant that he had called on his cell phone while Tennant was at a tradeshow. Tennant agreed, but said he thought Lindsey meant they had consulted in Peachtree City.

Rapson interjected that since he seemed to be the only objective Councilmember at the moment, and since he had heard some of both sides, that he had also heard things behind the scenes, it seemed to him that Council needed to lift this out of the emotional realm and stick with the facts for a moment. He said for whatever reason, he thought obviously this was

handled poorly, and thought there was enough blame to go around for everyone. He said Council had an ordinance that tightened up the issue and got Tennant where he needed to get and still gave the City Manager and the Mayor the type of flexibility they needed to handle emergencies, and at the same time tightened up what type of expenditures took place and when they were supposed to take place. He said Council could debate this, and it probably would be debated for months to come, but he thought on behalf of the citizens of Peachtree City, Council needed to move on and do the right thing and change the ordinance, get it amended, get it tightened up, and that Council would discuss it again at the next meeting when McMenamin returned, get a vote, and put this to rest. Lenox said that worked for him, that he would vote for it, adding that clarity would be very beneficial.

Tennant reiterated that he did not want to hurt peoples' feelings or offend anyone, but this was something that happened that shouldn't have happened, and as an elected person in this City, it would be derelict for him to just say nothing. Tennant added that he had spoken only for himself, and no one else.

Rapson said the bottom line was that Councilmembers were elected officials, and that they were all there to do what was in the best interest of the citizens of Peachtree City. Fritz agreed.

Rapson said he would second the motion Tennant made previously with Lindsey's changes. Lenox asked if Council was sure that the ordinance was fully drafted the way Council wanted it, that there were a lot of changes, and he wanted to be sure it was right.

After a lengthy discussion regarding the exact wording for the proposed ordinance amendment, Lindsey read the motion as follows:

"Except as provided herein, the City Council shall, by majority vote at a public meeting, approve all expenditures from the Council Contingency Fund prior to the commitment of any money in such fund or other use thereof. In any situation where the expenditure of money from the Council Contingency Fund is deemed to be a legitimate health, safety, or welfare emergency by the Mayor or the City Manager, the Mayor or the City Manager may expend such money from the Council Contingency Fund. Discussion of such expenditures shall occur as a regular agenda item at the next City Council meeting. Under no circumstances does the Mayor or City Manager have the authority to expend money from the Council Contingency Fund on any project if the City Council has voted at a previous occasion not to so spend the money."

Rapson second the motion again. Motion carried unanimously.

Basinger addressed Council and stated that he had talked with Councilmember McMenamin that day, and that he thought her main concern was the Council Contingency issue, and that it might be necessary to place this item on the May 17th Council agenda, but that if it was placed on the May 17th agenda, staff would require input from Council on any additional changes.

Tennant said he thought Lindsey was quite clear on the issue of Section 34-118, as they had discussed in Lindsey's office and that Lindsey had agreed that particular section needed some major work. Lindsey confirmed that it was Section 34-118.

Rapson advised he had also spoken to Lindsey in this regard. Fritz said she would wait to see what Lindsey drafted.

Mr. Clark Felker addressed Council and stated that he had attended the meeting specifically to hear the discussion on Expenditure of *City* Funds, that he did not know the discussion was about Expenditure of *Council Contingency* Funds and felt he was there on the wrong night, but that he had a question about expenditure of *City* funds as it related to purchases of services and goods. He asked if expenditures for services and goods that were ongoing or monthly were put out for bid, and if they were not put out for bid, why not.

Basinger said the City's services should be put out for bid and that there were certain levels of prices – some were based on a phone call, or for higher amounts there may be a written bid or sealed bids – but that services were based (as a general rule) on the amount of expenditure.

Felker said that over a period of the past two or three years, he had met several times with the Purchasing Agent regarding purchases and had asked for copies of billings and had gotten no response. He said, in fact, that the Purchasing Agent told him she did not have time to do that, that the garage could do that, so he finally just gave up.

Felker clarified for Rapson that his product was automotive supplies, and that he had done business in the County for 10 years, had lived here for 25 years, and had done quite a bit of business with the City during that time. He said he did not mind losing business if it was due to prices or service, but did not like being put off without a reason as to why. He said when he showed the City they were paying too much, he was told it would be checked into. Lenox asked how many dollars per year he was talking about, and he replied approximately \$5,000 - \$6,000 per month. Basinger asked Felker to call City Hall on Friday to schedule an appointment with the Financial Services Director and the Purchasing Agent. Felker agreed to do so.

05-01-06 Discuss Relocation of Wynnmeade Traffic Signal

Lenox said this item had been placed on the agenda because it was an ongoing item that Council would have to decide, but that the developer had called to advise he was not prepared to present anything this evening. Lenox made a motion to table the item to the May 17th Council agenda. Tennant seconded the motion. Motion carried unanimously.

Williams addressed Council and stated there was a situation in the area of Wynnmeade where there was a certain amount of traffic going in and out, and that the Georgia Department of Transportation (GA DOT) had advised staff that it was alright on the basis of that being a driveway to service that area on a temporary basis. Williams said the developer of the

commercial area asked the GA DOT to allow the City to issue Certificates of Occupancy for all the Summit Apartments. The GA DOT said they would do that, but that the intersection would have to be made right in/right out. Williams advised that staff's position was that the intersection should be left the way it was until a signal was installed unless Council advised otherwise.

Council/Staff Topics

There were no Council/Staff topics.

Executive Session

There were no executive session items.

Fritz made a motion to adjourn. Lenox seconded the motion. Motion carried unanimously.

Attest: Robert L. Lenox, Mayor

Betsy Tyler, Deputy City Clerk

City Council of Peachtree City
Minutes
May 17, 2001
7:00 p.m.

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

Announcements, Awards, Special Recognition

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

Approval of Minutes

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

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

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

Consent Agenda

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

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

Old Agenda Items

04-01-07 Seniors Facility Authority

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

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

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

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

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

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

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

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

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

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

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

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

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

05-01-02 New Alcohol License – Ginza

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

New Agenda Items

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

05-01-12 Discuss Wynnmeade Traffic Signal Relocation

where were to place the blame, but the signal relocation was behind schedule. He said the city had asked developer Doug McMurray for a firm schedule on the completion of the project, and staff had checked on same with the Department of Transportation (DOT). City Manager Jim Basinger said staff's understanding from the DOT was that the permit for the light relocation should be approved the following week. Lenox said the latest information indicated that there would be a working signal on July 17. He said he was irritated at having to put up with that kind of delay, but the city had to determine if the lack of a signal for two months was a big enough problem to justify delaying additional CO's for Summit Apartments.

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

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

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

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

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

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

Lenox asked if ^{we} CO's for two additional buildings would meet their immediate needs, and Truhue [?] said it would, noting that Summit was becoming more proactive in working with Doug McMurrian and committing to do whatever it took to see the signal in place.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

05-01-08 Proposed Financial Policies

*I think it is spelled
Weatherington?*

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

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

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

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

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

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

05-01-09 Discuss Approval of City Funds Expenditures

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

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

Rapson had several suggestions to modify the recommended ordinance:

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

5 or 5' ?

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

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

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

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

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

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

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

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

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

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

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

was she asking him to do or had she asked him previously.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lindsey said Riverdale had an ordinance restricting the number of liquor licenses based on population, but that the state code was silent on the matter. He noted that state law provided for Council to restrict the location of such establishments, limiting how close they could be to each other, and he thought Council could limit any additional stores in the Highway 54 corridor and the Crosstown area based on that. ✓
Lenox said that, based on Riverdale's restriction of one license per 2,500 people, Peachtree City could have nearly 15 stores. ✓
McMenamin said she understood the state also limited the number of stores under one owner to two. She also asked about restricting local owners to one within the city.

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

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

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

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

Council/Staff Topics

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

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

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

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

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

Executive Session

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

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

Attest: Robert L. Lenox, Mayor

Betsy Tyler, Deputy City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers
FROM: Jim Basinger 
DATE: May 9, 2001
SUBJECT: Appointments to the Airport Authority

Due to scheduling conflicts, the selection committee will not be able to conduct interviews with Airport Authority applicants until Monday, May 14, 2001. Once the interviews are completed and a selection recommendation is made, I will forward the information to you for review prior to consideration at the May 17 Council meeting.

JB/jsm

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers
FROM: Jim Basinger 
DATE: May 15, 2001
SUBJECT: APPOINTMENT TO THE AIRPORT AUTHORITY

The Selection Committee, composed of Mayor Lenox, Mayor Pro Tem Annie McMenamin and myself considered seven applicants for the vacancy on the Airport Authority.

It is the recommendation of the committee that Mr. Mark Harris be appointed to fill David Good's unexpired term from 5/18/01 through 12/31/01 and to serve a full term from 1/1/02 to 12/31/07.

A copy of Mr. Harris' application is attached for your review.

JB/gr

Attachment

AIRPORT AUTHORITY APPLICATION FOR APPOINTMENT

Thank you for your interest in being considered for appointment to the Airport Authority.

Applicants must be a legal resident of the State of Georgia and have been a resident of Peachtree City for at least six months prior to the date an application is submitted. Elected officials of any governmental jurisdiction in the County and City employees are not eligible for appointment.

The Airport Authority is comprised of five members appointed to five-year terms. Meetings are held on the second Wednesday of each month at 7:00 p.m. Members are required to attend a minimum of eighty percent (80%) of all meetings. The Authority is responsible for the operation of Falcon Field Airport.

Please take a few minutes to complete the form below and to answer the questions on the reverse side of this letter and return it with a resume, if available, to Gloria Reid, Peachtree City Hall, 151 Willowbend Road, Peachtree City, GA 30269 by **5:00 p.m. on FRIDAY, APRIL 27, 2001.**

You will be contacted by the City within two weeks of the application closing date.

If you have questions, please contact Gloria Reid at 487-7657.

NAME: MARK H. HARRIS
ADDRESS: 107 Roundleaf Ct
Peachtree City, GA 30269
TELEPHONE (Day Time) 770-487-5699
(Evening) 770-487-5699

4-27-01
Date

S. J. Starn
Signature

USA R

Hired on
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Kitty Hawk C
March 2000

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CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jim Basinger, City Manager 

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

DATE: May 11, 2001

SUBJECT: Speed violator alert display unit

The Police department currently has a requisition pending in the amount of \$17,475 for the subject equipment (copy attached). As indicated by the Chief of Police in his memo, this is a public safety issue and staff recommends Council approve immediate replacement of the unit. Staff further recommends that Council approve use of Council Contingency funds to pay for this equipment, should purchase of this equipment be approved. The current uncommitted balance of the Council Contingency account is \$614,896.90. The balance would be reduced to \$597,421.90, should funds be disbursed for this equipment.



POLICE DEPARTMENT

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



JAMES V. MURRAY
Chief of Police

TO: JIM BASINGER, CITY MANAGER
FROM: JIM MURRAY, CHIEF OF POLICE
DATE: MAY 10, 2001
SUBJECT: REQUEST TO REPLACE SMART TRAILER

The police department had utilized the current Smart Trailer for a period of seven years to track and record traffic related problems and conditions in the city. The Smart Trailer is a self-contained unit that is used daily by the police department to collect data for numerous reason that include: citizen's complaints, city engineer's requests, radar surveys, traffic volume and school zone traffic. Using this device has saved the city money in both manpower costs and the hiring of outside resources to conduct these surveys. The current trailer is inoperable due to extreme wear and the high cost to repair it, and needs to be replaced as soon as possible. The newer units now on the market have the latest advancement in both computer technology and are also upgradeable as new technology becomes available. They also have the capabilities to do remote surveys for a more accurate recording of speeding problems in residential areas when we are investigating citizens concerns. The current unit is not designed to be upgradeable.

