City Council of Peachtree City
Agenda
April 20, 2006
7:00 p.m.

I. Call to Order

II. Pledge of Allegiance

III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Recognize Employees of MA Industries
Recognize Richard Bussie as Employee of the Month

IV. Minutes
2006 Retreat Minutes
April 6, 2006, Regular Meeting Minutes

IV. Consent Agenda
1. Consider Change Order #11 – Credit to Library Contract

VI. Old Agenda Items

VII. New Agenda Items

04-06-06	Public Hearing – Consider Variance, 102 Braelinn Court
04-06-07	Consider Proposal from First Baptist Church for Community Center and Associated Land Swap
04-06-08	Consider Amendment to PCTA Bylaws and Articles of Incorporation
04-06-09	Consider Approval of Guidelines for Public Comment
04-06-10	Consider Ordinance Amendment to Sec. 2-35 Public Participation
04-06-11	Consider Rescue/Pumper Bid Award
04-06-12	Consider Design of Approaches to Flat Creek Bridge

VIII. Council/Staff Topics

IX. Executive Session

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

2006 CITY COUNCIL RETREAT
MINUTES
March 24-25, 2006
Wyndham Peachtree Conference Center

Friday, March 24, 2006

Mayor Logsdon called the meeting to order at 8:00 a.m. Other Council Members present were Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

1. **Mid-Year Finance Review (FY 2006 Revenues Expenses vs. Projections) (Salvatore)**
   - Finance Director Paul Salvatore said numbers were running close to projections and were expected to stay that way unless something unforeseen happened.
   - Police Chief James Murray said the shortfall in alcohol server permits was a timing issue, and the numbers should come up in the fall with renewals.
   - City Clerk Jane Miller said the zoning/subdivision fee line item dealt with variance and rezoning fees. City Planner David Rast said there had been fewer applications.
   - Leisure Services Director Randy Gaddo said that attendance was generally down for recreation classes, and tennis classes had shifted to the Tennis Center. Lower attendance could be due to the economy. Salvatore pointed out that the Recreation Department was under budget in expenses. Gaddo said out-of-county fees had also increased.
   - SPLOST was coming in slightly above projections, and the hotel/motel tax was 13.9% ($54,203) over projection and continuing to come in strong.
   - Expenditures were tracking well against the budget.
   - The Senior Homestead Exemption would not impact budget until next year. Miller did not expect more 150 senior residents to qualify. City Manager Bernard McMullen said projections had included around 1,000 as qualifying for the exemption.

2. **Options Relative to Riley Field Sports Complex Noise (Gaddo)**
   - Gaddo said the new football association board now had City residents as officers. Out-of-county participation in football and cheerleading was at 47%.
   - The new board had bent over backwards to cut down noise and had made significant improvements.
   - Noise was still overwhelming for some neighbors, and homes to the northeast of the field were most affected. Crowd noise was the problem now, not the public address system.
   - There was no room for expansion at Riley Field.
   - Gaddo said only option now to relocate the field was the 22 acres at the Baseball/Soccer Complex (BSC). There would be issues with the soccer association if that land were used for other sports.
   - Council did not support doing away with football program, but would support partnering with another government entity to find land for more fields.
   - Gaddo said the football association had worked out agreements with Fayette County and Brooks to play late Saturday games in other locations.
   - Fayette County's master recreation plan included new facilities in the north area of the county.
   - New facilities in the West Village were not an option due to flood plain, as well as noise concerns for residents.
   - Mona Waterhouse and Laura Kennedy spoke regarding noise.
   - Curt Brown and Kevin Dwyer of the Packer organization said they performed sound checks and told parents not to use noisemakers.

- Coweta County residents brought kids to City program because it was closer than programs in their county, and the program was better.
- Parking was an issue.
- Plunkett suggested putting one field at the BSC; soccer was a more passive use.
- Rutherford said recreation was everyone's responsibility, and compromises had to be made. Football had to go where there were no residential neighbors – Meade Field or BSC.
- Brown said the association was talking to Landmark Christian School about using their facilities. The 8 p.m. game would move. The last game at Riley would start at 6 p.m.
- Practice space was also an issue. Practice time was governed, but could not be monitored as easily off-site.
- Council directed Gaddo to look into options, understanding he might not be able to do much prior to the start of the season. Gaddo said they might be able to move the later games to Meade Field.

3. Noise Issues Relative to the Kedron Multi-Purpose Rink (Gaddo)

- Gaddo said this issue was pretty well solved.
- There could be a problem with air circulation in the summer, but the hockey association would work on getting more fans.
- A Fielding Ridge resident said the noise was louder there than down at the rink and at the field used for lacrosse, which was on Kedron Elementary School property.
- Gaddo said the player boxes would be moved when the rink was resurfaced, which would help with the crowd noise.
- Gaddo noted that when the recreation areas were put into the villages the programs were meant to be small, but all the programs had grown.

4. Update on Integrated Pest Management (Gaddo)

- Gaddo said Emory University would study a group of soccer players to determine if the IPM had an effect on their health. A model had to be created for the study.
- The City was working with the University of Georgia on the IPM. The fall and spring applications had been cut in half. The fields would be monitored. The IPM was more manpower intensive. It could also be more costly to take care of problems that might pop up.
- The facilities manager was to take the test in April to be certified as an applicator, which would give the City a better handle on what was being done to the fields.
- The fields were closed for 24 hours after an application.
- The biosolids test field had "greened up" earlier than the other fields, but there was still no information as far as any health risks associated with biosolids.

5. Discussion of Teen Center (Plunkett)

- Plunkett said she did not envision a teen center as a standalone building to be used for dances and late night activities, but as a place for programming for younger teens. There was no interest in anything like the previous private clubs that had operated in the City.
- Gaddo said the intent needed to be clarified to enable staff to explore options. The focus would be on programs more than a place. The pilot program would be at Glenloch Recreation Center.
- The program would be a positive option for adolescents (ages 11-15) and their parents. It would be a place to go after school (3-7 p.m.). High school students would mentor middle school students in a supervised recreation setting. The target date for the pilot program was Fall 2006.

- Glenloch was selected due to the variety of physical activities available and potential for indoor programming. Staff was looking at the schedule to see if current programs could be relocated.
- There needed to be some remodeling to make facility more inviting.
- Glenloch was within walking distance of Booth Middle School. Booth was in need of afterschool programs, but there was a security issue of walking between the school and the facility.
- Youth Services Leisure Program Coordinator Art Sivertsen said a budget had not been discussed yet. Staff still needed to talk to Rising Starr Middle School and the Board of Education. The program would have to be self-supporting, but would be less expensive than most traditional afterschool programs. The program would be about "being active," and would include computers, homework help, and arts and crafts.
- The program would be controlled without teens realizing it.
- Rutherford liked using Glenloch, but said a fee would have to be charged. Scholarships could be a possibility. Adults would have to be instructors; coordination would take a lot of time.
- Gaddo said they had spoken to neighbors in the area; they wanted the programming. The program would improve their community.
- Robin Tennant, an adult volunteer with the Youth Council, said the St. Patrick's Day programming had been very successful and had been for middle school students. High school volunteers had helped get the participants involved in activities, and could be there to help referee activities such as three-on-three basketball or flag football.
- Gaddo said the program would be for a group that was not served by sports or scholastic programs, and would be a preventative program.

6. Discussion of Multi-Use Field (Plunkett)

- Plunkett said she had heard different things, but she wanted to ensure the 22 acres at the BSC had been designated as recreation.

7. Discussion of PTC 50th Anniversary Planning (Plunkett)

- Plunkett said she wanted to bring this to the forefront. The Recreation Commission had been talking about it, since the anniversary was in 2009.
- Gaddo said the Recreation Commission had been looking at the anniversary for three years. By 2009, all the recreation facilities should be either in the same shape, or better shape, than when they were built.
- Rutherford noted that the City was beginning to look like it was 50. She said Public Works needed to look at some things.
- Plunkett suggested designating a staff person to look at the anniversary, as well as any events. Gaddo said he was doing that anyway. He said he would chair an anniversary committee with a representative from each department.
- Gaddo noted that the trees were getting thinner each year and the City should look at reforestation. Plunkett suggested partnering with garden clubs and Public Works. The emphasis would be that the City was turning 50 and needed a facelift. McMullen said the committee could come up with some ideas and recommendations, as well as outside people to involve.
- Logsdon said it was time to put some focus on litter. Some civic clubs had mentioned a litter cleanup. McMullen said the procedures for the Adopt-a-Mile Program were under review. He expected to do some publicity about it the middle of April. Rutherford said they would also be doing an anti-litter campaign in the schools as part of the Stormwater Utility Program.

- Kourajian asked what citizens could do and if they could call in information to the police when they saw someone littering. Murray said that it would take a lot of follow-through. The citizens would have to go to court. He added that there was also a problem with trash blowing out of garbage trucks.

8. Update on Flint River/County Library Issue (based on status at that time) (Gaddo)

- Gaddo said the bottom line was that, at the request of the Georgia Public Library System, the Flint River Regional Library System would vote to reinstate the County to full service with the intent that, if the County wanted to investigate forming its own service, then the system would help. Gaddo said the City told the County that unless there was a timetable the City was not interested.
- Logsdon said the County had raised legitimate points that needed to be answered. Logsdon agreed that the City was better off as part of a system. Gaddo said Flint River was cooperating with the County and the Georgia Public Library System to get the answers.

9. Status of Comprehensive Plan Update (Rast)

- City Planner David Rast told Council that they were getting ready to start writing the plan.
- The theme was "preserving our quality of life through positive change."
- The mission statement:

To promote our status as a pre-eminent planned community by enhancing and strengthening our comprehensive plan to enrich and improve the quality of life for our residents; the educational, recreational and cultural resources for citizens of all ages; and, the technical and physical resources for our businesses and industries, while embracing and preserving greenspace, aesthetics and the overall character of the community.

- Rast gave an overview of the Community Assessment.
  - ✓ Section 1 identified potential issues and opportunities.
  - ✓ Section 2 was an analysis of the existing development patterns. Rast said that this task was 80-85% complete. It would be the most accurate land use map of the City since it was founded.
  - ✓ Section 3 was an analysis of consistency with Quality Community Objectives. Rast said this was more progressive than the minimum standards set by the Department of Community Affairs (DCA). There were a few areas that the City might amend.
  - ✓ Section 4 was summary of the data assessment of the 2000 census and the community inventory. Rast said the Community Assessment should be completed in a few weeks, then it would be brought to Council for review and authorization to send to the Atlanta Regional Commission (ARC) and the DCA. The City was in good shape, but the question was where would it go from here. An industrial park concern was how to promote it within its limitations, such as accessibility to the interstate.
  - ✓ Recommended Character Areas were areas that warranted special attention due to their location. Redevelopment would be a major issue. The City should promote the areas rather than be reactive to keep ahead of the curve. Commercial areas included Braelinn Village, Peachtree Crossing, Aberdeen Village, and Willowbend. Rast said there were approximately 400-480 residential lots left for building. Older subdivisions would go through the redevelopment process. Residential areas included Wynnmeade, Lake Peachtree, and Stevens Entry. The areas should be looked at since many lots were in the flood plain and/or on septic. Ordinances should not be so tight that redevelopment

was prohibited. The smaller homes in Stevens Entry were primarily rental homes, which served a need in the community.

- ✓ Areas with potential for mixed use development and redevelopment included Lexington Circle, Westpark Walk, Peachtree Colony, and Huddleston Road. Rezoning would be a problem in Lexington Circle due to vested rights. The design guidelines were adopted as part of the zoning. There would be a meeting scheduled to talk to the developers about the City's concerns for the area. Westpark Walk needed an alternate exit to GA 54 with a traffic light. There was no sewer on Huddleston Road. Options for the area included an overlay district or designation as a Community Improvement District.
- ✓ Corridor enhancement areas would tie into the design guidelines that were being developed. Those areas included GA 54 East, GA 54 West, GA 74 North, GA 74 South, and Crosstown Drive.

- The official kick-off of the Community Participation Program would begin at the public hearing before Council on the community assessment. Task force volunteers with a background and passion for it were working on the citizen survey. Open houses were planned to present the plan the public.
- McMullen said talks had begun regarding the service delivery agreement with Fayette County. Logsdon, McMullen, Fayette County Administrator Chris Venice, and County Commission Chairman Greg Dunn had met. Venice was getting with the other municipalities.
- Several meetings had been held with Fayetteville and the County to discuss the comprehensive plan. There would also be a meeting with Tyrone. Rast noted that meeting with the other entities was a new requirement.

10. Discussion of City Owned Property with Commercial Potential (Rast)

- Rast said the properties were located along arterials and could be sold or combined with other developments. The tracts included:
  - ✓ GA 74 South/Recycling Center tracts – Wilshire tract (4 acres) and Recycling Center tract (4.4 acres). Rockaway Road was to be blocked off and realigned with the traffic light at GA 74/Holly Grove Road. Meade Field could be added to the Recycling Center tract. Property was located next to the Stephens tract, which had only approximately 40 acres that could be developed.
  - ✓ Reed Memorial Park tract – former Leach Station tract (1.6 acres) located on GA 74 South. Rast noted that the family of Gerald Reed, the late fire chief, had been promised that the area would be used as a memorial park. The business located adjacent to the tract wanted part of the tract for parking and had offered to fund the park. Rast said he was also working with Fire Marshal John Dailey on a plan to possibly use the tract for a family-friendly training facility/museum. The Paschall Road tunnel would be on the site.
  - ✓ Planterra/Tennis Center entrance (GA 54 West) – West side of Planterra Way (3.87 acres) and east side of Planterra Way (2.99 acres). Rast noted that the Planterra Ridge Homeowners Association (HOA) would no longer maintain the subdivision entrance. The HOA vice-president told Council that they had maintained the entrance for 11 years at an annual cost of approximately $6,000. The HOA could not afford to maintain the landscaping and build a new sign. The residents wanted to maintain a presence on GA 54. Boone said a number of residents also told him they did not want the City to sell those parcels. The acreage on the east side was the only area for future Tennis Center expansion.
  - ✓ Line Creek Nature Center tract (GA 54 West) – South side of GA 54 (2 acres). A developer owned a portion of the Line Creek Pond; a small portion of tract had frontage

on GA 54. Council and staff discussed a possible swap of the sliver fronting on GA 54 for the developer-owner portion of the Line Creek Pond in order to protect the pond and nature center.

- ✓ Wynnmeade Parkway tracts (GA 54 West) – West tract (2 acres) and east tract (2.87 acres, location of GA 54 gateway bridge).
- ✓ Carriage Lane tract (GA 54 East) – former location of Carriage Lane realigned as part of GA 54 East widening project, right-of-way still owned by the City.

- All sites should be researched to ensure sale and development of property was not restricted by the deeds. Plunkett said parcels could be sold and funds used for another football field or recreation area. Kourajian urged caution about setting precedent. Phyllis Aguayo said that any land that provided buffers and passive parks could not be gotten back once it was sold. She suggested Council keep all the parcels and look at acquiring more tracts. Logsdon was not anxious to put property up for sale. Boone was opposed.

11. Update on 2006 Street Resurfacing Program (Corbett)

- Public Services Director Tom Corbett said there would be three different funding sources for street resurfacing – Local Assistance Road Program (LARP), Fayette County Special Purpose Local Option Sales Tax (SPLOST)), and municipal funds (general fund).
- Roads paved with LARP funds included two different portions of Peachtree Parkway, Auburn Court, Wexford Way, and Log House Road.
- Roads paved using municipal funds included Tiger Way, Shannon Run, Sawtan Rim, Braelinn Creek Path, Prestwick Court, Braelinn Creek Court, Script Falls & Murray Park, Kennerly Way, Gill Sans, Windsor Way & Caxton Court, Bookman Point, Garamond Place, Hampton Green, Crofts Corner, Malfern Point, Rincon Court, and Tiverton Trail.
- The 2005 SPLOST resurfacing list (Spring 2006) included D-Bob Industrial, Arbor Gate, Dover Trail, Greensway, Sandtrap Ridge, Windgate Court, Groveland Drive, Hedgewood Court, Sawmill Trace, Sawmill Trace, Sawleaf Lane, Prestwick Lane, Claridge Curve, Marks Style, Korinna Court, Copperplate Lane, and Wensley Corner.
- The tentative 2006 SPLOST resurfacing list (Fall 2006) included Arrowhead Court, Hip Pocket Road, Wickerhill, Lattice Gate, Chestnut Field, Wheatleigh Lane, Lommel Lane, Landen Point, Hamden Kells, and Holly Grove Road (older portion). The names were taken from the five-year paving plan based on the 2003 ratings.
- The City and County had a cooperative agreement for the FY 2005 LARP and general fund streets. The City took bids from private contractors to resurface the FY 2005 SPLOST-funded streets. Council accepted the low bid on March 16, 2006.
- Logsdon said that the County had recalculated the formula for the SPLOST to go by mileage.
- County responsibilities for LARP and General Fund resurfacing – provide labor, equipment, and materials; invoice the City for actual materials used; and invoice the City for any required truck rental
- City responsibilities for LARP and General Fund resurfacing – patch, crack seal, and mill streets and roads; provide traffic control and cleanup; and provide traffic striping to finished surface
- The tentative 2006 schedule was LARP, late May/early June; General Fund, late May/early June; 2005 SPLOST, April/May; and 2006 SPLOST, fall.
- Corbett explained the street condition rating and said the resurfacing was focused on streets in the 70-79 zone. The City had 53 streets rated 70-79. The rating started at 100 points and 10

different aspects were rated based on national standards. Repairs increased a street's rating, extending the time to repaving.

- Kourajian asked about adding bike lanes to streets. He asked if the lane on Robinson Road would be added during repaving. Assistant City Manager Colin Halterman said that Robinson Road was on the list, and the lane would be added when the road was resurfaced. The road was 32 feet wide so there was room. Halterman added that he and McMullen had talked about the bike lanes, but had not finalized the list.

12. Update on 2006 Cart Path Resurfacing Program (Corbett)

- Work was being done on the segments with the lowest rating – 50-68 on the scale of 100.
- It took as long to gear up and gear down for 100 feet as it did for one mile. The longest segment on the list was 4,800 linear feet.
- There were 385 segments of cart path; staff was in the process of mapping the segments.
- The largest category of segments (172 segments) were rated 80-89.
- More maintenance and rebuilding was required on the cart paths than on the streets.
- The biggest problem on the path system was root intrusion. Corbett said they tried not to damage the trees. Staff was using its judgment as far as widening the paths to 10 feet and what was good for the environment.
- Crushed stone was used for the base on the rebuilt sections. The crushed stone was impervious and alerted staff to any weak areas. Corbett said he had received little feedback on the stone. Plunkett said residents were calling Council. She said the City needed to do a better job of letting the public know about the crushed stone and the resurfacing.
- This year, rebuilding work was being done in the winter, with the final paving waiting for the warmer spring weather.
- By March 1, 12,000 linear feet had been resurfaced and 6,000 linear feet were waiting to be resurfaced.
- A resident asked if the criteria could be published. He wanted to know where his area fell on the list. He asked if there was a way to sweep or clear the pine needles, or to keep the brush from encroaching on the path. He wanted to get the best bang for the buck. McMullen said that was a manpower issue.
- The list of segments to be resurfaced included Crabapple to Ardenlee (new), Longer Drive to Blue Smoke, Aberdeen Parkway to Northlake Drive, Flat Creek/Aberdeen/Northlake, Lakeside Drive to McIntosh Trail, Sawmill Trace to Robinson Road, Peachtree Parkway to Path 3-02, Braelinn Recreation Center, Summit Walk to Robinson Road, Balmoral Village to Braelinn Road, Brookwood Drive to Chardonay Court, Loghouse Road to Peachtree Parkway, Peachtree Parkway to Braelinn Road, Morallion Hills, and Path 3-14 to Holly Grove Road.

