

City Council of Peachtree City
Agenda
January 18, 2001
6:00 p.m.

Please note change in regular time.

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
 - Recognize Employee of the Month - Robert Eidson
 - Recognize Supervisor of the Quarter - Jim Miller
 - Recognize Marcie Blind - 15-year Service pin
 - Recognize Girls Lazer White Soccer Team - winner of the GA State Open Cup
 - Recognize All Children's Playground Gold Sponsors
 - Presentation of Annual Builder Awards
- IV. Minutes
- V. Consent Agenda
 - ✓ 1. Resolution to Transmit Short Term Work Program/Capital Improvement Element to ARC for review
 - ✓ 2. Resolution to Establish Election Qualification Fees
 - 3. Consider SR-74 / Kedron Drive North Intersection Improvements & Signalization
 - 4. Award Bid - Hydraulic Boom Excavator
 - 5. Award Contract - Livable Centers Initiative Grant
- VI. Old Agenda Items
 - 12-00-06 Consider Policy - E-Mail/Internet
- VII. New Agenda Items
 - 01-01-07 Consider Sewer Service for Braelinn Baptist Church
 - 01-01-08 Discuss Helmet Safety Education Program
 - 01-01-09 Discussion of City Clerk Position
 - 01-01-10 Workshop Discussion - City Charter
- VIII. Executive Session

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



Peachtree City

Georgia

FOR IMMEDIATE RELEASE

JANUARY 18, 2001

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PEACHTREE CITY BUILDING DEPARTMENT RECOGNIZES BUILDERS

Each year, the Building Department of the City of Peachtree City recognizes local builders for outstanding achievement during the preceding year. The 2000 awards of recognition were presented to the following:

Builder of the Year
Superintendent of the Year
Best Commercial Site
Best Industrial Site
Job Site Safety
Environmental Site Award
Award of Recognition

Southern Comfort Classic Homes
Leigh Ann Green, Pathway Communities
Barrow's Masonry, Inc.
Group VI
Tiernan & Patrylo, Inc.
Accent Homes
Ply Mart

Southern Comfort Classic Homes, owned by Rick and Janet Conaway, is a member of the Home Builders Association of Mid West Georgia and has been building homes for over 30 years. The company was selected as Builder of the year for 2000 due to their excellent working relationship with the entire staff of the Peachtree City Building Department. This firm also exhibited outstanding effort to achieve code compliance in every structure. The Conaways are

currently building homes in the Smokerise Estates and Smokerise Crossing neighborhoods in northern Peachtree City.

Superintendent of the Year Leigh Ann Green was recognized for her attention to detail and her close working relationship with the field inspectors and office personnel with the City. A land development manager and a four-year employee with Pathway Communities, Green is responsible for overseeing the development at all Pathway properties in Fayette and Coweta Counties.

Barrow's Masonry was awarded the Best Commercial Site award for their work on the Wisdom Pointe Retail Center, located on Highway 74 North at Wisdom Road. Barrow's Masonry was selected for recognition due to the hands-on control, attention to detail and close working relationship with the field inspectors and office staff by John Barrow.

The Best Industrial Site award was given to Group VI in recognition of their work on Tek-Rail, a 60,000 square foot office/warehouse facility on Dividend Drive. The firm maintained an overall professional working relationship with Building Department staff, and the excellent site planning for this project resulted in improved access for adjacent property.

The Environmental Site Award was given to Accent Homes for their efforts on a specific site in the Kedron Hills neighborhood. The firm spent over \$3,000 on their own initiative to correct an off-site drainage problem.

The Peachtree City architectural, engineering and construction firm of Tiernan & Patrylo, Inc., was recognized for their safety consciousness on their warehouse expansion project at 665 Highway 74 South.

A special certificate of recognition was also presented to Ply Mart, which has 28 locations in Metro Atlanta providing a full line of building materials and technical support to the building industry. Ply Mart provided engineered wood training to the Peachtree City Building Inspectors.

Peachtree City Building Official Tom Carty said, "We think that outstanding achievement should receive recognition, and these building professionals have actively worked to excel in construction quality and jobsite safety. Each of these firms has been excellent to work with over the past year."

The Builder of the Year Awards is an annual event, and awardees are selected by the members of Peachtree City's Developmental Services Division who deal with the various stages of development and construction.

Peachtree City's Mayor Lenox and Building Official Tom Carty presented the awards at the January 18 City Council Meeting.

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City Council of Peachtree City
Minutes of Meeting
January 4, 2001
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, January 4, 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: Annie McMenamin, Carol Fritz, Bob Brooks, and Dan Tennant.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox recognized the following:

- ◆ Supervisor of the Year – Scott Hicks
- ◆ John Williams for service on the Water and Sewerage Authority

Mayor Lenox read a Proclamation for Kiwanis Week.

Mayor Lenox read a Proclamation for Martin Luther King, Jr. Day.

Mayor Lenox read a Proclamation for Arbor Day.

City Manager Jim Basinger announced that Acting Fire Chief Stony Lohr had been promoted to Fire Chief.

MONTHLY REPORTS

Lenox announced that the monthly reports for November were available for review.

MINUTES

Brooks made a motion to approve the December 7, 2000, minutes as written. Tennant seconded the motion. Motion carried unanimously.

OATHS OF OFFICE AND ELECTION OF MAYOR PROTEM

Brooks made a motion to appoint Annie McMenamin as Mayor Protem for the year 2001. Fritz seconded the motion. Motion carried unanimously. Mayor Lenox administered the Oath of Office to Annie McMenamin.

CONSENT AGENDA:

- a) Annual Indemnification Resolution
- b) Consider Ordinance – Disorderly Persons
- c) Appointment of City Clerk – Nancy Faulkner, and Legal Organ – *Today in Peachtree City*

Lenox made a motion to remove the Appointment of City Clerk from the consent agenda for separate consideration. Tennant seconded the motion. Motion carried unanimously.

Tennant requested that the phrase "... other than by invitation of the owner ..." in the Ordinance on Disorderly Persons be changed to "... other than with the consent of the owner ..." The City Attorney felt the change clarified the Ordinance.

Tennant made a motion to approve the Consent Agenda with the noted change in the Disorderly Persons Ordinance. Brooks seconded the motion. Motion carried unanimously.

d) Appointment of City Clerk

Lenox said the City Clerk appointment was part of a larger issue, noting that the City was reviewing the charter at the request of Councilmember Fritz. Among the issues to be considered would be the type of structure (strong or weak Mayor), restrictions affecting appointed advisory officials, and the clarification of the city's management structure to ensure continued levels of service. Lenox said that, as the management functioned now, the City Manager was appointed to manage all city business, hiring and managing all employees in accordance with the will of Council – with the exception of the City Clerk, who was directly appointed by Council. This left Council responsible for hiring, managing and evaluating the City Clerk, a task for which they were ill equipped and a relatively impossible situation for both the City Clerk and the City Manager.

Lenox felt the situation should be remedied as part of the charter review, which should be completed in the near future. Lenox added that he was reluctant to take any action that evening that might not match up with the charter revisions. However, under the charter, the city was required to have a City Clerk, so Lenox recommended appointing the City Manager as the City Clerk until the charter review was completed and implemented and that, at that time, any changes appropriate under the revised charter could be implemented as part of the adoption of the charter. The action would assist in clarifying the current management structure and would charge the City Manager with ensuring the job functions of the clerk position were carried out in a timely and effective manner, as he does with all other positions in the city. Lenox said the action should not detrimentally affect any employees' duties or compensation, but felt this would clear up a serious structural problem in the management of the city.

Lenox made a motion to appoint the City Manager as City Clerk until the changes in the charter were finalized. Tennant seconded the motion.

Brooks said the Mayor's points had been important, but that he was concerned about the position and asked if the matter could be discussed further. Brooks said there should be some parameters and protections for Ms. Faulkner, and he also wanted to see more explanation of her duties, and more information on the time constraints for the charter decisions, which must come under the Georgia Legislature, and what would be the time parameters for finalizing any changes.

Brooks was concerned Ms. Faulkner would be caught up in the situation in a negative light when that was not the intent.

McMenamin said she would prefer to table the matter for two weeks to get a clearer picture of what the city was trying to accomplish and have input from the City Attorney on some of the unanswered questions. She thought the charter issue was the big picture, and she did not feel taking one person out of that picture was appropriate, and was concerned about the ramifications of having a certified City Clerk and appointing someone else as the City Clerk.

Fritz said she would also be willing to table the issue, noting the number of issues involved. She also mentioned a third form of government that could be considered in the Charter, that of Council/Manager. Fritz said that when she looked at all the possible structures, all types had a City Clerk appointed by the City Council, separate, as were the positions of City Attorney and City Auditor. Fritz said she did not see the advantage to not approving Ms. Faulkner, saying that if they wanted to restructure later, changes could be made at that time.

Lenox said he did not have a problem with tabling the issue, noting that his intent was from a proper management structure. Lenox felt it was not possible to have one person operating outside the management structure and not reporting to the City Manager without the position becoming politicized. He said that the charter review process should address the matter and that Council did not appoint any other positions, including the Directors and Chiefs, only the City Clerk. His goal was to have a clear reporting channel and a clear path of responsibility.

McMenamin said that depended on what Council decided was their ultimate goal in reviewing the charter. Brooks said his understanding was that the Mayor's proposal did not change anyone's employment or job, and he interpreted the Mayor's intent as wanting to wait until any charter changes were in place. Fritz said that, if the Council did not know what changes were going to be made, what was the point in making a change now when things had functioned dysfunctionally for this long. Lenox noted that the appointment was generally made on an annual basis and he did not want to do that when changes could be made in sixty days and the city would be locked into a reality that was at odds with the charter and the wishes of Council. He felt his recommendation was a non-threatening way for everyone to fulfill the requirement to have a City Clerk without changing anyone's jobs. Lenox said that, if it were not for the State's requirement for every city to have a City Clerk, most would not in this day and age as cities now function. Lenox acknowledged that the matter was open to debate, but he said government had changed dramatically over the years.

