

City Council of Peachtree City

Agenda

March 20, 2003

7:00 p.m.

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Proclamation of Appreciation – Senator Mitch Seabaugh
Recognize Employee of the Month – Wayman Luke
- III. Minutes
March 6, 2003 Regular Meeting Minutes
- IV. Consent Agenda
 - 1. Alcoholic Beverage License – Change in Business Location – Ribs Inc.
 - 2. Consider Amendments to Traffic Ordinance
 - 3. Consider Amendments to CAR 8-3
 - 4. Consider Amendments to CAR 3-8
 - 5. Consider MOST Resolution
 - 6. Consider Amendments to Ethics Ordinance
 - 7. Consider Bid for Backhoe
 - 8. Consider Changes to Land Development Ordinance – Street Signs, House Numbers
 - 9. Consider Budget Amendments
 - 10. Consider Sale of Surplus Vehicles at County Auction
- V. Old Agenda Items
- VI. New Agenda Items
 - 03-03-03 Consider On-line Payment of Court Fines
 - 03-03-04 Consider Amendment to Section 2-9-2(8)
 - 03-03-05 Consider Refund of Alcohol License Fees
- VII. Council/Staff Topics
- VIII. Executive Session

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

**City of Peachtree City
Minutes of Meeting
March 6, 2003
7:00 p.m.**

The City Council of Peachtree City met Thursday, March 6, 2003, 7:05 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown proclaimed the week of March 9-15 as Girl Scout Week. March 6 was proclaimed Howard A. Morgan Day in recognition of the former mayor's contributions.

Approval of Minutes

Tennant moved to approve the February 20, 2003, minutes as written. Rapson seconded. The motion carried 4-0-1 (McMenamin).

Consent Agenda

1. **Alcoholic Beverage License – Change in Licensee and License Representative – Publix #799**
2. **Alcoholic Beverage License – Change in License Representative – Chic’N D’Lite**
3. **Submit Stormwater Certification for Public Works Facility**
4. **Consider Resolution Regarding Bridge Lighting Assistance over CSX Railroad on Highway 54**

Tennant moved to approve Consent Agenda Items 1-4 as submitted. Rapson seconded. McMenamin noted that the change in license representative for Chic’N D’Lite was quick. The motion carried unanimously.

Old Agenda Items

06-02-03 Consider Dog Park Funding

Rapson said the idea for the dog park started in March 2002 and the idea had been debated and talked about. There were several concerns and Council Member Weed had gone to the drawing board and worked with the Dog Park Committee, which was now an official subcommittee of the Recreation Commission. Rapson suggested Council follow the same logic it used for the All Children's Playground and give the Dog Park Committee \$5,000 as seed money so the committee can form a non-profit organization and raise their own funds.

Several Dog Park Committee members and residents addressed Council. Those addressing Council included Carol Bryant, finance chairman for the committee, Robin Lorber, Brenda Cook, Dawn Johnson, Debbie Condon, Fred Bryant, Jill Church, Gary Rower, Mark Hyde, and Carol Fritz.

Carol Bryant explained the Dog Park Committee's set-up to Council. She said there were four subcommittees – facilities, publicity, organizational (looking into nonprofit status), and finance. She said she had done a lot of research into dog park facilities. There were over 600 parks in the U.S. The studies showed that people who used the parks were self-policing. The end result of such facilities was better-behaved canine citizens. Bryant said it was not about dogs, but about the dog owners who lived in the City. She continued that their dogs were their recreation. Bryant said they were outlining a fundraising plan and would go to businesses and private individuals with a sponsorship plan. Ideas included selling bricks for the walkway, such as at the All Children's Playground.

McMenamin said she was not against dogs; her concern was the money. She said her constituents would have her tarred and feathered if she approved \$5,000 for seed money for the dog park. She continued there were unfunded projects and most dog parks were privately owned. She added that Council gave the All Children's Playground \$5,000 seed money for a \$150,000 project. For the amounts to be comparable, Council would provide the committee with about \$350.

Major points raised by those supporting and opposing the proposal included:

- The facility would be for families and children, as well as dogs.
- Concerns about responsible pet owners and liability issues
- City already donated the land and economic times were difficult.
- The park would enhance the quality of life in the City.
- The park would be an extension of the family atmosphere and would be safe, controlled, and monitored.
- Public safety should come first and who would be responsible if the committee fell apart.
- Cause was worthy, but it was unnecessary.
- If Council could not fulfill public safety budget requests, then money should not be wasted on the dog park.
- Suggestion that small amounts be donated annually rather than a lump sum.
- Group heading in right direction, but would like to see the committee raise some money first.

Rapson said he felt the dog park was a need for the community. He continued that, if there was something crucial needed for public safety, then the budget would be reshuffled so the City could get it. To compare the dog park to public safety was misleading. Rapson said the City was in a sound financial position. He pointed out that taxes would not be raised because of the dog park and that \$5,000 was less than two percent of the

Council Contingency Fund. He said they were talking about an amenity that cost less than \$15,000 and would last forever.

Tennant noted that everyone had made good points and that it was not an easy decision for Council. He concurred with those who said the park was unnecessary, but said the question was whether or not the park was a worthwhile investment. The City was famous for being family-friendly and Tennant said he suspected the dog park was a worthwhile investment for \$5,000.

Rapson moved to approve the \$5,000 from Council Contingency as outlined. Tennant seconded.

Brown said he heard two main complaints from citizens – golf carts did not give audible warnings when passing people on the paths and dogs were running loose on the paths. He added the dog park would be an inexpensive, long-term asset.

Weed said the dog park idea was suggested to him and he had sponsored it. He continued that the committee had met every challenge put before it. Weed said the money would not go to pay for literature or press releases, but would go for a water fountain that would serve people and dogs. Weed added that the presidents of the roller hockey and lacrosse associations felt the water fountain would be a good idea. The fountain would be located near the rink used by the associations.

Rapson clarified that it was solely his idea to put the request for the \$5,000 on the agenda.

The motion carried 4-1 (McMenamin).

02-03-06 Alcoholic Beverage License – NEW – Buckhead Brewery & Grill, Inc.

Bruce Nicely, the applicant for licensee, addressed Council. He said they were excited about the restaurant, which would be the fifth unit. The restaurant was scheduled to open in late April. Nicely continued that the restaurant would be a significant addition to the community and would sponsor events in the community. He noted that Buckhead Brewery had sponsored an angel tree for local humane societies in the past.

Tennant moved to approve the alcoholic beverage license as submitted with Bruce Nicely as the licensee and Terrie Andrews as the license representative. Rapson seconded. The motion carried unanimously.

New Agenda Items

03-03-01 Update on Field of Hope

Nick Harris updated Council on the efforts for the Field of Hope. Harris, the father of a child with disabilities, said he had probably spent 2,000 hours a year for three years on the baseball field designed for children with any disability to play baseball. Harris thanked Council for their efforts and said his committee was very excited about doing the right thing for children.

Harris continued that three years ago the Challenger League served 2,400 children. Today, the league served over 2,600. Council gave the land at the South 74 Complex for the Field at Hope. The Field of Hope had 501(C)(3) status and to date had raised \$257,000 worth of in-kind gifts and services and \$68,000 in cash. Harris related that the field needed sewer service rather than septic and he recently found someone who was willing to do the \$40,000 worth of work for nothing.

Harris said the second annual Country Clash was scheduled on Sunday, March 23, at the South 74 Complex. The event marked the opening day of the Little League season. The Country Clash held last summer netted the Field of Hope \$27,000 in six hours. Harris said they hoped to raise \$50,000 on March 23. The cost was \$10 a carload.

The target date to open the baseball fields was September 20. Harris thanked Group VI and said they would not be at this point without the company's support. Harris said if they ran short of cash, the concession stand would be deferred. The committee was still in need of a major sponsor. When completed, the field would serve 30,000 children in the south metro area. The Field of Hope had already been asked to host the 2nd Annual Challenger Tournament and was working with the Special Olympics on a program for those over the age of 21. Harris continued that President Bush had accepted an invitation to throw out the first pitch at the fields based on his availability.

Brown asked Harris if they had considered expanding into rural areas so they would be eligible for DCA funds. Harris said children from several rural counties participated in the Challenger program and that various Rotary Clubs had formed a council to raise money for the project. Brown said the Council, as a government entity, could also help get in touch with agencies.

**03-03-02 Discuss Taxpayer Concern over Debt and Operations Related to
Venues Managed by the Development Authority**

Dave Gardner, Bill McDonald, and Ron Small addressed Council with prepared statements regarding their concerns about the Tennis Center and Amphitheater. All three told Council they were founding members of the Tennis Center. A copy of each person's prepared remarks was included in the official meeting file.

Their major points of concern included the following:

- Virgil Christian and Tennis Center management
- Tennis Center Expenses
- Both facilities operating at a loss

- Increase in Amphitheater ticket prices and Tennis Center fees
- Expenses not tracking to budget
- Problems with slippery indoor courts
- Tennis Center being turned into teaching center vs. recreation for residents
- Pros using courts, but not paying fees
- Pros not interacting with members
- Virgil Christian and pros' compensation
- Hosting tournaments at a deficit
- Problems with restaurant rental income
- No plans in budget to adequately maintain facilities
- Development Authority debt
- Development Authority should spend time on attracting industry, not running venues
- Use of space at the center for Clayton State University satellite facility

Gardner addressed Council first. Among his recommendations was that Council settle the lawsuit filed by former Amphitheater Director Kristi Rapson against the Development Authority. Gardner said he understood that the lawsuit involved gender discrimination and was taken on a contingency basis, which indicated the attorneys felt they would win. Tennant asked Gardner if he was familiar with the specifics of the lawsuit. Gardner said no, but it was a gender lawsuit and Rapson was a woman. Tennant told Gardner it was highly inappropriate to make that suggestion when he did not know all the facts.

McMenamin asked Gardner how he got the documents he referred to, from the City or the Development Authority. Gardner said he got his information through open records requests to the Tennis Center and the City. Brown added that he also made open records requests to the Development Authority and he had given Gardner some of those papers. Brown added he was still waiting for some items.

Gardner also suggested that the City require Paul Salvatore, the City's financial services director, to go review all future Development Authority financial commitments and contracts to ensure they were sound. Brown told Gardner that Council and the Development Authority were two autonomous bodies and it was not Salvatore's place to review the Development Authority's contracts and loans. Council was not required to approve anything done by the Development Authority.

McDonald then addressed Council, noting his experience in operating tennis centers and pro shops. His concerns were more directly related to Virgil Christian's management and compensation. Tennant asked McDonald if he had discussed his concerns with Christian one-on-one. McDonald said no, but he had spoken to members of the Development Authority informally. McMenamin asked McDonald if he had asked to be placed on a Development Authority agenda so he could discuss his concerns at a meeting. McDonald said no, but he had spoken several times to individual Authority members about his concerns.

Tennant stated that Clayton State would not be in the County if not for Christian. McMenamin added that Council fully supported bringing Clayton State to the Tennis Center. She said the County had been trying to get a college here for 20 years and the space at the Tennis Center facility provided a unique opportunity to get a college in the County.

Tennant said he was not interested in any more speeches and moved to terminate more speeches like this one. Weed seconded for the purposes of discussion.

Weed said he had always been against holding open forums and "open mic night" in the City. He continued that Tennant, Rapson, and Brown had always said they would hear people out, no matter what they were saying, but that they could not then choose to hear only the statements with which they agreed. Tennant said that everybody had the right to express an opinion, but not to vilify a person and spew venom. Brown said he would provide Christian an opportunity to reply and that, as someone to whom the same thing happened, he would have been happy to be allowed to speak. Tennant said he did not want to hear more individual crucifying speeches and withdrew his motion.

Following Small's statement to Council, Tennant asked if he had attempted to discuss his concerns with the Development Authority or with Christian. He asked Small if he understood that it seemed antagonistic to get an Open Records Request as opposed to a telephone call. Small said he had pulled Christian aside several times to talk, but had not taken his concerns to a Development Authority meeting.

Mayor Brown then offered Christian an opportunity to respond to the statements, and Christian declined.

Development Authority member Bob Brooks spoke, extending an invitation to Gardner, McDonald and Small to attend a Development Authority meeting. He said they would explain the issues. Brooks continued that there were some conceptual issues that went back 10-12 years and there had been a significant change in the City. Brooks said it did not make sense to go over all the history in this forum, but the history would help to clarify some issues. Brooks said he was surprised at the misinformation in the three statements. The Development Authority did not decide to build the Tennis Center. The initial groundwork was a Council reaction to a demand by residents for more tennis. Hundreds of individuals gave input. Brooks noted there had been dynamic budget changes in the Tennis Center and Amphitheater budgets during the last 12-18 months. He said they were open to suggestions. Brooks reiterated that the Development Authority was open to questions and he gave his personal assurances that every question would be answered, although he acknowledged that, due to philosophical differences about how the center should be run, they might not like all the answers they received.

McMenamin asked Brooks to go over the management of the facilities. Brooks noted that at one time there was a subcommittee that oversaw each facility. During the last 18

months, all the Development Authority members had become involved. He said they were already working on some of the areas of concern. Gardner said they tried to be constructively critical in their presentations. He added it was easy to criticize, but hard to fix. Brooks noted that Christian no longer made money based on lessons and had given money back to the Authority. The Authority had changed Christian's responsibilities and he was multi-tasked as the executive director. Brooks told Gardner he was disappointed that Gardner felt he had to come to Council and disappointed Gardner had not come to the Development Authority first.

