

City Council of Peachtree City
Meeting Summary
May 4, 2000
7:00 p.m.

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
Proclamation – Older Americans Month
- III. Minutes – April 20, 2000
- IV. Old Agenda Items

03-00-01 Appointment – City Attorney/Solicitor

Appointed Rick Lindsey (personally) as City Attorney. 3-1 with Tennant opposing and McMenamin abstaining.

04-00-15 Consider Amendment to City Council Meeting Rules and Procedures Ordinance

Approved 4-1 with Fritz opposing.

04-00-13 Public Hearing – Zoning – Black Property, GA 74 South

Approved 5-0

VI. New Agenda Items

05-00-01 Public Hearing – Rezoning – Gibson Tract, 10.78 acre tract, Robinson Road

Approved 4-1 with Tennant opposing

05-00-02 Public Hearing – Variance – Mueller, 707 Avalon Way

Approved 5-0

05-00-03 Consider Bids for New Police Station

Approved 5-0

05-00-04 Consider Construction Contract – Highway 54 Traffic Signals

Approved 5-0

05-00-05 Consider Disclosure Requirements for City Appointed Contractors

Instructed staff to investigate how position of City Attorney is handled with other cities and to place the item on a future agenda for discussion prior to December of this year.

05-00-06 Appointments to the Library Commission

Approved 5-0

05-00-07 Lawsuit Settlement - Black Property

Approved 5-0

**Members present: Mayor Bob Lenox, Annie McMenamin, Carol Fritz,
Dan Tennant, Bob Brooks**

Financial Services Monthly Report

STATUS OF FUNDS AS OF MARCH 31, 2000					Purchasing Monthly Report			
Fund	Cash Balance	Total Investment	Total Fund Balance	YTD Interest	2000 TOTAL YTD	1999 TOTAL YTD	PERCENT INC/(DEC)	
#1 General Fund	\$398,252	\$1,893,378	\$2,291,630	\$67,745	446	495	-5.09%	
Council Reserve Fund	\$302,558	\$370,077	\$672,636	\$18,181	55	47	-10.64%	
Library Sales Tax Fund	\$57,922	\$0	\$57,922	\$1,275	11	16	-11.63%	
Public Improvement Fund	\$301,249	\$2,473,199	\$2,774,448	\$40,480	25	29	-58.15%	
Police Station Lease	\$0	\$2,285,022	\$2,285,022	\$41,276	74	91	6.43%	
Self Insurance Fund	\$400,286	\$1,157,695	\$1,557,981	\$20,455	558	545	-15.33%	
Debt Service Fund	\$131,755	\$0	\$131,755	\$1,497	5	7	-6.45%	
Bond Fund	\$0	\$0	\$0	\$0	1	5	5.88%	
Municipal Court Fund	\$32,746	\$0	\$32,746	\$1,116	32	21	-34.08%	
Develop & Impact Fees	\$808,680	\$0	\$808,680	\$7,281	\$264,278	\$93,502	-27.03%	
Neighborhood Parks/Rec.	\$502	\$0	\$502	\$2				
Federal Seizures Police Fd	\$248	\$0	\$248	\$6				
Confiscated Fund	\$7,441	\$0	\$7,441	\$0				
Police Tuition Account	\$3,008	\$0	\$3,008	\$34				
Escrow Account	\$146,863	\$125,032	\$271,894	\$5,489				
Grand Total	\$2,591,509	\$8,304,403	\$10,895,912	\$204,837				
#1 Includes investments of \$250,000 for 54/Railroad Cartpath Overpass Project.								
Collateral Analysis as of March 31, 2000								
Security Location	Bank	Total Held						
Bank of New York	First Union	\$5,874,011						
Bank of New York	Peachtree National	\$5,550,000						
\$11,424,011								
Budget Comparison								
Expenditures by Division YTD								
Division	2000 Budget	Actual YTD	Difference	%				
Administrative	\$1,030,267	\$489,977	\$540,290	48%				
Developmental	\$711,079	\$328,780	\$382,299	46%				
Finance	\$454,711	\$232,097	\$222,614	51%				
Leisure Services	\$2,574,391	\$1,210,849	\$1,363,542	47%				
Public Safety	\$4,308,620	\$2,114,673	\$2,193,946	49%				
Public Works	\$2,053,288	\$984,353	\$1,068,935	48%				
Total	\$11,132,356	\$5,360,729	\$5,771,626	48%				
Summary of Major Expenditures by City Manager								
Description	Budget	Award	Svgs/Short	Date				
Microsoft 2000	\$12,853	\$12,853	\$0	3/10/00				
Lease Book Program	\$10,491	\$10,491	\$0	3/28/00				

BUILDING DEPARTMENT

2000 MONTHLY REPORTS

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2000 YEAR-TO-DATE	1999 YEAR-TO-DATE
DEVELOPMENT PERMITS:	12	21	14	17	12	11	9	12	14	10	21	6	159	309

BUILDING PERMITS:

Single Family Residential
Multi-Family Residential
Misc.-Pools/fences/additions
Commercial/Industrial

TOTAL INSPECTIONS:

CERTIFICATE OF OCCUPANCY:

Residential
Commercial
Multi-Family Residential

CODE ENFORCEMENT:

Complaints
Warning
Stop Work Orders
Citations

PERMIT FEES COLLECTED:

POPULATION: Based on

2.9 of completed occupancy

*Revised to reflect
2000 Census figures

14	11	11	14	10	8	5	16	12	12	3	17	8	129	264
0	0	0	0	399	0	0	0	0	0	0	192	0	591	0
45	69	85	72	68	85	45	61	52	42	42	38	43	705	684
8	5	13	15	7	11	4	11	8	17	17	14	23	136	116
454	400	420	439	482	367	437	488	291	425	416	726	5,345	8,847	
11	17	20	18	16	16	16	19	8	11	11	11	5	168	301
3	2	4	1	1	2	2	2	1	4	2	2	2	26	18
0	0	0	0	0	0	0	0	0	0	0	0	0	0	6
264	241	356	285	545	564	485	417	240	317	298	228	228	4,240	3,692
297	250	425	244	470	353	258	339	366	405	332	244	244	3,983	4,245
2	4	10	6	4	8	5	4	5	3	6	3	3	60	66
0	2	1	1	2	0	1	4	4	2	0	2	2	19	39
15,942	19,967	21,656	35,629	68,857	66,772	20,975	28,954	56,212	53,978	22,158	29,729	440,829	327,368	
33,340	33,392	31,580*	31,633	31,679	31,725	31,771	31,826	31,849	31,881	31,913	31,928	31,928	33,306	

2000 MONTHLY REPORTS

CERTIFICATE OF OCCUPANCY:

CODE ENFORCEMENT:

PERMIT FEES COLLECTED:

POPULATION: Based on
3.05 of completed occupancy

CRIME REPORT - MARCH 2000

PART I CRIMES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD 2000	YTD 1999
MURDER	0	0	0										0	0
RAPE	0	0	0										0	0
ROBBERY	0	1	0										1	1
AGGRAVATED ASSAULT	0	3	1										4	2
ARSON	0	0	0										0	0
AUTO THEFT	2	0	1										3	5
THEFT	11	18	16										45	51
BURGLARY	0	2	1										3	3
TOTAL PART I CRIMES	13	24	19										56	62
ALCOHOL/DRUG ARRESTS														
DUI - TOTAL	19	16	14										49	29
DUI - ADULT	14	14	13										41	29
DUI - UNDERAGE	5	2	1										8	0
OTHER UNDERAGE														
ALCOHOL ARRESTS	7	25	24										56	21
DRUG ARRESTS	10	12	14										36	15
ARRESTS														
PROPERTY CRIMES	7	5	4										16	17
PERSON CRIMES	4	7	8										19	11
CITY ORDINANCES	41	48	51										140	98
*OTHER	126	145	127										398	348
ADMINISTRATIVE AVERAGE RESPONSE TIME	5.15	5.35	5.31										5.27	3.91
CALLS ANSWERED	3595	3637	5133										12,365	7922
TRAFFIC CITATIONS ISSUED	673	604	576										1853	1592
WARNINGS ISSUED	611	443	403										1457	1344
ACCIDENTS - TOTAL	60	63	85										208	252

TOP 5 ACCIDENT LOCATIONS - MONTH TOTAL

1. HWY 54/HWY 74 6
2. HWY 54/WALTBANKS ROAD 6
3. HWY 54/PEACHTREE PARKWAY 4
4. HWY 54/COMMERCE DR. 2
5. HWY 54/HUDDLESTON DR. 2

TOP 5 ACCIDENT LOCATIONS - YEAR TOTAL

1. HWY 54/HWY 74 11
2. HWY 54/WALTBANKS ROAD 11
3. HWY 54/PEACHTREE PARKWAY 9
4. HWY 74/CROSTOWN DR. 6
5. HWY 54/COMMERCE DR. 6

**2000 Monthly Report
Fire/EMS Department**

Fire/Accident Calls	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	2000 Y-T-D	1999 Y-T-D
Residential	4	1	2										7	9
Business/Industrial	1	0	2										3	2
Other	109	91	116										316	272
Total Engine Response	114	92	120										326	283
Dispatched Fire Calls	59	33	51										143	123
Response Time Fire	4:44	4:47	4:06										4:44	5:08
Rescue/EMS														
Trauma	46	57	55										158	179
Medical	78	86	83										247	220
Total # Patients	124	143	138										405	399
Patients Transported	78	77	77										232	213
Dispatched EMS Calls	113	127	128										368	333
Total Medic Response	155	149	151										455	400
Dispatched Fire/EMS Total	172	160	179										511	456
Response Time EMS	4:16	3:50	4:23										4:16	4:22
EMS BILLING														
Patients Billed	93	76	73										242	229
Revenue Generated	19,699	15,463	15,140										50,302	43,694
*Total Revenue Received	18,629	11,696	4,149										34,474	37,756

***Revenue Received On All Outstanding Patient Accounts**

LEISURE SERVICES MONTHLY REPORT 2000

ACTIVITY DESCRIPTION	UNIT	January	February	March	April	May	June	July	August	September	October	November	December	2000 Year to Date	1999 Year to Date
LIBRARY															
1. Books Circulated	Num.	10,974	11,904	11,837										34,715	59,667
2. Average Daily Traffic															
a. Monday - Saturday	Num.	539	623	565										539	545
b. Sunday	Num.	288	385	423										288	307
3. Story Time Participants	Num.	85	150	182										417	670
4. Revenue from Overdue Books	Dis.	313	1,128	1,450										2,891	5,187
5. Revenue from Copy Machine	Dis.	465	1,105	1,492										3,062	2,975
6. Reference Assistance	Num.	842	976	958										2,776	1,891
7. Internet Usage	Num.	754	837	833										2,424	542
8. Renewals by Phone	Num.	756	812	832										2,400	1,907
RECREATION															
Leisure Programs															
1. Adult Athletics															
a. Ongoing Programs	Num.	1	1	2										4	3
b. New Programs	Num.	0	0	0										0	0
c. Participants	Num.	285	285	1,215										1,785	1,215
d. Revenues	Dis.	0	0	28,065										28,065	30,232
e. Expenses	Dis.	146	32	6,979										7,157	8,740
f. Refunds	Dis.	0	0	0										0	659
g. Balance (+ or -)	Dis.	-146	-32	21,086										20,908	\$20,833.00
* Some figures for Jan/Feb were erroneously reported as Adult Athletics as well as Classes															
RECREATION															
Leisure Programs															
1. Classes/Programs															
a. Classes/Programs	Num.	99	98	96										293	332
b. Participants	Num.	2,055	2,139	3,794										7,988	6,237
c. Revenues	Num.	16,503	17,753	24,016										58,271	56,442
d. Expenses	Dis.	12,908	13,460	19,088										45,457	44,018
e. Refunds	Dis.	180	777	64										1,021	250
f. balance (+ or -)	Dis.	3,415	3,516	4,863										\$11,794.05	\$12,174.67
2. Special Events															
a. Events	Num.	0	0	3										3	10
b. Participants	Num.	0	0	493										493	1,979
c. Revenues	Dis.	0	0	25										25	25
d. Expenses	Dis.	0	0	220										220	638
e. Refunds	Dis.	0	0	25										25	25
f. balance (+ or -)	Dis.	0	0	-220										(\$220.00)	(\$638.00)
Sports and Facilities															
1. Playing Surface Mowing	Hrs.	0	112	239										351	0
2. Playing Field Preparation	Hrs.	339	690	697										1,726	1,601
3. Building Maintenance	Hrs.	240	199	168										607	488
4. Parks/Pool/Tennis Courts															
a. Safety Inspections	Num.	0	0	0										0	0
b. General Repairs/Maint.	Hrs.	292	210	100										602	638
c. Grounds/Landscape Maint.	Hrs.	308	176	96										580	610
5. Litter Removal	Num.	128	128	128										384	378
6. Vandalism Repairs	Dis.	0	0	0										0	8
7. Complaints Answered	Num.	0	0	0										0	0

2000 MONTHLY REPORT

2. Police Officer/Police Department (5); Assistant Building Official/Building (1); Building Inspector/Building (1); Equipment Operator/Public Works (1); Maintenance Worker I/Public Works (1); Maintenance Worker I/Recreation (1); Firefighter-Paramedic/Fire (1).

5. Balance remaining in health insurance account: \$284,090.

6. Black (\$98.00); Pathways (\$1,153.00); Pummell (\$127.40); Pummell - Settlement (\$17,000.00).

2000 MONTHLY REPORT
PUBLIC SERVICES DIVISION2000montr1
4/5/00

Activity Description	Unit	2000												1999
		January	February	March	April	May	June	July	August	September	October	November	December	YEAR-TO-DATE
CART PATHS														
1. Const./Reconst./Overlay	Ft.	50	0	2,086									2,136	3,450
2. Drainage Maintenance	Hrs.	83	105	113									301	423
3. General Maintenance	Hrs.	180	414	361									955	597
4. Mowing	Hrs.	0	0	0									0	8
5. Litter Removal	Hrs.	68	45	90									203	248
FLEET MANAGEMENT														
1. Equipment Maintenance	Hrs.	43	39	43									125	56
2. Equipment Repairs	Hrs.	121	171	154									446	432
3. Vehicle Maintenance	Hrs.	76	118	133									327	170
4. Vehicle Repairs	Hrs.	237	256	283									776	869
5. Fleet Down Time	Hrs.	482	542	620									1,644	3,899
GROUNDS														
1. Litter Removal	Hrs.	321	257	464									1,042	1,688
2. Right-of-Way Mowing	Hrs.	0	0	331									331	184
3. General Maintenance	Hrs.	874	752	797									2,423	2,264
LANDSCAPE														
1. Litter Removal	Hrs.	20	32	70									122	171
2. Mowing (Sub. Entrances)	Hrs.	0	0	226									226	719
3. General Maintenance	Hrs.	657	689	544									1,890	889
4. Planting	Hrs.	100	0	0									100	158
RECYCLING SITE														
1. City Employees Hours	Hrs.	151	110	69									330	524
2. City Employees Salaries	Dis.	1,188	866	544									2,598	5,102
3. Revenues	Dis.	731	515	740									1,986	1,491
4. Participants														
a. Recycling	Num.	546	659	570									1,775	1,765
b. Composting	Num.	1,296	1,084	1,159									3,539	3,531
c. Mulch (Pick Up)	Num.	68	112	187									367	157
SIGN MAINTENANCE														
1. Building Maintenance	Hrs.	20	21	23									64	61
2. Subdivision Sign Maintenance	Hrs.	81	102	172									355	294
3. Traffic Sign Maintenance	Hrs.	148	143	82									373	364
STREETS														
1. Street Sweeping	Hrs.	8	40	16									64	92
2. Pavement Patching	Hrs.	0	213	147									360	342
3. Drainage Maintenance	Hrs.	0	102	210									312	472
4. General Maintenance	Hrs.	576	356	399									1,331	1,008
MISCELLANEOUS														
1. Vandalism	Dis.	139	79	161									379	196
2. Complaints Answered	Num.	90	38	24									152	1
3. Wash Police Cars	Hrs.	8	83	68									159	112

March

City Council of Peachtree City
Minutes of Meeting
April 20, 2000
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, April 20, 2000, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Carol Fritz, Annie McMenamin, Dan Tennant and Bob Brooks.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Employee of the Month – Cameron Bolden
Supervisor of the Quarter – Tami Babb
Recognition of Ursula Todd for obtaining U.S. citizenship
Proclamations - Loyalty Week (May 1 - 7) and Loyalty Day (May 6)
Proclamation - National Day of Prayer (May 4, 2000)
Proclamation - Municipal Clerks Week (April 30 – May 6)
Proclamation – Government Week (April 23 – April 29)

MINUTES

McMenamin made a motion to adopt the minutes of April 6, 2000, as presented. Brooks seconded the motion. Motion carried unanimously.

McMenamin made a motion to adopt the minutes of the City Council Retreat (April 7 & 8) with a correction on page one. Brooks seconded the motion. Motion carried unanimously.

CONSENT AGENDA

There were no consent agenda items.

OLD AGENDA ITEMS

04-00-02 Consider Fayette County Jail Impact Fees

Jim Williams, Director of Developmental Services, said the City's Impact Fee Committee had two concerns. They questioned whether a jail was an appropriate use for a development impact fee and whether the proposed fee was fair. Williams said the Attorney General ruled that a jail was an appropriate use of a Development Impact Fee, but that the fee calculation would have to be reviewed by the Department of Community Affairs (DCA) when the proposed ordinance is submitted to them. He explained that the County is currently working on an amendment to the Capital Improvement Element (CIE) of their Comprehensive Plan. He explained that a new Development Impact Fee could not be implemented without a concurrent change to the CID. He said City staff would use the County's draft as a model for the preparation of a similar CIE amendment for the City's submittal. He anticipated coming back to Council on May 18th with a proposed Development Impact Fee Ordinance and proposed amendment to the City's CIE. He said he would then request Council's authorization to submit the package to the Atlanta Regional Commission (ARC) and DCA. He said only after both the ARC and DCA approve the entire package would the matter be presented to Council for actual adoption and implementation by the

City.

04-00-05 Consider Modification to Indemnification Resolution

Rick Lindsey, City Attorney, presented a modification to the Indemnification Resolution for Council's consideration, as instructed at the last meeting. McMenamin made a motion to table the item because she felt Council should defer taking action on the resolution until the Board of Ethics could make recommended changes to the Ethics Ordinance. Brooks seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

04-00-13 Public Hearing – Zoning – Black Property, GA 74 South

Mayor Lenox read the rules for conducting a public hearing and called the hearing to order. He established a time limit of 30 minutes for each side to present its case. Lenox expressed concern about continuing with the public hearing because the property in question was currently the subject of an ongoing lawsuit. The property was rezoned against the owner's wishes from GI General Industrial to its current R-12 zoning classification and has been involved in legal action for many years. The applicant, Marvin Eisenberg, addressed Council and explained that he purchased the property from the previous owner, Mr. Black. He said he knew Mr. Black for many years, and he assured Council that Mr. Black was going to dismiss the lawsuit. Rick Lindsey, City Attorney, confirmed that a settlement agreement had been prepared and was awaiting Mr. Black's signature. Councilman Brooks also expressed concern about continuing with the public hearing until the agreement was actually signed by Mr. Black. McMenamin made a motion to table the issue until the next meeting in anticipation of obtaining the signed agreement. Fritz seconded the motion. Motion carried unanimously.

04-00-14 Consider RFP for Pay Plan Study

Jane Miller, Director of Developmental Services, reviewed prices received from four companies that responded to the request for proposals for the Pay Plan Study. She said while the two companies with the lowest prices could meet the specifications and provide the services desired, she felt The Mercer Group would provide more personalized service. She explained their proposal to meet individually with employees and establish a direct working relationship with staff. Brooks made a motion to award the contract for the Pay and Classification Study to The Mercer Group, Inc. at a cost of \$24,800, and that funding be provided from the Council Contingency Fund. Fritz seconded the motion. Motion carried unanimously.

04-00-15 Consider Ordinance Amendment - City Council Meeting Rules & Procedures

Rick Lindsey, City Attorney, reviewed with Council the proposed amendments that were prepared as a result of the Retreat discussion. Council discussed the proposed amendments at length and provided instructions to staff for additional revisions. Councilmember Fritz solicited comments from an individual, Carlton Williams, who was familiar with parliamentary procedures. McMenamin made a motion to table adoption of the ordinance until the next meeting so that staff could prepare additional amendments to the ordinance as instructed that night. Fritz seconded the motion. Motion carried unanimously.

04-00-16 Consider Replacement of Ambulance

Jim Basinger, City Manager, explained that a City ambulance was destroyed by an electrical fire on March 24, and that it needed to be replaced as soon as possible. He said the formal bid process to have a new ambulance built would take several months. Staff recommended purchasing an ambulance that had been used as a demonstrator, from Peach State Ambulance for \$88,900. He said the ambulance, with 4,038 miles, normally sold for \$105,000. He said the EMS Ambulance Committee inspected the ambulance and determined it would meet the City's needs. He said the committee diligently searched for additional equipment, but Peach State Ambulance was the only company that had an ambulance that would meet the City's standards and could be delivered this month.

He explained that after applying the \$5,000 deductible, the city's insurance carrier, Georgia Insurance Risk Management Association, would pay the City \$36,596.11, with an option to 'buy back' the vehicle at a cost of \$6,751. While the insurance carrier prohibited the City from using the burned vehicle as an ambulance, the City's Auto Shop Manager felt that the vehicle was worth much more than the back value placed on it. Staff recommended repairing the electrical system and interior of the cab for use as a field service vehicle. If the City wanted to retain the vehicle, the insurance carrier would pay \$24,870.11 toward the purchase of a new ambulance.

Brooks made a motion to approve staff's recommendations to purchase an ambulance from Peach State Ambulance at a cost of \$88,900. The insurance payment of \$24,870.11 would be applied to the purchase price and \$64,029.89 would be taken from the self-insurance fund to make up the difference. Staff was also authorized to retain the burned vehicle for use as a field service vehicle. Fritz seconded the motion. Motion carried unanimously.

COUNCIL/STAFF TOPICS

Councilman Brooks asked staff to prepare an amendment to the Land Development Ordinance as it applied to the Site Plan Review Process.

Jim Basinger, City Manager, provided Council with a letter from the City Attorney regarding the City Attorney position and the City's Ethics Ordinance. McMenamin asked that the item be placed on an agenda for future discussion.

Mayor Lenox made a motion to adjourn the meeting. Fritz seconded the motion. Motion carried unanimously. Meeting adjourned at 9:00 p.m.

City Clerk, Nancy Faulkner

Attest: _____
Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Manager 
DATE: April 24, 2000
SUBJECT: City Attorney/Solicitor Appointment

Staff's recommendation to appoint the firm of Webb, Stuckey & Lindsey as City Attorney/Solicitor remains unchanged.

May 4, 2000

Your honor, council members, I must oppose the appointment of the firm Webb, Stuckey, and Lindsey. After serious consideration, I find three reasons why this appointment should not be made.

First, there is cost. Webb, Stuckey, and Lindsey were the high bidders in terms of cost per hour. This was even after the second round of bids when all the bidders knew the range of bids submitted by their competitors from the first round. We are dealing with taxpayers' money here, not your money. You have an obligation to get the taxpayers the best value considering cost and quality of service. Webb, Stuckey, and Lindsey may have provided the city with satisfactory service in the past, but ask yourselves, Is their service so much better than could be provided by another firm to warrant the premium charge? Are there not other qualified firms that could provide the city with legal counsel for a more reasonable cost? Apparently so, since city staff did not throw out all of the other bids as unqualified. At the very least, the city should have negotiated a better price from Webb, Stuckey, and Lindsey.

Second, there is the ethics issue. Mr. Webb was accused of an ethics violation by a past member of a city commission. The question as to whether he violated the Peachtree City Ethics Code was never answered since the advising attorney opined that Mr. Webb was not subject to the code. Well, he may not be legally subject to the Ethics Code, but I think he is morally obligated to abide by the code as a city officer. In fact, to comply with the State Bar's code of conduct to avoid even the appearance of impropriety, the city attorney should voluntarily agree to abide by the city Ethics Code wherever it might be stricter than the state bar's code. In both this ethics complaint against Mr. Webb and the Bank of Georgia case, no laws may have been broken, we don't know yet, but in my view, there is certainly an APPEARANCE of impropriety.

Finally, there is the lawsuit against one of our local newspapers and Mr Steve Brown, a city resident. This, I feel, is the most serious issue. It was improper for a member of Mr Webb's law firm, to use a City Council forum, to address the council and city, ostensibly in his role as city attorney, to announce Mr. Webb's lawsuit against the defendants. Clearly the intent was to make the greatest public impact at the expense of Council. More disconcerting is Mr. Webb's use of SLAPP tactics (strategic lawsuits against public participation which is a violation of Georgia code) against a citizen of Peachtree City for exercising his right to free speech to pose the question whether Mr. Webb had violated the City's Ethics code in relation to his business association with parties in litigation against the city and suggesting that the issue be investigated. The courts will determine if Mr. Webb's suit meets the legal definition of SLAPP, but that is clearly his intent as stated by Mr. Lindsey that the lawsuit would be "lengthy and expensive." At the risk of being sued myself, I will state this is not the type of action I want to see from the attorney representing our city.

If you, as officials elected to represent the citizens of Peachtree City, truly want to do what is right for this city, you will reject this appointment. Thank you.