Brooks said he had been prepared to discuss the issue tonight, but now felt tabling the issue might make more sense, allowing a series of meetings to work through all the issues involved in the charter review, beginning at the next meeting. That would allow them to develop a plan of action. Fritz suggested holding a workshop on only this issue to avoid distraction from the discussion. Lenox said that the City Attorney was supposed to be prepared to present information to initiate the charter review at the next meeting. Lenox suggested tabling the issue until the next meeting. He felt the issue was a structure issue that needed to be addressed for the long-term, to be functional for the city regardless of who was on Council or staff. McMenamin noted that the charter had to be read very carefully because it appeared to contradict itself in some places.

McMenamin made a motion to table the issue until the January 18 meeting.

Tennant asked for clarification as to the advantage of making the temporary appointment, noting Fritz's question about functioning dysfunctionally for this long. Tennant said that didn't make much sense to him when they had an opportunity to clear up a management logistical problem at this time, at least on a temporary basis. Fritz said it was up to interpretation on whether a management problem even existed, saying that her intention when she suggested the charter review was not to remove the City Clerk. She felt there was a philosophical difference among Councilmembers.

Lenox said his only intent was to make Mr. Basinger the City Clerk, making him the only person appointed by Council and reporting to five bosses. That would only make him responsible for the City Clerk duties in the same manner he was responsible for the duties of the Fire Chief, the Police Chief and anyone else in the city, by assigning the duties as he saw fit. Lenox said this would remove a reporting and management problem and make the City Clerk position roughly analogous to every other position in the city. Fritz said Council appointed the City Attorney, who reported to them, and she did not recall him ever coming up for any type of evaluation or management. Lenox said the City Attorney was an independent appointed professional who was not an employee of the city. Lenox felt that that situation would be intolerable from a management perspective if the same applied to a day-to-day employee. Fritz asked how all the other thousands of cities function in the same manner. McMenamin said she had recently attended a City Clerk meeting in Atlanta to find out the various responsibilities, and the clerks were very independent, reporting only to Council, and were there to protect the integrity of the Council and the city. McMenamin said these were questions that needed to be discussed with the City Attorney. Tennant reiterated that he was still unclear about what the disadvantage would be to appointing the City Manager as City Clerk so long as it was clear that Council wanted Ms. Faulkner's long-term well-being taken care of. McMenamin said that, to her, appointing Basinger would indicate that Council was dissatisfied with Ms. Faulkner's performance, when the goal was to talk about the City Clerk position. She said they were getting ready to replace a certified City Clerk with an uncertified City Clerk and she would like some clarification on the importance with that.

Brooks seconded the motion to table. Motion carried unanimously.

Marty Jones, acting on behalf of City Attorney Rick Lindsey, spoke up and said the charter required the appointment of the City Clerk that evening. He felt the Council should consider appointing an Acting Clerk. Mayor Lenox said their decision in effect meant they had no City Clerk. McMenamin asked if there was any legal problem with appointing Ms. Faulkner as City Clerk that night and removing her in two weeks. Jones said that once the appointment was made, she could only be removed for cause, and suggested appointing an acting clerk.

Faulkner addressed Council, saying the charter required appointing a clerk, but did not preclude reviewing the charter and making changes to the organizational structure if they follow the process of public hearings and advertising. She did not think there would be a problem with Council reviewing the charter, making changes, and then appointing whom they wished to serve as clerk later in the year. However, a clerk appointment needed to be made at this meeting. She said she personally hoped they would appoint her because, otherwise, there appeared to be some

problem with her job performance. She said she would not hold the city responsible if they wanted to change the charter or management structure at some later time after going through the proper procedures.

Lenox said they made an annual appointment to City Clerk, and by tabling, they had not appointed a City Clerk. He said they were going to attempt to appoint someone for a short-term basis until all the issues were resolved, he would still recommend appointing Mr. Basinger because he felt sure if Council wanted him to resign as City Clerk in two weeks, he would. Lenox felt the appointment created no problems and no ongoing expectations and sullied no one's reputation. Fritz said she would feel more comfortable with that suggestion if she knew what Lenox's ultimate intent was, and she thought that was to permanently make the City Manager the City Clerk. Lenox said his intent was to make the City Clerk report through the normal management structure as Mr. Basinger saw fit, and that, although Council might statutorily be required to appoint the clerk on an annual basis, Council could delegate that responsibility to Mr. Basinger, although statutorily he didn't think that was possible. McMenamin said she certainly wouldn't agree with it. Lenox noted that Council did the same thing for every other employee of the city, and said he couldn't run his company if someone appointed an employee and told him the employee would work there every day and be paid by him, but he had no authority over that employee. Fritz said the city was not a private company, but Lenox said the management structure was analogous. McMenamin said there must be a reason why the State said there is to be a clerk appointed by Council under this structure. Lenox said that was what they needed to find out from the City Attorney. McMenamin agreed.

Lenox said the structure went back to a time when the average town had 200 people and in many towns the City Clerk still functioned as the chief administrative official. Fritz said that was somewhat normal in small towns because they couldn't afford and didn't need additional people.

Tennant said he would like to go back to the point that, if they appointed Ms. Faulkner that night, she could only be removed with cause. Lenox said that was what the charter said. McMenamin said the charter could be changed, but she wanted an opportunity to look at it, and she ultimately didn't have a problem with Ms. Faulkner as City Clerk. She did not feel justified in singling out Ms. Faulkner for no apparent reason.

Lenox said, for example, there were many counties that no longer had a sheriff, but had a county police department with the chief hired by the County manager and operating within the structure of the county. Lenox said that was how things were done these days, and that was what he was striving for in Peachtree City. McMenamin said when Billy Beckett was County Administrator he was also the County Clerk, and asked who took that duty when he left. The general consensus was that Acting County Administrator Chris Cofty had assumed that title as well. Tennant said probably the last thing Jim Basinger wanted was to be City Clerk, and Lenox added that structure, however, made the most sense from a modern management standpoint. Tennant gave the example that the President was the commander in chief of the military, but he hired people with the experience to make the decisions.

Fritz agreed but said she would like Council to have the discussions about the charter. She asked if Ms. Faulkner could be appointed, then if the charter was changed, change the appointment at

that time. Jones said with Ms. Faulkner's agreement, it might be possible, but if the appointment were made this evening, there could be a vested interest for a one-year appointment. That was why he had suggested an acting City Clerk. He felt Ms. Faulkner and Mr. Basinger had both acknowledged their willingness to serve in that capacity.

Tennant said that his understanding was that, if Basinger were appointed, Ms. Faulkner's duties would not change. Fritz said that, by doing so, it would give the appearance that Ms. Faulkner was being singled out for some reason. Fritz did not see the problem if Ms. Faulkner would agree to the appointment with the understanding that the charter might change, and agree to those changes.

Brooks said his major interest was protecting Ms. Faulkner if there were a transition. He suggested appointing Basinger as acting City Clerk, but only for a very specific amount of time until the end of the legislative session. At that time, if there were no changes, the position would revert back to Ms. Faulkner so that there would be no appearance of poor job performance. McMenamin said that would still send a message, and if there were no problems with Ms. Faulkner, she should be appointed.

McMenamin made a motion to appoint Faulkner as Acting City Clerk during the charter review. Fritz seconded the motion.

Lenox was not sure if that would be feasible. Jones said that, with Ms. Faulkner's acknowledgement and agreement, she would be bound by the changes. He added that a prospective agreement to agree might not be enforceable, but he thought it might be an acceptable alternative for Council.

McMenamin said the intent was to review the charter, and any changes to the City Clerk appointment process were only part of the changes to the charter. Brooks said he had a problem with leaving the situation that, if Ms. Faulkner changed her mind, they could only remove her by firing her for cause. Fritz said then they would fire her for cause.

Motion failed 2-3, with Brooks, Tennant and Lenox opposing.

Brooks made a motion to appoint Basinger as acting City Clerk for three months to allow time to resolve the issue. Tennant seconded.

McMenamin said she would like to add some qualifications regarding Ms. Faulkner's job duties and protection for her, saying she would like to see the City Manager unable to fire her without the direction of Council and that she would continue to do the duties of the City Clerk, reporting to Jim Basinger. Lenox said that, from his discussions with Mr. Basinger on the last issue only, that was his intention regarding duties and compensation. McMenamin said she also wanted it understood that, if there were some negligence of duties on the part of Ms. Faulkner during that time, that the City Manager would have to come to City Council before removing her or issuing reprimands. Lenox asked why Council would want to politicize the job. McMenamin said that they didn't want that, but they had talked about protecting Ms. Faulkner, and she just wanted to be sure that Council was not losing all control over the City Clerk if she was doing her job. Brooks

asked Basinger, as a matter of public record, if any personnel problems arose regarding the City Clerk he would bring them immediately before Council. Basinger said there would be no personnel problems and agreed to that request.

Motion carried 4-1, with Fritz opposing.

OLD AGENDA ITEMS

12-00-02 Consider Alcohol License – Baci Italian Cuisine, 282 N. Highway 74

Ms. Patrice Azzrito, who had requested to be appointed as the Licensee and License Representative, was present to answer questions, and indicated the restaurant would hopefully open the second week of February. McMenamin noted that the paperwork appeared to be in order and made a motion to approve the application. Brooks seconded the motion. Motion carried unanimously.

11-00-06 Consider Recommendation for new City Flag

Leisure Services Director Randy Gaddo said that the Council had tasked staff and the Recreation Commission with investigating options for a new City Flag on November 16. The Recreation Commission had discussed the matter, and felt that using a professional design firm would be the best alternative. The Recreation Commission also discussed the possibility of taking this opportunity to look at a new logo for the City, to be incorporated into the flag design. Gaddo said that the feeling among staff was that a more contemporary logo might be more appropriate. The recommendation was to obtain the services of a professional design firm, through the Request for Proposal (RFP) process and financed through the Council Contingency Fund, to develop a logo and flag design, then obtain public input through the Recreation Commission, with final approval coming back to Council. The estimated costs were approximately \$5,000 for the design work, and approximately \$250 for each indoor flag and approximately \$60 for each outdoor flag.