It is my recommendation that we replace this unit as soon as possible. Funds are not budgeted to replace this item, as it was impossible to predict that the unit would fail suddenly requiring an immediate replacement. The benefits derived from this valuable piece of equipment are an important element in the continued safety for our citizens.

CC: Mayor And City Council

PEACHTREE CITY

PURCHASE REQUISITION

DEPARTMENT: Police

DATE: May 7, 2001

DIVISION: CRT

BUDGETARY ACCT. # Council Contingency

DATE WANTED: ASAP

QUOTE ☐

PURCHASE ☒

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	Smart Base W/18" Violator Alaert Display and Solor Panel	\$9,445.00	\$9,445.00
1	1 Furniture Van Freight	\$845.00	\$845.00
1	Axle Loxk for Trailer	\$85.00	\$85.00
1	Speed sign rack for Smart System	\$90.00	\$90.00
1	Tamper Alarm for System	\$225.00	\$225.00
1	Aluminum Wheels	\$225.00	\$225.00
1	Traffic Statistics Computer	\$3000.00	\$3000.00
1	Stealthstat	\$3525.00	\$3,525.00
	Shipping and handling		\$35.00
TOTAL:			\$17,475.00

PURPOSE FOR THIS ORDER:

Replace old system that is out of date and cannot be repaired

SUGGESTED VENDORS

Kustom Signals

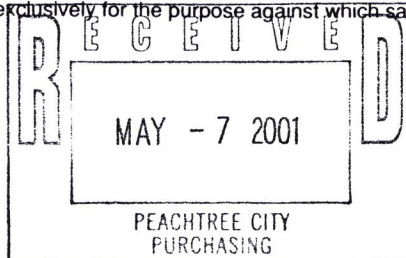
9325 Pflumm, Lenexa KS 66215-3347

913-494-1400

SHIP PREPAID TO: Attention: Sgt. C. Holt Peachtree City Police Department

Address: 350 South Hwy 74 Peachtree City, Ga. 30269

The items listed above are a proper charge against the Budgetary Acct.# shown hereon and the services or materials are to be used exclusively for the purpose against which said items are charged



APPROVED: _____

DEPT. MANAGER

APPROVED: _____

DIVISION DIRECTOR / CHIEF

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 

FROM: Director of Financial Services ^{P.S.}
Director of Developmental Services 

DATE: May 15, 2001

SUBJECT: Funding for Proposed Bond Projects

The Bond Committees have been meeting and have received price proposals for preliminary plans on the following projects:

1. Airport Authority – Expansion to the airport, Wilbur Smith did the plans and they are complete. The only cost will be for a rendered site plan to present to the public. In order to gain consistency in presentation, staff feels that one firm should do all the rendered site plans. Post Properties has submitted a price quote of \$1,200 each for the rendered site plans, including one for the Airport project.
2. Tennis Center – Foley Design did the expansion plans to the tennis center, and they are complete. The only cost will be \$1,200 for a rendered site plan.
3. Amphitheater – Committee will meet on May 14, 2001. No cost estimate available at this time for architectural work, but it is anticipated that there will be a cost of \$1,200 for a rendered site plan.
4. Drake Field – Post Properties was the only firm to submit qualifications. A price proposal for \$2,700 for the landscape design of Drake Field has been received. As mentioned above, they also submitted a proposal of \$1,200 a rendered site plan.
5. Kedron Fieldhouse – Expansion to the facility. Foley Design has submitted a price proposal for the preliminary expansion design for \$1,200. He also submitted a cost of \$4000 for a perspective drawing of the expansion. At this time we are not recommending the perspective by Foley Design, but there will be a need for a rendered site plan at \$1,200.

6. Community Center – The committee’s recommendation is to purchase Braelinn Baptist Church and to use the original architect for the preliminary drawings of the revisions to the building and a separate design for a Performing Arts Center to be built on the remaining property on Robinson Road. W. Allen Hoss has submitted a price proposal of \$5,600 for this work. Because of the time constraints on this project, staff feels that it is a reasonable cost for the work to be performed and that a contract should be awarded to Mr. Hoss. There will be a need for a rendered site plan for \$1,200 in addition to the above architectural fee.

A recap of the costs is as follows:

Project	Work Performed	Architect	Price
Airport Expansion	Site plan	Post Properties	\$ 1,200.00
Tennis Center Expansion	Site plan	Post Properties	1,200.00
Amphitheater Improvements	Site plan	Post Properties	1,200.00
Drake Field Improvements	Design & Site plan	Post Properties	3,900.00
Kedron Fieldhouse	Design	Foley Design	1,200.00
Kedron Fieldhouse	Site plan	Post Properties	1,200.00
Community Center	Design	W. Allen Hoss	5,600.00
Community Center	Site plan	Post Properties	1,200.00
Total Requested			\$16,700.00

Staff is recommending that the following contracts be awarded:

- Post Properties for the design and rendered site plan of Drake Field at \$3,900 and all the rendered site plans that will be needed for the presentation documents for the bond for a total not to exceed \$6000. This sole source recommendation to have Post Properties do all of the rendered site plans is based on the known quality of the work that they do and the reasonable cost proposed.
- Foley Design for design services for the Kedron Fieldhouse for a total of \$1,200
- W. Allen Hoss for design on a Community Center and Performing Arts Center to be located at Braelinn Baptist Church for a total of \$5,600.

Staff also recommends that these expenditures be taken from the Council Contingency Fund.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

FROM: Jim Basinger 

DATE: May 9, 2001

SUBJECT: Seniors Facility Authority

At the April 19, 2001 Council meeting, Mr. Norman Hansen presented information about a senior citizen development, the Parc at Peachtree City, that his company desires to develop at Crosstown Drive and Peachtree Parkway. He requested Council approve creation of a Seniors Facility Authority that would enable him to acquire more favorable financing for the project. Council requested additional information from Mr. Hansen, and that information was forwarded to you for review. Mr. Hansen will attend the May 17 Council meeting to answer any questions you may have and to provide any additional information you may need.

JB/jsm

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: City Manager
FROM: Gloria Reid *gr*
DATE: May 11, 2001
SUBJECT: Alcohol – NEW – Ginza)

Mr. Silvestel Kun Lee, Lee In Trinity, Inc., d/b/a Ginza Steak & Sushi, has purchased the Ginza Restaurant, located at 620 Crosstown Road. Mr. Lee has requested that he be appointed as the Licensee and the License Representative for the Ginza Steak & Sushi.

The application is attached for your consideration. Mr. Lee will attend the meeting on May 17th to answer any questions you may have.

:gr

Attachments



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: Lee In Trinity, Inc. d/b/a Ginza Steak & Sushi	Business Location: 620 Crosstown Rd., Peachtree City, GA 30269	
Nature of Business: Restaurant	Mailing Address: Same as Above	Business Phone Number: 770-631-0005
Name of Licensee: Silvestel Kun Lee	Home Address: 3007 Rolling Fog, Friendswood, TX 77546	Home Phone Number: 281-648-0054
Name of License Representative: Silvestel Kun Lee	Home Address: Same	Home Phone Number: Same

Please indicate type of licenses applying for:

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

Please complete information below (use separate sheet if necessary):

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
Silvestel Kun Kim, President	3007 Rolling Fog, Friendswood, TX 77546	281-978-3464
Charles H. Lee, Secretary	Same as Above	281-648-0054
Sun A. Lee, Treasurer	Same as Above	281-648-0054

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



POLICE DEPARTMENT

153 Willowbend Road • Peachtree City, Georgia 30269 • 770-487-8866 • Fax: 770-631-2512



JAMES V. MURRAY
Chief of Police

State of Georgia

City of Peachtree City:

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

SILVESTEL KUN LEE

Name

3007 ROLLING FOG, FRIENDSWOOD, TEXAS 77546

Address

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

James V. Murray
Signature

April 23, 2001
Date

M. DuPree, Major
Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: City Manager
FROM: Gloria Reid 
DATE: April 26, 2001
SUBJECT: Alcohol – NEW – Beef O’Bradys (a Family Sports Pub)

Mr. Robert G. Ishmael, Jr., has purchased Senior Julio’s Mexican Restaurant, located at 100 Peachtree Parkway North, in the Peachtree Crossing Center. The new restaurant will be named *Beef O’Bradys* and the nature of the business is a *Family Sports Pub*. Mr. Ishmael has requested that he be appointed as the Licensee and the License Representative for Beef O’Bradys

The application is attached for your consideration. Mr. Ishmael will attend the meeting on May 17th to answer any questions you may have.

:gr

Attachments



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

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

Robert G. Ishmael, Jr.

Name

1413 Creston Hill Peachtree City, GA 30269

Address

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

James V. Murray

Signature

May 11, 2001

Date

Major Mike Rubin

Witness



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: Beef O'BRAOYS	Business Location: Peachtree Crossing Center	C 144188
Nature of Business: Family SPORTS PUB	Mailing Address: 100 Peachtree Pkwy N. Suite 18 PTC GA 30269	Business Phone Number: ^{wcb}
Name of Licensee: Robert G Ishmael Jr	Home Address: 1413 Custer Hill PTC GA 30269	Home Phone Number: 770-631-3189
Name of License Representative: SAME	Home Address:	Home Phone Number:

Please indicate type of licenses applying for:

Retail Consumption Dealer	Retail Package Dealer	Wholesale Dealer
☒ Malt Beverage	☐ Malt Beverage	☐ Malt Beverage
☒ Wine	☐ Wine	☐ Wine
☐ Distilled Spirits	☐ Distilled Spirits	☐ Distilled Spirits

Please complete information below (use separate sheet if necessary):

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc. wcb	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:

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: Jim Basinger, City Manager 

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

DATE: May 9, 2001

SUBJECT: Financial Policies

As discussed at the Council retreat, staff is preparing financial policies to address various aspects of financial planning and management. The intent of these policies is to provide a standard of financial performance that both Council and staff have agreed upon and endorsed. Also, by adopting such policies as the basis for our routine financial practices, the City will be in a better position to avoid difficulties that may be posed by lack of prior agreement on policy.

Staff will be proposing financial policies for Council to review in each of the following areas:

- Debt Administration
- Procurement (Use of Purchasing Cards)
- Operating and Capital Budgets (Preparation & Submittal)
- Budget Implementation
- Revenue Administration

As some of these policy considerations may involve extensive discussion, staff will be presenting them at separate Council meetings, in groupings. For the May 17 Council meeting, we will be prepared to discuss the Debt and Purchasing Card policies, copies of which are attached to this memo. The Debt policies will be useful considering the City's current plans for more extensive utilization of debt financing. The Purchasing Card policy is a necessary requirement for implementing a purchasing card program; a program that staff has been discussing for several months. The purchasing cards will essentially eliminate the need for the City to issue 'open purchase orders' as well as the need to maintain and track inventory for many items. Initially, the cards will only be used for low-cost, high-volume purchases of a repetitive nature, such as auto parts, office supplies and miscellaneous hardware items. They will be restricted for use at specified vendors, at limited dollar amounts. Only certain employees that currently have authority to purchase such commodities, such as the Fleet Manager, Recreation Facilities Manager, Police Administrative Assistant, Fire Captain and Purchasing Agent, will be authorized

DEBT MANAGEMENT POLICIES

Purpose

The City of Peachtree City has enacted the following policies in an effort to standardize and rationalize the issuance and management of debt. Their primary objective is to establish conditions for the use of debt and to create procedures and policies that minimize the City's debt service and issuance costs, retain the highest practical credit rating, and maintain full and complete financial disclosure and reporting. The policies apply to all general obligation debt issued by the City of Peachtree City, including leases, debt guaranteed by the City, and any other forms of obligation of indebtedness.