Robert Brown
102 Planterra Way
Peachtree City

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Manager 

DATE: February 25, 2000

SUBJECT: Municipal Court Judge, Judge Pro Hac Vice and City Attorney/Solicitor

Six firms submitted proposals for Municipal Court Judge and six firms submitted proposals for City Attorney/Solicitor. Bid tabulation sheets and copies of each proposal are attached in the back of this package. Staff makes the following recommendations:

MUNICIPAL COURT JUDGE – Appoint A. Mitchell Powell of the firm of Glover & Davis for the following reasons:

Quality of Judicial Decisions - In my opinion, Judge Powell consistently has rendered right decisions in court cases before him based on his objective review of the facts. Complaints on his decisions and courtroom decorum are nonexistent. Throughout the history of City Court this has not always been the case. The Mayor, Councilmembers and staff were at times placed in a very difficult position when trying to explain or justify judicial decisions to citizens. However, during Judge Powell's tenure as City Judge, there have been, in fact, a number of compliments on his handling of cases not just from those found innocent, but also from some whom he found guilty.

Fairness and Compassion – Judge Powell has a reputation for being fair and compassionate to those who come before him. These two qualities are no doubt re-enforced as a result of the divinity degree he obtained when he left the legal profession for several years. In essence, it is imperative that a judge has an established reputation for taking defendants' comments and circumstances into consideration before rendering a verdict. It is essential that citizens feel the judge will listen, and that it is worth their time to come to court. Judge Powell has earned such a reputation.

Judicial Experience – Judge Powell has been our Municipal Court Judge since his initial appointment in 1992. The eight-years of experience he has gained is invaluable in evaluating testimony and determining the guilt or innocence of defendants. There is no substitute for this experience, which most justifiably comes at a higher price.

Fee - While there are two proposals with significantly lower hourly rates, staff feels it is worth the additional investment to retain the services of Judge Powell in this very critical, high profile position.

To conclude, I feel we owe it to our citizens to have a judge of Mr. Powell's experience and proven track record to serve them. Attached is a memo from the Director of Administrative Services further recommending the appointment of Judge Powell.

JUDGE PRO HAC VICE – Appoint Eric Maxwell. While his hourly fee is \$5 higher than that of Sharon Pierce, Ms. Pierce had advised staff that she expects to be paid the same hourly rate as the Judge. Mr. Maxwell's resume reflects that he is certified to hold judgeship both for Municipal Court and State Court, and he presently serves as Judge Pro Hac Vice for the City of Fayetteville and the State Court of Fayette County.

CITY ATTORNEY/SOLICITOR – Appoint the firm of Webb, Stuckey & Lindsey for the following reasons:

Fees - While Webb, Stuckey & Lindsey did not offer the lowest hourly rate, the firm's total fees would probably be the lowest due to increased portal to portal fees for those firms outside Peachtree City. This would be particularly true for the firms located in the Atlanta area.

Local Firm - When prices are reasonably competitive, it is the policy of Peachtree City to purchase goods and services from local businesses located in Peachtree City that pay City tax. The firm of Webb, Stuckey, & Lindsey was the only local firm submitting a proposal.

City Attorney Experience - The firm has eight years of city attorney experience, serving the city since 1992. The attorneys can answer many questions "off the top of their head," in many cases saving costly hours of research.

Depth of Firm – The firm has three principal attorneys to serve the city that are experienced and trained in the areas of city government. In almost every case, one of these attorneys is available at a moment's notice to respond to a need. However, there are several other attorneys with the firm who have done work for us. Thus, when timeliness is an issue, and it often is, the firm has the depth to respond immediately.

Availability – Since a number of the attorneys for the firm live in Peachtree City, city attorney service is available on a 24-hour basis. It is common for one of the attorneys to be at the Police Department on a daily basis meeting with a Police Officer or a detective on a case. In many cases, this is late in the evening when an officer is coming on or going off duty. Additionally, there are frequently several meetings a week with members of the staff.

Quality of Service – The lack of lawsuits against the city is indicative of the quality of service provided by the firm. In those isolated cases where the City has been sued, the firm has an excellent track record. Further, the firm is able to provide top-notch service for all the reasons discussed above. A key measurement of the firm's quality of service is "responsiveness."

To conclude, attached are memos from several staff members on city attorney services.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Jim Basinger
FROM: Jane Miller 
DATE: February 4, 2000
SUBJECT: Judge/City Attorney Appointment Recommendations

Since becoming Municipal Court Judge, Mitch Powell has taken our court to a much higher level of professionalism and efficiency. He is a very ethical person who believes in treating all people who come before him in court with fairness and courtesy. He listens carefully to defendants and police officers and then renders decisions based on what he has heard. He is knowledgeable about State law and municipal ordinances and is respected by the attorneys who practice in our court due to his competency and demeanor in the courtroom. I receive no complaints on Judge Powell from defendants or attorneys about his decisions due to the manner in which he conducts court and the fairness he displays. In addition to his courtroom performance, Judge Powell also provides the Court Clerk with timely answers to questions she may have and is always available to handle problems that may arise between court sessions. This, along with a willingness to continually evaluate court operations, has led to greater efficiency in court operations and a streamlining of court procedures. Losing Judge Powell could certainly be very detrimental to court operations and the reputation our court enjoys in the community.

I have dealt with the attorneys at Webb, Stuckey and Lindsey since they became the City's attorneys in 1992. For the past five years, I have had weekly contact with one or more of the attorneys due to issues they were handling for the City and due to their performance as court solicitor. They have consistently met or exceeded my expectations for availability, promptness, and thoroughness. As a local firm, they are able to come to City Hall on very short notice when issues arise that need their attention. Calls are always returned promptly. Their knowledge of municipal and state law and their capability for timely research, when necessary, have proven to be most beneficial to City staff. Additionally, since they have drafted many of our City ordinances, they not only know the ordinance requirements but also the history and intent of the ordinances. Staff respect our City Attorneys and depend on their expertise on a daily basis.

Our Court Clerk has been very pleased with the support she receives from the Judge and the City Attorney/Solicitor. I have attached a memo she forwarded to me that contains information about her interaction with our Judge and Court Solicitor. Their relationships with the court have enhanced the operation of our court through increased efficiency and responsiveness.

/jsm

Attachment

To: Jane Miller, Director, Administrative Services

From: Laura Ann Oles, Municipal Court Clerk

CC: Personal File

Date: 01/31/00

Re: **Recommendation for Municipal Court Judge and City Attorney**

I would like to take this opportunity to provide you with my personal input as to whom I would recommend for the above positions. I have worked with these individuals for the past eight years and feel that I know them extremely well.

Judge A. Mitchell Powell, Jr.

Judge Powell has been a loyal public servant of Peachtree City since 1992. Throughout his tenure, he has demonstrated to me his dedication and desire to improve and expedite the judicial functions within our Court System. He continuously goes far and above his responsibilities to serve the people of the city.

Judge Powell is extremely knowledgeable of our State Laws and City Ordinances. He dispenses his judgements in an unbiased, fair and professional manner. Since I deal with the judge on a daily basis, I can confirm that our working relationship has made for a more efficient Court System. In plain language, if it works, why fix it. I recommend that Judge Powell remain as our Judge.

Webb, Stuckey and Lindsey Law Firm

Mr. Rick Lindsey, has been serving as the City Solicitor since 1992. During that time, Rick has unselfishly provided his knowledge, professionalism, expertise, and fairness to assist me in the accomplishment of my duty as Court Clerk. Rick has always been available, on or off duty, to answer any questions I have that deal with matters of the Court.

Rick continuously advises not only me, but also our police officers on matters of law that could affect the outcome of many cases. Our working relationship has immensely improved the operation and expedience of cases in our Court System. I have never had a problem contacting Mr. Lindsey on short notice concerning matters of the Court.

It is my personal opinion that a change in the present court "team" would significantly affect the operation of our court system, as we now know it.

I would appreciate your informing the City Council of the comments that I have provided to you in this memo.

Laura Ann Oles

Court Clerk



POLICE DEPARTMENT

153 Willowbend Road • 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 *JVM* CHIEF OF POLICE
DATE: FEBRUARY 15, 2000
SUBJECT: CITY ATTORNEY

Per your request, I have outlined below the services that are required by the police department with regards to the city attorney. As one of the main users of this service on a daily basis, the police department has a vested interest in the ability of this individual or individuals to provide immediate and accurate answers to complex questions almost every day. These issues include, but are not limited to, the following: Court, Criminal Matters, Civil Matters, Policy and Procedure, Personnel Matters, and Civil and Criminal Law. Contained below are issues we feel are important.

COURT: A weekly process that requires the Solicitor to coordinate the activities between the court and the officers, and answer all motions of discovery that have been filed. In 1999, a total of 133 motions of discovery were filed. These motions are hand delivered to the Solicitor for immediate attention as required under the law. These motions also require examination of evidence, which includes video. Because this evidence is part of the case file, the arresting officer must be there. Because of shift work, the Solicitor must work around the officer's schedule, which requires evenings, weekends and early morning meetings. Having a local attorney as Solicitor is a valuable asset in this area.

CRIMINAL AND CIVIL MATTERS: The police department deals daily on both criminal and civil matters. In most cases, this includes legal research that must be conducted by the city attorney's office. It is always nice to have numerous lawyers in the same offices that are available to answer questions or conduct research immediately. In addition, because Peachtree City is unique in its make up, being familiar with local ordinances and the past history on these issues is extremely helpful.

POLICY AND PROCEDURE: Because the police department is internationally accredited and state certified, all policies and procedures must be reviewed to make sure they follow civil and criminal law as applied to the daily operation within the department. This knowledge is derived through many years of dealing with situations that occur. This process takes a great deal of hands on inspection to make sure the 412 standards are adequate. The current city attorney has been a major part in this review process since our original accreditation process in 1992. During numerous challenges to these policies, we have prevailed with their professional assistance and have made important changes when required.

LOCAL CAMARADERIE: This is a very important and sometimes over looked issue when prosecuting cases in the local system. It was very obvious the last time we changed the solicitor and judge, both the police department and the solicitor spent countless hours and expense establishing their professional standards when dealing with cases. This is a long trial and error period, designed to challenge these positions and the individuals ability to adequately prosecute cases or establish their philosophical legal standings.

TRUST: This issue is very important to the police department and the officers that appear in court each week or deal with the city attorney on legal issues. Trust is a combination of experience and performance. This task of establishing a professional working relationship takes many years of interaction between these individuals.

It is the recommendation of the police department that a local legal firm, with adequate legal staff, be considered for this appointment. I am available to discuss this issue with you.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Manager
FROM: Jim Williams 
DATE: January 31, 2000
SUBJECT: Webb, Stuckey and Lindsey

The firm of Webb, Stuckey and Lindsey, acting as attorney for the City, has served the needs of the Developmental Services Division well. Their responses are always prompt and well thought out, and they have never failed to provide effective legal assistance whenever it was requested. In particular, I have come to appreciate the services of Stephen Ott. He returns calls quickly and never fails to provide timely and thoughtful answers to my questions.

The main strength of this firm is that it has good depth and experience in the primary areas of activity for a municipal government. This, coupled with the fact that the firm is local and is available for frequent meetings on short notice, has resulted in a consistently high level of service to the city over the years.

Their only weakness, as far as my division is concerned, is the lack of a staff attorney with experience in zoning and land use litigation. However, that weakness is shared with most other firms that would be interested in being our City Attorney, and it can be easily overcome by employing a firm that specializes in land use litigation to handle these infrequent matters.

Attorney

CITY OF PEACHTREE CITY
BID TABULATION SHEET

BIDDER NAME	MAILING ADDRESS	BID AMOUNT	BOND	AWARD
Wells Stuckey & Lindsey	Peachtree City	\$750.00	Retainer	MD.
		\$130.00	Mr. Attorney	
Foster & Foster	Gresham	70.00	Mr. Paralegal Clerk	
		\$125.00	Principal	
		\$100.00	Assoc.	
		\$75.00	Law Clerk	
Caryl Sumner DC	Atlanta	\$115.00	Mr.	
		90.00	Mr. Assoc.	
		60.00	Mr. Paralegal	
		\$8200.00	Retainer	
George Sparrow, Jr. PC	Augustville	\$500.00	monthly	
		\$120.00	Mr. Attorney	
		\$60.00	Paralegal/Clk	
Loetz, Pihko, & Zoller	Atlanta	\$165.00	Mr. Attorney	
		50.00	Mr. Clerks/Paralegal	

PROJECT: _____

Bids opened by: _____

Witnessed by: _____

DATE: _____ PAGE: _____

Completed time: _____

CITY OF PEACHTREE CITY
BID TABULATION SHEET

PROJECT:

Bids opened by:

Witnessed by:

DATE:

PAGE:

Completed time:

WEBB, STUCKEY & LINDSEY, LLC

Attorneys-At-Law

James H. Webb Jr. *
John M. Stuckey Jr. **
Richard P. Lindsey

Jonathan J. Wade
H. Clay Collins
Carlton H. Jones III
Stephen D. Ott
Christy R. Jindra †
Richard M. Golick
Susan M. Brown
William M. McHugh
Stefanie T. McHugh
Stacey M. Robertson ††

400 Westpark Court
Suite 220
Peachtree City, Georgia 30269

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

E-Mail:
rlindsey@wsl-peachtreecity.com

Web Site:
www.wsl-law.com

Other Offices
Atlanta, Georgia
Fairburn, Georgia

Other licenses:

* Florida
**Tennessee & District of Columbia
†Illinois
††Only in Texas

January 5, 2000

HAND DELIVERED

Ms. Marcie Blind
Purchasing Manager
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

RE: **Proposal for Position of City Attorney**

Dear Marcie:

Our firm is privileged to once again submit its proposal for the position of City Attorney, including Solicitor. Webb, Stuckey and Lindsey, LLC is a limited liability company with three principal owners. The firm was started in January 1992, as a partnership between James H. Webb, Jr. and Richard P. Lindsey. John M. Stuckey, Jr. joined the firm as a partner in 1998. Prior to joining Webb & Lindsey, Mr. Stuckey was a partner with Glass, McCullough, Sherrill & Harrold. Mr. Webb and Mr. Stuckey also were partners in the firm of Glover & Davis in Newnan, Georgia. As of the date of this proposal, the firm has thirteen lawyers: James H. Webb, Jr., John M. Stuckey, Richard P. Lindsey, Stephen D. Ott, Jonathan J. Wade, Carlton H. Jones III, H. Clay Collins, Christy R. Jindra, Susan M. Brown, William M. McHugh, Richard M. Golick, Stacey M. Robertson, and Stefanie T. McHugh. We employ three paralegals and ten other support members.

The firm has offices in Peachtree City, Fairburn, and Atlanta. The main office of the firm is located at 400 Westpark Court, Suite 220, Peachtree City, Georgia. All three offices are connected via one central computer system that provides instant access to all of our legal documents and a state-of-the-art legal library.

Webb, Stuckey & Lindsey, LLC is the largest law firm in Fayette County, and to our knowledge, the largest law firm south of Atlanta and north of Columbus and Macon. The firm is pleased to have served as counsel for the City of Peachtree City for the past eight years. The lawyers in the firm have departmentalized the matters handled on behalf of the City. James Webb handles the litigation and trial strategy for the City; Richard Lindsey handles the general day-to-day matters and the City Court; Stephen Ott handles all zoning issues and has begun to assist Mr. Lindsey with

the day-to-day matters as well as the court; the other members of the firm assist and support the firm in its representation of the City where needed.

The firm can be fairly characterized as a general practice firm which handles virtually all civil trial matters with the exception of tax, patent, and securities. The firm is highly experienced in several areas of the law including municipal representation, medical malpractice, personal injury, civil and criminal trials, regulatory matters, workers' compensation, business transactions, estate planning and probate, and computer and technology related issues.

In addition to its legal expertise, the firm is particularly proud of its civic and social involvement in both the City of Peachtree City and Fayette County. Mr. Ott is the immediate past-President of the Fayette County Bar Association. Our lawyers are active in the Fayette Metro Kiwanis, the Fayette County Chamber of Commerce, the Advisory Committee for the Fredrick J. Brown Jr. Amphitheater Summer Concert Series, the Atlanta Bar, the South Fulton Bar, the South Fulton Chamber of Commerce and many other county civic organizations. Members of the firm have donated considerable time, effort, and money toward Peachtree City's development and are proud of the fact that they have their main office in such a wonderful community. As you surely know, our firm proudly supported the Peachtree City Development Authority in its production of the Fredrick J. Brown, Jr. Amphitheater Summer Concert Series in 1999 by being the signature sponsor. We have renewed our commitment to this series again this year and have agreed to be the signature sponsor of the 2000 Summer Concert Series. While the firm receives some notoriety from being the sponsor, we view our efforts as supportive of our community, in general, and of Peachtree City, in particular.

In specific response to the issues raised in your Request for Proposal, we propose:

- 1) A retainer of \$750 per month to include attendance by at least one firm member at a minimum of two City Council Meetings per month plus any called meetings.
- 2) An hourly rate of \$130 per hour performed for the City by any lawyer of the firm. Before we made this proposal, we checked with Bill McNally's office and this is the rate the county is paying its attorneys. We have not requested an increase in the last four years.
- 3) The following rates would be charged for other non-lawyer employees of the firm:
 - (a) Paralegals - \$70 per hour
 - (b) Law Clerks - \$70 per hour

- 4) There are thirteen lawyers, three paralegals, and ten other support members. Our firm's attorneys offer a diverse variety of skills and experiences to our clients. A more complete description of the firm and its lawyers is enclosed. You may also view additional information about the firm at our web site, www.wsl-law.com. Some particular points of interest are:

James H. Webb, Jr. is one of the few lawyers in the state of Georgia to be board certified by the National Board of Trial Advocacy. He has given many lectures and seminars to other lawyers in the areas of medical malpractice and trial advocacy. Mr. Webb is a former chairman of the General Practice and Trial Section of the Georgia State Bar, which has approximately 3,000 lawyer members.

John M. Stuckey, Jr. is one of the best-known lawyers in the state who regularly appears before the Public Service Commission. He is also very well known in the state and national Republican parties and previously served as Chairman of the Georgia Republican Party. Mr. Stuckey regularly appears before the Georgia General Assembly and Senate to advocate for our clients. Mr. Stuckey has successfully represented his clients' interests before the Public Service Commission for more than a decade and before the state and federal courts for over twenty-five years.

Richard P. Lindsey has worked with Mr. Webb as City Attorney for Peachtree City for the past eight years. Mr. Lindsey has appeared as lead counsel for the City on numerous matters. Mr. Lindsey served on law review at the University of Georgia and clerked for United States District Court Judge William Acker, Jr. Mr. Lindsey has more than fourteen years of litigation experience.

Mr. Ott has seven years of litigation experience and has assisted with all aspects of representation for the City since 1995. He is now primarily responsible for land use and zoning issues and prosecuting criminal matters.

Jonathan Wade, Clay Collins, Carlton Jones and Christy Jindra each have more than ten years experience as attorneys in both the civil and criminal arenas. Each one has tried hundreds - and quite likely more than a thousand - cases. Furthermore, Mr. Jones is the Judge for the Fairburn Municipal Court and Mr. Collins is the Judge for the Palmetto Municipal Court. Mr. Collins also represents our clients before the Georgia General Assembly.

Richard Golick is the state representative from the Vinings area.

Mr. and Mrs. McHugh have the distinction of being the first husband and wife lawyer team we have hired; he is developing our trial practice area further and she is now leading our Elder Care and Estate Planning section of the firm.

Ms. Robertson is shouldering the responsibility of handling the daily work in our regulatory practice area with Mr. Stuckey.

Mrs. Brown practices in both the personal injury and business law sections of our firm.

- 5) Through our terms of service as City Attorney for Peachtree City for the past eight years, our firm has demonstrated extensive knowledge and understanding in the area of municipal law. In addition to providing counsel, drafting ordinances, reviewing legislation, rendering legal opinions, and attending council and committee meetings regularly, we successfully defended the City and two of its officers, to a jury verdict, in a lawsuit in which the plaintiffs' complained that the police officers had used improper and excessive force in arresting the plaintiffs. Likewise, we have litigated and won numerous pre-trial motions (including summary judgment) in several cases. In those cases where negotiation seemed the wisest course to take, our firm has provided professional and innovative advice to obtain the best results for the City.
- 6) During our tenure as City Attorney for Peachtree City over the past eight years, our firm has demonstrated extensive knowledge and competence during litigation on behalf of the City. The members of the firm have considerable litigation experience, in general, as well. A majority of our firms' practice is litigation based and we are well known and respected in the trial and appellate courts across Georgia. Mr. Webb, Mr. Lindsey and Mr. Ott have demonstrated their litigation ability on a continual basis on behalf of the City. A full review of our years of service, the previously mentioned experience of our lawyers and the attached biographical data, should give you adequate information to assess our firms' ability to competently represent the City before any court in the state.
- 7) As stated above, the firm's main office is located in Peachtree City in the Westpark Business Park. We have an office in Fairburn in one of the two turn-of-the-century train depots which we converted to a law office in 1997 and an office in Atlanta. Mr. Webb, Mr. Lindsey, Mr. Ott, Mr. Wade, Ms. Brown, Mr. Jindra, Mr. McHugh, Mrs. McHugh and our three paralegals are located in the Peachtree City office; Mr. Jones and Mr. Collins are located in the Fairburn office; Mr. Stuckey, Mr. Golick, and Ms. Robertson work in our Atlanta office. The majority of the support staff work in Peachtree City and we are able to relocate the staff as needed to accommodate any larger projects. It is important to note that the majority of all of the members of our

Ms. Marcie Blind
January 5, 2000
Page 5

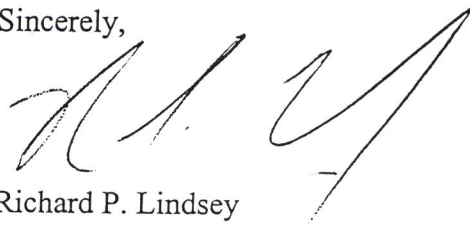
firm live in Fayette County. This means that we are readily accessible for emergency sessions and impromptu meetings as we have demonstrated during our current term of service to the City.

- 8) I have attached additional biographical data for each of the attorneys of the firm as requested.

If you need any further information with respect to our qualifications or this proposal, please do not hesitate to contact me. Once again, it would be our pleasure to represent the City of Peachtree City.

Best regards.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Lindsey', with a long, sweeping horizontal stroke extending to the right.

Richard P. Lindsey

RPL
Enclosure

FOSTER & FOSTER, P.C.

LARRY A. FOSTER
1941 - 1995)

DON R. FOSTER*

ATTORNEYS AT LAW

114 S. MAIN STREET

P.O. Box 814

JONESBORO, GEORGIA 30237-0814

TELEPHONE (770) 478-4000

FACSIMILE (770) 478-8927

ASSOCIATES

Christina M. Harris

Kenneth P. Robin

December 28, 1999

Via Certified U.S. Mail

Ms. Brenda Rogers, Personnel Manager
City Hall
151 Willowbend Road
Peachtree City, Georgia 30269

RE: Proposal for Representation

Dear Ms. Rogers:

Please accept this letter and my firm resume (a copy of which is enclosed) as my application for the City Attorney's position.

As you can see from my firm resume, I have personally practiced law since 1979. In that practice, my firm has represented the Clayton County Board of Education (my brother was school board attorney for 18 years), Clayton County Board of Commissioners since 1989, the City of Riverdale on two different occasions (1994-95 and 1998-present) the City of Morrow for a number of years, the Georgia Power Company and various banking institutions. Additionally, I represent various small and medium size corporations in all types of industry. At this time, I have approximately twenty (20) cases pending in federal district court and the U.S. Court of Appeals. I have handled in excess of one hundred cases in federal court.

Foster & Foster has a staff of qualified professionals who actively handle matters in the U.S. District Court, United States Court of Appeals and the United States Supreme Court. In addition, we handle matters in all state courts. Additionally, we draft ordinances, contracts and such other documents as are necessary for our clients including the county and the city. My firm represented the Downtown Development Authority of Forest Park in the 1980's.

To represent the city, I would require an hourly fee of \$125.00 for myself and \$100.00 for associates. Law clerks would be billed at \$75.00/hour. I do not require a fixed retainer; however, I will consider some type of agreed retainer plus hourly fee should the city be so inclined. I would anticipate one of my associates would handle the solicitor's duties with appropriate guidance from me, and I would be available as primary contact on all city attorney matters.

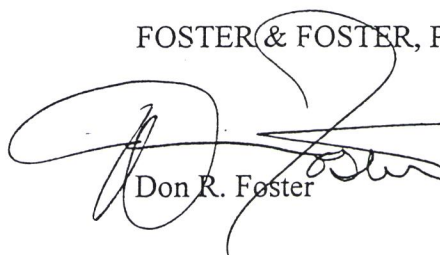
Ms. Brenda Rogers
December 28, 1999
Page 2

I believe the firm of Foster & Foster has the necessary expertise and personnel to handle all matters for the city, and I would consider opening a branch office within the city.

Thank you for your kind consideration, and if you would like further information or to meet with me, please contact me at your convenience.

Sincerely,

FOSTER & FOSTER, P. C.



Don R. Foster

DRF/cm

Enclosure

FOSTER & FOSTER, P.C.

