

City Council of Peachtree City

Agenda

March 15, 2001

7:00 p.m.

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition

Oath of Office – Steve Rapson
Employee of the Month – Vicki Roman
Present 15-Year Pin to Bobby Thompson
Recognition – Nancy Neff, Board of Health
Proclamation – Library Week
Proclamation – Girl Scouts Week
- III. Minutes - February 15, 2001 – **Approved 5-0**
- March 6, 2001 - **Approved 5-0**
- IV. Monthly Reports
- V. Consent Agenda
- VI. Old Agenda Items

01-01-10 - Discussion – Charter Revisions - **City Attorney to incorporate Council's Comments – then schedule Public Hearings**
- VII. New Agenda Items

03-01-04 - Public Hearing – Alcohol License – Harry's In a Hurry VI, 258 City Circle – **Approved 5-0**

03-01-05 – Variance – 201 Planceer Place – **Approved 5-0**

03-01-06 – WASA Watershed Assessment – **No Action Taken**

03-01-07 - Appointments to the Development Authority - **Approved 3-1 – Lenox Opposing – Rapson Abstained**

03-01-08 – Golf Cart Safety Equipment - **Recommended Support of Fire Chief's Recommendation not to Require Seat Belts**

03-01-09 – Discussion – Filing Fee Refund – **Approved 4-0 – Rapson Abstained**
- VIII. Council/Staff Topics
- IX. Executive Session

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

ANNOUNCEMENTS

1. Oath of Office – Steve Rapson
2. Present Employee of the Month Award to Vicki Roman
3. Present 15-year pin to Bobby Thompson
4. Recognize Nancy Neff for service on the Fayette County Board of Health
5. Present Library Week Proclamation
6. Present Girls Scouts Week Proclamation

City Council of Peachtree City
Minutes of Meeting
February 15, 2001
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, February 15, 2001, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Carol Fritz, Bob Brooks, Dan Tennant and Annie McMenamin.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox presented the Employee of the Month Award to Bernice Wassell.

MINUTES

McMenamin made a motion to approve the February 1, 2001, minutes as submitted. Tennant seconded the motion. Motion carried unanimously.

CONSENT AGENDA – approved 5-0

1. Alcohol License Change – Don Pablos - approved 5-0

McMenamin made a motion to approve the consent agenda. Tennant seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

- 02-01-04 Presentation - Golf Cart Safety Restraints and Litter from Fast Food Restaurants - Bill Aleshire - no action taken

Bill Aleshire, Peachtree City resident, addressed Council with a request to require safety restraints on golf carts and a request to fight the fast food litter problem on the carpaths.

He felt City Council had attempted to correct the unsightly problem of litter in Peachtree City, but that it had not been resolved. He said the fast food restaurants have kept the area in the vicinity of their establishments clean, but the surrounding paths and streets were still being trashed. He suggested the city impose a tax on all carry out food to pay for the cost of employees to pick up litter.

He also expresses his concern for safety on the cart paths. He said he often noticed that small children sat in the lap of golfcart drivers, and this caused him great concern. He felt children could be injured and he suggested that safety restraints should be utilized on carts if children were being transported.

Tennant did not feel it would be fair to tax all restaurant patrons. Colin Halterman, Director of Public Services, said the City had three full-time employees to pick up trash.

Lenox said he had given the litter issue much thought and he could not come up with a resolution. MCMenamin pointed out that it was Peachtree City residents who used the carpaths and felt they should be challenged to pick up their litter. Fritz suggested an art contest to promote public awareness, and to get the school's involved so children could remind their parents of the issue. Brooks felt the problem was wide spread and agreed that the City should stay on top of the issue and monitor the situation. He suggested the City continue its conversations and dialogue with the owners of fast food restaurants, so that the issue is constantly being recognized and addressed. Tennant noted that the city spent over \$2,000 a week for employees to pick up litter.

Lenox offered several suggested concerning safety of golf carts. He asked if Council should consider seat belts on golf carts, restrict children riding on golf carts or require them to wear safety helmets when riding golf carts. The City Attorney, Rick Lindsey, said the City did have the authority to impose the use of safety restraints, but he recommended against it because no test studies had been conducted and he was concerned about liability issues. Lenox instructed Fire Chief Lohr to study the issue and collect data from area hospitals to find out the magnitude of the problem and to present the information to Council at a future meeting. McMenamin also suggested that staff contact Robert Kurbis from the Safe Kids Coalition to obtain his opinion on the matter. No action was taken.

02-01-05 Presentation – Fayette F.A.C.T.O.R., Tane Wilson – no action taken

Tane Wilson, Coordinator for The Fayette F.A.C.T.O.R., explained the mission of the their organization. She said the Fayette F.A.C.T.O.R. was a local chapter of the Family Connection which was a statewide network of 156 counties who have made a commitment to improve results for children and families. Each community has a broad-based collaborative that was a public/private partnership to develop implement and evaluate a community strategic plan. The Family Connection was launched in response to data reporting that Georgia ranked 47th in the well-being of children and families. Their mission is to coordinate resources and bring all areas of the community together to improve the lives of Fayette County's children and families. Wilson encouraged the community to become involved with the organization. Council indicated their appreciation to the Fayette F.A.C.T.O.R. and commended their efforts. No action was taken.

02-01-06 Solicitation on Highways- no action taken

The City had received numerous complaints about solicitation of funds at the Highway 54/74 intersection. After a review of the law, the City Attorney determined that unless the City passed an ordinance to allow the solicitation of funds in roadways, it was forbidden. Lindsey also said that staff had prepared an ordinance amending the solicitation ordinance to present for consideration at a future council meeting. Lenox said that he did not want to allow solicitation of funds on highways and did not want to pass an ordinance to allow such. He welcomed additional suggestions to improve the current ordinance. Council agreed. No action was taken.

Council/Staff Topics

1. Discussion – Line Creek - Carol Fritz said the Line Creek Association expressed concern that WASA's water discharge study was flawed and that Line Creek was impaired. Discussion took place. The city will send out RFP's to request an independent review of the study. The City Manager will meet with Dennis Chase to obtain a summary of their concerns.
2. McMenamin suggested that staff contact the former Mayors of Peachtree City for their input on the changes to the Charter.
3. Brooks instructed staff to send another letter to the Department of Transportation to follow up with a letter that had been hand delivered to Mr. Tom Coleman concerning the entrance to Planterra Drive.
4. Brooks resigned from Council effective February 21, 2001.

Lenox made a motion to adjourn. Tennant seconded the motion. Motion carried unanimously and meeting adjourned at 9:30 p.m.

ATTEST: _____
Robert L. Lenox

Nancy Faulkner, City Clerk

City Council of Peachtree City
Minutes of Meeting
March 6, 2001
6:00 p.m.

The City Council of Peachtree City met in a special called meeting, Tuesday, March 6, 2001, at 6:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Carol Fritz, Dan Tennant and Annie McMenamin.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox presented a proclamation for Exceptional Children's Week, March 5 – 9, 2001, to resident Nick Harris and principals from the local elementary schools.

NEW AGENDA ITEMS

03-01-01 Alcohol License – Martinis, 273 Commerce Drive

Mr. James Adduci, representing Martinis, was present to answer any questions Council might have. Per the request of the applicant, McMenamin made a motion to approve Mr. Adduci as the Alcohol Licensee and License Representative for Martinis. Fritz seconded the motion. Motion carried unanimously.

03-01-02 Alcohol License – Eckerd Drugs #2026, 228 Highway 54 East

Lenox said that the cancellation of the March 5 meeting had placed Eckerd in some difficulty due to time, but noted that no one representing the company was able to attend that evening. Lenox said that Council's usual policy was to postpone Alcohol License consideration until a representative could be present, but noted the corporate nature of the applicant. Lenox made a motion to consider the application in the absence of the applicant. McMenamin seconded the motion. Motion carried unanimously.

McMenamin wanted to ensure that Eckerd management understood the high importance Council placed on appropriate training of employees in the alcohol laws, and asked if that had been communicated. Staff reported that the requirements had been well communicated to Eckerd, and noted that no problems had occurred in the past at their previous location. Per the request of the applicant, McMenamin made a motion to approve Michael T. Lops as the Alcohol Licensee and Nick Wukoson as the License Representative for Eckerd Drugs #2026. Fritz seconded the motion. Motion carried unanimously.

03-01-03 Interviews and Appointment to City Council Post 3

Lenox outlined the process that would be used to interview the fourteen applicants and make a selection to fill the Council vacancy. Each applicant would be allowed to give a five-minute presentation, and staff would provide a one-minute and a 15-second warning. The order of the presentations would be determined by random drawing. After the presentations, Council, but not the public, would ask any questions and then each Councilmember would select his or her top four candidates. Results would be tallied by the City Attorney and the City Manager, and would hopefully narrow the field to four candidates. Lenox said that, following a five-minute recess, the candidates who received two or more

votes would proceed to the second stage, which would include Council debate and any additional questions Council might wish to pose to the candidates. At the close of discussion, each Councilmember would then rank the four remaining candidates from one to four, with one designating the most preferred candidate, etc. The City Attorney and the City Manager would again tally the votes, and the candidate with the lowest score would be the proposed new Councilmember on which Council would vote.

Lenox noted that this was a very important decision, and he was very pleased with the number of applicants, which indicated a high level of interest. Lenox asked the audience to accord each candidate all due respect as they made their presentations.

Candidates presented in the following order (Application Materials included in the Official Council Meeting Folder):

1. Murray Weed
2. Fred Wellman
3. Ann Matwick
4. Melvin Ewing
5. Eric Zinck
6. Caroline Price
7. Tommy Turkiewicz
8. Richard Thompson
9. Steve Rapson
10. Phil Corley
11. Vern Darley
12. Alison Chambers

Applicant Steve Brown withdrew his application. Applicant Christy Dunkelberger left prior to her presentation due to illness.

At the conclusion of the presentations, City Manager Jim Basinger distributed forms for the Councilmembers to make their initial selections (Forms attached). Steve Rapson and Frederick Wellman each received four votes, and Alison Chambers and Murray Weed each received two votes. Ann Matwick, Caroline Price, Richard Thompson and Tommy Turkiewicz each received one vote. The four candidates to proceed to the second round of questions were Chambers, Rapson, Weed and Wellman.

Mayor Lenox then called a five-minute recess.

Following the recess, Mayor Lenox said the Council would discuss the candidates and ask any additional questions. He said he had prepared several questions, and asked the following: As a Councilmember, would you do what is right or would you do what the constituents tell you to do, even if you feel it is wrong.

Chambers responded that, because this position had not gone through the election process, she would represent the people and do what the constituents wished. Rapson agreed that he would do what the constituents wanted, although he would meet with them and explain why his views differed, possibly changing their minds. Weed said that, ultimately, he could not make a decision he couldn't live with, but he did not think that situation would arise often. Wellman agreed, noting the Mayor's recent article

saying that Council didn't hear from 90% of the 30,000 residents here, so it was hard to know what represented the will of the constituents, although the effort should be made to follow the will of the people.

Lenox then asked the applicants why they felt Peachtree City had been so successful. Wellman responded that the city had a good plan that had been followed and directed by good leadership, thus attracting good people who cared about the city. Weed agreed, adding that Peachtree City's peaceful environment was another major element, requiring concern and dedication to make sure the plan and the ordinances were followed. Rapson added that the leadership had played a major role, bringing in experts to review and modify the plan and maintaining a relationship with the developers. He added that the city had strong political and staff leadership, noting that many of the members of upper management had lived in and worked for the city for a very long time. Rapson also stressed the contribution of the Industrial Park to the tax base. Chambers added that Peachtree City's hospitality, the attitude of the people, was an important element, noting that people felt comfortable raising a family here.

Tennant asked what the applicants perceived to be the most difficult part of serving on Council and how they would address that. Rapson said the political element of balancing the needs of all the constituents, including differing economic and educational backgrounds. He said that, when he had worked for the city, he rarely encountered citizen problems that were small issues, and he felt Councilmembers had to keep open minds, provide sound management, but still deal with the procedures. Weed said that, as a former County department head and governmental attorney, he felt that the major issues were difficult decisions about zoning and the allocation of scarce resources among worthy programs. Wellman said that balancing the time investment of what was supposed to be a part-time job but often took much more commitment with the requirements of work and family was a practical challenge, while the philosophical challenge was the might of public will versus the legal limits and abilities of the office, especially when it came to Georgia Property Law and the Georgia Constitution. Chambers cited damage control as a major challenge, noting that, although Peachtree City's problems might appear small to outsiders, the citizens were very passionate and Council had to balance controlling growth against attracting big businesses.

Lenox prefaced his next question by saying that the governmental leaders in Fayette had worked to identify the elements of our community's quality of life, and those elements were: 1) safety; 2) a good educational system; 3) the protection and enhancement of property values; 4) efficient and effective government; and 5) the sense of belonging and community. Given that city government could impact or control four of the five, how would the applicants address the education issue, given it was completely outside Council's domain. Weed said that there was a lot more to education than schools and books, noting that the city also provided recreation and sports programs that taught fair play, skills, and sportsmanship. He felt a Community Center would be an important addition. Wellman said that it was important to meet with the School Board, communicating Peachtree City's plans and changes, finding out the School Board's plans, and working hand in hand. He also felt providing the nature areas augmented the educational system, and thought more assistance could be encouraged from private industry. Rapson said that, having worked with the Board of Education, he knew the Superintendent would meet with the city at any time. He also felt that the cooperative agreements in place between the city and the schools were of benefit, noting the joint use of fields, playgrounds and gymnasiums. He also said that the city could encourage more parental involvement in the schools. Chambers said that a lot had been done by the city, and the schools were part of what drew people here. She also felt a theatre

was very important, and said she would like to see more Council involvement with the youth to get children involved in the community.

Tennant asked, given the applicants knowledge of the situation, how each of them would have voted on the Wal-Mart issue and why. Wellman said he was of mixed opinion because he was not really a fan of Council's decision; however, he recognized the legal parameters limiting their ability. He said he was a small business advocate and knew that big boxes changed that climate. He said he would have tabled the issue to look at it more closely, but probably would have had to vote for it. Weed said that, with the facts he know about the existing zoning and Georgia property rights, and within the confines of the law, he would have been forced to vote in favor of the Wal-Mart rather than litigate at great expense only to lose. Rapson said that, given all the facts, he would have voted yes and then educated citizens on why he took that action. Tennant asked him how he reconciled that decision following his statement that he would follow the will of his constituents even if he felt they were wrong. Rapson said he would get with the constituents to fully explain the legal ramifications. Chambers said that, although she was at a disadvantage because she did not know all the details, if Wal-Mart met the requirements and knowing the legal risks, she would probably have voted for Wal-Mart.

Following the questions, Basinger distributed forms for the Councilmembers to rank the four remaining candidates from one to four (Forms attached), with the candidate receiving the lowest score being the proposed new Councilmember. Chambers received a score of 15; Rapson received a score of 6; Weed received a score of 12; and Wellman received a score of 7.

Lenox made a motion to appoint Steve Rapson, who received the lowest score, to fill the vacancy in Council Post 3 through December 31, 2001. McMenamin seconded the motion. Motion carried unanimously.

COUNCIL/STAFF TOPICS

Fritz noted that this would be Nancy Faulkner's last meeting, and wished her well.

McMenamin asked Mayor Lenox to update Council on the status of the meetings with local hotels on the possibility of increasing the Hotel/Motel tax. Lenox said he had met with the managers, who appreciated the city coming to them and also appreciated a plan that did not just take from their establishments but also brought something back to them by increasing tourism. Lenox said that all the management had been very receptive to the idea.

Lenox said that there was one real estate matter to be discussed in executive session. Lenox made a motion to take a five-minute recess and to convene into executive session. Tennant seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

The Mayor called the Executive Session to order. City Attorney Rick Lindsey presented the final draft of an agreement between the City of Peachtree City and the Development Authority of Peachtree City. The only significant change in the final draft was that the Development Authority and the City would

select which parcel of Drake Field would be subject to the option to purchase each year.

Tennant made a motion to authorize Mayor Lenox to sign an agreement between the City of Peachtree City and the Development Authority. McMenamin seconded the motion. Motion carried unanimously. No further business was discussed.

McMenamin made a motion to adjourn the meeting. Tennant seconded the motion. Motion carried unanimously.

Betsy Tyler, Public Information Officer

Revised

BUILDING DEPARTMENT

2001 MONTHLY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2001 YEAR-TO-DATE	2000 YEAR-TO-DATE
DEVELOPMENT PERMITS:														
BUILDING PERMITS:														
Single Family Residential	12	10	25	14	27	18	20	11	14				151	101
Multi-Family Residential	0	0	0	0	0	0	0	0	0				0	399
Misc.-Pools/fences/additions	33	40	55	64	74	61	78	52	51				508	582
Commercial/Industrial	15	12	29	4	8	9	10	8	8				103	82
TOTAL INSPECTIONS:	838	789	749	551	555	686	631	899	700				6,398	3,778
CERTIFICATE OF OCCUPANCY:														
Residential	10	12	17	8	12	16	11	15	24				125	141
Commercial	2	7	16	15	6	8	2	6	4				66	18
Multi-Family Residential	69	35	0	0	0	83	0	212	0				399	0
CODE ENFORCEMENT:														
Sign Violations	84	46	152	97	166	187	171	113	87				1,103	0
Rehab	16	11	13	31	18	13	13	2	1				118	0
Notice of Violations	282	195	234	376	260	282	240	233	194				2,296	3,002
Citations *	1	2	2	4	4	0	0	4	36				53	15
Stop Work Orders	7	3	4	12	7	5	5	1	7				51	48
Complaints From Citizens	14	8	13	25	29	6	16	5	16				132	3,397
Assessments	135	176	115	294	79	58	61	4	1				923	0
PERMIT FEES COLLECTED:	21,956	30,692	47,309	16,939	23,856	33,109	32,766	36,149	37,036				279,812	334,964
POPULATION: Based on 2.9 of completed occupancy	32,158	32,294	32,343	32,366	32,401	32,688	32,720	33,378	33,448				33,448**	31,849**

*35 citations to AT&T Broadband

**Adjusted to reflect
2000 Census figures

2001 MONTHLY REPORT

[illegible]

2001 Citizen Call Log As of 2/1/01

Problem/Complaint	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD 2001	YTD 2000	% of 2001
Animal Control													0	0	0%
Business Complaint Development	1												1	0	6%
Garbage Company	3												0	0	0%
AT&T (InterMedia) Cable	4												3	3	17%
AT&T (Media One) Cable													4	1	22%
Ordinance/Code Violations	8												0	0	0%
Public Works Repair Request													8	0	44%
Recreation													0	0	0%
Traffic													0	0	0%
Utility Company	2												0	2	0%
Other													2	1	11%
TOTAL	18												18	8	100%

Average Response Time for action/update contact w/citizen	0.13 days	days	days	days	days	days	days	days	days	days	days	days	days	days	0.11 days
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% Response Time for response / action on same day	89%														89%
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Other Issues/Comments:

Several complaints (6 of the 8 Ordinance/Code calls) were received regarding a non-profit organization soliciting at the intersection of Highways 54 and 74. The two utility calls pertained to problems with water quality (green staining) in the vicinity of City Hall.

PEACHTREE CITY PRISONERS
FAYETTE COUNTY JAIL
JANUARY 2001

DATE	MISD.	FELONY	TOTAL
01/02	12	6	18
01/03	5	7	12
01/04	4	6	10
01/05	4	6	10
01/08	4	6	10
01/09	4	6	10
01/10	5	6	11
01/11	4	6	10
01/12	4	6	10
01/16	6	6	12
01/17	7	6	13
01/18	11	6	17
01/19	10	6	16
01/22	9	6	15
01/23	8	6	14
01/24	8	6	14
01/25	11	6	17
01/26	9	6	15
01/29	11	7	18
01/30	11	7	18
01/31	12	6	18
AVERAGE:	7.57	6.14	13.17

FAYETTE COUNTY JAIL FUND PAYMENTS:

January \$6,666.73

Financial Services Monthly Report

STATUS OF FUNDS AS OF JANUARY 31, 2001					Purchasing Monthly Report				
Fund	Cash		Total		YTD Interest	2001		2000	MTHLY % INC/(DEC)
	Balance	Investment	Balance	TOTAL YTD		TOTAL YTD			
General Fund	\$58,361	\$3,054,999	\$3,113,360	\$29,563	Purchase Requisitions Processed	194	1,994	-5.67%	
Land Reserve Fund	\$167,297	\$0	\$167,297	\$5,890	City Store Requisitions Processed	13	210	-3.33%	
Library Sales Tax Fund	\$47,425	\$0	\$47,425	\$372	Sealed Bids Requested >\$10,000	3	38	-15.79%	
Public Improvement Fund	\$44,623	\$3,674,895	\$3,719,518	\$44,004	Written Quotes Req \$5,000-10,000	16	95	-3.16%	
Police Station Lease	\$0	\$1,151,638	\$1,151,638	\$17,434	Verbal Quotes Requeste	28	331	-32.93%	
Self Insurance Fund	\$1,077,521	\$531,598	\$1,609,119	\$5,316	Total # Purchase Orders Issued	182	2,386	-8.05%	
Debt Service Fund	\$66,258	\$0	\$66,258	\$143	Total # of Bids Awarded	10	29	-10.34%	
Bond Fund	\$0	\$0	\$0	\$0	Contracts Required >\$10,000	0	18	-50.00%	
Municipal Court Fund	\$96,962	\$0	\$96,962	\$385	# of Fixed Assets Purchased >\$500	13	118	-44.92%	
Develop & Impact Fees	\$88,026	\$346,486	\$434,511	\$6,854	Total \$ of Fixed Assets Purchased	\$183,110	\$868,053	40.53%	
Neighborhood Parks/Rec.	\$49,648	\$0	\$49,648	\$211	Collateral Analysis as of January 31, 2001				
Federal Seizures Police Fd	\$257	\$0	\$257	\$2	Security Location	Bank	Total Held		
Confiscated Fund	\$7,441	\$0	\$7,441	\$0	Bank of New York	First Union	\$10,989,171		
Police Tuition Account	\$3,059	\$0	\$3,059	\$0	Bank of New York	Peachtree National	\$6,152,211		
Escrow Account	\$175,241	\$129,020	\$304,261	\$2,068			\$17,141,381		
Grand Total	\$1,882,117	\$8,888,636	\$10,770,753	\$112,243					
General Fund Budget Comparison					General Fund Budget Comparison				
Revenues - By Major Category					Expenditures by Division YTD				
Description	2001 Budget	Actual YTD	Difference	%	Division	2001 Budget	Actual YTD	Difference	%
General Property Taxes	\$4,935,575	\$4,092,340	(\$843,235)	83%	Administrative	\$1,389,436	\$303,642	\$1,085,794	22%
Franchise Taxes	\$1,880,054	\$97,398	(\$1,782,656)	5%	Developmental	\$760,849	\$235,194	\$525,655	31%
Local Option Sales Tax	\$5,541,890	\$1,872,166	(\$3,669,724)	34%	Finance	\$496,238	\$143,291	\$352,947	29%
Other Sales & Use Taxes	\$1,031,622	\$341,196	(\$690,426)	33%	Leisure Services	\$2,769,398	\$879,607	\$1,889,791	32%
Business Taxes	\$1,020,302	\$957,828	(\$62,474)	94%	Public Safety	\$5,089,823	\$1,591,361	\$3,498,462	31%
Business Permits	\$366,876	\$259,088	(\$107,788)	71%	Public Works	\$2,178,935	\$598,234	\$1,580,701	27%
Non-Business Permits	\$15,158	\$7,715	(\$7,443)	51%	Trfr to PCDA/PCAA	\$449,321	\$146,179	\$303,142	33%
Charges for Services	\$584,040	\$153,899	(\$430,141)	26%	Confiscated Funds	\$10,188	\$3,500	\$6,688	34%
Fines & Forfeitures	\$629,685	\$207,118	(\$422,567)	33%	Council Cont. Res.	\$700,000	\$34,553	\$665,447	5%
Investment Income	\$151,770	\$54,956	(\$96,814)	36%	Land Acquisition	\$161,221	\$0	\$161,221	0%
Rents & Royalties	\$136,142	\$121,935	(\$14,207)	90%	Library Sales Tax Fund	\$58,238	\$11,929	\$46,309	20%
Other Revenue	\$7,489	\$2,106	(\$5,383)	28%	Youth Sports Scholar	\$7,061	\$0	\$7,061	0%
Youth Sports Scholar	\$7,061	\$0	(\$7,061)	0%	Transfer to PIP	\$2,813,227	\$2,349,992	\$463,235	84%
Land Acquisition	\$161,221.00	\$0.00	(\$161,221)	0%	Transfer to Self Ins	\$1,199,157	\$1,199,157	\$0	100%
Library Sales Tax Fund	\$58,238.00	\$0.00	(\$58,238)	0%	Total	\$18,083,092	\$7,496,639	\$10,586,453	41%
Haz Mat Carryover	\$8,684.00	\$0.00	(\$8,684)	0%	Summary of Major Expenditures by City Manager				
Confiscated Carryover	\$10,188.00	\$0.00	(\$10,188)	0%	Description	Budget	Award	Svgs/Short	Date
Surplus Carryover	\$1,537,097	\$0	(\$1,537,097)	0%	Old Leach FS Demolition	\$12,500	\$14,800	-\$2,300	1/24/01
Total	\$18,083,092	\$8,167,746	(\$9,915,346)	45%					

Collateral Analysis as of January 31, 2001

Security Location	Bank	Total Held
Bank of New York	First Union	\$10,989,171
Bank of New York	Peachtree National	\$6,152,211
		\$17,141,381

[illegible]

Jan. **Feb.** **Mar.** **April** **May** **June** **July** **Aug.** **Sept.** **Oct.** **Nov.** **Dec.** **2001 Y-T-D** **2000 Y-T-D**

HUMAN RESOURCES DEPARTMENT

2001 MONTHLY REPORT

REPORT PERIOD	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	2001 YTD TOTAL	2000 YTD TOTAL
1. Authorized Permanent Positions	223												223	211
2. Positions Open	14													
3. Workers Comp. Claims Filed	2												2	3
4. City Veh./Equip. Accidents	2												2	1
5. Health Insurance Claims	\$80,652												\$80,652	\$ 51,319
6. Law Suit Legal Fees	\$ 3,490												\$3,490	\$ 598

- Police Officer/Police (3); Police Captain/Police (1); Building Inspector/Building (1); Maintenance Technician I/Public Works (4); Maintenance Technician I/Recreation (2); Fire Captain-Accreditation/Fire (1); Staff Assistant/Fire (1); Youth Services Librarian/Library (1).
- Maintenance Technician strained back while unloading wood (1) Public Works; Volunteer Firefighter knocked down by water pressure from hydrant (1) Fire.
- Police Officer damaged wheel and axle of patrol car upon hitting curb due to icy roadway (1) Police; Public Works employee scratched bumper of another vehicle as it stopped instead of completing turn (1) Public Works.
- Balance remaining in health insurance account: \$439,774.88.
- Wimbush \$1,266.40; Lazarus \$2,223.00; Pathways \$0.66.