Regular, updated debt policies can be an important tool to insure that City resources are used to meet its commitments, and to provide needed services to the citizens of Peachtree City and to maintain sound financial management practices. These policies are therefore guidelines for general use, and allow for exceptions in extraordinary conditions.

These policies have been approved by the City Manager and Financial Services Division, and have been adopted by the City Council. The Debt Management Policies of the City will be reviewed annually and can be adjusted at any time by action of the City Council.

Creditworthiness Objectives

Policy 1. Credit Ratings: The City of Peachtree City seeks to maintain the highest possible credit ratings for all categories of short- and long-term General Obligation debt that can be achieved without compromising delivery of basic City services and achievement of adopted City policy objectives.

Policy 2. Financial Disclosure: The City is committed to full and complete financial disclosure, and to cooperating fully with rating agencies, institutional and individual investors, City departments and agencies, other levels of government, and the general public to share clear, comprehensible, and accurate financial information. The City is committed to meeting secondary disclosure requirements on a timely and comprehensive basis.

Official statements accompanying debt issues, Comprehensive Annual Financial Reports, and continuous disclosure statements will meet (at a minimum), the standards articulated by the Municipal Standards Rulemaking Board (MSRB), the Government Accounting Standards Board (GASB), the National Federation of Municipal Analysts, the Securities and Exchange Commission (SEC), and Generally Accepted Accounting Principles (GAAP). The Financial Services Division shall be responsible for ongoing disclosure to established national information repositories and for maintaining

compliance with disclosure standards promulgated by state and national regulatory bodies.

Policy 3. Capital Planning: To enhance creditworthiness and prudent financial management, the City of Peachtree City is committed to systematic capital planning, intergovernmental cooperation and coordination, and long-term financial planning. Evidence of this commitment to systematic capital planning will be demonstrated through annual update and adoption of the City's Five-Year Public Improvement Program (PIP) and Comprehensive Plan. The Comprehensive Plan includes the City's Short Term Work Program (STWP) and Capital Improvements Element (CIE).

Policy 4. Debt Limits: The City will keep outstanding debt within the limits prescribed by State statute and at levels consistent with its creditworthiness objectives.

Purposes and Uses of Debt

Policy 5. Capital Financing: The City normally will rely on internally generated funds and/or grants and contributions from other governments to finance its capital needs. Debt will be issued for a capital project when it is an appropriate means to achieve a fair allocation of costs between current and future beneficiaries or in the case of an emergency. Debt shall not, in general, be used for projects solely because insufficient funds were budgeted at the time of acquisition or construction.

Policy 6. Asset Life: The City will consider long-term financing for the acquisition, maintenance, replacement, or expansion of physical assets (including land) only if they have a useful life of at least five years. Debt will be used only to finance capital projects and equipment, except in case of emergency. City debt will only be issued for periods less than or equal to the useful life or average useful lives of the project or projects to be financed.

Policy 7. Debt Guarantees: The City may consider, on case -by-case basis, the use of its debt capacity for legally allowable capital projects by authorities or other special purpose units of government, so long as total City debt guarantees do not exceed 15% of the City's total legal debt capacity.

Debt Standards and Structure

Policy 8. Length of Debt: Debt will be structured for the shortest period consistent with a fair allocation of costs to current and future beneficiaries or users.

Policy 9. Debt Structure: Debt will be structured to achieve the lowest possible net cost to the City given market conditions, the urgency of the capital project, and the nature and type of security provided. Moreover, to the extent possible, the City will design the repayment of its overall debt so as to recapture rapidly its credit capacity for future use.

Whenever possible and/or feasible, the City will seek to structure debt service schedules with level principal and interest costs-over the life of the debt.

Policy 10. Variable Rate Debt: The City may choose to issue securities that pay a rate of interest that varies according to pre-determined formula or results from a periodic remarketing of the securities, consistent with state law and covenants of pre-existing bonds, and depending on market conditions.

Policy 11. Second Lien Debt: The City shall issue second lien debt only if it is financially beneficial to the City or consistent with creditworthiness objectives.

Policy 12. Refundings: Periodic reviews of all outstanding debt will be undertaken to determine refunding opportunities. Refunding will be considered (within federal tax law constraints) if and when there is a net economic benefit of the refunding or the refunding is essential in order to modernize covenants essential to operations and management.

In general, advance refundings for economic savings will be undertaken when a net present value savings of at least five percent (5%) of the refunded debt can be achieved. Current refundings that produce a net present value savings of less than five percent will be considered on a case-by-case basis. Refundings with negative savings will not be considered unless there is a compelling public policy objective.

Policy 13. BANs/TANs: Use of short-term borrowing, such as Bond Anticipation Notes (BANs) or Tax Anticipation Notes (TANs), will be undertaken only if the transaction costs plus interest of the debt are less than the cost of internal financing, or available cash is insufficient to meet working capital requirements.

Policy 14. Credit Enhancements: Credit enhancement (letters of credit, bond insurance, etc.) may be used, but only in cases where the net debt service payments on the bonds will be reduced by more than the costs of the enhancement.

Policy 15. Other Debt: The Finance Department shall maintain a special facility that will allow for borrowing on short notice for small amounts not economical to finance through regular full bond sales. This facility could also be used as an interim financing mechanism when cost effective. Examples of such debt facilities are the Georgia Municipal Association's Bricks & Mortar and Master Lease Agreement programs.

Debt Administration and Process

The following policies apply to all City debt issuance, including all General Obligation and Revenue bonds, except where specifically noted.

Policy 16. Investment of Bond Proceeds: All general obligation and revenue bond proceeds shall be invested consistent with existing state law and the City's investment policies.

Policy 17. Costs and Fees: Bond proceeds should include sufficient funds to cover all costs and fees related to issuance of the bonds.

Policy 18. Competitive Sale: If feasible, City debt will be issued through a competitive bidding process. Bids will be awarded on a true interest cost basis (TIC), providing other bidding requirements are satisfied. In such instances where the City in a competitive bidding deems the bids received unsatisfactory, it may, at the election of the City Council, enter into negotiation for sale of the securities.

Policy 19. Negotiated Sale: Negotiated sales of debt will be considered in circumstances when the complexity of the issue requires specialized expertise, when a change of underwriter may result in losses, when the negotiated sale would result in substantial savings in time or money, or when market conditions or City credit are unusually volatile or uncertain.

Policy 20. Underwriters: For all competitive and negotiated sales, underwriters will be required to demonstrate sufficient capitalization and experience related to the debt issuance and a strong ability to market the bonds. Underwriters in a negotiated sale are to be held accountable, after the sale of bonds is complete, by demonstrating to City staff and Council how they achieved the most favorable interest rate possible, for the city, given market conditions at the time the bonds were marketed.

Policy 21. Bond Counsel: The City will retain external bond counsel for all debt issues. All debt issued by the City will include a written opinion by bond counsel affirming that the City is authorized to issue the debt, stating that the City has met all state constitutional and statutory requirements necessary for issuance, and determining the debt's federal income tax status. Bond Counsel will be required to have comprehensive municipal debt experience.

Policy 22. Compensation for Services: Compensation for bond counsel, underwriter's counsel, financial advisors, and other financial services will be as low as possible, given desired qualification levels, and consistent with industry standards.

Policy 23. Arbitrage Compliance: The Financial Services Division shall maintain a system of record keeping and reporting to meet the arbitrage rebate compliance requirements of federal tax code.

CAR 7-3

Purchasing Card Policy

Purpose	Section I
Cardholder Responsibilities	II
Unauthorized Purchases	III
Departmental Liaison Responsibilities	IV
Purchasing Card Administrator Responsibilities	V
Auditing Procedures	VI
Resolving Disputes and Billing Errors	VII
APPENDIX – Forms PUR 7-7 to PUR 7-12	

I. Purpose

The purchasing card program is a Visa card product administered by Bank of America. The Purchasing Card has been implemented to provide departments with a more efficient system of making purchases of less than \$500.00. Purchases will be charged directly to the departmental account numbers and will show on each department's financial report. The City will issue one payment each month to Bank of America for all Purchasing Card purchases.

The primary benefits of the purchasing card system for department users are:

- Acceptance by any supplier who accepts Visa
- More timely purchase and receipt of goods
- Reduction in costs associated with processing purchase orders
- Increased information about purchasing transactions

The Purchasing Department will administer the purchasing card program and will act as the liaison between the departments, vendors and Bank of America.

Program Overview

- Purchasing Cards will be issued to City employees only.
- The employee's name must be embossed on the card.
- Purchasing Cards will not be transferable between individuals or departments.
- Each Cardholder will be assigned to a department liaison.
- Each Card will be assigned a default account code.
- Department liaison may be auditor for more than one department.
- All Department Liaisons work at the instruction of the Purchasing Card Administrator.
- Employee's immediate supervisor and Division director must approve the request for a card, assign the default account number and assign the department liaison for the Cardholder.
- Cardholders make purchases (using established guidelines from CAR 7-1) and receive a monthly Cardholder statement from Bank of America.
- Cardholder matches receipts to monthly statement and forwards to department liaison for review and filing.
- Monthly department reports of cardholder transactions will be distributed to department liaisons. Liaisons will have the responsibility for overriding the default accounting code for transactions, identify transactions subject to use tax, approving bills and adding cost share information if required.

- Bank of America sends consolidated invoice to the City at the end of monthly billing cycle, which is the 27th of each month.
- An ACH payment (bank account draft) is made to Bank of America within 25 days after the end of the billing cycle.

II. CARDHOLDER RESPONSIBILITIES

Issuance of a Purchasing Card is a relationship of trust between cardholders, department, and the City. The Purchasing Department's responsibility is to provide quality service and information to Division Directors, Cardholders and Departmental Liaisons. Cardholders' responsibilities are outlined below.

Before using the Purchasing Card, determine if it is the appropriate purchasing method. Generally the Purchasing Card can be used for most purchases under \$500.00. There are, however, a number of exceptions for the specific types of goods and services that can be purchased using the Purchasing Card. For a complete list of this exception, please see *Unauthorized Purchase – Page 3*.

- The Purchasing Card shall be used strictly for City of Peachtree City business. **No personal use of the card is allowed.**
- Only the approved cardholder shall use the Purchasing Card. The card is not transferable between employees.
- Cardholders **shall not** receive cash back for any refunds or exchanges. Refunds or exchanges must be credited to the Purchasing Card account.
- The Purchasing Card may be used in person, via mail, telephone, fax or Internet purchases.
- Cardholders shall tell suppliers that they will be paying with the Purchasing Card (Visa) and state that the City of Peachtree City is exempt from Georgia sales tax. The Purchasing Card Administrator can provide a copy of the State Exception Certificate in the event that a supplier requires a hardcopy. This certificate can be presented in person or faxed to the supplier.
- If a supplier does not accept the Purchasing Card, the cardholder shall forward a completed "Supplier Non-Acceptance Form" to the Purchasing Card Administrator for tracking purposes and to assist the supplier in becoming Visa-capable. Until such time the supplier becomes Visa-capable, purchases shall be made through the normal purchase requisition process.
- Cardholders shall **retain copies of original itemized receipts** and related documents. This documentation may be required for auditing purposes by the IRS, City Auditors, and /or other agencies that require auditing of City expenditures.
- Cardholders shall forward receipts with the appropriate "Purchasing Card Activity Log" to the Departmental Liaisons.