LARRY A. FOSTER
(1941 - 1995)

DON R. FOSTER*

ATTORNEYS AT LAW

114 S. MAIN STREET

P.O. BOX 814

JONESBORO, GEORGIA 30237-0814

TELEPHONE (770) 478-4000

FACSIMILE (770) 478-8927

ASSOCIATES

Christina M. Harris

Kenneth P. Robin

December 28, 1999

Via Certified U.S. Mail

Ms. Brenda Rogers, Personnel Manager
City Hall
151 Willowbend Road
Peachtree City, Georgia 30269

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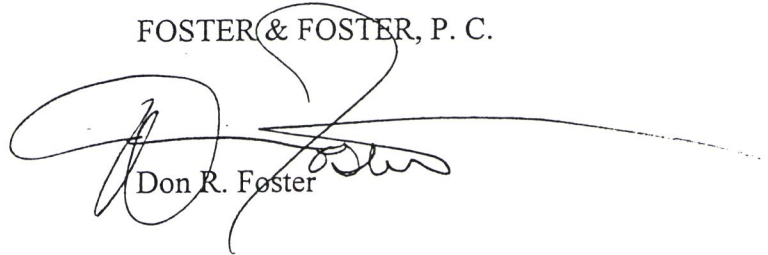
Ms. Brenda Rogers
December 28, 1999
Page 2

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Thank you for your kind consideration, and if you would like further information or to meet with me, please contact me at your convenience.

Sincerely,

FOSTER & FOSTER, P. C.

A handwritten signature in dark ink, appearing to be "Don R. Foster", is written over a horizontal line. The signature is stylized with a large, looping initial "D".

Don R. Foster

DRF/cm

Enclosure

FOSTER & FOSTER, P.C.

114 S. Main Street
P. O. Box 814
Jonesboro, Georgia 30237
Telephone: (770) 478-4000
Fax: (770) 478-8927

General practice in State and Federal Courts, Corporation, Real Estate, Probate, Negligence, Bankruptcy, Business, Education, Domestic Relations, Municipal and Zoning Law, Trials and Appeals.

FIRM PROFILE: Foster & Foster, P.C. was founded in 1988 by Larry A. Foster and Don R. Foster. This firm is a continuation of the firm that began with Larry Foster joining a firm known as Hutcheson, Kilpatrick, Watson, Crumbly and Brown in 1972. Don Foster joined the firm, then known as Watson, Brown, Foster and Murphy, in 1979. The firm has continued to operate as a unit since 1988. The offices of the firm have been in the same location since 1981. All members of the firm are involved in continuing professional development, and all partners and associates participate in continuing legal education seminars, professional association activities, and civic affairs in the area.

LARRY A. FOSTER (1941-1995)

DON R. FOSTER, born Atlanta, Georgia August 24, 1944; admitted to bar, 1979, Georgia; 1980, Florida; U.S. District Court, Northern District of Georgia; U.S. Court of Appeals, 5th and 11th Circuits, U.S. Supreme Court. Education: West Georgia College (B.S. 1967); Georgia State University, 1974-1975 MBA Program; Emory University (J.D. 1978). Phi Delta Phi. Adjunct Professor of Business Law, Clayton State College 1981-1993. Member: Clayton County (President 1985-1986) and American Bar Associations; State Bar of Georgia; the Florida Bar. Lt. (JG) USNR, 1968-1969. Practice Areas: Municipal, Corporate/Business, Litigation, Real Estate, Employment, General Civil Practice.

ASSOCIATES

CHRISTINA M. HARRIS, born Honesdale, Pennsylvania March 20, 1971; admitted to bar 1998, Georgia; U.S. District Court, Northern District of Georgia; U.S. Court of Appeals, Eleventh Circuit; Supreme Court of Georgia; Georgia Court of Appeals. Education: Pennsylvania State University (B.S. 1993); University of Richmond, T.C. Williams School of Law (J.D. 1996). Member: Clayton County and American Bar Associations. Practice Areas: Municipal, Employment Discrimination, General Civil Practice.

KENNETH P. ROBIN, born Oceanside, New York March 2, 1973; admitted to bar 1998, Georgia; U.S. District Court, Northern District of Georgia, U.S. Court of Appeals, Eleventh Circuit; Supreme Court of Georgia; Georgia Court of Appeals. Education: Pennsylvania State University (B.S. 1995); Emory University (J.D. 1998). Member: Clayton County Bar Association. Practice Areas: Municipal, Employment Discrimination, General Civil Practice.

KASEY G. WYATT, born Morristown, Tennessee July 8, 1974; admitted to bar 1999, Georgia, Education: University of Georgia (B.B.A. 1996), Georgia State University (J.D. 1999); Practice Areas: Employment Discrimination, Municipal, General Civil Practice.

REPRESENTATIVE CLIENTS INCLUDE: CITY OF RIVERDALE, PEACHTREE NATIONAL BANK, BANK OF AMERICA, TUCKER FEDERAL BANK, SOUTHTRUST BANK, CLAYTON COUNTY BOARD OF COMMISSIONERS, GEORGIA POWER COMPANY, KABOBS, INC., ITBK, INC.

APPROVED ATTORNEYS FOR: LAWYERS TITLE INSURANCE CORP.

CARYL B. SUMNER
A PROFESSIONAL CORPORATION

1720 Peachtree St. NW Suite 425 Atlanta, GA 30309 Phone: (404) 877-0038
Fax: (404) 892-9778

January 12, 2000

Ms. Marcie Blind
Purchasing Office
151 Willowbend Road
Peachtree City, GA 30269

RE: Proposal for City Attorney

Dear Ms. Blind:

I am pleased to present to you a Proposal for Legal Services of the City of Peachtree City, Georgia. I have enclosed with this letter seven original Proposals so that you, the City Manager, the Mayor and each member of the City Council may have an original copy.

I trust the attached Proposal, list of references and copies of resumes will provide you enough information. I do, of course, look forward to meeting with you, the City Manager and the Mayor and City Council to discuss this proposal.

Sincerely,



Caryl B. Sumner

CBS:kbh

CARYL BRINSON SUMNER
1720 PEACHTREE ST. NW, SUITE 425
ATLANTA, GEORGIA 30309

Office: (404) 877-0038
Home: (404) 768-8014

LEGAL EDUCATION

J.D., University of Florida, College of Law, 1981
Research paper. "1980 Modifications of Historic Preservation Law"
chosen for publication by the National Institute of Preservation Law

Honors and Activities:
Legal Protection of the Environment Book Award Recipient
Student Member, Curriculum Committee, College of Law

Research papers, "Historic Preservation in Gainesville, Florida"
and "1980 Modifications of Historic Preservation Law" chosen to
be placed in permanent collection, University of Florida Library

PRE LEGAL EDUCATION

MAT, Speech and Rhetoric, University of Florida, 1971

B.S. English and Speech, Florida State University, 1967

LEGAL WORK

1997-Present	Caryl B. Sumner, P.C.
1993-1997	County Attorney, Gwinnett County, Georgia
1992-1993	First Assistant County Attorney, Gwinnett County, Georgia
1988-1992	Assistant County Attorney, Gwinnett County, Georgia
1987-1988	Legal Consultant, Florida Preservation Services, Inc.
1985-1988	Legal Consultant, Strategic Planning Group, Inc.
1981-1987	Assistant County Attorney, City of Gainesville, Florida
1980-1981	Law Clerk for the firm of Watson, Folds, Steadham
1979-1980	Law Clerk for the firm of Scruggs, Carmicheal, et al.

Member: Georgia Bar
Florida Bar

Model Programs:

Historic Preservation Ordinance, State of Georgia
Historic Preservation Ordinance for the City of Gainesville

Green Space Preservation Ordinance for the City of Gainesville
Industrial Wastewater Pretreatment Ordinance for the City of
Gainesville

Publications: Co-author, Historic Preservation in Florida
Co-author, Impact Fees Under Georgia's New Statute

Activities: Initiated and developed real property procedures for Real Property
Division, Gwinnett County Department of Law

Member, Advisory Committee on Impact Fees for Governor's
Growth Strategies Task Force, State of Georgia

Former Member, Rotary Club of Duluth, Georgia

Leadership Gwinnett Alumni

Former Board Member, Gwinnett Clean and Beautiful

Former Chair of Local Government Law Section of State Bar of
Georgia

Consultant, Historic Preservation Law

Lecturer, University of Georgia, Continuing Legal Education

AREAS OF PRACTICE

Litigation
Condemnation
Impact Fees
Inverse Condemnation
Real Property, including commercial and residential acquisition
Public Utility Law
Downtown Redevelopment
Land Use
Environmental Law
Historic Preservation
Local Government Law

SEMINARS, ADDRESSES, AND PAPERS

Historic Preservation Law/Ethics & Conflict of Interest, University of
Georgia, South Georgia Workshop, 1999

Historic Preservation Law, Downtown Doing Business Differently
Seminar, 1999

New Economic Development Tools, Sustainable Communities: Tools for Economic Excellence Seminar, 1998

Ethical Considerations - Conflicts of Interest in Zoning Matters, Zoning and Government Regulation of Land Use, 1997

Practical Considerations for the Local Government Attorney, Nuts & Bolts of Local Government Law Seminar, 1997

When Does Regulation Go Too Far? Eminent Domain Trial Practice Seminar, 1996

Sovereign and Official Immunity, Seminar for newly elected local government officials, 1996

Update on Impact Fees, 38th Annual Institute for City & County Attorneys, 1991

Member, Panel Discussion, Impact Fees, Impact Fees, Exceptions, Linkage and Growth Management Seminar, 1990

Historic Preservation Ordinances: A Guide for City and County Attorneys, 37th Annual Institute for City & County Attorneys, 1990

WORK EXPERIENCE

Education:

- | | |
|-----------|---|
| 1988-1990 | Instructor, Historic Preservation Law, Georgia State University |
| 1971-1973 | Instructor, University of Florida, Comprehensive Logic Department |
| 1969 | Instructor, St. John's Junior College, Speech |

Business:

- | | |
|-----------|--|
| 1973-1977 | Owned and operated The Kitchen, Ltd., gourmet catering |
|-----------|--|

LAUREL E. HENDERSON

1720 Peachtree St., NW, Suite 425
Atlanta, Georgia 30309

(404) 892-9777(off)
(404) 892-9778(fax)

Education:

J.D. Magna Cum Laude, Georgia State University, 1987.
(rank #2 of 165)

Awards & Honors:

Outer Barrister's Guild (Legal Honor Society)

Knowles Scholar

American Jurisprudence Awards in Criminal Law,
Evidence, Civil Procedure, Labor Law, Litigation &
Wills

M.A., University of Missouri-Columbia, (Library Science),
1973.

Awards & Honors:

Beta Phi Mu (Professional Honor Society)

B.S. Ed., University of Missouri-Columbia, 1970.

Work Experience:

Practicing Attorney, Laurel E. Henderson, P.C., May 1,
1998 to present.

Practicing Attorney, Glaze & Glaze, P.C., 1987 to 1998.

Legal Publisher, City-County Code Corporation (formerly
Laurel Henderson & Associates), 1981 to 1989.

Legal Publisher, PRM Law Publishers, 1976 to 1981.

Seminars & Lectures:

Telecommunications Update, Institute of City and County
Attorneys, September 23-25, 1999.

Zoning and Land Use Update, Zoning and Government
Regulation of Land Use, November 14, 1997.

*Preserving Evidence in the Administrative Record; the
Governmental Perspective*, Zoning and Government
Regulation of Land Use, November 8, 1996.

*Constitutional Issues and Strategy in Land Use Litigation:
Free Speech Concerns with Regulation of Signage*, Institute
of City and County Attorneys, September 20-21, 1996.

Termination of Utilities and Collection of Delinquent Utility Charges, Georgia Municipal Association, City Attorneys Section, June 26, 1995.

Environmental Law Update: Erosion Control and Stormwater, Institute of City and County Attorneys, September 23-24, 1994.

Attorneys' Fees Under Section 1988, Rule 11 and Yost, Georgia Municipal Association, City Attorneys Section, June 11, 1989.

***Law-Related Work
Experiences:***

Internship with the Office of Solicitor General, Fulton County, Georgia, January to June 1987.

Internship with the Supreme Court of Georgia, Fall Quarter 1986.

***Community
Involvement:***

Guardian Ad-litem, Atlanta Volunteer Lawyers. AVL supports a pro-bono program which provides guardian ad-litem services for children who are involved in contested domestic cases.

Mentor, Project Prevent, Emory School of Medicine. Project Prevent provides mentors to at-risk adults and teenagers whose lives have been severely impacted by cocaine and other drugs.

Member, Canterbury Choir, St. Bartholomew's Episcopal Church.

PROPOSAL FOR LEGAL SERVICES

Submitted to the City of Peachtree City, Georgia

November 18, 1999

by Caryl B. Sumner

on behalf of Caryl B. Sumner, P.C.

PROPOSAL FOR LEGAL SERVICES

CARYL B. SUMNER, P.C. is pleased to submit this Proposal to serve as City Attorney to the City of Peachtree City, Georgia. The Proposal offers the services of two experienced and well-respected attorneys, Caryl Brinson Sumner and Laurel E. Henderson, who have chosen to concentrate their practices in local government law. Resumes of both attorneys are included with this Proposal.

Caryl Sumner is proposed as the named City Attorney under this Proposal with all primary services being offered through the firm, Caryl Sumner, P.C. Peachtree City would be a significant client, and Caryl is prepared to offer Peachtree City a primary commitment of her time as City Attorney. She currently holds no extended retainer arrangement with any other city that would interfere with her ability to be responsive to Peachtree City.

Caryl is well known and respected among the local government bar. She is a frequent speaker at legal seminars, is consulted by other attorneys, has served as legal advisor to a number of cities and counties, and serves as

lead counsel in a number of cases assigned by the Georgia Inter-Local Risk Management Agency (GIRMA). She has recently completed serving a two year term of office as Chair of the Local Government Section of the State Bar of Georgia. Her local government experience is particularly broad, having been the primary focus not only of her legal practice, but also her educational experience in law school.

Caryl began her career as a local government attorney upon graduation from law school in 1981. Caryl served as an Assistant City Attorney for the City of Gainesville, Florida. Caryl represented Gainesville Regional Utilities, the city's water, wastewater, and electric provider. Her representation of Gainesville Regional Utilities included representation in environmental, real property and licensing matters. The Industrial User Pretreatment Program created for the City was used as a model program by the State of Florida.

Caryl's representation of the City of Gainesville also included extensive work in the areas of land-use, zoning and historic preservation. Caryl drafted the City's historic preservation ordinance and the City's Green Space Preservation Program. Both programs were chosen as model programs by the State of Florida.

Another of Caryl's 'city' clients was the Downtown Development Authority. Caryl worked with the Authority to create a downtown development plan. The plan maximized the use of financial incentives for property owners and investors addressed the sensitive reuse of existing structures and the construction of compatible new development.

As an off-shoot of her work in historic preservation, Caryl co-authored the book, "Historic Preservation Law in Florida". The book remains in use today as the handbook of Historic Preservation Law in Florida.

Caryl came to Georgia in 1987 and joined the Gwinnett County Law Department. During her years of service in Gwinnett County, Caryl created the County Real Property Division and established procedures for acquisition and condemnation. While in Gwinnett County, Caryl worked extensively for the Departments of Transportation, Public Utilities, and Parks and Recreation. In these areas of representation, Caryl handled the daily operational tasks for the departments. These tasks included the drafting of contracts, legal opinions, and agenda items. Caryl's representation of the departments also included extensive litigation, particularly in the areas of condemnation and real property rights.

Caryl served as the County representative on the Governor's Task Force on impact fees. Caryl was one of the drafters of the state impact fee statute. Caryl co-authored the Georgia Municipal Association publication "Impact Fees in Georgia" as a result of this work.

Caryl became Gwinnett County County Attorney in 1992 and served in that capacity for five years. In the role of County Attorney, Caryl directed a staff of ten attorneys. Caryl oversaw all litigation and non-litigation matters involving the county. Such representation touched upon virtually every issue effecting local government.

Caryl left the county two years ago to enter private

practice. Caryl serves as City Attorney to the City of Mountain Park, Georgia. She also represents the Georgia Inter-Local Risk Management Agency (GIRMA) in various municipal lawsuits and the Georgia Department of Transportation in acquisition and condemnation projects.

While in Georgia, Caryl has continued her work in historic preservation law. Caryl has taught historic preservation law at Georgia State University. She drafted the historic preservation ordinance used as a model ordinance by the state of Georgia, and continues to lecture and practice in the area of historic preservation law.

Laurel Henderson serves as City Attorney for the City of College Park, Georgia. Her involvement with the City of College Park has included responsibility for day to day legal matters for the past four years. Laurel has made new law on behalf of local governments in the area of First Amendment Rights. She successfully defended an outright ban on billboards for the City of Morrow, and holds the only unanimous opinion from the Supreme Court of Georgia upholding local regulation of nude dancing in a case originating in College Park.

Laurel is also a well-known and respected member of the local government bar. Just as Caryl, she is a frequent speaker at legal seminars and serves as lead counsel in a number of cases assigned by GIRMA. Since leaving Glaze & Glaze, P.C., she has also served as lead counsel in several cases for DeKalb County. Her local government experience is particularly broad, having been the primary focus not only of

her legal practice, but also of her professional experience in ordinance codification prior to law school.

The strengths available to Peachtree City by utilizing the services of Caryl and Laurel are many, but particularly significant is that both possess long-standing, strong and varied experience as local government attorneys. Their practice strengths complement each other.

Caryl Sumner's practice areas of interest and expertise include local government law generally, litigation, condemnation, impact fees, inverse condemnation, real property, including commercial and residential acquisition, public utility law, downtown redevelopment, impact fees, land use and zoning, environmental law, and historic preservation law.

Laurel Henderson holds particular expertise and interests in local government law generally, constitutional law (particularly powers and authority of governments), First Amendment, litigation, land use and zoning, personnel, workers' compensation, licensing and regulation, legislative drafting and interpretation, contracts, telecommunications and alternative dispute resolution.

Together, these two attorneys cover the waterfront of local governmental issues and concerns and possess the expertise to handle just about any problem that can be anticipated to arise in the City. Both have assisted with the drafting and review of state-level legislation affecting local governments. Both have the capacity for significant input into legislative issues through good relationships with the Georgia Municipal Association.

Not only do Caryl and Laurel possess the ability to perform the City's legal work, they will be the attorneys primarily responsible for carrying out that legal work on a day-to-day basis. The attorneys who appear in meetings will be the same attorneys actually performing the work and creating the work product for the City. To the extent other associates might be utilized on occasion to assist in work flow, those activities will be closely and actively monitored, and primary responsibility will never shift from the responsible attorney. The City therefore gains directly from the acquired experience of its counsel, both in terms of quality of work and in terms of efficiency.

Qualifications are not the sole issue upon which decision of the appropriate person for appointment as City Attorney turns. Philosophy is also important. Caryl and Laurel both recognize that policy determination is the province of the Mayor and Council. All appointed persons, including the City Attorney, act within that policy. It is the duty of the City Attorney to bring factual information and legal precedent to the attention of the Mayor and Council so that that body holds the information necessary to make its determinations. It is the City Attorney's further duty to advise the Mayor and Council on changes in the law and what those changes may mean for City operations. However, policy formulation and direction of change remains always with the Council.

Caryl and Laurel emphasize a proactive approach to legal representation. That means they look for problems before they arise, recommend issues be addressed and spend considerable time in laying a foundation for proper action. Research precedes drafting. Legal opinions are based on facts and applicable law.

Remaining current with changes in the law is vital. With a proper background and full disclosure to the governing body, successful outcome is maximized.

Caryl and Laurel both believe a primary duty of a City Attorney is to find the means to accomplish the Mayor and City Council's objectives. Every creative solution possible to accomplish those objectives... Failure to present full information up front can result in rather nasty surprises down the road. While it is necessary for the City Attorney to understand the Council's intentions and be sensitive to them, withholding undesirable information does a disservice to a governing body in the performance of its duty.

Law is fact specific. Always. A minor change in fact may precipitate an entirely different result. It is the attorney's duty to analyze the law and facts fairly and accurately, without regard to desired outcome. Only in doing so, can an attorney truly advise her client, so that the client can make an informed decision. Once that decision is made, it is the duty of the City Attorney to support it consistently and to the best of her ability.

As you will see from her resume, Caryl and her husband, Ed Sumner, Chief Legal Counsel to the Georgia Municipal Association, live in College Park, a short distance from Peachtree City. In order to best meet the City's needs, Caryl would propose to be at City Hall in Peachtree City on a regularly scheduled basis for as many hours as the City deems necessary. Caryl could, for example, spend a regularly scheduled day or afternoon at the City on whatever day is most convenient for the city. For other matters, Caryl or Laurel can easily arrange to be present at the City whenever the city wishes.

Caryl and Laurel's hourly rate is \$115.00 an hour. As noted earlier in the Proposal, Caryl and Laurel will actually perform the work and create the work product for the City. If the need arises for an associate or paralegal, the hourly rate for an associate would be \$90.00, and the rate for paralegals would be \$60.00. Caryl will hire an attorney to serve as counsel to the firm of Caryl B. Sumner, P.C. The attorney will serve as Solicitor for Peachtree City. The solicitor will be available to the City at a fee of \$95.00 an hour. This attorney will also be available to work with Caryl and Laurel on Peachtree City work, if necessary.

As a retainer, for two council meetings a month, for meetings averaging three hours each, we would request a retainer of \$8200.00

Caryl Brinson Sumner, P.C. appreciates the opportunity to submit this Proposal for City Attorney and to acquaint the Mayor and Council with information concerning Caryl and Laurel's backgrounds. Caryl and Laurel are always available for questions and discussions and welcome the opportunity to meet with the Mayor and Council to discuss the City's needs and expectations.

Respectfully submitted,

A handwritten signature in cursive script that reads "Caryl Sumner".

Caryl B. Sumner
President, Caryl B. Sumner, P.C.

REFERENCES

Jay Barnet, Mayor
City of Mountain Park, Georgia
100 Mountain Park Road
Mountain Park, Georgia 30075

Ken Swanson
Gallagher Bassett Services, Inc.
P.O. Box 941938
Atlanta, GA 31141-0606

Karen Thomas, County Attorney
Gwinnett County Department of Law
75 Langley Drive
Lawrenceville, GA 30245-6900

Andrew J. Whalen, III, Esq.
Mullins & Whalen
101 S. Hill Street
P.O. Box 133
Griffin, GA 30224

Proposal for Legal Services

**Prepared for Peachtree City
January 14, 2000**

George N. Sparrow Jr. P.C.

719 W. Lanier Ave, Suite B

Fayetteville, GA 30214

770-460-5280

770-460-5281 (fax)

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Introduction

The two main principles that we believe guide municipal representation are to find legal methods of accomplishing desired goals and to provide legal guidance to avoid litigation. A city attorney should be governed by a sense of responsibility to the citizens. An analogy we like to use is to envision the representation of the city as the representation of a corporation with the citizens as shareholders, the City Manager as CEO, the Council as the Board of Directors and the Mayor as Chairman of the Board.

While we feel this proposal provides you with all of the information you requested, it seems necessary for us to address one item not mentioned in your request. If a firm other than your present counsel should be selected, some thought must be put into a method of transition.

We have considerable experience at local government law and recognize there must be a large amount of pending work that must be either be transitioned to new counsel or completed by the current counsel. This is certainly true, and perhaps more critical and difficult, as it relates to any pending litigation.

We would suggest that each matter be handled on a case-by-case basis depending on its complexities, status and time frame from completion. Administrative matters can often times be transferred without too much interruption. If chosen as City Attorney we would like the opportunity to consult with the City and the present counsel on formulating a detailed plan for transitioning all pending matters.

In closing, we appreciate the opportunity to offer our proposal for providing legal services to the City. If any questions arise regarding our proposal we are available at any time to answer any questions you may have.

We view the opportunity to serve the City of Peachtree City as one involving huge responsibilities and commit our best effort and expertise.

Fees

Prepaid monthly fee to cover attendance at all regular and called Council Meetings	\$500.00
Hourly rate for attorneys	\$120.00
Hourly rate for paralegals/clerks	\$60.00

Firm Biography

George N. Sparrow, Jr., P.C. is a general practice firm offering legal services in the areas of local government, commercial and residential real estate, corporate and business, wills, trusts, estates, and other matters.

The firm presently consists of two attorneys, George N. Sparrow, Jr. and Leonard Presberg.

George N. Sparrow, Jr. has practiced law in the Atlanta metropolitan area since 1969 and represented the City of East Point, Georgia for roughly twenty years. He has lived in Fayette County for over twenty years, served as co-chair in the initial organization of the local government committee of younger lawyers section, has lectured in zoning and building codes to the Annual City and County Attorney Seminar of the State Bar of Georgia, and currently holds the highest Martindale-Hubble rating of "AV." Please see the attached resume for more extensive outline of details and experience.

Leonard Presberg has practiced law in Fayette County since 1997 and has worked primarily in the areas of real estate, corporate and business, wills and trusts, and civil litigation. Prior to moving to Fayette County, Mr. Presberg spent a year clerking with four judges of the Circuit Court of Richmond, Virginia. The Circuit Court is essentially the same type of Court as the Superior Court is in Georgia. The cases Mr. Presberg worked on were primarily criminal cases. For more information please see the attached resume.

In addition, we have obtained a commitment from an individual with extensive experience in local government law and as a prosecutor in municipal courts to join our firm. Because of his present employment we are not authorized to release his name but we are certain his experience, credentials and personality will meet with total confirmation by the city of Peachtree City.

REPRESENTATIVE CLIENTS:

American Community Bank of Georgia (Mr. Sparrow is a founding director); First Union Mortgage Corporation; First Union National Bank of Georgia; Norwest Mortgage Corporation; Regions Bank; Interstate Truck & Equipment, Inc.; Laser Products, Inc.; Nale, Inc.; Mortgage Matters, Inc.; Market Street Mortgage Corporation; Avalon Mortgage, Inc.; Southern Crescent Mortgage & Investment Corporation; Homesouth Mortgage Corporation; Bank of America.