LEISURE SERVICES MONTHLY REPORT 2001

ACTIVITY DESCRIPTION	UNIT	January	February	March	April	May	June	July	August	September	October	November	December	2001 Year to Date	2000 Year to Date
LIBRARY															
1. Books Circulated	Num.	14,747	0	0	0	0	0	0	0	0	0	0	0	14,747	N/A
2. Average Daily Traffic															
a. Monday - Saturday	Num.	561	0	0	0	0	0	0	0	0	0	0	0	47	45
b. Sunday	Num.	287	0	0	0	0	0	0	0	0	0	0	0	24	26
3. Story Time Participants	Num.	74	0	0	0	0	0	0	0	0	0	0	0	74	86
4. Revenue from Overdue Books	Dis.	1,828	0	0	0	0	0	0	0	0	0	0	0	1,828	313
5. Revenue from Copy Machine	Dis.	717	0	0	0	0	0	0	0	0	0	0	0	717	465
6. Reference Assistance	Num.	1,303	0	0	0	0	0	0	0	0	0	0	0	1,303	842
7. Internet Usage	Num.	1,406	0	0	0	0	0	0	0	0	0	0	0	1,406	754
8. Renewals by Phone	Num.	927	0	0	0	0	0	0	0	0	0	0	0	927	756
Leisure Programs															
1. Adult Athletics															
a. Ongoing Programs	Num.	1	0	0	0	0	0	0	0	0	0	0	0	1	1
b. New Programs	Num.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
c. Participants	Num.	240	0	0	0	0	0	0	0	0	0	0	0	240	285
d. Revenues	Dis.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
e. Expenses	Dis.	0	0	0	0	0	0	0	0	0	0	0	0	0	146
f. Refunds	Dis.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
g. Balance (+ or -)	Dis.	0	0	0	0	0	0	0	0	0	0	0	0	0	(\$146.00)
RECREATION															
Leisure Programs															
1. Classes/Programs															
a. Classes/Programs	Num.	105	0	0	0	0	0	0	0	0	0	0	0	105	103
b. Participants	Num.	3,229	0	0	0	0	0	0	0	0	0	0	0	3,229	2,951
c. Revenues	Num.	19,450	0	0	0	0	0	0	0	0	0	0	0	19,450	16,312
d. Expenses	Dis.	15,550	0	0	0	0	0	0	0	0	0	0	0	15,550	12,204
e. Refunds	Dis.	125	0	0	0	0	0	0	0	0	0	0	0	125	371
f. balance (+ or -)	Dis.	3,775	0	0	0	0	0	0	0	0	0	0	0	\$3,775.05	\$3,736.78
2. Special Events															
a. Events	Num.	4	0	0	0	0	0	0	0	0	0	0	0	4	0
b. Participants	Num.	210	0	0	0	0	0	0	0	0	0	0	0	210	0
c. Revenues	Dis.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
d. Expenses	Dis.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
e. Refunds	Dis.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
f. balance (+ or -)	Dis.	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00
Sports and Facilities															
1. Playing Surface Mowing	Hrs.	31	0	0	0	0	0	0	0	0	0	0	0	31	0
2. Playing Field Preparation	Hrs.	264	0	0	0	0	0	0	0	0	0	0	0	264	339
3. Building Maintenance	Hrs.	168	0	0	0	0	0	0	0	0	0	0	0	168	240
4. Parks/Fields/Tennis Courts															
a. Safety Inspections	Num.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
b. General Repairs/Maint.	Hrs.	112	0	0	0	0	0	0	0	0	0	0	0	112	292
c. Grounds/Landscape Maint.	Hrs.	544	0	0	0	0	0	0	0	0	0	0	0	544	308
5. Litter Removal	Num.	96	0	0	0	0	0	0	0	0	0	0	0	96	128
6. Vandalism Repairs	Dis.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7. Complaints Answered	Num.	3	0	0	0	0	0	0	0	0	0	0	0	3	0

CRIME REPORT – JANUARY 2001

PART I CRIMES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD 2001	YTD 2000
MURDER	0												0	0
RAPE	0												0	0
ROBBERY	0												0	0
AGGRAVATED ASSAULT	0												0	0
ARSON	0												0	0
AUTO THEFT	1												1	2
THEFT	16												16	11
BURGLARY	2												2	0
TOTAL PART I CRIMES	19												19	13
ALCOHOL/DRUG ARRESTS														
DUI – TOTAL	15												15	19
DUI – ADULT	14												14	14
DUI – UNDERAGE	1												1	5
OTHER UNDERAGE														
ALCOHOL ARRESTS	9												9	7
DRUG ARRESTS	7												7	10
ARRESTS														
PROPERTY CRIMES	8												8	7
PERSON CRIMES	4												4	4
CITY ORDINANCES	43												43	41
*OTHER	81												81	126
ADMINISTRATIVE AVERAGE RESPONSE TIME	5.21												5.21	5.15
CALLS ANSWERED	5094												5094	3595
TRAFFIC CITATIONS ISSUED	657												657	673
WARNINGS ISSUED	725												725	611
ACCIDENTS – TOTAL	63												63	60

TOP 5 ACCIDENT LOCATIONS – MONTH TOTAL

1. HWY 54 / HWY 74 3
2. HWY 54 / NORTHLAKE DR. 3
3. HWY 74 / KELLY DR. 2
4. HWY 54 / HUDDLESTON DR. 2
5. HWY 54 / PLANTERRA WAY 2

TOP 5 ACCIDENT LOCATIONS – YEAR TOTAL

1. HWY 54 / HWY 74 3
2. HWY 54 / NORTHLAKE DR. 3
3. HWY 74 / KELLY DR. 2
4. HWY 54 / HUDDLESTON DR. 2
5. HWY 54 / PLANTERRA WAY 2

2001 MONTHLY REPORT
PUBLIC SERVICES DIVISION

Activity Description	Unit	January	February	March	April	May	June	July	August	September	October	November	December	2001 YEAR-TO-DATE	2000 YEAR-TO-DATE
CART PATHS															
1. Const./Reconst./Overlay	Ft.	0												0	50
2. Drainage Maintenance	Hrs.	270												270	83
3. General Maintenance	Hrs.	201												201	180
4. Mowing	Hrs.	0												0	0
5. Litter Removal	Hrs.	75												75	68
FLEET MANAGEMENT															
1. Equipment Maintenance	Hrs.	16												16	43
2. Equipment Repairs	Hrs.	138												138	121
3. Vehicle Maintenance	Hrs.	168												168	76
4. Vehicle Repairs	Hrs.	262												262	237
5. Fleet Down Time	Hrs.	595												595	482
RIGHT OF WAY															
1. Litter Removal	Hrs.	410												410	321
2. Right-of-Way Mowing	Hrs.	0												0	0
3. General Maintenance	Hrs.	656												656	874
LANDSCAPE															
1. Litter Removal	Hrs.	0												0	20
2. Mowing (Sub. Entrances)	Hrs.	0												0	0
3. General Maintenance	Hrs.	1,045												1,045	657
4. Planting	Hrs.	90												90	100
														0	
RECYCLING SITE															
1. City Employees Hours	Hrs.	235												235	151
2. City Employees Salaries	Dis.	3,760												3,760	1,188
3. Revenues	Dis.	652												652	731
4. Participants															
a. Recycling	Num.	641												641	546
b. Composting	Num.	1,166												1,166	1,296
c. Mulch (Pick Up)	Num.	70												70	68
SIGN MAINTENANCE															
1. Building Maintenance	Hrs.	21												21	20
2. Subdivision Sign Maintenance	Hrs.	76												76	81
3. Traffic Sign Maintenance	Hrs.	156												156	148
STREETS															
1. Street Sweeping	Hrs.	137												137	8
2. Pavement Patching	Hrs.	0												0	0
3. Drainage Maintenance	Hrs.	113												113	0
4. General Maintenance	Hrs.	491												491	576
MISCELLANEOUS															
1. Vandalism	Dis.	149												149	139
2. Complaints Answered	Num.	28												28	90
3. Wash Police Cars	Hrs.	0												0	8

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March 8, 2001

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

RE: Former Mayors' Comments on the Revised Charter

Dear Mayor and Council:

As you instructed, I have sent a copy of the proposed revised Charter to each of the former Mayors of Peachtree City. I have received a few comments from these former Mayors and have incorporated most of their suggestions into the proposed revised Charter. I have not included all of the suggested changes as Council needs to direct me on these. I will set forth each of the changes I have made to the revised Charter. However, before I get to those specific changes, I will summarize the general comments I received from the former Mayors.

Both Chip Conner and Ralph Jones like the proposed Charter revisions. Howard Morgan stated that he liked the housekeeping changes and the reformatting of the Charter, and further stated that he will not question the logic of the Council in making the revisions to the Charter; however, Howard did state that he would probably leave the Charter alone except for the housekeeping items if he were on the Council. Herb Frady also approved of the housekeeping changes and reformatting of the Charter. Herb stated that if the Charter is being revised to change or alter the relationship between Council and the Mayor, he would not support the revisions. On the other hand, if the revisions were intended to reflect the true operations of the City, he would be supportive of them.

Finally, I spoke with Fred Brown. As with the others, Fred generally liked the revisions. He approved of the reformatting of the Charter to improve its readability. He did have four (4) comments which would each result in a significant change to the revised Charter. I have not incorporated those into the present draft of the Charter, but I will list those below.

The comments I received which would result in a significant change to the present draft are as follows:

- Add a new Section 2.5 listing the duties of the Councilmembers. (Fred Brown)

Fred suggested the following language:

“Councilmembers shall assist the Mayor in establishing City policies, in drafting ordinances, and handling budgetary matters.”

Fred commented that nowhere in the Charter do we describe the duties of the Councilmembers.

- Herb Frady suggested that in Section 2.10 we remove the three (3) words “either publicly or” from the end of the last sentence. Herb stated that he believed the Mayor and Council should be able to give instructions to City employees publicly, but should not be able to do so privately. Herb did state that Councilmembers should be free to request information from any City employee without a requirement of going through the City Manager, but he did firmly believe that no instructions should be given from a Councilmember or Mayor to individual City employees except for requesting information or documents.
- Fred Brown suggested removing Section 2.12 (City Clerk) from the Charter, and either creating that position in the ordinances along with the Directors and Chiefs or placing the duties under those delineated for the City Manager.
- Fred suggested removing subparagraph (g) from Section 2.16 and putting that paragraph in the ordinances. He felt that how the City Manager reported and worked with the Mayor and individual Councilmembers should have more flexibility depending on the desires and wishes of all involved. If it is in the Charter, it is more difficult to change. If it is in the ordinances, then each successive Council can develop a reporting schedule with the City Manager that meets everyone’s needs and requirements.
- Fred questioned me on why I suggested the removal of the Mayor’s veto power. I discussed with Fred my logic and reasoning. Fred did tell me that the original Charter did not permit the Mayor to vote on all issues. I told Fred that I had suspected as such and that under such a scheme, a veto power for the Mayor would be extremely important. However, under our present parliamentary procedure, the veto power is practically worthless. After our discussion, Fred agreed with me.

The following grammatical/typographical/stylistic changes were made after my discussions with the former Mayors:

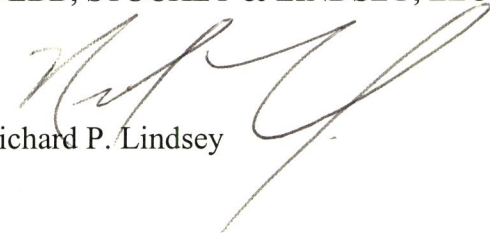
- Section 1.2 - remove the word "his/her" and substitute with the word "his." Howard Morgan suggested that I change all of the masculine pronouns to the his/her form. I told Howard that I thought this would get cumbersome and interfere with the readability of the Charter. I did agree, however, to include a section in the miscellaneous portion of the Charter which clearly spelled out the use of masculine pronouns is not meant to imply that an office or position had to be filled with a man.
- Section 2.3 - Howard suggested that I change the word "Council" to "Councilmembers" in the last line. He felt this would make it clear that the City Manager does not have to report to the Council at a meeting, but shall be able to report to the individual Councilmembers.
- Section 2.16(f)(11) - I have changed the pronoun "by" to "of."
- Section 2.16(t) - I also added the word "Councilmembers" in place of "Council" for the same reason stated above.
- Section 2.19 - I corrected this new section to reflect that the Chief of the Fire Department is not the Chief of Police.
- Section 8.3(c) - I added the word "police" to describe officer. There was some concern by not using this descriptive word that an officer could include any of the officials of the City which is obviously not the intent.
- Section 9.5 I discussed above.

The City is indebted to its former Mayors for coming forward one more time to review the lengthy revised Charter. From my conversations with these former Mayors, I can attest that each one has spent a significant amount of time reviewing the proposed revised Charter. I hope my summation of their comments assist you in your deliberations over the proposed revised Charter.

Best regards.

Sincerely,

WEBB, STUCKEY & LINDSEY, LLC



Richard P. Lindsey

RPL:jmf

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council

FROM: City Manager 

DATE: March 14, 2001

SUBJECT: Charter Changes

Councilman Tennant requested a printout of the charter changes that will be discussed tomorrow night with a brief explanation as to why the changes were being proposed. The attached printout includes the major changes being proposed. Housekeeping changes (such as changing "councilman" to "councilmember", etc.) have been omitted, or incorporated into the text that is present.

I apologize for the late timing of forwarding this, but it was suggested yesterday and seemed to provide information in a format that you may find helpful for your discussion tomorrow.

The format is legal size, so if you would like a hard copy, please let me know and we can have one for you at City Hall. Please let me know if you have any questions.

JB/bt

CHARTER CHANGES		REASON
Sec. 1.1 Reincorporation; corporate powers. (a) Peachtree City, in Fayette County, and the same is hereby incorporated as a city under the name and style of "Peachtree City", and as such constitutes inhabitants thereof, are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate of said state under the name and county-style Peachtree City, Georgia, and by that name and style shall have perpetual succession.		<i>Self-explanatory</i>
(d) <u>In addition, the city shall have all powers possible for a city to have under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.</u>		<i>This is a reference to the Home Rule powers and all other powers set forth in the state law.</i>
(e) <u>The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.</u>		<i>(see above)</i>
(f) <u>The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.</u>		<i>(see above)</i>
Sec. 1.2. Corporate limits. The corporate limits of said city shall be and are defined as follows: All that territory and the inhabitants thereof embraced and contained in the sixth land district of Fayette County, Georgia, being land lots numbered 24 to 63, inclusive, and all that territory and the inhabitants thereof embraced and contained in the seventh land district of Fayette County, Georgia, being land lots numbered 64 to 68, inclusive, and land lots numbered 90 to 103, inclusive, and land lots numbered 122 to 135 inclusive, and land lots numbered 155 to 162, inclusive, and such tracts and parcels as shall be incorporated within the corporate limits of said city pursuant to law. (1973 Ga. Laws, page 2821, § 1) Sec. 2.1 [Deannexation]. Any other provision of section 2 of this Charter notwithstanding, the following described property is hereby deannexed and excluded from the corporate limits of the City of Peachtree City: All that tract or parcel of land lying and being in land lot 155 and possibly in land lot 154 of the seventh land district of Fayette County Georgia and being that 5.813 acres of land shown on a plat of survey dated 7/29/83, prepared by Lum C. Hall, registered land surveyor for Robert L. House and being more particularly described as follows: BEGINNING at an iron pin on the eastern side of State Highway 74, 1295.65 feet south of the southeast corner of Highway 74 and Crabapple Lane, running thence South 03 degrees 01 minutes 25 seconds West along the eastern side of State Highway 74, 420 feet to an iron pin; running thence South 85 degrees 35 minutes 04 seconds East 648.30 feet to an iron pin; running thence North 00 degrees 02 minutes 32 seconds East 375 feet to an iron pin; running thence North 81 degrees 24 minutes 35 seconds West 631.58 feet to the point of beginning. (1993 Ga. Laws, page 4380, § 1) Sec. 3. boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be described in an ordinance adopted by city council and shall be shown on a map to be retained permanently by the city clerk, or his successor.		<i>This is to simplify the description of the city limits. The description will now be placed in an ordinance which will be easier to administer.</i>

CHARTER CHANGES	REASON
ARTICLE II. GOVERNING BODY; DEPARTMENTS; APPOINTIVE OFFICERS Sec. 2.1. Governing body; composition, quorum, meetings. (a) The government of said city shall be vested in a mayor and four (4) councilmembers, initially appointed and thereafter chosen as hereinafter provided, in such other officers and employees as are provided for by this act required under the terms of the charter, and in such other officers and employees as the mayor and councilmembers consider necessary and proper to appoint and employ as hereinafter provided. (b) <u>The chief administrative and operational officer of the city shall be the city manager.</u> (d) <u>Except as otherwise set forth below, the mayor and three (3) councilmembers, or four (4) councilmembers without the mayor, shall constitute a quorum of the city council. Less than a quorum may meet and compel the attendance of absentees as provided by ordinance. In the event the office of mayor and one or more offices of council shall become vacant or more than one office of council shall become vacant, then a quorum shall be the mayor and two (2) councilmembers, or three (3) councilmembers without the mayor. If two or more offices of council shall be vacant simultaneously or if the office of mayor and one or more offices of council shall be vacant simultaneously, then all of the remaining members of the council may meet to appoint persons to fill vacancies on the council, set the date for a special election and qualification thereof, and, if necessary, appoint a provisional mayor pro tem.</u> Sec. 2.2. Eligibility qualifications of mayor and councilmembers. No person shall be eligible to hold the office of mayor or councilmember of said city unless he or she is twenty-one (21) years of age and is a qualified elector of said city who shall have continuously resided and maintained his or her domicile therein for at least six (6) months immediately preceding his or her election. <u>Except as authorized by law, the mayor and councilmembers shall not hold any other city office or city employment during the term for which each such person was elected unless the mayor or councilmember affected shall first resign.</u> (9) to inspect or cause to be inspected by one or more of the councilmembers of said city the records and books of accounts of the officers of said city and see that they are properly and correctly kept to require such reports to be made by such officers, city staff and given to the council as he may deem proper; (10) to see that order is maintained in said city and that its property and effects are preserved. The said mayor shall exercise general supervision and jurisdiction over the affairs of the said city; shall have authority	<i>This reflects that the city government is composed of elected officials and professional staff.</i> <i>This reflects the true organization of the city.</i> <i>This provides for a quorum of three (3) in the event one or more seats are vacant, and provides the council with the ability to hold elections or make appointments if a quorum does not exist because of vacancies.</i> <i>This reflects the current state law.</i> <i>Self-explanatory</i> <i>Moved to the next paragraph.</i>

CHARTER CHANGES	REASON
Subject to the limitations contained in this Charter, the said mayor shall exercise general supervision and jurisdiction over the affairs of the said city; however, the responsibility for the daily operation and administration of the city shall be delegated to the city manager who shall report on such activities to the mayor and councilmembers as hereinafter provided.	<i>This reflects the true operation of the city.</i>
Sec. 2.4. Authority of mayor to vote; veto power; overriding veto. The mayor shall be entitled to vote on all questions before the city council. Every ordinance and resolution passed and every election of an officer or employee by the council shall be subject to the veto of the mayor, except in those circumstances where the vote of the mayor was necessary for passage. In order to veto, the mayor shall, within four (4) days, write out his objections to such resolution, ordinance, or election; and the council shall, at the next regular or called meeting at which a quorum shall be present, order said objections entered in the minutes and take a vote on the question as to whether said ordinance, resolution, or other action shall be adopted over said veto. If three (3) councilmen vote in the affirmative, said resolution, ordinance or other action shall stand affirmed and shall become effective without the approval of the mayor; otherwise, it shall not. The "yes" and "nays" shall in all cases be entered on the minutes. (1985 Ga. Laws, page 4202, § 1) Sec. 8. Designation of mayor and councilmen originally]. There be and is hereby designated and named Joel H. Cowan, as mayor of said city and R. H. Huddleston, R. Hugh Huddleston, John E. Robinson and J. A. Pollard, as councilmen of said city who shall immediately take office upon the approval of this act as hereinafter provided upon taking oath of office herein prescribed, which said officers shall hold the respective office to which appointed until their successors are elected and qualified at an election held in said city as provided in section 9 of this act or until a vacancy should occur as provided in section 10 of this act.	<i>The veto power is basically worthless under our system of procedure.</i>
Sec. 2.5. Date of municipal general election; election of mayor and councilmembers, post designation; assuming office; term; oath. (a) Pursuant to the law commonly referred to as the Georgia Municipal Election Code, the municipal general election shall be conducted on the first Tuesday of December of each year except that after January 1, 1993, municipal general elections shall be held on the Tuesday next following the first Monday in November of each year.	<i>This reflects the true date of election (Note – should read “in November of odd numbered years”)</i>
(b) For the purposes of electing councilmembers, positions on the council shall be numbered as posts 1 through 4, respectively. Succeedors to these councilmen from posts 1 and 2 whose terms of office expire on the date of the first scheduled meeting of the council in 1993, shall be elected at the municipal general election in 1992, shall take	<i>Changes explained in sections (c) and (d) below.</i>

CHARTER CHANGES	REASON
(c) In 1992, Peachtree City altered the length of the mayor and councilmembers' terms from two years to four years. After a period of transition, the elections for posts 1 and 2 are held every four years from 1995 forward. The elections for mayor and posts 3 and 4 are held every four years from 1993 forward. All persons elected shall assume office on the date of that first scheduled meeting of the council which is held in 1993, and shall serve for terms of office of three (3) years each. Successors to the mayor and to those councilmen from posts 3 and 4 whose terms of office expire on the date of the first scheduled meeting of the council in 1994 shall be elected at the municipal general election in 1993, shall take office on the date of that first scheduled meeting of the council which is held in 1994, and shall serve for terms of office of four (4) years each. Thereafter, successors to the mayor and each councilman whose term of office is to expire shall be elected at the municipal general election immediately preceding the expiration of such term, shall take office at the first scheduled meeting of the council held first meeting in January following their election, and shall serve for terms of office of four (4) years each. Each person elected as mayor or councilman shall serve the terms specified in this paragraph and until the election and qualification of such person's respective successor, except in the case of special elections when such elected official shall assume office at the first meeting following the certification of the election.	<i>This provides a history of how the city arrived at the four-year terms and the years of elections. The transition language which was needed is no longer necessary, and was thus deleted.</i>
(d) After January 1, 1993, any mayor or councilmember who has been elected for two (2) consecutive four-year terms under the provisions of this Charter shall not be eligible to be elected for the succeeding term; same position of mayor or councilmember for the succeeding term; however, nothing contained herein shall prevent a person who has served as mayor for two (2) consecutive four-year terms to be eligible and qualified to be elected for a position as councilmember for the succeeding term. Likewise, nothing contained herein shall prevent a person who has served as councilmember for two (2) consecutive four-year terms to be eligible and qualified to be elected for a position as mayor for the succeeding term.	<i>This clarifies the intent of the mayor and council as expressed in the first meeting of January, 1992, when the term limitations became law.</i>
(f) Candidates elected to office shall on or before the day of assuming office qualify by taking and subscribing before the municipal judge, the mayor, or some other officer authorized by law to administer oaths, the following oath: "I do solemnly swear or affirm that I will well and truly perform the duties of (mayor) (mayor pro tem) (or councilman as the case may be) councilmember) of Peachtree City by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of Peachtree City and the common interest thereof that I will support and defend the Charter and ordinances thereof as well as the constitution and laws of the State of Georgia and of the United States of America. So help me God." Such oath shall be filed with the city clerk, who shall record the same upon the minutes of the meeting of the council of Peachtree City, next following such filing, unless such oath is filed during a regular meeting of the said council in which latter case such oath shall be recorded upon the minutes of the meeting then in session.	<i>The new oath accomplishes the goals of the state law.</i>

CHARTER CHANGES		REASON
Sec. 2.6. Filling vacancies on council (a) In the event that the office of mayor, or the office of any one or more of the councilmembers shall become vacant by death, resignation, removal or otherwise, <u>and said vacancy or vacancies are for unexpired terms of twelve (12) months or less, then said vacancy or vacancies may be filled by appointment and selected by majority vote of the city-remaining members of the mayor and council, in the case of vacancies in said council, and by the councilmembers in the case of a vacancy in the office of mayor.</u>		<i>This clarifies when appointments may be made, which is a reflection of state law.</i>
<u>(b) Persons so selected shall be duly qualified to fill such vacancies for the unexpired terms provided it does not exceed twelve (12) months, except that should.</u>		<i>Self-explanatory.</i>
<u>(c) The mayor, or in the case of a vacancy in the office of mayor, the mayor pro tem, shall determine the procedure for council to follow in the appointment process; provided, however, that such procedure shall comply with the laws of the state and of the United States and, further, provided that such procedures are given to the members of council at least ten (10) days before the meeting during which such appointment is to be made.</u>		<i>Presently, no procedure is set governing the appointment process. This allows for flexibility but ensures all Councilmembers have been informed of the procedure.</i>
<u>(d) Should such vacancy occur prior to January 2, 1962, such twelve (12) month limitation shall not be applicable. On or after January 2, 1962 should such period or vacancies exceed twelve (12) months then a special election shall be called to determine the person who shall fill the unexpired term. The date of such special election shall comply with the laws of the state and of the United States. In the event of such vacancy or vacancies which exceed twelve (12) months, the city council may appoint an individual or individuals to fill such vacant office or offices until the date of the next available election. In no event shall any appointment be for a period exceeding one year.</u>		<i>This sets forth the requirement for a special election (reflecting state law), but also provides the council with the ability to appoint a Councilmember in an effort to coordinate the special election with another election.</i>
Sec. 2.7. Declaration of vacancy in office of mayor or councilmember. Should the mayor or any member of the council fail or refuse to perform the duties of his office for the term of three (3) consecutive months, or should any officer-elect refuse to qualify, the office may be, in the discretion of the <u>majority of the remaining members of the council</u> , declared vacant and the vacancy filled as above provided.		<i>Self-explanatory.</i>
Sec. 2.8. Compensation of mayor and councilmembers as fixed; expenses of office allowable. <u>(a) The mayor shall receive an annual salary and each councilmember shall receive such annual salary as shall be reduced established by ordinance during the preceding term for which such official shall have been appointed or elected. Said salaries shall be paid in twelve (12) equal monthly installments on or before the last day of each month.</u>		<i>Self-explanatory.</i>

CHARTER CHANGES	REASON
(b) Before entering on the discharge of his duties the mayor pro tem shall, in addition to the oath taken as councilmember, take and subscribe the oath prescribed for mayor <u>pro tem</u> .	<i>Self-explanatory</i>
Sec. 2.10 <u>Council Interference with Administration.</u> <u>Except for the purpose of formal inquiries and investigations, the city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.</u>	<i>This assists in the smooth operation of the city government.</i>
Sec. 2.11. <u>Appointment of officers by council; removal; salaries as fixed.</u> <u>The city [council] shall at its organizational meeting and thereafter at its regular meeting in January the discretion of each year city council appoint a clerk. They may also appoint a chief of police, fire chief, city engineer, building official, public works director, recreation director, and a librarian, and such other officers as may in their judgment be necessary to the best interest of the city, a city attorney, a city auditor, a city judge, a city manager and any other city positions as required by ordinance. Such appointed officers individuals, after their initial appointment, need not be reappointed on an annual basis but shall serve subject to the pleasure of the mayor and council and may be removed from office by the council at any time upon a showing of cause in accordance with the then existing city personnel policies; provided, further, that the mayor may suspend any official such individual pending a meeting of the council to make a formal decision on termination. Any officers appointed pursuant to this section will</u>	<i>This relieves the administrative task of appointing numerous individuals to fill certain positions every January. All officers of the city serve subject to the pleasure of the mayor and council, and such appointments are now made at the discretion of the city council.</i>
Sec. 2.12. <u>City Clerk.</u> <u>The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be the custodian of the official city seal and city records; maintain city council records as required by state law or by ordinance; and perform such other duties as may be required by the city council. The city clerk shall report to the city manager and shall be subject to <u>all of the termination procedures therein and contained in rights, privileges and obligations of the city's personnel policies. The salaries of the officers provided for in this section shall be such as may be prescribed by ordinances of said city council.</u> The said, however, the city clerk can be terminated or removed from such position only by the city council. The city council may appoint the city manager to serve as the city clerk. _____</u>	<i>This sets the dates of the city clerk and definitively establishes that eh city clerk ay only be terminated by city council.</i>

CHARTER CHANGES		REASON
Sec. 2.13 <u>City Attorney.</u> <u>The city council shall appoint a city attorney, which may be a law firm, and shall provide for the payment of such attorney for the services rendered to the city. The city attorney shall be responsible for the representation and defense of the city in all litigation in which the city is a party and will coordinate such representation with all attorneys provided to the city through applicable insurance contracts, if any, shall be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney.</u>		<i>The City Attorney's position is not mentioned in the charter or ordinances. Since the person is appointed by city council, it has been placed in the charter.</i>
Sec. 2.14 <u>City Auditor.</u> <u>The city council shall appoint a city auditor who shall be a certified public accountant or accounting firm to ensure that the city's financial records are kept appropriately and according to the laws of this state and of the United States. The city auditor shall conduct an annual independent audit of all city accounts, funds and financial transactions. The audit shall be conducted according to generally accepted auditing principles.</u>		<i>(see above)</i>
Sec. 2.15 <u>City Judge.</u> <u>The city council shall appoint a city judge pursuant to the requirements of Section 8.2.</u>		<i>The city Judge position is discussed at length in Article 5; however, for ease of reading and understanding the charger, the city Judge position is discussed briefly here.</i>
Sec. 2.16 <u>City Manager</u> <u>(a) The mayor and council shall fill any office which may become vacant to fill any unexpired term thereof. (Ord. No. 424, 2-19-1987; 1988 Ga. Laws, page 5217) Sec. 15. [Clerk]. The clerk of said city shall be the clerical appoint and contract with a city manager who shall serve subject to the pleasure of the mayor and council for a term as set forth in the contract and according to state law. The title of such officer shall be city manager of the city. His salary shall be determined by the mayor and council and included as a part of the contract. Such officer shall be the chief administrative and operational officer of the city council and shall be the keeper of the seat of said city and shall perform such duties as may be provided by this act and such additional executive duties as may be determined by the council. Sec. 16. [Police department]. The city council when deemed necessary delegated by the mayor and council. The city manager's job performance shall be evaluated and subject to review annually by the mayor and council.</u>		<i>The City Manager's position was elevated from the ordinances to the charter because he is appointed by the city council. There are some changes from the ordinances, but the language was largely left alone.</i>
<u>(b) (i) The city manager shall be selected on the basis of his character and his executive and administrative qualifications with special reference to his actual training and experience in the administration of city government. At the time of his appointment, such officer need not be a resident of the city, but during his tenure he shall reside within the city.</u>		<i>(see above)</i>

CHARTER CHANGES	REASON
<u>(ii) Neither the mayor, nor any councilmember shall receive such appointment during the term for which he shall have been elected, nor within two years after the expiration of his term.</u>	<i>(see above)</i>
<u>(c) The council may remove the city manager by a majority vote according to the terms of the contract. At least 30 days before such removal shall become effective, the mayor shall set forth the reasons for his removal. The city manager may, within ten days, reply in writing and may request a public hearing, which shall be held not earlier than 20 days, nor later than 30 days, after the filing of such request. After such public hearing, if one is requested, and after full consideration, the council by majority vote may adopt a final resolution of removal. By the preliminary resolution, the council may suspend the city manager from duty with pay.</u>	<i>(see above)</i>
<u>(d) (i) The council may designate a person to perform the functions and duties of the city manager during his absence, disability or suspension.</u>	<i>(see above)</i>
<u>(ii) Vacancies in such office shall be filled by the council as early as practicable; and until such vacancy is filled, the council shall have full powers to make a temporary appointment.</u>	<i>(see above)</i>
<u>(e) The city manager may give bond in the penal sum fixed by the council, with surety approved by the council, payable to the city and its successors and assigns, for the benefit of the city and for use and benefit of the public, to secure and indemnify the city and each member of the public by reason of his default, misfeasance, malfeasance or nonfeasance in the performance of his duties. The premiums for such bond shall be paid by the city.</u>	<i>(see above)</i>