Lenox said he liked the idea of incorporating the logo into the project, and Tennant also felt that made sense. Lenox said a unified image made a real difference, noting a visit to Richardson, Texas, where they use the logo on all street signs and facility signs. Tennant asked when the current logo had been created, and McMenamin said some time in the 1970s because it represented the seven villages that were then envisioned. Tennant made a motion to contract with a professional design firm, through the RFP process, to design a new city logo and flag, with final approval coming back to the City Council, to be financed through the Council Contingency Fund. Brooks seconded the motion. Motion carried unanimously.

Brooks suggested putting information in the UPDATE on the proposed design, and Gaddo noted that a good time to do so would be prior to the public input at the Recreation Commission meeting.

11-00-07 Consider Televising City Council Meetings

Basinger said the City Technology Committee had done extensive research, which had come up

with five alternatives for providing this service. These were:

Option A:	One-Camera Setup (In-House)	\$3,471.17
	One-Time Cost (Equipment)	\$3,276.00
	Annual Cost (Staffing & Tapes)	
Option B:	Two-Camera Setup (In-House)	\$8,959.16
	One-Time Cost (Equipment)	\$3,084.00
	Annual Cost (Staffing & Tapes)	
Option C:	Three-Camera Setup (In-House)	\$10,924.15
	One-Time Cost (Equipment)	\$3,084.00
	Annual Cost (Staffing & Tapes)	
Option D:	One-Camera Setup (Outsourcing)	\$16,800.00
	Approximate Annual Cost	
Option E:	Two-Camera Setup (Outsourcing)	\$60,000.00
	Approximate Annual Cost	

Basinger said that, if Council elected to televise meetings, staff recommended Option D, using a professional company, and broadcasting the meetings at a later time to save an additional \$11,000 that seven-second-delay technology would cost.

Brooks asked if any public input had been sought. Basinger said that it had not to-date, but if Council wanted to move forward, that was certainly possible. Brooks said determining the costs was the logical first step, so people could make an informed decision.

McMenamin said she was simply not in favor of televising the meetings, and that Council's intent was to bring people to the meetings. She noted the tendency for people to come for the single agenda item that affects them and then leave, even for budget discussions. She said that she didn't mind spending money to benefit and inform the public, noting the other vehicles the City had for such information, such as the UPDATE Newsletter.

Tennant said he had done some informal surveying from a cross section of the public and said that, although they may have been telling him what he wanted to hear, he had received a lot of positive support for the idea. He said that there were interested parties who were unable to attend meetings, particularly parents with young children. He felt strongly that option D, which cost less than \$17,000 per year, particularly with AT&T Broadband's willingness to provide the wiring at no expense to the city, would greatly surpass any negatives that might be associated with televising the meetings. Tennant also said he was not terribly interested in governing by polls and that it didn't really matter what percent of the citizens watched, but that Council had a responsibility to get the information to the public on the public's terms rather than on Council's terms, and the cost was minimal to do so.

McMenamin said her main concern was that, if they were trying to keep the public informed, this method was after the fact. She said that, when Council considered this issue a couple of years prior, she had spoken with a large number of senior citizens who said they wouldn't watch. Tennant said he had spoken with more young families that were interested but logistically couldn't attend the meetings. He noted that, with the recent Presidential election problems, the public was more interested in government, and the city should seize the moment in offering this service.

McMenamin asked what the staff requirements would be, and Basinger said if the service were contracted out under option D, there would be no staff requirements.

Lenox said he was on the fence on the issue, but tended to agree with McMenamin that people would not watch the broadcasts. He noted that cable was not a universal medium and did not reach all citizens. He also noted the resources the city had put into the other information resources, including the newsletter and the web site. He felt there were a lot of avenues in place to get the information out.

Tennant said it broke down to \$700 per meeting, which was a minimal cost per citizen. Fritz said that the public reaction to the idea was not that favorable. She felt that families, worrying about dinner and homework, would not watch. Tennant said they had no option now, and that he would like to make the option available. He reported that he had talked to several communities of similar size in other states that were doing this, and the broadcasts were well watched. He reiterated that the percent of residents who watched was not as important as bringing the government to the community, and felt Peachtree City would be missing an enormous opportunity if the project were turned down.

McMenamin made a motion not to televise Council meetings. Fritz seconded the motion. Motion passed 4-1 with Tennant opposing.

12-00-09 Consider Sumner Road Design Options

City Engineer Troy Besseche noted that Council had asked for additional information on the proposed design options at the December 7 meeting. As a recap, Besseche said staff had come up with the best plan to meet the requirements of the Georgia Department of Transportation (DOT) while saving trees and protecting the aesthetics of the road. He noted that several of the larger trees would be lost, but the design did allow several other large trees to be saved.

Lenox asked if incorporating the portion of the current road that currently existed in Unincorporated County into Peachtree City would help in addressing some of the alignment problems. Besseche said that, with some of the other design challenges and grading complications, he did not think annexing would help.

Besseche then showed plans for the eventual alignment of the proposed Northeast Collector, which would connect to the Bradshaw Property and ultimately align with Sims Road and Dogwood Trail in Tyrone. When that road was completed, it would make the most logical through street in the area, reducing the traffic on Sumner Road.

Fritz asked if the undeveloped Bradshaw property between Smokerise Point and Highway 54 had any other access than Sumner Road. Besseche said he did not think so, but believed the median cut on Highway 54 was there to ultimately accommodate the property.

Brooks said he felt the collector offered some long-term protection from traffic for Sumner Road and the residents of Smokerise. Tennant asked what the projected time frame was for the collector, and Brooks said it wouldn't happen until the property was developed. Lenox said that he felt the small piece near Highway 54, which would start the bypass of Sumner Road, should be fairly short term.

Lenox said he would like to see staff look at the buffering after the project was completed, noting that three or four homes might need some additional landscaping, berming or fencing to minimize the impact of the road. Besseche indicated that the project did include a landscaping budget.

Brooks said several individuals had expressed their desire to preserve the "lane" quality of Sumner Road. He felt the Northeast Collector would help to protect the road. He also said that, with regard to environmental concerns, the road had a tendency to wash into the stream after a heavy rain, requiring replacement with new gravel. He also noted that there were several areas with drainage problems along the road, and asked if there was anything that could be done to correct that. Besseche said that the city had committed during the right-of-way acquisition process to help with the drainage problems.

Tennant made a motion to endorse staff's recommendation for the design standards of Sumner Road. Lenox seconded the motion.

Cele Eifert of Hidden Springs Lane said that she had asked at the previous meeting why it was even necessary to pave the road. The Northeast Collector would provide safe access to Highway 54. If the road remained unpaved, the trees would not have to come down.

Brooks said that he realized her question had never been answered. He explained that the issue was not a rubber stamp, and that the city had been dealing with it for a long time. The matter just happened to come back to Council due to some minor changes, but the impact fees and funding had been approved a year ago. Brooks said, in answer to her questions, that dirt roads were difficult and expensive to maintain, and that was one of the major reasons they were trying to eliminate them. He noted the last time it was renovated, a rainstorm came two or three days later, washing all the new topping off and causing numerous potholes. He also noted how bad this was for the environment, with the large problem of siltation.

Brooks said the approach staff was trying to take was to achieve the best goals for all the taxpayers in the city. Eifert said she still didn't understand why curbing and gutter was needed, which would take out more trees. It would cause more pollution and more noise pollution, and she felt those elements should be dropped even if DOT participation was lost. Lenox said that if the city did not curb and gutter the road, they would lose more trees. Eifert suggested just paving over the existing roadbed, and Lenox said that was not possible. Besseche addressed the issue, saying that if curb and gutter was not used, a ditch section would be necessary for drainage, and that would encroach further into the trees.

Robert Brown of Planterra Ridge asked why the road couldn't go around the tree as was done on Braelinn Road, and why the road couldn't maintain its current location under some agreement with the County.

Resident Jim Leue commented that he had been driving on Sumner Road for many years because it provided the only safe access to Highway 54 with a light. He said paving the road would benefit more people than the few who wanted to keep it unpaved.

Resident Art Nonni of Hidden Springs Lane said he had sent an email to Council that day, which Council said they had received, regarding the Department of Natural Resources' Best Management Practices for paving. He said rain on a paved surface washed off a lot of chemicals, reducing water quality. He asked Council to read and consider the document, noting that a dirt road allowed the impurities to percolate before reaching the water source. Brooks said it was really a trade off with the problems caused by siltation.

Nonni said he was surprised at Council's lack of knowledge on the timing for the Northeast Collector, which would eliminate the need for this project. Lenox said the city was not the determining factor in that road, which would be built by the landowner. Lenox said the city could speculate that it would be next year or in the next five years, but that they just didn't know. In the mean time, there was an access and safety problem that had to be dealt with.

Nonni asked if the project would require a storm water permit and if there had been the mandatory 30-day time for review of it. Besseche said those permits had a five-acre minimum, and the project did not fall under those requirements.

Bonnie Hahn, a resident of Smokerise Estates, said she was concerned about getting onto Highway 54 safely, noting that during rush hour if she had to get to the hospital, she could not get out. She said she would like a paved way to exist at a traffic signal, either at Coweta-Fayette EMC or at Sumner. She said the city didn't know when Bradshaw would pave his road. She also asked about emergency vehicles getting into Smokerise. Fire Chief Lohr said that, if emergency personnel were coming into Smokerise, they were also concerned about safe and quick access. They chose between the unpaved access at Sumner, which was the shortest route to that end, or access from the Parkway.

McMenamin said safety was always a major concern when Council was looking at these projects. Brooks said that one goal of not paving was to hold down the amount of traffic, but that put the city in the awkward position of not maintaining a road properly to reduce traffic, and that could not be justified in this situation.

A resident of Sumner Road commented that Sumner Road didn't really exist until the City put the right-of-way together, and that right-of-way was donated by several families. He said that public hearings had been held four to five years before, LARP funding had been approved, and impact fees had been charged that would have to be refunded if the road wasn't paved. He said that this was not a recent decision, but there would be financial implications to the city changing its mind at this point.

John James of Sumner Road said it was fine with him if the road was not paved, but he accepted the paving, noting that speed controls were the key to preventing speeding. He asked that, if the road was paved, the speeds be held down. He asked about what traffic calming devices might be used to achieve this. Lenox said speed humps were not part of the original design but could be considered if there was a problem. Besseche noted some implications of DOT involvement.