13. Update on Multi-Use Path System Master Plan (Rast)

- The City had 84 miles of paved paths and approximately 160 miles of roads that allowed golf carts, for a total path network spanning 244 miles.
- There were approximately 10,400 registered golf carts.
- Two bridges spanned state highways; there were 17 tunnels underneath collector roads.
- There was interconnection between most residential, commercial, retail, and recreational developments.
- The goals of the master plan included interconnecting all existing and proposed developments within the City, extending the system into the industrial park, identifying critical areas for bridges and tunnels and incorporating them into road design projects, seeking grant funding

assistance for path expansions, inventorying the existing system and developing phased improvement plan, and developing a realistic path extension program.

- Rast said staff worked with DOT to incorporate paths into road plans. Plunkett said it seemed that the system would be a win for grant money since it provided an alternate means of transportation. McMullen said the City was turned down for grant requests for two bridges during the last cycle. Rast added that there was more competition now. He continued that it was also very time consuming to administer the grants; it would be just as easy to put the projects in the budget. There was generally a two-year time frame before a grant project was ready for installation.
- Rutherford asked for a new estimate on the Gateway bridge on GA 54 West. She noted that the grant money would not increase, but the costs for the bridge materials, such as steel, had gone up. Rast said it was difficult to get an estimate without a design. The City could apply for additional funding for the bridge through the LCI program. Rutherford said she understood, but wanted the bridge to come back to Council before the project got too far down the road.
- The design for the ramps to the Flat Creek bridge should be awarded in May. Design would take a few months.
- Completed FY 2005 projects included the St. Paul Lutheran Church path connection (Ardenlee Parkway to Crabapple Lane Elementary), Sumner Road path connection (Sumner Road to Lexington Circle), Gatehouse Drive path connection (MacDuff Parkway to Wynnmeade Parkway), and the Flat Creek multi-use bridge (Morallion Hills to The Park industrial subdivision).
- The FY 2005 General Fund paid for the St. Paul Lutheran Church connection, Sumner Road connection, Gatehouse Drive reconstruction, and the FAA (Flat Creek bridge to FAA-design underway).
- Proposed projects for FY 2006 included the Village Park multi-use path (Crosstown Drive to Harmony Village), Peachtree Parkway South multi-use path (Harmony Village to Balmoral Village), GA 54 East multi-use path (Robinson Road to Carriage Lane), and GA 54 East multi-use path (Carriage Lane to Peachtree East retail).
- The General Fund list for FY 2006 included both paths on Peachtree Parkway South, as well as both projects on GA 54 East.
- The proposed list for FY 2007 included the Robinson Road multi-use path (SR 54 to Peachtree City United Methodist Church), Robinson Road multi-use path (Spear Road to Whitfield Farms), Peachtree Parkway North (Walt Banks Road to Interlochen Drive), Peachtree Parkway North multi-use path (Interlochen Drive to Flat Creek Road), Flat Creek multi-use bridge approach ramps and path connections (connect Morallion Hills to The Park), and GA 74 South multi-use path (Cooper Circle to BSC).
- The General Fund list for FY 2007 included the two Robinson Road and two Peachtree Parkway North projects, in addition to the Flat Creek bridge ramps. Grants and SPLOST funded projects for FY 2007 included the Paschall Road multi-use tunnel (Willow Road to Reed Memorial Park) and GA 74 South (Q23) (Gardner Park to BSC).
- The future list of potential new path construction included the Line Creek Nature Area (GA 54 to Line Creek Nature Area), Planterra Way (GA 54 to Planterra amenity area), Westpark tunnel path connections, GA 74 South tunnel path connections, GA 74 North multi-use bridge path connections, Clover Reach (Clover Reach to Police Station), Crosstown business park (Police Station to Crosstown Drive), Crosstown Drive (GA 74 to Peachtree Parkway), Holly Grove Road (Robinson Road to Aster Ridge Trail), Robinson Road (Holly Grove Road to Oakdale), Flat Creek (Flat Creek bridge to Crosstown Drive), Redwine Road (Foreston Place to The Preserve), Crosstown Drive (Peachtree Parkway to Robinson Road), Huddleston Road (GA 54

to Paschall Road), Dividend Drive North (Paschall Road to Kelly Drive), and Dividend Drive South (Kelly Drive to GA 74).

- Grant/SPLOST funded future projects included GA North multi-use bridge (Kedron Office Park), GA 54 East multi-use bridge (Lexington Circle to Peachtree East), Lake Peachtree multi-use bridge replacement, and Westpark multi-use tunnel (Westpark to Market Place).
- Rast said the Village Park path connection had been promised to the subdivision residents due to the number of complaints about vandalism over the years. The path would be installed in the Peachtree Parkway right-of-way to provide a bypass around Village Park. The estimated cost was $90,000. Rutherford said she preferred a new mile in an area where there was not a path. Chief Murray said there had been a lot of vandalism in Village Park by kids who cut through the streets and yards. A fence had been discussed. Rutherford noted that the new path would go right in front of the fire station as well as several subdivision entrances, which could be a safety issue. Plunkett said they needed to look at other alternatives, such as lights. Rast said the goal of this part of the plan was to build infill projects that developers did not build. The request had come from the Village Park HOA. If Council did not want to include this project, then staff needed to know. Logsdon said he had spoken to many Village Park residents, but agreed that the proposed path was not the solution. Kourajian also agreed. Rutherford said they had to look at the best use of the money for the entire village. Chief Murray said the subdivision roads were private, and the kids were trespassing. There were a lot of mixed problems. Plunkett suggested that a workshop be scheduled to figure out how to move forward.
- Rast said he met with DOT about the GA 54 East projects, and DOT would allow the path in the right-of-way if there was landscaping to minimize the cart lights.
- Kourajian asked who had the liability for cart paths that dropped off into private property. City Attorney Ted Meeker said that the person who caused the accident would be responsible.
- McMullen said the list would be revised and brought back to Council.

14. Update Presentation on SR 74 Widening – Phase I & II (Borkowski)

- City Engineer Dave Borkowski gave an update on the GA 74 widening, which would be completed in two phases. Phase 1 extended from the FAA building north to the intersection with GA 54. Minor improvements north of the intersection would also be made. Phase 2 extended from the FAA building south to the intersection with GA 85, which would be realigned with Padgett Road.
- McMullen said there was a disparity between the ARC's plans for four lanes and the DOT's design, which was for six lanes between GA 54 and Crosstown. Borkowski said DOT's design was based on the annual daily traffic figures. The plan also called for a raised center median, but staff was working with DOT to get the median grassed.
- DOT was finishing the right-of-way acquisition and finalizing plans. The project would go out for bid in May. The Paschall Road multi-use tunnel was incorporated into the widening plans, with an 80/20 cost share (SPLOST) for the tunnel. The City would acquire the right-of-way and build the path connections. DOT agreed to construct the left turn lane for Cooper Wiring during the first phase.
- Plunkett verified that the project would encroach into the residential area, but no homes would be torn down. Borkowski said three noise walls would be built to alleviate the sound in the residential areas around the post office (Villa Point, Kelly Drive to Willow, and at the Police Department entrance).
- Right-of-way acquisition for Phase 2 would be in 2006; construction would begin in 2008. The City was working with DOT to incorporate multi-use path tunnels in the area of Holly Grove Road and the proposed Hannon Sports Complex. The same 80/20 cost share (FY 2008

PIP) was proposed. The City was pursuing incorporating multi-use path construction from Cooper Wiring area south to BSC (Q23 funded) in the widening project. Staff asked DOT to deed the right-of-way in the area of the existing bridge over Flat Creek to the City.

- Plans were on display in Developmental Services.
- Press releases on the status would be issued within the next few months. Rutherford said to keep the businesses on GA 74 and the industrial park apprised of construction, as well as possible alternate routes. Their human resources departments would be a good point of contact. Even a few days notice could stop a lot of complaints and problems. Kourajian said the sports associations should also be notified, especially if tournaments were scheduled. Borkowski said the City could work with the Chamber of Commerce to get the information out.

15. Discuss Comcast Cable Franchise Agreement Negotiation (Tyler)

- Public Information Officer/Deputy City Clerk Betsy Tyler reported that federal legislation was pending on local franchises. The proposed legislation took away the City's control over rights-of-way and customer service.
- The City was currently in negotiations with Comcast. The agreement expired in October. Tyler asked for direction regarding the franchise fee. The City currently received 4%, but could ask for 5%. If the City asked for 5%, Comcast would break out the franchise fee on the bill. Kourajian said he would not support an increase to 5%.
- Plunkett said she would like a person to be located in the Comcast office who could actually help with customer service issues, rather than just take complaints. Tyler said she would ask as part of the franchise negotiations.
- Kourajian noted that Andy Macke of Comcast had promised to have a person available on a regular basis to meet with customers at City Hall.
- Frances Meaders told Council she was having horrendous problems with Comcast's digital service. Comcast suggested the problem was her home's wiring, so she rewired her house and still had the problems, including frequent outages. She said her area had overhead service and the picture broke into pixels. Tyler said that had been a widespread problem in the City.
- McMullen said there were about 13,400 residential units in the City, including apartments. Comcast had about 9,000 customers, which was about 70% of the City.
- Tyler said there were actually fewer problems with Comcast than previous providers, but problems never seemed to get solved. Service was better when complaints were made online.
- Rutherford asked if there were other options, such as putting the service out for bid. Boone said there were also issues in Planterra. Tyler said Comcast was really the only choice. If the agreement ended, the City could not just get someone else. The City had spoken to Newnan Utilities, but the utility was not in a position to extend service. Newnan Utilities had given the City the information if the City wanted to go into the cable business. She said the City would have to acquire $20-24 million in revenue bond debt, and construction would take three to four years. Rates could be 10% lower, and there could be more channels available on basic cable, but the City would need to have 50% of the total households as customers (70% of Comcast customers). Tyler said the federal legislation might be an influence and could open up the avenue for other companies. She said the changes in technology also made it risky for the City to take over the cable system. Staff did not recommend the City get into the cable business. Meeker had that Newnan was interested, but they were not willing to put Newnan citizens at risk. McMullen said growth in Newnan was also a problem, and Newnan had no bond capacity to devote to the City.

- More competition could come from the phone companies that wanted to enter the market and provide phone/cable/internet service.
- Televising Council meetings was no longer a priority.
- Meeker said staff needed a clear direction on the focus of the negotiations. Rutherford said the focus should be quality service and customer service.

The meeting adjourned at 4:30 p.m.

Saturday, March 25, 2006
Mayor Logsdon called the meeting to order at 8:00 a.m. Other Council Members present were Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

16. Update Presentation on Capital Improvement Projects (Borkowski)

- Borkowski said the 23 SPLOST projects totaled over $11 million and gave an update on the FY 2005 projects status. The concept/design for the GA 54 Gateway cart path bridge was included. McMullen said the funding sources were the LCI grant and $138,000 in SPLOST funds. The City could request that the LCI grant funds be used on another project, but the money would have to be used in the GA 54 West corridor. Assistant City Manager Colin Halterman said some LCI funds for sidewalks in the area had been moved to the tunnel/cart path connection. Plunkett noted, that if and when the project moved forward, the public should be aware of where the money came from. The original estimate for the bridge was five years old. McMullen said the cost for the bridge over GA 74 was $1 million, and the design would help with the estimate. QK4, the City's traffic consultant, had kept the estimate at $618,000. Borkowski noted that the 208-foot bridge over the CSX tracks cost $308,000. Kourajian said $30,000 for the design was a reasonable amount to spend before making a decision.
- Projects on the FY 2006 SPLOST list included the Marketplace/Westpark tunnel, street resurfacing, cart path upgrade, Walt Banks roundabout, TDK at Dividend Drive right turn lanes, Rockaway Road construction, MacDuff Parkway landscape design, GA 74/Wisdom Road signal and lane improvements, GA 54/Stevens Entry traffic signal, Paschall tunnel at GA 74. Borkowski said the Marketplace/Westpark tunnel could become a bridge. McMullen said the topography could dictate a bridge. DOT denied the signal permit for GA 74/Wisdom Road. Another traffic study would be done after the Delta Credit Union and the office park in Wisdom Pointe opened. The City Manager prioritized the list.
- The recommended SPLOST projects for FY 2007 included street resurfacing, cart path upgrade, MacDuff Parkway landscaping installation, Paschall tunnel at GA 74, North Peachtree Parkway intersection improvements, Crosstown Drive/Robinson Road intersection improvements, and the design of the Park Place Drive extension. Staff recommended the priorities.
- Staff would complete the ranking of stormwater projects before seeking revenue bond.
- Completed/resolved stormwater projects included 531 North Fairfield, 309 Pinegate, Dividend Drive culvert replacement, Hip Pocket culvert replacement, and 124 Pebblestump Point culvert replacements.
- There was a list of 16 structures with flooding problems in various stages of evaluation, monitoring, and design. Structural flooding was the highest priority.
- Projects in the PIP for Public Works/Developmental Services included GA 54 East landscape enhancements – Phase IV and GA 54 West sidewalks/multi-use paths. The 2007 PIP included the South 74 multi-use path connection, Flat Creek multi-use bridge ramps, Bridlepath multi-use bridge, Crosstown/Peachtree Parkway intersection improvements, and Tennis Center

repairs (building and site work). A meeting was scheduled with the original builder of the Tennis Center.

- The Recreation PIP FY 2006 projects included architectural design of the Senior Center, Riley Field parking improvements, Meade Field paving-Phase II, tot lot upgrades, and Picnic Park restrooms. The 2007 PIP included Meade adult softball area, playgrounds/path exercise equipment/picnic shelters, Senior Center engineering/construction, Gateway bridge playground, and BSC maintenance building expansion. McMullen noted that the Senior Center design was on hold. Salvatore said there would be a PIP update during the budget workshops.
- Capital projects in the Fire Department's PIP for FY 2006 included Neely Station 82 driveway/parking lot repair and pump testing/training facility. Additional projects included the Weber Station 83 workout, storage, and sleeping quarters, Weber Station 83 front driveway improvements, and Station 84 sewer connection.

17. Update Presentation on Transportation Plan (Borkowski)

- Borkowski said the update was to the 1995 transportation plan.
- The City's transportation consultant, QK4, was preparing the plan. The City had received goals and objectives, existing conditions and assessment, and future conditions and assessments. The City still needed plan recommendations/implementation section, final document with maps and attachments, and the City should receive the plan by May.
- Existing conditions summary – traffic volumes along the GA 74 and GA 54 corridors had increased significantly, the GA 54/GA 74 intersection was severely congested during the morning and evening peak hours, money was included in the 2009 TIP for intersection improvements design, and there had been growth in traffic on the City's east side. As surrounding areas continued to grow, traffic would increase in the City. The growth projections were based on an ARC model.
- Plunkett asked if there could be internal standards for levels of service (LOS) to better define how bad the level was. McMullen said the LOS was based on the seconds delay at traffic signals. The number of seconds could be added after the letter grade.
- Council disagreed with the LOS of C given to the MacDuff Parkway/GA 54 intersection. Borkowski said the priority was to GA 54. He guaranteed it was an F now with widening. Kourajian asked that the LOS at the intersection be clarified.
- Projects in the planning and development stages during the next nine-year period on the state route system included Phase IV of the GA 54 landscape enhancements, the GA 54 Gateway multi-use bridge, Phase 1 and Phase 2 of the GA 74 widening, a traffic signal at GA 54/Stevens Entry, a traffic signal at GA 74/Wisdom Road, and frontage roads on GA 74 at Gilroy's to Avery Dennison and at the Police Department. City street projects included a signal/improvements at Peachtree Parkway/Crosstown Drive, realignment of Huddleston Road/Dividend Drive at Paschall, a signal/improvements at Peachtree Parkway/Walt Banks, turn lanes at Peachtree Parkway/Braelinn Road, turn lanes at TDK Boulevard/Dividend Drive, signal/improvements at Crosstown/Robinson Road, turn lanes at Peachtree Parkway North/Loring Lane and Tinsley Mill Road, intersection improvements at Redwine Road/Robinson Road, landscape enhancements on MacDuff Parkway, TDK Boulevard extension between Dividend Drive and McIntosh Trail, and Phase 1 of the extension of MacDuff Parkway to Kedron Road.
- Additional projects that might be warranted based on future conditions LOS in 2015 included a signal at GA 74/South Kedron Drive, turn lanes at GA 54/Robinson Road, and a signal at TDK Boulevard/Dividend Drive.

- Programmed projects for 2015-2025 included grade separation at GA 54/GA 74, widening of Crosstown between GA 74 and Peachtree Parkway, Phase II of the MacDuff Parkway/northern bypass, and the southern bypass (Redwine extension).
- Additional projects that might be warranted in 2025 based on the future conditions LOS included the GA 74/GA 54 grade separation or the addition of through lanes for westbound GA 54 and southbound GA 74, completion of MacDuff Parkway if not already done, widening of Crosstown Road between GA 74 and Peachtree Parkway, and the southern bypass (Redwine extension).
- Changes would be made to City ordinances to eliminate errors and inconsistencies between the ordinances and the Transportation Plan.
- Staff had made comments to QK4 on the types of functional classes and design standards so they would coincide with ordinances.
- Neighborhood collector was added as a road category; 20 roads were reclassified to the new designation.

18. Fire Department Strategic Plan (Lohr)

- Fire Chief Stony Lohr gave an overview of the current situation and looked at the future.
- McMullen noted that an additional 1,000,000 square feet of commercial property would be coming online that the Fire Department would also serve. The department currently provided fire, emergency medical services (EMS), and rescue services.
- Lohr said the questions that had to be considered included what staffing was needed to respond with two people per apparatus, should the City enter an Automatic Aid agreement with the County, and what were the costs for the proposed enhancements to current facilities and staffing levels.
- Points to consider on whether to move Station 84, currently at Crabapple/GA 74, to the proposed Kedron North location included increased coverage of fire hydrants within the 1½ mile radius of the station (coverage level defined by ISO), annual debt service of $128,000 for a new building would be incurred (assuming land was a wash), coverage area would overlap with Westside station if it were built, and the engine would have to go up hill increasing response time by two minutes, 12 seconds.
- The addition of a fifth station on GA 74 South would provide 1½ mile coverage for industrial area and portion of Wilshire Estates (138 hydrants), increase the service area outside of the City if an automatic aid agreement was entered into with the County, additional annual expense of $612,000 would be incurred (staff, vehicle, building), a second station had to respond to enter a building, and two additional firefighters would be needed per shift for an ALS engine only.
- The addition of a fifth station in the West Village would cover an additional 117 hydrants, would improve the coverage of the City's largest commercial area, would incur an additional annual expense of $595,800 (staff, building, vehicle, City already owned the land), a second station had to respond to enter the building, and two additional firefighters per shift needed for an ALS engine only.
- The staffing per shift currently included 13 career firefighters, part timers (equivalent to seven full time, two per shift), one senior staff member on call, and an average of 1.36 volunteers responding to fire calls in 2005. Lohr added that the average number of volunteers had dropped because of an additional number of calls, not because fewer volunteers were responding to calls. Currently, the shift staffing recommended to fight a residential fire was 13 on-duty career or part-timers, one senior staff, and one to two volunteers average.