CHARTER CHANGES	REASON
(f) <u>The following powers and duties are conferred upon the city manager:</u> (1) <u>Enforcement.</u> To see that all laws and ordinances are enforced. (2) <u>Conduct of city business affairs.</u> To see that the business affairs of the city are efficiently organized and handled. (3) <u>Administrative and operational authority.</u> To exercise administrative and operational control over all regular departments and divisions of the city. (4) <u>Advisory authority.</u> To attend all meetings of the council with the right to take part in all discussions but having no vote. The city manager shall act in an advisory capacity to the mayor and council in the formulation and operation of the city government. (5) <u>Recommendation of legislation.</u> To recommend to the mayor and council for adoption such measures as he may deem necessary or expedient. (6) <u>Preparation, submission of budget.</u> To prepare and submit to the mayor and council an annual budget. (7) <u>Preparation, submission of financial reports.</u> To prepare and submit to the mayor and council, within 90 days after the end of each city's fiscal year, a complete annual report on the finances and administrative activities of the city for the preceding year, and make such other financial reports from time to time as may be required by the mayor or council or by the Charter of the city. (8) <u>Contracts, expenditures, claims.</u> 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 in the current city budget, except those obligations such as may be otherwise provided by law, or by ordinance or resolution of the council. (9) <u>Appointments; creation, abolition of offices and functions.</u> To hire, as required, department heads and employees for departments authorized by the council. Nothing in this subsection shall prevent the council from creating, abolishing, consolidating, altering or modifying departments; however, the city manager is authorized to recommend, subject to the approval of the council, the change, consolidation or abolishment of any of the offices, departments or functions over which he exercises supervision and control and to recommend the creation of new departments and offices. (10) <u>Obtaining legal advice.</u> To request the counsel, advice or opinion of the city attorney concerning any matter affecting the interest of the city. (11) <u>Other duties.</u> To perform such other duties as may be required of him by the council. (g) The city manager shall consult with and report to the mayor concerning city operations as the mayor may require. The city manager shall consult with and report to the council members as needed but in no event less than once each week.	(see above)
Sec. 2.17. <u>Officers elected by council to perform described duties and give bond.</u> All officers elected officials appointed by said council shall discharge such duties in addition to those prescribed in this act as are, or may be, prescribed by ordinances of said council and shall give such bonds for the faithful discharge of their respective duties as said council may require; provided, the surety on the bond shall be a duly authorized guaranty or surety company, qualified to transact business in this state.	Self-explanatory

CHARTER CHANGES		REASON
Sec. 2.18 <u>Police department.</u> The city council shall create a police department which department shall consist of a chief of police and such other police officers as the city council shall provide by ordinance. It. Subject to the requirements of the laws of the state and of the United States, it shall be the duty of the chief of police and the police officers to make arrests, within and without the limits of said city of all persons violating any ordinance of said city, and to make arrests of all persons who have violated the penal statutes of this state or of the United States, either with or without warrant or summons therefore. They shall have power to release all persons upon such bond as may be prescribed by such ordinances. Said police force shall be so uniformed and armed as to be readily recognized by the public as peace officers, the arms and uniform to be furnished by the city and to remain the property of the city.		<i>Self-explanatory</i>
2.19 <u>Fire department.</u> The city council shall create a fire department which department shall consist of a chief and such other officers as the city council shall provide. It shall be the responsibility of this department to provide the citizens of the city protection from fires and other such hazards as the city council shall deem appropriate. Additionally, the fire department may offer emergency medical services to the citizens of the city as deemed appropriate by the city council.		<i>Council wanted the Fire Department placed in the charter.</i>
Sec. 3.2. <u>Voting by person not qualified etc.</u> Any person voting at any election of said city who is not a qualified voter according to the provisions of this Charter, shall be guilty of a misdemeanor, and upon conviction e shall be punished as prescribed in the penal code of this state.		<i>Self-explanatory</i>
Sec. 23.10 <u>Opening and closing of polls; certifying election results.</u> The polls for the holding of all elections in and for Peachtree City shall be open at 7:00 o'clock a.m. and shall remain open until 7:00 o'clock p.m. Eastern Standard Time or such other time as shall hereafter be prescribed as the official time of the State of Georgia. The managers of each election shall certify the results thereof to the council who shall in the presence of and together with the several managers consolidate the returns of said election and declare the results thereof and who shall record same on the minutes of the council, and said record shall be the evidence of the results of said election 3.3. <u>Applicability of General Law.</u> All primaries and elections shall be held and conducted in accordance with the Georgia Municipal Election Code (Title 21, Chapter 3 of the Official of Georgia Annotated) as now or hereinafter amended.		<i>This was changed to reflect the state law requirements.</i>

CHARTER CHANGES	REASON
ARTICLE IV. TAXATION; LICENSES Sec. 24. General purpose and bond sinking fund ad valorem taxes authorized. For: BORROWING <u>Sec. 4.1 Property Tax.</u> <u>The city council may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues for the support, operation and maintenance of said city and its affairs, including reserves for capital improvements, the to defray the costs of operating the city government, of governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.</u>	<i>The taxation and borrowing powers of the city were separated and listed individually for ease of reading and understanding.</i>
<u>Sec. 4.2 Millage Rate; Due Dates; Payment Methods.</u> <u>The city council, by ordinance, shall establish a millage rate for the city property tax with a due date as established by the Fayette County Tax Commissioner. The Fayette County Tax Commissioner shall be the official tax commissioner for the city; however, if the Fayette County Tax Commissioner fails or refuses to act as such, then the Director of Financial Services shall be the official tax commissioner for the city and shall have all the necessary duties and powers to carry out this position as permitted by law.</u>	<i>(see above)</i>
<u>Sec. 4.3 General Obligation Bonds.</u> <u>The city council shall have full power and authority to levy, assess and collect in each year for such general purposes, an ad valorem tax on all property, real, personal and mixed, including money, notes, stocks, bonds and other evidences of debt, money used in banking and every other species of property in said city, or owned or held therein, the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.</u>	<i>(see above)</i>
<u>Sec. 4.4 Revenue Bonds.</u> <u>Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program or venture for which they were issued.</u>	<i>(see above)</i>
<u>Sec. 4.5 Short-Term Loans.</u> <u>The city, with the approval of city council, may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.</u>	<i>(see above)</i>

CHARTER CHANGES		REASON
<u>Sec. 4.6 Lease-Purchase Contracts.</u> <u>The city, with the approval of city council, may enter into multi-year lease, purchase or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of section 36-60-13 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.</u>		<i>This was listed separately and such financing probability did not exist 40 years ago.</i>
<u>Sec. 4.7 Occupational, Business, and Other Taxes.</u> <u>The city council by ordinance shall have the power to levy such occupation, business, and other taxes as are not denied by law. The city council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawfully taxed by said city, which tax shall not exceed twenty-five (25) mills on each dollar of taxable value, and in addition such annual ad valorem tax shall be levied on each dollar of taxable value of such property, subject to taxation for bond purposes, as may be necessary to produce amounts required and sufficient to provide a sinking fund lawful and may compel payment of such taxes as provided herein.</u>		<i>This section was drafted to reflect the current state law.</i>
<u>Sec. 4.8 Regulatory Fees; Permits.</u> <u>The city council by ordinance shall have the power to require businesses or practitioners doing business within the city to obtain a permit for such activity from the city and pay a regulatory fee for such permit. Such fees shall reflect the total cost to the city of regulating the activity, and if unpaid, shall be collected as provided herein.</u>		<i>(see above)</i>

CHARTER CHANGES	REASON
<u>Sec. 4.9 Franchises.</u> (a) The city council shall have the power to grant franchises for the use of the city's streets for the purpose of paying the principal of an interest on the bonded indebtedness of said city as required by law. The ad valorem tax above authorized for general purposes and the bond sinking fund tax shall be levied by separate ordinances, and each shall specify the purpose for which the tax is levied, and all proceedings for collecting said taxes shall show the amount due on each of said tax levies. <u>Sec. 25.[Authority to provide for tax returns, etc.]</u> telephone companies, electric companies, electric membership companies, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city council receives just and adequate compensation therefor. The city council shall provide by ordinance for the returns and assessments of all taxable property in said city and provide suitable penalties for neglect or refusal to comply with the same. <u>Sec. 26.[Return of property for taxation; ex officio tax commissioner and receiver]</u>. All properties subject to taxation by said city shall be returned for taxation at their true and fair market value by the owners thereof or their duly authorized agents, to the clerk, who shall act as ex officio tax commissioner and tax receiver. Such returns shall be made by the taxpayer on or before April first of each year. If such properties are not returned by April first, or if returned at less than their fair market value, the clerk shall assess such properties at their fair market value from the best information obtainable as to their value for the taxable year, but such assessment shall not become final until twenty (20) days after such property owner shall be notified of said assessment by registered mail by said clerk. If the property owner is dissatisfied with such assessment as made, said owner shall file his objections in writing with registration of all franchises.	<i>This section was added to clarify the city's authority to grant franchises.</i>

CHARTER CHANGES		REASON
(b) <u>If no franchise agreement is in effect, the city council within such twenty (20) days from the date of the within notification and if no appeal is made within such twenty (20) day period the assessment of the tax commissioner shall be and become final. (1973 Ga. Laws, page 2821, § 5) Sec. 27. [Valuation of property for taxation; delinquency; collection]. All property subject to ad valorem taxation shall be assessed at forty (40) percent of its fair market value and taxed according to forty (40) percent of its fair market value and pursuant to O.C.G.A. § 48-5-353 by a levy of Peachtree City against such property. All ad valorem taxes shall be due and payable on December twentieth, in the year for which they are levied and assessed, and all taxes shall bear interest at seven (7) percent per annum from their due date, and said city shall have a lien upon all property of the taxpayer prior and superior to all other liens from the first day of January of the year for which such taxes are levied and assessed, except as otherwise provided by law. If such taxes are not paid on said due date then execution shall be issued in the name of the city by the clerk not later than fifteen (15) days thereafter and recorded on the general execution docket tax fi. fas. for taxes not paid when due, and proceed at once to advertise, levy and collect same as provided by law for collection of ad valorem taxes. At any such sale, the city shall have the right to purchase any such property so sold. Such tax fi. fas., however, may be sold and transferred by the clerk, with the approval of the council, for the full amount of taxes and accrued interest and costs. Said clerk, as ex officio tax commissioner and tax receiver, shall perform such other duties as may be incident to the office or the duties thereof, and such others as may be required by ordinance. (1973 Ga. Laws, page 2821, § 6) Sec. 28. [Bonding and insurance business tax and occupational and license tax authorized; tax on entertainments; street tax]</u> has the authority to impose a tax on gross receipts for the use of the city's streets for the purposes of railroads, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.		<i>This protects the city if a company refuses to enter into a franchise agreement but continues to operate in the city.</i>
Sec. 4.10 <u>Collection of Delinquent Taxes and Fees.</u> The city council shall have power and authority to levy, assess and collect a tax upon all bonding, insurance and other capital employed therein; to impose, levy and collect a specific or occupation tax and license against factors, bankers, agents, managers of give enterprises [sic], and all persons exercising an occupation, profession, trade, calling or business of any nature whatever within said city; provided, such tax or license is not in conflict with the laws of this state. The said council shall have power and authority to tax all theatrical performances, circuses, street parades, exhibitions, athletic events and all other kinds of shows, entertainments, and activities within the corporate limits of the city. It shall also have power and authority to levy and collect a street tax on every inhabitant of the city subject to road duty between the ages of eighteen (18) and fifty (50) years; provided, such street tax shall not exceed three dollars (\$3.00) per annum for each person; and provided, further, that such person may satisfy the same by working one day on the streets under the direction of the city authorities; and in case of a failure to do said work or pay said street tax, the police court may enforce the same by fine, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city by whatever means as are not precluded by law. This shall include providing for the dates when taxes or fees are due; late penalties or interest; issuance and execution or compulsory labor on the streets in the discretion of the recorder as may be provided by ordinance. Sec. 29. [of fi.fas.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.		<i>This clarifies the city's power to collect delinquent taxes and fees.</i>

CHARTER CHANGES	REASON
Sec. 4.11. Authority to license, regulate and control business and other activities. Unless otherwise prohibited by law, the city council of said city shall have full power and authority to license, regulate and control all businesses and activities of every kind and character carried on within the corporate limits of said city, including, but not limited to markets, taverns, hotels, boardinghouses, cafes, restaurants, saloons for the sale of creams, ices and such articles, barbershops and beauty shops, ice plants, laundries, waterworks, swimming pools, recreation establishments, pool rooms, opera houses, theaters, picture shows, drays, hacks, taxis, wagons, automobiles used for hauling of any kind, and vehicles used for brokers, agents, auctioneers, itinerant dealers, immigrant agents, all fire or life insurance companies doing business in said city, traders of all kinds, itinerant dealers in merchandise, itinerant dealers in jewelry and medicine except such as are exempt by the laws of this state. Also any person running a flying jenny, flying horse, merry-go-round, shooting gallery, bicycle or skating rink and all circuses, side shows and all other shows or performances exhibiting in said city, and all persons, firms, companies or corporations, selling goods, wares and merchandise by sample advertisement of retail, or by wholesale, and all other businesses, callings or vocations which under the constitution and laws of this state are not exempt from licenses. Sec. 30.[Same-Ordinance, rules and regulations]. The council shall have full power and authority to provide, by ordinance, a tax or license ordinance for each of the businesses, occupations or professions, trades or vocations which, under the laws of this state, are subject to municipal license; classifications of different classes of businesses, occupations or professions; proration of the license fee or tax; to enact all other rules and regulations necessary and proper in the premises. (1973 Ga. Laws, page 2821, § 7) Sec. 31.[Revoking business unless prohibited from doing so by law.	<i>This reflects current stat law and eliminates antiquated businesses. The language was written in a general manner so that it will not become antiquated as businesses, and types of businesses, may change.</i>
Sec. 4.13. Revoking licenses and prohibiting operation. (a) Unless otherwise prohibited by law, the city council of said city may revoke the license of, or prohibit the operation of, any business or establishment for which a license may have been issued, in the event the same becomes a nuisance or is dangerous, hazardous or injurious to the health or morals of the inhabitants of said city and in case of such license shall be refunded. But no license shall be revoked.	<i>The changes improve the readability of this section.</i>
(b) No revocation or prohibition shall occur without giving written notice to the person, firm or corporation conducting such business, said notice stating the reasons why such license is being revoked or prohibition is occurring, and affording such person, firm or corporation an opportunity to be heard on the question before the said council, the said notice setting forth the time and place of the hearing on the revocation of such license or prohibition. At said hearing the person holding said license or conducting said business, or the firm or corporation holding or conducting the same, may submit to said council whatever evidence he may desire touching upon the question of revocation of such license or prohibition of such business.	<i>(see above)</i>
(c) The decision of the city council revoking any such license or prohibiting such business shall be final.	<i>(see above)</i>

CHARTER CHANGES	REASON
ARTICLE V. PERSONNEL <u>Sec. 5.1. Position Classification and Pay Plans.</u> <u>The city manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan.</u>	<i>This reflects the recent adoption of the pay plan.</i>
<u>Sec. 5.2. Personnel Policies.</u> <u>All employees serve at-will and may be removed from office at any time unless otherwise provided in this charter, by ordinance, or by adopted personnel policies.</u>	<i>This reiterates the fact that all city employees serve at-will and do not have a property interest in their jobs.</i>
<u>Sec. 5.3. Social security, hospitalization and workmen's compensation benefits for employees authorized.</u> <u>The city council shall be authorized to provide insurance, retirement, and other pension benefits, coverage under federal old age and survivors insurance programs, hospitalization benefits and workmen's compensation benefits for its employees, their dependents and survivors, and shall be authorized to expend funds of said city. The city council shall be authorized to provide for social security benefits for its employees as provided by the laws of the United States.</u>	<i>This reflects the current compensation package paid by the city and eliminates antiquated language.</i>
ARTICLE VI. COUNCIL POWERS AS TO ANIMALS, EMINENT DOMAIN AND STREETS <u>Sec. 6.6. Council powers as to animals and fowl.</u> <u>The city council of said city shall have the power and authority to prevent horses, mules, cattle, hogs, sheep, dogs, goats and all other animals or fowls (1) to prevent all animals and fowl from running at large in said city and;</u>	<i>Self-explanatory.</i>
<u>(2) to prevent and prohibit the keeping of cattle grazing, hogs herd, and goats other traditional farm animals within the city limits, or to regulate the manner in which they must be kept if allowed to remain.</u>	<i>Self-explanatory.</i>
<u>(4) to sale such animals as referred to above when the owner or owners of such animal or animals so impounded, shall fail or refuse to pay the impounding fee and cost of keeping said animal or animals, said animal or animals may be sold at public outcry and the proceeds applied to the payment of said feed and cost of keeping said animal or animals; or</u>	<i>Self-explanatory.</i>

CHARTER CHANGES	REASON
(c) Without limiting the generality of the foregoing the city shall have full and complete power and authority to exercise the power of eminent domain to acquire rights to take water from navigable and nonnavigable streams and from lakes and other places within and without the corporate limits of said city and within and without the County of Fayette; and to exercise such power of eminent domain to acquire land or any interest therein, within and without the corporate limits of said city and within and without the County of Fayette, necessary for water, sewer and electric lines, other utilities, gas pipe lines and airport property and facilities, together with the usual and necessary appurtenances therefor, or such land or any interest therein necessary in order to lay out, grade, open, pave, straighten, maintain, elevate, lower, improve and relocate, streets, lanes, sidewalks, alleys, recreational paths, and ways on, in, across, along, through, under or over private property, and property already devoted to public use, and particularly Fayette County School District property; and also under, over or across the rights-of-way of public utility companies, such as railroad, express, telephone, telegraph, electric, gas, street railway, trackless trolley and bus companies railroads, and all others having the right to acquire private property by exercise of the power of eminent domain or any similar power.	<i>Self-explanatory.</i>
Sec. 6.34. Street powers. (a) Said city shall have full and complete power and authority to open, lay out, grade, widen, construct, pave, re-pave, curb, and otherwise permanently improve any and all streets, sidewalks, alleys, recreational paths, and ways, and to maintain, relocate, repair, re-pave, extend, abandon or close them, and to construct, maintain, repair, replace and remove street curbing, streets, sidewalks, alleys, recreational paths, or ways.	<i>The language was changed so that each section now refers to streets, sidewalks, alleys, recreational paths, or ways.</i>
(b) (i) To provide funds for the purpose of improving or removing sidewalks, curbing and sewer, the associated construction costs, except costs of sewers which cannot serve the abutting real estate nor the owners thereof, may be assessed against the abutting real estate and owners thereof, but only on the side of the street on which such improvements are made, if on one side only.	<i>Self-explanatory.</i>
<u>(ii) To provide funds for these purpose of improving or removing streets, alleys and ways, one-third of the cost of street associated construction costs may be assessed against abutting real estate and owners thereof on one side of such street, and one-third (1/3) against abutting real estate and the owners thereof on the other side, the city paying the remaining third. In real estate subdivisions all street construction costs may be assessed against the abutting real estate and owners thereof.</u>	<i>Self-explanatory.</i>
<u>(iii) To provide funds for these purpose of improving or removing recreational paths, one-half of the associated construction costs may be assessed against the owners of and all real estate situated in a subdivision to which or in which such new recreational paths are constructed or removed. The city shall pay the remaining one-half.</u>	<i>This was added to provide a mechanism for assessing costs of adding recreational paths.</i>

CHARTER CHANGES	REASON
ARTICLE VII. PUBLIC IMPROVEMENTS; ASSESSMENT Sec. 35. Sewer cost assessment. Cost of sewers shall not be assessed against abutting real estate which cannot be served or benefited by such sewers which are constructed solely for the benefit of other real estate or the owners thereof other than such abutting real estate; in which latter case, the cost may be assessed against the real estate to be served for which such sewer is constructed. Sec. 36. Water line cost assessment. The cost of water lines may be assessed against the abutting real estate and owners thereof when such lines are constructed solely for their benefit. Sec. 37. 7.1 Improvement assessment ordinance. (a) Provision shall be made by ordinance for all sewer, sidewalk, street, alley, recreational path, way, or street curbing construction, maintenance or repairs if any part of the cost thereof is to be assessed against abutting or other real estate or the owners thereof. (b) <u>After the first reading of such ordinance, notice that it has been introduced shall be published one time by the city clerk in the official newspaper in which sheriff's advertisements for Fayette County appear at least eight (8) days before final passage of said ordinance. Said notice shall state that such ordinance has been introduced in the council and shall include a general description of the improvement, its location, estimated cost, and shall state that the actual cost or such part thereof as the ordinance provides, will be assessed against the abutting real estate and the owners thereof, or against such real estate and the owners thereof as shall be benefited by such improvement, and that anyone objecting to such improvement, or objecting to the amount of his or her assessment may appear and make such objections at the next regular meeting of the council after the expiration of said eight (8) days. Notice shall also be sent by the city clerk via certified mail to the owners of such property at the street address of all real estate which is affected by the assessment. Receipt of the notice by the owner of the real estate is not required. Information concerning names of owners and street addresses obtained from the Fayette County Tax Commissioner's Office shall be deemed to be adequate for the purposes of providing this notice.</u> No other or further notice of any kind shall be required, but if some other notice is given or ordered to be given, failure to give such additional notice shall not invalidate such ordinance or the assessment of such costs or the lien herein created against such abutting or other real estate nor the ordinance assessing the costs of such improvement. The second reading of such ordinance shall not be waived until the expiration of said eight (8) days after said publication of notice required by this section. But after the expiration of said eight (8) day notice such ordinances may be taken up and adopted at any regular meeting of the council without further notice.	<i>This was changed to reflect that the city does not install water lines and the language was changed to include alleys, etc.</i> <i>A new notice provision was added so that information was more likely to reach the affected property owners.</i>

CHARTER CHANGES	REASON
Sec. 7.2. <u>Improvement assessment against public property.</u> <u>When the city council orders any sewer, sidewalk, street, alley, recreational path, way, or street curbing paved or otherwise improved, upon which any public property abuts, the city council shall assess the cost of such improvements against said public property in the same manner and to the same extent as it does where private property is assessed. And when any street sewer, sidewalk-of, street, alley, recreational path, way, or street curbing is paved or otherwise improved upon which public property abuts and the public officer or agency controlling such public property fails or refuses to pay the assessed cost of such improvements the city council shall enforce payment of the same by levy and sale, mandamus or other appropriate legal proceedings; provided, such action for collection of the assessed cost of such improvements upon which public property abuts may be defended by the authorities in control of said public property by proving that the amount claimed to be due, or some part thereof, is not justly due or owing by said authorities; and, provided further, that when any action is begun and said authorities admit that part of the amount claimed is due, the amount so admitted to be due shall be paid as a condition precedent before any defense shall be heard by any court.</u>	<i>Self-explanatory.</i>
(a) To secure costs of streets-sewer, sidewalk, sewer-and-street, alley, recreational path, way, or street curbing assessed against abutting or other real estate and the owners thereof, and costs of repair of any of these, said city shall have a lien against such abutting real estate and the owners thereof, or against the real estate and the owners thereof for the sete-primary benefit of which such improvement is made, from the date of adoption of the ordinance providing for the work and assessing the cost, which lien shall be prior and superior to all other except state, county and city taxes, and said city shall have the right to sell and transfer all such liens and claims to third parties, who shall be protected by the same lien and rights as the city has and holds against such property and the owners thereof.	<i>Self-explanatory.</i>
ARTICLE VIII. MUNICIPAL COURT (b) This court shall have the power (3) to try all offenses within the territorial limits of Peachtree City constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal or petite-courts to the extent of and in accordance with the provisions of such laws and all laws subsequently enacted amendatory thereof;	<i>Self-explanatory.</i>
(4) to establish bail-and feesfeesfees to insure the presence of those charged with violations and to prescribe the conditions of forfeiture of the same; and	<i>Self-explanatory.</i>

CHARTER CHANGES	REASON
Sec. 8.2. Judge. (a) No person shall be qualified or eligible to serve as judge unless he shall have attained the age of twenty-one (21) years, and shall not have been convicted of a crime involving moral turpitude. The mayor, or any councilman, may serve as judge, or any person who shall be (b) No person shall be qualified or eligible to serve as judge unless he shall be a licensed member of the Georgia State Bar, in good standing, who is also licensed to practice law in the State of Georgia. (c) Neither the mayor, any member of council, appointed officer, nor any employee of Peachtree City shall be qualified or eligible to serve as judge.	<i>These changes reflect current state law and require the Judge to be a licensed member of the Georgia Bar who is licensed to practice law.</i>
(f) Before entering on duties of his office, the judge or judge pro hac vice shall take an oath before an officer duly authorized to administer oaths in this state the mayor or mayor pro tem, that he will truly, honestly and faithfully discharge the duties of his office to the best of his ability without fear, favor or partiality. This oath shall be entered upon the minutes of the meeting of the mayor and council.	<i>Self-explanatory.</i>
Sec. 8.3. Jurisdiction. (a) Unless a lesser penalty is provided by ordinance or a greater penalty is provided by general law, the judge shall have power to impose fines, costs and forfeitures for the violation of any law or ordinance of Peachtree City passed in accordance with this Charter, as follows:	<i>Self-explanatory.</i>
(2) to imprison offenders for a period of not more than twelve <u>six</u> (12-6) months for each offense;	<i>This reflects current law.</i>
or at labor on <u>(3) the roads and streets or other public works of said city to commit offenders to community service for not more than twelve</u> forty <u>(40)</u> hours per week for a period of not more than six <u>(12-6)</u> months for each offense; and	<i>This gives the Judge the power to order community service.</i>
<u>(4) to combine any one or more of these punishments in the discretion of the judge.</u>	<i>Self-explanatory.</i>
(b) Said judge shall not have the authority to inflict a greater punishment for contempt than to impose a fine of one <u>two</u> hundred dollars (\$1<u>2</u>00.00) or imprisonment not exceeding twenty <u>ten</u> (20 <u>10</u>) days, or any combination of the two. He shall be to all intents and purposes a justice of the peace, so far as to enable him	<i>This reflects the powers given to Superior Court Judges.</i>
(c) The judge shall be authorized to issue warrants for offenses committed within the corporate limits of Peachtree City, which warrants may be executed by any police officer of said city, and to commit the offenders to jail or admit them to bail or recognizance in bailable cases for their appearance at the next term of court of competent jurisdiction.	<i>Self-explanatory.</i>

CHARTER CHANGES	REASON
(d) The judge is hereby authorized to issue subpoenas to compel the attendance of witnesses to said municipal court, and to issue such other processes as may be necessary for the proper administration of said court.	<i>Self-explanatory.</i>
(g) The municipal court is specifically invested with all jurisdiction and powers throughout the entire area within the corporate limits of the city granted by state laws generally to mayors, municipal, police courts, and particularly such laws as authorized the abatement of nuisances.	<i>This reflects the terminology now used by the state law.</i>
<u>Sec. 8.5. Court costs compelling witness attendance.</u> In all cases in the municipal court of Peachtree City, the costs incurred and allowable herein may be computed under the provisions of the laws of the State of Georgia fixing costs in the justice of the peace courts of said state or the city council may establish by ordinance a schedule of fees to defray the costs of operation. The council may also provide a uniform scale of costs of the clerk and police officers of said city for all services in the arrest and prosecution of offenders in the municipal court and in the issuance and collection of tax and other executions; and for their collections and payment into the city treasury. The judge is hereby authorized to issue subpoenas to compel the attendance of witnesses to said municipal court, and to issue such other processes as may be necessary for the proper administration of said court.	<i>Self-explanatory.</i>
ARTICLE IX. LEGAL GENERAL PROVISIONS <u>Sec. 9.1. Existing Ordinances, Resolutions, Rules and Regulations.</u> All ordinances, resolutions, rules and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the city council.	<i>Self-explanatory.</i>
<u>Sec. 9.2. Existing Personnel and Officers.</u> <u>Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges and powers shall continue beyond the time this charter takes effect until otherwise decided by the city council.</u>	<i>Self-explanatory.</i>
<u>Sec. 9.3. Pending Matters.</u> <u>Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city personnel or officers as may be provided by the city council.</u>	<i>Self-explanatory.</i>

CHARTER CHANGES		REASON
<u>Sec. 9.4. Severability.</u> If any article, section, subsection, paragraph, or sentence of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph and sentence be enacted separately and independent of each other.		<i>Self-explanatory.</i>
<u>Sec. 9.5. Gender.</u> The use of masculine pronouns in the charter shall include the feminine unless specifically referring to a male.		<i>Self-explanatory.</i>

Memorandum

DATE: March 12, 2001

TO: Richard P. Lindsey

FROM: Joel H. Cowan

SUBJ: City Charter

Following are my comments on the draft you sent:

1. Sec. 1.3(a) I raise the question how you have police power over extraterritorial land. Sanitary there is a matter of maintenance, not law.
I would also add to the list parks, Greenspace and airports.
2. Sec. 2.1(c) I would be tempted to make references to city council and council in uppercase here and throughout where it is used such as in the next to the last line of 2.1 (d). This adds importance and visibility to duties.
3. Sec. 2.1(d) "...vacancies by council: it would seem desirable to have a deadline such as "within 30 days" to compel action. Otherwise, there may be an agenda of one or more members to delay to allow a particular vote.
4. Sec. 2.1(e) I think I would compel a meeting at least once a month. There are times when members deny a quorum to negate a needed action. The City of Kingston did this for over a year. Further, it is hard to determine if a member is performing their duties without a standard of meeting before they run for office.
5. Sec. 2.3 I think that under the "weak mayor" form of government, the Mayor still needs to be the visible spokesperson for the city. I would state that the Mayor is the chief spokesperson for the city and that the Mayor would represent the city at all appropriate gatherings. Thus, I would give power to sign minor documents (proclamations, keys to city) and to authorize some level of expenditure or some level of actions.
6. Sec. 2.3+ There are several instances where the document is gender specific. This is the first "...and it shall be his duty..." I would assume this day and time that this is an oversight and would suggest that a simple word search be performed to correct throughout, since I noticed several such references.
7. Sec. 2.4 I still think the Mayor should have veto authority with a Council override mechanism. I assume this has been talked about and discarded.
8. Sec. 2.5(d) Should it be explicit that, after sitting out a term, the person would be eligible once again?
9. Sec. 2.6(c) I may have missed it, but are the duties and authority of the Mayor Pro Tem spelled out in a separate paragraph? If not, they should be.