Development Authority member Scott Bradshaw addressed Council. He pointed out that the Development Authority had not asked the City to pay off its debts. The City asked the Development Authority. The 15-year agreement with the City was the Development Authority's collateral for loans. Bradshaw said the City felt the authority was getting too much hotel/motel tax money and suggested taking over the Authority's debt service in order to reduce the amount paid to the Development Authority.

Bradshaw addressed the comment that the Tennis Center should be a place to play and socialize. He explained these kinds of venues were event facilities. The Authority created events that brought people to the City. Those people brought in money and filled up motel rooms. A secondary benefit was the availability of the center for residents to use and enjoy. Bradshaw also pointed out that the Development Authority met the third Monday night of each month at the library. The meetings were always open to the public, although few from the public ever attended. Bradshaw said he had talked to McDonald about his complaints and he found some were legitimate and some were not.

Former Mayor Bob Lenox addressed Council and said the idea for the Tennis Center came from Chase Broward, who at the time worked for the Peachtree City Development Corporation. Lenox said part of the problem was no one had a sense of history and no one knew all the facts. He said there was history and it was important to understand it. Everything done for the Amphitheater and Tennis Center was driven by and approved by Council. Lenox continued that the presentations would have been good if they had been made to the Development Authority. He said this was a hatchet job against Virgil Christian.

Tennant said a lot of hurt feelings could have been avoided if the matter had been handled professionally and taken through the appropriate process. He encouraged those attending the meeting to go through the authorities in place before bringing a matter to Council. He said he regretted what happened and he knew Christian to be a fine man.

Weed said what happened was a prime example of what he had argued about for a month. He noted that this Council was not afraid of having its feelings hurt and this Council had met more than any Council to discuss citizen concerns. Weed said he was not against open mic night. He was a public official and had signed up for it, but it needed order. Weed said things at this meeting had bordered on chaos. He wanted order if it required a three-minute limit for each speaker. Weed continued there was a difference between a

public hearing and a public meeting. He wanted to engage the process, form a workshop committee, sit down in a room, and hammer away at a way to run such meetings. Tennant pointed out that it was the Mayor's job to run the meetings and he was elected to do that. Brown said he wanted to let people have a free say. He knew how it felt to be denied the opportunity to speak. Weed said it needed to be organized to run efficiently. McMenamin noted that Lenox had set time limits when he was mayor. He let everyone speak and reminded them to add new information, not to make the same statements again and again.

Weed said Council needed to come up with concrete rules for public hearings, disseminate the rules to the public, and be consistent in enforcing the rules. Brown noted that he had given the Tennis Center members four and one-half hours to speak last year at an earlier meeting. These people needed to speak also. Weed pointed out that order did not stifle speech. He was not advocating limiting free speech, but he was advocating decorum.

Brown said he had made an Open Records Request for several things from the Development Authority and had not received the materials. He said Salvatore had also made an Open Records Request and not received materials. Brown continued that polite letters were written back and forth and that he made the request again at a Development Authority meeting. He needed to know where the Authority's debt came from and he still did not have that information. The auditors, Mauldin and Jenkins, also made the same request. Christian said he called Mauldin and Jenkins and they never returned his calls. The auditors would have the information the next day.

Brown said the City was jeopardy of losing its Georgia Finance Officers Association (GFOA) accreditation because they did not have the requested information. The documents were needed to show the money was used for capital expenses. Tennant asked what the ramifications of losing the GFOA accreditation were. Brown said the City had the accreditation for 15 years and losing it would look bad.

Rapson pointed out that any Council Member could make a motion to set time limits. He asked the Council to remember to be respectful, professional, and factual. Weed agreed. He said if everyone knew the rules, the comments could be limited.

Council/Staff Topics

Brown said he had written County Commission Chairman Greg Dunn regarding the Lake Peachtree dredging. The commission was planning to use the barge method for the dredging. There was not an agreement to remove silt from the tributaries. Staff needed to draft a letter about the tributaries. He said the cost would be \$36,366.

Brown continued that the final Teen Study Circle meeting would be Thursday, March 13, 6:30 p.m., in Council Chambers.

McMenamin noted a letter Brown had sent out regarding regional transportation issues and a meeting he was trying to schedule to discuss the issue. She said she received a letter from Dunn that indicated the Transportation Improvement Plan (TIP) would be updated soon. McMenamin suggested the meeting be postponed until after the update so they would know the County and Atlanta Regional Commission's plans for the future. Brown said the meeting was just organization and he saw no need to wait.

Brown moved to reconvene in executive session for a legal matter and a personnel matter. Rapson seconded. The motion carried unanimously.

Brown moved to reconvene in regular session. Rapson seconded. The motion carried unanimously.

Weed moved to authorize Rick Lindsey to negotiate legal costs for the lawsuit as discussed in executive session. Rapson seconded. The motion carried unanimously.

There being no further business to discuss, Brown moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 11:16 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Interim City Manager 

FROM: City Clerk 

DATE: March 12, 2003

SUBJECT: Alcohol License – Change in Address – Ribs Inc.

Council approved an alcoholic beverage license for Ribs Inc. at the February 6th meeting. At that time, the restaurant was to open at 265 Commerce Drive. Edith and Edward Hood, the restaurant's owners, have decided to open at 114 Huddleston Drive (the site of the recently closed Johnny Romano's). According to Section 6-47(d) of the Alcoholic Beverage Ordinance, Council must approve the business relocation. A copy of the ordinance and a letter from Ms. Hood is attached.

JSM:pd

Attachment

(b) All requests for a change in licensee or license representative must be approved by the council and shall provide all appropriate information or supporting documents required under sections 6-37 and 6-38 as outlined in an approved form to be supplied by the city clerk for that purpose.

(c) So long as there is no change in ownership, a temporary license representative may be appointed by the licensee for a period not to exceed 45 days, subject to the following conditions:

- (1) The temporary license representative makes application by providing all appropriate information or supporting documents required under sections 6-37 and 6-38 as outlined in an approved form to be supplied by the city clerk for this purpose;
- (2) The application is approved by the mayor prior to the issuance of an amended license;
- (3) There shall be no residence requirement for a temporary license representative; and
- (4) There shall be no extension of the 45-day period of operation for any temporary license representative without approval of the council.

(d) All business relocations must be approved by the city council, and the licensee and license representative shall provide all appropriate information and supporting documents as required under sections 6-37 and 6-38. Requirements of section 6-40 relating to advertising must be met. Additional license fees shall not be required if fees are current.

(e) Any violation of this section shall constitute due cause for probation, suspension or revocation of the license or licenses granted by the council.

(Code 1980, § 3-14)

DEAR

Council Members,

Originally, Ribs' Restaurant was to be located in the building vacated by Johnny's Pizza in the West Park Shopping Center Area. We have now decided to move to a new location, 114 Huddleston Drive, in the recently closed Johnny Roman's Restaurant. The reasons we decided to change location are listed below:

- ①. Less Renovations Needed
- ②. Larger Restaurant Area
- ③. More Parking Spaces

We're still planning to open around the 1st of April.

Thank You,

Edith Hood

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Interim City Manager *MMH*

FROM: City Engineer/Interim Developmental Services Director *ED*

DATE: March 12, 2003

SUBJECT: Traffic Impact Ordinance Change

According to the discussion at the annual City Council retreat on March 7, city staff has prepared a proposed modification to change the duration of the subject ordinance. The ordinance currently imposes standards regarding development and its impact until the Georgia Department of Transportation (GDOT) has completed the highway widening on SR-54 and it is open to traffic. As mentioned during the retreat presentation, the construction schedule for the GDOT project is on the order of 18 months to 2 years, in which mitigation-project permitting from the Department will be improbable. In order to be consistent with the intent of the ordinance, to avoid conflicts with the LCI program, and minimize legal exposure, staff is recommending the ordinance term be modified to expire at the contract-letting for the project, as reflected in the attachment.

Attachment

cc: City Planner
file

AN ORDINANCE TO AMEND
THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
TO PROVIDE FOR TRAFFIC IMPACT MITIGATION
AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 1201 of Article XII of the Land Development Ordinance be deleted in its entirety and replaced with following:

Sec. 1201. Purpose and scope.

The implementation of the master plan for the development of Peachtree City has been temporarily disrupted because **of delays with** the DOT project to improve GA 54 to a four-lane arterial thoroughfare between GA 74 and Coweta County.

Therefore, in order to protect the health, safety, and general welfare of the community, it has been determined to be necessary to adopt the following traffic impact ordinance for the GA 54 corridor. The corridor is defined as all that property both north and south of GA 54 between GA 74 and Coweta County, and extending from the GA 54 right-of-way a distance of 6000 feet to the north and 6000 feet to the south.

The traffic impact ordinance shall establish a minimum standard of traffic operations for the corridor and provide for an administrative process to assure that no development is undertaken that would result in a lowering of the level of traffic operations below that established minimum standard.

This article shall remain in effect until the DOT highway improvements **are under contract and progress is being made toward completion of the widening.**

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____, 2003.

Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Colin Halterman, Interim City Manager *CH*

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

DATE: March 14, 2003

SUBJECT: Proposed Revisions to CAR 8-3, Funding for Non-Profit Organizations

Based upon discussions at the Council Retreat, staff has drafted proposed revisions to CAR 8-3 that addresses Council funding for non-profit organizations in Fayette County. The revised CAR is attached for Council's review.

CAR 8-3 City Council Funding for Non-Profit Organizations in Fayette County.

OPR: City Hall
4/00

Purpose	Section	I
Policy		II

I. Purpose

The Purpose of this regulation is to establish a policy for consistent response to requests for donations on behalf of non-profit organizations, including public schools, in Fayette County.

II. Policy

While the City of Peachtree City has no financial responsibility to assist non-profit organizations, including public schools, with funding or providing labor, there have been requests in the past for this assistance, and it is anticipated that there may be requests in the future. In an effort to ensure consistency and fairness, the following guidelines have been established:

- A. Council will budget no more than \$25,000 annually for all non-profit funding.
- B. The City would assume no liability for any project for which the City provides funding and/or labor.
- C. Services provided to Peachtree City residents by a non-profit organization that extend above and beyond what is provided to non-Peachtree City residents shall be addressed in a contract between the City of Peachtree City and the organization.
- D. Non-Profit Organizations
 - 1. Basic Needs

As a general rule, funding for non-profit organizations serving Fayette County should be provided by the Fayette County Commission to ensure that Peachtree City residents are not subject to double payment through their municipal and County taxes. However, Council reserves the right to make contributions to non-profit organizations that provide services that meet the basic needs (food, shelter, protection) of Peachtree City residents based upon the merit of the request. Requests for Ffunding for non-profit organizations that provide basic needs shall not require matching funds but shall be limited to \$7,500.00. Such requests shall then be prorated based upon the percentage of Peachtree City residents served by the organization in comparison to the total number of people they serve. Such data will be based on the total number of residents and non-residents served for the 12-month period ending with the month prior to the month in which the request is made. These funds, once identified and approved by City Council, will may be budgeted for annually, if requested. upon written request by the organization.

2. General Needs

Should Council approve a funding request for an organization that provides for general needs (other than food, shelter and protection), a dollar for dollar match up to a limit of \$5,000 in funding/labor may be provided as a match to any non-government funding provided to the organization. If the organization serves people other than Peachtree City residents, the maximum request of \$5,000 shall then be prorated based upon the percentage of Peachtree City residents served in comparison to the total population served. Such data will be based on the total number of residents and non-residents served for the 12-month period ending with the month prior to the month in which the request is made. Requests from a non-profit organization in the General Needs category will be considered no more often than every five years.

3. Public Schools

- a. Each request for funding/labor will be considered by the Peachtree City Recreation Commission, who will forward a recommendation to the City Council for final decision.
- b. Council will evaluate each request and make a decision based on the merit of the request.
- c. No more than one request, per school, will be considered in any five consecutive year period.
- d. Only Fayette County public schools whose attendance boundaries include Peachtree City will be eligible for consideration.
- e. Requests for funding/labor must be for enhancements to playgrounds and playing fields only. Any playground/playing field for which the City makes a contribution must be made available for use by City residents when not being used by the school. A formal agreement with the School Board would be required.
- f. Should Council approve a funding request, a dollar for dollar match up to a limit of \$5,000 in funding/labor may be provided as a match to any funding provided by the school or any school organization (i.e. booster club). All funding requests must be submitted by June 1.

E. The City Council will have final approval on all funding requests. All funding requests must be submitted by June 1.

APPROVED:
Mayor and Councilmembers

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

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

FROM: System Administrator *(M)*

DATE: March 12, 2003

SUBJECT: Proposed CAR 3-8 Revisions

Staff has proposed revisions to City Administrative Regulation (CAR) 3-8. We have broadened the scope of this CAR, formerly entitled "Internet and Electronic Mail Use by City Employees and Elected Officials" to encompass all City computer systems. Revisions to the CAR include:

- ☐ A broad definition of what computer components are covered under this CAR;
- ☐ A tighter incorporation between this CAR and the City's open records and records retention policies;
- ☐ Language as recommended by Council during the 2003 retreat requiring all emails sent or received by elected officials to be kept (Section II, paragraph f.);
- ☐ Clearer regulations on downloading of software without prior management approval;
- ☐ Removal of information deemed unnecessary for this CAR or duplicated in other City regulations;
- ☐ Removal of requirement for written user agreement, replaced with de facto agreement when users enter the systems;
- ☐ Grammatical corrections

A copy of the previous regulation with proposed modifications is attached. Staff and the City Attorney have reviewed the revisions and are available for questions or clarification if Council desires.