Brooks said that, as part of the project sheet, staff should follow up with the residents three months after completion to see if there are traffic problems and address them.

Tennant said there was no question that this was a sensitive issue, noting that Council had heard pros and cons to both options. He added that it was fine to look after one's self interest, but that Council had to look at the greatest good and that safety was an overriding factor.

Ron Cisco of Hidden Springs Lane agreed with Tennant, but said he was concerned about his own property. He said that no one had knocked on his door to show him what was planned. He said he might not object if he knew. He also noted a 4.5 foot drop from his yard that would have to be factored into the construction, and he felt they couldn't match this grade without coming onto his property and killing all his trees. He also noted that putting curb and gutter two feet from trees would kill those trees. He said the engineers should come out and look at this again. He acknowledged that safety had to be the number one concern, but asked that preserving the community should come a close second.

Lynn Nonni of Hidden Springs Lane said that the unpaved road would encourage safer driving than a paved road that would encourage speeding. She also asked if paving the road would violate any city ordinances regarding setbacks and buffers.

Fritz wanted to clarify that the reason the city couldn't work with the county to maintain the existing route was due to the existing development. Lenox added that the construction would not infringe on anyone's property, and Besseche confirmed this.

Motion to pave the road according to the recommended design standards carried unanimously.

Lenox made a motion to take a five-minute recess. Tennant seconded. Motion carried unanimously.

NEW AGENDA ITEMS

01-01-01 City Calendar

Basinger presented the scheduled meeting dates and a calendar of events for the year, saying that updates of the latter would be provided to Council with the monthly reports. Two items he felt Council might wish to consider were the cancellation of the July 5 meeting, due to the holiday, and extending the half day employee holiday on Christmas Eve, which fell on a Monday, to a full day holiday. Lenox said he was willing to wait until closer to July to consider canceling the meeting, but that the holiday extension was fine with him. Tennant made a motion that December 24 be a full day holiday. Fritz seconded the motion. Motion carried unanimously.

01-01-02 Public Hearing – Renewal of the Multi-Family Moratorium

01-01-03 Public Hearing - Consider Lifting the Multi-Family Moratorium for 110 Town Homes on the Wieland /Katz Property on MacDuff Parkway

Lenox read the rules for Public Hearings, which would be relevant to both agenda items. Lenox said that they could treat them as separate subjects but could hear comments on both in the same hearing. Brooks noted that the discussion of the Katz exemption was not to discuss the plans for the project, but only to discuss the exemption. Tennant asked if it wouldn't make more sense to make a separate motion to renew the moratorium and then consider exempting the Wieland/Katz property. Lenox said that format might negate the legal advertising because a new moratorium would be in place. Lenox called both public hearings to order jointly and established time limits of 20 minutes per side for comment.

Dan Fields of Wieland Homes asked that, if the moratorium were renewed, that the Wieland/Katz property be exempted to allow for the discussion of their proposed town homes. Lenox said that, if that property were exempt, it would go back to the Planning Commission to discuss the particulars of the plan. Brooks added that the zoning was in place and the total number of units was capped. McMenamin asked about the ownership requirements of the town homes discussed at the previous meeting, and if the owners could be bound long-term. Fields said it could be placed in the covenants that the units had to be a certain percentage owner-occupied, except in the case of hardship, and Wieland was willing to place that requirement.

Steve Brown of Planterra Ridge said he had comments that might or might not apply at this time, but that he had a suggestion. The piece of Wieland property in the Unincorporated County would probably be annexed at some time, and he wondered if it would be possible to go ahead and annex it, remove the elementary school site from the property, and provide additional units to Wieland to allow him to purchase another school site elsewhere. One stipulation might be to reserve the majority of town homes for seniors. Brown felt this would help traffic, and that, from his discussions with Dan Fields and the School Board, all members seemed fairly positive about it.

Lenox said that before they could really discuss those specifics, the Moratorium would need to be lifted. Having no one else wishing to speak, Lenox called the public hearing to a close. Brooks made a motion to renew the moratorium for 2001, exempting the Wieland Katz property to allow some flexibility of design for the Planning Commission to discuss townhouses. Fritz seconded the motion. Motion carried unanimously.

Brooks then told Brown that the exemption would build in the flexibility to allow his suggestion to be discussed with the Planning Commission.

01-01-04 Public Hearing – Variance – 108 Pinecrest

Lenox said the public hearing would follow the same rules as used before, with 10 minutes allowed to each side for comment. Lenox said the variance request was for the Webster property at 108 Pinecrest Drive.

Mr. Brogdon, the builder for the resident, applied for the variance. They had constructed a garage to the rear of the property. Their original plan had been to build a 24-foot x 24-foot garage, but it would not fit, so the size was reduced. They thought they were in compliance, but the final survey shows a slight encroachment into a jog in the rear property line.

Jim Williams said that, frequently encroachments happen due to carelessness, noting that Mr. Brogdon had made every effort to comply but that, due to a minor error, a slight corner of the garage did encroach into the setback. He said it would be appropriate to grant a variance in this case.

Hearing no one else who wished to speak about the matter, Lenox called the public hearing to a close. Brooks asked why this could not be handled as an administrative variance, and Williams said it was because this was a new occurrence, rather than an existing situation. Williams said it might be time to look at administrative variances again because there might be some cases like this that should fall under that procedure. He said as an example that staff was currently working on one that was less than one inch.

Lenox thanked Mr. Brogdon for his efforts to try to get things right. McMenamin said she had spoken with neighbors who appreciated the improvements to the property and were in support of the variance. Tennant made a motion to approve the 1.5-foot variance for the garage at 108 Pinecrest. McMenamin seconded the motion. Motion carried unanimously.

01-01-05 Naming of Memorial Parks

Gaddo said the Recreation Commission had discussed naming the All Children's Playground in memory of Luther Holt, and in naming the park that would be located on the site of the old Leach Fire Station after Gerald Reed, and forwarded a recommendation to do so in both cases. Gaddo noted that Holt's seven years on the Recreation Commission and his efforts on behalf of the playground, and Reed's years of service in the Fire Department provided ample justification to name these two particular parks after these two particular people.

Brooks asked if some action was needed by Council designating the old Leach Station site as a park, recalling that the item had been discussed at Retreat and Council intended for staff to proceed along those lines. McMenamin asked if that issue would need to be advertised. Basinger said that, in approving the budget, that action was already taken because there was \$30,000 in funds designated for Leach Memorial Park design and building demolition.

Brooks made a motion to have a design proposal for the park on the old Leach Station for review by Retreat. Tennant seconded the motion. Motion carried unanimously.

Brooks made a motion to name the All Children's Playground for Luther Holt. McMenamin seconded the motion. Motion carried unanimously.

Brooks made a motion to name the park on the old Leach Station property for Chief Reed. McMenamin seconded the motion. Motion carried unanimously.

01-01-06 Pay Plan Appeals

Lenox said the final item was a report on the pay plan appeals from himself and Fritz, who had been delegated to hear those appeals. Lenox said all the Fire Department appeals had been concluded and he felt both he and Councilmember Fritz had learned a great deal. Lenox noted that it had been several years since the city had conducted a formal pay study, and he and Councilmember Fritz had

several recommendations:

1. Review the pay plan annually through an abbreviated pay study conducted in-house.
2. Contract to conduct a complete pay study every three to five years.
3. Attempt to increase the salary scale from the 75th percentile to the 80th or 85th percentile. Lenox noted that Peachtree City had far fewer employees per 1,000 residents than most cities, and they were a great group of employees. The quid pro quo for that was the city should pay them well above average because they were above average.
4. Seek ways to enable some or all employees to retire before age 65, particularly in Public Safety due to the physical demands of the job, without making that retirement mandatory.
5. Continue to study the salary compression problem to seek more appropriate solutions, if possible. The problem is that employees who stay beyond five or six years are not earning more, and the city should be able to reward longevity.

Lenox said that only the City Clerk position was still under evaluation, and he felt an acceptable conclusion would be reached. He said he and Councilmember Fritz were asking Council to approve the recommendations for the future. He also commented that only nine appeals out of 226 full-time employees reached Council, and he felt that was a very good percentage.

Tennant made a motion to approve the recommendations of the Appeals Committee and the Employee Pay Plan Appeals. Brooks seconded. Motion carried unanimously.

COUNCIL/STAFF TOPICS

Basinger said that staff had no issues. McMenamin brought up one issue, noting the recent appointment of the late Luther Holt to the Recreation Commission during his illness. McMenamin said that in such situations, staff might want to announce that the alternate had assumed the commissioner's duties.

Brooks said that there was one personnel Executive Session item, and Lenox said there were also a real estate item and a potential legal item for Executive Session. Lenox made a motion to take a three-minute recess and reconvene into Executive Session for those items. McMenamin seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

No action was taken in executive session. McMenamin made a motion to adjourn. Fritz seconded the motion. Motion carried unanimously. The meeting adjourned at 10:45 p.m.

Betsy Tyler, Public Information Officer



Peachtree City

Georgia

A RESOLUTION

SHORT TERM WORK PROGRAM UPDATE

BE IT HEREBY RESOLVED THAT:

The Mayor and Council of City of Peachtree City, Georgia, hereby authorize the Mayor to transmit to the Atlanta Regional Commission the Short Term Work Program Update to the City of Peachtree Comprehensive Plan to the Atlanta Regional Commission and the Georgia Department of Community Affairs Comprehensive Plan Amendment Review.

So Resolved, this 18 day of January 2001.

Robert L. Lenox
Robert L. Lenox, Mayor

Carol A. Fritz

Robert S. Brooks

Annex M. Menamin

James R. Fennell

Attest: Nancy Smith
City Clerk



Peachtree City

Georgia

TO: Mayor and Councilmembers

VIA: City Manager *[Signature]*
Director of Developmental Services *[Signature]*

FROM: City Planner *David*

DATE: January 11, 2001

SUBJECT: **Comprehensive Plan Update**

Staff has completed our annual update to the City's Comprehensive Plan which must be submitted to the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs (DCA) for review and approval. This information includes updates to the Short Term Work Program (STWP), the Capital Improvements Element (CIE) and an Impact Fees Report.