10. Sec. 2.16(b)(i) I think it is limiting to be explicit about actual training and experience. This can actually result in a less qualified person being accepted or suing for acceptance on the strength of this provision.
11. Sec. 2.16(d) Add "from his/her duties...by majority vote." Also, immediately after this I would delete according and add "subject to the terms of the contract."
12. Sec. 2.16(e) Add: "Unless waived by the Mayor and Council, the city manager shall give bond..."
13. Sec. 2.16(f) 11 Seems here (and others if it occurs) it should be Mayor and Council.
14. Sec. 2.18 Reference to uniforms may be limiting. What about detectives etc.
15. Sec. 4.1 3rd line: This tax is for the purpose of providing revenue...
16. Sec. 4.1 Next to the last line: I am troubled by the limitations of the word general. You might prefer "proper obligations". However, if this is reference to a General Obligation bond it might be clearer and broadened to include "bonded indebtedness or simply proper debts of the city."
17. Sec. 4.3 I don't like the use of "raising revenue" here. Taxes "raise revenue" (synonymous with income) whereas bonds "provide funds". Also "carry out" a project seems a little clumsy when used in the capital sense.
18. Sec. 4.4 I would change the second sentence to read, "Such revenue bonds are to be serviced (alternately "repaid") out of specific (alternately "not any") revenue produced by the project, program or venture for which they were issued and are not the general obligation of the city."
19. Sec. 4.8 The next to the last line seems to limit the fee to the cost of the regulation. This is very difficult and impossible to audit. In fact, I don't think it is the proper measure since it is a tax and doesn't need to be accountable for what it might cost.
20. Sec. 4.9(a) I believe there is a mistake here in that this does not flow "...for the purpose of telephone companies..."
21. Sec. 4.10 Add: "...dates when taxes or fees are due; late penalties and/or interest; issuance and execution..."
22. Sec. 5.2 "...or by adopted contract or personnel policies."

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CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council

FROM: City Manager 

DATE: March 14, 2001

SUBJECT: Charter Changes

Councilman Tennant requested a printout of the charter changes that will be discussed tomorrow night with a brief explanation as to why the changes were being proposed. The attached printout includes the major changes being proposed. Housekeeping changes (such as changing "councilman" to "councilmember", etc.) have been omitted, or incorporated into the text that is present.

I apologize for the late timing of forwarding this, but it was suggested yesterday and seemed to provide information in a format that you may find helpful for your discussion tomorrow.

The format is legal size, so if you would like a hard copy, please let me know and we can have one for you at City Hall. Please let me know if you have any questions.

JB/bt

CURRENT CHARTER DRAFT 3/8/01

ARTICLE I. IN GENERAL

Sec. 1.1 ~~{Incorporation}~~ Reincorporation; corporate powers}.

~~That (a) Peachtree City, in Fayette County, be and the same is hereby incorporated as a city under the name and style of "Peachtree City", and as such constitutes inhabitants thereof, are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate of said state under the name and county style Peachtree City, Georgia, and by that name and style shall have perpetual succession with.~~

(b) Said city shall have full powers to govern itself by such ordinances, bylaws, rules and regulations for municipal purposes as may be deemed proper and not in conflict with this Charter, the constitution or laws of this state or the United States.

(c) Said city shall have full power in and by said corporate name

(1) to contract and be contracted with;

(2) to sue and be sued;

(3) to plead and be impleaded;

(4) to purchase, hold, receive, enjoy, possess and retain for the use of and benefit of said Peachtree City or the inhabitants thereof in perpetuity or for any term, any estate, real or personal, or lands, tenements or hereditaments of any kind, within or without the limits of said city, for corporate purposes;

(5) to use, manage, improve, sell, convey, rent or lease any such estate or property;

(6) to have and use a common seal; and

(7) to perform all acts necessary or incident to its corporate existence or capacity.

(d) In addition, the city shall have all powers possible for a city to have under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

(e) The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(f) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.

Sec. 1.2. {Corporate limits}.

~~The corporate limits of said city shall be and are defined as follows: All that territory and the inhabitants thereof embraced and contained in the sixth land district of Fayette County, Georgia, being land lots numbered 24 to 63, inclusive, and all that territory and the inhabitants thereof~~

embraced and contained in the seventh land district of Fayette County, Georgia, being land lots numbered 64 to 68, inclusive, and land lots numbered 90 to 103, inclusive, and land lots numbered 122 to 135 inclusive, and land lots numbered 155 to 162, inclusive, and such tracts and parcels as shall be incorporated within the corporate limits of said city pursuant to law.

(1973 Ga. Laws, page 2821, § 1) **Sec. 2.1.** — **[Deannexation].** Any other provision of section 2 of this Charter notwithstanding, the following described property is hereby deannexed and excluded from the corporate limits of the City of Peachtree City: All that tract or parcel of land lying and being in land lot 155 and possibly in land lot 154 of the seventh land district of Fayette County Georgia and being that 5.813 acres of land shown on a plat of survey dated 7/29/83, prepared by Lum G. Hall, registered land surveyor for Robert L. House and being more particularly described as follows: BEGINNING at an iron pin on the eastern side of State Highway 74, 1295.65 feet south of the southeast corner of Highway 74 and Crabapple Lane; running thence South 03 degrees 01 minutes 25 seconds West along the eastern side of State Highway 74, 420 feet to an iron pin; running thence South 85 degrees 35 minutes 04 seconds East 648.30 feet to an iron pin; running thence North 00 degrees 02 minutes 32 seconds East 375 feet to an iron pin; running thence North 81 degrees 24 minutes 35 seconds West 631.58 feet to the point of beginning.

(1993 Ga. Laws, page 4380, § 1) **Sec. 3.** — [boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be described in an ordinance adopted by city council and shall be shown on a map to be retained permanently by the city clerk, or his successor.]

Sec. 1.3. Corporate authority and territorial jurisdiction of governing body and officers}.

(a) The corporate authority of said city and the territorial jurisdiction of the governing body and the officers thereof shall extend, for police and sanitary purposes, over all lands which are controlled and all lands which may hereafter be owned or controlled by said city for waterworks, electric light, sewerage, drainage, or cemetery purposes outside of the territory as indicated in section 1 hereof.this Article.

(b) The governing body and officers of said city shall have full power and authority to make and enforce such ordinances, bylaws, rules and regulations as they may deem necessary to protect the land, premises, and other property referred to in this sectionArticle and all rights and interest of said city therein as fully and completely as if the same were located within the limits of said city proper as indicated in section 1.2 hereof.

ARTICLE II. GOVERNING BODY; DEPARTMENTS; APPOINTIVE OFFICERS

Sec. 42.1. {Governing body; composition, quorum, meetings}.

(a) The government of said city shall be vested in a mayor and four (4) councilmen, initially

appointed and thereafter councilmembers chosen as hereinafter provided, and in such other officers and employees as are provided for by this act required under the terms of the charter, and in such other officers and employees as the mayor and councilmembers consider necessary and proper to appoint and employ as hereinafter provided.

(b) The chief administrative and operational officer of the city shall be the city manager.

(c) The mayor and councilmembers of said city shall collectively be known as "Council of Peachtree City" (hereinafter sometimes referred to as "city council" or "council" and when so referred to shall be construed to mean the Council of Peachtree City), in which all legislative powers of said city shall be vested. ¶

(d) Except as otherwise set forth below, the mayor and three (3) councilmembers, or four (4) councilmembers without the mayor, shall constitute a quorum of the city council. Less than a quorum may meet and compel the attendance of absentees as provided by ordinance. In the event the office of mayor and one or more offices of council shall become vacant or more than one office of council shall become vacant, then a quorum shall be the mayor and two (2) councilmembers, or three (3) councilmembers without the mayor. If two or more offices of council shall be vacant simultaneously or if the office of mayor and one or more offices of council shall be vacant simultaneously, then all of the remaining members of the council may meet to appoint persons to fill vacancies on the council, set the date for a special election and qualification thereof, and, if necessary, appoint a provisional mayor pro tem.

(e) The city council shall meet at such specified time and place as may be provided by ordinance. Special meetings may be called at any time by the mayor upon giving not less than twenty-four (24) hours notice of said special meeting.

Sec. 5 2.2. [Eligibility qualifications of mayor and councilmembers].

No person shall be eligible to hold the office of mayor or councilmember of said city unless he or she is twenty-one (21) years of age and is a qualified elector of said city who shall have continuously resided and maintained his or her domicile therein for at least six (6) months immediately preceding their election.

Sec. 6. — [his or her election. Except as authorized by law, the mayor and councilmembers shall not hold any other city office or city employment during the term for which each such person was elected unless the mayor or councilmember affected shall first resign.

Sec. 2.3. Duties and authority of mayor}.

The mayor shall be the chief executive officer of said city and it shall be his duty

(1) to preside at all meetings of the city council;

(2) to see that all meetings are conducted in a parliamentary manner;

(3) to preserve order and decorum in such meetings;

(4) to inflict such punishment upon any person guilty of contempt before said council as may

be authorized by municipal ordinances;

(5) to see that all laws, ordinances, rules, regulations and resolutions of the city council of said city are faithfully executed and enforced;

(6) to appoint and be an *ex officio* member of all committees;

(7) to see that all funds are properly accounted for and that all revenues are properly and promptly collected;

(8) to inform the council from time to time of the general condition of said city and its affairs and recommend such measures as he may deem necessary or expedient for the welfare of said city;

(9) to inspect or cause to be inspected by one or more of the ~~councilmen~~ councilmembers of said city the records and books of accounts of the ~~officers of said city~~ and see that they are properly and correctly kept to require such reports to be made by such ~~officers~~ city staff and given to the council ~~as he may deem proper~~;

(10) to see that order is maintained in said city and that its property and effects are preserved. ~~The said mayor shall exercise general supervision and jurisdiction over the affairs of the said city; shall have authority~~

(11) to convene the council in extra session as frequently as he may deem proper;

(12) to bind said city by signing any contract, obligation or other matter entered into and authorized by ordinances or resolution of the council of said city, properly passed in accordance with the provisions of this act; and

(13) to do acts and things as may be proper and necessary in the proper conduct of the affairs of said city and as may be hereinafter authorized.

~~(1970 Ga. Laws, page 2286, § 1) Sec. 7. — [~~

Subject to the limitations contained in this Charter, the said mayor shall exercise general supervision and jurisdiction over the affairs of the said city; however, the responsibility for the daily operation and administration of the city shall be delegated to the city manager who shall report on such activities to the mayor and councilmembers as hereinafter provided.

Sec. 2.4. Authority of mayor to vote; veto power; overriding veto.]

The mayor shall be entitled to vote on all questions before the city council.

~~Every ordinance and resolution passed and every election of an officer or employee by the council shall be subject to the veto of the mayor, except in those circumstances where the vote of the mayor was necessary for passage. In order to veto, the mayor shall, within four (4) days, write out his objections to such resolution, ordinance, or election; and the council shall, at the next regular or called meeting at which a quorum shall be present, order said objections entered in the minutes and take a vote on the question as to whether said ordinance, resolution, or other action shall be adopted over said veto. If three (3) councilmen vote in the affirmative, said resolution, ordinance or other action shall stand affirmed and shall become effective~~

without the approval of the mayor; otherwise, it shall not. The "ayes" and "nays" shall in all cases be entered on the minutes.

(1985 Ga. Laws, page 4202, § 1) **Sec. 8.** — [~~Designation of mayor and councilmen originally~~]. ~~There be and is hereby designated and named Joel H. Cowan, as mayor of said city and R. H. Huddleston, R. Hugh Huddleston, John E. Robinson and J. A. Pollard, as councilmen of said city who shall immediately take office upon the approval of this act as hereinafter provided upon taking oath of office herein prescribed, which said officers shall hold the respective office to which appointed until their successors are elected and qualified at an election held in said city as provided in section 9 of this act or until a vacancy should occur as provided in section 10 of this act.~~

Sec. 9. — [**Sec. 2.5.** Date of municipal general election; election of mayor and councilmen councilmembers, post designation; assuming office; term; oath]. ~~The.~~

(a) Pursuant to the law commonly referred to as the Georgia Municipal Election Code, the municipal general election shall be conducted ~~on the first Tuesday of December of each year except that after January 1, 1993, municipal general elections shall be held on the Tuesday next following the first Monday in November of each year.~~

(b) For the purposes of electing councilmen councilmembers, positions on the council shall be numbered as posts 1 through 4, respectively. Successors to those councilmen from posts 1 and 2 ~~whose terms of office expire on the date of the first scheduled meeting of the council in 1993, shall be elected at the municipal general election in 1992, shall take~~

(c) In 1992, Peachtree City altered the length of the mayor and councilmembers' terms from two years to four years. After a period of transition, the elections for posts 1 and 2 are held every four years from 1995 forward. The elections for mayor and posts 3 and 4 are held every four years from 1993 forward. All persons elected shall assume office on the date of that first scheduled meeting of the council which is held in 1993, and shall serve for terms of office of three (3) years each. Successors to the mayor and to those councilmen from posts 3 and 4 whose terms of office expire on the date of the first scheduled meeting of the council in 1994 shall be elected at the municipal general election in 1993, shall take office on the date of that first scheduled meeting of the council which is held in 1994, and shall serve for terms of office of four (4) years each. Thereafter, successors to the mayor and each councilman whose term of office is to expire shall be elected at the municipal general election immediately preceding the expiration of such term, shall take office at the first scheduled meeting of the council held first meeting in January following their election, and shall serve for terms of office of four (4) years each. Each person elected as mayor or councilman shall serve the terms specified in this paragraph and until the election and qualification of such person's respective successor, except in the case of special elections when such elected official shall assume office at the first meeting following the certification of the

election.

(d) After January 1, 1993, any mayor or ~~councilman~~ councilmember who has been elected for two (2) consecutive four-year terms under the provisions of this Charter shall not be eligible to be elected for the ~~succeeding term~~ same position of mayor or councilmember for the succeeding term; however, nothing contained herein shall prevent a person who has served as mayor for two (2) consecutive four-year terms to be eligible and qualified to be elected for a position as councilmember for the succeeding term. Likewise, nothing contained herein shall prevent a person who has served as councilmember for two (2) consecutive four-year terms to be eligible and qualified to be elected for a position as mayor for the succeeding term.

(e) The candidate for each respective office who shall receive the majority of votes cast for such office by the electors of said city shall be elected to such office. ~~This paragraph is enacted pursuant to the authority of O.C.G.A. § 21-3-64.~~

(f) Candidates elected to office shall on or before the day of assuming office qualify by taking and subscribing before the municipal judge, the mayor, or some other officer authorized by law to administer oaths, the following oath: "I ~~(A.B.)~~, do solemnly swear or affirm that I will well and truly perform the duties of (mayor) (mayor pro tem) (or councilman as the case may be) councilmember of Peachtree City by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of Peachtree City and ~~the common interest thereof~~ that I will support and defend the Charter and ordinances thereof as well as the constitution and laws of the State of Georgia and of the United States of America. So help me God." Such oath shall be filed with the city clerk, who shall ~~spread~~ record the same upon the minutes of the meeting of the council of Peachtree City, next following such filing, unless such oath is filed during a regular meeting of the said council in which latter case such oath shall be ~~spread~~ recorded upon the minutes of the meeting then in session.

~~(1973 Ga. Laws, page 2821, § 2; 1990 Ga. Laws, page 3891, § 1; 1992 Ga. Laws, page 5370, § 1)~~ **Sec. 10 2.6. [Filling vacancies on council].**

(a) In the event that the office of mayor, or the office of any one or more of the ~~councilmen~~ councilmembers shall become vacant by death, resignation, removal or otherwise, and said vacancy or vacancies are for unexpired terms of twelve (12) months or less, then said vacancy or vacancies may be filled by appointment and selected by majority vote of the city remaining members of the mayor and council; in the case of vacancies in said council, and by the ~~councilmen~~ councilmembers in the case of a vacancy in the office of mayor ~~and p.~~

(b) Persons so selected shall be duly qualified to fill such vacancies for the unexpired terms ~~provided it does not exceed twelve (12) months, except that should.~~

(c) The mayor, or in the case of a vacancy in the office of mayor, the mayor pro tem, shall determine the procedure for council to follow in the appointment process; provided, however, that

such procedure shall comply with the laws of the state and of the United States and, further, provided that such procedures are given to the members of council at least ten (10) days before the meeting during which such appointment is to be made.

(d) Should such vacancy occur prior to January 2, 1962, such twelve (12) month limitation shall not be applicable. On or after January 2, 1962 should such period or vacancies exceed twelve (12) months then a special election shall be called to determine the person who shall fill the unexpired term. The date of such special election shall comply with the laws of the state and of the United States. In the event of such vacancy or vacancies which exceed twelve (12) months, the city council may appoint an individual or individuals to fill such vacant office or offices until the date of the next available election. In no event shall any appointment be for a period exceeding one year.

Sec. ~~11~~ 2.7. {Declaration of vacancy in office of mayor or councilman}councilmember.

Should the mayor or any member of the council fail or refuse to perform the duties of his office for the term of three (3) consecutive months, or should any officer-elect refuse to qualify, the office may be, in the discretion of the majority of the remaining members of the council, declared vacant and the vacancy filled as above provided.

Sec. ~~12~~ 2.8. {Compensation of mayor and councilmen}councilmembers as fixed; expenses of office allowable}.

(a) The mayor shall receive an annual salary and each councilman}councilmember shall receive such annual salary as shall be reduced}established by ordinance during the proceeding term for which such official shall have been appointed or elected. Said salaries shall be paid in twelve (12) equal monthly installments on or before the last day of each month.

(b) In addition to their salaries, each councilman}councilmember may be reimbursed for actual out of pocket expenses incurred on behalf of the city.

(c) The city council may also provide for payment of all reasonable expenses which may be incurred by the mayor in the discharge of his duties, including such staff as may be appointed by the mayor.

Sec. ~~13~~ 2.9. {Organization of council; mayor pro tem; provisional mayor pro tem}.

(a) The city council shall at its organizational meeting and thereafter at its first regular meeting in January of each year, elect one of its members mayor pro tem for a term of one year, who shall discharge the duties and exercise the powers and authority of the mayor in the absence, disability or disqualification of the mayor and during a vacancy in the office of mayor provided his rights and duties as councilman}councilmember shall remain unimpaired, except he shall not receive the salary or expense of a councilman}councilmember while receiving the salary and expense of mayor when there is a vacancy in the office of mayor.

(b) Before entering on the discharge of his duties the mayor pro tem shall, in addition to the oath taken as ~~councilman~~councilmember, take and ~~subscribe~~ the oath prescribed for mayor pro tem.

(c) In case neither the mayor nor mayor pro tem can attend to or discharge the duties of mayor, whatever the cause, the city council shall elect a provisional mayor pro tem to act until a mayor or mayor pro tem can act, from its membership, who shall take the same oath and be clothed with all of the rights, power and authority of mayor until a mayor or mayor pro tem can act.

Sec. 14. — [Sec. 2.10 Council Interference with Administration.

Except for the purpose of formal inquiries and investigations, the city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

Sec. 2.11. Appointment of officers by council; removal; ~~salaries as fixed~~].

The city [council] shall at its organizational meeting and thereafter at its ~~regular meeting~~ in January ~~the discretion of each year~~ city council appoint a clerk. ~~They may also appoint a chief of police, fire chief, city engineer, building official, public works director, recreation director, and a librarian, and such other officers as may in their judgment be necessary to the best interest of the city, a city attorney, a city auditor, a city judge, a city manager and any other city positions as required by ordinance.~~ Such appointed ~~officers~~ individuals, after their initial appointment, need not be reappointed on an annual basis but shall serve subject to the pleasure of the mayor and council and may be removed from office by the council at any time ~~upon a showing of cause in accordance with the then-existing city personnel policies;~~ provided, further, that the mayor may suspend any ~~officials~~ such individual pending a meeting of the council to make a formal decision on termination. ~~Any officers appointed pursuant to this section will~~

Sec. 2.12. City Clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be the custodian of the official city seal and city records; maintain city council records as required by state law or by ordinance; and perform such other duties as may be required by the city council. The city clerk shall report to the city manager and shall be subject to all of the termination procedures therein and contained in rights, privileges and obligations of the city's personnel policies. The salaries of the officers provided for in this section shall be such as may be prescribed by ordinances of said city council. The said; however, the city clerk can be terminated or removed from such position only by the city council. The city council may appoint the city manager to serve as the city clerk.

Sec. 2.13 City Attorney.

The city council shall appoint a city attorney, which may be a law firm, and shall provide for the payment of such attorney for the services rendered to the city. The city attorney shall be

| responsible for the representation and defense of the city in all litigation in which the city is a
| party and will coordinate such representation with all attorneys provided to the city through
| applicable insurance contracts, if any; shall be the prosecuting officer in the municipal court;
| shall attend the meetings of the council as directed; shall advise the city council, mayor, and
| other officers and employees of the city concerning legal aspects of the city's affairs; and shall
| perform such other duties as may be required by virtue of the person's position as city attorney.

| **Sec. 2.14 City Auditor.**

| The city council shall appoint a city auditor who shall be a certified public accountant or
| accounting firm to ensure that the city's financial records are kept appropriately and according
| to the laws of this state and of the United States. The city auditor shall conduct an annual
| independent audit of all city accounts, funds and financial transactions. The audit shall be
| conducted according to generally accepted auditing principles.

| **Sec. 2.15 City Judge.**

| The city council shall appoint a city judge pursuant to the requirements of Section 8.2.

| **Sec. 2.16 City Manager**

| (a) The mayor and council shall fill any office which may become vacant to fill any unexpired
| term thereof.

| (Ord. No. 424, 2-19-1987; 1988 Ga. Laws, page 5217) ~~Sec. 15. — [Clerk]. The clerk of said~~
| city shall be the clerical appoint and contract with a city manager who shall serve subject to the
| pleasure of the mayor and council for a term as set forth in the contract and according to state law.
| The title of such officer shall be city manager of the city. His salary shall be determined by the
| mayor and council and included as a part of the contract. Such officer shall be the chief
| administrative and operational officer of the city council and shall be the keeper of the seal of said
| city and shall perform such duties as may be provided by this act and such additional executive
| duties as may be determined by the council.

| **Sec. 16. — [Police department].** The city council when deemed necessary delegated
| by the mayor and council. The city manager's job performance shall be evaluated and subject to
| review annually by the mayor and council.

| (b) (i) The city manager shall be selected on the basis of his character and his executive and
| administrative qualifications with special reference to his actual training and experience in
| the administration of city government. At the time of his appointment, such officer need not
| be a resident of the city, but during his tenure he shall reside within the city.

| (ii) Neither the mayor, nor any councilmember shall receive such appointment during the
| term for which he shall have been elected, nor within two years after the expiration of his
| term.

| (c) The council may remove the city manager by a majority vote according to the terms of
| the contract. At least 30 days before such removal shall become effective, the mayor shall set forth

the reasons for his removal. The city manager may, within ten days, reply in writing and may request a public hearing, which shall be held not earlier than 20 days, nor later than 30 days, after the filing of such request. After such public hearing, if one is requested, and after full consideration, the council by majority vote may adopt a final resolution of removal. By the preliminary resolution, the council may suspend the city manager from duty with pay.

(d) (i) The council may designate a person to perform the functions and duties of the city manager during his absence, disability or suspension.

(ii) Vacancies in such office shall be filled by the council as early as practicable; and until such vacancy is filled, the council shall have full powers to make a temporary appointment.

(e) The city manager may give bond in the penal sum fixed by the council, with surety approved by the council, payable to the city and its successors and assigns, for the benefit of the city and for use and benefit of the public, to secure and indemnify the city and each member of the public by reason of his default, misfeasance, malfeasance or nonfeasance in the performance of his duties. The premiums for such bond shall be paid by the city.

(f) The following powers and duties are conferred upon the city manager:

(1) *Enforcement.* To see that all laws and ordinances are enforced.

(2) *Conduct of city business affairs.* To see that the business affairs of the city are efficiently organized and handled.

(3) *Administrative and operational authority.* To exercise administrative and operational control over all regular departments and divisions of the city.

(4) *Advisory authority.* To attend all meetings of the council with the right to take part in all discussions but having no vote. The city manager shall act in an advisory capacity to the mayor and council in the formulation and operation of the city government.

(5) *Recommendation of legislation.* To recommend to the mayor and council for adoption such measures as he may deem necessary or expedient.

(6) *Preparation, submission of budget.* To prepare and submit to the mayor and council an annual budget.

(7) *Preparation, submission of financial reports.* To prepare and submit to the mayor and council, within 90 days after the end of each city's fiscal year, a complete annual report on the finances and administrative activities of the city for the preceding year, and make such other financial reports from time to time as may be required by the mayor or council or by the Charter of the city.

(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 in the current city budget, except those obligations such as may be otherwise provided by law, or by ordinance or resolution of the council.

- (9) | Appointments; creation, abolition of offices and functions. To hire, as required, department heads and employees for departments authorized by the council. Nothing in this subsection shall prevent the council from creating, abolishing, consolidating, altering or modifying departments; however, the city manager is authorized to recommend, subject to the approval of the council, the change, consolidation or abolishment of any of the offices, departments or functions over which he exercises supervision and control and to recommend the creation of new departments and offices.
- (10) | Obtaining legal advice. To request the counsel, advice or opinion of the city attorney concerning any matter affecting the interest of the city.
- (11) | Other duties. To perform such other duties as may be required of him by the council.
- (g) The city manager shall consult with and report to the mayor concerning city operations as the mayor may require. The city manager shall consult with and report to the council members as needed but in no event less than once each week.
- Sec. 2.17. Officers elected by council to perform described duties and give bond.**

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All ~~officers elected~~ officials appointed by said council shall discharge such duties in addition to those prescribed in this act as are, or may be, prescribed by ordinances of said council and shall give such bonds for the faithful discharge of their respective duties as said council may require; provided, the surety on the bond shall be a duly authorized guaranty or surety company, qualified to transact business in this state.

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Sec. 2.18 Police department.

The city council shall create a police department which department shall consist of a chief of police and such other police officers as the city council shall provide by ordinance. It. Subject to the requirements of the laws of the state and of the United States, it shall be the duty of the chief of police and the police officers to make arrests, within and without the limits of said city of all persons violating any ordinance of said city, and to make arrests of all persons who have violated the penal statutes of this state or of the United States, either with or without warrant or summons therefor. They shall have power to release all persons upon such bond as may be prescribed by such ordinances. Said police force shall be so uniformed

and armed as to be readily recognized by the public as peace officers, the arms and uniform to be furnished by the city and to remain the property of the city.

Sec. 17:

~~{Other departments may be created; employees thereof}.~~ **2.19 Fire department.**

The city council shall create a fire department which department shall consist of a chief and such other officers as the city council shall provide. It shall be the responsibility of this department to provide the citizens of the city protection from fires and other such hazards as the city council shall deem appropriate.

Additionally, the fire department may offer emergency medical services to the citizens of the city as deemed appropriate by the city council.

Sec. 2.20. Other divisions and departments; employees thereof.

The city council shall be and it is hereby authorized, without any further specific authorization on the part of the General Assembly, to create by proper ordinances such other divisions and departments and to prescribe their functions and the duties of the affairs and employees of such departments as it may deem necessary and ~~to~~for the best interest of the residents of Peachtree City.

Sec. 18:

~~{Officers elected by council to perform prescribed duties and give bond}.~~

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ARTICLE III. REGISTRATION OF ELECTORS; ELECTIONS

Sec. 3.19.

~~{~~ **Qualifications of electors}.**

No person shall vote in any primary or election conducted by the city unless he shall be duly registered and possesses the qualifications prescribed by O.C.G.A. § 21-2-216:

~~(1973 Ga. Laws, page 2821, § 3) Secs. 20, 21. Reserved. Editor's note--Ordinance No. 578, adopted May 21, 1992 (1993 Ga. Laws, page 5465), repealed former §§ 20 and 21, which pertained to registration of electors and the purging list, respectively, and derived from 1959 Ga. Laws, page 2409, and 1973 Ga. Laws, page 2821, § 4.~~

~~S e c . 2 2 .~~

~~{~~ as now or hereinafter amended.