- The staffing per shift needed to respond with two firefighters per apparatus included two engines, attack and water source; tower-ladder, roof ventilation, victim rescue; rescue, lights, cascade system (air bottle refill); ambulance, EMS support; and shift commander, command and control. An additional engine for the sprinkler system was needed for multi-family or commercial structures.
- Two firefighters per apparatus were needed for increased safety and provided a second set of eyes, faster response, to lay hose quicker, to interview witnesses and prepare to pump simultaneously, and to enter the building after second apparatus arrived. The current staffing per shift for the four stations was 13. The required staffing per shift was 19.
- Points to consider on whether or not to enter an Automatic Aid agreement with the County included City had 12,858 housing units; County housing units in City area numbered 4,510; City and County calls were approximately 73-76% EMS; North County station was closer to City residences than City station, 2005 City average EMS calls, 645 per unit; 2005 County average EMS calls, 1,158 per unit; balanced workload assumption would mean 938 calls per unit, 68% increase for City; ambulance availability and initial response to fire calls for City residents would decrease; County provided mutual aid to City seven times in 2005, City provided mutual aid to County 43 times; County service would improve; County needed to identify benefits for City.
- Staff recommendations included maintaining existing station infrastructure; evaluation of West Village station if annexation occurred; development of volunteer firefighter incentive programs to encourage additional response; addition of four firefighters per shift (12 total positions) within next three to five budget years (combination career and part-time funding); and to maintain the existing Mutual Aid agreements, but not to enter an Automatic Aid agreement with the County.
- The critical need was people.
- McMullen said need for people was critical in Fire and Police Departments. He could not add necessary people without increasing the millage rate. If County established a special EMS district, County taxes would be lower, but City taxes would not decrease.
- Council consensus was to add firefighters.

19. Police Department Strategic Plan (Murray)

- Chief Murray discussed the current situation – 57 sworn personnel (two in field training), four civilian personnel, three eight-hour shifts, four zones, 39 marked patrol cars, computer systems and software were outdated and inefficient, and department was 39% underfunded when compared to other Class B cities.
- A fifth zone was planned for implementation in 1992, but had been pushed back every year due to manpower. Justification for the additional zone included retail development in Zone 1 (two officers had to be assigned for the past three years); improved patrol coverage and preventive patrol in the two busiest zones (Zones 1 and 3); approximately 608,000 square feet of retail and mixed use space, and 381,000 square feet of industrial and office space currently permitted for development; improved response to issues on GA 54 and GA 74; residential development along MacDuff Parkway; future development of East Coweta, South Fulton, and TDK extension; seven additional officers needed for field activities, traffic enforcement, and preventive patrol; one detective needed to investigate cases generated by development in the area; and one staff assistant was needed to handle the increased workload and enter data into Crimefile 2000 records management system.
- The Department did not have resources to commit to a full-time Drug Intelligence Team. Currently, all detectives and patrol personnel shared responsibility for developing informants and intelligence. Limited interdiction was accomplished within the City limits. Arrests were

made during routine patrol or through intelligence received by Criminal Investigation's personnel. A sergeant would be needed to supervise the two-agent Drug Intelligence Team. One would be assigned to the federal Drug Enforcement Agency (DEA) to ensure the City received federal assistance for equipment and resources, as well as allowing the City to share in federal asset forfeiture.

- Each officer was assigned a laptop computer to complete reports, but had to return to the station to print reports so they could be turned in to supervisors. After approval, supervisors gave reports to the staff assistant who entered all the information into the Crimefile 2000 database. The current technology impacted the ability to create statistical reporting requirements for accreditation. With wireless technology and in-car data terminals, officers would submit reports wirelessly to supervisors, who would approve and send to the Crimefile 2000 database. The staff assistant would check the report and approve for entry to central records. The ability to communicate with other agencies was limited. State band radios promoted interagency operability in the event of a significant disaster or incident (terrorist attack or natural/manmade disaster).
- There were approximately 90 miles of multi-use recreational paths to be patrolled with four mountain bikes, one Mule (ATV), and one GEM low speed vehicle. The use of the GEM was limited due to battery life. Use of the Mule was limited due to engine noise. Use of the mountain bikes was limited due to the physical endurance of the officers. During 2005, 457 hours were spent patrolling the path system, including the time spent on golf cart compliance checks. In August 2005, one officer was designated to plan patrols, coordinate and supervise checkpoints, and path patrol.
- Currently, an officer was taken out of a patrol zone to patrol the paths, which reduced the number of officers available to answer calls, conduct proactive patrols, and enforce traffic laws. Path use had dramatically increased, but additional officers had not been added. Four additional officers were needed to patrol paths eight hours a day, seven days a week. Eight officers were needed to patrol system 16 hours a day (two shifts). There would also be a significant impact on patrol due to prisoner transport from arrests made by path patrol officers.
- The priority was to implement a fifth zone, create a drug unit, upgrade technology, and create a multi-use path patrol.
- Calls today took 20-30 minutes longer so officers were out of service longer.
- Estimated cost of technology upgrades was $500,000 and had to be compatible with County's systems.
- Population in the community was drastically changing; significant criminals were now residing in the City. If cart path safety was ignored, the City could not spend enough money to fix it.
- Murray said it was clear-cut that the addition of a fifth zone would add a lot.

20. Emergency Medical Services (EMS), Special Service Tax District (McMullen)

- McMullen said he had been dealing with this issue for two and a half years. The purpose was to keep City residents from paying for EMS service twice.
- The ambulance transport revenue funded the City EMS. One position was budgeted. If the City stopped the EMS service, the positions would still be needed to staff the Fire Department.
- The County funded EMS through the General Fund. All County residents, included City residents, paid; 34 positions were budgeted.
- The City requested that the County establish an EMS Special Service Tax District on October 7, 2004. City and County staffs met between January 2005 and February 2006, but discussions were not fruitful. An update of the service delivery agreement was needed due to the

Comprehensive Plan update. McMullen and Logsdon had met with Commission Chairman Greg Dunn and County Administrator Chris Venice.

- It was a fact that the number of County positions had gone up, and the fire millage had gone down. The City was supplementing the fire district tax.
- The County's solution was to enter into an automatic aid agreement, which did not address the issue of paying for services not received.
- The Fire Department assessment was completed in February 2004 and had four options to consider. Commissioners were focused on the option to consolidate services and have the County provide EMS.
- Consolidation expenses would be costly. The City provided services efficiently, as did the County. The County needed to establish an EMS Special Service tax district to eliminate the inequitable tax burden on City residents and industry as recommended by the "Tax Equity Review: Fayette County FUTURES Committee" in 2000 and the City's "Evaluation of Emergency Services Delivery System" in 2004.
- The County Administrator was to meet with the City Managers to address issues, but the meetings had not been scheduled.
- Rutherford attended the January 2005 meeting when the Commissioners voted against the special tax district. Commissioner Herb Frady wanted to look at the issue. The County initially offered one ambulance, but had gone to two. She asked what the City's options were. McMullen said the City had the option to not sign the service delivery agreement. The County was under the same schedule as the City concerning the Comprehensive Plan update. Both entities would jeopardize their quality local government (QLG) status. Meeker said the City could petition the court concerning the service delivery agreement. A mediator would be appointed. It would be a long process. Rutherford said the City had backed off the process the last time the City sued the County. At that time, Rutherford said the LOST negotiations were coming up, and the City did not have enough reserves to hold out.
- The next step was for McMullen to meet with the County Administrator, but they would not resolve the issue. The County would put together a draft service agreement, but McMullen did not think it would include any changes.
- Logsdon said he had met with Dunn three times. Frady would support the City. Commissioner Linda Wells would keep an open mind, but newly-elected Commissioner Robert Horgan might not be aware of the issues. Logsdon was willing to go to the mat on this issue.
- Rutherford asked about legislative options. Meeker said there were none. The loss of QLG status impacted state and federal funding for both entities. The DCA might say the current agreement was valid until a new one was signed.
- Rutherford asked if Tyrone and Fayetteville had similar issues. McMullen said Fayetteville had an issue with jail funding. Tyrone had recreation issues. Rutherford said it would help for all the cities to work together. She asked if the City was willing to lose state grant money. Meeker said the City had to go through negotiations before filing a lawsuit. Rutherford said she needed to know how strong the City could stand through the process.
- Kourajian asked about meeting with the Commissioners. McMullen said he could send a letter requesting a meeting with the Commissioners. There were three issues – EMS, SPLOST paving, and recreation funding. Council agreed to let the Commissioners choose the time and location. Council also agreed to meet to discuss talking points.

21. Discuss Mayor & Council Salaries (McMullen)

- McMullen said former Mayors Fred Brown and Bob Lenox had written to Logsdon regarding the stipend paid to Mayor and Council. The current stipend was established in 1985. Lenox and Brown volunteered to review information collected by staff and make any appropriate recommendation.
- Miller said she did not know how many mayors of the comparable-sized cities researched were full-time. The average compensation for mayors was $17,053. The highest was Douglas at $31,000, and the lowest was Dalton at $7,200. The average for Council Members was $10,600. The highest was Valdosta at $15,500; the City was tied with Dalton for the lowest stipend at $6,000.
- Logsdon asked Council if they wanted to pursue the matter. Kourajian needed more information, such as time required, size of budget, type of government, etc. Plunkett suggested that a staff member serve with Brown and Lenox.
- Rutherford said she was not interested in giving a raise to future Council Members when more fire and police were needed. It was not fiscally responsible given other needs.
- Kourajian said only way to make a good decision was to do the research.

22. Discuss Volunteer Recognition Event (Logsdon)

- Logsdon would like to do more to recognize citizens who served on commissions and authorities.
- Plunkett suggested hosting a gala every two years to recognized commission and authority volunteers and those citizens who had good ideas. She had researched the numbers as a Recreation commissioner and there were 85 people who served in those roles. Kourajian liked idea of recognition, but was concerned about spending money that could go towards something else. Plunkett said they could get sponsors.
- Lohr said the volunteer association paid for half of the Fire Department's recognition dinner, and the department paid the other half. The cost was $8,400 for 159 people.
- Miller said the City had hosted volunteer dinners in the past. The policy was that the City did not spend money on alcohol. The parameters had to be defined regarding what groups were to be included.
- Logsdon asked Plunkett to take the suggestion and work on it.
- Rutherford suggested recognizing a board in the *Update*. The public would get to know who served on the board and what the duties were.

23. Review Budget Process for New Council Members (Salvatore & McMullen)

- Salvatore went over the budget schedule and explained that the state was now cracking down on the millage rate deadline, which was August 1.
- Rutherford asked that a copy of the operating budget and the PIP be sent to Council.
- Salvatore said every director and chief had to justify everything under each line item.
- FY 2007 Budget Schedule – March 20, distribute instructions for operating budget and PIP (Bud I) to directors and chiefs; April 4, City Manager and Finance Director meet with directors and chiefs in pre-budget preparation meeting; April 21, Bud I deadline; May 16, City Manager reviews Bud I with directors and chiefs; May 23, Bud II deadline; June 5-6, Council workshop to review Bud II with directors and chiefs (alternate date: June 12-13); June 16, Bud III submitted to Finance Director/City Manager; June 26, Council workshop to review Bud III; July 3, send out advertisement for public hearing on operating budget and PIP; July 7, final operating budget and PIP submitted to City Manager; July 17, final budget workshop meeting; July 20, public hearing on operating budget and PIP, adopt millage rate; and August 3, adoption of operating budget and PIP.

24. Discuss Scheduling Council Workshops (Logsdon)

- Logsdon said Council considered many complex issues. A workshop could be beneficial prior to the Council meeting where a decision was to be made. He suggested the second Thursday of the month. Kourajian and Rutherford agreed. If no workshop was needed, then meeting would be cancelled.
- The second Thursday and Wednesdays were also possibilities. The Floy Farr Room was the proposed location. McMullen would check on availability of dates and rooms.

25. Discuss a Public Comment Session at Council Meetings (Logsdon)

- Plunkett noted that many entities had a public comment session that was very controlled, but regularly on the agenda. Residents would sign in and had three minutes to address any subject. The session would not alleviate public hearings. She noted that, according to City ordinance, residents were not to speak except during public hearings. Council could allow residents to speak on agenda item.
- Rutherford said residents could ask questions, but should not anticipate answers. They also should not be allowed to bash staff. She questioned why Council could not change the City ordinances.
- Meeker said each person should be limited to two-three minutes.
- McMullen said Fulton County had a session prior to meetings. Residents filled out cards with name and telephone number so staff could get back to them with answers. A clock was used to time comments.
- Meeker was to research if the ordinance needed to be changed to permit a public comment session.
- Kourajian wanted to see written rules prior to beginning the public comment sessions.

26. City Communications with Citizens (Logsdon)

- Logsdon suggested Council take another look at mailing out the *Update*. He did not believe residents were going to the website to read it, or saw it in the newspaper when it was printed. *Update* was a tool that could be better used. It did not have to be mailed each month; it could be sent quarterly.
- Rutherford thanked Jill Prouty for a recent editorial on the library and reading, and Betsy Tyler for her article explaining the need for a stormwater utility.
- Miller said *Update* originally had three precepts – accuracy, quick read, and non-political. The purpose was to inform, not to sway public opinion.
- Kourajian said the newsletter could be as big as it needed to be as long as the information was pertinent.
- Council would look at the cost, then make a decision.

The meeting adjourned at 3:30 p.m.

Jane Miller, City Clerk

Harold Logsdon, Mayor

Pamela Dufresne, Recording Secretary

City Council of Peachtree City
Minutes of Meeting
April 6, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, April 6, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, and Judi Rutherford. Cyndi Plunkett was out of town and unable to attend.

Announcements, Awards, Special Recognitions

Mayor Logsdon read proclamations for Confederate History and Heritage Month and for Georgia Cities Week. Lieutenant Peki Prince of the Fire Department was recognized for 15 years of service.

Minutes

Rutherford moved to approve the March 16, 2006, regular meeting minutes as written. Boone seconded. The motion carried unanimously.

Monthly Reports

Logsdon noted the Top 5 accident locations for the month – GA 54/Commerce Drive, GA 54/Peachtree Parkway, GA 54/Planterra Way, GA 54/GA 74, and GA 74/Crosstown Drive.

Consent Agenda

1. **Consider Appointments to Development Authority – Michael Moore**
2. **Alcohol License – Change in Owner, Licensee, License Representative – Buckner Petroleum/Greenway Store #646**
3. **Consider Acceptance of Limited Warranty Deed – Regents Park Extension on Georgian Park at Kedron Village Shopping Center**
4. **Consider Bid for Medic Remount**
5. **Alcohol License – Change in Owner, Licensee, License Representative – Martini's/The Red Room**
6. **Consider Software Purchase from State Contract**

Rutherford moved to approve Consent Agenda Items #1, #2, #3, #5, and #6 and to pull #4 off the agenda for discussion. Kourajian seconded. The motion carried 4-0.

4. **Consider Bid for Medic Remount**

Rutherford said that one of the bidders, Taylor Made Ambulances (TMA), had some questions. She noted that there was an additional document on the dais (an e-mail to Mayor and Council from the City Manager dated April 6, 2006) with TMA's questions and City Manager Bernard McMullen's response.

Prince said that the City had received an e-mail from TMA with six questions. Prince went over the questions, as well as the responses to each question. Rutherford said that each question had been addressed. The company's bid had not met the specifications, and the letter verified that that TMA's bid had not met the specs.

Rutherford moved to award the bid as shown to Peach State. Kourajian seconded. The motion carried 4-0.

Logsdon noted that Michael Moore had been appointed to the Development Authority.

New Agenda Items

04-06-01 Presentation of Comprehensive Annual Financial Report for Fiscal Year Ending September 30, 2005

Finance Director Paul Salvatore that the audit had recently been completed on time and had been submitted to the state and the Governmental Finance Officers Association. He continued that the audit had gone very well, and the City had received a clean opinion. He introduced Adam Fraley of Mauldin & Jenkins, who presented the audit to Council.

Fraley said there were actually two documents – the comprehensive annual financial report (CAFR) and the annual audit agenda (copy is included in the official meeting file). He concentrated on the annual audit agenda. The CAFR received a clean opinion. He continued that the audit had gone very well. He commended staff and management for their help in the audit process. He explained that, in layman's terms, the audit was clean. Technically, it was an unqualified opinion, which was what the City wanted.

Fraley said Page 2 of the annual audit agenda included information on the purpose of the audit agenda and the engagement team. Page 3 listed required communications, including the auditor's and the auditee's responsibilities. Required communications also included a statement on management judgments and accounting estimates, as well as any audit adjustments and uncorrected misstatements. There were some audit adjustments, but nothing significant, and there were no uncorrected misstatements. All adjustments found during the audit process had been made and posted.

Fraley continued with Page 4, which focused on accounting policies. The City was required to present financial statements in accordance with the Government Accounting Standards Board (GASB). New standards would be coming out in the next few years. Page 5 stated there were no disagreements between the auditing firm and management. Management was cooperative and helpful; there were no major issues. The audit firm did not encounter any difficulties with management while performing the audit.

Page 6 focused on accounting recommendations and related matters. Fraley said the recommendations were meant to improve the City's control system, while including some "for your information" issues. None of the issues were significant. He added that management was in the process of responding to the management recommendations and taking corrective action to implement the directions.

Fraley said that Pages 7-9 discussed the new standards and laws that were coming out that would be significant to the financial report. Fraley thanked the City's management and said they appreciated serving the City.

Kourajian asked about tagging capital assets, which was a recommendation on Page 6. Fraley explained that many of the City's assets were not tagged, but were systematically and periodically inventoried. The threshold for capitalization was $5,000 for reporting purposes, which was the GASB standard. He said the City kept up with the capital assets under $5,000.

Kourajian referred to the EMS receivables comment on Page 6. He asked how much they were recommending writing off. Salvatore said they did not want to show the delinquent accounts as receivables. The City would keep trying to collect the debts. The oldest account was from 1997, according to Assistant Finance Director Janet Camburn. She said individuals, not insurance companies, owed the money. Boone asked City Attorney Ted Meeker if there was a statute of limitations on collecting debt under the Fair Credit Collection Act. Meeker said there were just the standard limitations. Rutherford suggested that there be a determination made on the statute of limitations, then write off the older debts.

Kourajian questioned recommendation #4 on SPLOST and the local news. The state required the cities and counties with a SPLOST to publish a report once a year in a local newspaper. Fraley said he understood the City was to work with the County since it was a County SPLOST. McMullen said the first report had been published in December 2005. The County was responsible for the report.

Kourajian asked about the "affidavit value of infrastructure" recommendation on Page 8. Fraley explained that GASB 34 required the affidavit as a way of substantiating the value of the City's infrastructure. All cities were required to capture the value of bridges and roads, including roads donated by developers. Kourajian noted that one paragraph used the word "required," while the next paragraph used the word "recommend." Fraley said the City was now required to inventory infrastructure and report on it in the CAFR. It was the auditor's recommendation to consider changes in the process of accepting and recording donated infrastructure such as getting an affidavit of value on the infrastructure. Fraley added that the City was fulfilling the requirements.

04-06-02 Discussion of Realignment of Huddleston/Dividend Intersection

City Engineer Dave Borkowski explained that the staff recommendation was that the City not utilize the Q23 funds approved for the project and to notify the Atlanta Regional Commission (ARC) that the City would not use the funds designated for this project.

Borkowski continued that the current realignment design was a sweeping "s," with the traffic on Paschall and coming out of the Paschall Industries site required to stop. The total cost would be $358,000 – $150,000 for rights-of-way, $40,000 additional design costs (environmental certification and historical investigation) to utilize the Q23 funds, and $166,000 for construction. The maximum reimbursement from the TIP and the ARC would be approximately $132,800, based on the cost of construction. The City would be required to spend $226,000 out-of-pocket. He said that given the substantial cost and timeframe, as well as the additional environmental work and historical investigation that would be required, staff studied the intersection and found less than a one-minute wait at the stop signs during peak times. There had not been a significant number of accidents. Most of the accidents were rear-end collisions or hitting deer. The problem with the area was there was not enough room for the tractor-trailer trucks to make right turns.

Kourajian asked where the City's funds were originally going to come from. Borkowski said the project was in the PIP, and federal funds had been requested some time ago. In the 2005 PIP, there had been $280,000 budgeted, and $133,000 had been in the 2004 PIP. McMullen added that $220,000 of the $280,000 in the 2005 PIP would have come from federal funds. Some of the funds had been spent; the balance now was about $170,000. The 2004 money was for right-of-way acquisition.