REFERENCES:

American Community Bank of Georgia; First Union National Bank of Georgia; Nale, Inc.; McMullan & Company; Comer Properties.

Narrative of Experience

Municipal Law

The senior member of the firm, George N. Sparrow, Jr., served as counsel to East Point, Georgia for approximately twenty years. In that capacity Mr. Sparrow engaged in matters from litigation (see below) to preventative law such as developing sustainable personnel evaluation and promotion systems. Mr. Sparrow was involved in the passage of much of the present enabling legislation for local authorities through his active involvement guiding the legislation through the Georgia General Assembly. Mr. Sparrow was also involved in complex negotiations for the City of East Point with developers regarding major commercial development, in providing counsel to East Point's Municipal Electric and Water Authorities, and in municipal finance and bond issues.

Municipal Court

The senior member of the firm, George N. Sparrow, Jr., has extensive experience in working with elected officials and police officers in establishing court and other prosecutorial procedures for the successful operations of municipal courts. Mr. Sparrow did not serve to prosecute all cases as City Attorney for East Point, but was simply brought in as a special prosecutor for the more complex or difficult cases. Over the nearly twenty years of municipal court work Mr. Sparrow has prosecuted hundreds of cases. Mr. Sparrow's experience is primarily in criminal law and procedure, as can be observed on his attached resume. The individual from whom this firm has obtained a commitment has extensive experience at prosecution of cases in a municipal court, engaging in such activities as the sole prosecutor for a local municipality.

Litigation

George N. Sparrow, Jr. has headed a firm involving as many as twelve attorneys and, as city attorney, handled and oversaw all cases of the City of East Point, Georgia in all state and federal courts. This litigation has involved claims of every type and character from personal injury to constitutional issues. Mr. Sparrow served as one of the lead counsel in nationwide litigation (with other attorneys from such distant points across the nation as Alaska to Puerto Rico) over the 1980 decennial census. When initially engaged on behalf of the City of East Point there was a backlog of two hundred cases that were concluded over a two-year period by motion trials, settlement and otherwise on terms considered to be victorious by the city. Other cases included defense through trial of a number of section 1983 and related charges against police officers and employment related cases involving, among others, charges of discrimination.

Office Location

Our office is located in the City of Fayetteville at 719 West Lanier Ave, Suite B, Fayetteville, GA 30214.

Attorney Biographies

George N. Sparrow Jr.

BIOGRAPHICAL DATA

Age: 58

Grew up in Tifton, Georgia

Married: Gail Nolan Sparrow (1966). Mrs. Sparrow teaches in Fayette County public schools.

Children:

George N. Sparrow, III, age 27

Gregory N. Sparrow, age 21

PROFESSIONAL BACKGROUND

Practice of law since admission to the State Bar of Georgia in 1970. Nature of practice has been general, local government, real estate, corporate and business.

EDUCATIONAL BACKGROUND

Walter F. George School of Law, Mercer University (Juris Doctor Degree, 1969)

University of Georgia (Bachelor of Science Degree in Forestry, 1966)

Abraham Baldwin Agricultural College (Associate Degree in Science, 1963)

PROFESSIONAL EMPLOYMENT HISTORY

1969: Staff Attorney for the Constitution Revision Commission.

1970 to date: Private law practice and senior partner of various law firms with numerous law partners including Honorable George T. Smith, Rowland Barnes, George L. Barron and others.

Engagements include Attorney to City of East Point, Georgia.

ADMITTED TO PRACTICE FOR THE FOLLOWING COURTS

All courts of the State of Georgia including Georgia Court of Appeals and Georgia Supreme Court; United States Court of Appeals for the Fifth Circuit; United States Court of Appeals for the Eleventh Circuit; Supreme Court of the United States; all United States District Courts of the State of Georgia.

MEMBERSHIPS

American, Georgia and Atlanta Bar Associations; The Association of Trial Lawyers of America; American Judicature Society; present and past sections of the State Bar of Georgia and American Bar Association including General Practice, Corporate, Banking, Local Government, Real Property, Probate, Younger Lawyers Section (Co-Chairman Local Government Committee, Atlanta Council of Younger Lawyers); Atlanta Airport Rotary Club; South Fulton Chamber of Commerce; Fayette County Chamber of Commerce.

Leonard Presberg

BIOGRAPHICAL DATA

Age: 32

Married Elizabeth Moore, MD (1990). Dr. Moore practices Obstetrics and Gynecology in Fayette County.

Children:

Emma Lee Presberg, age 4

Eli Alexander Presberg, age 15 mo.

EDUCATION

J.D., *magna cum laude*, 1996, University of Richmond School of Law
Editor-in-Chief, University of Richmond Law Review, 1995-1996
Law Honors Scholarship (full merit scholarship)

B.A., 1989, Oberlin College, Oberlin, Ohio

PUBLICATIONS

Legal:

Comment, *The Civil Rights Act of 1991, Retroactivity and Continuing Violations: The Effect of Landgraf v. USI Film Products and Rivers v. Roadway Express*, 28 U. RICH. L. REV. 1363 (1994)

Various Computer publications including:

Specialty Web Publishing Tools: Folio Infobase Web Server, PC MAGAZINE, Oct. 10, 1995, at 236; *Documents Take Center Stage: Xywrite Review*, PC MAGAZINE, Nov. 9, 1993, at 177; *Byte Lab Report, Desktop Dynamite: 116 Fast 486s*, BYTE, June 1993, at 156; *Lab Report: Hands-On Testing 126 Printers*, BYTE, May 1993, at 146

PROFESSIONAL EXPERIENCE

Attorney, George N. Sparrow Jr. P.C. (11/97 - present)

Judicial Clerk, Circuit Court of the City of Richmond, Richmond, VA (8/96 - 6/97)

Judicial Clerk for highest trial level court in Virginia. Clerked for Circuit Court Judges Donald Lemons, Robert Duling, Thomas Nance, and Walter Stout. Researched primarily criminal law issues with occasional civil work. Wrote legal memoranda and drafted opinions. Discussed rulings with Judges.

Editor-in-Chief, University of Richmond Law Review (5/95 - 5/96)

Responsible for all aspects of publishing a five issue a year legal journal. Managed 18 member board and 40 member staff. Evaluated submissions for publication. Performed final edit on all articles.

GOETZ, TIBBS & ZAHLER

ATTORNEYS AT LAW

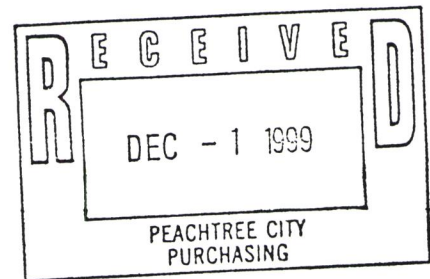
15 PIEDMONT CENTER, SUITE 1070
3575 PIEDMONT ROAD, N.E.
ATLANTA, GEORGIA 30305
TELEPHONE: (404) 841-9000
TOLL FREE: (888) 841-9001
TELECOPIER: (404) 841-6677

CHARLES M. GOETZ, JR.*
PHILIPPA V. TIBBS**
SCOTT M. ZAHLER***

OF COUNSEL:
GEORGE M. GEESLIN

* Also admitted in Washington, D.C.
** Also admitted in Oklahoma
*** Also admitted in Florida

November 30, 1999



Ms. Marcie Blind
Purchasing Office
Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

RE: Proposal for City Attorney and Municipal Court Solicitor Services

Dear Ms. Blind:

I previously submitted a Proposal for our firm to handle the City Attorney duties for Peachtree City. This letter is to provide notification of our desire to have our Proposal considered for handling both City Attorney and Municipal Court Solicitor services.

If any additional information is needed, please do not hesitate to call. Thank you in advance for your consideration of our Proposal.

Regards,

Philippa V. Tibbs

**PROPOSAL FOR
PEACHTREE CITY, GEORGIA
CITY ATTORNEY**

Submitted by:
Philippa V. Tibbs
GOETZ, TIBBS & ZAHLER
15 Piedmont Center, Suite 1070
3575 Piedmont Road, N.E.
Atlanta, Georgia 30305
(404) 841-9000, Ext. 22

**PROPOSAL FOR
PEACHTREE CITY, GEORGIA
CITY ATTORNEY**

Submitted by Philippa V. Tibbs

I.

Cost of retainer to include attendance at a minimum of two Council meetings per month plus any called meetings: All legal services rendered, including attendance at any Council and/or called meetings will be billed at \$165.00 per hour. No retainer will be required.

II.

Hourly rate of primary member of firm to represent the firm with the City: Goetz, Tibbs & Zahler partner Philippa Victoria Tibbs is the primary member of the firm who will represent the City of Peachtree City. Ms. Tibbs' hourly rate will be charged at \$165.00 per hour. A personal resume outlining Ms. Tibbs' experience and background is attached hereto.

III.

Hourly rate of other members of the firm to include paralegals and clerks: The hourly rate of other members of the firm, including Charles M. Goetz, Jr. and Scott M. Zahler, will be charged at \$165.00 per hour. The hourly rate for any work handled by a paralegal and/or clerk will be billed at \$50.00 per hour.

IV.

Size of firm and expertise of members of the firm: Please refer to the law firm brochure for Goetz, Tibbs & Zahler is attached hereto. (Three copies are attached.)

V.

Experience of members of the firm in Municipal law: Each partner of Goetz, Tibbs & Zahler has extensive experience in handling matters in municipal, state, federal, administrative and appellate courts.

VI.

Experience of members of the firm in litigation: Philippa Tibbs, the primary member of the firm to represent the firm with the City, has eleven years of experience as a litigator. Charles Goetz has thirty-three years of experience as a litigator and Scott Zahler has been

Charles Goetz has thirty-three years of experience as a litigator and Scott Zahler has been a litigator for six years. Additional information and a representative sampling of matters handled are outlined in the attached law firm brochure.

VII.

Location of office to serve Peachtree City and number of staff members of firm located in that office: The Goetz, Tibbs & Zahler law office is located in Buckhead at 15 Piedmont Center, Suite 1070, 3575 Piedmont Road, N.E., Atlanta, Georgia 30305. In addition to three partners, one secretary will be available to handle matters on behalf of Peachtree City.

VIII.

Biographical data on members of firm: Biographical data is provided on Philippa Tibbs, Charles Goetz, and Scott Zahler in the attached law firm brochure.

Respectfully submitted, this 5th day of November, 1999.

A handwritten signature in black ink, appearing to read "Philippa V. Tibbs", written over a horizontal line.

PHILIPPA V. TIBBS
GOETZ, TIBBS & ZAHLER
15 Piedmont Center, Suite 1070
3575 Piedmont Road, N.E.
Atlanta, Georgia 30305
(404) 841-9000, Ext. 22

GOETZ, TIBBS & ZAHLER
15 Piedmont Center, Suite 1070
3575 Piedmont Road, N.E.
Atlanta, Georgia 30305
Phone: (404) 841-9000, Ext. 22
Facsimile: (404) 841-6677
E-Mail: tibbspv@aol.com

University of Oklahoma College of Law
Norman, Oklahoma
Juris Doctor – May 1988

American Jurisprudence Award – Criminal Law
Phi Delta Phi International Honor Legal Fraternity
Bess Zeldich Ungerman Scholarship Recipient

Langston, Oklahoma
Bachelor of Science (*Magna Cum Laude*)
Business Education – May 1985

March 1998-present Partner – Goetz, Tibbs & Zahler
1992-1998 Senior Associate – Charles M. Goetz, Jr., Attorneys
at Law and predecessor firm
Atlanta, Georgia
Corporate & Business Law, Contract Law, Insurance Defense,
Products Liability, Premises Liability, Construction Litigation,
General Civil Litigation

1988-1992 Associate
1987-1988 Legal Intern
Edmonds, Cole, Hargrave, Givens & Witzke
Oklahoma City, Oklahoma
Insurance Defense, Products Liability, Medical Malpractice,
Premises Liability, General Civil Litigation

1990-1992 Adjunct Professor
Langston University
Oklahoma City Urban Campus
Instructed Undergraduate Level Business Law and Education
Courses

BAR ADMISSIONS:	1988	Oklahoma Bar Association
	1993	State Bar of Georgia
	1998	Illinois State Bar Association

COURT ADMISSIONS:	Supreme Courts of Georgia, Oklahoma and Illinois
	Georgia Court of Appeals
	United States District Court, Northern & Middle Districts of Georgia
	United States District Court, Northern & Western Districts of Oklahoma

PROFESSIONAL MEMBERSHIPS: American Bar Association, Oklahoma Bar Association, State Bar of Georgia; Illinois State Bar Association, Chicago Bar Association, Atlanta Bar Association, Oklahoma Trial Lawyers Association - 1988-1992, William J. Holloway, Jr. American Inn of Court CV - 1991-1992

CIVIC INVOLVEMENT:	1999-2000	Atlanta Volunteer Lawyers Foundation Board of Directors
	1998-1999	D.M. Therrell High School Law and Government Magnet Program Advisory Board
	1990-1992	CONTACT Crisis Helpline Board of Directors Oklahoma City, Oklahoma

BAR INVOLVEMENT:

NATIONAL:	1997-2000	Member, Tort and Insurance Practice Section Membership Committee
	1997-1998	Chair, Young Lawyers Division (YLD) Membership Committee
	1996-1997	Chair, YLD Communications Committee
	1995-1998	Member, YLD Long Range Planning Committee
	1995-1998	Member, YLD Cabinet
	1994-1995	Member, YLD Affiliate Outreach Project National Conferences Team
	1993-1998	Member, YLD Resolutions Committee
	1993-1994	Chair, YLD Awards of Achievement Committee
	1992-1993	Vice Chair, YLD Awards of Achievement Committee
	1991-1992	Member, YLD Awards of Achievement Committee

GEORGIA:	1999-2000	Chair, Atlanta Bar Association Law Week Committee
	1998-2000	Treasurer, Atlanta Bar Association, Atlanta Council of Younger Lawyers
	1997-1999	Member, Atlanta Bar Association, Police Scholarship Commission
	1996-1998	Board Member, Atlanta Bar Association, Atlanta Council of Younger Lawyers
	1996-2000	Member, State Bar of Georgia Committee on Standards in the Profession

1996-97	Chair, Membership Committee
1995-96	Director
1995-96	Member, Nominations Committee
1995-96	Member, Elections Committee
1994-96	Member, Long Range Planning Committee
1994-96	District Representative
1994-95	Chair, Law School Placement and Forums Committee

REFERENCES AVAILABLE UPON REQUEST

TIMOTHY H. BENDIN
ALEXANDER H. BOOTH
KARL M. BRAUN
REBECCA T. CHRISTIAN
L. CLINT CROSBY
MES H. FISHER, II
MICHAEL G. FRICK
PHILLIP E. FRIDUSS
T. ANDREW GRAHAM
CHEVEDA D. GRIER
JOHN E. HALL, JR.
FRED L. HUBBS, JR.
NOEL L. HURLEY
SHARON DAVIS KING
JAMES E. LOOPER, JR.

Hall, Booth, Smith & Slover

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

230 Peachtree Street, N.W., Suite 2500
Atlanta, Georgia 30303-1515
404-954-5000 FAX 404-954-5020
EMAIL: MAIL@hbss.net

220 East Second Street, Suite B
Tifton, Georgia 31794
912-382-0515 Fax 912-382-1676

JONATHAN MARIGLIANO
ROGER G. MARTIN
HEATHER C. MCGROTTY
DEBORAH S. MOSES
MICHAEL A. PANNIER
ASHLEY D. PHILLIPS
STEVEN D. PRELUTSKY
ROBERT S. REGISTER
ROBERT L. SHANNON, JR.
RICHARD N. SHEINIS
JACK G. SLOVER, JR.
RUSH S. SMITH, JR.
ROGER S. SUMRALL
WENDY A. WEBER

Writer's Direct Dial Number
(404) 954-6925
pfriduss@hbss.net

November 17, 1999

Brenda Rogers
Personnel Manager
City Hall
151 Willowbend Road
Peachtree City, GA 39269

Dear Brenda:

Please accept this as my formal proposal for legal services for the position of City Attorney for Peachtree City. Local government practice has comprised at least 80% of my caseload for eleven years now. Below you will find an outline of my experiences in this unique practice area.

LOCAL GOVERNMENT REPRESENTATION - Since 1989 I have represented over 100 cities, counties, school boards, water authorities, zoning boards, the State of Georgia, and unified governments. The variety of cases I have handled range from employment cases to zoning cases, from First Amendment Free Speech and Freedom of Religion cases to prisoner cases, and from wage and hour litigation to due process and equal protection claims.

In furtherance of the representation of these governmental entities, along with appearances in numerous courts in the state system, I have appeared over twenty (20) times in the United States Court of Appeals for the Eleventh Circuit, practice currently in all Federal Districts in the State, and have appeared before the Georgia Court of Appeals and the Georgia Supreme Court.

CITY ATTORNEY EXPERIENCE - After serving a stint as a zoning board member, I served as Villa Rica City Attorney in 1993. Thereafter, I served as the Whitesburg City Attorney from 1994 to 1997.

Brenda Rogers
Personnel Manager
City Hall
November 17, 1999
Page 2

As City Attorney for these municipalities, I likely was involved in the very types of situations on a day-to-day basis that arise in Peachtree City.

ON THE NATIONAL LEVEL - I presently serve as Chairman of the American Bar Association's Governmental Operations and Liability Committee. This follows my service as Chairman of the American Bar Association's Sub-Committee on Civil Rights and First Amendment Liability, a position which I either held or shared for nearly three years.

I also serve on Senator Paul Coverdell's Crime and Law Enforcement Task Force, providing the Senator advice on various Fourth and Fourteenth Amendment issues.

PUBLICATIONS AND SPEECHES - I have authored numerous law review and trade publication articles, the most recent of which I enclose an author's copy with this correspondence. I have spoken to the Federal Bar Association on police pursuit liability (Dallas, Texas 1997) and at the ABA's Nuts And Bolts of Municipal Law Seminar on the issue of open records (Chicago, 1998).

I also author a newsletter on local government liability, and I take the opportunity to enclose a past edition herewith.

Here at Hall, Booth, Smith & Slover, I chair the Firm's local government section, which has five members in it. I also often draw on the experience of my partner, Jack G. Slover, Jr., who served as the Mitchell County Attorney for four years in the 1980's, and who currently serves as a part-time Magistrate Judge in Fulton County.

A proposal for legal services to Peachtree City would be based upon an hourly fee basis. As I believe the welfare of Peachtree City is central to the overall development of my own home here in Fulton County, our proposal is to charge you my "best client rate" at the hourly rate of \$125 for my services. For any work performed by my associates, we would charge \$110 per hour. Paralegals will be billed at \$70 per hour.

This Firm presently has thirty-six (36) lawyers (copy of most recent roster enclosed with Firm resume). We would require no retainer, but would ask that we be allowed to bill for services rendered on a monthly basis.

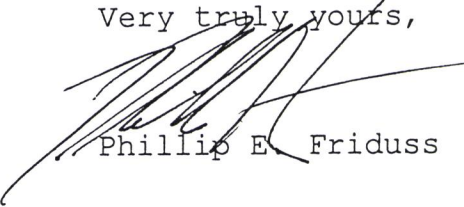
Brenda Rogers
Personnel Manager
City Hall
November 17, 1999
Page 3

Our office is located in Downtown Atlanta, and it would be necessary to service you from there. Of course, in-person attention is often required outside the usual called meetings, and we certainly will see that this is flawlessly accomplished. Billing for travel time will be reduced by ½ as a service to your City.

I very much look forward to the opportunity to meet with you to discuss the possibility of my serving as City Attorney for Peachtree City.

With best regards,

Very truly yours,



Phillip E. Friduss

PEF:rs

Enclosures

TIMOTHY H. BENDIN
ALEXANDER H. BOOTH
KARL M. BRAUN
REBECCA T. CHRISTIAN
CLINT CROSBY
MES H. FISHER, II
MICHAEL G. FRICK
PHILLIP E. FRIDUSS
T. ANDREW GRAHAM
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FRED L. HUBBS, JR.
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ROBERT S. REGISTER
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RICHARD N. SHEINIS
JACK G. SLOVER, JR.
RUSH S. SMITH, JR.
ROGER S. SUMRALL
WENDY A. WEBER

Writer's Direct Dial Number
(404) 954-6925
pfriduss@hbss.net

January 4, 2000

Marcie Blind
Peachtree City, Georgia
Purchasing Office
151 Willowbend Road
Peachtree City, GA 30269

Dear Ms. Blind:

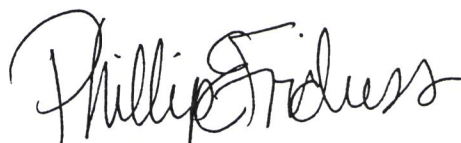
This firm and the undersigned recently submitted a proposal for the position of City Attorney for Peachtree City, Georgia. I am now in receipt of your December 27, 1999 correspondence with a new request for submittal. As a result of the City Counsel's decision to merge the Solicitor's duties with that of City Attorney. Please accept the following as a supplement to our earlier submittal.

I have enclosed a copy of the resume of Roger G. Martin, an attorney with this firm. He is presently the Assistant Solicitor in the City of Decatur (a part-time position), and has expressed interest in providing and overseeing the Solicitor duties for the City of Peachtree City, as part of the overall services we are offering in response to your request for City Attorney/Solicitor proposals.

Should you require further information from me, please do not hesitate to call. I look forward to hearing from you.

With best regards,

Very truly yours,



Phillip E. Friduss

PEF:rs

ROGER G. MARTIN, ATTORNEY AT LAW

2398 Alston Drive S.E. Atlanta, Georgia 30317-3127

(404) 377-3365

PROFESSIONAL EXPERIENCE:

1998-PRESENT ATTORNEY - Hall, Booth, Smith and Slover, P.C.

Worked directly with two Senior Partners on major insurance defense cases for thirty lawyer law firm;
Cases included medical malpractice, large commercial liability claims, coverage questions, and related matters;
Experience with all aspects of the discovery process including depositions, request to parties and non parties;
Developed and maintained independent case list and clients;

1998-PRESENT ASSISTANT SOLICITOR City of Decatur (part-time position)

1988-1998 STAFF ATTORNEY - The Honorable Jack B. Smith, Senior Judge, State Court of DeKalb County

Managed and directed all operations of the Senior Division;
Total responsibility for preparation of all legal opinions, orders, and correspondence;
Extensive trial experience with criminal and civil matters including jury selection, direct and cross examination, opening and closing, and motion practice;
Working familiarity with DeKalb Courthouse and personnel.

1987-1988 CORPORATE COUNSEL - LanPro Communications, Inc.

Directed all corporate legal affairs for a leading multimillion dollar computer networking company, including staff supervisions, litigation management and direction;
Drafted all corporate documents including Buy-Sell Agreements, Stock Repurchase Agreements, corporate resolutions and all related documents including required filings;
Served on Board of Directors until 1995

1986-1987 TRIAL ATTORNEY - The Keenan Law Firm

Supervised Social Security Disability Department;
Provided trial assistance with medical malpractice, personal injury, and Worker's Compensation cases;
Legislative liaison and lobbyist for plaintiff's issues.

1985-1986 ATTORNEY - Georgia Department of Labor

Supervisor of Bankruptcy Unit involving over 1500 cases;
Researched, developed, and drafted Departmental Legislation;
Advocate for Department at Liability Hearings;
Counsel to The Board of Review.

RESUME OF QUALIFICATIONS
ROGER G. MARTIN, ESQ.
PAGE TWO

1983-1984 LEGISLATIVE AIDE - Senator Janice Horton

Directed, research and drafting of all legislation;
Monitored all pending legislation;
Conducted lobby activities among Members of the General Assembly;
Directed constituent services.

1981-1983 LEGISLATIVE AIDE - Senator Roy Barnes

Assigned as Legislative Aide to Special Judiciary Committee
Provided legal research, tracking operations and drafted synopsis
on all pending legislation
Directed all legislative and constituent services for Senator Roy
Barnes

EDUCATION:

Georgia State University
College of Law; June, 1985
Admitted, Georgia Bar November, 1985

Georgia State University
B.A. Cum Laude in Political Science; June, 1982
Honors student during all dates of attendance

HONORS AND AWARDS:

1997-1999 COMMISSIONER - National Conference on Uniform State Laws
Appointed by Governor as Commissioner to the National Conference
of Commissioners on Uniform State Laws.

REFERENCES:

The Honorable Jack B. Smith,
Senior Judge
State Court of DeKalb County

David Rutledge
Chief of Public Safety
Department of Public Safety
Trinity Avenue
Decatur, Georgia 30303

Michael Maloof
Attorney at Law
South McDonough Blvd.
Decatur, Ga. 30030

The Honorable Edward E. Carriere
Judge,
State Court of DeKalb County
556 South McDonough Blvd.
Decatur, Ga. 30303

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Clerk 

VIA: City Manager

DATE: April 27, 2000

SUBJECT: City Council Meeting Procedures Ordinance

The changes that were discussed at the last meeting have been incorporated into the attached ordinance for your consideration at the meeting on May 4th.