/mjr

Attachment

Internet and Electronic Mail-Computer Systems Use by City Employees and Elected Officials

Purpose	Section	I	Risks	VI	
Policy		II	Responsibilities	VII	
Definitions		III	Acceptable Use	VIII	
Public Records and Disclosure		IV	Unacceptable Use	IX	
No Presumption of Privacy		V	Written Agreement <i>Not</i> Required—		X

I. Purpose

- a. The purpose of this regulation is to establish standards for use of the *intranet, extranet, local area networks, stand-alone computers and associated peripherals, personal digital assistants (PDAs), data-enabled communications devices, and services accessed through Internet and Electronic Mail (e-mail)*[referred to herein as the "City Computer Systems"] by City employees and elected officials who use city provided resources, regardless of the user's location when accessing the network.
- b. It is the intent of this policy to:
 1. Ensure that the use of city-provided ~~Internet and E-mail services~~*City Computer Systems* are related to, or for the benefit of, city government;
 2. Inform users that ~~E-mail messages and documents~~*documents created and received on the City Computer Systems* are subject to the same laws, regulations, policies, and other requirements as information communicated in other written forms and formats;
 3. Minimize disruptions to city government activities from inappropriate use of ~~city-provided Internet and E-mail services~~*City Computer Systems*; and
 4. Provide users with guidelines describing their personal responsibilities regarding confidentiality, privacy, and acceptable use of ~~city-provided Internet and E-mail services~~*City Computer Systems* as defined by this policy.

II. Policy

- a. As with any City resource, the use of the ~~Internet and E-mail services~~*City Computer Systems* should be used primarily for legitimate City business and is governed by rules of conduct similar to those applicable to the use of other information technology (e.g. telephone, fax, etc.) resources, including the Open Meetings/Records Act of Georgia.
- b. E-mail created or received by an employee or official in connection with official city business, which perpetuates, communicates or formalizes knowledge, is subject to the open records law and open for inspection.

- c. E-mail created or received by an employee that is not in connection with official city business, is still subject to the Open Records Law if the e-mail was created or received with city provided resources.
- d. Employees and City Officials will not use the *City Computer Systems* in any manner that would constitute a quorum of any official public body to conduct official city business. No employee or City Official shall communicate via the *City Computer systems* with a quorum of any official public body to specifically request a reply for anything other than transitional information as defined below. This does not affect the communication between any two members of any official public body via the Internet and this does not affect the ability of employees or City Officials from sending information to a quorum of any official public body.
- e. *All documents and communications created through the City Computer Systems shall be retained in accordance with the eCity's Records Retention policy.*
- f. ~~f. —Email should be used primarily for *transitory correspondence*. *Transitory Messages shall be retained until obsolete, superseded, or administrative value is lost. This means that the records only have to be retained until they have served their administrative purpose. In applying this rule, any E-mail messages created or received that fall under this category may be deleted at the user's discretion.*~~
*The use of e-mail is discouraged for sending enduring messages. However, if e-mail is used as such, the message shall be printed by the sender and retained in accordance with the City's Records Retention Schedule policy. **For the purposes of this CAR, any e-mail sent or received by any elected official shall be considered enduring and must be kept pursuant to the City's Records Retention policy.***
- g. *Employees shall not use the City Computer Systems to disseminate or print copyrighted materials (including articles and software) in violation of copyright laws and license agreements*
- h. *Employees shall not use an Internet, electronic mail or online service account or signature line other than their own unless management provides expressed written permission for a specific purpose.*
- i. *Employees shall take all reasonable precautions to prevent the inadvertent dissemination of anyone else's information via the Internet, electronic mail or online services.*
- j. *City Computer Systems usage is subject to limitations as imposed by supervisors the System Administrator management to prevent excessive or improper use. Although the City Computer Systems are meant for business use, **the City** allows personal usage if it is reasonable and does not substantially interfere with work. All software loaded and messages distributed via the **City Computer Systems, unless otherwise restricted, are the***

City of Peachtree City's property. It is NOT permitted for City employees or City Officials to load ~~personal~~ or otherwise install software unless written permission has been given by the System Administrator and Division Director/Chief

~~g. kk.~~ Use of the ~~City Computer Systems~~ City Computer Systems is a privilege, which imposes certain responsibilities and obligations on its users and is subject to City policies and local, state, and federal laws. Acceptable use must be legal, ethical, reflect honesty, and show restraint in the consumption of shared resources.

~~f. Abuse of Internet privileges may be considered "misuse of government property".~~

. 1. Use of ~~email or Internet~~ City Computer Systems in a manner that could reasonably be construed as sexually explicit, scandalous, defamatory, libelous, immoral, offensive or discriminatory based on race, national origin, sex, sexual orientation, age, disability or religious beliefs is not permitted.

~~m-Abuse of City Computer Systems privileges may be considered "misuse of government property".~~

III. Definitions.

Management, in the context of this CAR, refers to the City Manager, all Directors and Chiefs and the System Administrator, working in concert to respond to issues of appropriateness of content as well as technical ramifications of the City Computer Systems.

Electronic Mail (E-mail) is a means of sending messages between computers using a computer network or over a modem connected to a ~~telephone line~~ telecommunications line. It ~~is an efficient and timely communication tool that can help the City improve the way it conducts its business by providing a quick and cost effective means to create, transmit, and respond to messages and documents electronically.~~ It E-mail is intended to expedite communications, reduce paperwork and automate routine office tasks, thereby increasing productivity and reducing costs. ~~Daily tasks are accomplished more rapidly as individuals use E-mail services for sending and receiving texts as well as avoiding telephone tag.~~ E-mail consists primarily of messages, but may also include attachments such as calendars, directories, distribution lists, word-processing documents, spreadsheets and other electronic documents. E-mail is stored in a digital format rather than on paper and is retrievable at a future date. Due to format, E-mail permits instant communication and transmittal of up-to-date information similar to the telephone, and unlike current telephone features, E-mail creates a record of the information that is being transmitted.

Transitory Messages consist of those records that are created primarily for the informal communication of information, as opposed to communications designed for the perpetuation or formalization of knowledge. Transitory messages do not set policy or establish guidelines or procedures. The informal nature of transitory messages might be compared to the

communication that might take place during a telephone conversation or verbal communications in an office hallway. Transitory messages would include the following:

- Routine announcements and information
- Queries regarding processes, ideas or draft documents
- Meeting notices
- Reading files
- Recipient's Inter-departmental memoranda

~~Transitory Messages shall be retained until obsolete, superseded, or administrative value is lost. This means that the records only have to be retained until they have served their administrative purpose. In applying this rule, any E-mail messages created or received that fall under this category may be deleted at the user's discretion.~~

Enduring Messages consist of those records that are created primarily for formal communications of information. These messages set policy or establish guidelines or procedures. ~~The use of e-mail is discouraged for sending messages of this type. However, if e-mail is used as such, the message shall be printed by the sender and retained in accordance with the City's Records Retention Schedule.~~

IV. Public Records and Disclosure

A message sent or received by ~~E-mail the City Computer Systems~~ in the conduct of public business with Ceity- provided resources is subject to the Open Records Law and is considered a public record. ~~Transitory Ee-mails can may be deleted in accordance with the City's Records Retention Schedule after they have been retained for the correct time period as determined above.~~ E-mails stored and accessible after this time are still a public records and must be produced upon request.

The City Clerk will coordinate with the Systems Administrator for the gathering of the public record ~~e-mail City Computer Systems~~ documents in response to an Open Records Request ~~following all applicable state laws.t. A requestor does not need to show a "legitimate interest" in such e-mail before being allowed to see it. Any person has the right to request to see a public record for any reason. The law does not require the requestor to specify a particular document nor does it require that the request be submitted in writing.~~

~~E-mail and Internet usage by employees or officials from their personal (non-City) computers while not conducting City business or using a City provided e-mail accounts is not subject to the regulations of this CAR.~~

V. No Presumption of Privacy

Employees should keep in mind that Internet Usage is not "private". Electronically transmitted information travels through many networks, and many different computer connections. *Information sent across the Internet or through external networks has the potential to be viewed by parties not intended.* All information that is created, stored and/or transmitted via the City's ~~Internet/E-mail system~~ *Computer Systems* can be reviewed by management at any time. Since e-mail messages may be retained at different locations or levels of the system, users must remember that their communication can be retrieved during formal discovery processes. Discretion, therefore, is an important consideration when using this or any other new technology to send, record, retain or review information.

Officials and Employees are advised of the risk involved in using E-mail to deal with confidential issues, and must be aware of all applicable statutory or regulatory requirements that would prohibit the disclosure of certain information in any format. Of special concern is the confidentiality of individual health and personnel information.

Abuse of ~~Internet privileges~~ *the City Computer Systems* may be considered "misuse of government property", therefore the City does utilize software to monitor its use.

VI. Risks

Although ~~Internet access~~ *the City Computer Systems* can provide significant business benefit for City departments, it is important to point out that use of the Internet *and external networks* exposes the City and users to Internet-related risks. The Internet is not one administrative entity, but rather is a ~~cooperative effort~~ *interlocking network of systems from between* educational institutions, government agencies, and various commercial and non-profit organizations. It is a shared information utility for individuals, business and governments. Even with the extensive effort to minimize risks, there is no known way to protect the City from all related risks. There are significant legal, security, and productivity issues associated with how the Internet is used. Examples of such issues are the potential:

1. To receive computer viruses *and malicious code and programming* from the downloading and use of programs and/or files from Internet sources;
2. For someone to eavesdrop on transmissions, which might include passwords, sensitive data or correspondence;
3. For users to be induced by the vast social and informational forums of the Internet into spending significant work time on non-city business related activities;
4. To consume limited disk storage on city servers and on user PCs with information which has been downloaded from the Internet; and

5. For breaches of data security, confidentiality and intellectual property rights from unwanted intrusion into the agency network by hackers.
6. ~~Virus Threat E-mail is the most frequently used method for transmitting computer viruses. Executable files (e.g., *.exe, *.com) and documents containing viruses can be transmitted via E-mail. These files and documents, which may be attached to E-mail messages, must always be checked for viruses before they are accessed, executed, or distributed to other users. Thus, each city official and employee must exercise prudence and caution in using this powerful information resource. The sections, which follow, outline policy and address responsibilities for ensuring that Internet services are used appropriately and that adequate facilities are available for all approved users.~~

VII. Responsibilities

Because of the various security, legal, and productivity issues referenced in this policy, each user has the following responsibilities:

1. By participating in the use of networks and systems provided by the City, users agree to comply with policies governing their usage.
2. The content of ~~anything~~ *any electronic correspondence* exchanged (sent and/or received) via ~~E-mail communications~~ *the City Computer Systems* must be appropriate and consistent with City policy, subject to the same restrictions as any other correspondence.
3. E-mail communications, if allowed to accumulate on a server, can quickly consume the server's disk space and may cause system problems. Deletion of ~~unnecessary~~ *expired transitory* email communications is encouraged. *Messages of a non City-business related nature, including but not limited to chain letters, forwarded jokes and stories, or solicitations for services outside the scope of City business, should be removed immediately after the user receives and reviews the message, and the recipient of that message should inform the sender of the City's policies regarding City Computer Systems use and advise that non City-business related messages should not be sent in the future.*
4. Comply with City policies, procedures, and standards.
5. Be courteous and protect others' privacy and confidentiality.
6. Be responsible for the *protection and use of* ~~their E-mail accounts~~ *the logins, accounts and computer hardware and software allocated to them.*
7. Use information technology resources efficiently and productively.

VIII. Acceptable Use of Internet and E-mail Services*City Computer Systems*

Acceptable ~~Internet and E-mail~~ *City Computer Systems* activities are those that generally do not impede the purpose, goals, and mission of the City and each user's job duties and responsibilities. The following list, ~~although not all-inclusive, provides~~ *list includes, but is not limited to, examples* of acceptable uses:

1. Communications, including information exchange, for professional development or to maintain job knowledge or skills;
2. Communications with other governmental agencies and business partners of city government providing document delivery or transferring working documents/drafts for comment;
3. Announcements of city laws, procedures, hearings, policies, services, or activities;
4. Use involving research and information gathering in support of advisory, standards, analysis, and professional development activities related to the user's city governmental duties; and
5. Communications and information exchanges directly relating to the mission, charter, and work tasks of the City including E-mail in direct support of work-related functions or collaborative projects.
6. Any personal use of ~~Internet resources~~ *City Computer Resources* while ~~on or off duty shall on duty~~ should be confined to once or twice a day and a maximum of 10 minutes. ~~No personal usage shall violate section VIII (Unacceptable Uses) as described below~~ *be kept to a minimum, as determined by the division director/chief in consultation with the System Administrator and the Director of Financial Services. Due to the varied job and time requirements within the City, some directors may allow more time for personal use of City Computer Resources. All users must ensure compliance with all other provisions of this CAR, especially section VIII (Unacceptable Uses of City Computer Systems).*
7. ~~Personal usage of the Internet during off duty hours is permitted with prior approval of the employee's supervisor, as long as such usage does not violate section VIII.~~

VIII. Unacceptable Use of Internet and E-mail Services*City Computer Systems*

Unacceptable use can be defined generally as activities that generally impede the purpose, goals and mission of the City and each user's job duties and responsibilities. Any ~~Internet and E-mail~~ *City Computer Systems* usage in which acceptable use is questionable should be avoided. When in doubt, seek policy clarification *from your supervisor* prior to pursuing the activity.