Sec. 3.2. Voting by person not qualified therefor}.

Any person voting at any election of said city who is not a qualified voter according to the provisions of this ~~C~~harter, shall be guilty of a misdemeanor, and

upon conviction therefor shall be punished as prescribed in the penal code of this state.

Sec. 23:

~~[Opening and closing of polls; certifying election results]. The polls for the holding of all elections in and for Peachtree City shall be open at 7:00 o'clock a.m. and shall remain open until 7:00 o'clock p.m. Eastern Standard Time or such other time as shall hereafter be prescribed as the official time of the State of Georgia. The managers of each election shall certify the results thereof to the council who shall in the presence of and together with the several managers consolidate the returns of said election and declare the results thereof and who shall record same on the minutes of the council, and said record shall be the evidence of the results of said election.~~
3.3. Applicability of General Law.

All primaries and elections shall be held and conducted in accordance with the Georgia Municipal Election Code (Title 21, Chapter 3 of the Official of Georgia Annotated) as now or hereinafter amended.

ARTICLE IV. TAXATION; LICENSES
~~**Sec. 24. [General purpose and bond sinking fund ad valorem taxes authorized]. For; BORROWING**~~

Sec. 4.1 Property Tax.

The city council may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues for the support, operation and maintenance of said city and its affairs, including reserves for capital improvements, to defray the costs of operating the city government, of governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

Sec. 4.2 Millage Rate; Due Dates; Payment Methods.

The city council, by ordinance, shall establish a millage rate for the city property tax with a due date as established by the Fayette County Tax Commissioner. The Fayette County Tax Commissioner shall be the official tax commissioner for the city; however, if the Fayette County Tax Commissioner fails or refuses to act as such, then the Director of Financial Services shall be the official tax commissioner for the city and shall have all the necessary duties and powers to carry out this position as permitted by law.

Sec. 4.3 General Obligation Bonds.

The city council shall have full power and authority to levy, assess and collect in each year for such general purposes, an ad valorem tax on all property, real, personal and mixed, including money, notes, stocks, bonds and other evidences of debt, money used in banking and every other species of property in said city; or owned or held therein, the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

Sec. 4.4 Revenue Bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program or venture for which they were issued.

Sec. 4.5 Short-Term Loans.

The city, with the approval of city council, may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

Sec. 4.6 Lease-Purchase Contracts.

The city, with the approval of city council, may enter into multi-year lease, purchase or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of section 36-60-13 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.

Sec. 4.7 Occupational, Business, and Other Taxes.

The city council by ordinance shall have the power to levy such occupation, business, and other taxes as are not denied by law. The city council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawfully taxed by said city, which tax shall not exceed twenty-five (25) mills on each dollar of taxable value, and in addition such annual ad valorem tax shall be levied on each dollar of taxable value of such property; subject to taxation for bond purposes, as may be necessary to produce amounts required and sufficient to provide a sinking fund lawful and may compel payment of such taxes as provided herein.

Sec. 4.8 Regulatory Fees; Permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business within the city to obtain a permit for such activity from the city and pay a regulatory fee for such permit. Such fees shall reflect the total cost to the city of regulating the activity, and if unpaid, shall be collected as provided herein.

Sec. 4.9 Franchises.

(a) The city council shall have the power to grant franchises for the use of the city's streets for the purpose of paying the principal of an interest on the bonded indebtedness of said city as required by law. The ad valorem tax above authorized for general purposes and the bond sinking fund tax shall be levied by separate ordinances, and each shall specify the purpose for which the tax is levied, and all proceedings for collecting said taxes shall show the amount due on each of said tax levies.

Sec. 25:

~~[Authority to provide for tax returns, etc.]:~~ telephone companies, electric companies, electric membership companies, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city council receives just and adequate compensation therefor. The city council shall provide by ordinance for the returns and assessments of all taxable property in said city and provide suitable penalties for neglect or refusal to comply with the same.

Sec. 26:

~~[Return of property for taxation; ex officio tax commissioner and receiver]:~~ All properties subject to taxation by said city shall be returned for taxation at their true and fair market value by the owners thereof or their duly authorized agents, to the clerk, who shall act as ex officio tax commissioner and tax receiver. Such returns shall be made by the taxpayer on or before April first of each year. If such properties are not returned by April first, or if returned at less than their fair market value, the clerk shall assess such properties at their fair market value from the best information obtainable as to their value for the taxable year, but such assessment shall not become final until twenty (20) days after such property owner shall be notified of said assessment by registered mail by said clerk. If the property owner is dissatisfied with such assessment as made, said

owner shall file his objections in writing with registration of all franchises.

(b) If no franchise agreement is in effect, the city council within such twenty (20) days from the date of the within notification and if no appeal is made within such twenty (20) day period the assessment of the tax commissioner shall be and become final.

(1973 Ga. Laws, page 2821, § 5) **Sec. 27.**

[Valuation of property for taxation; delinquency; collection]. All property subject to ad valorem taxation shall be assessed at forty (40) percent of its fair market value and taxed according to forty (40) percent of its fair market value and pursuant to O.C.G.A. § 48-5-353 by a levy of Peachtree City against such property. All ad valorem taxes shall be due and payable on December twentieth, in the year for which they are levied and assessed, and all taxes shall bear interest at seven (7) percent per annum from their due date, and said city shall have a lien upon all property of the taxpayer prior and superior to all other liens from the first day of January of the year for which such taxes are levied and assessed, except as otherwise provided by law. If such taxes are not paid on said due date then execution shall be issued in the name of the city by the clerk not later than fifteen (15) days thereafter and recorded on the general execution docket tax fi. fas. for taxes not paid when due, and proceed at once to advertise, levy and collect same as provided by law for collection of ad valorem taxes. At any such sale, the city shall have the right to purchase any such property so sold. Such tax fi. fas., however, may be sold and transferred by the clerk, with the approval of the council, for the full amount of taxes and accrued interest and costs. Said clerk, as ex officio tax commissioner and tax receiver, shall perform such other duties as may be incident to the office or the duties thereof, and such others as may be required by ordinance.

(1973 Ga. Laws, page 2821, § 6) **Sec. 28.**

[Bonding and insurance business tax and occupational and license tax authorized; tax on entertainments; street tax] has the authority to impose a tax on gross receipts for the use of the city's streets for the purposes of railroads, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.

Sec. 4.10 Collection of Delinquent Taxes and Fees.

The city council shall have power and authority to levy, assess and collect a tax upon all bonding, insurance and other capital employed therein; to impose, levy and collect a specific or occupation tax and license against factors, bankers,

agents, managers of give enterprises [sic], and all persons exercising an occupation, profession, trade, calling or business of any nature whatever within said city; provided, such tax or license is not in conflict with the laws of this state. The said council shall have power and authority to tax all theatrical performances, circuses, street parades, exhibitions, athletic events and all other kinds of shows, entertainments, and activities within the corporate limits of the city. It shall also have power and authority to levy and collect a street tax on every inhabitant of the city subject to road duty between the ages of eighteen (18) and fifty (50) years; provided, such street tax shall not exceed three dollars (\$3.00) per annum for each person; and provided, further, that such person may satisfy the same by working one day on the streets under the direction of the city authorities; and in case of a failure to do said work or pay said street tax, the police court may enforce the same by fine, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city by whatever means as are not precluded by law. This shall include providing for the dates when taxes or fees are due; late penalties or interest; issuance and execution or compulsory labor on the streets in the discretion of the recorder as may be provided by ordinance.

Sec. 29.

{of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

Sec. 4.11. Authority to license, regulate and control business and other activities--General and miscellaneous}activities.

¶Unless otherwise prohibited by law, the city council of said city shall have full power and authority to license, regulate and control all businesses and activities of every kind and character carried on within the corporate limits of said city; including, but not limited to markets, taverns, hotels, boardinghouses, cafes, restaurants, saloons for the sale of creams, ices and such articles, barbershops and beauty shops, ice plants, laundries, waterworks, swimming pools, recreation establishments, pool rooms, opera houses, theaters, picture shows, drays, hacks, taxis, wagons, automobiles used for hauling of any kind, and vehicles used for brokers, agents, auctioneers, itinerant dealers, immigrant agents, all fire or life insurance companies doing business in said city, traders of all kinds, itinerant dealers in merchandise, itinerant dealers in jewelry and medicine except such as are exempt by the laws of this state. Also any person running a flying jenny, flying

horse, merry-go-round, shooting gallery, bicycle or skating rink and all circuses, side shows and all other shows or performances exhibiting in said city, and all persons, firms, companies or corporations, selling goods, wares and merchandise by sample advertisement of retail, or by wholesale, and all other businesses, callings or vocations which under the constitution and laws of this state are not exempt from licenses.

~~S e c . 3 0 .~~

~~[Same--Ordinance, rules and regulations].~~ The council shall have full power and authority to provide, by ordinance, a tax or license ordinance for each of the businesses, occupations or professions, trades or vocations which, under the laws of this state, are subject to municipal license; classifications of different classes of businesses, occupations or professions; proration of the license fee or tax; to enact all other rules and regulations necessary and proper in the premises:

~~(1973 Ga. Laws, page 2821, § 7) Sec. 31.~~

~~[Revoking business unless prohibited from doing so by law.~~

Sec. 4.13. Revoking licenses and prohibiting operation].

~~¶(a) Unless otherwise prohibited by law, the city council of said city may revoke the license of, and/or prohibit the operation of, any business or establishment for which a license may have been issued, in the event the same becomes a nuisance or is dangerous, hazardous or injurious to the health or morals of the inhabitants of said city and in case of such license shall be refunded. But no license shall be revoked.~~

~~(b) No revocation or prohibition shall occur without giving written notice to the person, firm or corporation holding/conducting such license/business, such/said notice stating the reasons why such license is being revoked or prohibition is occurring, and affording such person, firm or corporation an opportunity to be heard on the question before the said council, the said notice setting forth the time and place of the hearing on the revocation of such license/prohibition. At said hearing the person holding said license or conducting said business, or the firm or corporation holding or conducting the same, may submit to said council whatever evidence he may desire touching upon the question of revocation of such license or prohibition of such business.~~

~~(c) The decision of said the city council of said city, revoking any such license or prohibiting such business shall be final.~~

ARTICLE V. PERSONNEL

Sec. 5.1 Position Classification and Pay Plans.

The city manager shall be responsible for the preparation of a position

classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan.

Sec. 5.2 Personnel Policies.

All employees serve at-will and may be removed from office at any time unless otherwise provided in this charter, by ordinance, or by adopted personnel policies.

Sec. 5.31A.

{ Social security, hospitalization and workmen's compensation benefits for employees authorized}.

The city council of Peachtree City shall be authorized to provide insurance, retirement, and other pension benefits, coverage under federal old-age and survivors insurance programs, hospitalization benefits and workmen's compensation benefits for its employees, their dependents and survivors, and shall be authorized to expend therefor funds of said city.

~~(1973 Ga. Laws, page 2821, § 8)~~ The city council shall be authorized to provide for social security benefits for its employees as provided by the laws of the United States.

**ARTICLE VI. COUNCIL POWERS AS TO ANIMALS,
EMINENT DOMAIN AND STREETS**

Sec. 32.6.

{1. Council powers as to animals and fowl}.

The city council of said city shall have the power and authority to prevent horses, mules, cattle, hogs, sheep, dogs, goats and all other animals or fowls (1) to prevent all animals and fowl from running at large in said city; and;

(2) to prevent and prohibit the keeping of cattle grazing, hogsherd, and goats other traditional farm animals within the city limits, or to regulate the manner in which they must be kept if allowed to remain. ~~Also;~~

(3) to impound such animal, or animals as referred to above when found upon the streets of said city, and to charge such fees for same as they may prescribe, and in addition thereto charge for the keep of such animal or animals so impounded. ~~Also;~~

(4) to sale such animals as referred to above when the owner or owners of such animal or animals so impounded, shall fail or refuse to pay the impounding fee and cost of keeping said animal or animals, ~~said animal or animals may be sold at~~

~~public outcry~~ and the proceeds applied to the payment of said feed and cost of keeping said animal or animals; or

(5) to dispose of such animals under such rules and regulations as may be prescribed by said council.

Sec. 336.

{2. Condemnation of property for municipal purpose; eminent domain}.

(a) The city council of said city shall have full powers and authority to condemn property to carry out any and all lawful purposes in the furtherance of its corporate functions, both governmental and proprietary, and when the power and authority granted by this section is exercised by said council it may be done, whether the land to be condemned is in the hands of an owner, trustee, administrator, guardian or agent in the manner provided by ~~O.C.G.A. §§ 22-1-8 through 22-2-21~~, Title 22 of the Official Code of Georgia Annotated and the acts amendatory thereof which by this reference thereto is incorporated herein [as] if set forth verbatim.

(b) This right of condemnation by the city shall extend beyond its corporate limits where the property to be condemned is needed by the city and is deemed useful by the council to afford and make available to the city such property for use in development and thereafter the operation, maintenance, repair, extension and improvement to any city facility, either governmental or proprietary.

(c) Without limiting the generality of the foregoing ~~said~~ the city shall have full and complete power and authority to exercise the power of eminent domain to acquire rights to take water from navigable and nonnavigable streams and from lakes and other places within and without the corporate limits of said city and within and without the County of Fayette; and to exercise such power of eminent domain to acquire land or any interest therein, within and without the corporate limits of said city and within and without the County of Fayette, necessary for water, sewer ~~and electric lines, other utilities, gas pipe lines~~ and airport property and facilities, together with the usual and necessary appurtenances therefor, or such land or any interest therein necessary in order to lay out, grade, open, pave, straighten, maintain, elevate, lower, improve and relocate, streets, ~~lanes~~, sidewalks, alleys, recreational paths, and ways on, in, across, along, through, under or over private property, and property already devoted to public use, and particularly Fayette County School District property; and also under, over or across the rights-of-way of public utility companies, ~~such as railroad, express, telephone, telegraph, electric, gas, street railway, trackless trolley and bus companies~~ railroads, and all others having the right to acquire private property by exercise of the power of eminent

domain or any similar power.

Sec. 6.34.

{ Street powers }.

(a) Said city shall have full and complete power and authority to open, lay out, grade, widen, construct, pave, re-pave, curb, and otherwise permanently improve any and all streets, sidewalks, alleys, recreational paths, and ways, and to maintain, relocate, repair, re-pave, extend, abandon or close them, and to construct, maintain, repair, replace and remove street curbing, streets, sidewalks, alleys, recreational paths, or ways.

(b) (i) To provide funds for these ~~purposes~~ all of improving or removing sidewalks, curbing and service-sewer, the associated construction costs, except costs of ~~service~~ sewers which cannot serve the abutting real estate nor the owners thereof, may be assessed against the abutting real estate and owners thereof, but only on the side of the street on which such improvements are made, if on one side only. Θ

(ii) To provide funds for these purpose of improving or removing streets, alleys and ways, one-third of the cost of street associated construction costs may be assessed against abutting real estate and owners thereof on one side of such street, and one-third ($\frac{1}{3}$) against abutting real estate and the owners thereof on the other side, the city paying the remaining third. In real estate subdivisions all street construction costs may be assessed against the abutting real estate and owners thereof.

(iii) To provide funds for these purpose of improving or removing recreational paths, one-half of the associated construction costs may be assessed against the owners of and all real estate situated in a subdivision to which or in which such new recreational paths are constructed or removed. The city shall pay the remaining one-half.

(c) Cost of maintenance and repair of all city streets shall be paid out of the city treasury except in special cases provided for by city ordinance.

ARTICLE VII. PUBLIC IMPROVEMENTS; ASSESSMENT

Sec. 35-

~~{Sewer cost assessment}. Cost of sewers shall not be assessed against abutting real estate which cannot be served or benefited by such sewers which are constructed solely for the benefit of other real estate or the owners thereof other than such abutting real estate; in which latter case, the cost may be assessed against the real estate to be served for which~~

~~such sewer is constructed.~~

~~Sec. 36:~~

~~[Water line cost assessment]. The cost of water lines may be assessed against the abutting real estate and owners thereof when such lines are constructed solely for their benefit.~~

~~Sec. 37:~~

~~{ 7.1 Improvement assessment ordinance}.~~

~~(a) Provision shall be made by ordinance for all sewer, sidewalk, street, alley, recreational path, way, or street curbing construction, maintenance or repairs if any part of the cost thereof is to be assessed against abutting or other real estate or the owners thereof.~~

~~(b) After the first reading of such ordinance, notice that it has been introduced shall be published one time by the city clerk in the official newspaper in which sheriff's advertisements for Fayette County appear at least eight (8) days before final passage of said ordinance. Said notice shall state that such ordinance has been introduced in the council and shall include a general description of the improvement, its location, estimated cost, and shall state that the actual cost or such part thereof as the ordinance provides, will be assessed against the abutting real estate and the owners thereof, or against such real estate and the owners thereof as shall be benefitted by such improvement, and that anyone objecting to such improvement, or objecting to the amount of his or her assessment may appear and make such objections at the next regular meeting of the council after the expiration of said eight (8) days. Notice shall also be sent by the city clerk via certified mail to the owners of such property at the street address of all real estate which is affected by the assessment. Receipt of the notice by the owner of the real estate is not required. Information concerning names of owners and street addresses obtained from the Fayette County Tax Commissioner's Office shall be deemed to be adequate for the purposes of providing this notice. No other or further notice of any kind shall be required, but if some other notice is given or ordered to be given, failure to give such additional notice shall not invalidate such ordinance or the assessment of such costs or the lien herein created against such abutting or other real estate nor the ordinance assessing the costs of such improvement. The second reading of such ordinance shall not be waived until the expiration of said eight (8) days after said publication of notice required by this section. But after the expiration of said eight (8) day notice such ordinances may be taken up and adopted at any regular meeting of the council without further notice.~~

~~Sec. 38:~~

~~[Improvement assessment against public property].~~ When the city council orders any street, sidewalk, or way **Sec. 7.2. Improvement assessment against public property.**

When the city council orders any sewer, sidewalk, street, alley, recreational path, way, or street curbing paved or otherwise improved, upon which any public property abuts, the city council shall assess the cost of such improvements against said public property in the same manner and to the same extent as it does where private property is assessed. And when any ~~street~~sewer, sidewalk ~~or, street~~, alley, recreational path, way, or street curbing is paved or otherwise improved upon which public property abuts and the public officer or agency controlling such public property fails or refuses to pay the assessed cost of such improvements the city council shall enforce payment of the same by levy and sale, mandamus or other appropriate legal proceedings; provided, such action for collection of the assessed cost of such improvements upon which public property abuts may be defended by the authorities in control of said public property by proving that the amount claimed to be due, or some part thereof, is not justly due or owing by said authorities; and, provided further, that when any action is begun and said authorities admit that part of the amount claimed is due, the amount so admitted to be due shall be paid as a condition precedent before any defense shall be heard by any court.

Sec. 7.39.

[__ Scope of improvement assessment].

(a) Cost assessed against abutting or other property and the owners thereof for sewers, sidewalks, ~~streets~~street, alley, recreational path, way, or street curbing shall, except as otherwise provided by this act, include all cost of such improvement, including necessary engineering, surveying, ditching, back filling, grading, blasting, dynamiting, pipe, and all other labor and materials, and shall include tearing up and reconstructing, re-paving, repairing and replacing of ~~sewers, streets~~sewer, sidewalks ~~and sidewalk~~, street, alley, recreational path, way, or street curbing, and extending, relocating and regrading for any of these, to the private property line of the property assessed.

(b) Expense of maintenance and repairs of ~~public streets~~street, alley, recreational path, or way shall not be assessed against abutting real estate, but cost of maintenance and repairs of sidewalks, curbing and service sewers may be so assessed.

Sec. 7.40.

[__ Lien for improvement cost].

(a) To secure costs of ~~streets~~sewer, sidewalks, ~~sewer and~~street, alley,

| recreational path, way, or street curbing assessed against abutting or other real estate and the owners thereof, and costs of repair of any of these, said city shall have a lien against such abutting real estate and the owners thereof, or against the real estate and the owners thereof for the ~~sole~~primary benefit of which such improvement is made, from the date of adoption of the ordinance providing for the work and assessing the cost, which lien shall be prior and superior to all other except state, county and city taxes, and said city shall have the right to sell and transfer all such liens and claims to third parties, who shall be protected by the same lien and rights as the city has and holds against such property and the owners thereof.

| (b) Nothing in this section shall be construed to deprive the property owner of the right of paying for said improvement in cash at the completion of the work if he desires to do so.

| **Sec. 41 7.**

| **{5. Installment payment of improvement assessments}.**

| When any ~~street~~sewer, sidewalk, sewerstreet, alley, recreational path, way, or street curbing or other improvement shall be constructed, reconstructed, repaired or replaced, pursuant to an ordinance providing for the same and providing for assessment of the cost thereof, or a part thereof, against the abutting or other real estate, the owners thereof shall be allowed to pay for the same, except in case of repairs, as follows: One-fifth ($\frac{1}{5}$) cash and the balance in four (4) equal annual installments within the next four (4) years thereafter, with interest on said deferred installments at the rate of seven (7) percent per annum from the date of adoption of the final assessment ordinance.

| **Sec. 42 7.**

| **{6. Assessment of sidewalk cost}.**

| Sidewalks shall be constructed on one side of a street and the cost thereof assessed against the abutting real estate and owners thereof on that side of such street if the owners of more than fifty (50) percent of the street frontage on that side of said street so request. Sidewalks may be constructed on either or both sides of a street, and the cost thereof shall be assessed against the abutting or other real estate and the owners thereof, without the consent of any of such abutting or other real estate owners when the city council deems it proper or desirable for such sidewalks to be laid and they are not laid for the ~~sole~~primary benefit of persons other than such abutting or other real estate owner.

| **Sec. 43 7.**

| **{7. Due date of improvement assessments}.**

Costs assessed against property and the owner thereof for ~~street~~sewer, sidewalk, street, alley, recreational path, way, street curbing,~~sewers~~ or other like or similar work shall all become due and payable in full if any installment is not paid within sixty (60) days from the day it is due.

Sec. 447.

{8. Execution for improvement assessments}.

The city council shall have full power and authority to enforce collection of amounts so assessed by execution against the real estate so assessed and the owner thereof at the date of the ordinance providing for the work, which execution, if not paid, shall be issued by the clerk of the city and levied on such real estate by the chief of police, as city marshal, or his lawful deputy, and after advertisement as in cases of sales ~~off~~for Peachtree City taxes, such property shall be sold at public outcry to the highest bidder for cash, if such execution and costs have not been previously paid; provided such property owner shall have the right to file an affidavit denying that the whole or some part of the amount for which the execution issued is owing or due, and stating what amount, if any, he admits to be owing, which amount so admitted to be owing shall be paid to the levying officer before the affidavit shall be received, which affidavit when received shall be returned to the Superior Court of Fayette County and there tried and the issue determined, as in case of illegalities, subject to all the penalties provided by law in cases of illegality filed for delay only.

Sec. 457.

{9. Payment of street paving cost by railroads; street tax on public carriers}.

(a) Any street railroad company or other railway company having a track or tracks running along or across a street, alley, recreational path, or streetsway of ~~said~~the city; shall be required to pay the cost in full for paving or otherwise improving such street, alley, recreational path, or streetsway between their tracks and two (2) feet on each side thereof.

(b) Any bus company or other public transportation company shall also be liable for such street taxes as the council may lawfully impose.

ARTICLE VIII. MUNICIPAL COURT

Sec. 468.

1. Creation.

(a) There is hereby established a court to be known as the "Municipal Court" of Peachtree City" which shall have jurisdiction and authority to try offenses against laws and ordinances of said city and to punish for a violation of the same. Such

have the same qualifications as the judge; and shall be appointed by the city council.

(_____)
Before entering on duties of his office, the judge or judge pro hac vice shall take an oath before ~~an officer duly authorized to administer oaths in this state~~ the mayor or mayor pro tem, that he will truly, honestly and faithfully discharge the duties of his office to the best of his ability without fear, favor or partiality. This oath shall be entered upon the minutes of the meeting of the mayor and council.

~~(1970 Ga. Laws, page 2286, § 2; Ord. No. 168, § 1, 3-14-1979; 1980 Ga. Laws, page 4732, §~~

~~4)-~~ **Sec. 488.3. Jurisdiction.**

(a) Unless a lesser penalty is provided by ordinance or a greater penalty is provided by general law, the judge shall have power to impose fines, costs and forfeitures for the violation of any law or ordinance of Peachtree City passed in accordance with this Charter; as follows:

(1) to impose a fine in an amount not to exceed one thousand dollars (\$1,000.00) for each offense;

(2) to imprison offenders for a period of not more than ~~twelve~~ six (~~12~~ 6) months for each offense;

~~or at labor on~~ (3) the roads and streets or other public works of said city commit offenders to community service for not more than ~~twelve~~ forty (40) hours per week for a period of not more than ~~six~~ (~~12~~ 6) months for each offense; and

(4) to combine any one or more of these punishments in the discretion of the judge.

(b) Said judge shall not have the authority to inflict a greater punishment for contempt than to impose a fine of ~~one~~ two hundred dollars (\$~~1~~ 200.00) or imprisonment not exceeding ~~twenty~~ ten (~~20~~ 10) days, or any combination of the two. ~~He shall be to all intents and purposes a justice of the peace, so far as to enable him~~

(c) The judge shall be authorized to issue warrants for offenses committed within the corporate limits of Peachtree City, which warrants may be executed by any police officer of said city, and to commit the offenders to jail or admit them to bail or recognizance in bailable cases for their appearance at the next term of court of competent jurisdiction.

(d) The judge is hereby authorized to issue subpoenas to compel the attendance of witnesses to said municipal court, and to issue such other processes as may be necessary for the proper administration of said court.

(e) The municipal court shall also have concurrent jurisdiction with that of the ~~justice of the peace~~ magistrate over offenses against the criminal laws of the state committed within the corporate limits of the city.

(f) Except as may be herein otherwise specified, the judge is vested with all of the jurisdiction and powers as to the entire area within the corporate limits of Peachtree City.

(g) The municipal court is specifically invested with all jurisdiction and powers throughout the entire area within the corporate limits of the city granted by state laws generally to mayors, municipal, ~~police~~ courts; and particularly such laws as authorized the abatement of nuisances.

(h) Said judge is hereby authorized to administer oaths.

~~(1970 Ga. Laws, page 2286, § 2; Ord. No. 168, §§ 1, 2, 3-14-1979; 1980 Ga. Laws, page 4732, § 2)~~ **Sec. 8.49. Right of judicial review of final judgments and sentences.**

Any defendant who is dissatisfied with the judgment or sentence of the municipal court shall have the right to seek review of said judgment or sentence by filing a petition for the writ of certiorari in the superior court of Fayette County as provided by the general law of this state. Upon the filing of a notice of intention to petition for certiorari with the clerk of the municipal court in writing and within ten (10) days after the date of the final judgment, it shall be the duty of the judge of said court to assess a reasonable bond pending the review of the judgment of conviction, with such surety or sureties to be approved by the clerk of said court, and such bond, when filed and approved as provided herein, shall act as a supersedeas of judgment until the final judgment of the superior court.

~~(1970 Ga. Laws, page 2286, § 2; Ord. No. 168, § 3, 3-14-1979; 1980 Ga. Laws, page 4732, §~~

~~3)~~ **Sec. 8.50. Court costs ~~[compelling witness attendance]~~.**

In all cases in the municipal court of Peachtree City, the costs incurred and allowable herein may be computed under the provisions of the laws of the State of Georgia fixing costs in the justice ~~of the peace~~ courts of said state or the city council may establish by ordinance a schedule of fees to defray the costs of operation. The council may also provide a uniform scale of costs of the clerk and police officers of said city for all services in the arrest and prosecution of offenders in the municipal court and in the issuance and collection of tax and other executions; and for their collections and payment into the city treasury. ~~The judge is hereby authorized to issue subpoenas to compel the attendance of witnesses to said municipal court, and to issue such other processes as may be necessary for the proper administration of said court.~~

~~(1970 Ga. Laws, page 2286, § 2; Ord. No. 168, § 1, 3-14-1979; 1980 Ga. Laws, page 4732, § 1)~~ **Sec. 51**

Sec. 8.6. Rules for court.

With the approval of the mayor and council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the business of said court; provided, however, that the mayor and council may adopt in part or in toto the rules and regulations relative to the procedures to the operation of the superior courts under the general laws of the State of Georgia.

~~(1970 Ga. Laws, page 2286, § 2; Ord. No. 168, § 1, 3-14-1979; 1980 Ga. Laws, page 4732, §~~

2) ARTICLE IX. LEGAL GENERAL PROVISIONS

Sec. 52. — Repeal of conflicting laws. All Resolutions, Rules and Regulations.

All ordinances, resolutions, rules and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the city council.

Sec. 9.2. Existing Personnel and Officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges and powers shall continue beyond the time this charter takes effect until otherwise decided by the city council.

Sec. 9.3. Pending Matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city personnel or officers as may be provided by the city council.

Sec. 9.4. Severability.

If any article, section, subsection, paragraph, or sentence of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph and sentence be enacted separately and independent of each other.

Sec. 9.5. Gender.

The use of masculine pronouns in the charter shall include the feminine unless specifically referring to a male.

Sec. 9.6. Repealer.

All other laws and parts of laws in conflict herewith with this charter are hereby repealed.

Sec. 9.7. Effective Date.

This charter shall become effective on its passage.

DRAFT 3/8/01

ARTICLE I. IN GENERAL

Sec. 1.1 Reincorporation; corporate powers.