CITY COUNCIL MEETING PROCEDURES AND RULES

Section 2-31 GENERAL PROVISIONS

- (a) Scope of Rules. These rules shall govern the conduct of the City Council and shall be interpreted to ensure fair and open deliberations and decision making.
- (b) Technical Parliamentary Forms Abolished. ~~Except as specifically required by these rules, the Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry, or other technical forms.~~
- (c) Matters not covered. Robert's Rules of Order shall govern for any matter, order or procedure otherwise not covered by these rules. ~~shall be referred to the presiding officer, who shall decide the matter with the assistance and advice of legal Counsel. The decision shall be made in conformity with the purpose of these rules in a fair and expeditious manner. The decision of the presiding officer may be reversed by a majority vote of the City Council.~~
- (d) Interpretation. These rules are intended to supplement and shall be interpreted to conform with the statutes of the State of Georgia and the City of Peachtree City.
- (e) Quorum. The Mayor and three Council members, or four Council members without the Mayor shall constitute a quorum as defined in the City Charter Section 4. The presence of a quorum is necessary for Council to take official action on an item; however, three affirmative votes are necessary for any motion to pass. To avoid the appearance of impropriety, no more than two members of City Council (including the Mayor) shall meet to discuss any public matter, official business, or policy unless such meeting is held accordance with the Georgia Open Meetings Law (O.C.G.A. 50-14-1 through 50-14-6).

Section 2-32. TIME AND PLACE OF MEETING

- (a) Regular Meetings. Regular meetings of the City Council of Peachtree City shall be held the first and third Thursday of each month at 7:00 p.m. in the City Council Chambers. However, the Mayor shall be authorized to cancel meetings and make temporary changes in meeting dates when such actions are for the convenience of the public. Appropriate notice of such cancellation or change in meeting date shall be provided to the public and Council members.

- (b) Special Meetings. Special meetings shall be called by the Mayor as needed. Any Council member may request the Mayor to call a special meeting and such meeting shall be called. At least twenty-four (24) hours notice to the public must be provided.
- (c) Time to End Meetings. No agenda item of an open meeting other than one under consideration will be discussed after 11:00 p.m. Council shall have the authority to suspend this requirement and adopt other procedures by majority vote.

Section 2-33 AGENDA

- (a) Preparation of Agenda. Prior to each regular Council meeting, the City Clerk shall publish an agenda, which contains all items the Council anticipates acting upon at the meeting. A notice shall be placed on the agenda stating: "This agenda may change at any time up to 24 hours prior to the meeting." The agenda shall be published the Friday prior to each regular scheduled meeting.
- (b) Consent Agenda. In preparing an agenda the City Clerk, ~~shall~~ may separately designate items as "Consent Agenda", which may be acted upon by the Council as described in 2-36(f) of this ordinance. The Consent Agenda shall consist of routine, non-controversial items, which (in the City Manager's determination) can be appropriately considered in bulk at the Council meeting.
- (c) Citizen-Agenda Item Request. Any ~~citizen~~ person may request to have an item placed on the agenda, by filing such request in writing with the City Clerk prior to 5:00 p.m. on the Friday preceding the Council meeting. Such item may not be placed on the agenda if Council has already decided the issue within 180 days.
- (d) Extra Items. Items requested, or filed after 5:00 p.m., on the Friday preceding a Council meeting shall not be included on the agenda unless the Mayor, a Council member, the City Manager, or the Assistant City Manager deems the item of sufficient urgency to warrant immediate Council action. These additional items shall be added no less than 24 hours prior to the scheduled meeting. The City Clerk shall record the name of the person adding the item on the agenda.
- (e) Reconsideration of agenda Items. The City Clerk shall not place on the agenda any matter for reconsideration within 180 days of Council action unless sponsored by a Council member or Mayor who voted on the

originally prevailing side or who was absent at the time of the original action.

- (f) Staff Withdrawal of Items. Only the person (or designated representative) requesting the placement of an item on the agenda may withdraw the item prior to the Council meeting. Council shall be advised of the reason why the item is being withdrawn. The item withdrawn may, nonetheless, be acted upon in the discretion of the Council.
- (g) Council Action to Defer, (Table), Continue or Not Act. The Mayor or a Council member wishing Council to defer action or continue an item has a right to make a motion to continue, defer or not act on any item considered before any other action, which Council may consider.

Section 2-34 CONDUCT OF MEETINGS

- (a) Call to Order. The Mayor or Mayor Pro Tem shall call the meeting to order at the appointed hour. The presiding officer shall control discussion of the Council on each agenda item to assure full participation in accordance with these rules.
- (b) Order of Consideration of Agenda. Except as otherwise provided in these rules, each agenda item shall be considered in numerical order. The presiding officer shall separately announce each agenda item for the purposes of discussion and consideration. To announce an item, it shall be sufficient to identify the item by its number unless someone in attendance requests greater specificity.
- (c) Discussion. A Council member shall speak only after being recognized by the presiding officer. A Council member recognized for a specific purpose shall limit remarks to that purpose. A Council member, after being recognized, shall not be interrupted except by the presiding officer to enforce these rules.
- (d) Presiding Officer's Right to Enter Into Discussion. The Mayor, or other presiding officer, as members of the Council, may enter into any discussion.
- (e) Limit on Remarks. Each Council member shall limit his or her remarks to a reasonable length.
- (f) Presiding Officer's Right to Speak Last. The presiding officer has the right to ~~close the debate and~~ speak last on any item.

- (g) Closing Debate. ~~The Mayor or presiding officer shall close discussion on any item with concurrence of a majority of the Council. A call for the vote shall not close discussion if any member of the Council still wishes to be heard or the presiding officer determines the continued participation of citizens will be helpful to Council.~~

At any point during a debate, except when a Councilmember is speaking, the Mayor or presiding officer may close the debate and either make a motion, which concerns the subject of the debate or request that such a motion be made. If the motion is seconded, then the Mayor or presiding officer shall call for the vote on the motion unless a Councilmember makes a superceding motion to re-open the debate. If this superceding motion is seconded, the Mayor or presiding officer shall call for the vote on the superceding motion. If a majority of the Mayor and Councilmembers vote to continue the debate, then the debate shall be continued.

At any point during a debate except when the Mayor or another Councilmember is speaking, a Councilmember may make a motion to limit the additional time to debate the issue or close the debate. If the motion is seconded, then the Mayor or presiding officer shall call for a vote on the motion to either limit or close the debate. If a majority of the Mayor ~~and~~ Councilmembers vote to limit or close the debate, then the debate shall be limited or closed.

Section 2-35 **CITIZEN-PUBLIC** PARTICIPATION

- (a) Citizen's- Right to Address Council. Persons other than Council members ~~shall may~~ be permitted to address the Council only upon specific agenda items. Any person that is publicly disparaged during the meeting by a city employee, or appointed official/contractor shall, upon request, be granted one opportunity to address Council for up to three minutes and respond to the remarks that were made.
- (b) Manner to Address Council. A person who desires to address the Council shall raise their hand to be acknowledged by the Mayor or presiding officer. They shall then step to the podium, state his or her name, address, and group affiliation (if any) and speak clearly into the microphone.
- (c) Time Limit on Citizen's Public Remarks. Persons granted permission to speak shall limit their comments to Citizens shall be limited to five three minutes speaking time per item unless the presiding officer grants additional time. The presiding officer can limit the total time allocated for citizen-public input on a subject. A majority vote of the Council may extend the time limitations of this rule.

- (d) Remarks of Citizens Public Comment to be Germane. Citizen's Public comments must be directed to the subject under consideration. The presiding officer shall rule on the germaness of citizen comments. Citizens Anyone making personal, impertinent, or slanderous remarks shall be barred by the presiding officer from further comment before the Council during the meeting.
- (e) Applause. The Mayor or presiding officer can determine individuals to be out of order for applauding citizens' public comments. Applause for public comment is discouraged as it may discourage individuals with opposing views from speaking.
- (f) Matters not on the agenda. The Council may, in its discretion, allow citizens who wish to raise a matter not on the agenda and who have not filed a request, to address the Council at the end of the regular agenda. If action is required by Council, the item will be placed on a future the agenda for the next meeting.

Section 2-36 COUNCIL ACTION

- (a) Motion and Second Required. A member of the Council or the Mayor shall move all action requiring a vote. Motion must be seconded before the call for vote or it shall die for a lack of a second.
- (b) Motion to Reconsider. A motion to reconsider must be made by a Council member or the Mayor who was on the prevailing side in the original action or by a Council member absent at the time of the original action.
- (c) Motion by Presiding Officer. The presiding officer can make and second motions.
- (d) Call for Vote. At the conclusion of debate, the presiding officer shall call for a vote; however, a majority of the Council may also require a vote on any item.
- (e) Separate Consideration. Except as otherwise provided by these rules, each agenda item shall be voted upon separately
- (f) Action on Consent Agenda. Except as herein provided, the consent agenda shall be considered in bulk and voted upon with a single motion. At the time of consideration of the consent agenda, a Council member or the Mayor may announce items they wish to speak about or vote against.

The presiding officer ~~shall~~may also ask if any person in attendance wishes to speak on any item. Such items shall be considered separately and not as a portion of any motion to call for action on the remainder of the consent agenda. The City Clerk, on all matters contained in the Consent Agenda, shall record the yes and no votes on each item separately as if each item had been moved and voted upon separately.

- (g) Consideration Out of Order. With the consent of the Council, any agenda item may be considered out of the order listed on the agenda.
- (h) Recording Names Of Moving Members. The City Clerk shall record the name of the Council member or the Mayor making each motion and the member who seconded the motion.
- (i) Consideration Of Matters Not On Agenda. Any member of the Council or the Mayor may (at the close of the regular agenda) bring a matter not on the agenda to the Council's attention. Council shall not act upon such matter until it has been included on a later agenda.

Section 2-37 MISCELLANEOUS

- (a) Waiver of Ordinance Readings. A Council member or the Mayor may move to pass an ordinance, as presented, in written format without reading it for the record.
- (b) Applicability of Rules. These rules shall apply to the Council when meeting in any form.
- (c) Suspension of Rules. These rules, or any part thereof, may be suspended for a specific purpose by a majority of the Council.
- (d) Informal Relations. A member of the Council or the Mayor, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations, or opinions of the City Manager, Assistant City Manager, City Attorney or any City employee.

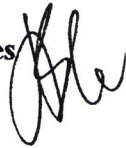
Section 2-38 PUBLIC HEARINGS

- (a) The City Clerk shall prepare, as separate portions of the agenda, a schedule of public hearings.
- (b) The following public hearing procedures shall apply to any zoning matters pending before the City Council or the Planning Commission.

1. The Mayor or Chairperson will allow each side equal opportunity to the floor and establish time limits.
 2. Members of the City Council or Planning Commission will become hearers. No action on their part is in order until the Mayor or Chairperson declares the hearing complete.
 3. The applicant, and those supporting the issue, including the City staff position (if appropriate) will be heard.
 4. Those opposing the issue, including the City staff (if appropriate) will be heard.
 5. Prior to closing the public hearing input portion of the meeting, the hearers and any member of the public will be given the opportunity to ask questions of either or both sides of the issue.
 6. When the Mayor or chairperson is assured that input is complete, the public hearing shall be ended and the appropriate body will then debate the issue and render a decision.
- (c) Any appeal or variance that may be brought before the City Council or any commission will follow the procedures outlined above. Exceptions are budget hearings and administrative hearings dealing with alcoholic beverage violations.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: City Manager
FROM: Director of Developmental Services 
DATE: April 25, 2000
SUBJECT: Proposed Black Property Rezoning

At the last Council meeting on April 20, 2000, this proposed rezoning was tabled because the applicant had not yet obtained signed releases from Mr. Black relative to his lawsuits with the City.

As of the writing of this memo, those releases have not yet been signed. Mr. Isenberg, the applicant's agent, has assured me they will be signed prior to the next meeting on May 4th. If that is the case, the position paper which has already been prepared will still apply. If not, the matter should once again be tabled or denied.

JBW/jir

POSITION PAPER
Proposed Rezoning: Black Property, GA 74 South
Director of Developmental Services
April 13, 2000

Situation:

Recently Centex Homes purchased the Black Property on GA 74 South. The entire 170-acre $\pm$ tract is zoned R-12 Residential. They intend to develop most of the tract in accordance with the R-12 zoning. However, they would like to rezone a 15.81-acre portion of the property adjacent to GA 74 for General Commercial purposes (Attachment "A").

Facts:

1. Because this property was rezoned against the owner's wishes from GI General Industrial to its current R-12 classification, it has been involved in legal action for many years.
2. The Land Use Plan indicates that a small portion of this property along GA 74 should be used for neighborhood commercial purposes.
3. The Thoroughfare Plan shows that Holly Grove Road should be extended through this property to intersect with GA 74 at the proposed commercial area.
4. Since the Land Use Plan was originally adopted in 1985, Fayette County has encouraged the development of a substantial number of new homes on one-acre lots in the unincorporated area in the vicinity of the proposed rezoning.
5. Also, since the adoption of the Land Use Plan, the Fayette County Board of Education has built a major school complex nearby at the intersection of GA 74 and Redwine Road.
6. The applicant is proposing a small retail shopping center of about 84,000 square feet, including a 55,000 square foot Kroger store (Attachment "B").
7. Also, the applicant is proposing three outparcels ranging from one acre to more than two acres in size. Presumably, one of these will be for a drug store.
8. The proposed center will have four curb cuts on GA 74. The main cut will be for the Holly Grove Road intersection; the other cuts will include two right-in/right-out

access drives and one full access drive at the north end of the project, primarily for deliveries to the grocery store and for employee parking.

9. The Planning Commission reviewed this project at its meeting on March 27, 2000. At that time, it voted to recommend that Council approve the proposed rezoning with the following conditions:
 - a) All lawsuits involving this property shall be dismissed prior to the rezoning becoming effective.
 - b) Holly Grove Road shall be connected from GA 74 to Robinson Road prior to the occupancy of the first business in the center.
 - c) A 50-foot landscaped buffer which has been approved by the Planning Commission shall be installed between the center and all residential lots prior to the occupancy of the first business.
 - d) Right-turn lanes shall be provided for all access drives. Left-turn lanes shall be provided for Holly Grove Road and the service drive on the north side of the site. All required medians and islands shall be landscaped. A traffic signal shall be installed at the Holly Grove Road intersection. All improvements are subject to the approval of the City Engineer and must be installed prior to the occupancy of the first business.
 - e) Approval of the zoning shall in no way imply approval of any specific site plan.

The applicant agreed to all proposed conditions (Attachment "C").

10. As of April 13th, the lawsuits associated with the property have not yet been dismissed.

Recommendations:

Staff recommends that the proposed rezoning be approved as recommended by the Planning Commission. It is in accordance with the Land Use Plan, and a neighborhood commercial center is needed to serve the population that currently exists in the area as well as the population that is anticipated to move into the area in the near future.

Proposed Rezoning: Black Property
April 13, 2000
Page 3

The proposed project would not appear to have an adverse impact on the surrounding area, and it would almost certainly have a positive impact on traffic at both the Braelinn Center and in the congested GA 74/GA 54 Corridor.

Because it appears there is some difficulty in getting the lawsuits dismissed, staff cautions Council to not take final action until it can be assured by the City Attorney that the condition has been appropriately complied with. If that cannot be accomplished by the meeting on April 20th, the hearing should be continued with the concurrence of the applicant.

JBW/jir

Attachments "A" – "C"

REQUEST FOR REZONING

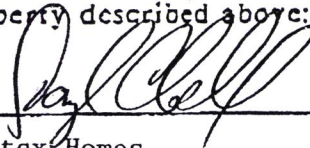
CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property: approximately 15.81 acres of real property in the NW corner of Holly Grove Road Extension and Hwy. 74.

This property is presently zoned: R12

The proposed zoning classification is: GC

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

Signature: 

Owner: Centex Homes

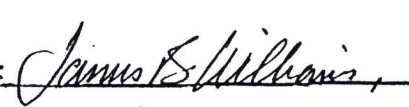
Agent: Darryl Colwell, Division Manager & MARVIN ISENBERG- 770-993-8481

Address: 135 Governor's Square Parkway, Suite B, Fayetteville, GA. 30215

Phone: (770) 486-7373

Date: 03/03/00

This request, along with the required fee and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature:  JAMES B. WILLIAMS

Title: ZONING ADMINISTRATOR

Date: MARCH 7, 2000

Request Number: 2000-02

Date of Planning Commission Public Hearing: MARCH 27, 2000

Date of City Council Public Hearing: APRIL 20, 2000

REZONING REQUEST

15.81 ACRES FRONTING HIGHWAY 74

We are requesting to rezone the existing property from R12 to GC for the purpose of developing a high end supermarket anchored shopping center with shops and outparcels catering to the adjacent neighborhoods.

Should the property be rezoned to GC, the City of Peachtree City would benefit from receiving taxes based on a higher millage rate. The estimated tax benefit for a typical supermarket shopping center will be approximately as follows:
 $\$7,000,000$ (estimated value) x 40% (assessed) x 4.06 mills = $\$11,368$.

The commercial development will not have any demand on public education.

Emergency services are provided by Station # 83 located at 450 Peachtree Parkway. Commercial uses tend to have less of a demand than residential uses for medical, fire and police services.

There will be no undue burdens on transportation. The shopping center customers will draw from the existing population.

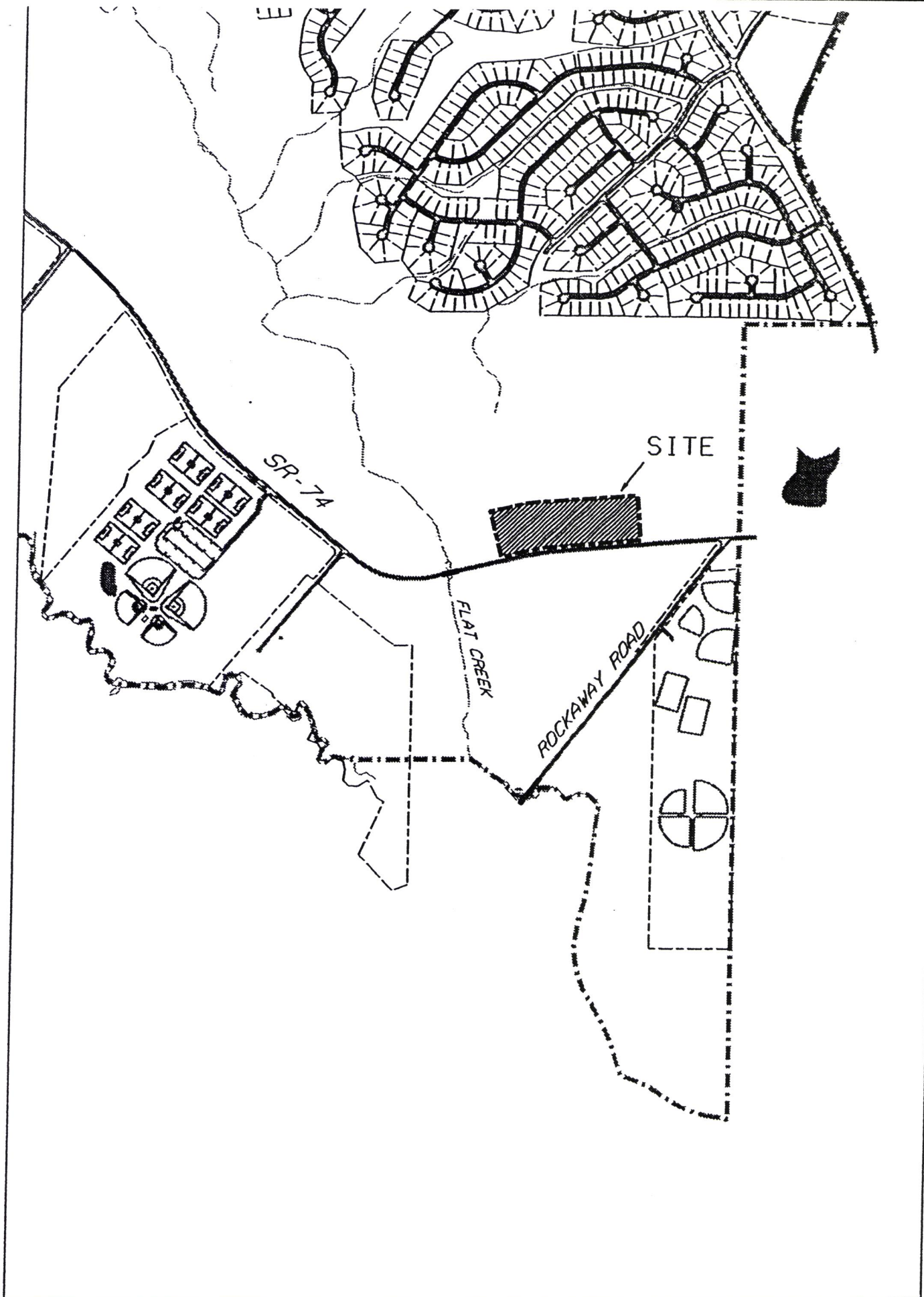
The utility providers are Coweta-Fayette EMC and Fayette County Water.

There are no public facilities on the property.

The topography of the land is ideal for commercial development. The topo survey and soil tests have indicated that there are no environmental issues at the site.

The proposed commercial development will not impact recreational programs in Peachtree City.

Overall, the development will be an asset to the City of Peachtree City in that it will provide amenities and convenience to the adjacent neighborhoods.



PAULSON MITCHELL

PROJECT:
PROPOSED
DEVELOPMENT
LAND LOTS 28
5th DISTRICT
FAYETTE COUNTY, GEORGIA
PEACHTREE CITY, GA.

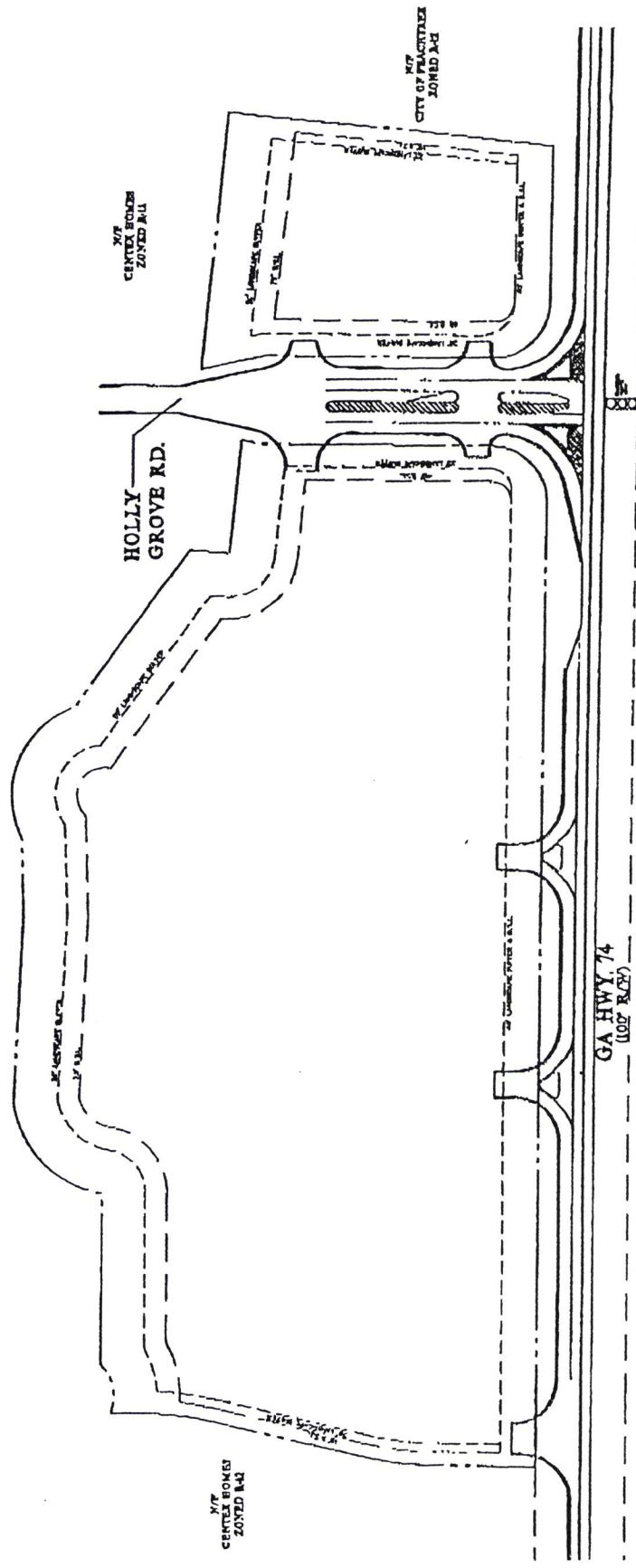
785

**COLUMBIA
PROPERTIES**
1355 TERRILL M'LL RD.
B'DG 1478; SUITE 200
MARIETTA, GA. 30067
(770) 553-6262

REVIEWS

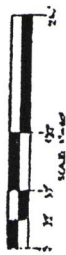
12 Dec 1956

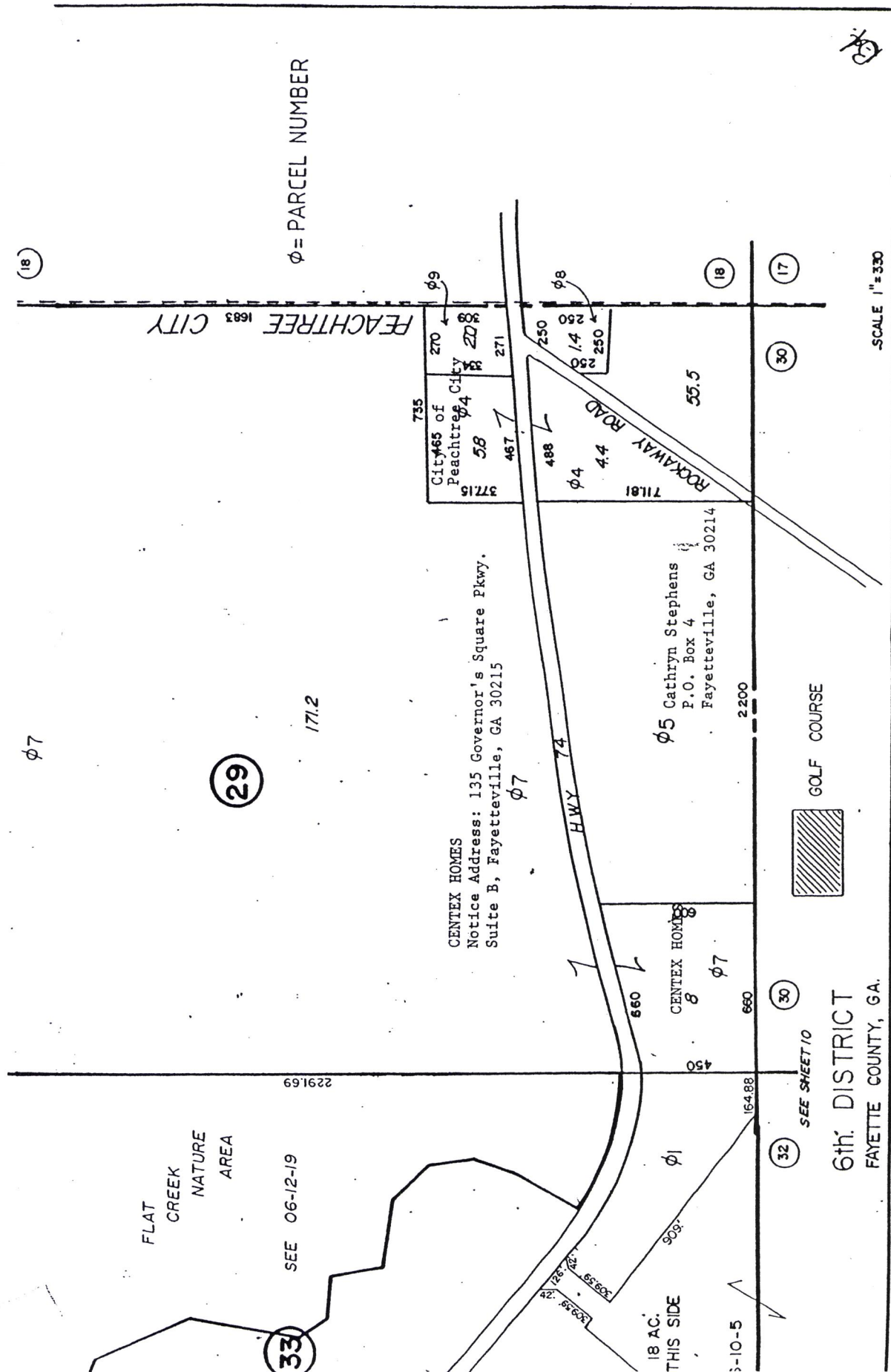
ZONING PLAN



SEALE 1" = 60'

ZONING PLAN





In response to a question from Mr. Finney, Mr. Lorber stated that berming would be provided to screen the cars from view and to screen the detention facility.