- Cardholders shall forward their monthly statements to their Departmental Liaison upon receipt.
- Departmental Liaisons shall retrieve cards from employees who leave City of Peachtree City, change departments, or move to a job in which they will no longer require a Purchasing Card. The Department Liaison will destroy the card and telephone the Purchasing Card Administrator indicating department name, cardholder name, cardholder account number and the reason for canceling the account.
- Cardholder shall report lost or stolen cards immediately to their Departmental Liaison and the Purchasing Card Administrator. Cardholder shall immediately report a loss or theft to Bank of America at 1-800-300-3084.
- The Purchasing Card shall always be treated with *at least* the same level of care cardholders treat their own personal credit cards. Cardholders shall keep the Purchasing Card in a secure location and guard the Purchasing Card account number carefully.

The Cardholder is responsible for ensuring the card is used within the guidelines as stated in this Purchasing Card Regulation Manual as well as their Department Policies and Procedures relating to the expenditure of Departmental Funds. Failure to comply with program guidelines may result in permanent revocation of the card, notification of the situation to his/her immediate supervisor and Division Director and further disciplinary measures that may include termination.

III. UNAUTHORIZED PURCHASES

The Purchasing Card **SHALL NOT** be used to purchase the following items:

- All Goods and Services available through the City's Annual Contracts.
- Bonds and Capital Improvement Expenditures.
- Capital Equipment – Capital Equipment is any unit of equipment with a unit cost of more than \$500 or more and useful life of one year or longer.
- Computer/Media Equipment, Supplies, and Accessories normally approved through the Information Systems Department - These items must be restricted in order to ensure City-wide Hardware/Software standardization and compatibility.
- Professional Services - Architectural/Engineering, Legal or other state-certified professional.
- Storeroom Supplies available through the City Store.
- Telecommunications Equipment and Internet Services.

- Travel/Training, Meals and Entertainment – The card may be used for travel/ training, meals only for pre-approved city business. A travel authorization form must be approved before any reservations can be made.
- Subscriptions and Publications – These items must be submitted on a purchase requisition.

IV. DEPARTMENTAL LIAISON RESPONSIBILITIES

Each Division Director must designate one or more Departmental Liaisons for each department under his supervision. The Director will assign a Departmental Liaison for each Purchasing Card application approved for his/her employees. The Departmental Liaison must receive training before any employees in the department may receive a Purchasing Card. Responsibilities include:

- Reviewing vendor receipts attached to the Bank of America Cardholder statements.
- Retaining all Cardholders charge slips and receipts for audit by internal and external auditors.
- Review Cardholder transactions on the monthly Department report distributed by the Purchasing Card Administrator.
- Requesting the Purchasing Card Administrator to change default accounting codes for individual transactions by updating default accounting codes on the monthly Department reports in advance of the monthly cut-off date established by the Purchasing Card Administrator.
- Attempting to resolve any disputes with vendor and/or Bank of America not resolved by Cardholder.
- Notifying Purchasing Card Administrator in 3 to 5 days of any unresolved disputes, noting the reason for the dispute.
- Identifying and notifying Purchasing Card Administrator of transactions which require the submission of use tax to the Department of Revenue.
- Notifying Purchasing Card Administrator of lost or stolen cards.
- Requesting Purchasing Card Administrator to cancel a Cardholder's card (e.g. terminated employees, transferring department, loss of purchasing card privileges) as approved by Division Director.
- Collecting canceled cards from Cardholders and forwarding to Purchasing Card Administrator.
- Notifying the Purchasing Card Administrator of Cardholder request(s) to have Bank of America set up a vendor to accept Credit cards.

- Assisting Cardholder with erroneous declines and emergency transactions.

The Departmental Liaison will maintain for each Cardholder vendor receipts, packing tickets, and charge slips. The Departmental Liaison will provide for the Cardholders the Purchasing Card Activity Log. They will be responsible for submitting the Summary of Purchasing Card Charges to the Purchasing Card Administrator on a monthly basis and submitting any Purchasing Card Dispute Forms and Purchasing Card Missing Receipt Forms to the Purchasing Card Administrator when the occasion for these forms arises.

V. PURCHASING CARD ADMINISTRATOR RESPONSIBILITIES

The Purchasing Agent will assign a Purchasing Card Administrator to be responsible for the over-all Purchasing Card Program. The responsibilities include:

- Organization liaison with Bank of America.
- Utilizing InfoSpan Software from Bank of America.
- Reviewing Department approved applications for completeness of required information.
- Submitting completed applications to Bank of America and receiving Purchasing Card from Bank of America.
- Training Departmental Liaisons before releasing Purchasing Cards.
- Training Cardholder before releasing Purchasing Card.
- Having Cardholder sign Cardholder Agreement (Appendix I), signifying agreement with the terms of the Purchasing Card Program.
- Handling disputes charges/discrepancies not resolved by Cardholder or Departmental Liaison.
- Initiating change of default accounting codes upon request of Department Liaisons as approved by their Director.
- Securing revoked Purchasing Cards and submitting information to Bank of America.
- Receiving and reviewing Bank of America bill.
- Distributing monthly reports to Departmental Liaisons and notifying Departmental Liaisons of cut-off date for approvals and default code changes.
- Making accruals for transactions which require the submission of use tax to the Department of Revenue.
- Processing electronic upload of bill to accounting.

- Preparing bill for payment and submitting to accounting for ACH payment.
- Reconciling Bank of America's bill to Bank of America's electronic file and to the transaction totals posted to the City's accounting system.
- Reviewing usage of Purchasing Card data for appropriateness.
- Ensuring that lost or stolen cards have been blocked by Bank of America.
- Forwarding vendor set up requests to Bank of America.
- Assisting the Departmental Liaison with erroneous declines and emergency transactions.

The Purchasing Card Administrator is also required to close an account if a Cardholder:

- A. Transfers to a different department.
- B. Moves to a new job in which a Purchasing Card is not required.
- C. Terminates employment .
- D. For any of the following reasons which will also subject the Cardholder to disciplinary action in accordance with City Policies and Procedures relating to disciplinary action and termination for cause:
 - 1) The Purchasing Card is used for personal or unauthorized purposes.
 - 2) The Purchasing Card is used to purchase alcoholic beverages or any substance, material or service, which violates policy, law or regulation pertaining to the City.
 - 3) The Cardholder allows the card to be used by another individual.
 - 4) The Cardholder splits a purchase to circumvent the limitations of the Purchasing Card.
 - 5) The Cardholder uses another Cardholder's card to circumvent the purchase limit assigned to either Cardholder or the limitation of the Purchasing Card.
 - 6) The Cardholder fails to provide Departmental Liaison with required receipts.
 - 7) The Cardholder fails to provide, when requested, information about any specific purchase.
 - 8) The Cardholder does not adhere to all the Purchasing Card policies and procedures.

The Purchasing Department will conduct a study of frequently used vendors for purchases under \$500, which qualify for use of the Purchasing Card by Cardholders. If a vendor frequently used by the City does not accept the card, Purchasing will assist in recruiting the vendor to take the necessary steps to begin acceptance of the card and provide information to Bank of America. Cardholders should contact the Departmental Liaison when encountering vendors who do not accept the card, who should forward the information to Purchasing.

VI. AUDIT PROCEDURES

Cardholder's Responsibilities:

- Reconcile vendor receipts to their statement.
- Submit vendor receipts and Purchasing Card Activity Log to Departmental Liaison. If the order is a telephone/fax order, Cardholder should supply a shipping ticket or copy of order blank or description of the items ordered.
- Indicate alternate account number and/or cost share account number for purchases to be charged if different than the default account number assigned to the Purchasing Card.

Departmental Liaison's Responsibilities:

- Review and maintain Cardholder receipts and statements.
- With the approval of the Division Director, enter alternate default codes on the monthly Departmental reports, which are distributed by the Purchasing Card Administrator.
- Identify transactions requiring the payment of use tax.
- Approve charges to department in advance of the monthly default cut-off date for approvals established by the Purchasing Card Administrator.
- Retain all receipts and vouchers for audit by internal and external auditors. Receipts for purchases are to be maintained for 7 years.

Purchasing Card Administrator Responsibilities:

- Receive electronic reports from Bank of America and distribute to Departmental Liaisons.
- Establish and notify Departmental Liaisons of monthly cut-off dates for approvals.
- Process upload of departmental charges to accounting for charging individual departments.
- Reconcile monthly billing statement to the electronic reporting file.
- Upload to individual department is to be for the total amount of the electronic report file.
- Make periodic audits of card use and charges for appropriateness through the use of InfoSpan's on-line reporting system. Areas to be monitored include, but not limited to compliance with Purchasing Card regulations, compliance with City ordinances and sales and use tax charges. Non-use of card by cardholders will also be monitored.

VII. RESOLVING DISPUTES AND BILLING ERRORS

The Cardholder is responsible for contacting the vendor to resolve any disputed charges or billing errors. If the matter is not resolved with the vendor, the Cardholder/Departmental Liaison should:

- Contact Bank of America at 1-800-538-8788 directly for assistance.
- Mail or fax to Bank of America at 1-800-253-5846 a signed Bank of America dispute Form to document the reason for the dispute. The Departmental Liaison will have these forms on hand.
- Contact the Departmental Liaison/Purchasing Card Administrator for assistance if an acceptable resolution is not obtained.

DRAFT

- The total amount billed by Bank of America will be charged to the individual departmental accounts and credits for disputed transactions will be posted to departmental accounts when the credit appears on the Bank of America billing.

APPENDIX

CITY OF PEACHTREE CITY PURCHASING CARDHOLDER AGREEMENT

I, _____, agree to the following regarding my use of the City of Peachtree City Purchasing Card:

1. I understand that under no circumstances will I use the Purchasing Card to make personal or non-work related purchases, either for myself or for others. A personal or non-work related purchase with the intent to reimburse the City is unacceptable and shall be considered a fraudulent purchase.
2. I understand that I will not request or receive cash from suppliers as a result of exchanges or returns.
3. I understand that I am the only individual authorized to use the Purchasing Card assigned to me. It is not transferable to any other individual.
4. I understand that the City of Peachtree City can terminate my right to use the Purchasing Card at any time for any reason. I agree to return the card to my Departmental Liaison immediately upon request from the Purchasing Department, upon my transfer to another department, or upon my termination of employment.
5. I will follow the established procedures for using the Purchasing Card. Failure to do so may result in either revocation of my user privileges or other possible disciplinary actions, up to and including termination of employment.
6. I have reviewed the Purchasing Card User's Manual and understand the procedures and requirements for using the Purchasing Card. I understand that I cannot use the Purchasing Card for those goods and services listed within the "Unauthorized Purchases" section of the Purchasing Card User's manual.
7. I agree that should I willfully violate the terms of this Agreement and use the Purchasing Card for personal use or gain that I will surrender my Purchasing Card and reimburse City of Peachtree City for all incurred charges and any fees related to the collection of those charges. I understand that I can be held personally liable to the City of Peachtree City for any unauthorized purchases or other misuse.