(a) Peachtree City, in Fayette County, and the inhabitants thereof, are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style Peachtree City, Georgia, and by that name shall have perpetual succession.

(b) Said city shall have full powers to govern itself by such ordinances, bylaws, rules and regulations for municipal purposes as may be deemed proper and not in conflict with this charter, the constitution or laws of this state or the United States.

(c) Said city shall have full power in and by said corporate name

(1) to contract and be contracted with;

(2) to sue and be sued;

(3) to plead and be impleaded;

(4) to purchase, hold, receive, enjoy, possess and retain for the use of and benefit of said Peachtree City or the inhabitants thereof in perpetuity or for any term, any estate, real or personal, or lands, tenements or hereditaments of any kind, within or without the limits of said city, for corporate purposes;

(5) to use, manage, improve, sell, convey, rent or lease any such estate or property;

(6) to have and use a common seal; and

(7) to perform all acts necessary or incident to its corporate existence or capacity.

(d) In addition, the city shall have all powers possible for a city to have under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

(e) The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(f) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.

Sec. 1.2. Corporate limits.

The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be described in an ordinance adopted by city council and shall be shown on a map to be retained permanently by the city clerk, or his successor.

Sec. 1.3. Corporate authority and territorial jurisdiction of governing body and officers.

(a) The corporate authority of said city and the territorial jurisdiction of the governing body and the officers thereof shall extend, for police and sanitary purposes, over all lands which are controlled and all lands which may hereafter be owned or controlled by said city for waterworks, electric light, sewerage, drainage, or cemetery purposes outside of the territory as indicated in this Article.

(b) The governing body and officers of said city shall have full power and authority to make and enforce such ordinances, bylaws, rules and regulations as they may deem necessary to protect the land, premises, and other property referred to in this Article and all rights and interest of said city therein as fully and completely as if the same were located within the limits of said city proper as indicated in section 1.2 hereof.

ARTICLE II. GOVERNING BODY; DEPARTMENTS; APPOINTIVE OFFICERS

Sec. 2.1. Governing body; composition, quorum, meetings.

(a) The government of said city shall be vested in a mayor and four (4) councilmembers chosen as hereinafter provided, in such other officers and employees as required under the terms of the charter, and in such other officers and employees as the mayor and councilmembers consider necessary and proper to appoint and employ.

(b) The chief administrative and operational officer of the city shall be the city manager.

(c) The mayor and councilmembers of said city shall collectively be known as "Council of Peachtree City" (hereinafter sometimes referred to as "city council" or "council" and when so referred to shall be construed to mean the Council of Peachtree City), in which all legislative powers of said city shall be vested.

(d) Except as otherwise set forth below, the mayor and three (3) councilmembers, or four (4) councilmembers without the mayor, shall constitute a quorum of the city council. Less than a quorum may meet and compel the attendance of absentees as provided by ordinance. In the event the office of mayor and one or more offices of council shall become vacant or more than one office of council shall become vacant, then a quorum shall be the mayor and two (2) councilmembers, or three (3) councilmembers without the mayor. If two or more offices of council shall be vacant simultaneously or if the office of mayor and one or more offices of council shall be vacant simultaneously, then all of the remaining members of the council may meet to appoint persons to fill vacancies on the council, set the date for a special election and qualification thereof, and, if necessary, appoint a provisional mayor pro tem.

(e) The city council shall meet at such specified time and place as may be provided by ordinance. Special meetings may be called at any time by the mayor upon giving not less than twenty-four (24) hours notice of said special meeting.

Sec. 2.2. Eligibility qualifications of mayor and councilmembers.

No person shall be eligible to hold the office of mayor or councilmember of said city unless he or she is twenty-one (21) years of age and is a qualified elector of said city who shall have continuously resided and maintained his or her domicile therein for at least six (6) months immediately preceding his or her election. Except as authorized by law, the mayor and councilmembers shall not hold any other city office or city employment during the term for which each such person was elected unless the mayor or councilmember affected shall first resign.

Sec. 2.3. Duties and authority of mayor.

The mayor shall be the chief executive officer of said city and it shall be his duty

- (1) to preside at all meetings of the city council;
- (2) to see that all meetings are conducted in a parliamentary manner;
- (3) to preserve order and decorum in such meetings;
- (4) to inflict such punishment upon any person guilty of contempt before said council as may be authorized by municipal ordinances;
- (5) to see that all laws, ordinances, rules, regulations and resolutions of the city council of said city are faithfully executed and enforced;
- (6) to appoint and be an *ex officio* member of all committees;
- (7) to see that all funds are properly accounted for and that all revenues are properly and promptly collected;
- (8) to inform the council from time to time of the general condition of said city and its affairs and recommend such measures as he may deem necessary or expedient for the welfare of said city;
- (9) to inspect or cause to be inspected by one or more of the councilmembers of said city the records and books of accounts of the city and see that they are properly and correctly kept to require such reports to be made by such city staff and given to the council;
- (10) to see that order is maintained in said city and that its property and effects are preserved;
- (11) to convene the council in extra session as frequently as he may deem proper;
- (12) to bind said city by signing any contract, obligation or other matter entered into and authorized by ordinance or resolution of the council of said city, properly passed in accordance with the provisions of this act; and
- (13) to do acts and things as may be proper and necessary in the proper conduct of the affairs of said city and as may be hereinafter authorized.

Subject to the limitations contained in this Charter, the said mayor shall exercise general supervision and jurisdiction over the affairs of the said city; however, the responsibility for the daily operation and administration of the city shall be delegated to the city manager who shall report on such activities to the mayor and councilmembers as hereinafter provided.

Sec. 2.4. Authority of mayor to vote.

The mayor shall be entitled to vote on all questions before the city council.

Sec. 2.5. Date of municipal general election; election of mayor and councilmembers, post designation; assuming office; term; oath.

(a) Pursuant to the law commonly referred to as the Georgia Municipal Election Code, the municipal general election shall be conducted on the Tuesday next following the first Monday in November of odd numbered years.

(b) For the purposes of electing councilmembers, positions on the council shall be numbered as posts 1 through 4, respectively.

(c) In 1992, Peachtree City altered the length of the mayor and councilmembers' terms from two years to four years. After a period of transition, the elections for posts 1 and 2 are held every four years from 1995 forward. The elections for mayor and posts 3 and 4 are held every four years from 1993 forward. All persons elected shall assume office on the first meeting in January following the election except in the case of special elections when such elected official shall assume office at the first meeting following the certification of the election.

(d) After January 1, 1993, any mayor or councilmember who has been elected for two (2) consecutive four-year terms under the provisions of this Charter shall not be eligible to be elected for the same position of mayor or councilmember for the succeeding term; however, nothing contained herein shall prevent a person who has served as mayor for two (2) consecutive four-year terms to be eligible and qualified to be elected for a position as councilmember for the succeeding term. Likewise, nothing contained herein shall prevent a person who has served as councilmember for two (2) consecutive four-year terms to be eligible and qualified to be elected for a position as mayor for the succeeding term.

(e) The candidate for each respective office who shall receive the majority of votes cast for such office by the electors of said city shall be elected to such office.

(f) Candidates elected to office shall on or before the day of assuming office qualify by taking and subscribing before the municipal judge, the mayor, or some other officer authorized by law to administer oaths, the following oath: "I do solemnly swear or affirm that I will well and truly perform the duties of (mayor) (mayor pro tem) (councilmember) of Peachtree City by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of Peachtree City and that I will support and defend the Charter and ordinances thereof as well as the constitution and laws of the State of Georgia and of the United States of America. So help me God." Such oath shall be filed with the city clerk, who shall record the same upon the minutes of the meeting of the council of Peachtree City, next following such filing, unless such oath is filed during a regular meeting of the said council in which latter case such oath shall be recorded upon the minutes of the meeting then in session.

Sec. 2.6. Filling vacancies on council.

(a) In the event that the office of mayor, or the office of any one or more of the councilmembers shall become vacant by death, resignation, removal or otherwise, and said vacancy or vacancies are for unexpired terms of twelve (12) months or less, then said vacancy or vacancies may be filled by appointment and selected by majority vote of the remaining members of the mayor and council in the case of vacancies in said council, and by the councilmembers in the case of a vacancy in the office of mayor.

(b) Persons so selected shall be duly qualified to fill such vacancies for the unexpired terms.

(c) The mayor, or in the case of a vacancy in the office of mayor, the mayor pro tem, shall determine the procedure for council to follow in the appointment process; provided, however, that such procedure shall comply with the laws of the state and of the United States and, further, provided that such procedures are given to the members of council at least ten (10) days before the meeting during which such appointment is to be made.

(d) Should such vacancy or vacancies exceed twelve (12) months then a special election shall be called to determine the person who shall fill the unexpired term. The date of such special election shall comply with the laws of the state and of the United States. In the event of such vacancy or vacancies which exceed twelve (12) months, the city council may appoint an individual or individuals to fill such vacant office or offices until the date of the next available election. In no event shall any appointment be for a period exceeding one year.

Sec. 2.7. Declaration of vacancy in office of mayor or councilmember.

Should the mayor or any member of the council fail or refuse to perform the duties of his office for the term of three (3) consecutive months, or should any officer-elect refuse to qualify, the office may be, in the discretion of the majority of the remaining members of the council, declared vacant and the vacancy filled as above provided.

Sec. 2.8. Compensation of mayor and councilmembers as fixed; expenses of office allowable.

(a) The mayor shall receive an annual salary and each councilmember shall receive such annual salary as shall be established by ordinance during the proceeding term for which such official shall have been appointed or elected. Said salaries shall be paid in twelve (12) equal monthly installments on or before the last day of each month.

(b) In addition to their salaries, each councilmember may be reimbursed for actual out of pocket expenses incurred on behalf of the city.

(c) The city council may also provide for payment of all reasonable expenses which may be incurred by the mayor in the discharge of his duties, including such staff as may be appointed by the mayor.

Sec. 2.9. Organization of council; mayor pro tem; provisional mayor pro tem.

(a) The city council shall at its organizational meeting and thereafter at its first regular meeting in January of each year, elect one of its members mayor pro tem for a term of one year, who shall discharge the duties and exercise the powers and authority of the mayor in the absence, disability or disqualification of the mayor and during a vacancy in the office of mayor provided his rights and duties as councilmember shall remain unimpaired, except he shall not receive the salary or expense of a councilmember while receiving the salary and expense of mayor when there is a vacancy in the office of mayor.

(b) Before entering on the discharge of his duties the mayor pro tem shall, in addition to the oath taken as councilmember, take the oath prescribed for mayor pro tem.

(c) In case neither the mayor nor mayor pro tem can attend to or discharge the duties of mayor, whatever the cause, the city council shall elect a provisional mayor pro tem to act until a mayor or mayor pro tem can act, from its membership, who shall take the same oath and be clothed with all of the rights, power and authority of mayor until a mayor or mayor pro tem can act.

Sec. 2.10 Council Interference with Administration.

Except for the purpose of formal inquiries and investigations, the city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

Sec. 2.11. Appointment of officers by council; removal.

The city council shall at its organizational meeting and thereafter at the discretion of city council appoint a clerk, a city attorney, a city auditor, a city judge, a city manager and any other city positions as required by ordinance. Such appointed individuals, after their initial appointment, need not be reappointed on an annual basis but shall serve subject to the pleasure of the mayor and council and may be removed from office by the council at any time; provided, further, that the mayor may suspend any such individual pending a meeting of the council to make a formal decision on termination.

Sec. 2.12. City Clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be the custodian of the official city seal and city records; maintain city council records as required by state law or by ordinance; and perform such other duties as may be required by the city council. The city clerk shall report to the city manager and shall be subject to all of the rights, privileges and obligations of the city's personnel policies; however, the city clerk can be terminated or removed from such position only by the city council. The city council may appoint the city manager to serve as the city clerk.

Sec. 2.13 City Attorney.

The city council shall appoint a city attorney, which may be a law firm, and shall provide

for the payment of such attorney for the services rendered to the city. The city attorney shall be responsible for the representation and defense of the city in all litigation in which the city is a party and will coordinate such representation with all attorneys provided to the city through applicable insurance contracts, if any; shall be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney.

Sec. 2.14 City Auditor.

The city council shall appoint a city auditor who shall be a certified public accountant or accounting firm to ensure that the city's financial records are kept appropriately and according to the laws of this state and of the United States. The city auditor shall conduct an annual independent audit of all city accounts, funds and financial transactions. The audit shall be conducted according to generally accepted auditing principles.

Sec. 2.15 City Judge.

The city council shall appoint a city judge pursuant to the requirements of Section 8.2.

Sec. 2.16 City Manager

(a) The mayor and council shall appoint and contract with a city manager who shall serve subject to the pleasure of the mayor and council for a term as set forth in the contract and according to state law. The title of such officer shall be city manager of the city. His salary shall be determined by the mayor and council and included as a part of the contract. Such officer shall be the chief administrative and operational officer of the city and shall perform such executive duties as may be delegated by the mayor and council. The city manager's job performance shall be evaluated and subject to review annually by the mayor and council.

(b) (i) The city manager shall be selected on the basis of his character and his executive and administrative qualifications with special reference to his actual training and experience in the administration of city government. At the time of his appointment, such officer need not be a resident of the city, but during his tenure he shall reside within the city.

(ii) Neither the mayor, nor any councilmember shall receive such appointment during the term for which he shall have been elected, nor within two years after the expiration of his term.

(c) The council may remove the city manager by a majority vote according to the terms of the contract. At least 30 days before such removal shall become effective, the mayor shall set forth the reasons for his removal. The city manager may, within ten days, reply in writing and may request a public hearing, which shall be held not earlier than 20 days, nor later than 30 days, after the filing of such request. After such public hearing, if one is requested, and after full consideration, the council by majority vote may adopt a final resolution of removal. By the preliminary resolution, the council may suspend the city manager from duty with pay.

(d) (i) The council may designate a person to perform the functions and duties of the city manager during his absence, disability or suspension.

(ii) Vacancies in such office shall be filled by the council as early as practicable; and until such vacancy is filled, the council shall have full powers to make a temporary appointment.

(e) The city manager may give bond in the penal sum fixed by the council, with surety approved by the council, payable to the city and its successors and assigns, for the benefit of the city and for use and benefit of the public, to secure and indemnify the city and each member of the public by reason of his default, misfeasance, malfeasance or nonfeasance in the performance of his duties. The premiums for such bond shall be paid by the city.

(f) The following powers and duties are conferred upon the city manager:

- (1) *Enforcement.* To see that all laws and ordinances are enforced.
- (2) *Conduct of city business affairs.* To see that the business affairs of the city are efficiently organized and handled.
- (3) *Administrative and operational authority.* To exercise administrative and operational control over all regular departments and divisions of the city.
- (4) *Advisory authority.* To attend all meetings of the council with the right to take part in all discussions but having no vote. The city manager shall act in an advisory capacity to the mayor and council in the formulation and operation of the city government.
- (5) *Recommendation of legislation.* To recommend to the mayor and council for adoption such measures as he may deem necessary or expedient.
- (6) *Preparation, submission of budget.* To prepare and submit to the mayor and council an annual budget.
- (7) *Preparation, submission of financial reports.* To prepare and submit to the mayor and council, within 90 days after the end of each city's fiscal year, a complete annual report on the finances and administrative activities of the city for the preceding year, and make such other financial reports from time to time as may be required by the mayor or council or by the Charter of the city.
- (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 in the current city budget, except those obligations such as may be otherwise provided by law, or by ordinance or resolution of the council.
- (9) *Appointments; creation, abolition of offices and functions.* To hire, as required, department heads and employees for departments authorized by the council. Nothing in this subsection shall prevent the council from creating, abolishing, consolidating, altering or modifying departments; however, the city manager is authorized to recommend, subject to the approval of the council, the change,

consolidation or abolishment of any of the offices, departments or functions over which he exercises supervision and control and to recommend the creation of new departments and offices.

- (10) *Obtaining legal advice.* To request the counsel, advice or opinion of the city attorney concerning any matter affecting the interest of the city.
- (11) *Other duties.* To perform such other duties as may be required of him by the council.

(g) The city manager shall consult with and report to the mayor concerning city operations as the mayor may require. The city manager shall consult with and report to the council members as needed but in no event less than once each week.

Sec. 2.17. Officers elected by council to perform described duties and give bond.

All officials appointed by said council shall discharge such duties in addition to those prescribed in this act as are, or may be, prescribed by ordinances of said council and shall give such bonds for the faithful discharge of their respective duties as said council may require; provided, the surety on the bond shall be a duly authorized guaranty or surety company, qualified to transact business in this state.

Sec. 2.18 Police department.

The city council shall create a police department which department shall consist of a chief of police and such other police officers as the city council shall provide. Subject to the requirements of the laws of the state and of the United States, it shall be the duty of the chief of police and the police officers to make arrests, within and without the limits of said city of all persons violating any ordinance of said city, and to make arrests of all persons who have violated the penal statutes of this state or of the United States, either with or without warrant or summons therefor. They shall have power to release all persons upon such bond as may be prescribed by such ordinances. Said police force shall be so uniformed and armed as to be readily recognized by the public as peace officers, the arms and uniform to be furnished by the city and to remain the property of the city.

Sec. 2.19 Fire department.

The city council shall create a fire department which department shall consist of a chief and such other officers as the city council shall provide. It shall be the responsibility of this department to provide the citizens of the city protection from fires and other such hazards as the city council shall deem appropriate. Additionally, the fire department may offer emergency medical services to the citizens of the city as deemed appropriate by the city council.

Sec. 2.20. Other divisions and departments; employees thereof.

The city council shall be and it is hereby authorized, without any further specific authorization on the part of the General Assembly, to create by proper ordinances such other divisions and departments and to prescribe their functions and the duties of the affairs and employees of such departments as it may deem necessary and for the best interest of the residents of Peachtree City.

ARTICLE III. REGISTRATION OF ELECTORS; ELECTIONS

Sec. 3.1. Qualifications of electors.

No person shall vote in any primary or election conducted by the city unless he shall be duly registered and possesses the qualifications prescribed by O.C.G.A. § 21-2-216 as now or hereinafter amended.

Sec. 3.2. Voting by person not qualified therefore.

Any person voting at any election of said city who is not a qualified voter according to the provisions of this charter, shall be guilty of a misdemeanor, and upon conviction therefor shall be punished as prescribed in the penal code of this state.

Sec. 3.3. Applicability of General Law.

All primaries and elections shall be held and conducted in accordance with the Georgia Municipal Election Code (Title 21, Chapter 3 of the Official of Georgia Annotated) as now or hereinafter amended.

ARTICLE IV. TAXATION; LICENSES; BORROWING

Sec. 4.1 Property Tax.

The city council may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

Sec. 4.2 Millage Rate; Due Dates; Payment Methods.

The city council, by ordinance, shall establish a millage rate for the city property tax with a due date as established by the Fayette County Tax Commissioner. The Fayette County Tax Commissioner shall be the official tax commissioner for the city; however, if the Fayette County Tax Commissioner fails or refuses to act as such, then the Director of Financial Services shall be the official tax commissioner for the city and shall have all the necessary duties and powers to

carry out this position as permitted by law.

Sec. 4.3 General Obligation Bonds.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

Sec. 4.4 Revenue Bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program or venture for which they were issued.

Sec. 4.5 Short-Term Loans.

The city, with the approval of city council, may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

Sec. 4.6 Lease-Purchase Contracts.

The city, with the approval of city council, may enter into multi-year lease, purchase or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of section 36-60-13 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.

Sec. 4.7 Occupational, Business, and Other Taxes.

The city council by ordinance shall have the power to levy such occupation, business, and other taxes as are not denied by law. The city council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawful and may compel payment of such taxes as provided herein.

Sec. 4.8 Regulatory Fees; Permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business within the city to obtain a permit for such activity from the city and pay a regulatory fee for such permit. Such fees shall reflect the total cost to the city of regulating the activity, and if unpaid, shall be collected as provided herein.

Sec. 4.9 Franchises.

(a) The city council shall have the power to grant franchises for the use of the city's streets for the purpose of telephone companies, electric companies, electric membership companies, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city council receives just and adequate compensation therefor. The city council shall provide by ordinance for the registration of all franchises.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of the city's streets for the purposes of railroads, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.

Sec. 4.10 Collection of Delinquent Taxes and Fees.

The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city by whatever means as are not precluded by law. This shall include providing for the dates when taxes or fees are due; late penalties or interest; issuance and execution of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

Sec. 4.11. Authority to license, regulate and control business and other activities.

Unless otherwise prohibited by law, the city council of said city shall have full power and authority to license, regulate and control all businesses and activities of every kind and character carried on within the corporate limits of said city unless prohibited from doing so by law.

Sec. 4.13. Revoking licenses and prohibiting operation.

(a) Unless otherwise prohibited by law, the city council of said city may revoke the license of, or prohibit the operation of, any business or establishment, in the event the same becomes a nuisance or is dangerous, hazardous or injurious to the health or morals of the inhabitants of said city.

(b) No revocation or prohibition shall occur without giving written notice to the person, firm or corporation conducting such business, said notice stating the reasons why such license is being revoked or prohibition is occurring, and affording such person, firm or corporation an opportunity to be heard on the question before the said council, the said notice setting forth the time and place of the hearing on the revocation or prohibition. At said hearing the person holding said license or conducting said business, or the firm or corporation holding or conducting the same, may submit to said council whatever evidence he may desire touching upon the question of revocation of such license or prohibition of such business.

(c) The decision of the city council revoking any such license or prohibiting such business shall be final.

ARTICLE V. PERSONNEL

Sec. 5.1 Position Classification and Pay Plans.

The city manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan.

Sec. 5.2 Personnel Policies.

All employees serve at-will and may be removed from office at any time unless otherwise provided in this charter, by ordinance, or by adopted personnel policies.

Sec. 5.3. Social security, hospitalization and workmen's compensation benefits for employees authorized.

The city council shall be authorized to provide insurance, retirement and other pension benefits, workmen's compensation benefits for its employees, their dependents and survivors, and shall be authorized to expend funds of said city. The city council shall be authorized to provide for social security benefits for its employees as provided by the laws of the United States.

ARTICLE VI. COUNCIL POWERS AS TO ANIMALS, EMINENT DOMAIN AND STREETS

Sec. 6.1. Council powers as to animals and fowl.

The city council of said city shall have the power and authority

(1) to prevent all animals and fowl from running at large in said city;

(2) to prevent and prohibit the keeping of grazing, herd, and other traditional farm animals within the city limits, or to regulate the manner in which they must be

kept if allowed to remain;

(3) to impound such animal, or animals as referred to above when found upon the streets of said city, and to charge such fees for same as they may prescribe, and in addition thereto charge for the keep of such animal or animals so impounded;

(4) to sale such animals as referred to above when the owner or owners of such animal or animals so impounded, shall fail or refuse to pay the impounding fee and cost of keeping said animal or animals, and the proceeds applied to the payment of said feed and cost of keeping said animal or animals; or

(5) to dispose of such animals under such rules and regulations as may be prescribed by said council.

Sec. 6.2. Condemnation of property for municipal purpose; eminent domain.

(a) The city council of said city shall have full powers and authority to condemn property to carry out any and all lawful purposes in the furtherance of its corporate functions, both governmental and proprietary, and when the power and authority granted by this section is exercised by said council it may be done, whether the land to be condemned is in the hands of an owner, trustee, administrator, guardian or agent in the manner provided by Title 22 of the Official Code of Georgia Annotated and the acts amendatory thereof which by this reference thereto is incorporated herein as if set forth verbatim.

(b) This right of condemnation by the city shall extend beyond its corporate limits where the property to be condemned is needed by the city and is deemed useful by the council to afford and make available to the city such property for use in development and thereafter the operation, maintenance, repair, extension and improvement to any city facility, either governmental or proprietary.

(c) Without limiting the generality of the foregoing the city shall have full and complete power and authority to exercise the power of eminent domain to acquire rights to take water from navigable and nonnavigable streams and from lakes and other places within and without the corporate limits of said city and within and without the County of Fayette; and to exercise such power of eminent domain to acquire land or any interest therein, within and without the corporate limits of said city and within and without the County of Fayette, necessary for water, sewer, other utilities, and airport property and facilities, together with the usual and necessary appurtenances therefor, or such land or any interest therein necessary in order to lay out, grade, open, pave, straighten, maintain, elevate, lower, improve and relocate, streets, sidewalks, alleys, recreational paths, and ways on, in, across,

along, through, under or over private property, and property already devoted to public use, and particularly Fayette County School District property; and also under, over or across the rights-of-way of public utility companies, railroads, and all others having the right to acquire private property by exercise of the power of eminent domain or any similar power.

Sec. 6.3. Street powers.

(a) Said city shall have full and complete power and authority to open, lay out, grade, widen, construct, pave, re-pave, curb, and otherwise permanently improve any and all streets, sidewalks, alleys, recreational paths, and ways, and to maintain, relocate, repair, re-pave, extend, abandon or close them, and to construct, maintain, repair, replace and remove street curbing, streets, sidewalks, alleys, recreational paths, or ways.

(b) (i) To provide funds for the purpose of improving or removing sidewalks, curbing and sewer, the associated construction costs, except costs of sewers which cannot serve the abutting real estate nor the owners thereof, may be assessed against the abutting real estate and owners thereof, but only on the side of the street on which such improvements are made, if on one side only.

(ii) To provide funds for these purpose of improving or removing streets, alleys and ways, one-third of the associated construction costs may be assessed against abutting real estate and owners thereof on one side of such street, and one-third ($\frac{1}{3}$) against abutting real estate and the owners thereof on the other side, the city paying the remaining third. In real estate subdivisions all street construction costs may be assessed against the abutting real estate and owners thereof.

(iii) To provide funds for these purpose of improving or removing recreational paths, one-half of the associated construction costs may be assessed against the owners of and all real estate situated in a subdivision to which or in which such new recreational paths are constructed or removed. The city shall pay the remaining one-half.

(c) Cost of maintenance and repair of all city streets shall be paid out of the city treasury except in special cases provided for by city ordinance.

ARTICLE VII. PUBLIC IMPROVEMENTS; ASSESSMENT

Sec. 7.1 Improvement assessment.

(a) Provision shall be made by ordinance for all sewer, sidewalk, street, alley, recreational path, way, or street curbing construction, maintenance or repairs if any part of the cost thereof is to be assessed against abutting or other real estate

or the owners thereof.

(b) After the first reading of such ordinance, notice that it has been introduced shall be published one time by the city clerk in the official newspaper in which sheriff's advertisements for Fayette County appear at least eight (8) days before final passage of said ordinance. Said notice shall state that such ordinance has been introduced in the council and shall include a general description of the improvement, its location, estimated cost, and shall state that the actual cost or such part thereof as the ordinance provides, will be assessed against the abutting real estate and the owners thereof, or against such real estate and the owners thereof as shall be benefitted by such improvement, and that anyone objecting to such improvement, or objecting to the amount of his or her assessment may appear and make such objections at the next regular meeting of the council after the expiration of said eight (8) days. Notice shall also be sent by the city clerk via certified mail to the owners of such property at the street address of all real estate which is affected by the assessment. Receipt of the notice by the owner of the real estate is not required. Information concerning names of owners and street addresses obtained from the Fayette County Tax Commissioner's Office shall be deemed to be adequate for the purposes of providing this notice. No other or further notice of any kind shall be required, but if some other notice is given or ordered to be given, failure to give such additional notice shall not invalidate such ordinance or the assessment of such costs or the lien herein created against such abutting or other real estate nor the ordinance assessing the costs of such improvement. The second reading of such ordinance shall not be waived until the expiration of said eight (8) days after said publication of notice required by this section. But after the expiration of said eight (8) day notice such ordinances may be taken up and adopted at any regular meeting of the council without further notice.

Sec. 7.2. Improvement assessment against public property.

When the city council orders any sewer, sidewalk, street, alley, recreational path, way, or street curbing paved or otherwise improved, upon which any public property abuts, the city council shall assess the cost of such improvements against said public property in the same manner and to the same extent as it does where private property is assessed. And when any sewer, sidewalk, street, alley, recreational path, way, or street curbing is paved or otherwise improved upon which public property abuts and the public officer or agency controlling such public property fails or refuses to pay the assessed cost of such improvements the city council shall enforce payment of the same by levy and sale, mandamus or other appropriate legal proceedings; provided, such action for collection of the assessed

cost of such improvements upon which public property abuts may be defended by the authorities in control of said public property by proving that the amount claimed to be due, or some part thereof, is not justly due or owing by said authorities; and, provided further, that when any action is begun and said authorities admit that part of the amount claimed is due, the amount so admitted to be due shall be paid as a condition precedent before any defense shall be heard by any court.

Sec. 7.3. Scope of improvement assessment.

(a) Cost assessed against abutting or other property and the owners thereof for sewer, sidewalk, street, alley, recreational path, way, or street curbing shall, except as otherwise provided by this act, include all cost of such improvement, including necessary engineering, surveying, ditching, back filling, grading, blasting, dynamiting, pipe, and all other labor and materials, and shall include tearing up and reconstructing, re-paving, repairing and replacing of sewer, sidewalk, street, alley, recreational path, way, or street curbing, and extending, relocating and regrading for any of these, to the private property line of the property assessed.

(b) Expense of maintenance and repairs of street, alley, recreational path, or way shall not be assessed against abutting real estate, but cost of maintenance and repairs of sidewalks, curbing and service sewers may be so assessed.

Sec. 7.4. Lien for improvement cost.