Prior to submitting this information to ARC, City Council must adopt a Transmittal Resolution authorizing the Mayor to forward these documents for review. Once we receive comments from ARC and DCA, the documents will be revised accordingly and re-submitted for approval. City Council must then officially adopt these updates which will be incorporated into our Comprehensive Plan.

As you are aware, these updates must be prepared on an annual basis as specified within the Georgia Planning Act and the Development Impact Fee Compliance Requirements. Approval and adoption of these documents is required in order for the City to maintain its status as a Qualified Local Government (QLG).

Attached is a Transmittal Resolution for your review and approval. Staff will be available to answer any questions at next week's City Council meeting.

STAFF RECOMMENDATION

Staff recommends that City Council approve the attached Transmittal Resolution authorizing the Mayor to forward the Short Term Work Program and other Plan Amendments to the Atlanta Regional Commission and the Department of Community Affairs for review.

Comprehensive Plan Update

Peachtree City, Georgia

**2000 Short Term Work Program
Report of Accomplishments**

Comprehensive Plan Update

2000 Short Term Work Program Report of Accomplishments

*Peachtree City, Georgia
Atlanta Regional Commission (ARC)*

*Local Government:
RDC:*

Strategies and Actions

Initiation Year	Plan Element	Description	Status
1997	Land Use, Community Facilities	Work with GA DOT on the widening of GA 54 West to ensure integrated cart paths and landscaping are provided. Ensure proper consideration is given to all landowners.	Staff working with GA DOT to design culverts and path connections - TIP identifies construction in FY 03.
1997	Land Use, Community Facilities	Work with GA DOT on the widening of GA 74 South to ensure integrated cart paths and landscaping are provided. Ensure proper consideration is given to all landowners.	TIP moved project to long range plan. Staff to continue coordination with ARC, GA DOT officials.
1997	Land Use	Evaluate Comprehensive Plan and Capital Improvements Element to ensure conformance with stated goals and objectives.	Ongoing coordination to develop outline for Comprehensive Plan update (2007).
1997	Community Facilities	Evaluate present filing system for files, maps and other documents to determine methods to improve file retention.	Ongoing coordination to determine methods for file retention.
1997	Community Facilities	Evaluate and encourage improvements to existing Quality Improvement Program which seeks Staff input to upgrade City services.	Project ongoing. 130 projects implements in '00, with 118 employees participating.
1997	Community Facilities	Complete computer upgrades and networking of all City governmental facilities.	Project complete - all governmental facilities connected to network.

*Comprehensive Plan Update
Peachtree City, Georgia*

Initiation Year	Plan Element	Description	Status
1997	Land Use, Community Facilities	Update and revise Recreational Path System Master Plan. Include in Comprehensive Plan update (2007).	Project rescheduled to 2000 in order to define program and identify areas for acquisition/expansion.
1998	Land Use, Community Facilities	Update and revise Recreation Facilities Master Plan. Include in Comprehensive Plan update (2007).	Project complete and adopted by Recreation Commission and City Council - funding appropriated for various facility improvements.
1999	Community Facilities	Continue coordination with local governments within Fayette County to meet House Bill 489 requirements.	Project implemented - ongoing coordination with local governments.
1999	Land Use	Update and revise Land Use Plan. Include in Comprehensive Plan update (2007).	Staff and Planning Commission finalizing recommendations for Land Use Plan Update.
1999	Land Use, Community Facilities	Update and revise Thoroughfare Master Plan. Include in Comprehensive Plan update (2007).	Project rescheduled to 2001 to coordinate with Livable Centers Initiative program.
1999	Community Facilities, Natural Resources	Develop plans and acquire land for comprehensive recycling center.	Land acquired for Police Station relocation/recycling center. GEFA grant to be used to develop recycling center.
1999	Community Facilities, Natural Resources	Assist in establishing Administrative Budget for Southern Conservation Trust and define natural areas for acquisition.	Project moved to long range for funding. Continue to coordinate with SCT for land acquisition possibilities.
1999	Natural Resources	Development and implement a Comprehensive Storm Water Management Program. Consider creation of a storm water utility for the City.	City Engineer and Public Works Department developing parameters of program.
1999	Community Facilities	Create Community Facilities Plan (e.g., Police, Fire, Library, non-recreational activities, etc.). Include in Comprehensive Plan update (2002).	New Fire Station complete, Police Station under construction. New facilities for Developmental Services and an expansion of the Library and Gathering Place.
1999	Community Facilities	Develop plans and budget program for full automation of the Geographic Information System (GIS).	Project complete - GIS Coordinator implementing GIS program.

Initiation Year	Plan Element	Description	Status
1999	Land Use, Housing, Community Facilities	Implement programs to facilitate sustainability of community. Transition from development to maintenance.	Three additional Code Enforcement Officers hired to assist in enforcing Housing Rehabilitation Code.
1999	Housing	Update and revise Housing Code to ensure needs of residents are met.	Project complete and adopted by City Council.
1999	Land Use, Natural Resources	Complete criteria and submit application for Tree City USA program. Coordinate with City Staff and public to implement tree planting, tree farm, etc.	Project complete. Application submitted to Tree City USA for review and comment.
1999	Community Facilities	Continue coordination with ARC Bicycle and Pedestrian Task Force and seek grant funding for a variety of bicycle and pedestrian oriented projects.	Ongoing coordination - City awarded CMAQ and three TEA-21 grants thus far.
2000	Land Use, Natural Resources	Update City's Watershed Protection Ordinance in conformance with current governmental regulations	Project complete - adopted revised Watershed Protection and Groundwater Recharge Ordinances
2000	Housing	Assist ARC and US Census Bureau with 2000 Census	Project complete
2000	Community Facilities	Develop corridor and entry landscape plans for all major thoroughfares throughout the City	Ongoing - Phase 3 of GA 54 East landscape enhancements funded with TEA funds
2000	Land Use, Housing, Community Facilities	Coordinate with ARC to ensure Comprehensive Plan is in compliance with Regional Development Plan	Project complete - documentation submitted to ARC for review

Comprehensive Plan Update

Peachtree City, Georgia

Short Term Work Program
FY 2001 – 2002 to FY 2005 - 2006

Comprehensive Plan Update

Short Term Work Program FY 2001 - 2002 to FY 2005 - 2006

*Peachtree City, Georgia
Atlanta Regional Commission (ARC)*

*Local Government:
RDC:*

Strategies and Actions

Plan Element	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Responsible Parties
Land Use, Community Facilities	Work with GA DOT on the widening of Georgia SR 54 West to ensure cart paths and landscaping are provided. Ensure proper consideration is given to all landowners.	\$0	\$400,000	\$0	\$0	\$0	\$400,000	City Staff (Engineering), GA DOT, ARC
Land Use, Community Facilities	Work with GA DOT on the widening of Georgia SR 74 West to ensure cart paths and landscaping are provided. Ensure proper consideration is given to all landowners.	\$0	\$0	\$95,000	\$0	\$0	\$95,000	City Staff (Engineering), GA DOT, ARC

Plan Element	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Responsible Parties
All	Revise Comprehensive Plan in compliance with Georgia Planning Act and other requirements (Update required 2007).	\$0	\$0	\$0	\$0	\$0	\$0	City Staff (Planning)
All	Evaluate Comprehensive Plan and Capital Improvements Element to ensure conformance with stated goals and objectives (yearly evaluation).	\$0	\$0	\$0	\$0	\$0	\$0	City Staff (Planning), ARC
Community Facilities	Evaluate present filing system for files, maps and other documents to determine methods to improve file retention.	*	*	*	*	*	*	City Staff
Community Facilities	Evaluate and encourage improvements to existing Quality Improvements Program which seeks Staff's input to upgrade City services.	*	*	*	*	*	*	City Staff
Land Use, Community Facilities	Update and revise Recreational Path System Plan. Include in Comprehensive Plan update (2007).	In progress	\$0	\$0	\$0	\$0	\$0	City Staff (Planning, Recreation, Public Works)

Plan Element	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Responsible Parties
Land Use, Community Facilities	Update and revise Recreation Plan. Include in Comprehensive Plan update (2007).	In progress	\$0	\$0	\$0	\$0	\$0	City Staff (Recreation, Planning, Engineering)
Community Facilities	Continue coordination with local governments within Fayette County to meet House Bill 489 requirements.	\$0	\$0	\$0	\$0	\$0	\$0	City Staff
Land Use	Update and revise Land Use Plan. Include in Comprehensive Plan update (2007).	In progress	*	*	*	*	*	City Staff (Planning)
Land Use, Community Facilities	Update and revise Thoroughfare Plan. Include in Comprehensive Plan update (2007).	In progress	*	*	*	*	*	City Staff (Planning, Engineering), ARC
Community Facilities, Natural Resources	Develop plans for construction of a comprehensive Recycling Center. Land acquired adjacent to new Police Headquarters.	\$0	\$0	\$0	\$0	\$0	\$0	City Staff (Engineering, Public Works, Planning)

Comprehensive Plan Update
Peachtree City, Georgia

Plan Element	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Responsible Parties
Community Facilities, Natural Resources	Assist in establishing an Administrative Budget for Southern Conservation Trust and define natural areas for acquisition.	TBD	TBD	TBD	TBD	TBD	TBD	City Staff
Natural Resources	Develop and implement a Stormwater Management Plan. Consider creation of storm water utility for the City.	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$225,000	City Staff (Engineering, Public Works), ARC
Community Facilities	Create Community Facilities Plan (e.g., Police, Fire, Library, non-recreational activities). Include in Comprehensive Plan update (2007).	\$205,071	\$205,071	\$0	\$0	\$0	\$410,142	City Staff
Land Use, Natural Resources	Complete criteria and submit application for Tree City USA program. Coordinate with City Staff and public to implement tree planting, tree farm, etc.	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$50,000	City Staff
Community Resources	Continue coordination with ARC's Bicycle and Pedestrian Task Force and seek grant funding for bicycle and pedestrian oriented projects.	\$0	\$693,000	\$200,000	\$0	\$0	\$853,000	City Staff (Planning), ARC

Plan Element	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Responsible Parties
Land Use, Community Facilities	Develop corridor and entry landscape plans for major thoroughfares throughout City.	\$70,000	\$0	\$0	\$0	\$0	\$70,000	City Staff (Planning)
Community Facilities	Organize and budget for long-term sustainability of all city facilities.	TBD	TBD	TBD	TBD	TBD	TBD	City Staff
Community Facilities	Coordinate with Fayette County, ARC, GRTA and GA DOT to identify and promote alternate transportation programs.	*	*	*	*	*	*	City Staff (Planning, Engineering)
Community Facilities	Work with ARC, Consultant and Citizen Advisory Committee on Livable Centers Initiative for GA 54 West Activity Center	\$21,700	TBD	TBD	TBD	TBD	\$21,700	City Staff (Planning, Engineering), ARC, Public

Plan Element	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Responsible Parties
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NOTES:

* Program is scheduled to take place - no budget established.