Cardholder Name (Print)

Purchasing Card Account Number

Cardholder Signature

Purchasing Card Administrator Signature

Social Security Number

Date

Department _____

**CITY OF PEACHTREE CITY
PURCHASING CARD ACTIVITY LOG**

Card Account Number _____

Page ____ of ____.

Cardholder's Name (Print) _____

Department _____

Item No.	Date	Vendor	Amount	Description of Purchase	Account Code	Comments
TOTAL			\$			

Cardholder _____ Date _____
Signature

Dept. Liaison _____ Date _____
Signature

Director _____ Date _____
Signature

CITY OF PEACHTREE CITY SUMMARY OF PURCHASING CARD CHARGES
--

Department _____ Page _____ of _____

Departmental Liaison _____

Billing Cycle: Beginning Date _____ Ending Date _____

Trans #	Card Number	Account Number	Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

TOTAL * \$ _____

Director _____ Date _____
Signature

* Must equal the total amount of the applicable monthly cardholder statements, attached itemized sales receipts, and respective Purchasing Card Activity Logs.

Purchasing Card Administrator Approval for Payment_____
Date: _____

CITY OF PEACHTREE CITY PURCHASING CARD MISSING RECEIPT FORM
--

I, _____, have either not received or misplaced a Purchasing Card receipt totaling \$_____. This expense was on behalf of the City of Peachtree City. This form is submitted in lieu of the original receipt.

Reference Number: _____ Date: _____

Supplier Name: _____ Amount: \$ _____

Supplier Address & Telephone number: _____

Items purchased: (1) _____
(2) _____
(3) _____
(4) _____
(5) _____
(6) _____

I certify that the amounts shown above were expended for the City of Peachtree City business purposes.

Cardholder Signature Date

Departmental Liaison Signature Date

Director Signature Date

CITY OF PEACHTREE CITY PURCHASING CARD DISPUTE FORM

Name (Please Print)

Purchasing Card Account Number

Statement Date	Reference Number	Posting Date	Transaction Date	Amount	Supplier Name

Please Check the Appropriate Box(es)

- ☐ I certify that the charges listed above was not made by me nor were the goods or services represented by the above transaction received by me.
- ☐ I do not recognize the transaction as listed above. Please inform me of the supplier name and description of goods purchased.
- ☐ The credit was listed as a sale on my statement. Enclosed is a copy of my credit memorandum.
- ☐ The amount of the sales slips was increased from \$ _____ to \$ _____. Enclosed is my copy of the sales slip prior to alteration.
- ☐ I received a price adjustment (credit slip) on the above transaction and it has not appeared on my statement. Enclosed is a copy of my cancellation notification to the supplier.
- ☐ Although I did participate in the above transaction, goods and/or services were to be provided on (date) _____, but as of this date are yet to be received. I have contacted the supplier to no avail. I am therefore disputing the entire charge, or a portion, in the amount of \$ _____.
- ☐ Although I did participate in the transaction, it has been canceled. Enclosed is a copy of my cancellation notification to the supplier.
- ☐ Although I did make the above transaction, the goods were received damaged/unsuitable for the purpose intended (explain below). I have attempted to return the goods. I am therefore disputing the entire charge, or a portion, in the amount of \$ _____.
- ☐ Although I did engage in the above transaction, my enclosed documentation does not conform to the characterization of the item (explain below). I have attempted to return the goods. I am therefore disputing the entire charge, or a portion, in the amount of \$ _____.
- ☐ I am disputing the charges because: *(Please explain completely)*.

Date

Signature

Form PUR 7-11

CITY OF PEACHTREE CITY PURCHASING CARD SUPPLIER NON-ACCEPTANCE FORM
--

Instructions: Cardholders who encounter suppliers who will not accept the City of Peachtree City Purchasing Card shall complete this form. This information will be used to assist suppliers in becoming Visa-capable.

Forward this form to:

***Purchasing Card Administrator
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269***

Cardholder Name: _____

Department: _____

Date: _____

SUPPLIER INFORMATION

Supplier Name: _____

Contact Name: _____

Address: _____

Phone: _____

Would you use this supplier more often if they accepted the Purchasing Card?

Yes _____ No _____

Comments:

WEBB, LINDSEY, COLLINS, JONES & WADE, LLC

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Other Offices
Atlanta, Georgia
Fairburn, Georgia
McDonough, Georgia

Other licenses:
* Florida
† Illinois
†† Texas

May 11, 2001

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

re: Purchase Card Proposal

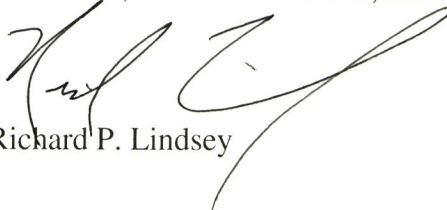
Dear Mayor and Council:

I have reviewed the proposed purchase card policy which is before you. The policy complies with our local ordinances and state laws. Obviously, there is always some risk involved with any purchasing policy but the proposed policy appropriately balances those risks with the need to ease the procedural hurdles involved with the routine small item purchases and the proposed policy provides appropriate safeguards against abuse and theft.

Best regards.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC



Richard P. Lindsey

RPL:

**Geeslin, Cordle, Johnson & Wetherington, LLP**

Certified Public Accountants &
Business Development Specialists

200 Westpark Drive
Suite 370
Peachtree City, Georgia 30269
Phone: (770) 631-4021
Fax: (770) 631-8541

10 Jackson Street
Newnan, Georgia 30263
Phone: (770) 683-4259
Fax: (770) 683-7201

May 11, 2001

Paul Salvatore
Director of Financial Services
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

VIA FAX 770-631-2505 AND MAIL

Good morning Paul,

Thanks for forwarding to me the draft of your debt management policies.

The policies represent good general conservative policies that we would support the City Council adopting.

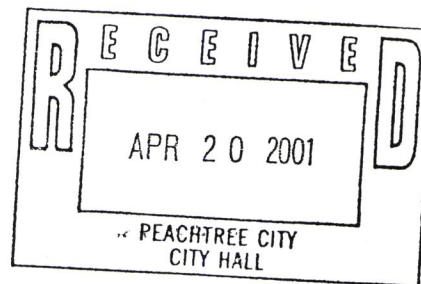
We would suggest an annual review of such policies by City staff and/or City Council. We will review the policies as part of our annual audit as well. The importance of such review would be to make sure the policies are current and applicable to the City.

Please call me if you have any questions.

Sincerely,

R. Edwin Wetherington, Jr., CPA

April 19, 2001



The Honorable Robert L. Lenox
Mayor of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

Re: Annexation of 80 acres located between Wynne-meade subdivision and the Centennial subdivision ("Property")

Dear Mayor Lenox:

I'm writing to respectfully request that the Peachtree City Council consider lifting the annexation moratorium on May 17, 2001 for the purpose of discussing the annexation of approximately 80 acres located between the Wynne-meade and Centennial subdivisions.

As a condition of rezoning, John Wieland Homes and Neighborhoods agreed to dedicate approximately 20 acres for a school site located within the Property. During our rezoning hearing in Fayette County, the Fayette County Board of Commissioners expressed various safety concerns. Other concerns have been expressed about the safety of the students and teachers. Since the only access to the property is through City-controlled public streets, we feel that the most logical solution would be annexation. Therefore, we are requesting that Peachtree City reconsider annexing the Property.

Additionally, we think that this annexation will provide the opportunity to significantly improve the quality of the Centennial neighborhood. Please be assured that we will not be seeking to increase the density. We are simply seeking to improve the overall quality and safety of this exciting, new neighborhood.

We are proud to be in Peachtree City and would appreciate your consideration of this request. Please don't hesitate to call me if you, or any of the Council members, have any questions.

Respectfully,

Dan Fields
Vice President

cc: Mr. Jim Basinger

Centennial Annexation Request



- This request is not a request to increase the number of homes.
- The Fayette County Board of Commissioners requested that we seek to resolve the Fire and Police issues with the City since the only access to this property is through Peachtree City.
- The property is substantially surrounded by Peachtree City.
- The school site would be appropriately located within the city limits.
- Annexation would allow the City to be reimbursed for services to be provided the property.
- Annexation would increase the efficiency of the overall plan.
- Through input from the staff, the Planning Commission and City Council, a much more desirable plan can be achieved.
- Potential to increase open space.
- Collection of fees for services provided by Peachtree City that would otherwise be soft fees to unincorporated Fayette County residents.
- Peachtree City would be paid impact fees, permit fees, etc. for the construction of the homes.
- Eliminate septic tanks on the lots.

Distributed by
Citizen Steve
Bumy

Annexation Request for the Katz Property

The rezoning of the Katz property was a land-use planning mistake. The property did not have to be rezoned to residential zoning. Once a majority of city council members were in favor of changing the zoning to residential, they did not have to choose an unusually high density zoning (300 home plus 50 on the county parcel) but they did.

I am asking that we create a best case scenario for what could be an otherwise harmful situation. Unlike other annexation requests, this plan is capable of being a win-win situation for both the citizens and the developer.

Rational:

1. Remove an elementary school from a hazardous zone with a poor evacuation route.
2. Remove an elementary school from a highly developed "regional" commercial retail zone while eliminating traffic and crime hazards for elementary school age children that would have to walk to school. As with the most recent Starr's Mill commercial rezoning, the Board of Education has consistently opposed having commercial enterprise adjacent to school sites. The big box stores will draw a criminal element from the surrounding areas. We would not place an elementary school next to the Fayette Pavilion shopping center with all its crime and we should not do it in Peachtree City.
3. Decrease traffic flow during AM and PM drive times on State Route 54 by having majority seniors reside on the site.
4. Provide a "walk to shopping" or easy cart ride for seniors to the regional commercial stores and reducing automobile dependency by providing senior housing.
5. Provide more green space for an area that will be largely covered by impervious surface (large buildings, parking lots, etc.)

Reasons of lesser importance:

6. The homeowners association will have a difficult time with their property residing in two separate jurisdictions (County, Peachtree City). This would be unfair to the homeowners.
7. A development design with golf cart paths in the county means that the residents will have to pay to maintain the paths as the property could not be given to the city of Peachtree City.
8. The property is surrounded by Peachtree City on three sides.

Proposal:

1. John Wieland Homes would purchase a school site selected by the Board of Education at another location.
2. Peachtree City would annex the county portion of the Katz property and provide sewer.
3. Peachtree City would allow senior town homes as well as an additional unit count on the former county portion (count to be determined).
4. John Wieland Homes guarantees that 60 percent of the housing consists of senior (age 55 plus) housing as provided in Federal Housing Regulations.
5. John Wieland Homes donates a site for a badly needed fire station.
- NEW → 6. The covenants for the community would stipulate that no more than 20 percent of the units could be leased or rented.

Dan Fields of John Wieland Homes has expressed an interest in this proposal. The Chairman of the Board of Education has given his approval of the proposal. The LEPC and the County Fire Chief have advised the School Board that the site provides poor evacuation status. The County Commission BOE liaison has also expressed his willingness to work with the proposal.