The following list, although not all-inclusive, provides some examples of unacceptable uses:

1. Business Activities. This includes Internet use for private purposes such as marketing or business transactions and private advertising of products or services.
2. Use for, or in support of, unlawful/prohibited activities as defined by federal, state, and local laws or regulations. Illegal activities relating to Internet and network access include, but are not limited to:
 - a. Tampering with *or installing* computer hardware or software;
 - b. Willful vandalism or destruction of computer files;
 - c. Transmission *or generation* of threatening, obscene, *offensive* or harassing materials;
 - d. Attempts to ~~penetrate~~ *access* a remote site/computer without proper authorization;
 - e. Use of the Internet to try to access data that is protected and not intended for public access;
 - f. Violation of federal and state laws dealing with copyrighted materials or materials protected by a trade secret.
 - g. Accessing or modifying contents of files, other data, or passwords of other users, unless explicitly authorized to do so by those users or management.
 - h. Attempts to subvert network security, to impair functionality of the network, or to bypass restrictions set by the network administrators. Assisting others in violating these rules by sharing information or passwords is also unacceptable behavior;
 - i. Deliberate interference or disruption of another user's work or system. The user must avoid any actions that cause interference to the network or cause interference with the work of others on the network. Users are prohibited from performing any activity that will cause the loss or corruption of data, the abnormal use of computing resources (degradation of system/network performance), or the introduction of computer viruses by any means (use of programs with the potential of damaging or destroying programs and data). *To that end, any software downloaded from the Internet must be approved in writing by both the System Administrator and the division director/chief PRIOR to download. Employees and officials are not permitted to load personal software on the City Computer Systems;*
 - j. Use of fee-for-service providers on the Internet unless the necessary approvals and funding have been obtained in advance. Any individual who obligates the City to pay for services without prior approval is personally liable for these costs;
 - k. Solicitation for religious and political causes;

- l. Use to gain access to any other Internet *or external network* service, which requires membership if the user does not have proper membership, rights, and privileges in the other service.
- m. No employee shall use the Internet service at any time to access sites or information that could be interpreted as demonstrating poor ethical conduct, unless required as part of their official City duties (i.e. administrative or official investigations). These types of sites or information include, but are not limited to, those containing derogatory racial content, sexual content, derogatory religious content, offensive language, improper humor, material that could negatively reflect upon the City of Peachtree City, or material prohibited by law.

IX. Written Agreement Not Required

Users having access to ~~city-provided Internet and E-mail services~~*the City Computer Systems* are advised that all such ~~network~~ activity is the property of the City, and therefore, they should not consider any activity to be private. *By use of the City Computer Systems, Aall* users of Internet and E-mail services ~~are required to acknowledge acceptance of and intention to comply with "The City of Peachtree City Internet and E-mail Acceptable Use Policy" by signing a "User Agreement" for these services. The attached "Sample Use Agreement" is provided as a model. The Personnel Office of the City shall maintain the signed agreements.~~*this regulation. Copies of this regulation should be posted on all employee bulletin boards as well distributed to all employees and officials by the division director/chief. Failure to follow this regulation may subject employees and officials to appropriate disciplinary action.*

APPROVED:

Director of Administrative Services
Director of Financial Services
City Manager

THE CITY OF PEACHTREE CITY
ELECTRONIC MAIL AND INTERNET POLICY

~~Access to information technology resources and services has been granted to me, as a privilege, for performing job duties and responsibilities for my agency. I have read and agree to abide by the City's policies, procedures, terms and conditions that govern my use of these services:~~

~~I will refrain from monopolizing systems, overloading networks with excessive data, or wasting computer time, disk space, printer paper, or other information technology resources.~~

~~I will report to my supervisor any observations of attempted security violations or illegal activities as defined by local, state, or federal laws. I will also report to my supervisor if I receive or obtain information to which I am not entitled.~~

~~I will not use the Internet service at any time to access sites or information that could be interpreted as demonstrating poor ethical conduct, unless required as part of my official City duties (i.e. administrative or official investigations). These types of sites or information include, but are not limited to, those containing derogatory racial content, sexual content, derogatory religious content, offensive language, improper humor, material that could negatively reflect upon the City of Peachtree City, or material prohibited by law.~~

~~By signing this agreement, I certify that I understand and accept responsibility for adhering to the City's policies, procedures, terms and conditions explained in the City's Policy (CAR 3-8). I also acknowledge my understanding that any infractions on my part may result in disciplinary action including, but not limited to, termination of my access privileges.~~

Employee Name (Print): _____

Employee Signature: _____ Date: _____

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Colin Halterman, Interim City Manager *CH*

FROM: Paul Salvatore, Director of Financial Services *PS.*

DATE: March 12, 2003

SUBJECT: Resolution in Support of State Legislation

As discussed at the Council Retreat, the Georgia Municipal Association (GMA) has asked municipalities across the State for support in encouraging the General Assembly to pass legislation allowing for a municipal referendum on the issue of establishment of a Municipal Option Sales Tax (M.O.S.T.). They asked that this support be provided in the form of a resolution passed by the Mayor and City Council, a copy of which is attached to this memo.

A key reason why GMA is supporting this legislation is because cities have limited options in providing funding for capital projects, and are unduly constrained in presenting funding options to citizens. If passed, cities would then have the ability (just as counties do) to go to the voter's and ask if they would be in favor of a 1% sales tax that would be used to finance capital projects.

In short, the resolution states that the City of Peachtree City is in support of state legislation that would provide cities and their citizens greater alternatives in providing for future capital needs.

**RESOLUTION IN SUPPORT OF STATE LEGISLATION
AUTHORIZING LOCAL REFERENDUM ON IMPLEMENTATION OF
A MUNICIPAL OPTION SALES TAX**

WHEREAS: cities have long formed the basis of our collective sense of community and are essential to the state's continued economic prosperity; and

WHEREAS: cities are the government closest and most responsive to the citizens and in which the individual citizen has the strongest and most influential voice; and

WHEREAS: cities continue to fulfill their unique role of providing essential services to populations greater than their resident population and as host to significant amounts of tax-exempt property; and

WHEREAS: cities are faced with enormous daily pressures to improve municipal services and maintain a quality of life; and

WHEREAS: necessity requires many cities to do this through the property tax, which is disfavored by citizens and continues to be eroded through exemptions and exclusions; and

WHEREAS: cities have limited options for meeting capital funding needs and are unduly constrained even in their ability to present funding options to their citizens; and

WHEREAS: an optional sales tax dedicated to municipal needs provides for local self-determination and respects the will of municipal voters; and

WHEREAS: the Georgia Municipal Association, representing the best interests of all cities throughout Georgia, supports legislation that enhances the ability of municipalities to upgrade and maintain infrastructure that meets the highest environmental standards, improves the delivery of essential government services and enhances the competitiveness of the city-center as the economic hub of the local or regional economy; and

WHEREAS: the Georgia Municipal Association has included the Municipal Option Sales Tax or M.O.S.T. as the key component of their 2003 Legislative Agenda; and

WHEREAS: the Mayor and City Council of the City of Peachtree City support state legislation that would provide cities and their citizens greater alternatives in providing for future capital needs.

NOW, THEREFORE, WE the members of the Peachtree City Council do hereby encourage the members of the General Assembly to pass legislation allowing for a municipal referendum on the issue of establishment of a Municipal Option Sales Tax.

RESOLVED, this 20th day of March 2003.

Stephen D. Brown, Mayor

Jane S. Miller, City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: Interim City Manager 

DATE: March 13, 2003

SUBJECT: Changes to Ethics Ordinance

Attached is a copy of the ethics ordinance drafted by the Ethics Committee and reviewed by Council at Retreat. The numbering has been corrected and the committee recommends adoption.

Attachment

JSM:pd

AN ORDINANCE TO DELETE THE ETHICS ORDINANCE OF THE CITY OF PEACHTREE CITY IN ITS ENTIRETY AND TO REPLACE IT WITH A NEW ETHICS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Article III, Section 62-71 through section 62-92, inclusive, be deleted and replaced as follows:

Sec. 62-71. Declaration of policy.

- (a) The proper government and administration of the city requires that:
 - (1) Its officials, employees, appointees, and volunteers conducting official city business including those appointed by city council such as commission and authority members:
 - a. Serve others and not themselves;
 - b. Be independent, impartial and responsible;
 - c. Use resources with efficiency and economy;
 - d. Treat all people fairly;
 - e. Use the power of their position for the well being of their constituents; and
 - f. Create an environment of honesty, openness and integrity.
 - (2) Governmental policies and decisions are made in the proper channels of the government structure;
 - (3) Public office and employment not be used for undue personal gain; and
 - (4) The citizens of the city have confidence in the integrity of their government.
 - (b) Because the attainment of one or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interests and public responsibilities of city officials and employees, the public interest mandates that the city protect against such conflicts of interest by establishing appropriate ethical standards with respect to the conduct of its officials and employees in situations in which a conflict may exist or appear to exist.
 - (c) Yet it is also essential to the efficient operation of the city that those persons best qualified be encouraged to serve in positions of public trust. Accordingly, the standards set forth in this article must be understood and interpreted in a way that will not unreasonably frustrate or impede the desire to seek public office by those best qualified to serve. To that end, officials and employees should not, except as otherwise provided by law, be denied the opportunity available to all citizens to acquire and maintain private, economic and other interests except when a conflict would necessarily result.
-

(d) The policy and purpose of this article, therefore, is to clarify those standards of ethical conduct that shall be applicable to the officials and employees of the city in the discharge of their public duties and to foster the development and maintenance of a tradition of responsible and effective public service.

Sec. 62-72. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. For the convenience of the reader, unless the context of the regulation specifically relates to only one set or subset of actors, the terms official, employee, appointee, and volunteer may be used synonymously with “official” and “employee” throughout this article:

Agency means the city council, and all other agencies, authorities, boards, commissions, committees, departments, and offices of the city, without exception.

Appointee means any person duly appointed by the city council to serve on any authority, board, committee, subcommittee, agency, body, or in any other office or position.

Business means a corporation, a partnership, a limited liability company, a sole proprietor, or any other person or organization carrying on an enterprise for profit.

Business relationship means an agreement between parties designed to result in an enterprise for profit to those parties.

Censure means a public expression of severe criticism or reproach.

Confidential information means any information, which by law or practice is not available to the general public.

Contract means any lease, claim, account or demand against or agreement with any person, whether express or implied, executed or executory, verbal or in writing.

Employee means any person holding a classified position as defined in policy I, section 3, of the city's personnel policy.

Employment means any rendering of services on request, whether paid or unpaid.

Formal reprimand means an action taken by the ethics board against a person or entity found to be in violation of the ethics ordinance, issued in writing to the person or entity, chastising the person or entity for the violation. The record of said formal reprimand shall be inserted into the minutes of the City Council.

Immediate family means spouse and children.

Interest means any direct or indirect pecuniary or material benefit accruing to a public officer or employee as a result of a contract or transaction, which is or may be the subject of an official act or action by or within the city. This does not, however, include those contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. Examples of interest include, but are not limited to, situations involving:

- (1) Any person in the immediate family of the official, employee, appointee, or volunteer;
- (2) Any person or business with whom a contractual relationship (either written or implied) exists, whereby he may receive a payment or other benefit, including an agreement for employment; and
- (3) Any business in which he is an officer, director, employee, prospective employee or substantial shareholder (owning or controlling in excess of five percent of the total stock or total legal and beneficial ownership).

Official means any official, officer, appointee, volunteer, or member of the government of the city who is not an employee, whether elected or appointed, whether paid or unpaid, whether permanent, temporary or alternate.

Official act or action means any executive, legislative, administrative, appointive or discretionary act of any official or employee of the city or any agency of the city.

Official city business means work, action, attendance, or other legitimate participation in any event or activity sanctioned by the governing authority of Peachtree City, Georgia.

Paid means the receipt of, or right to receive, a salary or commission, percentage, brokerage or contingent fee.

Participate means to take part in official acts, actions or proceedings personally as an official or employee through approval, disapproval, decision or the failure to act or perform a duty.

Person means any individual, business, labor organization, representative, fiduciary, trust, or association, whether paid or unpaid, including any official or employee.

Property means any property, whether real or personal, tangible or intangible, including currency and commercial paper.

Reprimand means an expression of disapproval, either public or private.

Transaction means the conduct of any activity that results in or may result in an official act or action of the city.

Volunteer means a nonpaid person engaging in official city business with the approval of the governing authority.

Sec. 62-73 Enforcement and administration

(a) Constituting the board; chairman.

(1) The board of ethics of the city is hereby created and authorized by the mayor and city council of the city.