Rutherford asked how old the project was. Kourajian asked why the project was on the list. McMullen said there was no documentation on why the realignment should be done, but the project had been around for some time. He noted there would be a problem for Paschall Industry to access the road if it were realigned. Kourajian asked if Huddleston would become a thoroughfare once GA 54 was completed. McMullen said that, if left in the current configuration, the trucks would use Paschall as a way to get to GA 74. The trucks would go down Huddleston to get to GA 54. He added that Huddleston Road was also a possible area for redevelopment. They would not want much truck traffic on Huddleston Road during construction. Boone said it would be difficult for trucks coming east on GA 54 to make the turn onto Huddleston. Logsdon said he and McMullen had discussed the issue and decided it would be better to keep the trucks on GA 74 rather have them going down Huddleston Road.

Kourajian asked if staff wanted to scrap the project, or just put it off until later. Borkowski said staff recommended pursuing modifications to the intersection with the PIP funds. The lanes should be widened for softer turns. The cost would be less while accomplishing the same thing. The cost estimate had not been done, but it would be significantly less than $226,000.

Rutherford said Huddleston Road would get more traffic once the construction began on GA 74. She said there were a lot of utility boxes on the right hand side of Dividend Drive right at the intersection with Paschall Road. She asked if they would have to be moved for the turn lane. Borkowski said staff felt the modifications could be done without affecting those utilities. If the intersection were realigned, the utilities would be significantly affected.

McMullen said staff needed a concurrence not to use the Q23 funds designated for the project.

Rutherford moved to abandon the extensive redesign of the Huddleston intersection, to move forward with widening the lanes as presented, and to notify the ARC that the City would not be using the Q23 funds set aside for the project. Boone seconded.

Kourajian noted that the agenda item read that there would be a discussion. He questioned whether Council should take action. Meeker said the item was on the agenda so Council could take action. Kourajian said that residents might not attend meetings if they saw a topic listed for discussion on the agenda. He wanted to ensure that residents would know Council could take a vote by looking at the agenda.

The motion carried 4-0.

Earl Randall, a business owner on Dividend Drive, questioned Council's decision. He noted that traffic on Huddleston Road had dropped drastically with the construction on GA 54, but traffic would pick up when the road was finished. The traffic would also get heavier if someone bought the Photocircuits buildings. He asked Council not to scrap the plans to realign the road yet.

04-06-03 Consider Project Management Agreements for Q23 Projects

Borkowski said that staff recommended Council accept the agreements and the Q23 funds. The projects included Peachtree Parkway/Crosstown Drive intersection improvements, Peachtree Parkway/Walt Banks intersection improvements, and the GA 74 South multi-use paths. The Q23 funds were federal dollars, and many steps had to be taken to ensure the City was reimbursed with the funds before construction could proceed. He asked that Council approve the agreements so staff could move forward with the projects.

Rutherford asked if the local estimates were still accurate. McMullen said they were.

Rutherford moved that the City move forward with FA-237, Peachtree Parkway/Crosstown Drive intersection improvements ($216,000 federal, $144,000 local); FA-255, Peachtree Parkway/Walt Banks Road intersection improvements ($228,00 federal, $57,000 local); and FA-AR-BP024, GA 74 South multi-use path-Cooper Circle to South 74 BSC ($200,000 federal, $50,000 local), and that the Mayor be authorized to sign the paperwork. Kourajian seconded.

Kourajian asked McMullen if there would be a negative reaction to the City giving back the federal funds for the Huddleston/Dividend realignment project. McMullen said the ARC had called and the main concern was that a decision be made. If the City requested future funds for the same project, the request might not be looked on favorably. It should not affect other projects.

Kourajian asked how the local share was determined. McMullen said in most cases the split was usually 80/20, with the 80% share having a maximum of $224,000.

Kourajian asked what was going to happen at Crosstown/Peachtree Parkway. McMullen said that QK4, the City's traffic consultant, was to do a traffic study, then come back with recommended intersection improvements. The costs had been developed several years ago. A roundabout was originally planned. Staff was looking at doing lane improvements now. Boone asked if the programmed amount could be updated since the information had been updated. Rutherford said the City could not request more funds from the TIP program since the funds were approved in advance for specific projects. The prices were set. The City was putting in requests now for the next five years. The estimates were based on what the City knew at the time. Boone asked if there was not a factor that could be figured in to account for price increases. McMullen said there was, but the problem was they were not able to clearly define the scope of work. The plan was originally for a roundabout. The biggest problem was there had been no design before the numbers were put out.

The motion carried unanimously.

04-06-04 Consider Project Management Agreement for Flat Creek Multi-use Bridge
Borkowski said that a supplemental agreement to extend the project completion timetable was needed for the TEA-21 grant. The grant had been originally awarded in 2001 and had been extended four times for various reasons. The bridge and abutment installation had been completed. The extension would give staff time to get the paperwork done and to get approval from the DOT. Rutherford clarified that the extension was only to provide enough time to get the paperwork done so the City would be reimbursed $48,000. Borkowski said that was correct.

Rutherford moved to apply for the extension so the paperwork could get in and the process could get done. Kourajian seconded. The motion carried 4-0.

04-06-05 Discussion on Mosquito Control
Fire Chief Stony Lohr gave Council a summary of the City's mosquito control program, which he said was limited but adequate and inexpensive. The program included public education on mosquito control, draining areas that could be drained, and selective application of larvicide. A mosquito control article would be included in the next *Update*. Mosquito control was important in the prevention of selected diseases, in particular West Nile Virus (WNV). In 2003, one man died in the County and a crow found in the City tested positive for WNV. Once the virus was in an area, it was persistent. The majority of mosquitoes were home grown and bred in standing water around the home. They did not fly more than 300 feet. The effort was to try to keep residents from having standing water. If there was a problem or an area, such as a pond, that could not be drained, residents were encouraged to purchase mosquito dunks from local hardware stores. The dunks were a biologic agent and were approved by the Environmental Protection Agency. They were effective, but only lasted for 30 days. Lohr said he used a similar product with extended release that lasted for 150 days.

Boone asked if areas on the cart path with standing water were treated. Lohr said selected areas had already been treated, especially areas with high concentrations of the populations most susceptible to diseases carried by mosquitoes, such as senior citizens and young children. The areas included Southland Nursing Home, Ashley Glen Assisted Living, Village Park, the Field of Hope, and the All Children's Playground.

Logsdon asked if 150 days covered the mosquito season. Lohr said it would depend on whether there was enough rainfall to keep the dunks submerged for the full 150 days. If there were dry spells, they would last longer. August, September, and October had the highest incidence of mosquito activity historically. Lohr said it would be a good idea to put out more larvicide in September.

Rutherford noted that the path behind Village Park was still wet, even though there had not been much rain recently. Lohr said there were a few places that were still wet. He would have to go back to the area. The areas within 30 feet of the path had been treated in that area. Rutherford asked Lohr if he had enough material to treat the complaints. Lohr said most of the treatment was based on complaints as a reactive process, and he should have enough. He did not try to treat all of the City's catch basins or ponds.

Lohr continued that there had been no reports of human disease in 2006, but there were 24 cases reported in the state in 2005 with two deaths. The people who died were both senior citizens. One lived in DeKalb County.

Rutherford asked Lohr if he needed funding. Lohr said the funding was currently adequate. The recent cold snaps had helped to keep the mosquitoes dormant. He expected to receive complaints in the next few weeks. Rutherford asked if the path area from McIntosh Trail to Braelinn Village, behind the Amphitheater, had been treated. Lohr said it had not. Rutherford said the area was very wet. Lohr said if activity increased a lot, there might be a need to increase treatment. McMullen added that Public Works was working on drainage improvements in the Village Park area, which should also help.

Phyllis Aguayo told Council there was an area of concern in her subdivision, Stoneybrook. There was a stream that flowed into a pond that was filling in with sediment and had stagnant water. After heavy rain, the water did not flow back into the stream. The stream flowed into the reservoir. There was a problem with mosquitoes. She asked if it would be better to treat it with the larvicide, or if the City should take another look at improving the drainage. McMullen told Aguayo someone would look at the area.

Boone asked if detention ponds were ever treated. Lohr said they were treated only if there was a complaint or if he noticed a problem. If the ponds were large, he would need a case of mosquito dunks. One briquette treated about 1,500 gallons, or 200 cubic feet of water. Kourajian asked whose budget paid for mosquito control. Salvatore said there was a $1,000 line item. Lohr said he did not treat ponds if they had fish, since they typically took care of the problem.

Boone asked if the City had considered spraying. Lohr said that spraying was the last resort in all locations. It was the most expensive and least effective method, and caused the most side effects.

Council/Staff Topics

Logsdon asked when the "Public Comment" section of the agenda would go into effect. McMullen said the proposed rules were sent to Council for comment, and two members had responded. Administrative Services Director/City Clerk Jane Miller said that it should begin by the first meeting in May. Logsdon said there should also be a press release so the citizens would know about it.

Rutherford asked if there was any information on the fence in disrepair behind Balmoral Village. Miller said Public Works had gone out and looked at it. There were several issues, and Code Enforcement was looking into the matter. Rutherford said if a golf cart tipped over someone would get hurt.

Kourajian noted that the $3 Café was not open. McMullen said it was to open on April 17. Rutherford moved to convene in executive session for threatened or pending litigation and a personnel issue. Boone seconded. The motion carried 4-0.

Rutherford moved to reconvene in regular session. Kourajian seconded. The motion carried 4-0.

Rutherford moved to deny the claims of Michael Cahill, Maria Cahill, Arthur Connor, Lou Ann Connor, Penelope Spetsios, and Maria Cahill as next friend of her minor child Athena Cahill, as such claims were presented and to authorize the City Attorney to file the necessary counterclaims against said persons. Boone seconded. The motion carried 4-0.

Rutherford moved to deny the claims of Brian McConnell, Nora McConnell and Christopher McConnell as such claims were presented. Boone seconded. The motion carried 4-0.

There being no further business to discuss, Rutherford moved to adjourn. Boone seconded the motion. The motion carried 4-0. The meeting adjourned at 9:00 p.m.

Jane Miller, City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary

CITY OF PEACHTREE CITY
INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**
Assistant City Manager
Finance Director P.T.
Assistant Finance Director

FROM: **Director of Leisure Services**

DATE: **April 11, 2006**

SUBJECT: **Consider Change Order #11, Library Construction Contract, Credit for Deletion of Tile Work in Bathrooms April 20, 2006 Council Agenda**

Recommendation:

That Council approves Change Order Number 11 to the Library Construction/Renovation Contract for a credit in an amount of $750 for deletion of wall tile materials and labor in the upstairs men's and women's restrooms. This request is being forwarded to City Council in accordance with terms of the construction agreement, which calls for all change orders to come before City Council for consideration and approval. Attached is a validation for this CO from Leo Daly Senior Construction Administrator Jim Porter.

Discussion:

The tile and labor was deleted from the project after it was determined that is was not needed to properly complete the restroom construction.

Budget Impact:

The contingency balance for this project as of March 21, 2006, is $23,721. Approval of change order #11 will leave the contingency at $24,471.

Attachment

205 JEFF DAVIS PLACE, FAYETTEVILLE, GA 30214
PHONE: (770) 460-7400, FAX: (770) 460-0478
WWW.LESLIECONTRACTING.COM

LESLIE CONTRACTING, INC.

Monday, January 09, 2006

Mr. Jim Porter
Leo A Daly Company
1170 Peachtree Street NE, Suite 1600
Atlanta, GA 30309-3602

RE: Potential Change Order # 026

Additions _Renovations Peachtree City Library- 04-619

Dear Mr. Porter,

This letter is to provide official notification of a potential project change as follows:

PCO Number: 026
Date: 06-Jan-06
Description: Delete Tile in Restrooms
Proposed Amt: ($750.00)
Days Requested: 0
Reference:
Notes: Delete ceramic tile above wainscoat on wet wall of mens and womens restrooms

This PCO is comprised of the following items:

Item Number	Description	Proposed Amt	Contractor
001	Delete wall tile in mens and womens restrooms	($500.00)	
002	Additonal credit from LCI	($250.00)	

Total:($750.00)

If you have any questions, please contact the undersigned at 770-560-6766 as soon as possible.

Respectfully,

Ron Hughes

Recommend Acceptance
Leo A Daly
1/12/06

POSITION PAPER

Proposed Variance: Lot 2, Braelinn Courts
Gurney Property

City Planner/ Zoning Administrator David
April 13, 2006

Situation:

Mr. and Mrs. Philip Gurney own the property located at 102 Braelinn Court within the Braelinn Courts subdivision. The overall site is 0.136 acres in size and is zoned GR-6 General Residential. The home was initially constructed in 1987 and meets all applicable building setbacks.

The Applicant submitted a Building Permit application on June 16, 2005, seeking approval to construct a family room addition on the rear of the home (Attachment "A"). The information submitted along with this application indicated the new construction would not encroach into the minimum rear building setback. The Building Permit was approved on June 30, 2005 (Attachment "B") and included a stamp stating: "FOUNDATION SURVEY REQUIRED prior to any subsequent construction." This document also included a note from the Plans Examiner stating: "No construction permitted above slab level prior to foundation survey approval."

The Footing Inspection was approved on August 4, 2005 (Attachment "C") and the Slab Inspection was approved on August 30, 2005 (Attachment "D"). It should be noted the City's Building Inspectors do not approve the actual location of the slab during these inspections due to the fact that a contractor could relocate form boards after an inspection. Additionally, the Building Inspectors cannot accurately locate property boundary lines in the field during these inspections.

The Foundation Survey was then prepared on September 12, 2005 and showed that the new addition encroached 8.5' into the minimum rear building setback (Attachment "E"). Our records indicate the foundation survey was never submitted to the Building Department. However, the Applicant continued building the addition and, to date, the framing is complete, windows and doors have been installed, and the asphalt shingle roof vinyl siding has been installed.

Because the new addition encroaches into the minimum rear building setback, the Applicant has applied for a variance to permit this encroachment (Attachment "F").

Facts:

1. The subject parcel is zoned GR-6 General Residential, which requires a minimum rear building setback of 30'. The foundation survey identifies a corner of the new addition encroaches 8.5' into this setback.

2. A Building Permit for this property was issued on June 30, 2005, and clearly states (in red) that a foundation survey is required prior to any subsequent construction. Additionally, the Plans Examiner included three (3) conditions of approval, one of which states "no construction permitted above slab prior to foundation survey approval."

3. The Applicant requested and received inspections and approvals from the Building Department for the footing and slab as required. The Applicant also secured a foundation survey of the property as required once the slab was in place. The foundation survey shows that the document was drawn on September 12, 2005, but our records indicate this document was never submitted to the Building Department as stipulated on the Building Permit.

4. The Applicant completed framing the addition and installed windows, doors and vinyl siding as well as an asphalt shingle roof. All of this construction was completed prior to submittal and/ or approval of the foundation survey and with no inspections from the Building Department.

5. The foundation survey indicates the new addition encroaches 8.5' into the minimum rear building setback. The Applicant is requesting a variance to correct this encroachment.

6. A copy of the portion of the Zoning Ordinance that addresses variance policies and procedures is included as Attachment "G".

Recommendation:

City Staff recommends that the variance not be approved. Braelinn Courts is an established neighborhood with homes on small lots. The Applicant provided documentation along with his Building Permit application stating the new addition would not encroach into the minimum rear building setback and was issued a Building Permit based on this information. The Building Permit clearly stated that a Foundation Survey was required prior to any construction above the slab.

The Applicant did follow protocol and requested footing and slab inspections. It also appears the Applicant followed protocol and had a Foundation Survey prepared for the new addition once the slab was installed. However, the Applicant failed to submit this document to the City as required and chose to move forward with building the addition, which is nearly complete and encroaches into the required minimum building setback. Had the Applicant submitted this document, the City would have been able to address this issue and possibly recommend solutions to resolve the encroachment.

Attachments "A" – "G"

Peachtree City Building Department
153 Willowbend Road
Peachtree City, GA 30269
PHONE: (770) 487-8901 FAX: (770) 631-2552

DATE: 6-16-05 **PERMIT #** 05-1200

☐ **ERECT**	☐ **RESIDENTIAL**	**CONSTRUCTION TYPE** STUD WALLS 8' ON 16' OC
☐ **REPAIR**	☐ **COMMERCIAL**	**OCCUPANCY TYPE** RESIDENTIAL / PRIVATE
☐ **ADDITION**	☐ **ACCESSORY USE** ______	

FENCES: ☐ **COMMERCIAL** ☐ **INDUSTRIAL** ☑ **RESIDENTIAL** ☐ **POOL**
FENCE HEIGHT ______ **FENCE MATERIAL** ______

SUBDIVISION/PROJECT NAME: BRAELINN COURTS	**BLOCK**	**LOT NUMBER** 2

SITE ADDRESS: 102 BRAELINN COURTS PT CITY GA 30269

OWNER: PHILIP PATRICIA GURNEY **ADDRESS** 102 BRAELINN COURTS PT CITY GA 30269 **PHONE NO.** 7706312982 **FAX NO.** ______

CONTRACTOR: ALFRED P WHITTEN **ADDRESS** 309 Nathan Thaxton Rd. Jackson, GA 30233 **PHONE NO.** 770 4612692 **FAX NO.** ______

APPLICANT'S NAME: PHILIP V GURNEY

ARCHITECT/DESIGNER: ALFRED P WHITTEN **ADDRESS** ______ **PHONE NO.** 7704612692 **FAX NO.** ______

☐ **SEWER TAP APPROVAL** ☐ **SEPTIC SYSTEM APPROVAL** ☐ **WATER TAP APPROVAL**

ZONED	**SETBACKS:** FRONT____ SIDE____ REAR____	**PLAN NAME**	**PLAN ON FILE** YES ☐ NO ☐

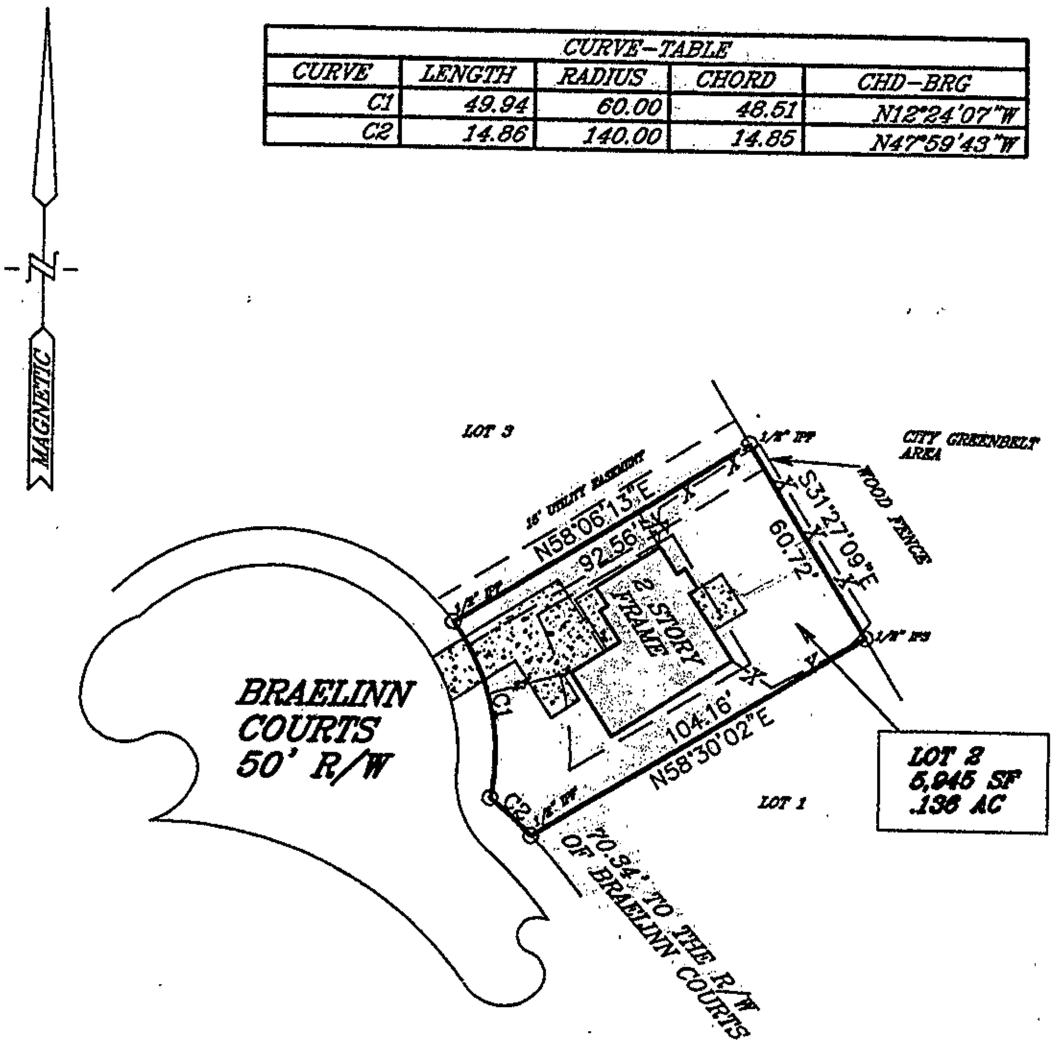
NO. OF STORIES	**NO. OF BATHS**	**BASEMENT**	**NO. OF FIREPLACES**	**HEATED SQ FT**	**TOTAL SQ FT**	**EST. CONSTRUCTION COST $**
2	2½	NO	1	192 ~~[illegible]~~	~~[illegible]~~ 192	14,000

DESCRIBE WORK: REAR ADDITION - FAMILY ROOM STUDS 16' BY 12' 2"x4" WALLS 8' ON 16" OS
2"6" CEILING JOISTS
2"8" RAFTERS
STUD 92 5/8th"

Revised 11/98

Attachment "A"

CURVE-TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHD-BRG
C1	49.94	60.00	48.51	N12°24'07"W
C2	14.86	140.00	14.85	N47°59'43"W



THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO REFRENCE PLAT.