After discussion, a motion was made by Mr. Finney, seconded by Dr. Schumacher, and unanimously adopted to approve the landscape plan for the Sherwin Williams development subject to the following understandings and conditions:

- 1. Tree save credit in the amount of 25% will be granted for this site.*
- 2. The landscape contractor must coordinate with City Staff prior to implementation of this plan to field locate proposed vegetation as necessary. Any changes in location of the plant material must be approved by City Staff prior to installation.*
- 3. All sizes and types of plant material specified on this plan must be provided. Any substitutions or deviations from the approved landscape plan or plant list must be documented and submitted to Staff for approval prior to implementation.*
- 4. The backs of all curbs and sidewalks must be back-filled and properly graded prior to installing plant material, seed, sod or mulch.*
- 5. All areas within the GA 74 right-of-way disturbed by construction activities must be properly graded, aerated, fertilized, seeded and strawed.*
- 6. All disturbed areas of the site must be seeded, sodded or mulched prior to the issuance of a Certificate of Occupancy. All seeded areas must have germination and a significant stand of grass must be in place to qualify for stabilization.*

The Applicant agreed to the conditions.

PUBLIC HEARING

The Chairman called the public hearing to order. He explained the rules for conducting a public hearing and informed the people in the audience that printed copies of the rules were available at the entrance.

PH-00-03 Proposed Rezoning, Black Property, Commercial

Mr. Saunders opened the public hearing at 7:27 P.M. Mr. Marvin Isenberg, one of the applicants for this rezoning and the president of Piedmont Properties, was in attendance and was the first to address the Commission. Mr. Barry O'Neal, president of Columbia Properties, developer of over 40 Winn Dixie and Kroger shopping centers in and out of the metro-Atlanta area, was also in attendance. In addition, Mr. John Paulson of Paulson-

Mitchell, Inc., and Mr. Robert Brown of Jordan, Jones & Goulding, were also in the audience.

Mr. Isenberg explained the history of this property and the plans for its mixed-use development. He stated that Centex Homes had recently purchased the 170-acre ± Black Property on GA 74 South. It was zoned R-12 Residential; and most of it would be developed in accordance with that zoning. However, this 15.81-acre portion adjacent to GA 74 was proposed for General Commercial purposes. The plans were for a village concept that included a 55,000 square foot Kroger store as part of an 84,000 square foot retail development.

Mr. Isenberg pointed out that the Land Use Plan indicated that a small portion of this property along GA 74 should be used for neighborhood commercial purposes. He added that Mr. Black and the City Attorney had reached an oral agreement regarding the mutual dismissal of the three pending lawsuits involving this property. He also felt that providing a shopping center for this area of the City and the southern portion of Fayette County would help reduce traffic in the GA 54/74 intersection.

The Thoroughfare Plan showed that Holly Grove Road should be extended through this property to intersect with GA 74 at the proposed commercial area. Mr. Isenberg stated that he and City Staff were still in discussion regarding approximately 500 feet outside of this property that would also need to be paved. He added that their traffic impact study indicated a traffic light would be needed at this intersection and that they would be making the improvements to GA 74 required by DOT and/or the City.

The proposed center would have four curb cuts on GA 74. The main cut would be for the Holly Grove Road intersection, and it would be signalized. The other cuts would include two right-in, right-out access drives and one full access drive at the north end of the project, primarily for deliveries to the grocery store and employee parking.

Mr. Paulson explained the village concept and the landscape strips that would be installed. He stated that the center had been designed so that the Kroger store, which would receive most of the deliveries, was located farthest from the subdivision.

Mr. Williams represented City Staff and commended the applicants for their professionalism and willingness to respond to Staff's requests. He noted that, although this hearing was for the rezoning and not a site plan review, there had been tremendous improvement in the concept since their original submittal.

Mr. Williams explained that Staff felt this was the culmination of a dispute that had lasted over ten years regarding the 170-acre $\pm$ Black property of which this was a part. He stated that this entire area up to Foreston Place Subdivision had been zoned GI General Industrial. The City, on its own initiative, rezoned the property which prompted lengthy and ongoing litigation. Staff felt these lawsuits must be dismissed before City Council's public hearing on this rezoning.

Mr. Williams pointed out the importance of Holly Grove Road being connected from GA 74 to Robinson Road. He explained that this had not been an issue with Centex Homes because the City had little authority to require off-site improvements during a site plan review. However, with a rezoning the City had a little more latitude; and Staff felt this needed to be a primary condition of approval.

Mr. Williams emphasized that the 50' landscaped buffer between the residential and commercial areas would not be undisturbed. In order for the proper grading to be accomplished, the area would, in fact, be largely disturbed. City Staff recommended that a landscape plan be submitted to Staff, approved by the Planning Commission, and installed prior to occupancy of the shopping center.

Four entrances to the development would keep Kroger's delivery trucks away from the residential areas and would require good buffering and visual barriers along GA 74. This would be addressed during the site plan review process. Mr. Williams felt that going from three entrances to four was a substantial improvement in the plan. He stated that left-turn lanes from GA 74 would be needed for the two primary entrances, and right-turn decel lanes would be required for all of the entrances. Staff also felt landscaped islands and entrances to the center should be required. In summary, Mr. Williams stated that this center would serve a definite public need in that area.

Mr. Robert Brown of 102 Planterra Way in Planterra Ridge Subdivision felt the rezoning was probably a good idea. He felt it would help relieve the traffic on GA 74 North and provide a shopping area for residents in the southern part of the city and the county. He disagreed, however, that four entrances would be needed since the Braelinn and Kedron centers were larger than this one and only had three entrances. He also urged the developer and City Staff to carefully consider internal circulation and design during site plan review so that the backs of some businesses would not face the fronts of others. He supported a recommendation that the rezoning be approved but felt the design parameters deserved a closer look during the site plan review process.

Mr. Mike Nelson-Palmer of Kenton Place Subdivision was concerned about how this rezoning related to other zonings in the area of GA 74 and GA 85. He asked that the development plans for the area south of this property be investigated. Mr. Williams stated that this issue had been discussed with Fayette County. Although Staff had not been able to get any firm assurances from them, at the present time they were committed to non-commercial development in the unincorporated area; and it was hoped this would continue to be their position.

Dr. Schumacher felt it would be dangerous to allow a left turn onto Highway 74 from the truck entrance. Mr. Williams stated that, on the contrary, it would promote a safer shopping center because restricting left turns would force the traffic onto Holly Grove Road. Dr. Schumacher agreed the traffic should not be on Holly Grove Road. Mr. Williams added that the entrance would be designed to DOT standards for sight distance and that it would be a service entrance so very little automobile traffic would be involved.

Mr. Ames expressed concern regarding the lack of an acceleration lane onto GA 74 from the shopping center. Mr. Williams stated that DOT preferred a right-angle turn in situations like this because they have found them to be safer. He added that the City would support whatever DOT required.

Mr. Finney wondered how soon Rockaway Road would be realigned. Mr. Williams stated that, if it was not realigned prior to Highway 74 being four-laned, DOT would realign it at that time because its present alignment was unacceptable to them. He also stated that Mr. Isenberg was actively pursuing that realignment.

The public hearing was closed at 7:55 P.M.

Mr. Saunders pointed out that the plans for the Centex Homes development showed a north entrance to the subdivision, and this plan did not show that entrance. Mr. Williams explained that one of the improvements to this plan was the elimination of that entrance and the dedication of the entrance to the shopping center which gave the subdivision more privacy. He added that there would be a prepared surface between the shopping center and the last cul-de-sac on the north side of the subdivision that could only be used for emergency vehicles if needed.

Mr. Ames recommended that the 50' landscaped buffer between the homes and the shopping center be continued all the way to the last lot. Mr. Williams agreed that the plan needed to be improved in that regard.

In response to a question from Mr. Ames, Mr. Williams stated that the "basic concept" that was associated with this rezoning would include four entrances, two primary and two secondary. The two secondary entrances would be lined up with driveways that would go through the development. In addition, instead of facing GA 74, the large retail store in this development would be turned 90 degrees to GA 74 and face inward on the center.

Mr. Saunders was in favor of the rezoning but had some concerns about the specifics of the development. When the commercial development of this property was discussed in relation to the Centex Homes development, he felt the proposed plan was less intense than this one. Mr. Williams explained that a neighborhood shopping center was originally proposed; however, because that neighborhood now included a substantial population in the unincorporated area of the county, the size of the planned development had increased. He pointed out that, unless a level of service that would meet that demand was provided, another similar center would ultimately be developed outside the City. This proposed plan would meet the original needs anticipated for Peachtree City and would also meet the unanticipated needs in the county.

Mr. Saunders asked how this development would be impacted by the Traffic Ordinance. Mr. Williams stated that they would have to comply with the Ordinance and had already been working on it. He added that a commercial development in this location could actually help the traffic at the GA 74/54 interchange.

In response to a question regarding the Applicant's agreement with the second condition recommended by Staff, Mr. Isenberg stated that it was difficult to agree without knowing the cost. However, they did agree to the concept. Mr. Williams believed this could be worked out as long as everyone agreed that business could not be conducted within the center until Holly Grove Road was connected from GA 74 to Robinson Road. Dr. Schumacher commented that he was not particularly happy about having this through traffic but felt it was necessary for fire and safety, etc., because there was no other way into the development.

After further discussion, a motion was made by Mr. Ames, seconded by Dr. Schumacher, and unanimously adopted to forward the proposed rezoning to City Council with a recommendation that it be approved subject to the following conditions:

- 1. All lawsuits involving this property shall be dismissed prior to the rezoning becoming effective.*
- 2. Holly Grove Road shall be connected from GA 74 to Robinson Road prior to the occupancy of the first business in the center.*

3. *A 50-foot landscaped buffer which has been approved by the Planning Commission shall be installed between the center and all residential lots prior to the occupancy of the first business.*
4. *Right-turn lanes shall be provided for all access drives. Left-turn lanes shall be provided for Holly Grove Road and the service drive on the north side of the site. All required medians and islands shall be landscaped. A traffic signal shall be installed at the Holly Grove Road intersection. All improvements are subject to the approval of the City Engineer and must be installed prior to the occupancy of the first business.*
5. *Approval of the zoning shall in no way imply approval of any specific site plan.*

The Applicant agreed to the conditions.

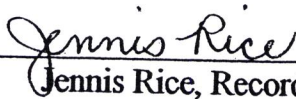
ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 8:21 p.m.



Wes Saunders, Chairman

Attest: _____



Jennis Rice, Recording Secretary

POSITION PAPER
Proposed Rezoning: Gibson Tract, Robinson Road/Redwine Road
Director of Developmental Services *JBW/jg*
April 26, 2000

Situation:

Mr. Bill Gibson of S & G Properties, Inc., has acquired an interest in the 10.77-acre tract on the east side of Robinson Road between Redwine Road and Holly Grove Church Road. The tract is currently zoned R-22 Residential for single-family detached lots of at least 22,000 square feet. Mr. Gibson has proposed that the property be rezoned to LUR Limited Use Residential for 31 lots (Attachment "A").

Facts:

1. The tract is bordered on the southwest by Robinson Road; on the east by Redwine Road; on the north by the Holly Grove Church; and on the northwest by what is currently Holly Grove Church Road, but which will eventually be a private driveway leading from Robinson Road to the Church (Attachment "B").
2. The adjacent Church property and the residential property across the existing Holly Grove Church Road right-of-way and greenbelt are currently zoned R-22 Residential.
3. The property across Robinson Road is zoned for and developed as R-12 Residential.
4. The property across Redwine Road is in the unincorporated area and is zoned and developed for one-acre residential lots.
5. The Land Use Plan calls for the tract to be developed as Single Family, Medium Density with lots that range from one-quarter acre to one acre. Also, the Land Use Plan encourages the use of "step down" zoning and cluster development.
6. The logical "step down" from the R-22 property to the north and the R-12 property to the west would be R-15 Residential. If the 10.77-acre tract were to be developed in accordance with R-15 standards (15,000 square foot lots), the absolute maximum number of lots that could be put on the property would be 31.
7. If an R-15 density would be acceptable in this area, Mr. Gibson would propose to develop the site as a cluster project with lots smaller than 15,000 square feet and generous buffers around the perimeter. He has submitted a conceptual site plan which illustrates how 31 lots could be arranged with the buffers (Attachment "C").

8. The proposed entrance to the area would be off Robinson Road, and the subdivision would be tied into the cart path system with a crossing at the corner of Robinson Road and Holly Grove Road.
9. The proposed lots would be a minimum of 5000 square feet, and the houses would be priced from \$200,000.
10. On April 10, 2000, the Planning Commission voted to recommend approval of the proposed rezoning with the following six conditions (Attachment "D"):
 - a) The number of lots shall be no more than 30;
 - b) There shall be a greenbelt or undisturbed buffer at least 60 feet wide around the entire perimeter;
 - c) The internal streets shall meet all city street standards;
 - d) The City Engineer shall approve the location of the entrance street on Robinson Road to assure adequate sight distance and other necessary safety considerations;
 - e) The developer shall be responsible for contributing a pro rata share of the cost of redeveloping Holly Grove Church Road into a private driveway; and
 - f) The developer shall be responsible for paying the Braelinn impact fee in addition to the above additional project costs.
11. The applicant agreed to the Commission's conditions.
12. A meeting has been held with representatives of the Holly Grove Church to explain the proposed rezoning. They were supportive of the proposal.

Recommendation:

The staff recommends that the zoning be approved for an LUR cluster subdivision as recommended by the Planning Commission.

JBW/jir

Attachments "A" – "D"

February 26, 2000

TO: Mr. Jim Williams
Peachtree City Hall
Planning & Zoning

FROM: Mr. Lee Briggs
Neighborhood of the Southern Shores
705 Avalon Way
Peachtree City

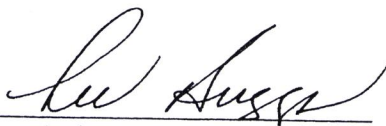
RE: REQUEST FOR ZONING VARIANCE

The purpose of this letter is to express the support of our household for the pending zoning variance concerning a side porch to be constructed at 707 Avalon Way, Peachtree City.

As the owner / occupier of the adjacent property which would be most affected, I have carefully reviewed the Mueller's plans and am of the opinion that this home improvement project will clearly improve the safety, aesthetics and re-sale value of our properties.

I anticipate being available to personally appear at the relevant City Planning Meeting when this application will be presented by Mr. Mueller, but wanted to provide written support in the event I am unable to attend.

Cordially,



Lee Briggs

2/27/00

Date

RE-ZONING REQUEST
FOR
ASHTON PARK
10.777 ACRES FROM R-22 TO LUR
PEACHTREE CITY, GA.

Submitted By:

S & G Properties, Inc.

516 Ashley Way

Peachtree City, Ga. 30269

March 17, 2000

Prepared By:

Bill Gibson

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property: The parcel of land bounded by Robinson Road, Holly Grove Road, and Redwine Road; lying and being in Land Lots 19 & 28 of the 6th District of Fayette County, Georgia, consisting of 10.777 acres.

This property is presently zoned: R-22

The proposed zoning classification is: Limited Use Residential (R-15 Density)

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

Signature: Bill Gibson

Owner: Peachtree City Holdings, L.L.C.

Agent: Bill Gibson, S & G Properties, Inc.

Address: 516 Ashley Way, Peachtree City, Ga. 30269

Phone: 770-486-1596 Date: 3-15-2000

This request, along with the required fee and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature: James B. Williams

Title: ZONING ADMINISTRATOR

Date: MARCH 20, 2000

Request Number: 2000-03

Date of Planning Commission Public Hearing: APRIL 10, 2000

Date of City Council Public Hearing: MAY 4, 2000

1. Introduction

The tract of land for which we are requesting rezoning is located within the City Limits of Peachtree City. The property is located on the North corner of the intersection Robinson Road and Redwine Road. Peachtree City currently has this parcel zoned R-22 for residential use.

The 10.777 Acre parcel of land is bordered on the West by Foreston Place S/D, which is zoned R-12. To the Northwest by Kenton Place S/D, which is zoned R-12. To the North there is Oakdale S/D, which is R-22, and the North also borders Holly Grove AME Church. The West side is Jefferson Woods in the County and is zoned as a PUD.

2. Proposed Zoning

The proposed zoning for the 10.777 Acre tract is LUR. The current zoning is R-22, with the surrounding zonings ranging from R-12 to R-15 to the West and Northwest, and R-22 to the North.

Reasons why this parcel should be an LUR zoning classification:

1. Due to the proximity of the surrounding roads it's important to pull the focus of the development in to the center of the tract of land. We feel its important to leave as much greenbelt and trees as possible. Since this tract is all woods, there would not be a need to create buffers and bermes as they would be in place naturally.
2. There would be considerably less land disturbed by changing to LUR.
3. The 31 lots we are requesting works out to R-15 density.
4. There would be only a single entrance to the subdivision off Robinson Road.

3. Existing Land

The 10.777 Acre tract is all woods, with mostly pine trees and a few hardwoods. This tract is bordered by Robinson and Redwine Roads and Holly Grove AME Church to the North.

4. The Plan

The site would be accessed off Robinson Road. All areas outside the home sites will remain undisturbed woods.

The proposed 31 Lot development would be LUR with the density of R-15. We propose having a minimum lot size of 5,000 sq. ft. and a minimum width of 55 ft. wide.
The projected housing prices would start around \$200,000.00.

We plan to connect the cart path to the existing cart path in the Foreston Place Subdivision. We will also be requiring sidewalks and street lights throughout the development.

5. Public Facilities

Emergency Services:

Fire Stations # 81 and 83 are approximately 2.0 miles from the site. These stations would provide the primary response for the subdivision.

Utilities:

This site is in the service area of Peachtree City Water & Sewer Authority, Fayette County Water, Coweta Fayette EMC, and Atlanta Natural Gas.

Tax Base:

The tax revenues for this subdivision would be created by the 31 homes, with a projected average value of \$200,000.00.

A \$200,000.00 average x 40% assessed x 34.65 mills x 31 homes = \$84,692.00 per year collected taxes.

Education:

The Fayette County Board of Education services this proposed subdivision. We feel this subdivision will sell mainly to Empty Nesters, thereby creating minimal demands on local schools.

Environment:

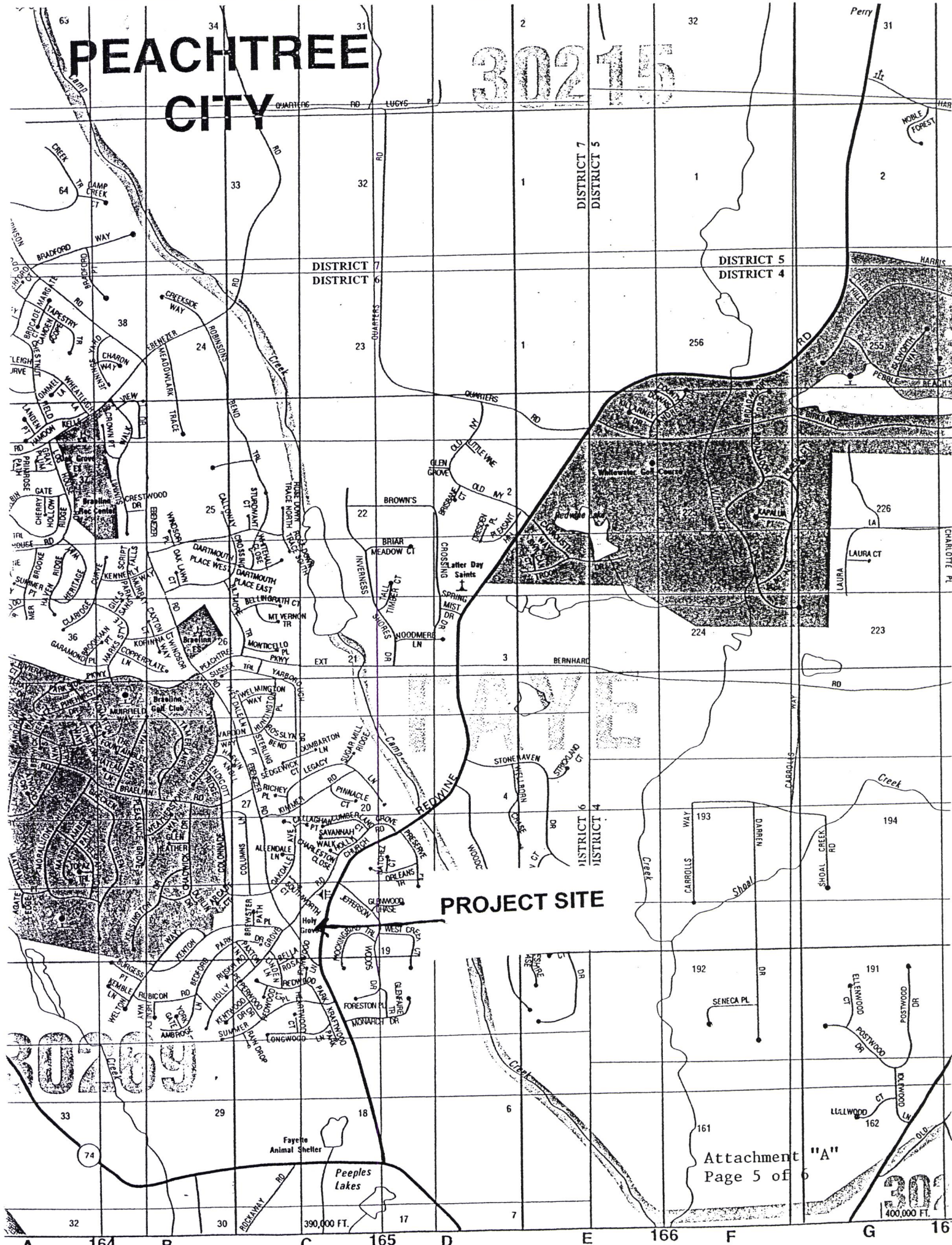
Erosion and water quality control features as well as any necessary detention facilities will be installed, as required by ordinance, to preserve the quality of the existing environment. These facilities will be submitted as a part of the normal engineering and construction plan approval process.

Implementation:

S & G Properties, Inc. will be the Developer of this property. Infrastructure is projected to commence in 2000 and have housing starts in late 2000.