TBD Budget to be determined.

Unless otherwise noted, all dollar amounts are proposed to be funded through the City's Capital Improvements budget

Comprehensive Plan Update

Peachtree City, Georgia

2000 Capital Improvements Element Report of Accomplishments

Comprehensive Plan Update

2000 Capital Improvements Element Report of Accomplishments

*Peachtree City, Georgia
Atlanta Regional Commission (ARC)*

*Local Government:
RDC:*

Recreation Facilities

Initiation Year	Service Area	Project Description	Status
2000	City - wide	Football sports field/ track (Riley)	Under construction (completion anticipated Spring '01)
2000	City - wide	Sports complex lights lease agreement (Phase V of V)	Complete
2000	City - wide	Recreation land (22 acres)	Complete
2000	City - wide	Sports complex lights lease agreement (Phase I - III)	Complete
2000	City - wide	Multi-purpose rink (Phase I - II)	Approved for construction (completion anticipated Fall '01)
2000	City - wide	Braelinn baseball field renovation	Complete

Public Safety Facilities

Initiation Year	Service Area	Project Description	Status
2000	City - wide	Smoke/ burn building	Approved for construction (completion anticipated fall '01)
2000	City - wide	Leach Fire Station	Complete
2000	City - wide	Neely Fire Station renovations	Project moved to FY 01
2000	City - wide	Police Station	Under construction (completion anticipated Spring '01)
2000	City - wide	Police vehicle lease (Phase II - IV)	Complete

Transportation facilities

Initiation Year	Service Area	Project Description	Status
2000	City - wide	Street resurfacing program	Complete
2000	City - wide	Cart path resurfacing program	Complete

2000	City - wide	Sumner Road reconstruction	Approved for construction (completion anticipated summer '01)
2000	City - wide	Holly Grove Church Road	Complete
2000	City - wide	Crosstown Drive/ Peachtree Parkway intersection (Phase I - II)	Project delayed in order to coordinate with adjoining development
2000	City - wide	Highway 54 East landscape enhancements (Phase III)	Scheduled for implementation Spring '01
2000	City - wide	Flat Creek multi-use bridge	Scheduled for implementation Spring '01

Comprehensive Plan Update

Peachtree City, Georgia

Capital Improvements Element
FY 2001 – 2002 to FY 2005 - 2006

Comprehensive Plan Update

Capital Improvements Element FY 2001 - 2002 to FY 2005 - 2006

Peachtree City, Georgia
Atlanta Regional Commission (ARC)

Local Government:
RDC:

Public Services Division

Department	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Funding Source
Public Works	Street resurfacing program	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$2,500,000	LOCAL
Public Works	Cart path resurfacing program	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$500,000	LOCAL
Public Works	Tree City USA	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$50,000	LOCAL
Public Works	Storm Water Management Program	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000	LOCAL
Public Works	(2) F-350 Public Works trucks	\$49,000					\$49,000	LOCAL
Public Works	Hydraulic boom excavator	\$100,000					\$100,000	LOCAL

Comprehensive Plan Update
Peachtree City, Georgia

Department	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Funding Source
Public Works	Compost shredder		\$62,000				\$62,000	LOCAL
Public Works	Bobcat loader		\$25,000				\$25,000	LOCAL
Public Works	Asphalt roller		\$50,000				\$50,000	LOCAL
Public Works	Replace bucket truck		\$50,000				\$50,000	LOCAL
Public Works	Highway 54 West multi-use bridge		\$250,000 (13%)				\$250,000	LOCAL/ IMPACT FEES/ TEA FUNDS
Public Works	Highway 54 West bridge culverts		\$443,000 (22%)				\$443,000	LOCAL/ IMPACT FEES/ TEA FUNDS
Public Works	Backhoe			\$60,000			\$60,000	LOCAL
Public Works	Bobcat				\$30,000		\$30,000	LOCAL
Public Works	Street sweeper				\$140,000		\$140,000	LOCAL
Public Works	Motor grader				\$100,000		\$100,000	LOCAL

Department	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Funding Source
Public Works	Front end wheel loader				\$100,000		\$100,000	LOCAL
Public Works	Brush chipper				\$25,000		\$25,000	LOCAL
Public Works	LT-9000 Semi tractor				\$88,000		\$88,000	LOCAL
Public Works	Low boy trailer				\$20,000		\$20,000	LOCAL
Public Works	Public Works 3-bay facility				\$100,000		\$100,000	LOCAL
	TOTAL	\$809,006	\$1,540,000	\$720,000	\$1,263,000	\$660,000	\$4,992,006	

Leisure Services	Sports Complex lights lease agreement (Phase I - III)	\$49,953 (Phase II - III) (3%)	\$47,188 (Phase III - III) (3%)				\$97,141	LOCAL/ IMPACT FEES
Leisure Services	Multi-purpose rink (Phase I - II)	\$225,000 (Phase II) (11%)					\$225,000	LOCAL/ IMPACT FEES
Leisure Services	(2) softball sports fields (Meade)	\$350,000 (18%)					\$350,000	LOCAL/ IMPACT FEES

Department	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Funding Source
Leisure Services	Gathering Place expansion	\$220,000 (11%)					\$220,000	LOCAL/ IMPACT FEES
Leisure Services	Multi-purpose field - lighted (Kedron)	\$75,000 (4%)					\$75,000	LOCAL/ IMPACT FEES
Leisure Services	Amphitheater improvements	\$200,000 (10%)					\$200,000	LOCAL/ IMPACT FEES
Leisure Services	Site master plan (Meade)	\$17,000 (1%)					\$17,000	LOCAL/ IMPACT FEES
Leisure Services	Tractor	\$21,500					\$21,500	LOCAL
Leisure Services	Sewer improvements (Riley)		\$100,000 (5%)				\$100,000	LOCAL/ IMPACT FEES
Leisure Services	Playgrounds (locations TBD)		\$40,000 (2 total) (2%)	\$40,000 (2 total) (2%)	\$60,000 (3 total) (3%)		\$140,000	LOCAL/ IMPACT FEES
Leisure Services	2 picnic areas (Glenloch, McIntosh Trail)		\$20,000 (1%)				\$20,000	LOCAL/ IMPACT FEES
Leisure Services	2 soccer fields with concession		\$245,833 (Phase I - II) (12%)	\$245,833 (Phase II - II) (12%)			\$491,666	LOCAL/ IMPACT FEES
Leisure Services	Turf mower		\$21,000				\$21,000	LOCAL

Department	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Funding Source
Leisure Services	Large pick-up		\$20,000				\$20,000	LOCAL
Leisure Services	Replace swimming pool cover (Kedron)			\$200,000 (10%)			\$200,000	LOCAL/ IMPACT FEES
Leisure Services	Library expansion			\$137,063 (Phase I - II) (7%)	\$125,000 (Phase II - II) (6%)		\$262,063	LOCAL/ IMPACT FEES
Leisure Services	Restroom/ storage building (McIntosh Trail, Meade)				\$150,000 (8%)		\$150,000	LOCAL/ IMPACT FEES
Leisure Services	Maintenance/ storage area (Riley)				\$100,000 (5%)		\$100,000	LOCAL/ IMPACT FEES
Leisure Services	Gymnastics gymnasium				\$475,200 (24%)		\$475,200	LOCAL/ IMPACT FEES
Leisure Services	Gazebo Restoration (McIntosh Trail)					\$50,000 (3%)	\$50,000	LOCAL/ IMPACT FEES
Leisure Services	Grading/ landscaping improvements (Glenloch)					\$60,000 (3%)	\$60,000	LOCAL/ IMPACT FEES
Leisure Services	Lower football field improvements (Riley)					\$75,000 (4%)	\$75,000	LOCAL/ IMPACT FEES
Leisure Services	2 indoor basketball courts (Kedron Fieldhouse)					\$708,000 (Phase I - II) (36%)	\$708,000	LOCAL/ IMPACT FEES

Department	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Funding Source
Leisure Services	Concession restroom building (Kedron)					\$150,000 (8%)	\$150,000	LOCAL/ IMPACT FEES
	TOTAL	\$1,158,453	\$494,021	\$622,896	\$910,200	\$1,043,000	\$4,228,570	

Public Safety Division

Fire	Fire breathing apparatus/ bottles	65,700 (Phase II - II)						\$65,700	LOCAL
Fire	Replace 1995 Medic ambulance	\$88,115						\$88,115	LOCAL
Fire	Fire training tower		\$185,000 (11%)					\$185,000	LOCAL/ IMPACT FEES
Fire	Fire ambulance			\$92,000				\$92,000	LOCAL
Fire	Fire ladder truck			\$600,000				\$600,000	LOCAL
	TOTAL	\$153,815	\$185,000	\$692,000	\$0	\$0	\$1,030,815		

Department	Description	FY 01 - 02	FY 02 - 03	FY 03 - 04	FY 04 - 05	FY 05 - 06	Total	Funding Source
Police	Police vehicle lease	249,587 (Phase III - IV)	238,603 (Phase IV - IV)				\$488,190	LOCAL
Police	Police vehicle lease			258,464 (Phase I - IV)	258,464 (Phase II - IV)	258,464 (Phase III - IV)	\$775,392	LOCAL
	TOTAL	\$249,587	\$238,603	\$258,464	\$258,464	\$258,464	\$1,263,582	

Financial Services Division

Finance	Wide area network/ replacement	\$45,000	\$45,000	\$45,000	\$45,000	\$45,000		LOCAL
Finance	GIS implementation	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000		LOCAL
	TOTAL	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000		

Administration	Facility build-out plan	\$205,071	\$205,071				\$410,142	LOCAL
	TOTAL	\$205,071	\$205,071	\$0	\$0	\$0	\$410,142	

Comprehensive Plan Update

Peachtree City, Georgia

**Citywide Development Impact Fee Fund
2000 Summary Analysis**

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Clerk 

VIA: City Manager 

DATE: January 11, 2001

SUBJECT: Resolution to Call for Election and Establish Qualifying Fees

The State Election Code governing Municipal and County elections requires that Council set and publish qualification fees not later than February 1st of any year in which an election is to be held.