(2) The board of ethics of the city shall be composed of five residents of the city to be appointed as provided in paragraphs (2) and (3) of this subsection. Each member of the board of ethics shall have been a resident of the city for at least one year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has, or has had within the preceding one year period, any interest in any contract, transaction, or official action of the city.

(3) The mayor and councilmembers shall each designate two qualified citizens to provide a pool of ten individuals who have consented to serve as a member of such board of ethics. These individuals must agree to undergo a criminal background check conducted by the police department prior to designation, and/or redesignation, the results of which will be forwarded to the mayor and council. These individuals should be available to be called upon for a period of two years to serve in the event a board of ethics is appointed. Upon initial designation to the pool, each individual shall attend a training session on the ethics ordinance, conducted by the city. Annually thereafter during their term, each individual shall be required to attend a training class at city expense. The mayor and council shall re-designate individuals to serve in the pool in January the conclusion of each pool member's two year term. Pool members can be reappointed and there shall be no term limits for the pool members since future members of council may wish to appoint the same pool members. However, the term for individuals appointed by the mayor or a councilmember shall end after two years. The city clerk shall maintain a list of the ten qualified individuals. If a member of the pool does not finish their term, the councilmember who designated the original member shall put forward a new designee to fill the remaining pool term.

(4) During the annual training session the pool shall select a chairman at the beginning of each calendar year from the ten qualified members listed by the council. The chairmanship shall remain in place for a one calendar year period. The chairman shall receive additional training regarding the procedures for conducting a hearing. If the chairman leaves before the end of their term, the candidate pool member shall be replaced as set out in 62-73(a)(3) and the pool members shall select a new chairman to fill out the remaining term.

(5) A quorum of the member pool of the Board of Ethics shall be seven members. A quorum of the pool shall be required for annual training and the selection of a chairman.

(b) Duties of board.

The constituted board of ethics shall have the following duties and powers:

- (1) To administer the ethics ordinance;
- (2) To receive, review, investigate, process, make determinations on, and hear complaints of violations of standards required by this article;
- (3) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this article;
- (4) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;
- (5) Recommend any legislative or administrative action regarding the city's policies and practices which the board believes would or could enhance the ethical environment in which public servants work;
- (6) To report its findings and actions to the city council;
- (7) All other duties and powers listed in subparagraph (6) of section 62-73(c).

(c) Enforcement and administration.

(1) Selection Time.

The constituted board of ethics shall be selected within fifteen days after receipt of a complaint.

(2) Complaints.

(A) All complaints of ethical violations must be filed with the city clerk, in writing, no later than ninety (90) days after the alleged act occurred unless the complainant, by exercising reasonable diligence, failed to discover the alleged ethical violation within such 90 day period. In such a case, the complainant must file a written complaint with the city clerk no later than ninety (90) days after the complainant discovered the alleged violation. In all such cases brought after ninety (90) days from the date of the alleged ethical violation, the complainant bears the burden of convincing the board of the true date complainant learned of the alleged violation.

(B) In no event, shall an ethical charge be filed with the city clerk more than two years from the date of the alleged ethical violation.

(C) Constituting a hearing board.

All complaints against an official or city employee shall be filed in writing and submitted to the city clerk. The city clerk shall provide a copy of the complaint to the mayor and council.

- (1) During a public meeting of the mayor and council the city clerk shall place nine names of the pool members in a receptacle. The chairman of the board shall be pre-selected by the pool at its annual meeting.

The city clerk will then draw six (6) names from the nine (9) in the receptacle. The first four (4) pool members selected, plus the chairman, shall constitute the board for consideration of the matter at hand. The last two (2) names selected shall be alternates in the event that some of the chosen members cannot serve.

(2) The city clerk shall notify the selected members of their appointment by telephone the following day and shall ask if there is any reason the member feels they cannot or should not (due to a conflict of interest) serve on the board concerning the particular complaint.

(3) Pay and other staff support.

(a) The members of the board of ethics shall serve without compensation. The governing authority of the city shall provide meeting space for the board of ethics. Subject to budgetary procedures and requirements of the city, the city shall provide the board of ethics with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.

(b) The city attorney is designated to be the legal advisor of the board, except that the city attorney is not authorized to represent the board in any legal action if doing so would create a conflict, which would prevent the city attorney from also representing the mayor, the city manager, or the governing body.

(c) The city clerk shall serve as the recording secretary to the board and shall provide such administrative services to the board as may be necessary.

(D) The Complainant may withdraw the complaint at any time in writing.

(3) Dismissal of frivolous complaints.

Within thirty (30) days of board selection the board may perform one or more of the following:

(a) Upon receipt of a complaint in proper form, review the complaint to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke disciplinary jurisdiction. The board of ethics shall be empowered to collect evidence and information concerning any complaint and to add the findings and results of its investigation to the file containing such complaint.

- (b) Upon completion of its review and/or investigation of a complaint, the board at a public meeting may dismiss those complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke disciplinary jurisdiction. Provided, however, that a rejection of such complaint by the board of ethics shall not deprive the complaining party of any action he/she might otherwise have at law or in equity against the respondent government servant. A rejection shall prevent refiling of a complaint regarding the same subject(s) and alleged perpetrator(s) for the same offense within six (6) months of the original complaint filing;
- (c) Admonish, formally reprimand, publically censure, any complaining party that files an unjustified, frivolous, patently unfounded or factually insufficient complaint; and
- (d) Forward an Order to the mayor and council as set out in 62-73(c)(6)(v); or
- (e) Hold a public hearing within sixty (60) days after the selection of the board.

(4) Parties rights.

At any hearing held by the board of ethics, the official, employee, or respondent who is the subject of inquiry shall have the right to written notice of the allegations at least ten business days before a hearing, to be represented by counsel, to hear and examine the evidence and witnesses and to present evidence and witnesses in opposition or in extenuation according to the procedures contained in subparagraph (6).

(5) Advisory opinions.

When any official, employee, or person appointed by council has a doubt regarding the applicability of any provision of this article to a particular situation, or regarding the definition of its terms, he may apply in writing or verbally during a public meeting to the city attorney for an advisory opinion. The advisory opinion shall be written unless it is given verbally during a public meeting, and may be provided directly to the requestor of such opinion. Nothing in this article shall be construed to prohibit a request for an informal opinion by any public servant from the city attorney regarding a potential conflict of interest. Neither a request for an informal opinion, nor the making of a statement concerning a potential conflict of interest made by a member of the governing body in the course of abstaining from voting shall create a presumption or inference that a public servant actually has a personal interest in the matter about which the opinion was requested.

(8) Hearing procedures.

- (a) At the hearing the conduct of the parties shall be dignified both on and off the record.

Misconduct before the board may be grounds for summary exclusion from the hearing. The hearing is intended to receive evidence either to refute or to substantiate specific charges. It shall not be a forum for discussion of extraneous or irrelevant matters having no bearing on the charges, and the alleged misconduct of others who may have escaped discipline in the past shall serve as no defense. All parties at action and witnesses shall be given ample time and opportunity to develop points, subject to the discretion of the board.

It should be recognized that the board will be composed of private citizens. Accordingly, the board may not follow established legal procedures as might be expected in a court of law. However, in taking testimony and in considering the evidence, the board shall follow accepted legal procedure insofar as is practicable but shall not be bound by the technical rules of evidence observed in courts of law. The board may listen to hearsay testimony and assign such weight as may be warranted and may accept depositions and affidavits, if such testimony is material and relevant to the issues. The board may decline to listen to numerous character witnesses or numbers of witnesses testifying to identical facts.

- (b) The chairman of the board of ethics shall conduct the hearing.
- (c) The hearing shall be recorded and the city clerk shall prepare a written summary of the hearing. The complainant and/or respondent may provide a court reporter at their expense for a verbatim transcript of the hearing, if so desired. The city clerk, or their designee shall take minutes of the hearing, specifically including the name of the board members who make any motions, the board members who second any such motions, and the names of the individuals on the board and how each voted. This written report shall be presented to the city council at the conclusion of the board's proceedings.
- (d) A quorum of the board shall be required to conduct the hearing. A quorum shall be defined as five members. If a member is unable to attend the hearing, the mayor shall designate one of the alternates to replace the member. The ethics board may, before the hearing and upon ten (10) days notice to all parties, approve regulations governing conduct of ethics board hearings so long as such regulations do not conflict with this article.
- (e) The person who filed the complaint ("complainant") shall present his case to the board first.

(f) All documentary evidence which is anticipated to be submitted to the board at the hearing by either the respondent or the complainant, and the names, with telephone numbers, of all individuals expected to present testimony to the board on behalf of either the respondent or complainant, must be given to the city clerk at least ten (10) days in advance of the hearing. This requirement shall not apply to evidence used solely for purposes of cross-examination or rebuttal. The failure of a party to adhere to this rule shall preclude such party from tendering such evidence or individual's testimony at the hearing through any form. The respondent, complainant, and the public shall be entitled to see all such lists which are placed on file with the city clerk.

(g) The board may compel the production of any document in the possession of the city and subject to Open Records Act and the testimony of any city employee except where the employee is the respondent. All evidence shall be presented to all parties pursuant to section 62-73(c)(6)(f). Where the board compels any such document or testimony after a hearing has commenced a continuation shall be provided so that section 62-73(c)(6)(f) can be complied with.

(h) Neither party shall have the right to require depositions of any individual, including the opposite party. The respondent and complainant shall have the right to obtain affidavits which may be submitted to the board for consideration provided that such affidavits were filed with the city clerk no less than 48 hours prior to the hearing, and that the name of the affiant is provided to the city clerk. Both the respondent, complainant, and the public shall be entitled to see all such affidavits, which are placed on file with the city clerk.

(i) The complainant's evidence must prove that respondent is guilty of the offense charged by the evidentiary standard commonly referred to as "preponderance of the evidence."

(j) Each witness presented by the complainant, and including the complainant, shall be subject to cross-examination by the individual accused of the ethical violation ("respondent") or such person's representative.

(k) At the conclusion of the complainant's case, the respondent shall be entitled to move for dismissal based on insufficient evidence on the part of complainant's case. If respondent makes such a motion and the board, by majority vote, agrees to dismiss the complaint, the hearing shall be terminated at this point. If either the respondent fails to make such a motion, or, if the board decides by majority vote to overrule respondent's motion, the hearing shall continue. The board may also direct a decision in favor of the respondent upon the board's own initiative.

(l) Respondent shall then be entitled to present his evidence to the board.

(m) Respondent is not required to testify. The absence of respondent's testimony shall not be viewed by the board as an admission of any sort.

(n) If respondent testifies, then respondent shall be subject to cross-examination by complainant. All other witnesses who testify in the respondent's case shall be subject to cross-examination by complainant.

(o) All persons who testify before the board, shall be placed under oath, by either the chairman or a person designated by the chairman. The oath shall read substantially as follows:

“Do you solemnly swear or affirm that the testimony that you are about to give in this matter (name matter) shall be the truth, the whole truth, and nothing but the truth so help you God?”

(p) At the conclusion of respondent's case, the complainant may offer rebuttal evidence only to those items presented in respondent's case. At the conclusion of complainant's rebuttal, respondent shall be entitled to offer rebuttal evidence only to those matters presented in complainant's rebuttal case.

(q) During the course of testimony and at the conclusion of all the testimony and closure of all of the evidence, the board members may ask questions of any of the individuals who testified before the board.

(r) At the conclusion of all questions by parties and board members, the chairman shall end the hearing and permit the board to deliberate in public. If the board decides by majority vote that additional evidence is needed to make a decision, the board shall have the authority to conduct its own investigation or to require either the complainant or respondent to submit additional evidence at a continuation of the hearing which must be held no later than forty-five (45) days after the date of the initial hearing. The board has no authority to continue the hearing past this forty-five (45) day deadline.

(s) Following the conclusion of any additional evidence received at the continued hearing, the board shall continue to deliberate. When deliberations are concluded, the chairman shall call for a vote. The board may vote immediately after deliberations are concluded or they may continue the meeting for up to two (2) weeks when a public vote must be taken. The board's first vote must be whether the respondent violated the ethics code as charged by the complainant. If, by majority vote, the board rules that the respondent did not violate the ethics code as charged by the complainant, then the matter is concluded. If the board, by majority vote, concludes that the respondent did violate the ethics code as charged by the complainant, then the board must make a second decision by majority vote. The second decision involves the form of penalty. The board shall have six (6) options of penalty which include:

1. No admonishment and no further action;
2. A public reprimand and admonishment not to violate the ethics code in the future;
3. Formal reprimand;
4. Public censure;
5. Recommendation for termination resignation or recall; and
6. Recommendation of prosecution in City Court.

(t) The complainant may withdraw his or her complaint at any time without the approval of the board.

(u) If any question concerning the hearing procedures, which is not otherwise addressed in this ordinance, the city attorney, or in his absence, the appointed legal advisor to the board shall resolve the procedural question. Such resolution shall be placed in writing by the city attorney or other legal advisor and given to both parties. Such resolution shall also be presented to the board for final approval and recommendation to amend the article by adding such procedure.

(v) An Order will be generated by the board and submitted to the mayor and council for inclusion in the minutes within five (5) days of the completed Hearing.

Sec. 62-74. Reserved.

Sec. 62-75. Impartiality.