60 minutes

WAL-MART

SHOW: 60 Minutes

DATE: January 7, 2001

WAL-MART

LESLEY STAHL, co-host:

There are few American success stories like Wal-Mart, which started life as a five-and-dime in Rogers, Arkansas, in 1962. Today, nearly 40 years after it was founded by Sam Walton, Wal-Mart is the world's largest retailer with more than 4,000 discount stores around the world and 100 million customers every week. So you'd think they have it made, and they do, except that Wal-Mart, in addition to being one of America's largest and most successful companies, may also be one of America's most frequently sued companies. That's not surprising given Wal-Mart's size. What is surprising is what those who've seen how they operate in court say about them.

Judge SHAROLYN WOOD: They didn't play by the rules, but they also hid and conducted themselves in a way to disguise and hide anyone getting at the truth.

Very troubling. Very troubling.

(Footage of Judge Wood walking into court)

STAHL: (Voiceover) Judge Sharolyn Wood heard a case against Wal-Mart in Houston, Texas, in 1999 involving an assault in a Wal-Mart parking lot. She says that in 17 years on the bench and over 25,000 cases, she's rarely seen such flagrant abuse of the system.

Judge WOOD: It was very disturbing to see such an--an intentional course of conduct. It was corrupt.

(Footage of Wal-Mart sign; shoppers entering Wal-Mart; customers shopping; Wal-Mart parking lot; Judge Wood)

STAHL: (Voiceover) She's charging Wal-Mart with cheating in court, and she's not the only one.

Unidentified Man #1: Good afternoon, and welcome to Wal-Mart.

STAHL: (Voiceover) Wal-Mart faces an average of 10 new lawsuits every day for everything from slip and falls, to negligence for shootings and assaults in their stores and parking lots, to selling counterfeit clothing. The facts in these cases have been different, but the company's legal strategy, critics say, is too often the same. And it has distressed judges across the country.

Let me read you some things that other judges who've tried cases against Wal-Mart have said. This is one judge: 'Is there something in the drinking water in Arkansas that says perjury is all right?' Another judge: 'Rarely has this court seen such a pattern of deliberate obfuscation, delay, misrepresentation, and downright lying.'

Judge WOOD: True.

(Footage of Roger McClung driving; photo of Roger and Dottie McClung; footage of Memphis Wal-Mart parking lot; McClung exiting parked car)

STAHL: (Voiceover) Roger McClung would agree. He's been fighting Wal-Mart in court for 10 years, ever since his wife Dottie was abducted in broad daylight

from this parking lot in Memphis and then raped and murdered. McClung charged that since there had been numerous assaults and over 100 crimes in the parking lot in the 18 months before his wife's abduction, Wal-Mart knew it had a crime problem and should have taken measures to prevent the abduction.

Mr. ROGER McCLUNG: I've been amazed at their lack of responsiveness, their evasiveness.

(Photo of Dottie McClung; footage of Dottie McClung's killer; Wal-Mart parking lot)

STAHL: He says that even though Wal-Mart receipts were found on Dottie McClung's body, and the killer, in confessing, said he had grabbed her in the parking lot as she left the store, Wal-Mart argued that there was no definitive proof she had been in the store.

You had the testimony of the murderer. You had the receipts. And they still tried to make it an issue as to whether she'd actually been in Wal-Mart? You must have been outraged.

Mr. McCLUNG: Absolutely. And that's part of the reason that I have pursued this thing for so long, because it--it--it violates common sense, one, and--and truth.

(Footage of Stahl walking in Wal-Mart parking lot)

STAHL: Wal-Mart argued there was no way for them to know what went on in their parking lots, and, in any event, there was nothing they could do to stop the crime.

(Close-up of magazine article)

STAHL: (Voiceover) But then McClung came across a magazine article saying that Wal-Mart had done a study of crime at their stores.

And, furthermore, they had found a way to make their parking lots safer.

(Footage of McClung hanging up phone, looking through papers; Dave Gorman deposition)

STAHL: (Voiceover) But when McClung asked for information about the crime study, which he was entitled to under law, Wal-Mart's lawyers stalled. And then Dave Gorman, Wal-Mart's vice president of security who had overseen the study, said in a deposition that he had thrown the study away.

Mr. DAVE GORMAN (Wal-Mart Vice President of Security): It was past the point of me needing it anymore. I don't really have room to keep everything, so I just threw it away.

(Footage of Stahl talking with McClung and attorney Bruce Kramer; close-up of letter)

STAHL: (Voiceover) Then McClung's attorney, Bruce Kramer, came across a letter to Dave Gorman from Wal-Mart's lawyers, telling Dave Gorman...

information has been lost or destroyed, that is OK.' What do you think that's saying?

Mr. BRUCE KRAMER (McClung's Attorney): This is coaching. This is telling him...

STAHL: Is he telling him to destroy it or lose it?

Mr. KRAMER: I think that's the only conclusion you can come to.

(Close-up of letter with excerpt highlighted)

STAHL: (Voiceover) In fact, a federal judge who viewed the letter said that one reasonable interpretation was that it was 'encouraging Mr. Gorman to destroy or lose the documents.'

Soon lawyers all over the country with lawsuits against Wal-Mart began asking for that crime study.

(Footage of Reba Warner watering plants)

STAHL: (Voiceover) One of those cases was brought by Reba Warner. She was assaulted and then dragged behind a car in a Wal-Mart parking lot in Houston.

Ms. REBA WARNER: Then when I hit the ground and them dragging me, pulled the arm loose. So I've got six pins holding that shoulder together.

(Footage of Warner; Judge Wood at desk; close-up of article in Arkansas Democrat Gazette)

STAHL: (Voiceover) Her suit for damages against Wal-Mart landed in Judge Wood's court. Wal-Mart told her that it had no information about the crime study, even though at the time, a judge in another case had just announced that he planned to fine Wal-Mart \$18 million for concealing the very same study.

I have seen a quote from you calling what Wal-Mart did in this case, "flagrant lying to this court."

Judge WOOD: Yes. You know, it's not telling the truth. And when you knowingly and intentionally do not tell the truth--that's what they did in this case--it's called cheating.

STAHL: We're talking about the same documents, the survey of crime.

Judge WOOD: Same documents, same client and same lawyer.

STAHL: Could it conceivably have been a mistake?

Judge WOOD: No.

STAHL: Well, how could they be that blatant?

Judge WOOD: It was--it was not a mistake.

STAHL: How could they be that...

Judge WOOD: It was not a mistake.

(Footage of Wal-Mart parking lot; close-up of documents)

STAHL: (Voiceover) Other judges have felt the same way and have fined Wal-Mart for withholding or destroying other documents: \$7,000 in a Florida case, \$15,000 in Nevada, \$120,000 in another Texas case, to name a few.

Judge WOOD: It's so rare. It is extremely rare. And it's a pretty remarkable list.

(Footage of Judge Wood at desk; close-up of Wal-Mart sign; Judge Wood and

Stahl)

STAHL: (Voiceover) Which she added to. After Judge Wood sanctioned the company for concealing evidence and being intentionally misleading, they quickly settled the case, and the judge assumed the lesson was learned. But...

What if I told you that six months after your ruling, they went into a court in Louisiana and denied that they had the very document that--that the lawyer in your case was looking for?

Judge WOOD: Impossible to believe. With--every time this happens, judges will escalate how we handle it.

(Footage of Web site; photo of Jared Robbins)

STAHL: (Voiceover) Meanwhile, trial lawyers have begun sharing documents on Web sites and in seminars, which helped in 15-year-old Jared Robbins' lawsuit against Wal-Mart.

Jared Robbins was shot inside a Peoria, Illinois, Wal-Mart in 1997. Another teen-ager had picked up an air rifle off a shelf in the sporting goods section.

Like this one, it had no trigger lock. The teen-ager loaded it with BBs that were nearby, also on display, aimed it at Jared, and shot him through the arm.

(Footage of Stahl with Ralph Davis)

STAHL: (Voiceover) Jared's lawyer, Ralph Davis, says that the way Wal-Mart displayed the air rifle led to the shooting of his client.

Mr. RALPH DAVIS (Attorney for Jared Robbins): Wal-Mart, by having the--the guns available to children on a regular and recognized basis--their people knew about it--they hold a great amount of the responsibility, I believe.

(Footage of Davis walking down sidewalk)

Stahl: (Voiceover) But when he began asking Wal-Mart for information, Davis says company lawyers refused to give him just about everything he asked for.

Mr. DAVIS: We asked for all statements and policies on the handling, stocking and selling of firearms and ammunition. Well, 'all' is not a very difficult word to understand.

(Footage of Stahl and Davis; close-up of documents; Davis looking through documents)

STAHL: (Voiceover) And yet all he got was 16 pages of what he says was useless information. But then someone working on another case against Wal-Mart turned up the smoking gun: a Wal-Mart manual the company had failed to turn over.

Mr. DAVIS: And he said, 'Would you be interested in a document that says there are five unsafe things in a Wal-Mart store--five of them, and one of them is an air gun on display without a trigger lock?' I go, 'You betcha I'd be interested in that.'

(Footage of Davis at desk; air rifles on display; child looking at air rifle display; close-up of ammunition display; signs reading, 'Please do not load or fire guns' and 'Please do not load or fire guns in store! Thank you!'; Wal-Mart parking lot)

STAHL: (Voiceover) After being sanctioned twice for pre-trial misconduct, Wal-Mart settled Davis' case for an undisclosed sum. But despite seven other

air rifle shootings in its stores and its written policy requiring the use of trigger locks on air rifles, we found air rifles without trigger locks in many Wal-Mart stores, right next to the ammunition. In one store we visited, customers were politely asked not to shoot guns in the store. It's not only their customers who accuse Wal-Mart of deceitful tactics in court.

These are counterfeit.

Mr. STEVE GURSKY (Attorney): That's right. These are counterfeit for--for a number of reasons.

(Footage of Stahl and Gursky looking at clothing; Gursky at desk; Wal-Mart parking lot)

STAHL: (Voiceover) Attorney Steve Gursky has repeatedly sued Wal-Mart on behalf of major clothing manufacturers, charging that the company illegally sells knock-off designer shirts and jeans. In one suit for Ralph Lauren, he asked for Wal-Mart's sales records and was told its computers only went back five weeks. After months of digging, Gursky learned that Wal-Mart's computers, said to rival the Pentagon's, store records for more than a year.

Isn't it just an extreme case of them hiding the ball, which is what attorneys do in these kinds of cases?

Mr. GURSKY: Making the right question be asked and making the game a challenge is the way that good lawyers play the game. Hiding the evidence, answering questions in a misleading fashion is not the way the game is played.

(Footage of Stahl and Gursky)

STAHL: (Voiceover) That's something that wasn't lost on the federal judge in that case who said...

Mr. GURSKY: 'This is the worst form of stonewalling I've ever seen.' He said, 'In this case, we have wealthy plaintiffs suing you. What about all the people you do this to who can't afford a 15-month fight, who you wear down by doing these tactics?' He said, 'I will not tolerate this anymore.'

(Footage of Gursky walking in hall; Wal-Mart customers checking out)

STAHL: (Voiceover) And he ordered Wal-Mart to pay Gursky's attorneys fees. But Gursky says a fine is meaningless to a \$165 billion company.

Mr. GURSKY: It doesn't hurt them enough to do the right thing. When they do the wrong thing, they don't get penalized enough.