The law requires the fee to be set at 3 percent of the total gross salary paid for the elected position in the preceding calendar year and that the fees are published in our legal organ.

The resolution to establish such fees and call for the election is attached for your consideration.

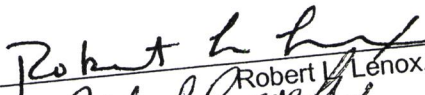
**RESOLUTION ESTABLISHING DATE FOR CITY ELECTION FOR
PURPOSE OF ELECTING A MAYOR AND COUNCIL MEMBER FOR POST 3 AND POST 4;
ESTABLISH FEES AND DATE FOR QUALIFYING OF CANDIDATES;
ESTABLISH DATES FOR VOTER REGISTRATION
AND FOR OTHER PURPOSES**

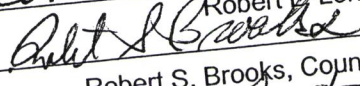
- WHEREAS:** A municipal general election shall be conducted on November 6, 2001, for the purpose of electing a mayor and council member for Post Three and Post Four, and,
- WHEREAS:** Candidates who are elected in said election shall serve for a term of four years, and,
- WHEREAS:** Persons eligible to become candidates for said election shall be at least 21 years of age and be a qualified elector of the City who shall have continuously resided and maintained his or her domicile in Peachtree City for at least six months immediately preceding the election, and,
- WHEREAS:** Candidates for said election shall qualify with the City Clerk in City Hall. Qualifying shall open at 8:30 a.m. on the 10th day of September, 2001, and shall close at 4:30 p.m. on the 14th day of September, 2001, and,
- WHEREAS:** Voter Registration for said election shall close at 5 p.m. on the 8th day of October 2001, and,
- WHEREAS:** The date for a run-off election, if required, shall be November 20, 2001, and
- WHEREAS:** The City Council does hereby declare that the qualifying fee for Mayor shall be \$270.00 and the qualifying fee for Council Post 3 and Council Post 4 shall be \$180.00.

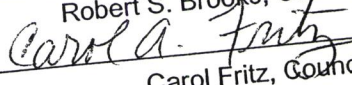
NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of Peachtree City that the general election is hereby authorized pursuant to the rules and regulations set out in this Resolution and pursuant to the Georgia Municipal Election Code as amended.

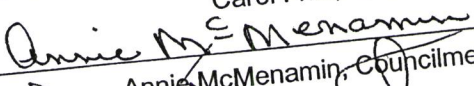
FURTHER, The Superintendent of Elections and Absentee Ballot Clerk shall be the Fayette County Board of Elections who is hereby authorized to provide an appropriate number of poll workers to conduct said election. Polling places within Peachtree City shall be open from 7:00 a.m. to 7:00 p.m. on the day of the general election and on the day of the run-off election, if required.

Adopted this 18th day of January 2001.

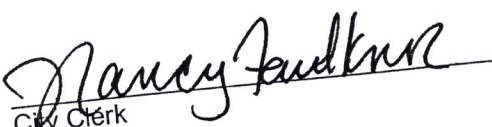

Robert L. Lenox, Mayor


Robert S. Brooks, Councilmember


Carol Fritz, Councilmember


Annie McMenamin, Councilmember

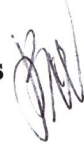

Dan Tennant, Councilmember


Nancy Faulkner
City Clerk Attest

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

VIA: City Manager 
Director of Developmental Services 

FROM: City Engineer 

DATE: January 11, 2001

SUBJECT: SR-74 & Kedron Drive Signalization

As a result of the AMLI development, currently under construction on the southwest corner of the referenced intersection, the warrants have been met for signalization as determined by the Georgia Department of Transportation. During the rezoning hearings and development review process for AMLI, the developer was asked to pay a fair share of the signalization. In subsequent Planning Commission review of the development, the developer quantified that share by agreeing to pay for half the cost of the signalization. The traffic load of the apartments does put the overall demand above the minimum required for the signal warrant. However, traffic generated by the residential developments, bank, school, and recreational facility on Kedron Drive also taxes the intersection. Therefore, the offer by the developer to pay half of the cost is more than fair.

AMLI has prepared plans, reviewed by City staff, for the signalization and lane improvements being required by GDOT. Currently, there are no dedicated left turn lanes on Kedron Drive, a requirement of the Department. Due to the size of the intersection, a box-span wire system suspended from concrete strain poles will be used to hang the signal heads. There also will be some miscellaneous striping and utility relocation associated with the improvements.

The developer has sought out competitive pricing from local paving and signal contractors. Attached is a spreadsheet with the prices submitted. I have reviewed the prices and have verified that they are legitimate and competitive.

I have discussed this with the Purchasing Agent and we recommend that AMLI handle the construction contract directly, with the City entering into a contract with AMLI for the 50% share, an amount of \$59,119.81. Therefore, city staff recommends that funding be allocated from the Council contingency fund in the amount of \$59,119.81 to establish a project account for the purpose of constructing improvements to the 74/Kedron Drive North intersection improvements.

Attachments:

Cost Analysis Spreadsheet

TRAFFIC SIGNAL ANALYSIS

AMLI II - KEDRON DRIVE / SR-74 INTERSECTION IMPROVEMENTS

ITEM	UNIT	PAVING & SIGNAL	
		BALDWIN PAVING	APAC, GA.
TRAFFIC CONTROL	Lump Sum	\$ 3,180.00	\$ 4,883.82
EROSION CONTROL	Lump Sum	\$ 750.00	\$ 2,776.10
CONSTRUCTION	Lump Sum	\$ 13,000.00	\$ 22,728.59
BASE, BINDER & TOPPING	515 SY.	\$ 14,986.50	\$ 26,435.40
CURB & GUTTER	500 LF.	\$ 6,137.50	\$ 4,600.00
CLASS B CONCRETE	10 CY.	\$ 1,500.00	\$ 1,589.60
THERMOPLASTIC STRIPING	Lump Sum	\$ 1,200.00	\$ 821.60
GRASSING	Lump Sum	\$ -	\$ 787.50
SIGNALIZATION	Lump Sum	NO BID	\$ 59,932.92
SUBTOTAL		\$ 40,754.00	\$ 124,555.53
+ Separate Signal Contract		\$ 63,734.00	N/A
+ Design Costs		\$ 13,751.62	\$ 13,751.62
Project Total		\$ 118,239.62	\$ 138,307.15

50% Split \$ 59,119.81

SIGNAL ONLY BIDS	
R.J.HAYNIE	ATCHESON ELE.
\$67,328.00	\$63,734.00

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *[Signature]*

FROM: Public Services Director *[Signature]*
Financial Services Director

DATE: January 8, 2001

SUBJECT: Bid Opening – Public Works Hydraulic Boom Excavator

The 2001 Public Improvement Program has funding for the purchase of a hydraulic boom excavator for the Public Works Department. The City solicited bids from four (4) equipment and machinery dealers for the purchase of a Hydraulic Boom Excavator for the Public Works Department. Four (4) firms responded to this request as follows:

1. Stith Equipment Co., Inc.
Atlanta, Georgia
Komatsu PC60-7B w/Rubber Tracks
\$60,788.00
2. Burch-Lowe, Inc.
Mableton, Georgia
Kobelco 70SR w/Rubber Tracks
\$65,563.00
3. Yancey Bros. Co.
Atlanta, Georgia
Caterpillar 307C w/Rubber Tracks
\$67,723.00
4. METRAC, Inc.
Atlanta, Georgia
John Deere 80 w/Rubber Tracks
\$75,345.00

Page 2

Bid Opening – Public Works Hydraulic Boom Excavator
January 8, 2001

Staff also recommends that the bid for supplying the 2001 Hydraulic Boom Excavator w/Rubber Tracks be awarded to ***Stith Equipment Co., Inc. Atlanta, Georgia***, for their bid of ***\$60,788.00***.

There are adequate funds available in the 2001 Public Improvement Program, line item Hydraulic Boom Excavator for the purchase of the hydraulic boom excavator.

CWH/lg

Attachments

cc: Public Works Superintendent
Purchasing Agent
File



Peachtree City

Georgia

TO: Mayor and Councilmembers

VIA: City Manager *[Signature]*
Director of Developmental Services *[Signature]*

FROM: City Planner *David*

DATE: January 11, 2001

SUBJECT: Livable Centers Initiative – award of contract

This past March, Peachtree City was one of twelve municipalities in the metro-Atlanta region selected to participate in the Atlanta Regional Commission's first round of Livable Centers Initiative (LCI) studies. This program provides a source of funds for planning investment studies of activity and town centers in the Atlanta region. The budget for this study is \$21,700, and the City will receive \$17,360 from ARC. The local match (\$4,340) must be provided by the City.

The focus of this study will be to determine the most effective way to unify the Highway 54 West Corridor as a single activity center for the surrounding community, to provide adequate pedestrian and vehicular access within the activity center, and to link the activity center to Peachtree City's multi-use path system as a means of providing alternate transportation to the activity center. The study will also include the development and implementation of architectural guidelines for future development within this activity center and the development of an overall landscape plan and gateway feature for Highway 54 West.

A detailed Request for Proposals was prepared and forwarded to numerous Planning, Architectural, Landscape Architectural and Engineering firms in the Atlanta area. Four proposals were received and evaluated by City Staff. Each proposal was very detailed and provided an innovative approach to completing this study. It was the overall consensus of the selection committee that the proposal submitted by The Brookwood Group met all of the criteria identified in the RFP and was within the budget allotted for this project.