No official or employee shall by his conduct give reasonable basis for the impression that any person improperly can influence such official or employee or unduly enjoy such official's or employee's favor in the performance of official acts or actions, or that such official or employee is affected unduly by kinship, rank, position or association with any person.

Sec. 62-76. Gifts and favors.

(a) No official or employee shall accept any gift, loan, reward, favor or services that may reasonably tend to improperly influence him or her in the discharge of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value, which are distributed generally, nor to prohibit officials or employees from accepting loans from regular lending institutions. It is particularly important that employees and officials guard against relationships, which might be construed as, or give the appearance of favoritism, coercion, unfair advantage or collusion. (O.C.G.A. §16-10-2).

(b) Nothing in this article shall prohibit any official or employee from accepting a gift on behalf of the city, provided that the person accepting the gift shall promptly report the receipt of such gift to the city council, which shall have the gift added to the inventory of the property of the city.

Sec. 62-77. Campaign contributions.

The provisions of this article shall not apply to campaign contributions made to an official in compliance with the Georgia Campaign and Financial Disclosure Act (O.C.G.A. § 21-5-30 et seq.).

Sec. 62-78. Coercion.

No official or employee shall use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit or other reward to him or persons within his immediate family, or those with whom a councilmember has business or financial ties.

Sec. 62-79. Confidential information.

No official or employee shall disclose or otherwise use confidential information acquired by virtue of his position with the city for his or another's personal gain.

Sec. 62-80. Representation.

Except in the regular discharge of official duties, no official or employee shall appear on behalf of any person, other than himself and his immediate family, before any city agency or municipal court. Neither shall any official or employee receive compensation for any services rendered on behalf of any person in relation to any case, proceeding or application before a city agency with respect to which such official or employee was directly concerned; or in which he has personally participated during the period of his service or employment, or which was under his active consideration or with respect to which knowledge or information was made available to him during the period of service or employment. However, a member of the city council may appear before city agencies on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

Sec. 62-81. Incompatible employment.

No official or employee shall engage in or accept employment with or render services for any private business or professional activity when such is adverse to and incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties.

Sec. 62-82. Outside employment.

No employee shall engage in any other employment, or in any private business, or in the conduct of a profession, during the hours for which he is employed to work for the city or outside such hours in a manner or to an extent that affects or is deemed likely to affect his usefulness as an employee of the city. Toward this end, all outside employment must be reported to and approved by the employee's division director/chief and the city manager, and filed in the personnel office.

Sec. 62-83. Abstention.

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

Sec. 62-84. Public contracts.

The city shall not enter into a contract involving services or property with any official or employee or with a business in which the official or employee has an interest. This section shall not apply in the case of:

- (1) The designation of a bank or trust company as a depository for city funds;
- (2) The borrowing of funds from any bank or lending institution, which offers the lowest available rate of interest in the community for such loan;
- (3) Contracts entered into in accordance with the Official Code of Georgia Annotated §16-10-6;
- (4) Contracts entered into under circumstances that constitute an emergency provided that a written record explaining the emergency is inserted by the mayor into the city council minutes as soon as is practicable but no later than fifteen (15) days after the contract is entered into.
- (5) Contracts entered into with an official or employee, or with a business in which the official or employee has an interest, provided that such contract is:
 - a. Awarded through a process of public notice and competitive bid;
 - b. Disclosure of the nature of such member's interest is made prior to the time a bid is submitted; and
 - c. After this section is complied with, a waiver of the prohibition contemplated by this section is issued by the city manager.

Sec. 62-85. Zoning.

- (a) All officials and employees are deemed subject to the provisions of Chapter 67A of Title 36 of the Official Code of Georgia Annotated, and shall make the disclosures required in such Chapter, and shall be subject to the penalties stated in said Chapter.
- (b) In addition, any official required to make the disclosures set forth in Chapter 67A of Title 36 of the Official Code of Georgia Annotated shall be prohibited from participating in the zoning matter in which such official or employee has a direct or indirect interest. A violation of the aforesaid provisions of the Official Code of Georgia Annotated shall also constitute a violation of this article.

Sec. 62-86. Preacquisition of interest

No official or employee will acquire an interest in any contract, property or other transaction in order to take advantage of such interest where the official or employee, has reason to believe the city will act upon the contract, property or other transaction to the benefit of the official or employee.

Sec. 62-87 through 62-88. Reserved.

Sec. 62-89. Disclosure of relationships.

(a) Each party subject to this article shall disclose to the city council, either orally or in writing, the following information:

- (1) Any current business interests between or among any parties subject to this article, with a description of such involvement;
- (2) Any business interests between or among any parties subject to this article which have been terminated within the past six (6) months; and
- (3) Any business interests between or among any parties subject to this article anticipated in the next six (6) month period.

(b) Additionally, each party subject to this article shall inform the city council, either orally or in writing, of any business relationship entered into with another party subject to this article, within ten (10) days of such contractual or implied relationship.

(c) Failure on the part of any party subject to this article to comply with the provisions of this section shall be deemed to be a violation of this article.

Sec. 62-90. Use of city property.

No official or employee shall use or permit the use of any city property, services, personnel, labor or other thing of value for personal gain or for any purpose other than the official business of the city. Any parties violating this provision shall be required to pay to the city a sum equal to the value of the benefits received, and shall likewise be deemed to have violated the provisions of this article.

Sec. 62-91. City attorney used for private business.

No official or employee shall use the attorney or attorneys who are under retainer by the city for personal or private business without paying just compensation.

Sec. 62-92. Compliance with applicable laws.

No official or employee shall engage in any activity or transaction that is prohibited by any law, now existing or subsequently enacted, which is applicable to him by virtue of his office. Without

limiting the applicability of other statutory provisions, the provisions of O.C.G.A. § 45-10-1 are incorporated in this section by reference.

Sec. 62-93. Political activity.

- (a) An employee of the city shall not have a right to publicly or otherwise hold himself out as a candidate in any city municipal election while holding employment with the city.
- (b) City employees shall not take part in any political management or political campaigns for the election of mayor or any member of the city council for the city during any period of time for which he is expected to perform work or receive compensation from the city.
- (c) No official nor employee or other person on behalf of an official or employee shall campaign, solicit orally or by letter, nor obtain in any other manner assessments, contributions, or services for any political party from employees during the employee's work hours. No official, employee or other person acting on behalf of an official or employee shall in any way attempt to coerce, threaten or force employee support or activity in a campaign or for a political party during work hours or otherwise.
- (d) Employees shall not represent the city by wearing any uniform or portion thereof that is issued by the city while participating in any campaign at any time.
- (e) The city in no way seeks to influence employees in their choice of party affiliations or candidates, recognizing that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he chooses, to express opinions on political subjects or candidates, to maintain political neutrality, to attend political parties after work hours, or to campaign actively during off duty hours in all areas of political activity.
- (f) Employees shall not utilize any city equipment or vehicles in support of any political campaign.

Sec. 62-94. Distribution and acknowledgement agreement.

The personnel manager shall cause a copy of this article to be distributed to every official, volunteer and employee of the city within thirty (30) days after its enactment, as well as to those appointed by city council to conduct official city business (including commission and authority members). Each person elected, appointed or otherwise hired thereafter shall be furnished a copy before entering upon the duties of his office or employment.

Sec. 62-95. Construction, application.

- (a) This article shall be construed liberally to effectuate its purposes and policies and to supplement such existing laws as may relate to the conduct of the persons made subject to this article.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Interim Public Services Director 
Financial Services Director 
Assistant Finance Director 

DATE: March 13, 2003

SUBJECT: Bid Opening – Public Works Backhoe

The 2003 Public Improvement Program has funding for the purchase of a backhoe for the Public Works Department. The City solicited bids from four (4) equipment and machinery dealers for the purchase of a backhoe for the Public Works Department. Four (4) firms responded to this request as follows:

- | | | |
|----|---|--------------------|
| 1. | Wade Tractor and Equipment, Inc.
Griffin, Georgia | |
| | New Holland LB90 | \$53,325.00 |
| 2. | Tractor and Equipment Company
Forest Park, Georgia | |
| | Komatsu WB140 | \$55,734.00 |
| 3. | Yancey Brothers Company
Austell, Georgia | |
| | Caterpillar 4200 | \$59,987.00 |
| 4. | METRAC, Inc.
Atlanta, Georgia | |
| | John Deere 410G | \$62,500.00 |
| | Budgeted Amount | \$60,000.00 |
-

Page 2

Bid Opening – Public Works Backhoe

March 13, 2003

Staff recommends that the bid for supplying the 2003 Backhoe be awarded to ***Wade Tractor and Equipment, Inc. of Griffin, Georgia***, for their bid of ***\$53,325.00***.

There are adequate funds available in the 2003 Public Improvement Program, line item PW Backhoe for the purchase of the backhoe.

RWT/lg

Attachments

cc: File

CITY OF PEACHTREE CITY BID TABULATION SHEET

BID TITLE:

DATE: 3/13/03

BIDS OPENED BY: *Charlotte Bullen*
WITNESSED BY:

BUDGET:

TIME COMPLETED: *Body Charge 3:10 p.m.*

[illegible]

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Interim City Manager *[Signature]*

FROM: City Engineer/Interim Developmental Services Director *[Signature]*

DATE: March 12, 2003

SUBJECT: Changes to the Land Development Ordinance
Street Name Signs and House Numbering

Attached are two proposed housekeeping changes to the Land Development Ordinance being presented at the request of the Public Services Division. The first focuses on the provisions for numbering the houses at the curbs prior to final plat approval. The current ordinance provides an option for the developer to pay the City to install the numbers at a cost of \$4 per lot. The actual cost to the City is now \$10.50 per lot, and the ordinance needs to be updated.

The second change addresses new traffic control standards in effect for street name signs. The Federal Highway Administration has modified the specifications for the size and material, and all new signs need to be in conformance with the standards upon installation. Therefore, the signs are to now be 8" x 36" x .135", with 6" lettering, high-intensity reflective coated and made of durable fiberglass-reinforced plastic. Post size, height, and sign arrangement are also specified.

City staff is recommending that these changes to the Land Development Ordinance be adopted.

Attachments

Section 503(k) – (Final Plat Specifications & Application Requirements) – Proposed
Section 803(f)(8) – (Other Design Requirements – Street Signs) – Proposed

cc: Interim Public Services Director
City Planner
Building Official
file

AN ORDINANCE TO AMEND
THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
TO PROVIDE FOR ADDRESS NUMBERING
AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 503 of Article V of the Land Development Ordinance be amended as follows:

Sec. 503. Final plat specifications and application requirements.

- (k) Address numbering: All residential, commercial and industrial lots shall be numbered at time of final plat approval with the appropriate street address number. The numbers shall be three inches high with white street-marking paint with glass beads on a cocoa brown background. The numbers shall be located in the approximate center of the lot on the curbline. If no curb exists, the number shall be located on the edge of the roadway. As an alternative, the developer may pay the city \$10.50 per lot and the city will be responsible for placing the house numbers on each lot.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____, 2003.

Mayor

Attest: _____
City Clerk

AN ORDINANCE TO AMEND
THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
TO PROVIDE FOR STREET DESIGN STANDARDS
AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 803 of Article VIII of the Land Development Ordinance be amended as follows:

Sec. 803. Design standards.

- (f) *Other design requirements.*
- (8) *Street signs.* The city's standard street name signs shall have six-inch high-intensity reflective letters. These letters shall be mounted on a fiberglass-reinforced plastic (FRP) traffic control panel with 21% glass content not less than 0.135 inch thick, eight inches high, and a minimum of 36 inches in length covered with a brown background. Nameplates shall be mounted parallel or nearly parallel to the street. The names shall be marked and visible from both sides. Street signs shall be installed at all street intersections. Signposts shall be nine-foot poles with at least three feet well embedded in the ground. Major street name signs shall be installed ten inches above the intersecting street name sign.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____, 2003.

Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

DATE: March 20, 2003

MEMO TO: Mayor and City Council

VIA: Colin W. Halterman, Interim City Manager 

FROM: Paul J. Salvatore, Director of Financial Services 
Janet I. Camburn, Assistant Finance Director 

SUBJECT: Budget Amendments

Attached please find several budget amendments submitted for your approval. A description of the amendments follows:

Budget Amendments 03-001 through 03-009

These budget amendments close the Self-Insurance Fund to the General Fund for fiscal year 2003. This is consistent with the budget amendments that were approved at the end of fiscal year 2002. With these amendments the Self-Insurance Fund will cease to exist which will allow these expenditures to be charged directly to the departmental budgets in compliance with GASB 34 and Generally Accepted Accounting Principles (GAAP).

Amendment 03-009 specifically transfers the line item in the Self-Insurance Fund for general legal services to General Administration in the General Fund. Also, the \$200,000 set-aside for legal claims in the Self-Insurance Fund is transferred to the General Fund in a line item called Contingency – General Administration. These budgeted expenditures will be allocated to the various departmental budgets in the General Fund as needed throughout the year as unforeseen expenditures, as has been done in the past. Approximately \$67,000 of this \$200,000 budget has been spent to-date and will be spread to the individual departmental budgets over the next few weeks.