(a) To secure costs of sewer, sidewalk, street, alley, recreational path, way, or street curbing assessed against abutting or other real estate and the owners thereof, and costs of repair of any of these, said city shall have a lien against such abutting real estate and the owners thereof, or against the real estate and the owners thereof for the primary benefit of which such improvement is made, from the date of adoption of the ordinance providing for the work and assessing the cost, which lien shall be prior and superior to all other except state, county and city taxes, and said city shall have the right to sell and transfer all such liens and claims to third parties, who shall be protected by the same lien and rights as the city has and holds against such property and the owners thereof.

(b) Nothing in this section shall be construed to deprive the property owner of the right of paying for said improvement in cash at the completion of the work if he desires to do so.

Sec. 7.5. Installment payment of improvement assessments.

When any sewer, sidewalk, street, alley, recreational path, way, or street curbing or other improvement shall be constructed, reconstructed, repaired or replaced, pursuant to an ordinance providing for the same and providing for assessment of the cost thereof, or a part thereof, against the abutting or other real

estate, the owners thereof shall be allowed to pay for the same, except in case of repairs, as follows: One-fifth ($\frac{1}{5}$) cash and the balance in four (4) equal annual installments within the next four (4) years thereafter, with interest on said deferred installments at the rate of seven (7) percent per annum from the date of adoption of the final assessment ordinance.

Sec. 7.6. Assessment of sidewalk cost.

Sidewalks shall be constructed on one side of a street and the cost thereof assessed against the abutting real estate and owners thereof on that side of such street if the owners of more than fifty (50) percent of the street frontage on that side of said street so request. Sidewalks may be constructed on either or both sides of a street, and the cost thereof shall be assessed against the abutting or other real estate and the owners thereof, without the consent of any of such abutting or other real estate owners when the city council deems it proper or desirable for such sidewalks to be laid and they are not laid for the primary benefit of persons other than such abutting or other real estate owner.

Sec. 7.7. Due date of improvement assessments.

Costs assessed against property and the owner thereof for sewer, sidewalk, street, alley, recreational path, way, street curbing or other like or similar work shall all become due and payable in full if any installment is not paid within sixty (60) days from the day it is due.

Sec. 7.8. Execution for improvement assessments.

The city council shall have full power and authority to enforce collection of amounts so assessed by execution against the real estate so assessed and the owner thereof at the date of the ordinance providing for the work, which execution, if not paid, shall be issued by the clerk of the city and levied on such real estate by the chief of police, as city marshal, or his lawful deputy, and after advertisement as in cases of sales for Peachtree City taxes, such property shall be sold at public outcry to the highest bidder for cash, if such execution and costs have not been previously paid; provided such property owner shall have the right to file an affidavit denying that the whole or some part of the amount for which the execution issued is owing or due, and stating what amount, if any, he admits to be owing, which amount so admitted to be owing shall be paid to the levying officer before the affidavit shall be received, which affidavit when received shall be returned to the Superior Court of Fayette County and there tried and the issue determined, as in case of illegalities, subject to all the penalties provided by law in cases of illegality filed for delay only.

Sec. 7.9. Payment of street paving cost by railroads; street tax on public carriers.

(a) Any street railroad company or other railway company having a track or tracks running along or across a street, alley, recreational path, or way of the city shall be required to pay the cost in full for paving or otherwise improving such street, alley, recreational path, or way between their tracks and two (2) feet on each side thereof.

(b) Any bus company or other public transportation company shall also be liable for such street taxes as the council may lawfully impose.

ARTICLE VIII. MUNICIPAL COURT

Sec. 8.1. Creation.

(a) There is hereby established a court to be known as the "Municipal Court of Peachtree City" which shall have jurisdiction and authority to try offenses against laws and ordinances of said city and to punish for a violation of the same.

(b) This court shall have the power

(1) to enforce its judgments by the imposition of such penalties as may be provided by law;

(2) to punish witnesses for nonattendance, and to punish also any person who may counsel or advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before said court, to go or move beyond the reach of the process of the court;

(3) to try all offenses within the territorial limits of Peachtree City constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to the extent of and in accordance with the provisions of such laws and all laws subsequently enacted amendatory thereof;

(4) to establish bail to insure the presence of those charged with violations and to prescribe the conditions of forfeiture of the same; and

(5) to administer oaths and to perform all other acts necessary and proper to the conduct of said court.

(c) The presiding officer of such court shall be known as the judge.

(d) Said court shall be convened at such times as designated by ordinance or at such times as deemed necessary by the judge to keep current the dockets thereof.

(e) The court shall sit at a place designated by the council.

Sec. 8.2. Judge.

(a) No person shall be qualified or eligible to serve as judge unless he shall have attained

the age of twenty-one (21) years, and shall not have been convicted of a crime involving moral turpitude.

(b) No person shall be qualified or eligible to serve as judge unless he shall be a licensed member of the Georgia State Bar, in good standing, who is also licensed to practice law in the State of Georgia.

(c) Neither the mayor, any member of council, appointed officer, nor any employee of Peachtree City shall be qualified or eligible to serve as judge.

(d) The judge shall be appointed by the city council and shall serve at the discretion of the city council. The compensation of the judge shall be fixed by the city council.

(e) The judge pro hac vice shall serve in the absence or disqualification of the judge; shall have the same qualifications as the judge; and shall be appointed by the city council.

(f) Before entering on duties of his office, the judge or judge pro hac vice shall take an oath before the mayor or mayor pro tem, that he will truly, honestly and faithfully discharge the duties of his office to the best of his ability without fear, favor or partiality. This oath shall be entered upon the minutes of the meeting of the mayor and council.

Sec. 8.3. Jurisdiction.

(a) Unless a lesser penalty is provided by ordinance or a greater penalty is provided by general law, the judge shall have power to impose fines, costs and forfeitures for the violation of any law or ordinance of Peachtree City passed in accordance with this Charter as follows:

(1) to impose a fine in an amount not to exceed one thousand dollars (\$1,000.00) for each offense;

(2) to imprison offenders for a period of not more than six (6) months for each offense;

(3) to commit offenders to community service for not more than forty (40) hours per week for a period of not more than six (6) months for each offense; and

(4) to combine any one or more of these punishments in the discretion of the judge.

(b) Said judge shall not have the authority to inflict a greater punishment for contempt than to impose a fine of two hundred dollars (\$200.00) or imprisonment not exceeding ten (10) days, or any combination of the two.

(c) The judge shall be authorized to issue warrants for offenses committed within the corporate limits of Peachtree City, which warrants may be executed by any police officer of said city, and to commit the offenders to jail or admit them to bail or recognizance in bailable cases for their appearance at the next term of court of competent jurisdiction.

(d) The judge is hereby authorized to issue subpoenas to compel the attendance of witnesses to said municipal court, and to issue such other processes as may be necessary for the proper administration of said court.

(e) The municipal court shall also have concurrent jurisdiction with that of the magistrate over offenses against the criminal laws of the state committed within the corporate limits of the city.

(f) Except as may be herein otherwise specified, the judge is vested with all of the jurisdiction and powers as to the entire area within the corporate limits of Peachtree City.

(g) The municipal court is specifically invested with all jurisdiction and powers throughout the entire area within the corporate limits of the city granted by state laws generally to municipal courts and particularly such laws as authorized the abatement of nuisances.

(h) Said judge is hereby authorized to administer oaths.

Sec. 8.4. Right of judicial review of final judgments and sentences.

Any defendant who is dissatisfied with the judgment or sentence of the municipal court shall have the right to seek review of said judgment or sentence by filing a petition for the writ of certiorari in the superior court of Fayette County as provided by the general law of this state. Upon the filing of a notice of intention to petition for certiorari with the clerk of the municipal court in writing and within ten (10) days after the date of the final judgment, it shall be the duty of the judge of said court to assess a reasonable bond pending the review of the judgment of conviction, with such surety or sureties to be approved by the clerk of said court, and such bond, when filed and approved as provided herein, shall act as a supersedeas of judgment until the final judgment of the superior court.

Sec. 8.5. Court costs.

In all cases in the municipal court of Peachtree City, the costs incurred and allowable herein may be computed under the provisions of the laws of the State of Georgia fixing costs in the courts of said state or the city council may establish by ordinance a schedule of fees to defray the costs of operation. The council may also provide a uniform scale of costs of the clerk and police officers of said city for all services in the arrest and prosecution of offenders in the municipal court and in the issuance and collection of tax and other executions; and for their collections and payment into the city treasury.

Sec. 8.6. Rules for court.

With the approval of the mayor and council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the business of said court; provided, however, that the mayor and council may adopt in part or in toto the rules and regulations relative to the procedures to the operation of the superior courts under the general laws of the State of Georgia.

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.1. Existing Ordinances, Resolutions, Rules and Regulations.

All ordinances, resolutions, rules and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the city council.

Sec. 9.2. Existing Personnel and Officers.

Except as specifically provided otherwise by this charter, all personnel and officers of

the city and their rights, privileges and powers shall continue beyond the time this charter takes effect until otherwise decided by the city council.

Sec. 9.3. Pending Matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city personnel or officers as may be provided by the city council.

Sec. 9.4. Severability.

If any article, section, subsection, paragraph, or sentence of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph and sentence be enacted separately and independent of each other.

Sec. 9.5. Gender.

The use of masculine pronouns in the charter shall include the feminine unless specifically referring to a male.

Sec. 9.6. Repealer.

All other laws and parts of laws in conflict with this charter are hereby repealed.

Sec. 9.7. Effective Date.

This charter shall become effective on its passage.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Council

FROM: Nancy Faulkner 

VIA: City Manager 

DATE: March 2, 2001

SUBJECT: Alcohol License – New – Harry's In A Hurry

Harry's in a Hurray, a new retail grocer, will be located at 258 City Circle. Mr. John Latham has requested to be appointed as the licensee and Ms. Ginger Lovett has requested to be appointed as the license representative. The application is attached for your consideration. Ms. Lovett will be present at the meeting on Thursday, March 15th, to answer any questions you may have.



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

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

Virginia A. Lovett
Name

842 Georgetowne Drive Winder, Ga. 30680
Address

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


Signature
3-1-01
Date


Witness



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

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

John L. Latham

Name

1234 Oxford Road Atlanta, Ga. 30306

Address

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

James V. Murray
Signature

3-1-01

Date

Major Mike DePue
Witness



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: <u>HARRY'S Farmers Market, Inc.</u>	Business Location: <u>258 City Circle</u>	
<u>D/b/a Harry's In A Hurry VI</u>	<u>Peachtree City, GA 30269</u>	
Nature of Business: <u>Retail Grocer</u>	Mailing Address: <u>1180 Upper Hembree Rd</u> <u>Roswell, GA 30076</u>	Business Phone Number: <u>770-664-6300</u>
Name of Licensee: <u>John Latham</u>	Home Address: <u>1234 Oxford Rd</u> <u>Atlanta, GA 30306</u>	Home Phone Number: <u>404-378-5279</u>
Name of License Representative: <u>"Ginger" Virginia Lovett</u>	Home Address: <u>842 Georgetowne Dr.</u> <u>Winder, GA 30680</u>	Home Phone Number: <u>770-307-3605</u>

Please indicate type of licenses applying for:

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

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

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
<u>HARRY'S Farmers Market, Inc.</u>	<u>1180 Upper Hembree Rd</u> <u>Roswell, GA 30076</u>	<u>770-664-6300</u>
<u>or</u>		
<u>Ginger Lovett</u>	<u>842 Georgetowne Dr.</u> <u>Winder, GA 30680</u>	<u>770-307-3605 Home</u> <u>770-751-3361 Wk</u>
<u>Claire Gross</u>	<u>254 Thompson Rd</u> <u>Atlanta, GA 30315</u>	<u>770-751-3322 Wk</u> <u>404-636-2870 Home</u>

Is any person who owns an interest in the license an employee of the City of Peachtree City?



**CITY OF PEACHTREE CITY
PUBLIC WORKS DEPARTMENT
REQUEST FOR SIGN**

NOTICE OF ALCOHOL LICENSE APPLICATION

Harry's in a Hurry

Name: _____

258 City Circle

Location: _____

March 15, 2001

Date of Public Hearing: _____

Additional Instructions: _____

Sign up 3-5-01

Signature: *[Signature]* Date: 3-1-01

RECEIVED

MAR 15 2001

PUBLIC WORKS DEPARTMENT
PEACHTREE CITY, GEORGIA

POSITION PAPER
Proposed Variance: 201 Planceer Place, Sandown Subdivision
Director of Developmental Services
February 28, 2001

Situation:

Mr. Craig M. May owns the house at 201 Planceer Place. He would like to construct a 600 square foot addition on the west side of the house. That addition, if constructed as proposed, would encroach into the setback along Planceer Place a distance of 10 feet. In order to get a building permit for the addition, Mr. May submitted a variance request (Attachment "A").

Facts:

1. The front setback along Planceer Place is 40 feet. A corner of the proposed room addition would encroach into this setback no more than 10 feet (Attachment "B").
2. In support of his variance application, Mr. May has prepared a floor plan showing the room layout, a side elevation of the proposed room addition, and a front elevation showing the room addition relative to the existing structure (Attachment "C").

Recommendation:

The Staff recommends approval of a 10-foot variance. The proposed room addition would be a relatively minor encroachment, but would make a major improvement to the architectural appearance of the house from the street. It is not felt that the encroachment would adversely affect the adjoining property or the neighborhood.

JBW/cbb

Attachments "A" – "C"

**REQUEST FOR VARIANCE
ZONING ORDINANCE, CITY OF PEACHTREE CITY**

This is a request for a variance from the requirements of the Peachtree City Zoning Ordinance for the property located at: 201 Planceer Place

The reason this variance is being requested is as follows: Owner wishes to build an addition (master bedroom suite) to the west end of the existing home that is symmetrical to the extension on the east end of the home. Without the Variance it is impossible to build a visually pleasing, symmetrical addition.

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

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

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

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

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

Name: (Please type or Print) Craig M. May
Address: 201 Planceer Place
Phone: 770 487 0890
Signature: Craig M May

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

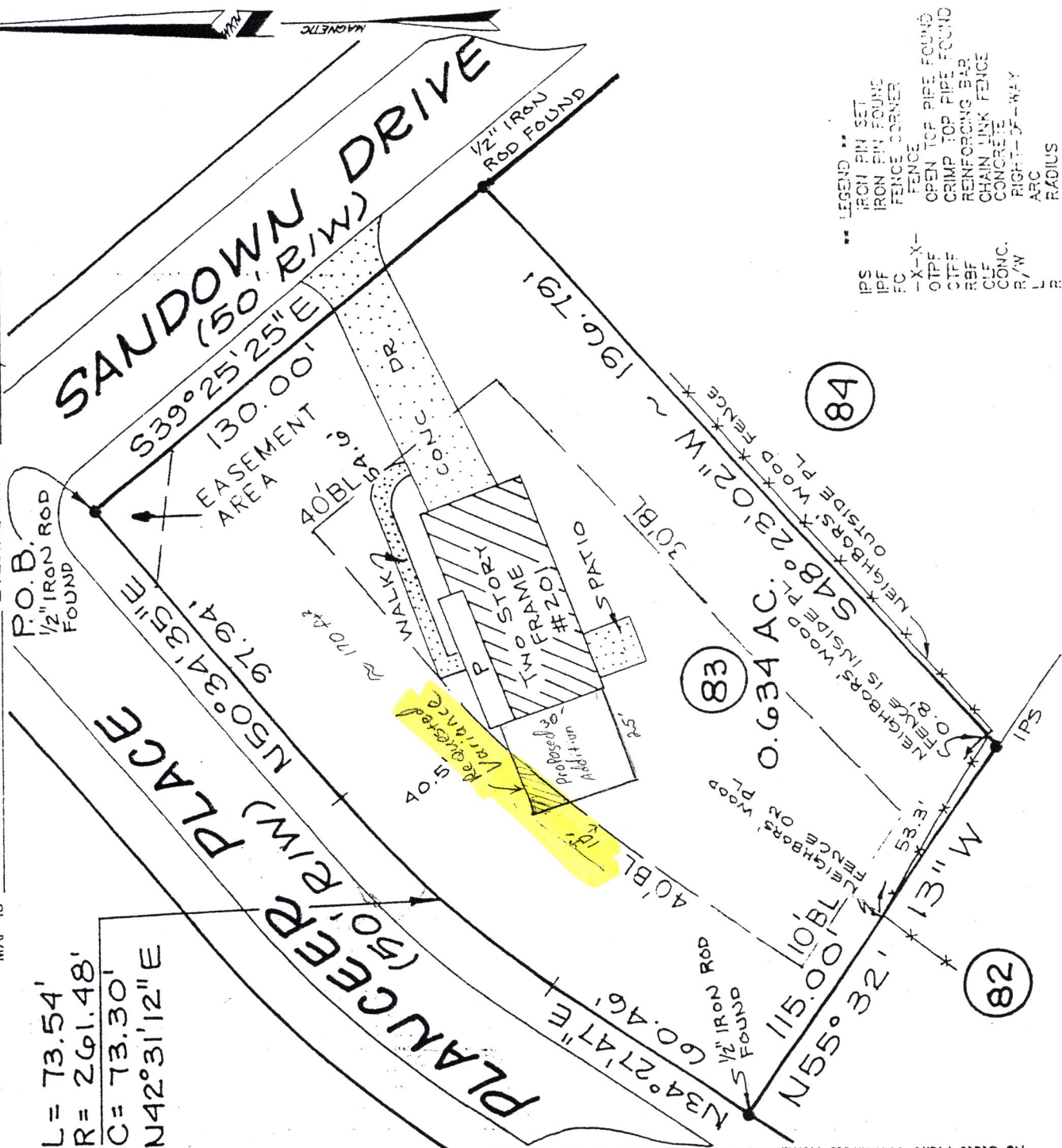
Signature: James S. Williams
Title: ZONING ADMINISTRATOR
Date of Acceptance: FEBRUARY 9, 2001
Date of Public Hearing: MARCH 1, 2001

The field data upon which this plat is based has a closure of 1 foot in 10,000+ feet, an angular error of .03 seconds per angle point and was adjusted using the Least Squares Method. This plat has been calculated for closure and found to be accurate to 1 foot in 100,000+ feet. An electronic total station and a 100' chain were used to gather the information used in the preparation of this plat.

L = 73.54'
 R = 261.48'
 C = 73.30'
 N42°31'12"E

I HAVE THIS DATE, EXAMINED THE "FIA OFFICIAL FLOOD HAZARD MAP" AND FOUND REFERENCED PARCEL (S) (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

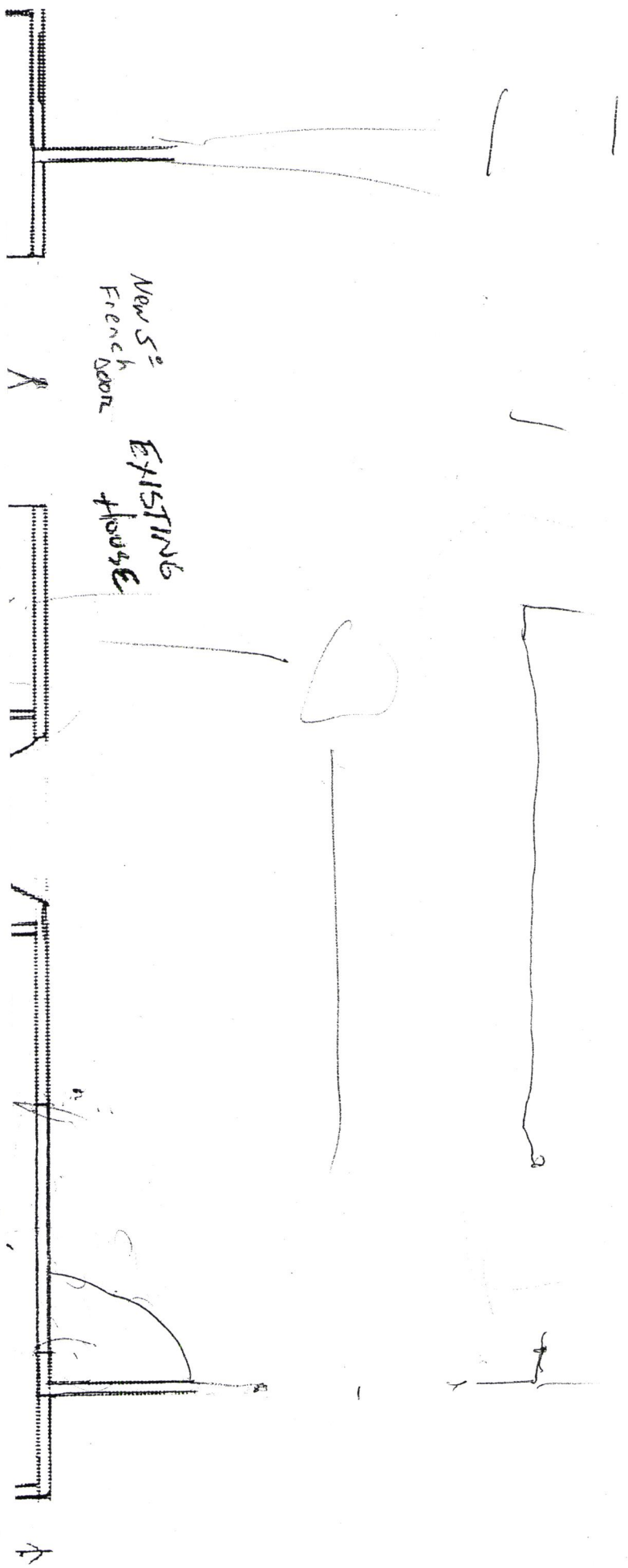
MAP ID 130078 0001 C EFFECTIVE DATE: DEC. 1, 1977



- LEGEND
- IPS IRON PIN SET
 - IPF IRON PIN FOUND
 - FC FENCE CORNER
 - X-X- FENCE
 - OTPF OPEN TOP PIPE FOUND
 - CTPF CRIMP TOP PIPE FOUND
 - RBF REINFORCING BAR
 - CLF CHAIN LINK FENCE
 - CONC CONCRETE
 - R/W RIGHT-OF-WAY
 - ARC ARC
 - RADIUS
 - CHORD
 - POINT OF BEGINNING
 - CATCH BASIN
 - CE EASEMENT
 - CE EASEMENT
 - CONC CONCRETE
 - PROPERTY LINE
 - ROAD

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

40' 20' 0' 40'



New 5'
French door

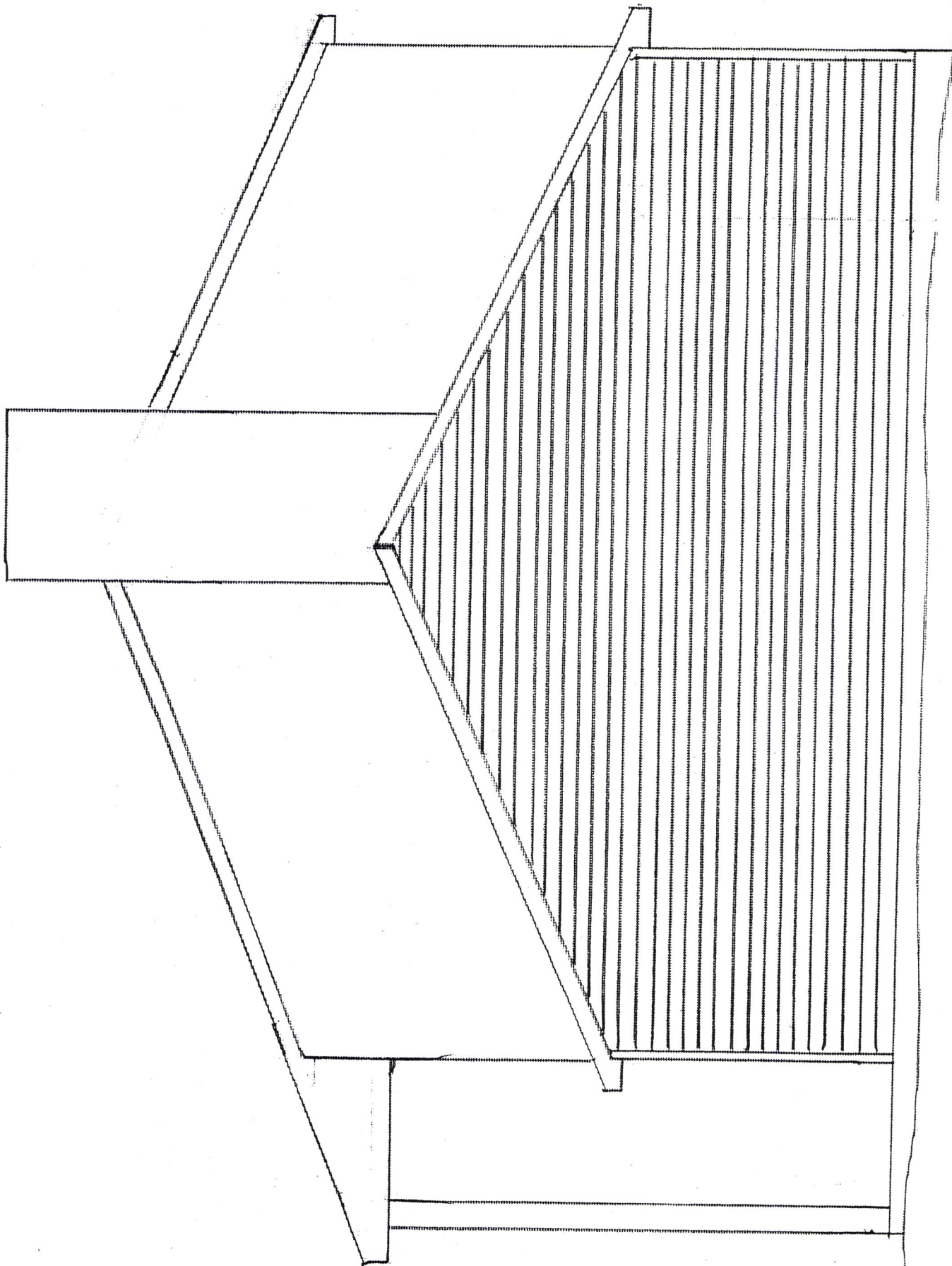
EXISTING
house

6' CULTURED MARBLE
TUB

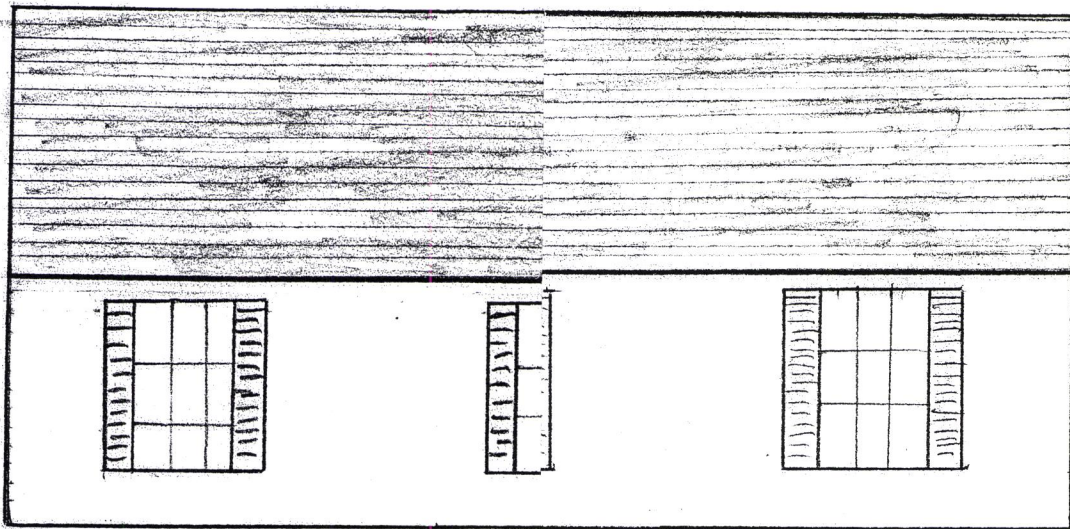
CRAIG & KIM MAY

201 PLANNED PLACE

PTC



SIDE VIEW



CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Manager 
DATE: March 9, 2001
SUBJECT: WASA Watershed Assessment

Council, as you recall at the February 15, 2001, meeting, Mr. Dennis Chase of the Line Creek Association encouraged Council to forward subject Assessment to selected professors of institutions of higher learning to conduct a technical review of the document. Council tasked me with the responsibility of developing a "scope of services" for the review. Initially, my plan was to meet with Mr. Larry Turner, WASA General Manager, and Mr. Chase to jointly develop the scope of services. However, the attached February 22, 2001, letter from the WASA Chairman John Gronner, expresses opposition to such a review, and feels "there is a risk involved in challenging EPD's protocol and procedures."

As a result of the WASA position, I convened a meeting with Mayor Lenox, Councilmember Frtiz, the City Attorney and me to discuss this matter. The City Attorney felt that this was an issue between WASA and the Line Creek Association, and it was inappropriate for the City to challenge EPD on this matter. After extensive discussion, it was the consensus of the group that this matter should be returned to Council for further discussion and direction. The group also felt that Councilmember Frtiz and I should meet with Mr. Chase and advise him of the decision to take this matter back to Council.