(Photo of Danny Hardin; Wal-Mart parking lot; photo of Hardin; deposition video of Hardin)

STAHL: One person who did do the right thing was Danny Hardin, who oversaw security at the Memphis store for the three years before Dottie McClung's abduction. Years later, after he retired, he sought out McClung to tell him that Wal-Mart had lied in court. In a videotaped deposition, he said under oath that Wal-Mart had not only known about the crime problem, it had ignored his requests for additional security.

Mr. DANNY HARDIN: We also talked about putting cameras, outside cameras, on top of the building. We talked about patrols in the parking lot.

STAHL: (Voiceover) When asked why his advice was ignored, he said a Wal-Mart vice president told him...

Mr. HARDIN: We did not want to project an image that we needed security.

STAHL: Was there an implication that maybe this could have been prevented, and they didn't do it?

Mr. McCLUNG: Oh, very much so. Very much so. Danny Hardin was remorseful that, notwithstanding all of the information that they had about crime happening--happening on that particular parking lot, they did nothing.

(Footage of McClung highlighting papers)

STAHL: (Voiceover) The judge dismissed the case in 1999, ruling that McClung had not proved that his wife was abducted from Wal-Mart's section of the parking lot. But McClung is appealing, driven on by his outrage at the way he feels the company has behaved in court.

No one at Wal-Mart would agree to an interview. But in a written statement, the general counsel said that the company has never intentionally violated any court rules and that plaintiffs' lawyers have overwhelmed the company with frivolous requests for evidence. To avoid future problems in the courts, Wal-Mart says it hired an outside law firm to help improve the way it handles requests for documents. As for the issue of crime in its parking lots, Wal-Mart says it does everything it can to ensure the safety of its customers.

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* Florida
† Illinois
†† Texas

May 8, 2001

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

re: Revised Section 34-118 (Expenditure of City Moneys)

Dear Mayor and Council:

Following is a proposed draft of a revised Section 34-118 concerning the expenditure of city moneys. I have prepared this revised ordinance to clarify the spending authority of the mayor and city manager and to clarify when full council approval is required. With the exception of approved and budgeted capital expenditures, the spending authority levels of the current Section 34-118 have not been altered by the proposed draft.

The proposed draft of the ordinance does not contain a cap on expenditures from the approved and budgeted Public Improvement Program projects nor on expenditures from the approved and budgeted capital projects. City staff, through the mayor and city manager, needs to have this flexibility in order to meet the unforeseen problems of such projects.

Council may want to consider raising the cap of \$25,000.00 on **budgeted** items since many routine expenses, including such items as police cars, exceed this \$25,000.00 limit. In any event and whatever the amounts imposed as caps, the revised ordinance should give clear direction on spending authority.

Should you have any questions, please feel free to call me.

Best regards.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC



Richard P. Lindsey

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

05-01-09 Discuss Approval of City Funds Expenditures

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

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

Rapson had several suggestions to modify the recommended ordinance:

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 34-118 OF THE PEACHTREE CITY CODE OF ORDINANCES TO MODIFY THE AUTHORITY FOR APPROVING EXPENDITURES OF CITY MONEYS AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 34-118 be deleted and a new Section 34-118 be added in its place to read as follows:

- (A) Except for expenditures involving previously approved and budgeted capital projects, expenditures made from the Public Improvement Program projects contingency fund, and expenditures made from any capital project's individual contingency fund, the following approved authority shall apply to the expenditures of city moneys:
 - (1) Unbudgeted items costing \$5,000.00 or less – the mayor or city manager.
 - (2) Unbudgeted items over \$5,000.00 – a majority vote of the mayor and council.
 - (3) Budgeted items costing \$25,000.00 or less – city manager who shall provide a monthly summary to the mayor and council on all such expenditures which exceed \$10,000.00.
 - (4) Budgeted items over \$25,000.00 – a majority vote of the mayor and council.
- (B) For expenditures involving previously approved and budgeted capital projects, expenditures made from the Public Improvement Program projects contingency fund, and expenditures made from any capital project's individual contingency fund, the mayor or city manager shall have the authority to expend funds equal to the total amount of such funds and shall provide a monthly summary on all such expenditures which exceed \$10,000.00.
- (C) The approved budget shall indicate and identify all capital projects, the public improvement contingency fund, and contingency funds for individual capital projects.

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Done, Ratified and Passed this __ day of _____, 2001.

Mayor

City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: City Manager 
FROM: Director of Developmental Services 
DATE: May 10, 2001
SUBJECT: Improvements to GA 54 and GA 74

It has been more than a year since the approval of Home Depot and more than six months since the approval of Wal-Mart. For some reason, these projects have been inactive for an unusually long period of time. The Traffic Ordinance determinations for both projects have expired. We do not know at this time when or if these projects will be reactivated, nor do we know if they will once again be able to meet the requirements of the Traffic Impact Ordinance. In the meantime, traffic continues to get more congested in the GA 54 West corridor and at the GA 54/GA 74 intersection.

The staff has been asked to prepare a list of projects that may be undertaken by the City to help relieve the traffic congestion in that area in the absence of any road improvement activity by the developers of Home Depot and Wal-Mart. It is felt that if some work is not initiated soon, the prime construction season will pass by and opportunities for some immediate improvements will be lost for this year.

The most important road improvement project to help relieve the morning traffic congestion is a new right-turn lane at the GA 54/Huddleston intersection. In order to meet the requirements of the Traffic Ordinance, the proposed new Wieland project on the Katz property will need to construct a right-turn lane at least 250 feet long. Additional capacity could be added if the lane were extended all the way to the Planterra entrance. This additional right-turn lane work would cost about \$85,000.

In order to facilitate the smooth flow of traffic on Huddleston from GA 54 to the heart of the industrial area, it will be necessary to rebuild the Huddleston/Dividend/Paschall intersection at a cost of about \$175,000.

The west-bound afternoon rush-hour traffic congestion on GA 54 can be relieved with the creation of a continuous, dedicated thru-lane from the CSX bridge to the Line Creek bridge. This can be done by creating a left-turn lane westbound from the CSX bridge to the Days Inn/MacDuff intersection, and by creating a combination thru-lane and right-turn lane from the CSX bridge to Wynnmeade. The cost of these two proposed new lanes is estimated at about \$440,000.

Another project in the GA 54 Corridor to help relieve the afternoon rush hour would be the improvement of Huddleston for northbound traffic. An extension of the dedicated right-turn lane for an additional 250 feet is needed, along with an improved turning radius for right turns. These improvements would cost about \$102,000.

Work is needed at the GA 54/GA 74 intersection to help relieve both the morning and afternoon rush-hour traffic. The existing right-turn lane on GA 74 north of GA 54 should be converted to a second thru-lane; and a new right-turn lane from Market Place Boulevard to GA 54 should be built. At the same time, the existing right-turn lanes on GA 74 south of GA 54 should be converted to a second thru-lane from GA 54 to Clover Reach at the Waffle House intersection; and new right-turn lanes should then be created at all existing intersections in that area. Altogether, these improvements are estimated to cost about \$150,000.

A secondary improvement for GA 74 southbound traffic would be the extension of the left-turn lane at GA 54. An extension of an additional 250 feet would cost about \$40,000. Improvements to the northbound portion of GA 74 should also be considered, especially a second left-turn lane which is estimated to cost about \$55,000.

These improvements, along with the essential coordination of the traffic signals, will substantially improve the level of service within the GA 54 corridor and at the GA 54/GA 74 intersection. If any or all of them are undertaken prior to the development of Home Depot or Wal-Mart, or for that matter before any other major development that will impact the GA 54 West corridor, every effort should be made to secure reimbursement for the improvement expenditures as the new development comes on-line.

Attached for your review is a Cost Estimate Summary for the suggested improvements.

JBW/jir

Attachment

COST ESTIMATE SUMMARY

(In Relative Order of Priority)

1.	EB Right-Turn Lane: GA 54 at Huddleston (additional 300')	\$ 85,000
2.	WB Left-Turn and Right-Turn Lanes on GA 54 (new)	\$440,000
3.	Huddleston/Dividend/Paschall Intersection (new)	\$175,000
4.	SB Right-Turn Lane on GA 74, Market Place Boulevard to Clover Reach (new)	\$150,000
5.	NB Left-Turn Lane on GA 74 at GA 54 (new)	\$ 55,000
6.	NB Right-Turn Lane on Huddleston (additional 250')	\$102,000
7.	SB Left-Turn Lane on GA 74 at GA 54 (additional 250')	\$ 40,000

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers
FROM: Jim Basinger 
DATE: May 9, 2001
SUBJECT: Limiting Number of Package Stores in Peachtree City

At the April 19, 2001 Council meeting Councilmember McMenamin requested a legal opinion on limiting the number of package stores in Peachtree City. Attached is a copy of the legal opinion from the City Attorney for your review and consideration.

JB/jsm

WEBB, LINDSEY, COLLINS, JONES & WADE, LLC

Attorneys-At-Law

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

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

400 Westpark Court
Suite 220
Peachtree City, Georgia 30269

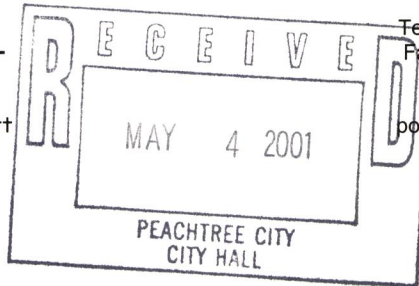
Telephone: (770) 631-1811
Facsimile: (770) 631-1771

E-mail:
postmaster@webb-firm.com

Web Site:
www.webb-firm.com

Other Offices
Atlanta, Georgia
Fairburn, Georgia
McDonough, Georgia

Other licenses:
* Florida
† Illinois
†† Texas



May 2, 2001

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

RE: Limiting the Number of Package Stores in Peachtree City

Dear Jim:

At our last Council meeting, Annie McMenamin requested that I provide her and the other members of Council with a legal opinion regarding the City's authority to restrict the number of package stores located in Peachtree City. While there is no state statute which addresses the City's authority to restrict the number of package stores, there is a state law which grants to local governments the authority to restrict the location of package stores.

O.C.G.A. §3-4-49(a) prevents the location of new package stores inside a distance of 500 yards from an existing package store with very few exceptions. Additionally, subsection (b) of O.C.G.A. §3-4-49 grants to local governments the authority to further limit the location of package stores provided that these locations are not in an area closer than 500 yards from an existing retail package store.

Local ordinance Section 6-39 prevents the location of any business selling alcohol within 100 yards of a church building or alcoholic treatment center, and within 200 yards of any school building, educational building, school grounds, college building or college campus.

Thus, depending on the desires of Council, the City probably has the authority to restrict the establishment of any new package stores along the Highway 54 corridor and Braelinn commercial center. Probably, the only two areas left in town where Council might have a difficult time restricting the establishment of retail package stores would be the Kedron commercial center and the new commercial center located at the southern tip of the City.

Should you have any further questions regarding this opinion, please let me know.