BUILDING LINES
FRONT – 25'
SIDE – 15'
REAR – 30'

LEGEND

IPF=IRON PIN FOUND
IPS=IRON PIN SET
R/W=RIGHT OF WAY
MAG=MAGNETIC
P.O.B.=POINT OF BEGINNING
B/L=BUILDING LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.

CLOSURE DATA

FIELD CLOSURE=1 IN 10,000+
ANGLE POINT ERROR=< 20"
EQUIPMENT USED=E.D.M. & THEODOLITE
ADJUSTMENT METHOD=COMPASS RULE
PLAT CLOSURE=1 IN 100,000+

GRAPHIC SCALE
0 20 40 80

GEORGIA REGISTERED No. 2696 PROFESSIONAL LAND SURVEYOR RONALD T. GODWIN

PREPARED FOR:

PHILLIP GURNEY

SUBDIVISION: BRAELINN COURTS		P.B. 18 Pg. 108–109
LOT: 2	LAND LOT: 50	DATE: 10/6/99
BLOCK:	DISTRICT: 6 TH	REV:
SCALE: 1" = 40'	COUNTY: FAYETTE, GA	JOB NO.: 99–1132

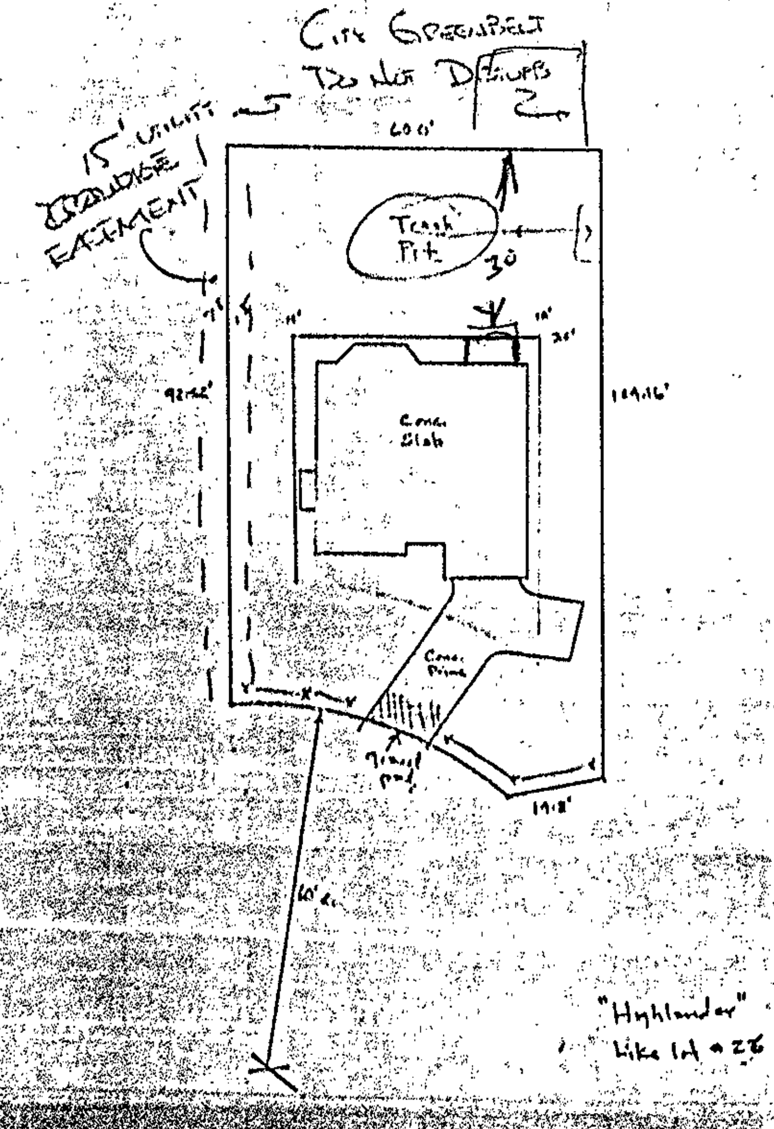
DELTA SURVEYORS, INC.
P.O. BOX 571 FAYETTEVILLE, GA. 30214
770\460\9342 FAX 770\460\7114

DELTA SURVEYORS INC.

JOHN 3:16

JCB

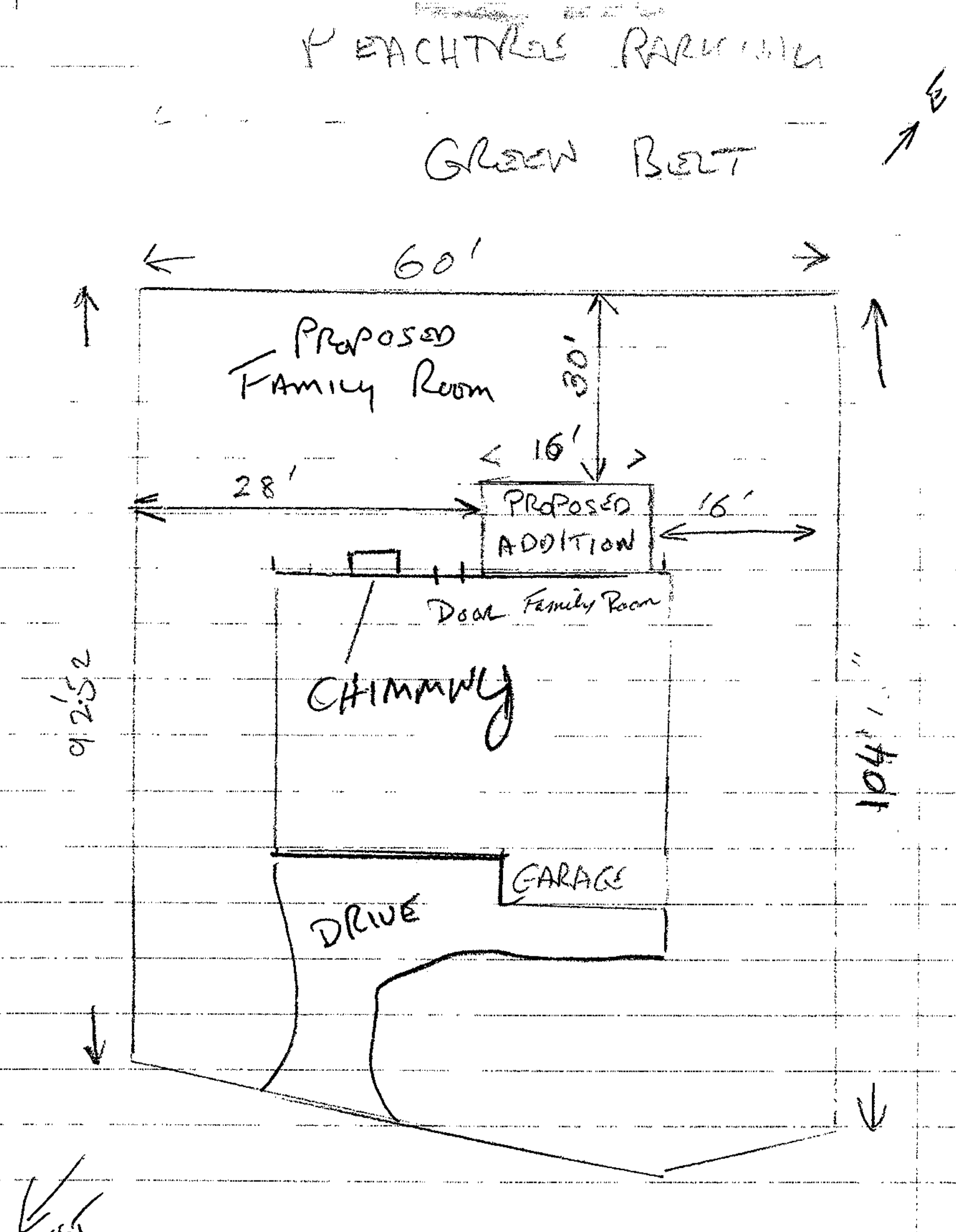
1299

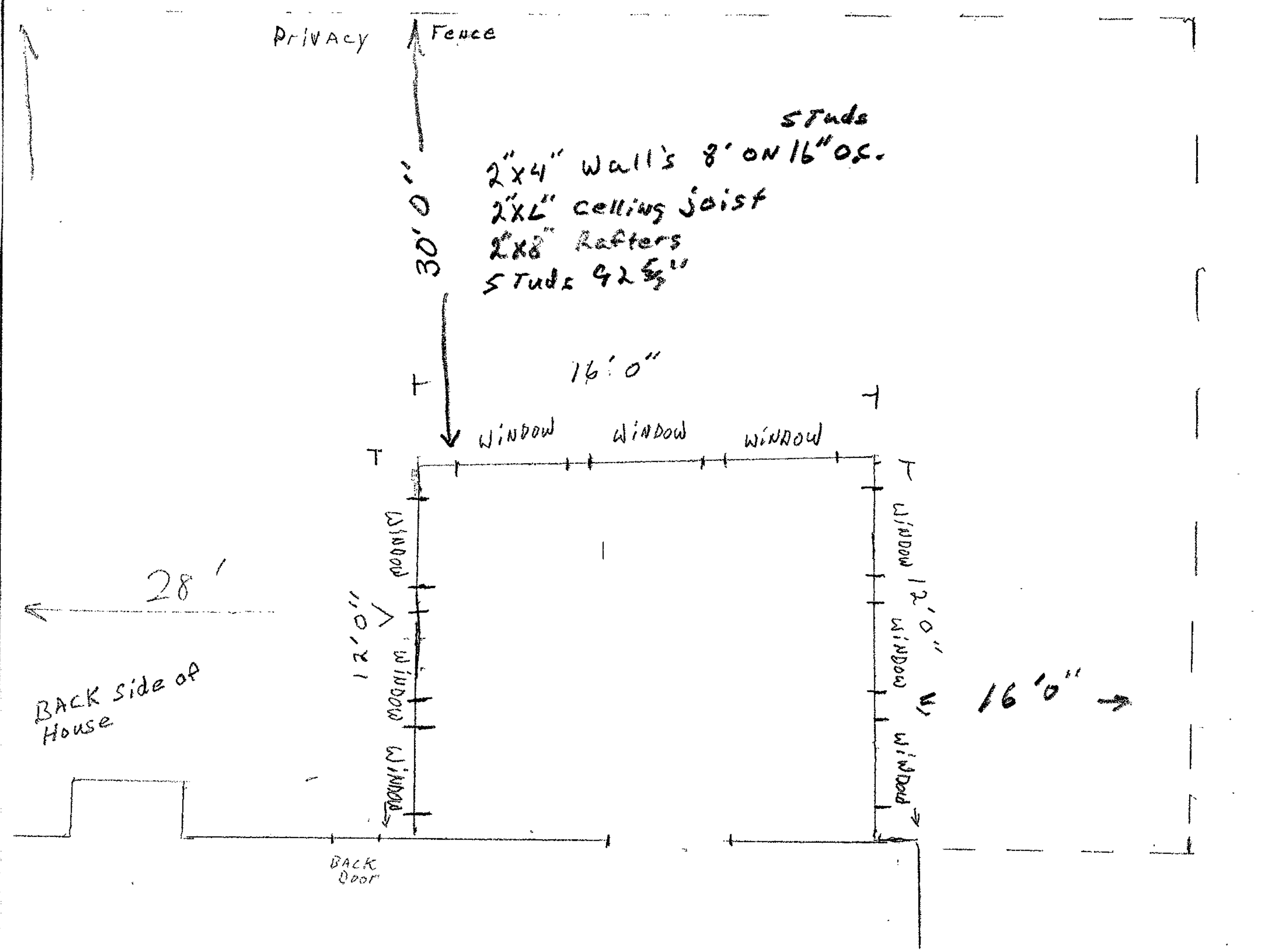


Rest Venture Inc

BUILDING OFFICIAL
CITY OF PEACHTREE CITY
5-15-87

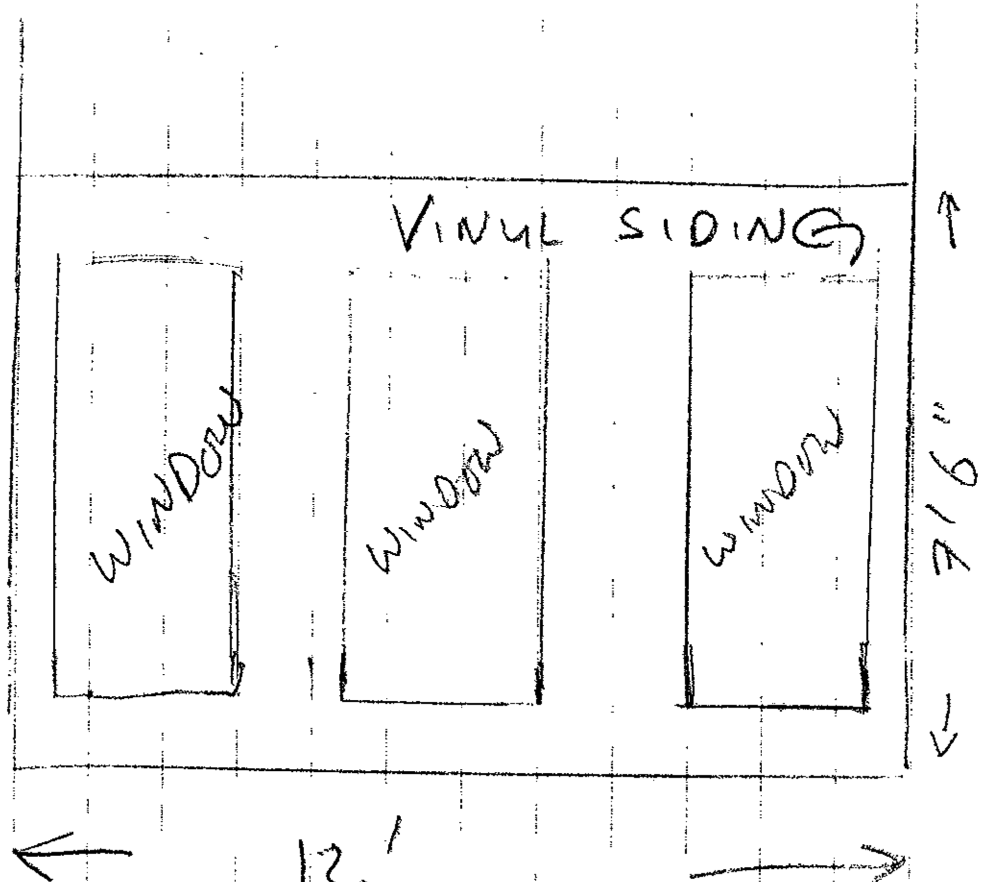
Lot 2 Block —	Subdiv. Peachtree Ct.
Land Lot 50	District 6th
County Fayette	Scale 1" 20'
State Ga.	Date 5-5-87

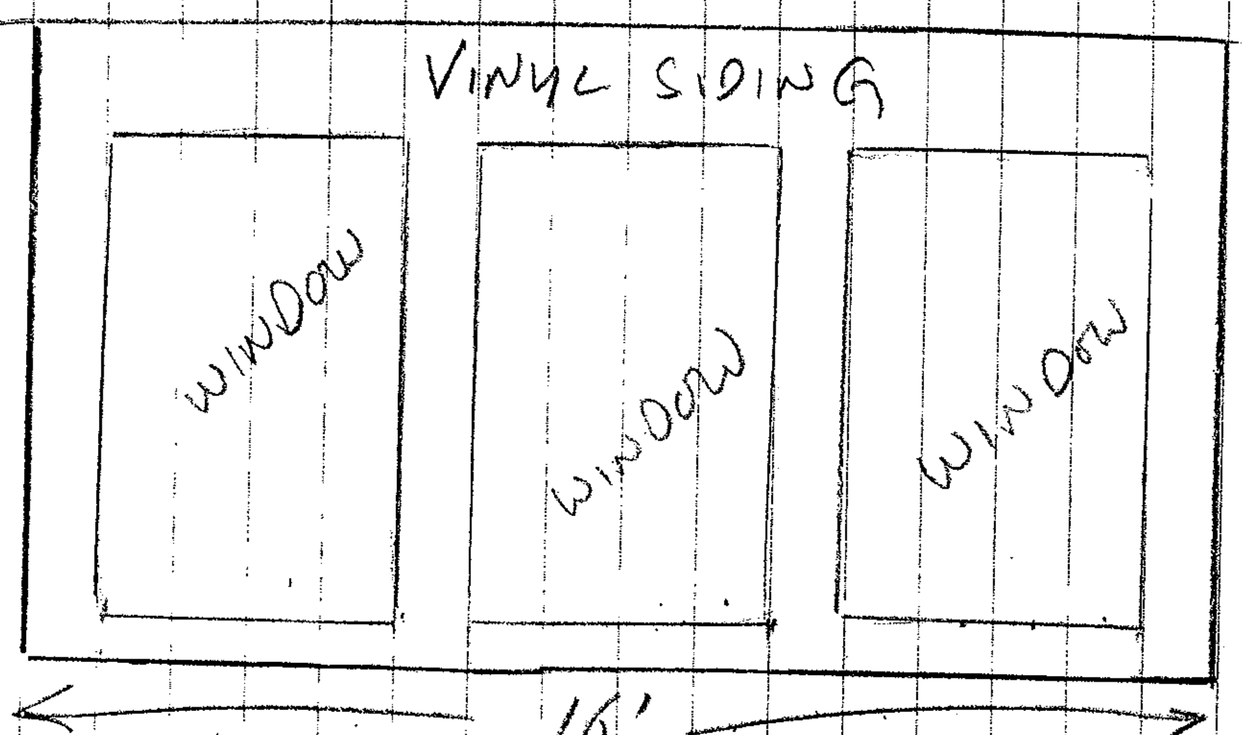

PEACHTREE PARKWAY
GREEN BELT
E
60'
PROPOSED FAMILY ROOM
30'
16'
28'
PROPOSED ADDITION
16'
Door Family Room
CHIMNEY
92.52'
104'
GARAGE
DRIVE
WEST



Privacy Fence
STuds
2"x4" Wall's 8' on 16" o.c.
2"x6" ceiling joist
2"x8" Rafters
STuds 92 5/8"
30'0"
16'0"
WINDOW
WINDOW
WINDOW
28'
12'0"
WINDOW
WINDOW
WINDOW
WINDOW
WINDOW
WINDOW
12'0"
16'0"
BACK Side of House
BACK Door

LEFT ELEV AND RIGHT ELEV





REAR ELEVATION

TO G-BELT

FOUNDATION SURVEY REQUIRED
Prior to any subsequent construction

153 WILLOWBEND ROAD
Peachtree City, GA 30269
Phone (770) 487-8901
Inspection Request Line (770) 631-2588 Ext. 222

BUILDING PERMIT **ATTACHMENT "A"**

PERMIT#: 051200

DATE APPLIED: 6/16/2005
PERMIT TYPE: RA

4/17/1 8:15am

JOB ADDRESS: 102 BRAELINN CT
SUBDIVISION: BRAELINN COURT

LOT: 2

ISSUED TO: PHILIP & PATRIC GURNEY
ADDRESS: 102 BRAELINN CT
PEACHTREE CITY GA 30269

PHONE#: 770-631-2982

* (1) No const permitted above slab level prior to foundation survey approval

CONTRACTOR: ALFRED WHITTEN
ADDRESS: 309 NATHAN THAXTON RD
JACKSON GA 30233

PHONE#: 770-461-2692

(2) C/W attachment "A" required inspections
(3) Obtain all trade permits prior to starting work.