Finally, the \$800,000 set-aside for Self-Insurance Reserve, less \$241,596 (see Budget Amendment 03-006) already used to meet the projected needs of the health insurance for fiscal year 2003, is transferred to the General Fund in a line item called Contingency – Insurance. The actual amount transferred at this time is \$558,404 to the General Fund. This amount will be allocated to various departmental insurance budgets in the General Fund as needed throughout the year.

Budget Amendments 03-010 through 03-014

These budget amendments increase an expenditure line item in an individual departmental budget of the General Fund and generally increase a revenue line item in the General Fund at the same time. These types of reimbursements have been traditionally netted against

expenditures. To be consistent with GAAP, budgets will be presented to City Council on a quarterly basis for these expenditures reimbursed by insurance companies or other outside parties. Budget amendment 03-010 specifically identifies the need for repair of the air conditioner at Glenloch that was damaged by a resident. The resident will pay for the actual replacement of the air conditioner. The upgrade of the air conditioner, recommended by the Facilities Maintenance Manager, will come from the Contingency – General Administration (formerly Self –Insurance).

Budget Amendment 03-015

This budget amendment, discussed at the Council Retreat on Friday, March 7, will reduce the budgeted revenue for interest in the Public Improvement Project (PIP) Fund by \$140,000. This is offset by an increase in an Operating Transfer from the General Fund to the PIP Fund, which is offset in the General Fund by budgeted increases in revenues for Insurance Premium Tax (exceeded original budget) and the COPS FAST Grant (original budget was zero). We had previously discussed using excess defined benefit pension funds as the offset, but these funds will instead be used to offset expenditure overruns in the City Manager's budget, when measurable.

Budget Amendment 03-016

This budget amendment adjusts the transfers for the Drake Field acquisition to the Greenspace Fund rather than the PIP Fund, as required by the Greenspace grant.

Budget Amendment 03-017

This budget amendment provides a budget for the advertising expenditure associated with the sale of the ladder truck to the Belfry Fire Department and the expenditures associated with the purchase of EMS billing software to meet new HIPAA requirements. These budgeted expenditures are offset by a portion of the sale proceeds of the ladder truck (total sale proceeds equaled \$85,000).

Budget Amendment 03-018

This budget amendment transfers the budget for the Teen Study back to the General Fund from the PIP Fund. Since this is not a capital outlay item, it is more appropriately budgeted in the operating budget. The original budget is increased from \$8,500 to \$10,000 due to the \$1,500 in grants received from the Wal-Mart Corporation in fiscal year 2003, specifically for this project.

These budget amendments are submitted for your consideration. If you have any questions please do not hesitate to contact either Paul or Janet.

Thank you for your attention to this matter.

Attachments

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER03-001

DATEMarch 4, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-1540-52-1200	PROFESSIONAL SERVICES	3,500	
100-1505-61-1610	OPERATING TRANSFER-SELF INS		3,500
610-00-39-1110	OPERATING TRANSFER-GEN. FUND		3,500
610-1555-55-2175	EMPLOYEE ASSIST.PROGRAM		3,500

TOTAL\$3,500\$10,500

To transfer budget for Employee Assistant Program in the Self-Insurance Fund to the Human Resources Department in the General Fund.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER	03-002
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DATE	March 4, 2003
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ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-1540-52-1200	PROFESSIONAL SERVICES	5,275	
100-1505-61-1610	OPERATING TRANSFER-SELF INS		5,275
610-00-39-1110	OPERATING TRANSFER-GEN. FUND		5,275
610-1555-52-1250	PROFESS.SERVICES-OTHER		5,275

TOTAL	\$ 5,275	\$ 15,825
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To transfer budget for Insurance Consultant in the Self-Insurance Fund to the Human Resources Department in the General Fund.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 03-003

DATE March 4, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-1320-51-2103	GROUP INSURANCE - LIFE	144	
100-1511-51-2103	GROUP INSURANCE - LIFE	595	
100-1517-51-2103	GROUP INSURANCE - LIFE	342	
100-1535-51-2103	GROUP INSURANCE - LIFE	184	
100-1540-51-2103	GROUP INSURANCE - LIFE	316	
100-1570-51-2103	GROUP INSURANCE - LIFE	180	
100-1575-51-2103	GROUP INSURANCE - LIFE	342	
100-1580-51-2103	GROUP INSURANCE - LIFE	410	
100-2650-51-2103	GROUP INSURANCE - LIFE	256	
100-3210-51-2103	GROUP INSURANCE - LIFE	7,881	
100-3510-51-2103	GROUP INSURANCE - LIFE	6,603	
100-3600-51-2103	GROUP INSURANCE - LIFE	192	
100-3800-51-2103	GROUP INSURANCE - LIFE	237	
100-4100-51-2103	GROUP INSURANCE - LIFE	6,404	
100-6110-51-2103	GROUP INSURANCE - LIFE	3,403	
100-6122-51-2103	GROUP INSURANCE - LIFE	662	
100-6510-51-2103	GROUP INSURANCE - LIFE	1,124	
100-7210-51-2103	GROUP INSURANCE - LIFE	1,053	
100-7410-51-2103	GROUP INSURANCE - LIFE	361	
100-7450-51-2103	GROUP INSURANCE - LIFE	511	
100-1505-61-1610	OPERATING TRANSFER-SELF INS.		31,200
610-00-39-1110	OPERATING TRANSFER-GEN. FUND		31,200
610-1555-55-2230	LIFE INSURANCE		31,200

TOTAL \$ 31,200 \$ 93,600

To transfer budget for Group Life Insurance in the Self-Insurance Fund to the Individual Departments in the General Fund.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 03-004

DATE March 4, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-1320-51-2102	GROUP INSURANCE - DENTAL	353	
100-1511-51-2102	GROUP INSURANCE - DENTAL	1,091	
100-1517-51-2102	GROUP INSURANCE - DENTAL	628	
100-1535-51-2102	GROUP INSURANCE - DENTAL	314	
100-1540-51-2102	GROUP INSURANCE - DENTAL	628	
100-1570-51-2102	GROUP INSURANCE - DENTAL	314	
100-1575-51-2102	GROUP INSURANCE - DENTAL	678	
100-1580-51-2102	GROUP INSURANCE - DENTAL	628	
100-2650-51-2102	GROUP INSURANCE - DENTAL	678	
100-3210-51-2102	GROUP INSURANCE - DENTAL	18,075	
100-3510-51-2102	GROUP INSURANCE - DENTAL	14,783	
100-3600-51-2102	GROUP INSURANCE - DENTAL	678	
100-3800-51-2102	GROUP INSURANCE - DENTAL	628	
100-4100-51-2102	GROUP INSURANCE - DENTAL	16,687	
100-6110-51-2102	GROUP INSURANCE - DENTAL	8,037	
100-6122-51-2102	GROUP INSURANCE - DENTAL	1,620	
100-6510-51-2102	GROUP INSURANCE - DENTAL	2,200	
100-7210-51-2102	GROUP INSURANCE - DENTAL	1,670	
100-7410-51-2102	GROUP INSURANCE - DENTAL	678	
100-7450-51-2102	GROUP INSURANCE - DENTAL	1,306	
100-1505-61-1610	OPERATING TRANSFER-SELF INS.		71,674
610-00-39-1110	OPERATING TRANSFER-GEN. FUND		71,674
610-1555-55-2210	DENTAL INSURANCE		71,674

TOTAL \$ 71,674 \$ 215,022

To transfer budget for Group Dental Insurance in the Self-Insurance Fund to the Individual Departments in the General Fund.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER03-005

DATEMarch 4, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-1320-51-2101	GROUP INSURANCE - L/T DISABILITY	131	
100-1511-51-2101	GROUP INSURANCE - L/T DISABILITY	548	
100-1517-51-2101	GROUP INSURANCE - L/T DISABILITY	214	
100-1535-51-2101	GROUP INSURANCE - L/T DISABILITY	151	
100-1540-51-2101	GROUP INSURANCE - L/T DISABILITY	287	
100-1570-51-2101	GROUP INSURANCE - L/T DISABILITY	163	
100-1575-51-2101	GROUP INSURANCE - L/T DISABILITY	319	
100-1580-51-2101	GROUP INSURANCE - L/T DISABILITY	373	
100-2650-51-2101	GROUP INSURANCE - L/T DISABILITY	243	
100-3210-51-2101	GROUP INSURANCE - L/T DISABILITY	7,585	
100-3510-51-2101	GROUP INSURANCE - L/T DISABILITY	5,891	
100-3600-51-2101	GROUP INSURANCE - L/T DISABILITY	389	
100-3800-51-2101	GROUP INSURANCE - L/T DISABILITY	202	
100-4100-51-2101	GROUP INSURANCE - L/T DISABILITY	5,571	
100-6110-51-2101	GROUP INSURANCE - L/T DISABILITY	2,805	
100-6122-51-2101	GROUP INSURANCE - L/T DISABILITY	609	
100-6510-51-2101	GROUP INSURANCE - L/T DISABILITY	1,047	
100-7210-51-2101	GROUP INSURANCE - L/T DISABILITY	766	
100-7410-51-2101	GROUP INSURANCE - L/T DISABILITY	336	
100-7450-51-2101	GROUP INSURANCE - L/T DISABILITY	450	
100-1505-61-1610	OPERATING TRANSFER-SELF INS.		28,080
610-00-39-1110	OPERATING TRANSFER-GEN. FUND		28,080
610-1555-55-2160	L/T DISABILITY		28,080

TOTAL\$28,080\$84,240

To transfer budget for Group Long-Term Disability Insurance in the Self-Insurance Fund to the Individual Departments in the General Fund.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 03-006

DATE March 4, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-1320-51-2100	GROUP INSURANCE - HEALTH	11,028	
100-1511-51-2100	GROUP INSURANCE - HEALTH	33,085	
100-1517-51-2100	GROUP INSURANCE - HEALTH	15,475	
100-1535-51-2100	GROUP INSURANCE - HEALTH	4,447	
100-1540-51-2100	GROUP INSURANCE - HEALTH	15,475	
100-1570-51-2100	GROUP INSURANCE - HEALTH	4,447	
100-1575-51-2100	GROUP INSURANCE - HEALTH	15,475	
100-1580-51-2100	GROUP INSURANCE - HEALTH	8,893	
100-2650-51-2100	GROUP INSURANCE - HEALTH	22,056	
100-3210-51-2100	GROUP INSURANCE - HEALTH	395,764	
100-3510-51-2100	GROUP INSURANCE - HEALTH	392,750	
100-3600-51-2100	GROUP INSURANCE - HEALTH	22,056	
100-4100-51-2100	GROUP INSURANCE - HEALTH	421,916	
100-6110-51-2100	GROUP INSURANCE - HEALTH	200,997	
100-6122-51-2100	GROUP INSURANCE - HEALTH	35,396	
100-6510-51-2100	GROUP INSURANCE - HEALTH	37,707	
100-7210-51-2100	GROUP INSURANCE - HEALTH	48,560	
100-7410-51-2100	GROUP INSURANCE - HEALTH	15,475	
100-7450-51-2100	GROUP INSURANCE - HEALTH	30,950	
100-1505-61-1610	OPERATING TRANSFER-SELF INS.		1,731,952
610-00-39-1110	OPERATING TRANSFER-GEN. FUND		1,731,952
610-1555-55-2220	HEALTH INSURANCE		1,411,316
610-1555-55-2310	LEGAL CLAIMS		241,596
610-1555-55-2140	ADMINISTRATIVE FEES		79,040

TOTAL \$ 1,731,952 \$ 5,195,856

To transfer budget for Group Health Insurance in the Self-Insurance Fund to the Individual Departments in the General Fund.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 03-007

DATE March 4, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-1320-51-2700	WORKERS' COMP - CITY MANAGER	851	
100-1511-51-2700	WORKERS' COMP - FINANCE	275	
100-1517-51-2700	WORKERS' COMP - PURCHASING	129	
100-1535-51-2700	WORKERS' COMP - INFO TECH	159	
100-1540-51-2700	WORKERS' COMP - HUMAN RESOURCES	147	
100-1570-51-2700	WORKERS' COMP - PUBLIC INFO	134	
100-1575-51-2700	WORKERS' COMP - ENGINEERING	2,514	
100-1580-51-2700	WORKERS' COMP - CITY CLERK	192	
100-2650-51-2700	WORKERS' COMP - MUNICIPAL COURT	93	
100-3210-51-2700	WORKERS' COMP - POLICE	57,436	
100-3510-51-2700	WORKERS' COMP - FIRE	35,366	
100-3600-51-2700	WORKERS' COMP - EMS	2,187	
100-3800-51-2700	WORKERS' COMP - COMMUNICATIONS	90	
100-4100-51-2700	WORKERS' COMP- PUBLIC WORKS	57,648	
100-6110-51-2700	WORKERS' COMP - RECREATION	17,086	
100-6122-51-2700	WORKERS' COMP - KEDRON	3,512	
100-6510-51-2700	WORKERS' COMP - LIBRARY	668	
100-7210-51-2700	WORKERS' COMP - BUILDING	6,087	
100-7410-51-2700	WORKERS' COMP - PLANNING	4,367	
100-7450-51-2700	WORKERS' COMP - CODE ENFORCEMENT	3,857	
100-1505-61-1610	OPERATING TRANSFER-SELF INS.		192,798
610-00-39-1110	OPERATING TRANSFER-GEN. FUND		192,798
610-1555-55-2210	DENTAL INSURANCE		3,206
610-1555-51-2710	WORKERS' COMPENSATION		189,592