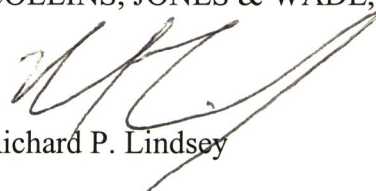
May 2, 2001

Page 2

Best regards.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC



Richard P. Lindsey

RPL:jmf

Gloria Reid

From: Linda Morton
Sent: Wednesday, May 09, 2001 10:04 AM
To: Betsy Tyler; Gloria Reid
Subject: Citizen Concern

I had a citizen call to express his opinion and concern over an upcoming item on 5/17 council mtg. He read in the Update that council would be discussing package stores and he questioned what would be the topic of discussion. I informed him that the discussion would be about possibly restricting the number of package stores the city would allow. His opinion is that we should not restrict the number of any type of business, this is free enterprise. He also felt that this was on the agenda because "someone was feeling some competition". He will be unable to come to the meeting to express himself, so he asked that his comments be passed on and left his name, Bob Choates, and his cell phone #, 678-575-4377, if anyone would like to speak to him about his opinion. He stated that he has been a city resident since 1978 and owns and operates a business in Sharpsburg. Thank you. Linda

For JB
Put on
dais
Re: Liquor Store

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Manager 
DATE: May 10, 2001
SUBJECT: Wynnmeade Traffic Signal Relocation

The attached May 7, 2001, RAM letter with attachments is forwarded for your information and consideration. Staff has the following concerns regarding the schedule to relocate subject signal:

The date that DOT will approve the plans and issue a permit to relocate the signal are unknown, but RAM expects approval within the next two weeks.

There is no commitment from a Traffic Signal Contractor on when the signal can be relocated. In fact, this key task is not addressed.

The schedule, as presented, gives Council no assurance of when the signal will be relocated.

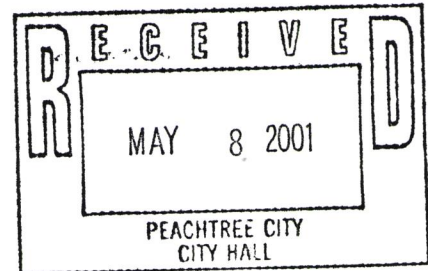
R A M
DEVELOPMENT GROUP INC

May 7, 2001

Mayor Robert L. Lenox
Peachtree City
151 Willow Bend Road
Peachtree City, GA 30269

Subject: SR-54 @ MacDuff Parkway- Traffic signal

Dear Mayor Lenox,



Per our last meeting with you, Rick Lindsey and staff I am forwarding to you an update and schedule for completion of the MacDuff Parkway traffic signal improvements:

- Georgia Transmission will commence this week on installation of new anchors, clearing and marking of stakes. On Monday May 14th they will start with the installation of the new poles and estimate completion by May 25th.
- Coweta-Fayette EMC will come in behind Georgia Transmission and move their lines, which should not take more than two days to complete.
- GA DOT Atlanta office is reviewing the signal plans and we have been told to expect "changes". We estimate that an Approval and Permit will come from DOT within the next two weeks.
- GA DOT has requested the City's approval to relocate the Wynnmeade traffic signal, which was granted by Troy Besseche on May 4, 2001.
- Terry Jackson & Associates is the signal contractor for the project and depending on what changes to the plans are requested by DOT his work should be completed thirty days after issuance of the Approval and Permit. Please note per our First Modification of Development Agreement we will be using the Wynnmeade signal equipment that is "bare bones" and that if additional equipment or upgrades are necessary we will be at the mercy of the suppliers and our schedule will adjust according.

1915 AIRPORT ROAD STE. 2-D
ATLANTA, GEORGIA 30341
T. 404.607.0557 F. 404.607.0558



RAM
DEVELOPMENT GROUP INC

cc: m4cc
CE, DDS

B

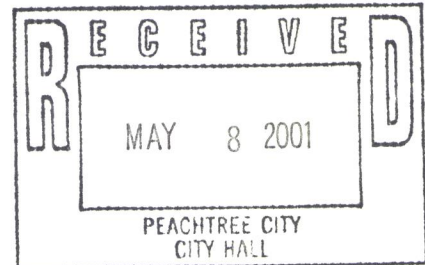
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May 7, 2001

Mayor Robert L. Lenox
Peachtree City
151 Willow Bend Road
Peachtree City, GA 30269

Subject: SR-54 @ MacDuff Parkway- Traffic signal

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1915 AIRPORT ROAD STE. 2-D

ATLANTA, GEORGIA 30341

T. 404.607.0557 F. 404.607.0558



Mayor Robert L. Lenox
May 7, 2001
Page

- GA DOT issued a temporary condition to the MacDuff Parkway driveway permit on May 1, 2001 which permits the use of the Parkway with a right in / right out movement until the traffic signal is installed.
- RAM Development Group, Inc. has completed Phase I- MacDuff Parkway improvements and posted a \$20,000 bond on January 18, 2001.

I hope this update is helpful to Council and we will give you more updates as we progress in completion of the above project.

Respectfully yours,



R. Douglas McMurrain
RAM Development Group, Inc.

cc: Jim Basinger
G. Douglas Dillard
Richard P. Lindsey
Robert P. Trujillo



Via Fax: 770-452-7758

Georgia Transmission Corporation
2100 East Exchange Place
PO Box 2088
Tucker, GA 30085-2088
Phone 770-270-7400
Fax 770-270-7775

Memorandum

Date: May 7, 2001
Subject: Construction Schedule, Peachtree City Transmission Line Relocation/Structure Raising (P96048)
To: Doug McMurrain, Ram Development Group
From: Herschel K. Arant, Jr., Georgia Transmission Corp.

Doug,

The GTC activities at the site are scheduled as follows:

Activity	Description	Date
1	Preliminary activity, clearing, anchor installation	5/7/01-5/11/01
2	Material Delivery	5/14/01
3	Installation of structures 22 & 23 (Hwy 54 crossing)	5/14/01 - 5/18/01
4	Installation of structures 29 & 30 (McDuff Pkwy)	5/21/01 - 5/25-01
5	Project Completion (GTC Activity)	5/25/01

At the completion of activity #3, Coweta-Fayette EMC will be able to complete their distribution line transfer to allow for installation of the traffic signal. If you have further questions call me at 770-270-7178. Our construction inspector on the site is Warren Puryear. He will be handling detailed construction scheduling and field coordination with Coweta-Fayette EMC.

Sincerely,

A handwritten signature in black ink, appearing to read "Herschel K. Arant, Jr.", written over a horizontal line.

Herschel K. Arant, Jr., P.E.
Project Manager

HKA:nl1



Department of Transportation
State of Georgia
Thomaston District Office

9/22/99

Ram-Peachtree City, LLC
1874 Piedmont Road, Suite D-420
Atlanta, GA 30324
Attention: Bill Potts

Margaret

Re: Commercial Driveway Permit #09-1999-018-113; S.R. 54; M.P. 0.31;
Fayette County

Dear Applicant:

Your permit application to perform specified work within the right of way limits of the above referenced State Highway has been duly executed on behalf of the Department of Transportation. However, construction work as approved by the permit must begin within 90 days of this approval letter or the permit will be void. Your permit copy has been forwarded to, Eddie Temple, Area Permit Inspector. His address is 1001 Highway 19 South, Griffin, GA 30223. His phone number is 770-228-7205.

It will be necessary for you or your representative to contact the Area Permit Inspector to claim your permit copy and identification sign, discuss the beginning of construction date, and methods of complying with permit requirements. He will set the time that he can furnish personnel for the required supervision of your work. Please contact him at least 24 hours in advance of your planned construction beginning time. It is suggested that you contact him by telephone previous to any personal visits. Your approved permit and plans are required to be kept on the construction site at all times during construction.

Ram-Peachtree City, LLC

Page 2

September 22, 1999

Attached is a sample bond and letter of escrow. Before the Area Permit Inspector can give you the approved permit, you must deliver the completed bond or letter of escrow to him. It is again suggested that you contact him by telephone previous to any personal visits. The bond will be reviewed for accuracy at the Area Permit Inspector's office. If any changes are necessary, they must be corrected before the approved permit can be given to you.

Special Requirements are as follows: This parkway will not be opened until connector to Wynnmeade is complete and signal relocation is permitted.

Please notify the Area Permit Inspector upon completion of work under this permit so that a final inspection may be conducted. Upon approval of completed work, you will be released from the performance bond or escrow. You should request said inspection only after you feel that all work has been completed in compliance with all requirements and a satisfactory stand of grass has been obtained.

*Sincerely,
Joe B. Street
District Engineer*

Keith B. Rohling -

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

KBR:SAD:MLW

*cc: Marion Waters, State Traffic Operations Engineer
Attention: Jim Hitt
Eddie Temple Area Permit Inspector*



Department of Transportation

State of Georgia

Thomasston District Office

May 1, 2001

Ram Development Group, Inc.
1874 Piedmont Road, Suite D-420
Atlanta, GA 30324
Attention: R. Doug McMurrain

Re: Permit #12-1999-022-113; S.R. 54/74; M.P.
0.62/9.4; Fayette County

Dear Applicant:

The following Temporary Condition has been made to the above referenced permit.

Permit is revised to have a temporary condition for McDuff Parkway to be a right in / right out only for the use of construction vehicles as well as tenant entrance. This condition is not to exceed 120 days.

All other aspects of the permit remain the same.

Please file with your copy of the approved permit.

Sincerely,
Glenn W. Durrence, P. E.
District Engineer

A handwritten signature in black ink, appearing to read "Keith B. Rohling".

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

KBR:SAD

Cc Marc Mastronardi, Area Engineer
ATTN: Eddie Temple, Area Permit Inspector

6842

FIRST AMERICAN TITLE INSURANCE CO.
NATIONAL ACCOUNTS GENERAL ESCROW/ACCT.
5775 GLENRIDGE DRIVE, SUITE A-240
ATLANTA, GA 30328-5391

SUNTRUST BANK, ATLANTA
ATLANTA, GA
64-10610

01/18/01

PAY TO THE City of Peachtree City
ORDER OF

\$**20,000.00

Twenty Thousand and 00/100*****

City of Peachtree City

DOLLARS

NOT VALID 6 MONTHS AFTER ISSUE DATE

MEMO Traffic Signal Improvements @ McDuff Parkway

⑈006842⑈ ⑈061000104⑈ 8801888530⑈

Debbie A. Hudson
AUTHORIZED SIGNATURE

A SECURITY FEATURES INCLUDED. DETAILS ON BACK. A

FIRST AMERICAN TITLE INSURANCE CO./NATIONAL ACCOUNTS GENERAL ESCROW/ACCT.

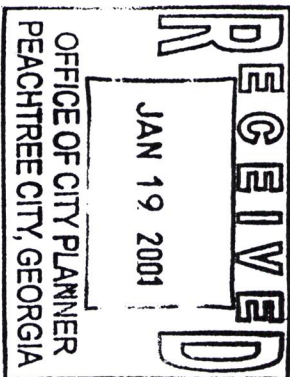
City of Peachtree City

RAM/Ravin/Grant/NA99-0065

01/18/01

6842

20,000.00



SunTrust - General Escrow Traffic Signal Improvements @ McDuff Parkway

20,000.00



To: Jim Basinger
From: Doug McMurrain
Date: 5/17/01
Re: Hwy 54 @ MacDuff Parkway -Traffic Signal Update

The updated construction schedule for the above project is as follows:

1. Georgia Transmission has set their poles and finished raising their lines at Hwy 54.
2. Georgia Power will start resetting their poles next week.
3. Georgia Power is also scheduled to relocate an underground cable line next week.
4. EMC will relocate their lines starting on June 1st. EMC would start their work earlier however; a temporary generator must be installed to prevent another power loss at the Kedron Village shopping center.
5. Terry Jackson & Associates the signal equipment installer will complete their work and provide a working signalized intersection not later than July 17th.

I will continue to keep you and staff informed as we progress on this project. Please call me if you need any further information or clarification on the above.