PEACHTREE CITY

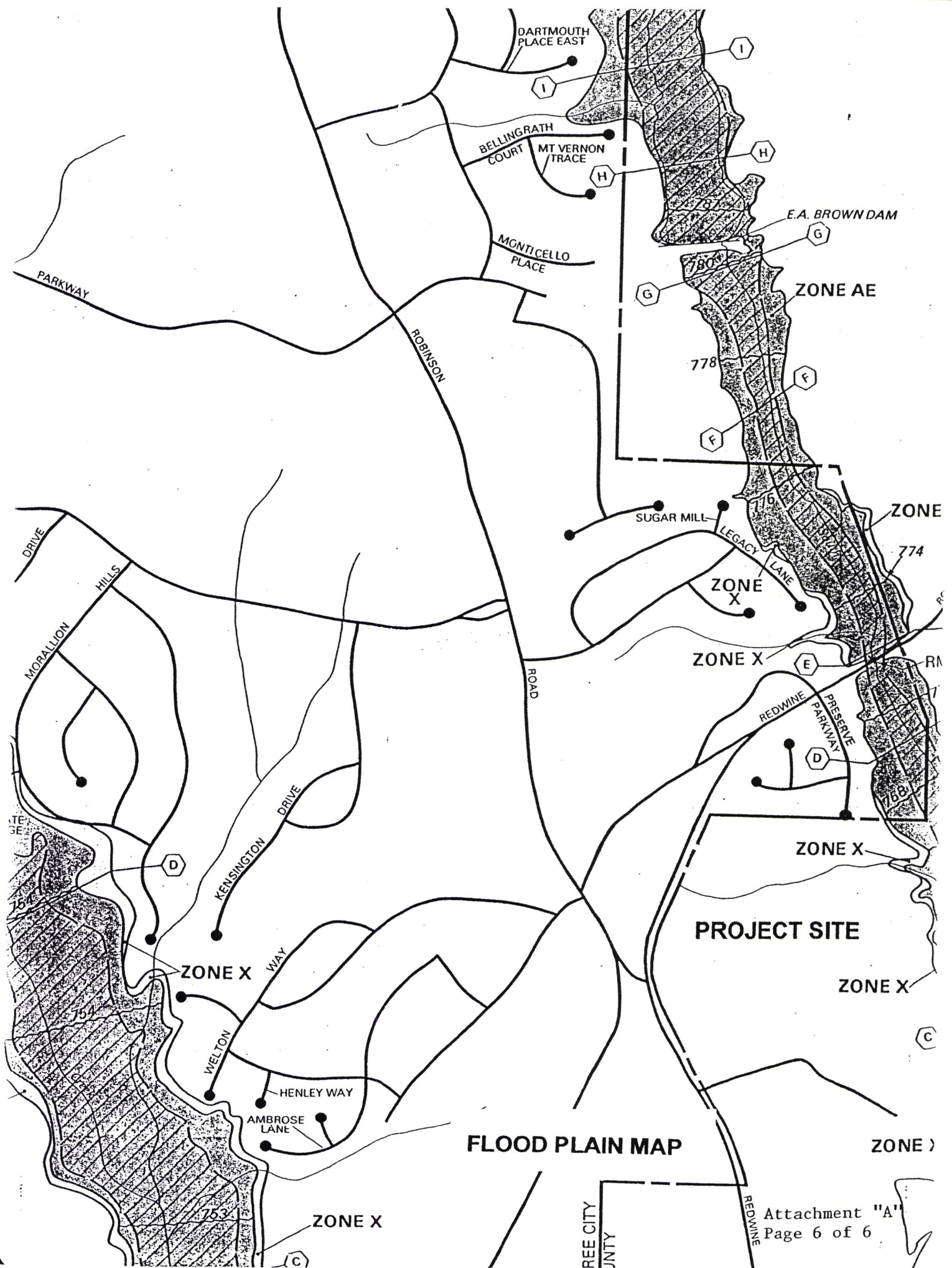
30215



PROJECT SITE

Attachment "A"
Page 5 of 6

30216
400,000 FT.



LEGEND

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
I.P.S. = IRON PIN SET - 3/4" STEEL RODS
I.P.F. = IRON PIN FOUND - 3/4" STEEL RODS
R/W = RIGHT-OF-WAY
C.L. = CENTER LINE
P.L. = PROPERTY LINE
N/F = NOW OR FORMERLY
C.M.F. = CONCRETE MONUMENT FOUND
M.H. = MANHOLE
C.O. = CLEANOUT
L.A.T. = LATERAL
S = SANITARY SEWER
L = ARC LENGTH
L.L.L. = LAND LOT LINE
P = EDGE OF PAVEMENT
C = BACK OF CURB
P.O. = POWER POLE
F = FIRE HYDRANT
D.E. = DRAINAGE EASEMENT
S.S.E. = SANITARY SEWER EASEMENT
B.L. = BUILDING LINE

NOTE: CONTOUR INTERVAL IS 2 FEET

CHURCH R-22

R-22

(SITE TBM)
EXIST. M.H.
TOP: 820.83
INV. 811.72 8" PVC

CATCH BASIN
TOP: 826.08
INV. 820.88

CATCH BASIN
TOP: 828.86
INV. 820.06

LL 28 LL 19

AREA: 10.777 ACRES
(469,483 SQ.FT.)

R-12

The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 138,819.2 ft. and an angular error of 0" per angle point, and the NO ADJUSTMENT rule was used for adjustment. A 1/2" was used to obtain linear measurements and a 1/2" was used to obtain angular measurements.

FIELD WORK PERFORMED: 1/22/92 & 2/21/00

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 138,819.2 FEET.

MARK R. WELBORN C.A.R.L.S. NO. 2711
Member Surveying and Mapping
Society of Georgia

VELBORN LAND SURVEYING, INC.

1175 ROSCOE ROAD
NEWNAN, GEORGIA 30263
PHONE: 770-254-1383 FAX: 770-254-1383
JOB NO: WLS-00-0084

C1
R=503.67'
Δ=18°22'55"
L=170.38'
T=86.01'
Ch=169.57'
S 38°17'55" W

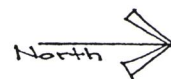
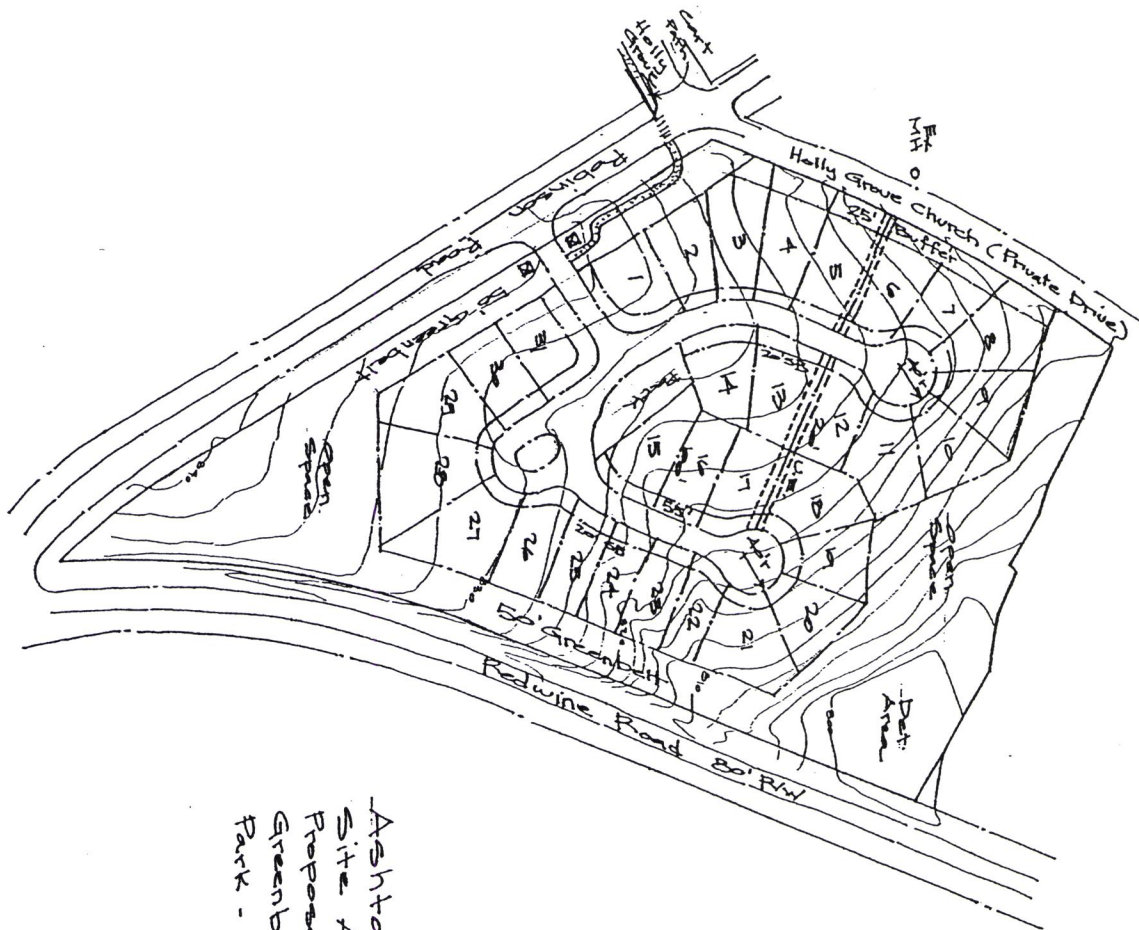
C3
R=1004.60'
Δ=31°17'22"
L=548.62'
T=281.34'
Ch=541.82'
S 09°56'04" W

0' 30' 60' 120'
GRAPHIC SCALE
1" = 60'

TOPOGRAPHIC BOUNDARY SURVEY
FOR

PATHWAY COMMUNITIES

LAND LOTS 19 & 28 6TH DISTRICT
PEACHTREE CITY, FAYETTE COUNTY, GEORGIA
SCALE: 1" = 60' DATE: 2/23/00



Ashton Park Subdivision
 Site Area - 10.77 Acres
 Proposed Zoning - LUR
 Greenbelts & Open Space - 3.2 Ac.
 Park - 0.2 Ac.

Scale - 1"=100'

NO	REVISION	CD	DATE

PROJECT NUMBER	DATE
38123	
DRAWN BY	CHECKED BY
BSM	BSM
ISSUE DATE	3/17/00
FILE NUMBER	
DRAWING NUMBER	1 OF 1

CONCEPT PLAN FOR A PROPOSED SUBDIVISION



INTEGRATED
 Science &
 Engineering
 278 SOUTH LEE STREET, DAVENPORTVILLE CA 95314
 (916) 776-4411 FAX (916) 776-4411

3. The West Village Annexation Task Force met on Tuesday, April 4th. Several sub-committees were formed to study a variety of issues. The next meeting had been tentatively scheduled for Tuesday, April 25th, at 7:00P.M. in City Council Chambers.
4. Staff received review comments from Atlanta Regional Commission (ARC) and DCA for the update to the Short Term Work Program and Capital Improvements Element. These comments would be incorporated into a revised submittal and forwarded to ARC.
5. Peachtree City was one of twelve municipalities in the metro-Atlanta region selected to receive funds from the ARC to prepare a study, which would determine ways to make the city more pedestrian-friendly. The City would focus on the GA 54 West corridor and would include existing and proposed commercial, retail, and residential developments.
6. The *Peachtree City Building Activity Report for the month of March 2000* was distributed.

APPROVAL OF MINUTES

A motion was made by Mr. Finney, seconded by Mr. Ames, and unanimously adopted to approve the minutes of the regular meeting of March 27, 2000.

PUBLIC HEARING

The Chairman called the public hearing to order. He explained the rules for conducting a public hearing and informed the people in the audience that printed copies of the rules were available at the entrance.

PH-00-04 Proposed Rezoning, Gibson Tract, R-22 to LUR

Mr. Saunders opened the public hearing at 7:15 P.M. Mr. Bill Gibson of S & G Properties, Inc., presented the rezoning request for the 10.77-acre tract on the east side of Robinson Road between Redwine Road and Holly Grove Church Road. The tract was zoned R-22 Residential for single-family detached lots of at least 22,000 square feet, and he proposed that the property be rezoned to LUR Limited Use Residential for 31 lots.

The tract was bordered on the southwest by Robinson Road, on the east by Redwine Road, on the north by the Holly Grove Church, and on the northwest by Holly Grove

Church Road which would eventually be a private driveway leading from Robinson Road to the Church.

Mr. Gibson explained that he felt a cluster development would benefit both the residents and the City. Instead of clearing the tract for larger lots, he stated that this project would pull the houses to the center of the property and leave generous buffers of at least 60 feet around the project. He stated that Staff had suggested the entrance to this subdivision and Holly Grove Church be coordinated. However, because it was unlikely the themes of the subdivision and the church would be similar, he wanted to be able to create an entrance that was unique to the new subdivision. In response to the request that he consider a contribution to the driveway to Holly Grove Church Road, Mr. Gibson stated that he would consider a reasonable contribution depending on the outcome of this rezoning.

Mr. Williams presented the staff position and stated that this could be called an "opportunity site." He explained that this was one of three or four undeveloped sites in Braelinn Village and one where something dramatic would eventually happen. Staff wanted to avoid an institutional use and felt a cluster project would be a good way to do that. Mr. Gibson's cluster project proposed 31 lots smaller than 15,000 square feet and generous buffers around the perimeter.

The proposed entrance would be off of Robinson Road, and the subdivision would be tied into the cart path system with a crossing at the corner of Robinson Road and Holly Grove Road. The proposed lots would be a minimum of 5000 square feet with houses of 2000-2400 square feet; pricing would start at \$200,000.

Mr. Don Gaines, a resident of The Preserve Subdivision, addressed the Commission to voice his support for this development. He stated that, although he did not speak for the entire subdivision, he had spoken to other homeowners who had seen a copy of the plat and were also in favor of it.

The public hearing was closed at 7:27 P.M.

After further discussion regarding detention, architectural review, and buffering, a motion was made by Mr. Ames, seconded by Mr. Granger, and unanimously adopted to forward the proposed rezoning to City Council with a recommendation that it be approved subject to the following conditions:

1. *The number of lots shall be no more than 30;*
2. *There shall be a greenbelt or undisturbed buffer at least 60 feet wide around the entire perimeter;*
3. *The internal streets shall meet all city street standards;*
4. *The City Engineer shall approve the location of the entrance street on Robinson Road to assure adequate sight distance and other necessary safety considerations;*
5. *The developer shall be responsible for contributing a pro rata share of the cost of redeveloping Holly Grove Church Road into a private driveway; and*
6. *The developer shall be responsible for paying the Braelinn impact fee in addition to the above additional project costs.*

The Applicant agreed to the conditions. Dr. Schumacher volunteered to be the Planning Commission representative for this project. He also requested that staff set up a meeting with representatives of the Holly Grove Church prior to the Council's public hearing to be sure they fully understood the proposed project. He asked to be included in that meeting.

NEW AGENDA ITEMS

04-00-01 Conceptual Site Plan, Multi-Purpose Rink at Kedron

The City Engineer, Mr. Troy Besseche, presented the conceptual site plan for the proposed multi-purpose rink and other recreational facilities adjacent to the Kedron Field House and Aquatic Center. The overall master plan included a covered in-line hockey arena, a multi-purpose field, a covered picnic pavilion, a playground and gathering area, and parking for 161 cars.

The site was 20.11 acres in size and located within the OS Open Space zoning district. Surrounding developments included Kedron Elementary School to the south, GA 74 to the west, City-owned greenbelt to the north, and the access drive for the field house to the east. Access was proposed from the existing road adjacent to Kedron Elementary School.

The property adjacent to the field house had been designated for park development for many years. Stormwater detention was not required because of the site's proximity to the floodplain. However, the Applicant was required to design a water quality basin to treat the first ½" flush of rainfall.

POSITION PAPER
Proposed Variance: Lot 80 Southern Shore Subdivision
Director of Developmental Services JBW/jf
April 26, 2000

Situation:

Mr. Michael J. Mueller, Sr., owns the property at 707 Avalon Way, Lot 80 Southern Shore Subdivision. He desires to construct a side porch addition on his home. The proposed addition would encroach into the required side setback a maximum of 3.9 feet. An application for a variance has been submitted to allow the proposed encroachment (Attachment "A").

Facts:

1. The required side setback is 10 feet.
2. There is currently a retaining wall on the site that encroaches into the setback. This is a permitted structure (Attachment "B").
3. The applicant wishes to construct the porch addition on top of the existing retaining wall.
4. If this is done, the porch would actually encroach into the setback 3.9 feet.
5. The applicant has included letters from the previous owner of the property (Attachment "C") and the adjoining property owner on the side of the proposed addition (Attachment "D").
6. The proposed variance has been properly posted and advertised.

Recommendation:

The staff recommends that the proposed 3.9-foot variance be approved as requested. It does not appear it would have an adverse effect on the neighborhood, and the closest neighbor is in support of the project.

The applicant needs to be advised that even if the variance is approved, he will still need to get a building permit and satisfy the Building Department that the proposed design is in accordance with all applicable building codes.

JBW/jir

Attachments "A" – "D"

REQUEST FOR VARIANCE
ZONING ORDINANCE, CITY OF PEACHTREE CITY

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

707 AVALON WAY (NEIGHBORHOOD OF THE SOUTHERN SHORES)

PEACHTREE CITY, GA 30269

The reason this variance is being requested is as follows: SEE "ATTACHMENT A"

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

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

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

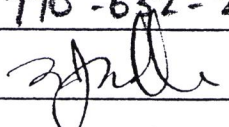
- Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- Whether or not the request is due to an intentional action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

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

Name: (Please type or Print) MICHAEL J. MUELLER, SR.

Address: 707 AVALON WAY, PTC, GA 30269

Phone: 770-632-2885

Signature: 

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

Signature: 

T. ZONING ADMINISTRATOR

Date of Acceptance: APRIL 5, 2000

Date of Public Hearing: MAY 4, 2000

March 2, 2000

Attachment A

When we originally purchased the home in March, 1999 from Bruce & Sharon Moore (please see enclosed letter of support from Bruce Moore), we believed that this home improvement project was not going to be one requiring zoning variance, as they had explained the house was placed on the lot by Ravin Builders with this future feature in mind.

In any event, as the enclosed photos show, the house and the entire street would benefit greatly from this side porch addition. The retaining wall is 10 feet from the house, which means that a 8-foot wide deck (i.e. the distance allowed without a zoning variance) would leave a 2-foot wide gap to the ground level below.

The extension of the deck to the retaining wall would mean greater safety, more appealing aesthetics, and higher re-sale value for my home as well as neighborhood properties (please see enclosed letter of support from Lee Briggs).

The actual construction would be performed by Mr. Dan Spradley; a reputable and high quality carpenter who has been working in Peachtree City for many years.

LINRY WOODCRAFTING
137 HIGHGREEN RIDGE
PEACHTREE CITY, GA. 30269
770-487-7798 /MOBILE 404-630-5951

DAN SPRADLEY

MR. AND MRS MUELLER
707 AVALON WAY
PEACHTREE CITY, GA. 30269
770-632-2885

SUNROOM ADDITION 10'X20'

PREPARE AREA FOR THE CONCRETE FORMS. EXCAVATE FOR THE FOOTINGS AROUND THE PERIMETER. A TERMITE TREATMENT WILL BE MADE BY THE HOMEOWNERS TERMITE COMPANY. A MONOLITHIC CONCRETE SLAB WILL BE POURED WITH ANCHOR BOLTS INSERTED IN THE CONCRETE EVERY 4' AROUND THE PERIMETER. A POSITIVE DRAIN WILL BE INSTALLED ON THE OUTER EDGE OF THE ROOM TO MOVE THE WATER AWAY FROM THE ROOM. WALLS WILL BE ERECTED AROUND THE PERIMETER WITH OPENINGS FOR THE WINDOWS AND THE DOORS REMOVED FROM THE EXISTING HOUSE. A OPENING FOR AN ADDITIONAL EXTERIOR DOOR WILL BE MADE AT THE EAST END OF THE ROOM.

RAFTERS WILL BE INSTALLED UP TO THE HEIGHT JUST BELOW THE WINDOW, WITH OPENINGS FOR 3 VELUX SKYLIGHTS(21 1/2" X45 1/2"). 1/2" SHEATHING WILL BE APPLIED TO THE RAFTERS ALONG WITH 30# FELT PAPER AND SHINGLES TO MATCH THE EXISTING HOUSE. SIDING WILL BE APPLIED TO MATCH THE EXISTING HOUSE AND THEN PAINTED TO MATCH.

INTERIOR: THE EXISTING WALL WITH THE WINDOWS AND DOORS WILL BE RAISED WITH A 13 1/2" BY 3 1/2" X 20' LAMINATED WOODEN BEAM TO OPEN THE ROOM. **ELECTRICAL** OUTLETS(6) WILL BE INSTALLED IN THE ROOM WITH ONE OUTSIDE OUTLET. AN OUTSIDE FLOOD LIGHT AND A DOOR SCONCE WILL BE PLACED OUTSIDE. INSIDE 4 RECESSED CAN LIGHTS WILL BE PLACED IN THE CEILING. **INSULATION:** R-13 WILL BE PLACED IN THE WALL CAVITIES BETWEEN THE STUDS. R-19 ALONG WITH INSULATION BAFFLES WILL BE PLACED IN BETWEEN THE CEILING RAFTERS. THE CEILING WILL FOLLOW THE RAFTER ROOF LINE TO FORM A VAULTED VEILING. ALL WALLS AND CEILING

AREAS WILL HAVE 1/2" SHEET ROCK INSTALLED WITH THE JOINTS SEALED, SANDED AND PAINTED . THE WINDOWS AND DOORS WILL HAVE CASING APPLIED AND BASEBOARD MOLDING WILL BE INSTALLED ON THE WALLS NEAR THE FLOOR. THE FLOOR COVERING IS LEFT TO THE HOMEOWNER. STATE AND LOCAL BUILDING CODES WILL BE FOLLOWED.

\$16769.00

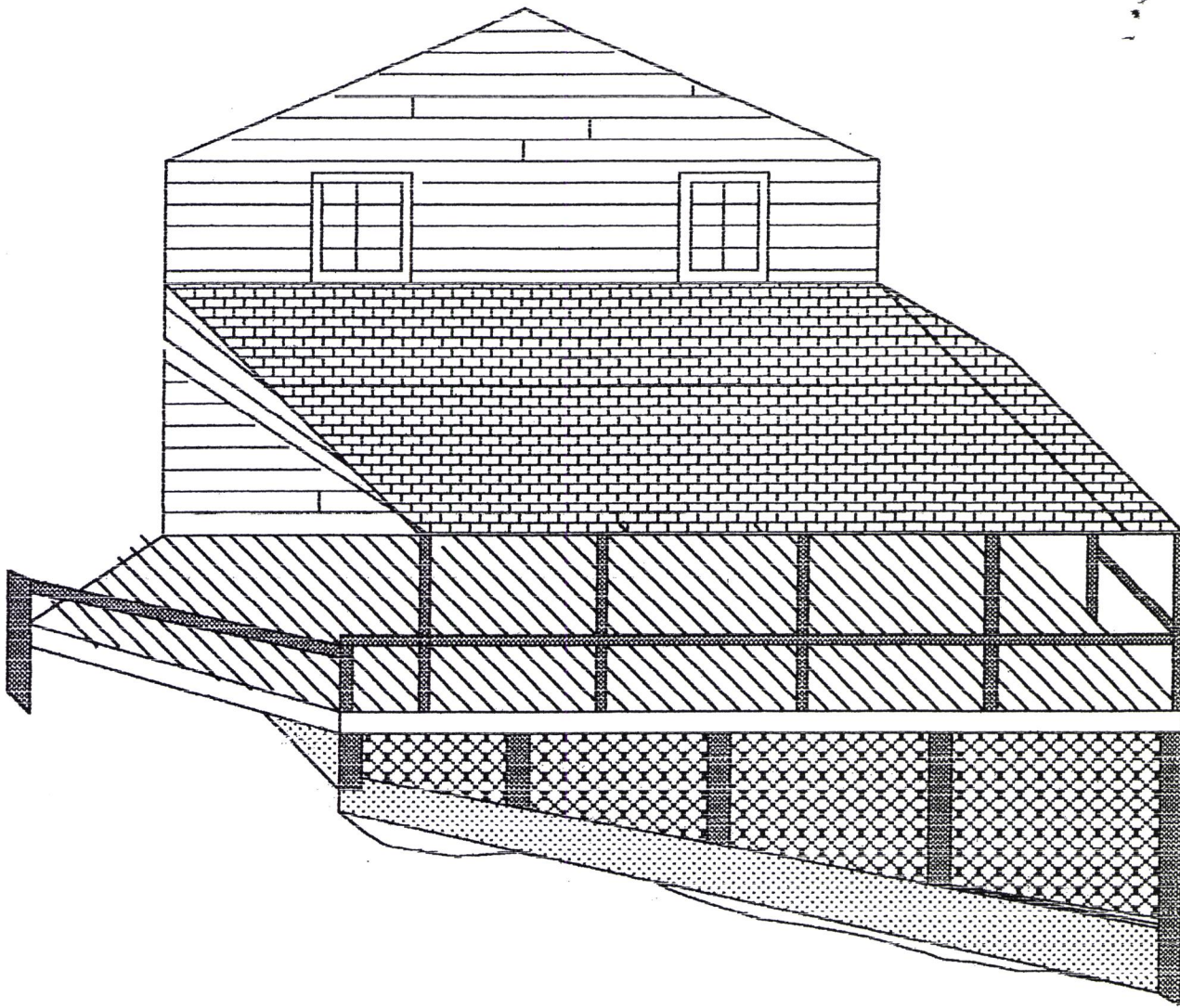
THE PAYMENT SCHEDULE IS AS FOLLOWS: 1/2 OF THE TOTAL WHEN THE PERMIT IS ISSUED AND THE WORK BEGINS. 1/2 OF THE BALANCE WHEN THE EXTERIOR IS COMPLETED AND READY FOR PAINTING. THE BALANCE IS DUE WHEN THE PROJECT IS COMPLETED. ANY CHANGES OR ADDITIONS THAT REQUIRE ADDED COST WILL BE FIRST APPROVED BY THE HOMEOWNER AND THEN BILLED IN THE PHASE IN WHICH IT TAKES PLACE.