TOTAL \$ 192,798 \$ 578,394

To transfer budget for Workers' Compensation Insurance in the Self-Insurance Fund to the Individual Departments in the General Fund. Additional funding from budget for Dental Insurance because Workers' Compensation is expected to exceed original budget.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER

03-008

DATE

March 4, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-1320-52-3100	Liability Insurance - City Manager	736	
100-1505-52-3100	Liability Insurance - General Administration	64,185	
100-1511-52-3100	Liability Insurance - Finance	930	
100-1517-52-3100	Liability Insurance - Purchasing	408	
100-1535-52-3100	Liability Insurance - Information Systems	702	
100-1540-52-3100	Liability Insurance - Human Resources	475	
100-1570-52-3100	Liability Insurance - Public Information	475	
100-1575-52-3100	Liability Insurance - Engineering	766	
100-1580-52-3100	Liability Insurance - City Clerk	622	
100-2650-52-3100	Liability Insurance - Municipal Court	358	
100-3210-52-3100	Liability Insurance - Police	36,896	
100-3510-52-3100	Liability Insurance - Fire	18,452	
100-3600-52-3100	Liability Insurance - EMS	2,448	
100-3800-52-3100	Liability Insurance - Communications	475	
100-4100-52-3100	Liability Insurance - Public Works	17,308	
100-6110-52-3100	Liability Insurance Recreation	8,362	
100-6122-52-3100	Liability Insurance - Kedron	2,940	
100-6510-52-3100	Liability Insurance - Library	2,448	
100-7210-52-3100	Liability Insurance - Building	1,960	
100-7410-52-3100	Liability Insurance - Planning	1,552	
100-7450-52-3100	Liability Insurance - Code Enforcement	782	
100-1505-61-1610	Operating Transfer - Self-Insurance		163,280
610-00-39-1110	Operating Transfer - General Fund		163,280
610-1555-51-2910	GIRMA/Liability Insurance		163,280

TOTAL

\$ 163,280

\$ 489,840

To transfer budget for Liability Insurance from Self-Insurance to Individual Departments in the General Fund.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 03-009

DATE March 4, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
610-00-36-1111	Interest - Claim on Cash		15,000
610-00-36-1130	Interest - Health Insurance		15,000
610-00-38-9025	Surplus Carryover		293,837
610-00-39-1110	Operating Transfer from General Fund		502,092
610-1555-52-1230	Professional Services - Legal		67,525
610-1555-55-2310	Legal Claims		758,404
100-1505-61-1610	Operating Transfer to Self-Insurance		502,092
100-1505-57-9130	Contingency - Legal Services	67,525	
100-1505-57-9135	Contingency - General Administration	200,000	
100-1505-57-9140	Contingency - Insurance	558,404	
100-00-38-9025	Surplus Carryover	323,837	

TOTAL \$ 1,149,766 \$ 2,153,950

To transfer balance of budget in the Self-Insurance Fund for legal services and insurance contingency to the General Fund. To establish contingencies in the General Fund to be spread to individual departmental budgets when needed. To establish surplus carryover in the General Fund to balance transfer from Self-Insurance in the amount of \$323,837. At 9/30/2002 there was a reserve of the General Fund Balance from Self-Insurance of \$400,960.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER03-010

DATEMarch 4, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-00-34-9001	Insurance Reimbursement	6,907	
100-6110-52-2250	Repair Maintenance - Building - Recreation	8,493	
100-1505-57-1935	Contingency - General Administration		1,586

TOTAL\$15,400\$1,586

To increase budgeted expenditures in Recreation for repair of air conditioner at Glenloch. Amount of expenditure partially off-set by insurance reimbursement and the balance from General Fund Contingency - General Administration (formerly Self-Insurance).

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 03-011

DATE March 4, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
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100-6110-52-2290	Repair Maintenance - Other - Recreation	1,077	
100-00-34-9001	Insurance Reimbursement	1,077	

TOTAL \$ 2,154 \$ -

To increase budgeted expenditures in Recreation for damage done that was reimbursed by State Farm Insurance.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER03-012

DATEMarch 4, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
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100-4100-52-2290	Repair Maintenance - Other - Public Works	2,300	
100-00-34-9001	Insurance Reimbursement	2,300	

TOTAL\$4,600\$-

To increase budgeted expenditures in Public Works for damage done that was reimbursed by State Farm Insurance.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 03-013

DATE March 4, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-4100-52-2290	Repair Maintenance - Other - Public Works	2,659	
100-00-34-7900	Other	2,659	

TOTAL \$ 5,318 \$ -

To increase budgeted expenditures in Public Works for cart path signs reimbursed by Rotary.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER	03-014
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DATE	March 4, 2003
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ACCOUNT	DESCRIPTION	INCREASE	DECREASE
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100-4100-52-2275	Repair Maintenance - Vehicles - Public Works	224	
100-00-34-7900	Other	224	

TOTAL	\$ 448	\$ -
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To increase budgeted expenditures in Public Works for expenditures reimbursed by outside parties.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER	03-015
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DATE	March 4, 2003
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ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-00-31-6200	Insurance Premium Tax	66,000	
100-00-33-1110	COPS Fast Reimbursement	74,000	
100-1505-61-1350	Operating Transfer to PIP	140,000	
350-00-39-1110	Operating Transfer from General Fund	140,000	
350-00-36-1111	Interest - Claim on Cash		140,000
TOTAL		\$ 420,000	\$ 140,000

To increase budget for Insurance Premium Tax and COPS Reimbursement based on current revenue received. To increase budgeted transfer from General Fund in the PIP Fund and decrease budgeted interest income in the PIP Fund. Interest income is expected to be considerably below the original budget in the PIP Fund.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 03-016

DATE March 10, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-1505-61-1201	Operating Transfer to Greenspace Fund	216,131	
100-1505-61-1350	Operating Transfer to PIP Fund		216,131
350-00-39-1110	Operating Transfer from General Fund		216,131
350-00-38-9025	Surplus Carryover		261,056
350-6110-54-0054	Drake Field Acquisition		477,187
201-00-39-1110	Operating Transfer from General Fund	216,131	
201-00-38-9025	Surplus Carryover	261,056	
201-6110-54-0054	Drake Field Acquisition	476,220	

TOTAL \$ 1,169,538 \$ 1,170,505

To adjust the transfers for the Drake Field acquisition to the Greenspace Fund rather than the PIP Fund, as required by the Greenspace grant.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER	03-017
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DATE	March 10, 2003
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ACCOUNT	DESCRIPTION	INCREASE	DECREASE
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100-	Sale of Fixed Assets	28,915	
100-3510-52-2275	Repair & Maintenance - Vehicles	415	
100-3510-52-3300	Advertising	8,500	
100-3600-53-1180	Computer Supplies	20,000	

TOTAL	\$ 57,830	\$ -
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To establish budget for Advertising Expense and Repair & Maintenance of Vehicles directly associated with the Sale of the Ladder Truck. Also to establish budget for Computer Equipment and Computer Supplies for the purchase of EMS billing software. The billing software was not budgeted in fiscal year 2003, but is required by April 1, 2003 to meet new HIPAA requirements for billing Medicare and Medicaid, along with billing insurance companies directly. The EMS billing hardware and software costs are to be off-set indirectly by the Sale of the Ladder Truck, which was also not budgeted as a revenue item.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER03-018

DATEMarch 10, 2003

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
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350-6110-54-0086	Teen Study		8,500
350-00-39-1110	Operating Transfer from General Fund		8,500
100-1505-61-1350	Operating Transfer to PIP		8,500
100-00-38-9000	Other	1,500	
100-6110-52-1200	Professional Services	10,000	

TOTAL\$11,500\$25,500

To transfer budget for the Teen Study back to the General Fund from the PIP Fund. It is more appropriately budgeted in the General Fund. Also, added to the original \$8,500 is an additional \$1,500 that is off-set by a donation received from Wal-Mart in the fall of 2002 specifically for this study.

CITY OF PEACHTREE CITY

DATE: March 20, 2003

MEMO TO: Mayor and City Council

VIA: Colin W. Halterman, Interim City Manager *CH*

FROM: Paul J. Salvatore, Director of Financial Services *P.S.*
Janet I. Camburn, Assistant Finance Director *JC*

SUBJECT: Countywide Auction

Fayette County will be conducting a countywide auction on April 19, 2003. The City of Peachtree City has been asked to participate but will be only able to enter vehicles and equipment, which can be stored outside, for sale at this particular auction.

Per requirements of City Administrative Regulation (CAR) 7-1, Section 5, Number 2, City Staff must submit to City Council for approval a consolidated list of surplus items to be auctioned. The list of surplus vehicles to be auctioned on April 19 is below.

DEPARTMENT	VEHICLE	VEHICLE ID NUMBER
Building	1987 Ford Aerostar	1FMCA11U5HZB38671
Building	1996 Ford Crown Vic – NGV	2FALP719XTX122343
Building	1994 Ford Crown Vic	2FALP71W6RX149795
Building	1996 Ford Crown Vic	2FALP7198TX122311
Fire	1978 Chevy Truck	CCS338B166024
Police	1996 Ford Crown Vic – NGV	2FALP7198TX122342
Recreation	1996 Ford Crown Vic - NGV	2FALP7196TX122310
Recreation	1996 Ford Crown Vic – NGV	2FALP7196TX122307
Information Systems	1993 Ford Crown Vic	2FACP71W1PX136028

Thank you for your consideration of this matter.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Colin Halterman 

FROM: Jane Miller 

DATE: March 14, 2003

SUBJECT: Online Payment of Court Fines

The company that provides our court system software, Courtware Solutions, Inc. (CSI), has developed a program that allows for online payment of most citations. A merchant account would need to be established with a fee of approximately 3% of the fine amount charged for the service. Additionally, the technology fee charged by CSI for software support would cost about \$1.75 per citation.

Staff believes that offering residents the ability to pay citations online would be beneficial for those who would like to pay online. Additionally, staff is considering installing a kiosk in the lobby that would enable anyone who desires to pay by credit card after court to do so.

Staff estimates that, initially, about 20% to 25% of citations would be paid online and that a technology fee of \$3.00 per citation should cover the cost of the merchant fee and the technology fee. If significantly more citations are paid online, it may be necessary to increase the fee at a later date. Judge Powell has no objection to initiating the online payment program, and staff does recommend that Council authorize the online payment of citations and approve a \$3.00 per citation technology fee.

/jsm

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Colin Halterman, Interim City Manager *CH*

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

DATE: March 10, 2003

SUBJECT: Ordinance Amendment- Section 2 (Administration)

In the course of reviewing Section 2-92 (8) of the City Code of Ordinances, a conflict was detected with the Finance section of the Code of Ordinance, Sec. No. 34-118, that describes various limits of spending authority. The Administration section shows that the City Manager has a spending limit of \$20K, but the recently updated Finance ordinance allows a limit of \$40K. The City Clerk has proposed changes to Section 2-92 (8) (attached) so that the Finance ordinance(s) will be referenced. This way, it would no longer be necessary to change both code sections if the Finance ordinances are further amended in the future.

Staff seeks Council's approval of the proposed changes to Section 2-92 (8), as presented.

AN ORDINANCE TO AMEND ARTICLE III,
SECTION 2-92(8) OF THE PEACHTREE CITY CODE OF ORDINANCES
AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Article III, Section 2-92(8) be amended to read as follows:

Section 2-92. Powers and Duties.

(8) *Contracts, expenditures, claims.* To negotiate and approve all lawful contracts, purchases or obligations on behalf of the city as to matters within his jurisdiction, and which are funded line items in the current city budget, except those obligations such as may be otherwise provided by law, or by ordinance or resolution of the council, provided that no contract, purchase or obligation involving more than \$20,000.00 the sum(s) authorized by the financial ordinances that have been appoved by the city council shall be valid or binding until approved by the council; ~~and provided further, that without the approval of the council, neither the chief administrative officer nor other officers or employees shall in any calendar month expend or obligate for any purchase any sums in the exeess of the monthly budget or 1/12 of the annual budgets, as fixed by the council.~~

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed in their entirety. Done, Ratified, and Passed this _____ day of _____ 2003.

Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Colin Halterman

FROM: Jane Miller

DATE: March 13, 2003

SUBJECT: Refund of Alcohol License Fees

Council Member Tennant requested that this item be placed on the agenda. Mr. John Proffitt paid \$3,700 for an alcohol license for Johnny Romano's Diner, a restaurant located in property he owns on Huddleston Road. Shortly after the restaurant opened, the chef died and the restaurant closed. Council Member Tennant has requested that Council consider reimbursing Mr. Proffitt for the alcohol license.

Staff does feel the need to call to the attention of City Council several other situations where alcohol license fees have been paid and the business either did not open during the year in which the fees were paid or the restaurant closed after selling alcohol only a few days. Following is a list of those entities:

Papaya Thai – paid \$1,550 for 2002 and did not sell alcohol during that year due to have to await state license approval

Ashland Grille – paid \$1,550 for 2002 and only sold for a few days before closing the business due to a number of issues

Peachtree Bottle Shop – paid \$2,500 for 2002 and did not open during 2002. Had construction delays and other issues

/jsm