WORK: 192 SQ FT FAMILY ROOM ADDITIO
BLDG USE:

MINIMUM SETBACKS

HT SQ FT: 192.00
SQ FT:

STORIES:

FRONT: 20
SIDE: 10
REAR: 30
CORNER:

41498
ck/KG

ZONED: GR-6

VALUATION: $ 14,000.00
FEES DUE: $ 50.00
FEES PAID: $ 0.00

VARIANCE GRANTED BY:______________ DATE:__________
EROS PLAN APPROVED BY:______________ DATE:__________
APPROVED FOR ISSUANCE BY: TBabb DATE: 6-30-05
PLANS CHECKED BY: QB DATE: 6-30-05

******** N O T I C E ********

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, FIREPLACE VENTILATION, AIR CONDITIONING.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

*

[signature] 7/5/05
CONTRACTOR\OWNER SIGNATURE DATE

[signature] 6/30/05
BUILDING DEPT. REPRESENTATIVE DATE

Attachment "B"

INSPECTION RECORD

CITY OF PEACHTREE CITY, GEORGIA

Inspection:	RE-INSPECT FOOTING		
Due:	8/04/2005	8:00 AM	Permit: 051200
Legal:	Lot: 2 Subdivision: BRAELINN COURT		
Property:	102 BRAELINN CT		
Contact:	GURNEY, PHILIP & PATRIC		

Inspection Passed Failed Reinspection Fee? Yes No

Completed by: [signature] **Date:** 8-4-05

Entered in Building Projects: ☐

Notes:

ADDITION

Violations:

Printed: 8/3/2005 3:54 PM

Attachment "C"

INSPECTION RECORD

CITY OF PEACHTREE CITY, GEORGIA

Inspection:	INSPECT SLAB	
Due:	8/30/2005 ~~8:00 AM~~	Permit: 051200
Legal:	Lot: 2 Subdivision: BRAELINN COURT	
Property:	102 BRAELINN CT	
Contact:	GURNEY, PHILIP & PATRIC	

Inspection Passed Failed Reinspection Fee? Yes No

Completed by: A Bernard **Date:** 8-30-05

Entered in Building Projects: ☐

Notes:

Violations:

Printed: 8/30/2005 8:13 AM

Attachment "D"

GENERAL NOTES

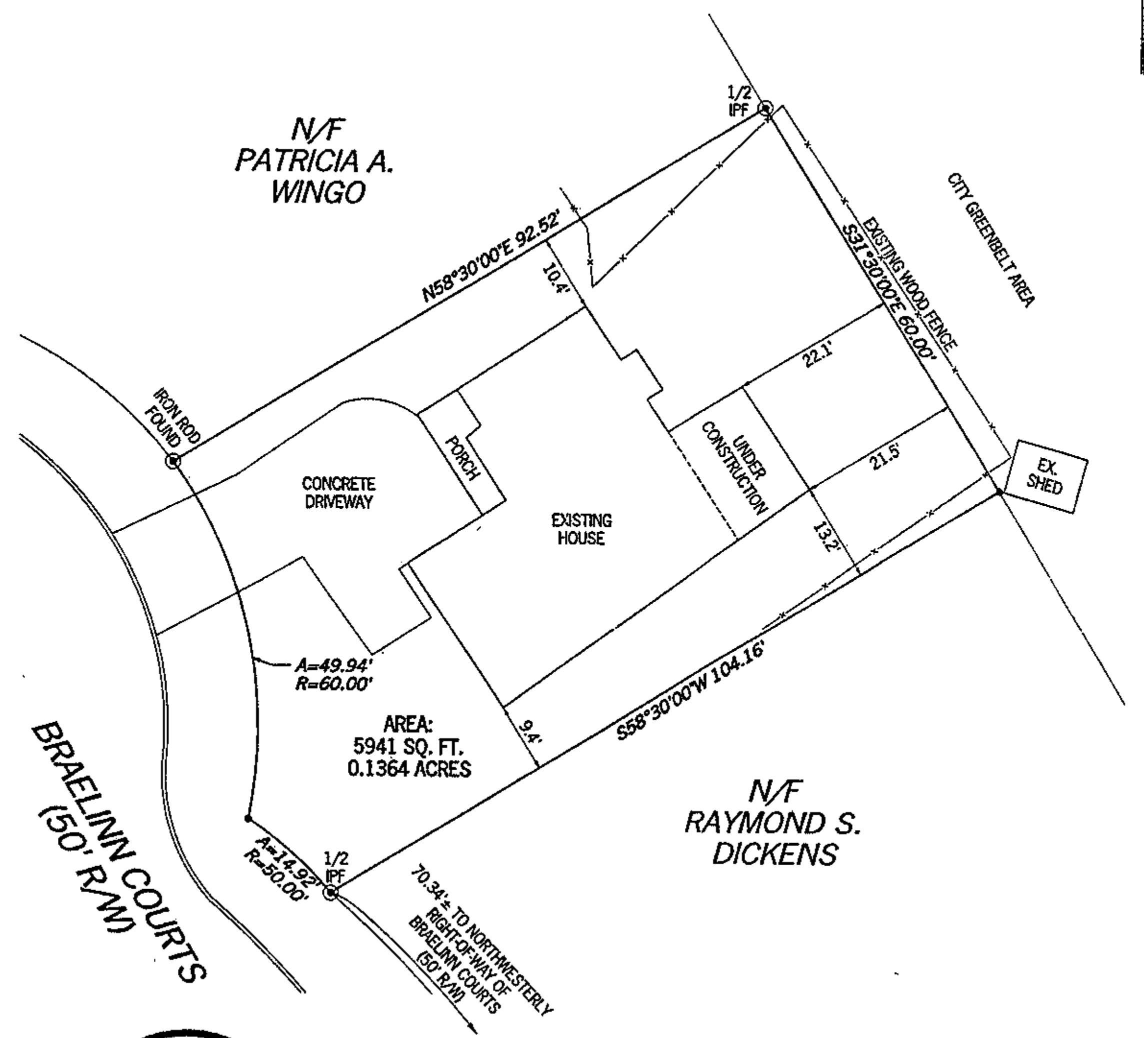
THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS-OF-WAY NOT SHOWN HEREON.

EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: TOPCON 303

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,000+ FEET AND AN ANGULAR ERROR OF 5.0" PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES.

THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 396,203+ FEET.

BEARINGS SHOWN ON THIS SURVEY ARE FROM MAGNETIC NORTH.



GEORGIA REGISTERED No. 1752 LAND SURVEYOR ROLAND McCANN

A PLAT PREPARED FOR:

PHILIP & PATRICIA GURNEY

102 BRAELINN COURT,
PEACHTREE CITY, GEORGIA, 30269

Attachment "E"

ROLAND McCANN
LAND SURVEYOR
371 Hampton Road
Fayetteville, Georgia 30215
(p) 770.461.0559 (f) 770.461.8402

10 0 20 40
GRAPHIC SCALE IN FEET
SCALE: 1" = 20'

LAND LOT: 50	SCALE: 1"= 20'
DISTRICT: 6th.	CHECKED BY: R.McCANN
CITY: PEACHTREE CITY	DRAWN BY: NDW
COUNTY: FAYETTE	DATE: 12 SEPT., 2005
STATE: GEORGIA	SHEET: 1 of 1

Plotted: 12 Sep 2005 at 10:41AM Project: Y:\GurneyPTC.pro

AV-2006-02

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: 102 BRAELINN COURTS PT CITY GA 30269

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

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

> Variances from the provisions of this Ordinance may be approved by the City Council if it is determined that they will not cause substantial detriment to the other parties or impair the purpose or intent of this Ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this Ordinance within the zoning district in which the property is located.
>
> In making a determination on a variance request, the City Council shall consider the following factors:
>
> a. Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
>
> b. Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
>
> c. Whether or not the request is due to an intentional action of the applicant to violate the requirements of this Ordinance.

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

Name: (Please type or Print) Philip and Patricia GURNEY
Address: 102 BRAELINN Cts., P.T.C.
Phone: 770 631-2982
Signature: [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: David E. Rast
Title: City Planner/Zoning Administrator
Date of Acceptance: March 20, 2006
Date of Public Hearing: April 20, 2006

07/01/01

Attachment "F"

Esteemed Council Members,

The miscalculation of our setback in relation to the Greenbelt was an honest error on the part of our builder. He calculated by the means that he would have used in the county, and did not understand what was required for Right of Way here in Peachtree City.

Our Permit request was granted with the proviso that we supply a survey prior to getting inspections on the addition higher than the Slab. When I spoke to the clerk at the permit office and told her that we did indeed have a survey which had been done in 1999, she said that would probably save us some money. When we produced the survey, it was incomplete in that it did not really show the back dimensions or setback. We were not aware of this, not being all that familiar with Survey reading. We had another survey done and found that we were past our set-back allowance.

Even though we are aware now of this miscalculation, at the time the measurements of the builder seemed correct, as all around us, homeowners have built extensions and have their houses seemingly closer to the Greenbelt then we have. We have since found that they have taken advantage of their side property lines. We do not have that luxury as we are on an interior lot.

Viewing the pictures that we have taken of our neighbors' extensions, we feel that ours is definitely in keeping with the proximity of the Greenbelt and that we were actually an "Island".

Our extension is an improvement on the exterior of our 18 year old home, which we have lived in for 12 of our 14 years in Peachtree City. We have recently vinyl sided and "Spruced Up" the exterior of our home and are looking forward to the planned professional landscaping of our garden.

Since our subdivision was built, Greenbelts around some of the subdivisions are now not as generous. It seems to us that we are not intruding on the aesthetics of the neighborhood or the privacy of our subdivision, as our Greenbelt growth is solid and our extension is not visible from Peachtree Parkway at all, even in winter. We do not have a cartpath through our Greenbelt and have no neighbors behind us who would be inconvenienced.

We respectfully request that you consider our special circumstances in this matter and the fact that we are not setting a precedent in this particular situation. We have invested a large sum of money in this "Beautification" project of ours and would sorely feel the financial strain of having to "undo" what has been done so far.

Thank you for your time and consideration.

Sincerely,

Mr. and Mrs. Philip V. Gurney
102 Braelinn Courts
Peachtree City, GA 30269

Attd.

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

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

(a) Variance applications shall be filed with the city planner on forms provided by the city planner.

(b) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.

(c) An application fee of $50.00 must accompany each variance application.

(d) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.

(e) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.

(f) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.

(g) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.

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

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

(1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;

(2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and

(3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance. (Ord. No. 589, 11-19-1992; Ord. No. 618, 7-7-1994)

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council members**

VIA: **City Manager**

FROM: **Director of Leisure Services**

DATE: **April 11, 2006**

SUBJECT: **Consider First Baptist Proposal For Community Center and Associated Land Swap April 20, 2006, Council Agenda**

Recommendation: That the Mayor and Council consider and approve the concept of a land swap between the Peachtree City First Baptist Church and the City and the relocation of the Pebblepocket tennis courts. If approved, the project will go into the city's public planning process, where it would be reviewed by the planning staff, considered by the Planning Commission and receive public input. Ultimately the land swap would return to Council for final consideration. Approval of the request tonight would enable staff to proceed with that process.

Discussion: Representatives of First Baptist Church came to City staff in October 2005 with a proposal to build a Community Life Center across the street from their current location at 208 Willowbend Road. The proposed 27,000 square foot Center was conceptually placed on land now owned by the city and currently occupied by the tennis courts at Pebblepocket Park. In order to obtain this property, First Baptist proposed that the city swap it in exchange for an equally sized and/or valued parcel of land at another location of the city's choice, which the church would purchase for the city. City staff has been seeking land for relocation of the city's recycling center currently located at the intersection of Rockaway Road and Highway 74 south and is evaluating appropriate property for this relocation.

Additional Background:

The First Baptist proposal contains other elements that staff considers advantageous to the City.

The church has offered to relocate, at their expense, the existing tennis courts, including the practice wall, to the area of open ground adjacent to the existing swimming pool at Pebblepocket (see proposed placement on attached GIS map). The courts would use new, low impact lighting and a berm and tree buffering would be added to screen them from the neighborhood along Pebblestump.

In addition, the site plan calls for construction of public-access walking trails along the perimeter of the entire church site. They will also expand parking and include maximum amounts of pervious parking. A proposed conceptual plan is in your material.

First Baptist representatives have also offered to work with the city Recreation Department to make space available in the Community Life Center to schedule city-sponsored programs and activities. These would include classes taught by contracted instructors on the same basis as we schedule them in city facilities such as Glenloch or the Gathering Place. This would enable the city to expand offerings and possibly free up space and time in its existing facilities for many user categories, including teens and senior adults. Church planners have offered to design the building in consultation with the recreation staff to ensure the space will meet programming needs.

The church representatives offer to not only fund construction of the building, but also absorb all operations and maintenance costs after construction. They will staff the building with volunteers for most functions, and may contract out tasks such as cleaning and higher level maintenance. The city would incur no costs for either construction or O&M.

The church planners have held discussions with other city departments including police, city planning and public information. In addition, they conducted several public meetings and last week attended the Twiggs Corners Homeowners Association meeting to address their needs and concerns. The city attorney has reviewed this request. A church representative will make a presentation of their proposal at the Council meeting April 20th.

Budget Impact: Approval of the concept will allow staff to begin evaluating the proposal and will not have an impact on the budget.

MEMO

TO: **Mayor & Councilmembers**

FROM: **First Baptist Church of Peachtree City**

DATE: **April 12, 2006**

SUBJECT: **Consideration of proposal regarding Community Life Center and associated land swap**

PROPOSAL: **Approval of the concept of a land swap between the City of Peachtree City and First Baptist Church of Peachtree City and the relocation of the Pebblepocket Tennis Courts.**

In January 2002, the Vision Team of First Baptist Church of Peachtree City issued a report to the church outlining several initiatives regarding long range planning. During the planning process it was determined that, as long as growth was geographically sustainable, the church would remain in it's current location and seek to minister to and serve those in the surrounding Peachtree City community. One of the initiatives was the concept of building and staffing a Community Life Center. This center would be available to provide various services and ministries to the area while being staffed by volunteer church members.

In order to better understand the needs of the community, members of the church met with officials from the police department, city schools and city recreation department to communicate the church's desire to assist them as they serve the community. While the city does an excellent job in providing social and civic services to it's citizens, it was discovered that there are areas of need. These needs are mainly due to extraordinary participation in programs by the citizens, which has resulted in a lack of facility space. Here are a few of the areas of need that these officials communicated to the church:

- Lack of Senior citizen space to meet for fellowship and activities.
- No organized activities for local teenagers, mainly under driving age, on Friday and Saturday nights.
- Lack of gym space for local basketball leagues. It was discovered that there is currently a waiting list for young people who desire to play in organized leagues, but the current city programs are at capacity.
- No fitness facilities that provide exercise machines and a walking track.
- Lack of space for civic meetings, such as Boy Scouts.
- Need for after school programs for children.
- Need for Recovery programs.

Through the Community Life Center, each of these programs could be available at minimal cost, if any, and only if outside costs are associated with specific programming.

In preparation for this proposal, actions by members from First Baptist include:

1- Meeting with city staff for over one year in working through the details of this concept.
2- Meeting with city Department of Leisure Services staff in determining how best to coordinate their programming needs with space and programming capabilities that will be made available to them by the church.
3- Meeting with city officials in determining the best site for the Community Life Center. The proposal includes placing the Community Life Center where the tennis courts are currently located across the street from the church. The church would pay for new tennis courts to be built according to the Conceptual Site Plan enclosed in this package and would, if the proposal is approved, acquire the land that the tennis courts currently occupy for the Center. This land acquisition would be in the form of a land swap. The church would purchase land at another location of the city's choosing and, after having both parcels of land appraised, swap land of equal value for the land required to complete the project.

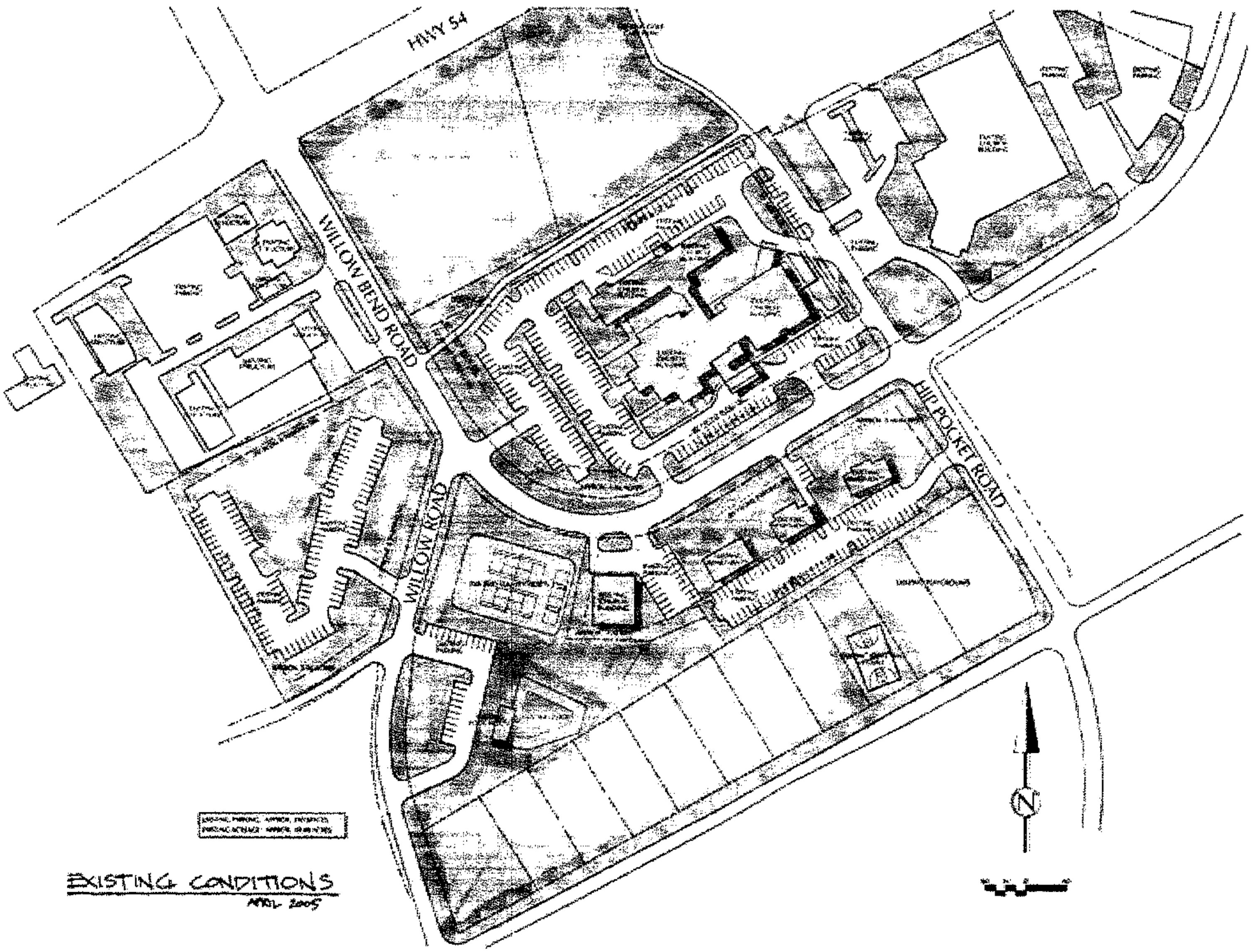
4- Meeting over the past few weeks with those of the surrounding neighborhood. There were some concerns relative to our initial plans that were expressed in those meetings, which the church has now addressed. There were also a few concerns regarding some of the request that the church had regarding the greenbelt area between the church and Highway 54. Plans now do not include any additional involvement in that stretch of land.