PAINTING TO BE DONE BY THE HOMEOWNER EXTERIOR AND INTERIOR RESULTS IN A SAVINGS OF \$880.00
ADDITIONAL DECK ON THE EAST SIDE OF THE HOUSE AS DISCUSSED(32'X10') WITH RAILING AND 6' WIDE STEPS LEADING TO THE BACKYARD. ALL LUMBER WILL BE PRESSURE TREATED . THE JOIST WILL BE 2"X8" AND THE SUPPORT POSTS WILL BE 6"X6" SUPPORTED BY A CONCRETE FOOTING.

\$2868.00

IF A ROOF ~~ROOF~~ STRUCTURE MATCHING THE EXISTING ROOF AND TURNED COLUMNS AND RAILING IS DESIRED AN ADDITIONAL COST OF \$3125.00 WILL BE NEEDED.

* Need to revise due to 40% less material
required (I.e. 10 feet to 6 feet)



SIDE DECK DIMENSIONS ARE AS FOLLOWS

10'6" X 32'. ROOF PITCH IS THE SAME AS THE FRONT(3/12)

THE DECK EXTENDS INTO THE SETBACK AREA 4' 6" AND IS DETERMINED
BY THE EXISTING CONCRETE RETAINING WALL.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & City Council
VIA: City Manager 
FROM: City Engineer 
DATE: April 26, 2000
SUBJECT: Consider Bids for New Police Station

At the request of several plan holders and at the recommendation from the Architect (*attached*), the bid date for this project was extended to Tuesday, May 2nd. It was apparent that many of the contractors would need a couple additional days to prepare accurate bids. At such time as the bids are received and tabulated, those details will be made available to Council for review prior to the next scheduled council meeting on May 4th. If council feels that sufficient time is not available for review of the material presented, this item, of course, could be tabled until the meeting of May 18.

I will remind you that this project is funded through GMA and a key deadline associated with the financial arrangements is worth mentioning. The agreement for funding is contingent upon a construction contract being in place by June 3rd. Thus, this issue will need to be addressed at either the May 3rd or the May 18th meeting in order to meet that deadline.

Attachment

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager

FROM: City Engineer

DATE: May 2, 2000

SUBJECT: Consider Bids for New Police Station

Bids for the construction of this project were opened on Tuesday, May 2, 2000. Six contractors submitted bids for the construction of the 13,600 square foot Police Station and associated site work. A bid summary is attached. This project consists of the construction of a new 13,600 square foot police station, which will replace the existing facility at the city hall complex.

Leslie Contracting, Inc. submitted the lowest priced bid of \$1,749,000. Their bid package also provided for contract completion in 180 days. In the event that the contractor does not complete the work in the specified time, our contract documents provide for assessment of liquidated damages, providing a motivation for keeping to the schedule. Furthermore, their bid price is under budget (9%) due to more accurate estimating, more aggressive value engineering during design development, and a more competitive contracting market. Leslie has completed several projects for the City in the past and is familiar with our contracting requirements. Most recently, they completed the very challenging replacement of the center span of the SR-54 cart path bridge. Our experience with them has been satisfactory on all of our projects and Leslie also comes with high marks from the Architect.

<i>Amount Budgeted for Construction</i>	\$	1,903,300.00
<i>Base Construction Bid</i>	\$	1,749,000.00
<i>Alternate #2</i>	\$	9,000.00 ^a
<i>Net Project Price</i>	\$	1,758,000.00
<i>Under Budget</i>	\$	154,300.00

Alternate #2 consists of additional sewer work that was requested by Pathway Communities to serve sites south of the Police Station. As we have experienced in the Police Station site design, sewer access, while it seems simple given the close proximity of the treatment plant was, in fact, quite a challenge. Pathway Communities recognized that a joint project would make the most sense and provide sewer access across the Police Station site, while not interfering with our initial sewer design or site layout. The alternate calls for 387 linear feet of sanitary sewer and one additional manhole. We have coordinated with WASA and

^a Alternate #1 was a consideration of a deductive alternate for an exterior finish material.



$$\begin{aligned} A &= 8.01' \\ R &= 275.00' \end{aligned}$$

(81)

40' BL

WIDTH OF
RETAINING
WALL IS 0.7'

EXISTING
WOOD PORCH

16.5'

EXISTING
HOUSE

CONC-
PAI Q-

RET.
WALL
10 5

524.27.13" W 180.32"

(79)

N28°09'10"E 179.73'

10' BL

18,823 SQ. FT.

30' BL

N62°08'27"W 110.03'

CITY GREENBELT AREA

MIKE & ANGELIKA MULLER

Attachment "B"
Page 1 of 1

80

133

03-30-00

7TH

REV:

$$1'' = 20'$$

FAYETTE, GA.

0003061

**W.D. Gray and
Associates, Inc.**

land surveyors - planners

103 WESTPARK DRIVE
PH. 770-486-7552

SUITE F PEACHTREE CITY
FAX 770-486-0496

Rec'd 3/21/00

Bruce M. Moore, 305 Vintage View, Peachtree City, GA 30269

29 February 2000

To Whom It May Concern:

As the original owner of the house at 707 Avalon Way in Peachtree City, I have been asked to provide some information regarding the pre-construction plan for the placement of the house on the lot and for the future construction of a wrap-around porch.

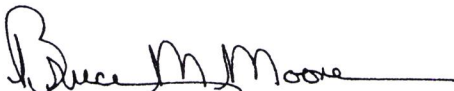
The exact placement of the house on the lot at 707 Avalon Way was decided at the master planning meeting which was held at the offices of the builder, Ravin Homes, on 25 August 1994. When the builder's representative, Mr. Michael Rosetti, mentioned the required set-back distances, I explained to him my future plan to construct an 8-foot wide wrap-around porch on the eastern end of the house (the side away from the driveway). Mr. Rosetti said that in order to do this and still adhere to code, the house would have to be shifted on the lot in the direction of the driveway, which would make the turn-around portion of the driveway smaller. We agreed that this would be done to accommodate the future addition of a porch. Based upon the survey that was done for the builder, the house was constructed 18 feet from the property line. This allowed 10 feet for the setback and 8 feet for the porch width. The plan for the house called for a retaining wall to be built on the east side of the house to allow access to the doors into the basement. The width of the basement access area was also to be 8 feet so that the future porch could be built directly above it and still be within code. The plans for the house thus reflected the 8-foot width.

Construction on the house at 707 Avalon Way began on 9 September 1994. From that point until the closing on 6 January 1995, I was to have no influence regarding the actual construction of the house, although my wife and I were occasionally asked to make selections on such items as lighting fixtures, interior paint colors, and floor coverings.

My family occupied the house at 707 Avalon Way on 15 January 1994. Unfortunately, I was never in a position financially to complete the plan to construct the wrap-around porch on the east end. I placed the house at 707 Avalon Way on the market for sale in the fall of 1998. When Mr. Mueller expressed an interest in purchasing the house, I explained to him the plans I'd had for the future development of the property, among which was the extension of the porch. I also explained the placement of the house on the lot to allow that addition. Mr. Mueller decided to purchase the house, and we closed on 26 March 1999.

Mr. Mueller contacted me recently and informed me of the problem he has encountered in obtaining the necessary permissions to construct the porch extension. It was then that I learned that the width of the basement access area was greater than the 8 feet reflected on the plan. I believe that when Mr. Mueller measured it, he found it to be 10 feet in width. I cannot explain the deviation, during construction, from the drawings approved at our master planning meeting with Mr. Rosetti.

I truly regret the problem which Mr. Mueller has encountered, and I hope the above information will help in resolving it. I still reside in Peachtree City, and I would certainly be willing to appear before the community's planning officials to discuss any particular aspects of the above information.



Bruce M. Moore
(770) 486-1909

Page 2

Consider Bids – New Police Station

May 3, 2000

they are in full support of this additional work. Pathway Communities is expected to reimburse the City in the amount of \$9,000 prior to actually performing the work. If payment is not made, the work will be deducted from the contract by change order.

Sufficient funding is available in the PIP account to complete this work. Therefore, staff recommends the bid be awarded to Leslie Contracting, Inc. of Fayetteville for \$ 1,758,000.

Attachments - Bid Tabulation Sheet
PIP Data Sheet Report

cc: Police Chief
Purchasing Agent

**New Police Station
SR-74 South**

DESCRIPTION	QTY	UNITS	UNIT PRICE	COST
Clearing, Grubbing, & Grading	110,000	SF	\$1.25	\$137,500
Asphalt Paving	5,250	SY	\$15.00	\$78,750
Curbing	2,300	LF	\$8.50	\$19,550
Concrete Sidewalks & Misc.	3000	SF	\$2.50	\$7,500
Site Lighting	1	Lump Sum	\$9,500.00	\$9,500
Site Utilities	1	Lump Sum	\$44,000.00	\$44,000
Driveway upgrade & Frontage Road	380	LF	\$175.00	\$66,500
Site Work Total				\$363,300
Building	14,000	SF	\$110	\$1,540,000
Construction Total				\$1,903,300
Landscaping & Irrigation	1	Lump Sum	\$55,000	\$55,000
Design Costs	6%			\$114,198
Construction Inspection & Testing	1	Lump Sum	\$10,000	\$10,000
Contingency	5%			\$95,165
Fixtures	1%	Lump Sum	\$50,000	\$50,000
GRAND TOTAL				\$2,227,663

Bid Tabulation Sheet

BIDDER NAME	BID AMOUNT	BOND	ALTERNATES
BEvins Enterprises	\$1,792,564.00	5%	1-\$6,379.00
Fayetteville	175 days		2-\$11,170.00
Burcher, Inc.	\$1,824,900.00	5%	1-\$-32,000.00
Fayetteville	330 days		2-\$+11,000.00
CA3 Construction Company	\$1,899,850.00	5%	1-\$-23,679.00
Alpharetta	310 days		2-\$-11,500.00
Leslie Contracting, Inc.	\$1,749,000.00	5%	1-\$-33,000.00
Fayetteville	180 days		2-\$+9,000.00
Swofford Construction, Inc.	\$1,978,000.00	5%	1-\$-32,000.00
Austell	390 days		2-\$+10,200.00
Tomco Construction, Inc.	\$1,937,000.00	5%	1-\$-29,000.00
Newnan	330 days		2-\$+8,900.00

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager

FROM: City Engineer *(JB)*

DATE: April 27, 2000

SUBJECT: SR-54 Intersections Project – Construction Contract Award

The PIP has contained for the past two years the Willowbend/Northlake Signal Pole Replacement project. The project was bid in 1999, with no interest from the contracting community. At the time, the project was too small to interest a busy market. After the need arose to signalize the Flat Creek Road intersection, city staff decided to bid the two signal projects together to improve the chances of receiving a satisfactory bid. While preparations were underway for this new intersection, GDOT offered to provide signal equipment upgrades at these two intersections and prepare for ultimate interconnection of the traffic signals along SR-54.

Later additions to the project list included the Avenue, Huddleston, and SR-74 intersections, to be paid for by the developer of the Avenue project at City Circle, Cousins Development. The project was then bid as a five intersections project incorporating work being proposed by the developer, Peachtree City, and GDOT. Unfortunately, only one bid was received, from Atcheson Electrical Contractors, Inc (*see attached bid tab sheet*). Other potential bidders were either too busy or unsure of contracting with multiple owners (*see attached memo from Purchasing Agent*). Furthermore, Atcheson's references gave positive responses.

Therefore, of the costs outlined below, the City is responsible for the two intersections listed in bold.

SCHEDULE OF VALUES:

Intersection	Cost
Re-cut Loops @ SR-54/74	\$ 8,950
Huddleston Drive	\$ 18,018
Avenue Improvements	\$ 56,818
SR-74 Improvements	\$ 33,919
Willowbend/Northlake Dr.	\$ 49,213
Flat Creek Road	\$ 54,636
Total Contract Amount	\$ 221,554
Peachtree City Total	\$ 103,849

SR-54 Intersections Project- Construction Contract Award

Since the time the bids were opened, Cousins Development has backed out of the project and will contract separately for their intersections, leaving the two intersections of interest to the City.

During the review of the bid from Atcheson, it was determined that painting of other existing signal poles was omitted from the bid. This and other scope issues being clarified through negotiation with Atcheson, the following revised proposal was received:

Intersection	Cost
Willowbend/Northlake Dr.	\$ 43,013
Flat Creek Road	\$ 54,636
Painting of Poles	\$ 23,000
Total Contract Amount	\$ 120,649

The cost of the intersection at Willowbend/Northlake Drive and SR-54 was reduced by eliminating a requirement to re-cut the sensing loops at the intersection. The loops were initially a requirement of GDOT, which has subsequently been rescinded. The \$43,013 represents an overrun of \$18,735 to the budgeted amount. There are a couple reasons for this. First, underground boring was not considered in the original cost estimate. It was anticipated that any connections could be made within the existing conduit or overhead, which is practically impossible. Secondly, the pole estimate was made with the understanding that shorter poles could be used at the intersection corners using a four-pole arrangement, rather than the current orientation. The large double box culverts under the intersection further complicate matters. Literally, there isn't any room to place the poles other than in their current orientation. Therefore, a new two-pole system with mast arms will be assembled in its place.

The cost of the intersection at Flat Creek and SR-54 is under budget by \$9,160. This is due primarily to GDOT providing key pieces of signal equipment to the City at no cost.

The cost of painting the poles will come from the street repair program, budgeted by the Director of Public Works and will address the maintenance needs at five key intersections with the single mast arm configurations.

PIP funds in the amount of \$111,124.60 are available to complete the two intersections and the painting, resulting in a \$9,524.40 deficit. Therefore, City staff recommends that Council award the SR-54 Intersections Project to Atcheson Electrical Contractors, Inc. for \$120,649 with the deficit being made up out of PIP contingency.

Attachments

Bid Tab Sheet

Revised Proposal – Atcheson Electrical Contractors

Memo from Purchasing Agent

BID TITLE: SR 54-5 Intersections
DATE: March 23, 2000
BUDGET: \$88,278.00

BIDS OPENED BY: Maureen Blood
WITNESSED BY: Joy Bessner
TIME COMPLETED: 3:05 PM

[illegible]

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Engineer
FROM: Purchasing Agent *qub*
DATE: April 27, 2000
SUBJECT: SR - 54 Intersections Project - Bids

It is my recommendation that the City accept the only bid that was received for the SR - 54 Intersections Project. Normally in a situation where only one bid is received the City has re-bid the project. The reasons for my recommendation are as follows. This project was bid earlier this year and no one came to the mandatory pre-bid meeting that was scheduled, therefore no bids were received. The last three signal projects that we have done, Wynnmeade, Huddleston, and Kelly Drive have all been done by negotiated contract, because no bids were received when the solicitations were sent. There is a qualified contractor who has submitted a bid and re-bidding the project will only cause unnecessary delays and may result in no bids coming back.

PROPOSAL

PAGE NO.

OF

PAGES

**ATCHESON
ELECTRICAL CONTRACTORS, INC.**
8165 Odessa Place
DOUGLASVILLE, GEORGIA 30134

(770) 577-8785 Fax (770) 577-0696

TO: PEACHTREE CITY
ATTN: TROY BSSSECHE
151 WILLOWBEND RD.
PEACHTREE CITY GA. 30269

PHONE	DATE 4/26/2000
JOB NAME / LOCATION TRAFFIC SIGNALS	
JOB NUMBER	JOB PHONE

We hereby submit specifications and estimates for:

1. WILLOWBEND / NORTHLAKE DR.	43013.00
2. FLAT CREEK RD. IMPROVEMENTS	54636.00
3. PAINTING OF POLES (5 INTERSECTIONS)	23000.00
TOTAL	120649.00

NOTES:

1. POLES HAVE A 12 TO 14 WEEK LEAD TIME.
2. REUSE EXISTING LOOPS @ WILLOWBEND.
3. POLES PAINTED PER SPEC'S. (NO SAND BLASTING)
4. CABINET, CONTROLLER, SIGNAL HEADS TO BE FURNISHED BY G.D.O.T.

WE PROPOSE hereby to furnish material and labor — complete in accordance with the above specifications, for the sum of:

One Hundred Twenty Thousand Six Hundred Forty Nine and 00/100 Dollars (\$ 120,649.00)

Payment to be made as follows:

PROGRESSIVE AS WORK IS COMPLETE
NET 30 DAYS

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation insurance.

Authorized
Signature

Marty Atcheson President

Note: This proposal may be
withdrawn by us if not accepted within

90 days.

ACCEPTANCE OF PROPOSAL — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature _____

Signature _____

WEBB, STUCKEY & LINDSEY, LLC

Attorneys-At-Law

James H. Webb Jr. *
John M. Stuckey Jr. **
Richard P. Lindsey

Jonathan J. Wade
H. Clay Collins
Carlton H. Jones III
Stephen D. Ott
Christy R. Jindra †
Richard M. Golick
Susan M. Brown
William M. McHugh
Stefanie T. McHugh
Stacey M. Robertson ††

400 Westpark Court
Suite 220
Peachtree City, Georgia 30269

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

E-mail:
postmaster@wsl-peachtreecity.com

Other Offices
Atlanta, Georgia
Fairburn, Georgia

Other licenses:
* Florida
**Tennessee & District of Columbia
†Illinois
††Only in Texas

April 17, 2000

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

RE: Code of Ethics and the City Attorney

Dear Mayor and Council:

With Mr. Andrew Whalen's report in the ethics case filed by Mr. Hyde against Jim Webb coupled with my interpretation of the law, I believe that you may want to consider some additional revisions to the Ethics Code. As I stated at the Retreat, I believe the Georgia Constitution has preempted the legislature and local governments from enacting laws which control the practice of law and has placed that authority solely with the Supreme Court. Thus, simply enacting an ordinance which requires the City Attorney to be subject to the Code of Ethics will not accomplish that goal. Such an ordinance would be unconstitutional and, consequently, would be powerless. Please remember, however, that the Code of Professional Responsibility continues to control the actions of all attorneys in the state, including your humble City Attorney. (Additionally, these same problems may exist for the City Auditor, although I have not conducted any research into the ethical controls you might be able to place over a Certified Public Accountant.)

You do have the ability to obtain some additional control over your City Attorney. I do believe that you can obtain the authority to require financial disclosure from the City Attorney and I do believe that you have the authority to make the City Attorney an official of the City. To do either will require the passage of an ordinance or require a change to the City's Charter. You may have other disclosure requirements for the City Attorney but I will need to know of them before I can state whether you presently have the authority to require such disclosures or whether you have the constitutional power to gain such authority.

While the decision to enact an ordinance to require financial disclosures may appear to be a simple one, I believe you should balance the need for full disclosure against a person's right to

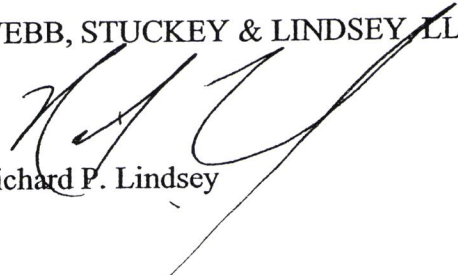
privacy. For example, I am willing to fully disclose all of my (limited) financial matters to you and to the public, but there may be some other very qualified potential candidates for the City Attorney position who might be reluctant or even opposed to "big brother government" prying into such personal matters. Obviously, that is a decision you will have to make.

Please give this important matter some thought and either let Mr. Basinger or me know which direction you want the revisions to the Ethics Code to take or simply ask that this matter be placed on a Council agenda so it can be discussed further. In the meantime, I will not take any action on these particular revisions until I receive some direction.

Best regards.

Sincerely,

WEBB, STUCKEY & LINDSEY LLC



Richard P. Lindsey

RPL:

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers
FROM: Jim Basinger 
DATE: April 26, 2000
SUBJECT: APPOINTMENTS TO THE LIBRARY COMMISSION

The Selection Committee composed of Mayor Pro Tem Annie McMenamin, Councilmember Bob Brooks, and myself interviewed four applicants for a vacancy on the Library Commission.

It is the recommendation of the committee that Mr. Stanley Applegate be appointed to serve a term expiring 5/31/03. We further recommend that Dr. Mary Ann Browning serve as an alternate to fill any vacancy that may occur.

Copies of all applications are available at City Hall for your review.

JB/gr

cc: Chairman, Library Commission
Director of Leisure Services

Interview
4/26/00 Wed
7:20 A.M.

LIBRARY COMMISSION
APPLICATION FOR APPOINTMENT

Thank you for your interest in being considered for appointment to the Library Commission.

Applicant 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 Library Commission is comprised of five members who are appointed to 3-year terms. The Commission meets the second Wednesday of the month at 6:30 p.m. at City Hall. Members are required to attend a minimum of eighty percent (80%) of all meetings. The Commission is responsible for promoting and supporting library services in Peachtree City, assisting in recommending policies that enhance the operation and programs of the Library, providing recommendations regarding budgeting needs of the library, and advising City Council and staff in their efforts to establish and maintain the highest quality of library services for Peachtree City.

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 the Gloria Reid, Peachtree City Hall, 151 Willowbend Road, Peachtree City, GA 30269 **by 5:00 p.m. on Friday, April 7, 2000**. The City will contact you within two weeks of the application closing date.

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

NAME Stanley Ainslie Applegate

ADDRESS 320 Marble Court

Peachtree City GA 30269

TELEPHONE: (Day Time) 770 487 2326

(Evening) 770 487 2326

Stanley Applegate
SIGNATURE

3/31/00
DATE

How long have you been a resident of Peachtree City?

We have been residents of Peachtree City since October 30, 1995

Why are you interested in serving on the Library Commission?

We have a wonderful library building and a dedicated and hard-working library staff. I am sure, however, that there are a number of ways in which the library and the library services could be improved. I would like to be part of the group considering the policies and plans which might make that possible.

What qualifications and experience do you possess that would benefit the Library Commission?

I spent almost all of my working life in the field of education, with a public school, as an expert in education with UNESCO, as chief of education science and technology with the Agency for International Development, and as a US Delegate to the Commission for Education and Library Services of the Organization of American States.

List major jobs you have held during your working career to include name of company

~~and position~~ Curriculum Materials, Manhasset Public Schools, NY. Deputy Director of UNESCO Office of Education, Santiago, Chile. Chief of Education Science and Technology USAID Dominican Republic and Colombia. Assistant Director AID mission in Egypt. Coordinator of the Andean Peace Fellowship project in Ecuador, Colombia, Peru, and Bolivia.

Do you have any past experience relating to a library? If so, please describe.

I am an author of children's books, two of which have recently been published. I used the public libraries as well as those at the Atlanta History Center, the Natchez Historical Society, and the archives of the States of Mississippi and Louisiana.

Would there be any possible conflict of interest between your employment and serving on the Library Commission?

No.

Describe your current community involvement.

None, so far other than participation in a school mentoring program

Interview
4/25/00 Tuesday
5:15 p.m.

LIBRARY COMMISSION
APPLICATION FOR APPOINTMENT

Thank you for your interest in being considered for appointment to the Library Commission.

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

NAME Dr. MARY ANN P. BROWNING

ADDRESS 121 ROSEMONT
PEACHTREE CITY, GA 30269

TELEPHONE: (Day Time) 770-460-3570 (NORTH FAYETTE ELEMENTARY)

(Evening) 770-631-3048 home 770-631-3135 fax

Mary Ann P. Browning
SIGNATURE

4-7-00
DATE

How long have you been a resident of Peachtree City?

In June 2000, it will be 9 years that we have resided in Peachtree City.

Why are you interested in serving on the Library Commission?

I am an educator and a parent. I am a reading specialist and I am concerned with the library resources.

What qualifications and experience do you possess that would benefit the Library Commission?

I have over 20 years as an educator. I have conducted story programs, outreach programs and other library related activities.

List major jobs you have held during your working career to include name of company and position.

21 yrs. Fayette County Public Education: Reading Specialist
3 yrs. Dept of Defense Dependents Schools: Reading Specialist
Teacher: Proctorville West Point E.S. 44 Stewart School: DODDS -
Kindergarten first grade second grade middle school adult education

Do you have any past experience relating to a library? If so, please describe.

I have used libraries extensively in graduate level master's, doctorate, post doctorate etc. I have conducted family literacy, story hour programs etc.

Would there be any possible conflict of interest between your employment and serving on the Library Commission?

No - I think my professional activities would serve to enrich my service on the Library Commission.

Describe your current community involvement.

As a volunteer I currently teach Sunday school serve as a liturgical minister and conduct a family literacy program in a trailer park. I have served as a Girl Scout leader, Red Cross volunteer, Army Community Service volunteer and have been on the DMC and Child Development