We did meet with Mr. Chase, and he was disappointed in the direction things appear to be heading. He indicated that the Line Creek Association would probably seek a review of the Assessment through other agencies. We advised Mr. Chase that no final action had been taken on this issue, and he was encouraged to attend the March 15th meeting. Following the February 15th meeting, my first telephone call on this matter was to Mr. Chase to discuss the joint preparation of a scope of services. He immediately went to work on the attached scope of services.

Finally, I did ask the City Attorney to provide the attached opinion on this issue. Staff seeks further direction from Council on this subject following discussion at the March 15th, meeting.

Attachments

Cc: Mr. Dennis Chase
WASA
City Attorney



Peachtree City Water and Sewerage Authority

February 22, 2001

The Honorable Mayor and City Council
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

RE: WATERSHED ASSESSMENT (Assessment)

Dear Madam/Sir,

After attending the City Council meeting on Thursday, February 15, 2001 and listening to a discussion of obtaining an outside opinion on the recently completed Watershed Assessment completed by the Authority, I believe it is important to present the Authority's position on this matter. This Assessment was performed by highly qualified professionals in accordance with a scope of services prepared in accordance with Georgia Environmental Protection Division (EPD) protocol and approved by EPD. The study was accomplished over a one (1) year period with samples collected both during wet and dry periods of the year at a cost of over \$130,000.00. On the basis of this Assessment, EPD has given approval with two (2) minor conditions and issued our final wasteload allocation. On the basis of this approval the Authority is proceeding with the Design Development Report (DDR) and Environmental Information Document (EID) which are the next steps in the permitting process.

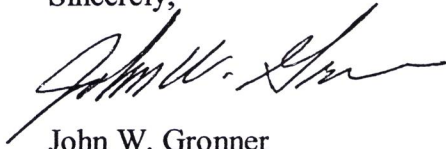
Comments were made at this City Council meeting concerning the fact that EPD had removed Line Creek from the 303(D) list of impaired waters. The fact that Line Creek was removed from the 303 (D) list has no relationship to the watershed assessment. Line Creek was removed from the 303(D) list based on tests conducted well prior to the watershed assessment.

The Honorable Mayor and City Council
February 22, 2001
Page Two

In addition, I feel the need to comment on a recent e-mail that intimated that the Authority was not cooperative with the Line Creek Association (Association). A watershed advisory group was established by the Authority to assist in obtaining public input in the assessment process. This group held three (3) different announced meetings during the year of preparation, yet no one came from the Association to provide input. Meetings arranged by the Authority with the Association representative were held on September 26, 2000 and on October 11, 2000 to discuss the Assessment. Data from the Association was finally provided to the Authority on October 18, 2000. Although the data was not considered usable because it appeared not to follow EPD standard protocol, the Assessment was revised to acknowledge its existence. It appears that the only way to be cooperative is to be in agreement and the two are not synonymous.

It is the Authority's position the Assessment was accomplished in a professional manner as evidenced by EPD approval and that no additional review is required. In fact, we believe that there is a risk involved in challenging EPD's protocol and procedures, which is what you are basically doing.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Gronner", written over a horizontal line.

John W. Gronner
Chairman

Attachment

Jim Basinger

From: Dennis Chase [dechase@mindspring.com]
Sent: Tuesday, February 27, 2001 4:05 PM
To: Jim Basinger
Subject: Fw: Revised Scope

----- Original Message -----

From: "Kevin Armbrust" <armbrust@gaes.griffin.peachnet.edu>
To: "Dennis Chase" <dechase@mindspring.com>
Sent: Sunday, February 25, 2001 11:33 PM
Subject: Revised Scope

> Dennis,
>
> Take a look at this and let me know what you think. I will be
> out of town most of today but can be reached at either (770)468-
> 8287 or (770)550-6655. It may still be a good idea to break some
> of the specific details I listed below on a separate sheet for the
> reviewer to address.
> You will notice I specifically requested a "substantial and
> detailed" report. I do not want us to get back something like "I
> read it all and it is fine, no problems" or "This assessment is
> horrible and I think you really have problems that need to be
> addressed". Obviously neither of those statements are helpful.
>
> Anyway give me a call at some point and let me know what
> you think and if I can be of any assistance in this matter.
>
>
>
> Dear Dr. [Sir/Madam],
>
> Thank you for agreeing to act as a technical reviewer of the
> enclosed documents. As we recently discussed, the Peachtree
> City Water and Sewer Authority has recently completed a
> watershed assessment to meet a state regulatory requirement in
> support of a request to the Georgia Environmental Protection
> Division to increase its treated wastewater discharge permit into
> Line creek. As we had discussed we would like you to consider
> this assessment from two different scopes.
> First, we would like you to review the watershed assessment
> itself. We do not ask that you review it for compliance with state or
> federal regulatory requirements. This will be done by the
> appropriate authorities. Rather as an expert in the field of water
> quality we would like you to review it on its overall scientific
> approach and content. Specifically please comment on the
> appropriateness of the methods used to determine stream water
> quality, the discussion of the results, the conclusions (based upon
> the results), appropriate use of tables, graphs and figures, as well
> as the appropriate use of the statistical analysis to justify the
> conclusions.
> Second we would like for you to evaluate the scientific
> completeness and appropriateness of the watershed assessment
> in light of historical data collected along Line creek. We have also
> enclosed, as listed below, additional biological and chemical data
> from observations and investigations that have been conducted in
> the Flat Creek and Line Creek Watersheds in prior years. We are

> especially interested in your views of these data, the overall
> appropriateness of the watershed assessment to determine the
> current level of water quality in Line Creek, and the ability of the
> creek to assimilate additional treated wastewater, especially during
> low flow periods.
> Please provide feedback in the form of a report substantially
> addressing and discussing in detail each of the points listed above.
> We would appreciate receiving your report as soon as possible but
> no later than (DATE).
> Thank you again agreeing to review this data. Your input will
> provide a valuable service to our community.

>
> Sincerely,
>
>
>
>

> City Official
> Kevin L. Armbrust, Ph.D.
> University of Georgia
> Department of Crop and Soil Science
> Georgia Station - 1109 Experiment Street
> Griffin, Georgia 30223-1797
> office: (770)228-7214
> mobile: (770)468-8287
> fax: (770)412-4734
> email:armbrust@gaes.griffin.peachnet.edu
>

March 15, 2001

Good Evening Mr. Mayor and Council,

I am Mr. Dennis Chase, President of the Line Creek Association of Fayette County.

After my March 5th meeting with Mr. Jim Bassinger he informed me council was reconsidering their decision about a peer review of the watershed assessment issues. To assist me in preparation of these issues before you tonight I looked for some additional help. Assistance was provided by engineers who reviewed the documents on this issue and offered several points for consideration.

First, is there a real need for expansion beyond the existing permit for 4.9 million gallons per day. The Water and Sewerage Authority's (Authority) final flow projections have some questionable numbers which we can't validate. We plan to pursue this in greater detail.

Assuming that the expansion permitting process proceeds as is currently programmed, several issues develop. Is the actual increase in total treatment capacity to 5.5 MGD an overall increase 0.6 MGD? (This question revolves around the projected 1.5 MGD increase at the Rockaway facility and a reduction of 0.9 MGD with the closing of the Flat Creek facility. A net of 0.6 MGD) The cost of 0.6 MGD, according to the Facility Master Plan will exceed \$8 million. This equates to a \$13.40 per gallon cost for the new capacity. Historically, cities have developed increased capacity at a much lower cost per gallon.

Second, the above costs will be added to a relatively high customer sewer rate which currently exists in this city. I acknowledge the Authority's June 2, 2000, public information release which contains

a table of other wastewater treatment facilities in counties in our area. However, the Peachtree City rates are, in fact, high. We believe that the comparison should be between similar size cities rather than comparing counties from some of the most expensive systems in the state.

Third, one of the reasons frequently offered for closing the Flat Creek facility is the high cost of operations on a per gallon basis. However, since this facility treats primarily industrial sewage, one could or should question its consideration as related to higher costs. Since treating industrial sewage is recognized as being more costly than treating household wastes.

Fourth, many of the projected costs to accomplish this \$8 million project are listed in Table 4.4 from the Facilities Master Plan. Contractor Overhead & profit is stated as 25%, --- Contingency allowance at 15% --- while Engineering is also at 15%. This in fact represents a total of 55% of the total costs of this 8 million dollar project. With only 45% allocated to capital improvements. On this point we simply wonder why, but we do know full well who will absorb the costs. Will it be the customer?

I recognize and understand the reason we here to consider the question of a peer review of the Watershed Assessment is in response to correspondence from the Water and Sewerage Authority. Chairman Gronner of the Peachtree City Water and Sewerage Authority submitted a letter expressing concerns that peer review may delay Environmental Protection Division's (EPD's) approval of the Authority's permit request to increase the discharged into Line Creek from 4.9 to 6.0 million gallons per day.

However, it is my professional opinion, based on over 26 years as Biologist for the US Fish and Wildlife Service that when considering an action impacting the environment it is better to move with care having taken all reasonable precautions rather than to move quickly and adopt the simplest or most expeditious solution. It is regrettable, as I believe you are fully aware, the State of Georgia's requirements for protection of our watersheds, aquifers, and streams are minimal at best. They do not provide the level of protection we know is necessary for our watershed and the level of protection, Peachtree City provides in other environmental considerations and for which we are justly very proud. It is the Line Creek Association's position and belief that we have the right to expect every protection available. Further, you as elected officials, have that same right, but should be willing to go further to ensure that every possible action is considered to protect our environment. In this case, we are not asking you to take sides in the argument over the quality of the water assessment, rather we are asking you to participate as elected officials and request an unbiased review of the that document and related documents as they consider Line Creek's water quality.

Unfortunately, Mr. Gronner's letter of February 22, 2001, omits any reference to the fact that the Peachtree City Water Committee was established specifically to considered actions in the city that impact water quality. Prior to the Water Committee taking actions as a body and the Water and Sewerage Authority's sponsorship of the Watershed Assessment, the Water Committee asked me to assist them in designing an overall study to evaluate Peachtree City's water quality issues. I had begun that effort in earnest when I was notified by a Water Committee representative that the Authority's General Manger, Mr. Larry Turner, was going to do a water quality study as a part of

their request for a permit from EPD to increase the discharge rate into Line Creek from 4.9 to 6.0 million gallons per day. From Mr. Turner's perspective, the city would obtain all necessary information required without putting more money into a water study. The Water Quality Committee agreed and my work ceased. However, once the Authority began its work it was only with the consideration of the "MINIMUM" requirements of Georgia Environmental Protection Division for water supply protection and would not include any analysis or evaluation of our water beyond EPD's requirements. Ladies and Gentlemen we are now left with a Water Assessment that is incomplete and therefore inadequate for the needs of Peachtree City and Fayette County Citizens today and, in my opinion, the future.

Mr. Gronner's letter makes an interesting statement. The letter's last sentence state's, "In fact, we believe that there is a risk involved in challenging EPD's protocol and procedures, which is what you are basically doing." From the Line Creek Association's perspective the city's request for a peer review does not in any way represent a judgement of the water assessment; within the context of EPD's requirements rather it represents a request for an opinion as to whether the documents in the water assessment demonstrate that the Authority met their commitment to the city regarding a broad range of questions/concerns to a study of Peachtree City water quality issues as requested by the Water Committee. Further, I would suggest that the Water and Sewerage Authority's expression of apprehension that we should not be "challenging" a State agency's method of doing business is not reflective of Fayette citizens and county governments regarding State of Georgia and ARC governmental directives. I cite for example the positions taken and questions raised regarding ARC's Regional Transportation plan and the Governor Barnes education program just to mention a few.

If we as citizens don't question these issues, then who does? It is in asking the hard questions that we insure the effectiveness of our government. Intentionally avoiding these issues, as suggested in Mr. Gronner's letter, does not serve the needs of Fayette County citizens.

When it comes to the environment, we don't have the opportunity for an instant replay to correct an incorrect call. We must live with the consequences of our actions. Our request tonight is to accomplish a peer review of the water assessment study in order to **reduce to a minimum** the possibility any action or actions having an adverse impact of our watershed, aquifers and streams, rather than **accepting the minimum protection** provided by EPD for our scarce and vital water resources.

I know that the questions I presented tonight are difficult and troubling. You may also find it difficult or troubling to raise questions or concerns with the Authority or with the State. However, we believe you must ask the hard questions so you can assure the citizens of Peachtree City that all of us have worked hard to make sure the Watershed Assessment meets and protects the needs of all of us.

Thank you Mr. Mayor and Council. I am available if you have any questions.

WEBB, STUCKEY & LINDSEY, LLC

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

March 6, 2001

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

RE: Line Creek Watershed Assessment

Dear Mayor and Council:

Following the Council meeting of February 15, 2001, I received a copy of a letter sent to the City by John Gronner as the Chairman of the Water and Sewer Authority. In Mr. Gronner's letter, he states that the Water and Sewer Authority is opposed to the City engaging in a review of the watershed assessment and the methodologies used to obtain that assessment. In his letter, Mr. Gronner states the assessment was performed according to the EPD requirements and that questioning the methodologies used may be viewed by EPD as a direct challenge to that State Department's authority.

Whether or not Mr. Gronner is accurate in his assumptions is not the issue here. In my opinion, after receiving this letter, the City should not now engage in this independent review of the watershed assessment. I have concerns on two separate levels. First, we must keep in mind that the Water and Sewer Authority is a separate legal entity charged with operating the sewer system, and consequently, complying with all applicable laws. The City's involvement in an independent review of an assessment which was performed at the direction of the Water and Sewer Authority could be viewed by the Authority as a direct insult to its integrity and independence. The City Council should keep in mind that our only involvement with the Water and Sewer Authority is the appointment of its members. The only other involvement the City has with the Water and Sewer Authority are those which we contractually entered into with that governmental entity. The City does not supervise nor oversee it. The City may have the legal right to request an independent analysis of the watershed assessment, but in so doing, the City may erode the working relationship between the Authority and itself.

March 6, 2001

Page 2

Secondly, the City is not in a position to challenge the methodologies established by the Environmental Protection Division of the Department of Natural Resources. If we have concerns over the methodologies required by the EPD, then we should set those forth in a letter to the EPD with all the necessary backup data and reasoning. At this point and time, the City has no expertise in such environmental matters, has no backup data, has no sound scientific reasoning to contest the studies required by EPD and, therefore, is not in a proper position to challenge the methodologies used by the EPD.

Thus, the City should remain neutral in this matter which has arisen between the Line Creek Association and the Peachtree City Water and Sewer Authority. This is a matter which is properly resolved between those two entities and the EPD.

Best regards.

Sincerely,

WEBB, STUCKEY & LINDSEY, LLC

Richard P. Lindsey

RPL:jmf

Jim Basinger

To: A_Mayor and Council

Subject: FW: Watershed Assessment

Council, the attached email from Councilmember Fritz is forwarded for your information. I have discussed this matter with Mayor Lenox and Councilmember Fritz. At this point, Councilmember Fritz would like to discuss this subject during the Council/Staff Topics section of Thursday night's Council meeting. Also for your information, I am faxing to each of you the referenced notes taken by Ms. Susan Johnson at the Line Creek Association meeting last night. Regards. Jim

-----Original Message-----

From: Carol Fritz [mailto:cfritz@peachtree-city.org]

Sent: Tuesday, February 13, 2001 10:15 PM

To: Bob Lenox

Cc: Jim Basinger

Subject: Watershed Assessment

Bob,

I wasn't sure if you were in town, or if I should send this to you or Jim first. Since you and I originally met with Dennis about this, I am sending to you, and copying Jim B.

I attended the Line Creek Association Meeting this evening to see exactly what is going on regarding the concerns about Line Creek.

Bob, you and I met with Dennis and Kevin Armbrust on November 1, regarding the WASA Watershed Assessment. It was recommended to us that we have an independent review done of the assessment, and the Line Creek Association was willing to live with the results of that review. You were willing at that time to have a review done. It was at Kevin's insistence that we wait, but I have not heard whether or not he has gotten the grant that was in question at the time. Dennis has time line concerns, and is moving ahead to address the concerns of the Line Creek Association. Susan Johnson was also in attendance and was taking notes as to the exact options Dennis was listing as options for the Association. The last one, and most undesirable is a lawsuit. And that would be most undesirable to all parties I would imagine.

The WASA was told to work with Dennis on this expansion permit, and Dennis feels he has been dismissed at every encounter. I have to agree with him on that. He feels that because of the dismissal of all of his concerns, he must do what he must do, as you (Bob) told him to do. It sounds like the first plan is to make copies of all the previous reports that show Line Creek as being impaired, and forwarding them to a list of agencies and groups. I believe the Line Creek Association has support from at least one outside group at this time, but I do not know who. There are at least 8 reports that show the creek as being impaired, yet all of a sudden, the creek is removed from the impaired list, and the permit process is moving on.

Bottom line is, we really need to have this independent review done for all concerned. This review should not be engineered as the Watershed Assessment was done. An independent review will tell us where we really stand. We really need to know that at this point.

I would like to either put this on the agenda for Thursday night, or, I can bring it up during Council/Staff discussion. I just did not want to blind side you with it. I will bring the package of information that Dennis had at the meeting in November.

Gene is taking his brother and sister to the airport at 9:30, so I will try to call Jim after that and see if you both have gotten the message. Not sure which one of you to call first either!

Regards,
Carol

2/14/01

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers

FROM: Jim Basinger 

DATE: March 7, 2001

SUBJECT: APPOINTMENTS TO THE DEVELOPMENT AUTHORITY

The Selection Committee, composed of Mayor Lenox, Councilmember Tennant, and myself, interviewed six (6) applicants for the vacancy on the Development Authority.

It is the recommendation of the committee that Mr. Bob Truitt and Mr. Tate Godfrey be reappointed to serve a term from 4/7/01 through 4/6/07.

We further recommend that Mr. Brian Palmitessa be appointed to serve a term from 4/7/01 through 4/6/07.

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

JB/gr

Attachments

cc: Chairman, Development Authority

**DEVELOPMENT AUTHORITY
APPLICATION FOR APPOINTMENT**

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

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

The Development Authority is comprised of seven members appointed to six year terms. Meetings are held on the third Monday of each month at 6:00 p.m. Members are required to attend a minimum of eighty percent (80%) of all meetings. The Authority is responsible for developing and promoting trade, commerce, industry and employment in Peachtree City.

Please take a few minutes to complete the form below and answer the questions on the reverse side of this form and return it with a resume, if available, to City Hall, 151 Willowbend Road, Peachtree City, GA 30269 by **5:00 p.m. on Friday, February 23, 1999**. The City will contact you within two weeks of the application closing date.

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

NAME Bob Truitt

ADDRESS 202 ABERDEEN DR

PEACHTREE CITY, GA 30269

TELEPHONE (Day Time) 770-632-1001

(Evening) 770-487-6888


Signature

2/16/01
Date

12/28/2000 THU 14:38 FAX CITY OF PEACHTREE CITY

**DEVELOPMENT AUTHORITY
APPLICATION FOR APPOINTMENT**

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

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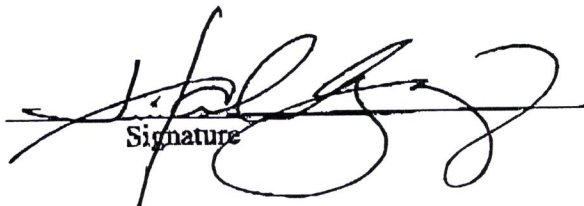
NAME J. TATE GODFREY

ADDRESS 404 MT. VERNON TRACE

PEACHTREE CITY, GEORGIA 30269

TELEPHONE (Day Time) 770.487.8585

(Evening) 770.487.7871


Signature

12/28/00
Date

**DEVELOPMENT AUTHORITY
APPLICATION FOR APPOINTMENT**

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

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

NAME

Brian J. Palmitessa

ADDRESS

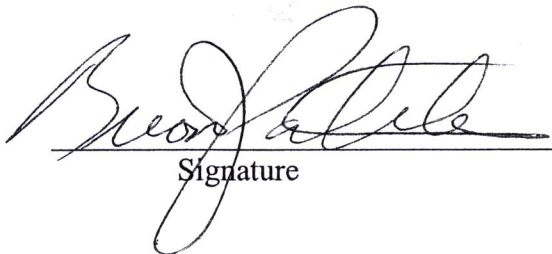
404 Plantain Terrace

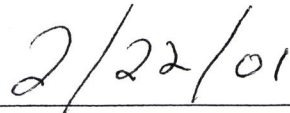
TELEPHONE (Day Time)

770-486-0090 x13

(Evening)

770-486-8341


Signature


Date

CITY OF PEACHTREE CITY

INTER-OFFICE MEMORANDUM

TO: Mayor Lenox and Members of Council

VIA: City Manager, ATTN: Mr. Jim Basinger

FROM: Stony Lohr
Fire Chief

DATE: March 8th, 2001

SUBJECT: Golf Cart Injuries

ISSUE: Citizen Bill Aleshire recommended that Council impose a mandatory requirement to use seat belts on golf carts. This request is based upon his observation of parents holding children while concurrently driving a golf cart, and children riding in carts while unrestrained. Dr. Brooks and Mayor Lenox asked staff to research golf cart injuries.

The information below has been gleaned by manually searching the Peachtree City records for CY2000, and from group memory of serious accidents in Peachtree City over the past ten (10) years. Additionally, we contacted agencies and departments at County, Regional, State, and Federal levels, an Expert Witness on golf (cart) accidents, three local golf cart dealers, Club Car, the second largest manufacturer of golf carts in the United States, and the National Golf Car Manufacturers Association (NGCMA).

The following agencies and department have specifically stated that they do not have any golf cart related injury information: Fayette Community Hospital, Georgia Association of Hospitals, Georgia Region IV EMS, Georgia Department of Human Resources, Georgia Department of Community Affairs, Georgia Department of Public Safety, Georgia Department of Transportation, Georgia Consumer Affairs Office, Georgia Governor's Office of Highway Safety, and the National Highway Transportation Safety Administration (NHTSA).

Other than Peachtree City local records, the only available information is from four databases maintained by the National Injury Information Clearing House of the U.S. Consumer Product Safety Commission.

Peachtree City Golf Cart Injury Data:

- a. We have not had any fatalities related to golf cart accidents.
- b. In 2001 we are aware of injuries from 2 golf cart accidents. The first was a "walk in" after a teenager rolled a cart. The second involved a 2-year old child that sustained serious head injuries from falling off the cart and possibly being run over.

c. In 2000 we are aware of ten (10) golf cart accidents. Three involved minor injuries to a 2 year old and two 13 year old children.

d. From 1991 through 1999, we are aware of a total nine (9) serious golf cart accidents. Five involved juveniles; four of these involved older children and teenagers.

e. Of the accidents in Peachtree City, four (4) would probably have resulted in deaths or more serious injuries if the cart occupants had been wearing seat belts.

f. A summary of Peachtree City golf cart accidents is at Enclosure 1.

National Golf Cart Injury Data:

a. The only juvenile fatality since 1997 was a 16-year old boy in Ohio in 2000 who drowned because he was unable to unfasten his seat belt after his cart slid into a pond. The greatest number of juvenile fatalities occurred in 1997, when there were five. The children involved were ages 10, 11, 11, 13 and 19. Four of them involved a cart rollover and one of these was in a canal.

b. A summary of golf cart injuries and deaths for 1991 through 2000 is at Enclosure 2.

The National Golf Car Manufacturers Association (NGCMA) has strenuously opposed the use of seat belts in golf carts since 1996 based on safety, liability and marketing reasons. There is a consensus of engineers, scientists, manufacturers, dealers and regulators that use of seat belts in golf carts is inappropriate and will cause more harm than benefit at speeds not exceeding 20 mph.

Club Car reported that it is not aware of any optional safety mechanisms for golf carts except seat belts. It will not install seat belts in any of its golf carts unless it is equipped with a fully enclosed passenger compartment, and then will only install self-retracting seat belts. Of three local golf cart dealers, the only safety option available is seat belts. They are available upon request from one dealer. They are available upon request and with a strongly worded release from liability from a second dealer. The third dealer will not install them under any circumstances because of liability.

Club Car recommends that no person under the age of 16 operate a golf cart, recommends not using baby seats in golf carts, and recommends that a person not operate a golf cart while holding a child on his or her lap.

Club Car reported that virtually all of the accidents that it has investigated where a person fell from a golf cart involved a person who was not properly seated.

RECOMMENDATION: Staff recommends that (1) Peachtree City encourage the use of helmets for young children who ride on golf carts and that it continue to promote public safety education regarding the use of golf carts; and (2) that Peachtree City not mandate the use of seatbelts in golf carts having a maximum speed of 20 mph or less.

Peachtree City
Golf Cart Accident and Injury Summary- March 8, 2001

YEAR	MONTH	LOCATION	DESCRIPTION
1991	X	X	CHILD FALLS OFF BUMPER; CART RUNS OVER HEAD
1993	X	BEHIND LAKEWOOD SUBDIVISION	TEENAGE GIRLS TRAVELING DOWNHILL AT HIGH SPEED; HIT TREE; THROUGH WINDSHIELD
1995	X	PEACHTREE PKWY	CAR VS GOLF CART (ADULT); MULTI-TRAUMA
1995	X	3 PONDS	VISITING GRANDPARENTS BACK CART DOWN HILL INTO POND WITH GRANDCHILDREN
1996	X	OFF RAINTREE BEND	YOUNG TEENAGER ROLLED CART; FRACTURED FEMURS
1997	X	LAKE PEACHTREE	ADULT DUI DRIVER DRIVES INTO LAKE PEACHTREE
1998	X	HWY 54 @ROBINSON ROAD	MVA, PASSENGER CAR VS GOLF CART XING HWY (ADULT; MULTI-TRAUMA)
1998	X	PATH BEHIND SHAKERAG HILL	TEENAGER TRAVELING AT HIGH SPEED DOWN HILL; MISSES TURN; HIT TREE;MEDEVAC
1999	X	BRAELINN SHOPPING CENTER	CAR VS CART (ADULT); MULTI-TRAUMA
2000	MAR	HWY 54 PEDESTRIAN BRIDGE	NO INJURY
2000	JUN	HUDDLESTON ROAD	2 YEAR OLD FELL OUT OF CART. FACIAL ABRASIONS
2000	JUL	BEHIND 505 LAKEWOOD	NO INJURIES (4 PATIENTS)
2000	JUL	CROSSINGS EAST TUNNEL	13 YEAR OLD WITH MINOR KNEE ABRASION
2000	JUL	NORTH PEACHTREE PARKWAY @ TINSLEY MILL	MEDICAL CONDITION; NO INJURY
2000	AUG	CROSSTOWN @ROCKSPRAY	BIKE VS GOLF CART; 13 YEAR OLD WITH ABRASIONS AND SORE SHOULDER
2000	SEP	POND	NO INJURIES
2000	SEP	102 WISDOM ROAD	NO INJURIES
2000	SEP	WINDGATE ROAD @PARKWAY	NO INJURIES
2000	DEC	NORTHLAKE DRIVE@HWY 54	19 YEAR OLD; NO INJURIES
2000	DEC	HWY 74 PEDESTRIAN BRIDGE	NO INJURIES
2001	FEB	STATION 82	WALK IN. TEENAGER WITH MULTIPLE ABRASIONS AFTER ROLLING GOLF CART
2001	FEB	LORING LANE	2 YEAR OLD FELL OFF CART AND POSSIBLY RUN OVER

National
Golf Cart Accident and Injury Summary-March 8, 2001

YEAR	REPORTED INJURIES	REPORTED JUVENILE INJURIES	REPORTED SERIOUS JUVENILE INJURIES	REPORTED ROLLOVER INJURIES	REPORTED DEATHS	REPORTED JUVENILE DEATHS	REPORTED ROLLOVER DEATHS	ESTIMATED TOTAL NATIONAL INJURIES
2000	208	78	3	8	5	1	1	8764
1999	203	80	4	11	15	0	8	9249
1998	182	71	3	6	7	0	2	7887
1997	169	77	2	7	7	5	5	8304
1996	161	41	3	8	3	0	0	6148
1995	145	46	2	8	12	1	5	6500
1994	140	40	4	3	12	1	6	5873
1993	131	36	2	4	3	2	0	5617
1992	122	26	5	5	9	1	5	
1991	124	35	3	8	13	1	2	
TOTAL	1585	530	31	68	86	12	34	58342

NOTES

1. THE AVERAGE OF THE ESTIMATED ANNUAL NATIONAL INJURIES FOR THIS TIME SPAN IS 7,293
2. THE REPORTED NUMBER OF INJURIES FOR CY2000 IS NOT YET COMPLETE.
ADDITIONAL REPORTS ARE EXPECTED IN THE NEXT 30-45 DAYS.
3. THE STATISTICIANS IN THE NATIONAL INJURY INFORMATION CLEARINGHOUSE REPORT THAT THEY DO NOT CONSIDER THE INCREASE IN ESTIMATED NUMBERS OVER THE TIME SPAN TO BE STATISTICALLY SIGNIFICANT.
THERE IS A PLUS OR MINUS 29% CONFIDENCE INTERVAL.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Manager 
DATE: March 8, 2001
SUBJECT: \$180 Applicant Filing Fee for Council Vacancy

Council, as you know, the City elected to charge the standard \$180 applicant filing fee for the Council vacancy to help ensure only serious applicants applied. The \$180 fee is for a full 48-month term as opposed to the 9.5 months remaining in the vacant seat. Several Councilmembers have expressed an interest in returning all or part of subject fee to the 14 applicants. Should Council elect to return only part of the fee based on the 9.5 months remaining in the Council term as compared to a full 48-month term, the refund would amount to \$144.