Some of the highlights of the conceptual site plan include:

1- Construction of the main Community Center, which contains a gym, indoor walking track, dedicated youth area, multi-purpose meeting and activity rooms, and a coffee bar/snack area.
2- New tennis courts with directional lighting.
3- Additional parking for those using the tennis courts.
4- Additional landscaping including tall growing trees to act as a natural buffer between the new tennis courts and nearby homes.
5- A walking trail that will tie in with existing and new cart paths encircling the site.
6- Improved traffic flow at the corner of Willow Road and Willowbend Road due to the relocation of the west entryway into the church parking lot. (Please refer to the site plan for details)
7- Increased parking for First Baptist Church from the existing capacity of 390 parking places to 652. This should help alleviate overflow parking onto the surrounding streets thereby improving traffic flow as well.

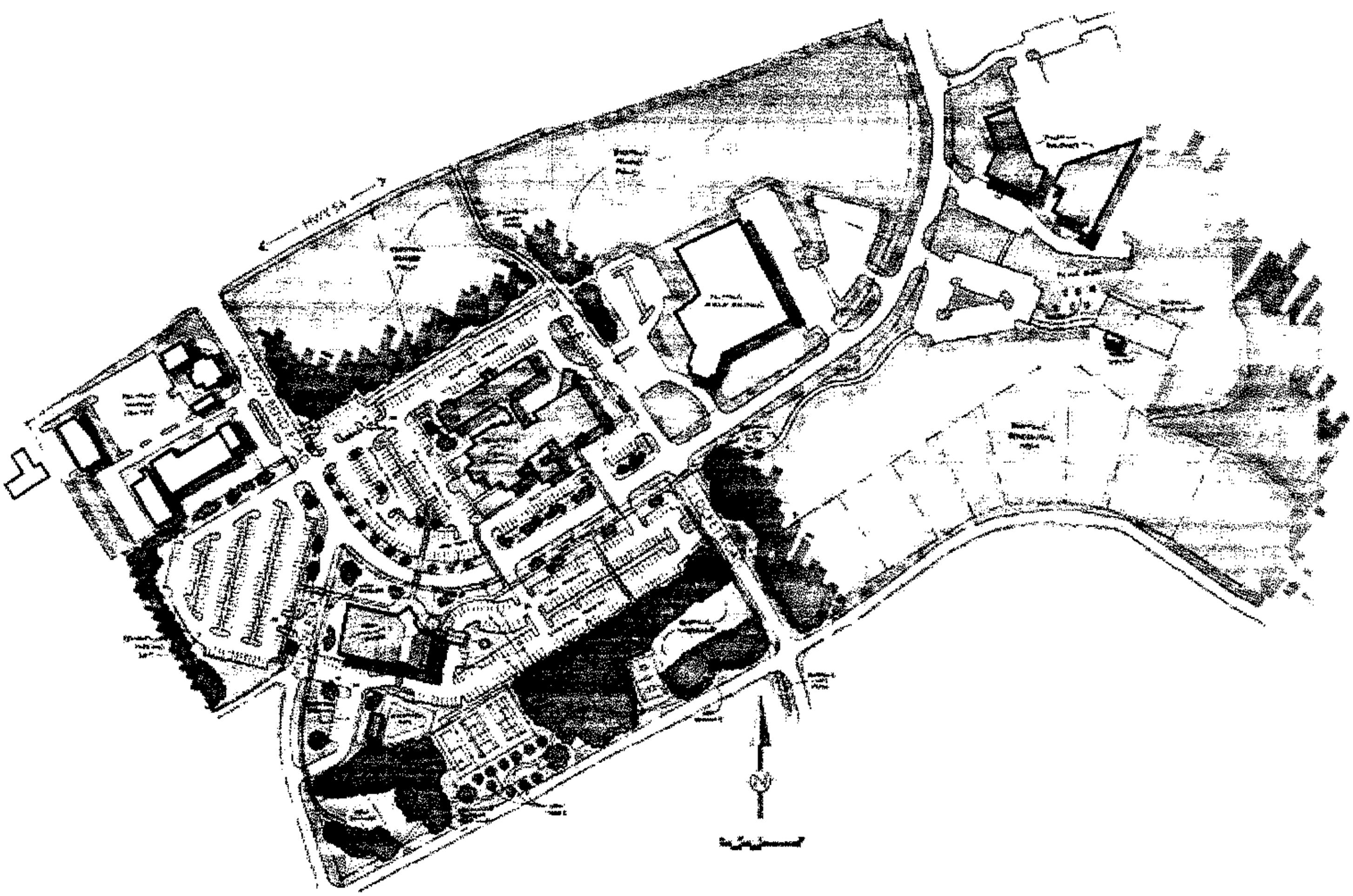
The church will continue working through the normal city planning process for development of the total conceptual site plan. This also includes returning to city council with the details of the land swap for final approval of that part of this proposal.

Finally, we believe the city has inherent areas of need as they strive to meet their goals of serving the community through leisure services and activities. First Baptist has felt led to assist the city in meeting those needs as both strive to fulfill their missions within the community. A key component in achieving our goals is the Community Life Center.



EXISTING CONDITIONS

APRIL 2005


HWY 54


0 65 130 260 390 520
Feet

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

FROM: **City Manager**

DATE: **April 14, 2006**

SUBJECT: **Consider Amendments to the Peachtree City Tourism Association Articles of Incorporation and By-Laws**
April 20, 2006, City Council Meeting

Recommendation:

That Council consider adopting the proposed amendments to the Articles of Incorporation and By-Laws of the Peachtree City Tourism Association (PCTA), as recommended by the City Attorney, and additional amendments requested by the PCTA.

Discussion:

In January, members of Council discussed a desire to modify the makeup of the Board of Directors of the Peachtree City Tourism Association by removing elected officials and the City Manager from the Board. The general consensus at the time was to create a Finance Committee, including the City's Financial Services Director, which could provide the government financial experience to ensure proper fiscal operation. The City Attorney has drafted amendments, which are attached (noted as City Attorney Proposed Changes), that reflect this discussion.

Additionally, the PCTA has requested changes in order to create three additional, non-voting positions on the Board. Those positions would include the President of the Fayette County Chamber of Commerce, the Superintendent of the Fayette County Board of Education, and a local hotel manager, or their respective designees. The request letter from the Executive Director of the PCTA is also included, as are their requested amendments in context with the amendments proposed by the City Attorney.

Budget Impact:

This item will have no budgetary impact.

ARTICLES OF INCORPORATION

ARTICLE I

The name of the Corporation is:

PEACHTREE CITY TOURISM ASSOCIATION, INC.

ARTICLE II

The Corporation is organized pursuant to the Georgia Nonprofit Corporation Code.

ARTICLE III

The Corporation's founding and sole member is the City of Peachtree City, Georgia. Membership is expressly restricted to entities that are an integral part of the City of Peachtree City, Georgia provided that such entity's entire income is excludable from gross income under Section 115(1) of the Internal Revenue Code.

ARTICLE IV

The initial registered office of the Corporation shall be 151 Willowbend Road, Peachtree City, Georgia 30269 in Fayette County. The initial registered agent of the Corporation at such address shall be Bernard J. McMullen.

ARTICLE V

The name and address of the incorporator is:

Bernard J. McMullen
151 Willowbend Road
Peachtree City, Georgia 30269

ARTICLE VI

The purposes for which the Corporation is formed are as follows:

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

- Improve the availability of basic goods and services within the City of Peachtree City;

- Develop the educational, cultural and economic potential of the City of Peachtree City;

- Enlist the active interest and financial support of individuals and businesses in the development, improvement and beautification of the City of Peachtree City;

- Improve and maintain the appeal of the City of Peachtree City by improving and maintaining the physical, environmental and business conditions in the City;

- Increase City revenues by stabilizing the tax base, enhancing property values and increasing retail sales in the City;

- Contract with the City of Peachtree City to- expend on behalf of the City of Peachtree City that portion of the hotel/motel tax authorized by Georgia law and other funding, and use the tax revenue and other funds to promote tourism, conventions and trade shows within the City. The Corporation's overall purpose will be to promote the welfare of the public, stimulate commerce and otherwise serve the public interest of the City of Peachtree City, as set forth in these Articles of Incorporation and the Bylaws, including the exercise of all other power and authority enjoyed by corporations generally by virtue of the provisions of the Georgia Nonprofit Corporation Code, within the subject to the limitations of Section 501(c)(6) of the Internal Revenue Code; and

- By contract with the City of Peachtree City, to manage and operate the Frederick W. Brown, Jr. Amphitheater and the Peachtree City Tennis Center.

(b) This Corporation is not organized and shall not be operated for pecuniary gain or profit. No part of the property or net earnings of the Corporation shall inure to the benefit of or be distributable to its directors, officers or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article VI of these Articles. The Corporation shall not lobby or otherwise attempt to influence legislation or participate or intervene in (including publication or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any provision of these Articles, the Corporation shall not carry on any other activities to the extent that such activities are not permitted to be carried on by an organization described in Section 501(c)(6) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law).

ARTICLE VII

The affairs of the Corporation shall be managed by a Board of Directors. The number of Directors of the Corporation and method of election shall be set out in the bylaws.

ARTICLE VIII

The Board of Directors shall consist of five (5) members to be comprised as follows:

~~1. The City Manager of the City of Peachtree City;~~

~~2~~1. ~~Two~~Four (4) citizens or persons conducting business within the City of Peachtree City, one of whom shall be employed in the restaurant or hotel/motel business;

~~3~~2. The Chairperson of the Recreation Commission of the City of the City of Peachtree City; and

~~4. One (1) member of the City Council of Peachtree City to be selected by a majority of the members of the governing body of the City of Peachtree City, such member to be selected in the January following the occurrence of a general election in the City.~~

~~The names and addresses of the initial Board of Directors are:~~

~~Bernard J. McMullen, City Manager~~
~~City of Peachtree City~~
~~151 Willowbend Road~~
~~Peachtree City, Georgia 30269~~

~~David Ring, Chairperson~~
~~Peachtree City Recreation Commission~~
~~151 Willowbend Road~~
~~Peachtree City, Georgia 30269~~

ARTICLE IX

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

ARTICLE X

(a) Each person who is or was a director or officer of the Corporation, and each person who is or was a director or officer of the Corporation who at the request of the Corporation is serving or has served as an officer, director, partner, joint venture or trustee of another corporation, partnership, joint venture, or trustee of another corporation, partnership, joint venture, or trustee of another corporation, partnership, joint venture, trust or other enterprise shall be indemnified by the Corporation for all costs of litigation(including attorneys' fees), judgments, fines and amounts paid in settlement which are allowed to be paid, advanced or reimbursed by the Corporation under the laws of the State of Georgia and which are actually and reasonable incurred in connection with any action, suit, or proceeding, pending or threatened, whether civil, criminal, arbitrative, administrative, or investigative, whether formal or informal, in which such person may be involved by reason of his being or having been a director or officer of this Corporation or of such other enterprises.. Such indemnification, reimbursement or advance shall be made only in accordance with the laws of the State of Georgia, including the Georgia Nonprofit Corporation Code, subject to the conditions under such statutory provisions.

(b) In any instance where the laws of the State of Georgia permit indemnification, reimbursement or advances to be provided to persons who are or have been an officer or director of the Corporation or who are or have been an officer, director, partner, joint venture or trustee of any such other enterprise only on a determination that certain specified standards of conduct have been met, that all statutory requirements and procedures have been satisfied, and that upon application for indemnification, reimbursement or advances by any such person the Corporation shall promptly cause such determination to be made in accordance with the statutory procedures of Georgia law.

(c) Nothing in this Article shall be construed as limiting the applicability and Code of Georgia law with respect to indemnification, reimbursement and advances for expenses; further, as a condition to any such right of indemnification, the Corporation may require that it be permitted to participate in the defense of any such action or proceeding through legal counsel designated by the Corporation and at the expense of the Corporation.

(d) In accordance with the law of the State of Georgia, the Corporation may purchase and maintain insurance on behalf of any such persons whether or not the Corporation would have the power to indemnify such officers and directors against any liability under the laws of the State of Georgia. Any expenses or other amounts that are paid by way, or by indemnification, reimbursement, or advances of funds other than by court order, action by shareholders, the Corporation shall provide notice of such payment to the shareholders in accordance with the applicable provisions of the laws of the State of Georgia.

ARTICLE XI

The Articles of Incorporation of the corporation may be amended at any time in the manner provided in the Georgia Nonprofit Corporation Code (or the corresponding provision of any future Georgia nonprofit corporation law) by the affirmative vote of a majority of the directors then in office and by the City Council of the City of Peachtree City, Georgia; provided, however, that no amendment may be made which would cause the organization no longer to be qualified as an exempt organization described in Section 501(c)(6) of the Code.

IN WITNESS WHEREOF, the undersigned has executed these Articles of Incorporation this ______ day of ______________________, 200~~3~~6.

____
Bernard J. McMullen

(City Attorney Proposed Changes)

BY-LAWS

OF

PEACHTREE CITY TOURISM ASSOCIATION, INC.

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

Incorporated _________________________, 2003.

ARTICLE ONE

Name, Location and Offices

1.1 Name. The name of this Corporation shall be:

"PEACHTREE CITY TOURISM ASSOCIATION, INC."

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

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

ARTICLE TWO

Purposes and Governing Instruments

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

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

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

- Improve and maintain the appeal of the City of Peachtree City by improving and maintaining the physical, environmental and business conditions in the City;

- Increase City revenues by stabilizing the tax base, enhancing property values and increasing retail sales in the City;

- Contract with the City of Peachtree City to expend on behalf of the City of Peachtree City that portion of the hotel/motel tax authorized by Georgia law and other funding, and use the tax revenue and other funds to promote tourism, conventions and trade shows within the City. The Corporation's overall purpose will be to promote the welfare of the public, stimulate commerce and otherwise serve the public interest of the City of Peachtree City, as set forth in these Articles of Incorporation and the Bylaws, including the exercise of all other power and authority enjoyed by corporations generally by virtue of the provisions of the Georgia Nonprofit Corporation Code, within the subject to the limitations of Section 501(c)(6) of the Internal Revenue Code; and

- By contract with the City of Peachtree City to manage and operate the Frederick W. Brown, Jr. Amphitheater and the Peachtree City Tennis Center.

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

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

ARTICLE THREE

Board of Directors

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

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

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

Only when the services are not otherwise available from resources of the City of Peachtree City; the Board of Directors may, from time to time, appoint, as advisors, persons whose advice, assistance and support may be deemed helpful in determining policies and formulating programs for carrying out the purposes and functions of the Corporation; and, to employ such person or persons, including an executive director or officer, attorneys, trustees, agents, and assistants, as in its judgment are necessary or desirable for the administration and management of the Corporation, and to pay reasonable compensation for the services performed and expenses incurred by any such person or persons. The Board of Directors, either directly or through its management, shall meet not less than one (1) time per month with the City Manager and City Financial Services Director of the City of Peachtree City, Georgia, so as to review the financial status of the corporation.

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

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

3.3 Manner of Appointment and Term of Office. The five (5) member Board of Directors shall be appointed by the City Council of the City of Peachtree City ("Council"); provided that ~~one (1) director shall be the City Manager of the City of Peachtree City, two (2)~~four (4) directors shall be citizens of, or persons conducting business within the City of Peachtree City, one of whom shall be employed in the restaurant or hotel/motel business; ; and one (1) director shall be the Chairperson of the Peachtree City Recreation Commission~~, all of whom shall serve ex officio. and one (1) director shall be a member of the City Council and shall be appointed by a majority of the Council at the first scheduled Council meeting following the appointment of newly elected Council members~~. The Board shall consist of a chair, a vice-chair and a secretary/treasurer to be chosen by the Board of Directors of the Corporation. At the expiration of his/her term, any director may be re-appointed. The City Council may stagger the terms of the directors so as to provide continuity on the board.

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

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

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

ARTICLE FOUR

Meetings of the Board of Directors

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

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

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

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

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

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

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

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

ARTICLE FIVE

Notice and Waiver

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

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

ARTICLE SIX

Officers

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

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

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

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

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

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

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

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

ARTICLE SEVEN

Conflict and Disclosure of Interest

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

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

7.2 Definitions.

Interested Person: Any director, principal officer, or member of a committee with board delegated powers that have a direct or indirect financial interest, as defined below, is an interested person. If a person is an interested person with respect to any entity or venue in which the Corporation is a part, he or she is an interested person with respect to all such entities.

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

a. an ownership or investment interest in any entity with which the Corporation has a transaction or arrangement, or

b. a compensation arrangement with the Corporation or with any entity or individual with which the Corporation has a transaction or arrangement, or

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

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

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

7.3 Procedures

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

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

7.3.3 Procedures for Addressing the Conflict of Interest.

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

b. The chair/president of the Board shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

c. After exercising due diligence, the Board shall determine whether the Corporation can obtain a more advantageous transaction or arrangement with reasonable efforts from a person or entity that would not give rise to a conflict of interest.

d. If a more advantageous transaction or arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, the Board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Corporation's best interest and for its own benefit and whether the transaction is fair and reasonable to the Corporation and shall make its decision as to whether to enter into the transaction or arrangement in conformity with such determination.

7.3.4 Violations of the Conflicts of Interest Policy.

a. If the Board has reasonable cause to believe that a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

b. If, after hearing the response of the member and making such further investigation as may be warranted in the circumstances, the Board determines that the member has in fact failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

7.4 Records of Proceedings.

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

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

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

7.5 Compensation.

a. A voting member of the Board of directors who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member's compensation.

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

7.6 Annual Statements.

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

a. has received a copy of the conflicts of interest policy,

b. has read and understands the policy,

c. has agreed to comply with the policy, and

d. understands that the Corporation is a charitable organization and that in order to maintain its federal tax exemption it must engage primarily in activities, which accomplish one or more of its tax-exempt purposes.

ARTICLE EIGHT

Committees

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

8.2 Advisory and Other Committees. The Board of Directors may provide for such other committees, including committees, advisory groups, boards of governors, etc., consisting in whole or in part of persons who are not directors of the Corporation, as it deems necessary or desirable, and discontinue any such committee as its pleasure. It shall be the function and purpose of each such committee to advise the Board of Directors on matters relating to the business and affairs of the Corporation; and each such committee shall have such powers and perform such specific duties or functions, not inconsistent with the articles of incorporation of the Corporation or these bylaws, as may be prescribed for it by the Board of Directors.

8.3 Finance Committee. There is hereby created a Finance Committee of the Corporation, the members of which committee shall include the City Manager and City Financial Services Director of the City of Peachtree City, Georgia, the Executive Director of the Corporation, and the Tennis Center Manager and Amphitheater Manager of the Corporation. The Finance Committee shall meet not less than one (1) time each month so as to review the financial posture and status of the Corporation.

8.~~3~~4 Committee Governance. Except as otherwise provided in Board resolution or in these bylaws, a committee formed by the Board shall be generally governed as follows:

8.~~3~~4.1 Appointment and Removal. Except as otherwise provided in such resolution or in these bylaws, members of each such committee shall be appointed by the chairperson of the Corporation. Any member of any committee may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the Corporation shall be served by such removal.

8.~~3~~4.2 Terms of Appointment. Each member of a committee shall continue as such until the next annual meeting of the Board of Directors or until his successor is appointed, unless the committee shall be sooner terminated, or unless such member shall be removed from such committee, or unless such member shall cease to qualify as a member thereof.

8.~~3~~4.3 Meetings, Notice and Waiver. The committee may establish a regular meeting schedule. Special meetings of the committee may be called by, or at the direction of, the chairperson of the committee, the Corporation's Chair, or a majority of the members of the committee. Notice of the time, place and purpose of any meeting, except scheduled regular meetings, shall be given, in writing, by the chairperson of the committee or the president, or either's designee, to each member personally, be personal delivery, telephone, facsimile, e-mail or telegram at least twenty-four (24) hours prior to the meeting, or by mailing at least three (3) days prior to the meeting. Attendance of a member at a meeting shall constitute a waiver of notice of the meeting. Attendance of a member at a meeting shall constitute a waiver of notice of the meeting, except where the member delivers to the chairperson, before any vote is taken, a written objection to the notice or the calling of the meeting. No business shall be conducted at any called meeting except that stated in the notice, unless all then serving members are present and consent to non-noticed business being discussed or acted upon. Business may be conducted at a special meeting upon written waiver of notice by all members, or upon written waiver of notice being obtained from all members not receiving notice. The committee shall keep minutes of its proceedings and shall report to the Board at meetings of the Board.

8.~~3~~4.4 Chair. One member of each committee shall be appointed chair thereof by the chair of the Corporation.

8.~~3~~4.5 Vacancies. Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

8.~~3~~4.6 Quorum. Unless the Board of Directors directs otherwise, eighty percent (80%) or more of the committee members then serving shall constitute a quorum; and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

8.~~3~~4.7 Rules. Each committee may adopt rules for its own government, so long as such rules are not inconsistent with these bylaws or with rules adopted by the Board of Directors.

8.~~3~~4.8 Board Reports and Control. Any action of a committee shall be reported to the Board of Directors at its regular meeting next succeeding such action and shall be subject to control, revision and alteration by the Board of Directors.

ARTICLE NINE

Contracts, Checks, Deposits, and Funds

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

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

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

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

ARTICLE TEN

Indemnification and Insurance

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

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

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

ARTICLE ELEVEN

Miscellaneous

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

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

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

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

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

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

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

ARTICLE TWELVE

Amendments

12.1 Powers to Amend Articles and Bylaws. Subject to the provisions of Section 12.2 of this Article, the Board of Directors shall have the power to alter, amend, or repeal the articles of incorporation or these bylaws, or adopt new bylaws; provided, however, that the Board of Directors shall have no power or authority to make any changes in the articles of bylaws which would in any way diminish or derogate from the duties at Section 2.2 of these Bylaws.

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

ARTICLE THIRTEEN

Reserved Powers of the Council

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

a. Expend cash or incur any indebtedness with respect to any transaction or group of related transactions in excess of $20,000.00, excluding any amounts previously approved as a part of the Corporation's capital budget or business plan (such transactions requiring approval pursuant to this section being hereinafter referred to as "Material Transactions");

b. Approve the acquisition of control by the Corporation of, or the affiliation of the Corporation with, any other entity;

c. Amend the articles of incorporation or bylaws of the Corporation;

d. Voluntarily file any petition in bankruptcy;

e. Adopt any short-term capital or operational or long-term budget of the Corporation; or

f. Acquire, sell, transfer or otherwise dispose of any assets of the Corporation, excluding: (i) transactions occurring in the ordinary course of business, (ii) transactions previously approved as part of the Corporation's budget or business plan, (iii) transactions among the Corporation and the City of Peachtree City.

ARTICLE FOURTEEN

Tax-Exempt Status

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

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

a. Shall only exercise such powers

b. Shall engage in only such activities

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

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

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

ARTICLE FIFTEEN

Adoption of Bylaws

Peachtree City Tourism Association, Inc. is organized under the laws of the State of Georgia on this _____ day of ________________________, 2003. The Bylaws were adopted by resolution of the Board of Directors and the Corporation on and became effective as of said date.

{Signatures appear on the following page.}

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

Adopted: ______________________________

Attest: ________________________________

Approved on ____________________, 2006, by a majority vote of the City of Peachtree City Council ("Council"), in a public and open session of a regular scheduled meeting, at which a quorum was present and voting.

By: ____________________________
Harold Logsdon, Mayor

ATTEST:

____
Jane Miller, City Clerk

GEORGIA

Peachtree City

TOURISM ASSOCIATION

April 3, 2006

City Council,

The Peachtree City Tourism Association (PCTA) Board of Directors has made an amendment to our By-Laws and Articles of Incorporation concerning the addition of three non voting positions to our Board. The PCTA would like to request the approval from the Peachtree City Council of the proposed changes to the By- Laws and Articles of Incorporation. Please feel free to contact me with any questions concerning our request. Thank you for your time and consideration.

Lauren Yawn
Executive Director
Peachtree City Tourism Association

MANAGING THE FREDERICK BROWN, JR. AMPHITHEATER & THE PEACHTREE CITY TENNIS CENTER
10 PLANTERRA WAY, PEACHTREE CITY, GEORGIA 30269 • PHONE 678-216-0282 • FAX 770-631-2575 • WWW.VISITPEACHTREECITY.COM

BY-LAWS

OF

PEACHTREE CITY TOURISM ASSOCIATION, INC.

ARTICLE THREE

Board of Directors

3.3 Manner of Appointment and Term of Office. The five (5) member Board of Directors shall be appointed by the City Council of the City of Peachtree City ("Council"); provided that ~~one (1) director shall be the City Manager of the City of Peachtree City, two (2)~~four (4) directors shall be citizens of, or persons conducting business within the City of Peachtree City, one of whom shall be employed in the restaurant or hotel/motel business; ; and one (1) director shall be the Chairperson of the Peachtree City Recreation Commission~~, all of whom shall serve ex officio. and one (1) director shall be a member of the City Council and shall be appointed by a majority of the Council at the first scheduled Council meeting following the appointment of newly elected Council members~~. The Board shall consist of a chair, a vice-chair and a secretary/treasurer to be chosen by the Board of Directors of the Corporation. At the expiration of his/her term, any director may be re-appointed. The City Council may stagger the terms of the directors so as to provide continuity on the board.

In addition to the above five directors, the Mayor and City Council shall appoint three citizens of Peachtree City as non-voting members of the Board of Directors. The three non-voting members of the Board of Directors shall be:

(a) The ~~Director~~ President of the Fayette County Chamber of Commerce or designee. The designee shall be someone under the direct supervision of the ~~Director~~ President of the Fayette County Chamber of Commerce by virtue of their employment.

(b) The Superintendent of the Fayette County Board of Education or designee. The designee shall be someone under the direct supervision of the Superintendent of the Fayette County Board of Education by virtue of their employment.

(c) The manager of a hotel located in Peachtree City or designee. The designee shall be someone under the direct supervision of the hotel manager by virtue of their employment. The manager of the hotel shall be recommended to the Mayor and City Council by the Board of Directors of the Peachtree City Tourism Association, Inc. The hotel manager shall serve for a three-year term.

ARTICLES OF INCORPORATION

ARTICLE VIII

The Board of Directors shall consist of five (5) members to be comprised as follows:

~~1. The City Manager of the City of Peachtree City;~~

~~2~~1. ~~Two~~Four (4) citizens or persons conducting business within the City of Peachtree City, one of whom shall be employed in the restaurant or hotel/motel business;

~~3~~2. The Chairperson of the Recreation Commission of the City of the City of Peachtree City~~; and~~.

~~4. One (1) member of the City Council of Peachtree City to be selected by a majority of the members of the governing body of the City of Peachtree City, such member to be selected in the January following the occurrence of a general election in the City.~~

3. In addition to the above five directors, the Mayor and City Council shall appoint three citizens of Peachtree City as non-voting members of the Board of Directors. The three non-voting members of the Board of Directors shall be:
   (a) The ~~Director~~ President of the Fayette County Chamber of Commerce or designee. The designee shall be someone under the direct supervision of the ~~Director~~ President of the Fayette County Chamber of Commerce by virtue of their employment.
   (b) The Superintendent of the Fayette County Board of Education or designee. The designee shall be someone under the direct supervision of the Superintendent of the Fayette County Board of Education by virtue of their employment.
   (c) The manager of a hotel located in Peachtree City or designee. The designee shall be someone under the direct supervision of the hotel manager by virtue of their employment. The manager of the hotel shall be recommended to the Mayor and City Council by the Board of Directors of the Peachtree City Tourism Association, Inc. The hotel manager shall serve for a three-year term.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**
Assistant City Manager

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

DATE: **April 12, 2006**

SUBJECT: **Consider Approval of Guidelines for Public Comment**
April 20, 2006, Council Agenda

Recommendation:

Council consider approval of the attached guidelines for public comment at City Council meetings.

Discussion:

Staff has drafted the attached guidelines to allow for public comment at a Council meeting on issues/concerns that are not on that meeting agenda. The guidelines require anyone desiring to speak to pre-register prior to the beginning of the meeting. Speakers would be limited to two minutes, and the total length of the public comment portion of the meeting would be limited to twenty minutes.

Budget Impact:

There will be no impact on the budget.

/jsm

Attachment

PUBLIC COMMENT GUIDELINES

The City Council of Peachtree City recognizes the need to provide an opportunity to allow residents to address Council on specific issues and concerns and has, therefore, allotted up to 20 minutes during regularly scheduled Council meetings for public comment. Guidelines are as follows:

- Comments on agenda items on that night's agenda will not be permitted during the public comment portion of the agenda
- Each speaker must pre-register with City staff between 6:30 p.m. and 7:00 p.m. on the night of the meeting (no registrations will be taken after 7:00 p.m.)
- Each speaker will be called to speak in the order in which he/she registered
- Each speaker, when called to speak, will proceed to the microphone and state his/her name and address
- Each speaker will be limited to 2 minutes
- Comments must be directed to City Council
- Council will be hearers and not engage in dialogue with the speaker
- A record of comments made will be included in the official Council meeting minutes
- The 20 minute time limit will be strictly enforced regardless of the number of registered speakers

Adopted this ________ day of _____________. 2006.

____
Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**
Assistant City Manager

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

DATE: **April 12, 2006**

SUBJECT: **Consider Ordinance Amendments to Sec. 2-35 Public Participation**
April 20, 2006 Council Agenda

Recommendation:

Council consider approval of the attached amendments to Sec. 2-35 concerning public participation at Council meetings.

Discussion:

At Retreat, Council discussed adding a public comment portion to the Council agenda that would allow the public to comment on any issues/concerns that they might have that were not going to be discussed at the meeting. Guidelines for this public comment have been drafted and will be considered as the next agenda item. However, the addition of a public comment session does require amendments to Sec. 2-35 of the Code of Ordinances and they are reflected in the attached ordinance. The City Attorney has reviewed the amendments.

Budget Impact:

There will be no impact on the budget.

/jsm

Attachment

ORDINANCE NO. __________

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED SO AS TO PROVIDE FOR PUBLIC PARTICIPATION DURING THE CITY COUNCIL MEETINGS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY, GEORGIA, THAT:

Section 1. That Section 2-35of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended as follows:

Sec. 2-35. Public participation.

(a) Right to address council. Persons other than council members may be permitted to address the council only upon specific agenda items except during the public comment portion of the meeting that is conducted before any agenda items are discussed. Guidelines addressing the public comment portion of the meeting are established by council and a copy is maintained in the City Clerk's Office. ~~Any person that is publicly disparaged at 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 on a specific agenda item 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 public remarks. Persons granted permission to speak on a specific agenda item shall limit their comments to three minutes speaking time per item unless the presiding officer grants additional time. The presiding officer can limit the total time allocated for public input on a subject. A majority vote of the council may extend the time limitations of this rule.

(d) Public comment to be germane. Public comments on a specific agenda item must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of ~~public~~ these comments. 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 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 agenda.~~

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

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _________ day of ____________________ 2006.

____
Harold K. Logsdon, Mayor

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Attest: ________________________________
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor Logsdon and Members of Council**

VIA: **City Manager, ATTN: Mr. Bernie McMullen**
Assistant City Manager, ATTN: Mr. Colin Halterman
Director of Financial Services, ATTN: Paul Salvatore P.S.
Assistant Director of Financial Services, ATTN: Janet Camburn
Purchasing Agent, ATTN: Angela Egan
Fire Chief, ATTN: Chief Lohr
Assistant Fire Chief, ATTN: Chief Eiswerth,

FROM: **Lieutenant Jeff Koldoff, Fire Department Shift Commander & Apparatus Committee Chairman** J.K.

DATE: **April 11, 2006**

SUBJECT: **Rescue/Pumper Bid Award**
(Council Agenda: April 20, 2006)

Recommendation: Staff recommends the purchase of a Rescue/Pumper from Rosenbauer America/Central States (Southern Emergency Products – Dealer),. The bid amount for their vehicle is $399,793.00. There is an available discount of $7,087.00 if Peachtree City pays for the chassis on delivery to the factory, which is approximately 120 days after bid award. The chassis price on the Spartan Gladiator Custom Chassis is $184,265.00. The City has previously used a partial payment discount. Staff recommends the payment for the chassis on delivery to the plant. Delivery on the completed vehicle is approximately 345 days from bid award.

Discussion: a. Bid packages were mailed to ten (10) potential bidders for the new rescue/pumper (FY 2006). Only one (1) bidder submitted a bid package by the date and time specified in the bid.

b. One apparatus dealer, Harless Fire Equipment, submitted a bid that was not received at City Hall until the day after bids were due. It was not opened since it arrived late.

c. As a brief recent bid history, we received six (6) bids for an identical rescue/pumper from six different apparatus manufacturers in January 2005. Following were the bids we received at that time:

The three lowest bidders in January 2005) were:

Ferrara.............................. $ 371,615.00
Sutphen........................... $ 376,140.32
Rosenbauer / Central States $ 382,150.00

Three others bids were all significantly higher and not further considered based on cost.

Fire Classic.....................$420,000.00
Atlanta Freightliner............$436,305.00
Fireline Inc. E-One............$449,657.00

d. Of the three low bids received at that time (January 2005) and considered, **Ferrara** bid a much less expensive conventional type pumper with significantly less compartment space than specified and required. We determined their bid would cost at least $25,000 - $30,000 more to come anywhere close to our specifications at that time.

e. The other low bidder in January 2005, **Sutphen** was deficient on approximately a dozen items, many of which were expensive features. All totaled, to meet our requested specifications, it would have cost well over $50,000 more.

f. Based on the results of bidding in January 2005, and the fact that we used the same specifications as before, we anticipated that not many vendors would submit bids.

g. It typically costs independent dealers approximately $1,500.00 to $3,000.00 to compile a bid package with the manufacturers they represent. Even though our specifications are for commonly available components, area dealers are reluctant to expend resources when they know they are less competitive than Rosenbauer.

h. The Department has been very happy with all the Rosenbauer fire vehicles purchased to date. Public Works has an excellent working relationship with Central States. When the occasional problem occurs it is resolved within a reasonable time.

i. The Fire Department's goal is to have three standardized rescue-pumpers to provide better fire, rescue and medical response coverage for the city and reduce/minimize training, repairs and operating costs and time.

Budget Impact: None. The budgeted amount for this purchase (vehicle and associated equipment) in FY 2006 budget is $401,258.00.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO:	**Mayor and Council Members**
VIA:	**City Manager** **Financial Services Director** **Assistant Finance Director** **Purchasing Agent** **Developmental Services Director**
FROM:	**City Engineer**
DATE:	**April 13, 2006**
SUBJECT:	**Design of Approaches to Flat Creek Bridge** **April 20, 2006 City Council Agenda**

Recommendation:

Staff recommends that Council award the design of Approaches to Flat Creek Bridge to Integrated Science and Engineering (ISE) for the amount not to exceed $84,400.

Discussion:

Currently the Flat Creek Multi-Use Bridge has been constructed and installed. The City is preparing the documentation for reimbursement of construction expenses through the grant that was awarded for this project. In order to complete this project, multi-use path approaches need to be constructed. To mitigate the affects on wetlands and to ensure that we do not impact the floodplain elevation, elevated approaches to the bridge need to be designed.

In March 2006, staff solicited Request for Proposals (RFP) for design of approaches to the Flat Creek Multi-use Bridge. Four design firms responded to the RFP as follows:

Company	Cost
The LPA Group	$62,860
Integrated Science and Engineering	$84,400
Wolverton and Associates	$87,000
Heath and Lineback Engineers	$134,000

Staff evaluated the four companies based on the criteria in the RFP. The weighted criteria included price (50%), similar project experience and references (30%), demonstrating understanding of the RFP (20%). See the attached summary of the evaluation process.

For the Price Proposal, staff assigned the highest score to LPA because they had the lowest price, followed by ISE, and Wolverton & Associates. For the Similar Project Experience, staff assigned the highest scores to ISE and Heath & Lineback because they specifically listed bridge projects with floodplain issues, while the others received lower scores because they did not specifically call out floodplain issues with their projects. For Demonstrating Understanding of the RFP, staff assigned the highest value to ISE. This is because ISE was the only firm to understand that the City was interested in evaluating increases for the 2-year through 50-year storm event, and not just the 100-year event. ISE also took a lot more time evaluating possible alternatives in their proposal, as well as consulting with the Peachtree City Water and Sewerage Authority. ISE was the only firm that provided cost savings options to the City in there proposal. Savings could result in up to a $26,300 reduction in design cost, if the alternate method results is a satisfactory design certification. The alternate cost could be as low as $58,100.

Therefore, with consideration of the weighted scores, staff recommends awarding the design to ISE.

Budget Impact:

When approved by City Council, funds totaling $84,400 will be transferred from the PIP Contingency fund.

Attachment

cc: City Engineer's File

EVALUATION SUMMARY
DESIGN OF APPROACHES TO FLAT CREEK BRIDGE

Company	Amount	Price Proposal (50% weight)	Similar Project Experience and References (30% weight)	Demonstrating Understanding of the RFP (20% weight)	Weighted Score
The LPA Group	$62,860.00	5.0	4.5	3.0	**4.5**
Integrated Science & Engineering	$84,400.00	4.5	5.0	4.5	**4.7**
Wolverton & Associates	$87,000.00	4.0	4.0	2.5	**3.7**
Heath & Lineback Engineers	$134,000.00	3.0	5.0	3.0	**3.6**

Note: Rate firms from 1 to 5 with 5 being the highest.