STAFF RECOMMENDATION

Staff recommends that the City enter into a contract with The Brookwood Group to prepare a detailed study of the GA 54 West Activity Center. Staff also recommends that City Council authorize the Mayor to sign this contract and forward all documentation to the Atlanta Regional Commission for review.

(RFP)

PROJECT:

PROJECT:

COMPANY NAME

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jim Basinger, City Manager  P.S.

FROM: Paul Salvatore, Director of Financial Services/I.T.

DATE: January 11, 2001

SUBJECT: Internet/Intranet & E-Mail Policy

Attached is a revised copy of CAR 3-8 regarding subject policy. As you recall, this agenda item was tabled at the December 7, 2000, Council meeting due to some Councilmembers' concerns about certain provisions of the policy. City staff has since met with members of Council to review the policy and discuss those concerns.

At this time, staff believes that the policy satisfactorily addresses the concerns expressed and does not conflict with any existing state laws regarding Open Records or Open Meetings. We, therefore, recommend Council adopt the policy in its current form.

Internet and Electronic Mail Use by City Employees and Elected Officials

Purpose	Section	I	Risks	VI
Policy		II	Responsibilities	VII
Definitions		III	Acceptable Use	VIII
Public Records and Disclosure		IV	Unacceptable Use	IX
No Presumption of Privacy		V	Written Agreement Required	X

I. Purpose

- a. The purpose of this regulation is to establish standards for use of the Internet and Electronic Mail (e-mail) by City employees and elected officials who use city provided resources, regardless of the user's location when accessing the network.
- b. It is the intent of this policy to:
 1. Ensure that the use of city-provided Internet and E-mail services are related to, or for the benefit of, city government;
 2. Inform users that E-mail messages and documents are subject to the same laws, regulations, policies, and other requirements as information communicated in other written forms and formats;
 3. Minimize disruptions to city government activities from inappropriate use of city-provided Internet and E-mail services; and
 4. Provide users with guidelines describing their personal responsibilities regarding confidentiality, privacy, and acceptable use of city-provided Internet and E-mail services as defined by this policy.

II. Policy

- a. As with any City resource, the use of the Internet and E-mail services should be used primarily for legitimate City business and is governed by rules of conduct similar to those applicable to the use of other information technology (e.g. telephone, fax, etc.) resources, including the Open Meetings/Records Act of Georgia.
- b. E-mail created or received by an employee or official in connection with official city business, which perpetuates, communicates or formalizes knowledge, is subject to the open records law and open for inspection.
- c. E-mail created or received by an employee that is not in connection with official city business, is still subject to the Open Records Law if the e-mail was created or received with city provided resources.

- d. Employees and City Officials will not use the Internet in any manner that would constitute a quorum of any official public body to conduct official city business. No employee or City Official shall communicate via the Internet with a quorum of any official public body to specifically request a reply for anything other than transitional information as defined below. This does not affect the communication between any two members of any official public body via the Internet and this does not affect the ability of employees or City Officials from sending information to a quorum of any official public body.
- e. Use of the Internet and E-mail is a privilege, which imposes certain responsibilities and obligations on its users and is subject to City policies and local, state, and federal laws. Acceptable use must be legal, ethical, reflect honesty, and show restraint in the consumption of shared resources.
- f. Abuse of Internet privileges may be considered "misuse of government property".

Use of e-mail or Internet resources in a manner that could reasonably be construed as sexually explicit, scandalous, defamatory, libelous, immoral or discriminatory based on race, national origin, sex, sexual orientation, age, disability or religious beliefs is not permitted.

III. Definitions.

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

Transitory Messages consist of those records that are created primarily for the informal communication of information, as opposed to communications designed for the perpetuation or formalization of knowledge. Transitory messages do not set policy or establish guidelines or procedures. The informal nature of transitory messages might be compared to the communication that might take place during a telephone conversation or verbal communications in an office hallway. Transitory messages would include the following:

- Routine announcements and information
- Queries regarding processes, ideas or draft documents

- Meeting notices
- Reading files
- Recipient's Inter-departmental memoranda

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

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

IV. Public Records and Disclosure

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

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

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

V. No Presumption of Privacy

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

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

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

VI. Risks

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

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

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

VII. Responsibilities

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

1. By participating in the use of networks and systems provided by the City, users agree to comply with policies governing their usage.
2. The content of anything exchanged (sent and/or received) via E-mail communications must be appropriate and consistent with City policy, subject to the same restrictions as any other correspondence.
3. E-mail communications, if allowed to accumulate on a server, can quickly consume the server's disk space and may cause system problems. Deletion of unnecessary email communications is encouraged.
4. Comply with City policies, procedures, and standards.
5. Be courteous and protect others' privacy and confidentiality.
6. Be responsible for the use of their E-mail accounts.
7. Use information technology resources efficiently and productively.

VIII. Acceptable Use of Internet and E-mail Services

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

1. Communications, including information exchange, for professional development or to maintain job knowledge or skills;
2. Communications with other governmental agencies and business partners of city government providing document delivery or transferring working documents/drafts for comment;

3. Announcements of city laws, procedures, hearings, policies, services, or activities;
4. Use involving research and information gathering in support of advisory, standards, analysis, and professional development activities related to the user's city governmental duties; and
5. Communications and information exchanges directly relating to the mission, charter, and work tasks of the City including E-mail in direct support of work-related functions or collaborative projects.
6. Any personal use of Internet resources while on-duty should be confined to once or twice a day and a maximum of 10 minutes. No personal usage shall violate section VIII (Unacceptable Uses) as described below.
7. Personal usage of the Internet during off-duty hours is permitted with prior approval of the employee's supervisor, as long as such usage does not violate section VIII.

VIII. Unacceptable Use of Internet and E-mail Services

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

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

1. Business Activities. This includes Internet use for private purposes such as marketing or business transactions and private advertising of products or services.
2. Use for, or in support of, unlawful/prohibited activities as defined by federal, state, and local laws or regulations. Illegal activities relating to Internet and network access include, but are not limited to:
 - a. Tampering with computer hardware or software;
 - b. Willful vandalism or destruction of computer files;
 - c. Transmission of threatening, obscene or harassing materials;
 - d. Attempts to penetrate a remote site/computer without proper authorization;
 - e. Use of the Internet to try to access data that is protected and not intended for public access;
 - f. Violation of federal and state laws dealing with copyrighted materials or materials protected by a trade secret.

g. Accessing or modifying contents of files, other data, or passwords of other users, unless explicitly authorized to do so by those users or management.

h. Attempts to subvert network security, to impair functionality of the network, or to bypass restrictions set by the network administrators. Assisting others in violating these rules by sharing information or passwords is also unacceptable behavior;

i. Deliberate interference or disruption of another user's work or system. The user must avoid any actions that cause interference to the network or cause interference with the work of others on the network. Users are prohibited from performing any activity that will cause the loss or corruption of data, the abnormal use of computing resources (degradation of system/network performance), or the introduction of computer viruses by any means (use of programs with the potential of damaging or destroying programs and data);

j. Use of fee-for-service providers on the Internet unless the necessary approvals and funding have been obtained in advance. Any individual who obligates the City to pay for services without prior approval is personally liable for these costs;

k. Solicitation for religious and political causes;

l. Use to gain access to any other Internet service, which requires membership if the user does not have proper membership, rights, and privileges in the other service.

3. No employee shall use the Internet service at any time to access sites or information that could be interpreted as demonstrating poor ethical conduct, unless required as part of their official City duties (i.e. administrative or official investigations). These types of sites or information include, but are not limited to, those containing derogatory racial content, sexual content, derogatory religious content, offensive language, improper humor, material that could negatively reflect upon the City of Peachtree City, or material prohibited by law.

IX. Written Agreement Required

Users having access to city-provided Internet and E-mail services are advised that all such network activity is the property of the City, and therefore, they should not consider any activity to be private. All users of Internet and E-mail services are required to acknowledge acceptance of and intention to comply with "The City of Peachtree City Internet and E-mail Acceptable Use Policy" by signing a "User Agreement" for these services. The attached "Sample Use Agreement" is provided as a model. The Personnel Office of the City shall maintain the signed agreements.

APPROVED:

Director of Administrative Services
Director of Financial Services / Assistant City Manager
City Manager

**THE CITY OF PEACHTREE CITY
ELECTRONIC MAIL AND INTERNET POLICY**

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

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

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

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

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

Employee Name (Print): _____

Employee Signature: _____ **Date:** _____

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: Director of Developmental Services 
VIA: City Manager 
DATE: January 9, 2001
SUBJECT: Braelinn Baptist Church Sewer Connection

The Braelinn Baptist Church has requested access to the Peachtree City sewer system for their site in Tyrone immediately north of the City.

The planning staff has no objection to this proposal. However, it is felt that it would be prudent to include the following provisions in the agreement if it is decided to approve the access:

- The sewer service could not be extended beyond the church property to serve other properties.
- The church could not subdivide its property for sale or lease to a non-church entity, and then provide sewer access for that non-church entity.
- The church should define for the city what church uses it intends to provide on the property, and sewer service should be limited to those uses.

Council could, of course, amend these provisions at a later date, but in the meantime, they would provide a necessary level of protection against some unanticipated and perhaps very undesirable consequences.



Peachtree City Water and Sewerage Authority

December 19, 2000

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

RE: BRAELINN BAPTIST CHURCH

Dear Mr. Basinger,

In reference to the request from the Braelinn Baptist Church to receive sewerage service from the Authority for its proposed complex, the Authority has included capacity in its proposed expansion of the Rockaway Wastewater Treatment Plant to accommodate the anticipated flows. Although we cannot formally commit capacity to the church until we obtain the necessary permits, no problems are anticipated in that process.

If I can provide any additional information, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. B. Turner".

Larry B. Turner, PE
General Manager

Braelinn
Baptist Church

777 Robinson Road
Peachtree City, GA 30269
770-487-6691
fax 770-487-3776

Building Design Team

December 19, 2000

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

Dear Mayor Lenox:

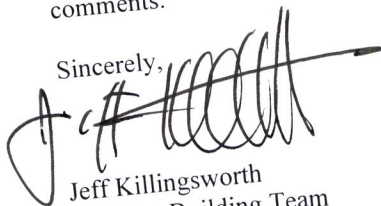
Braelinn Baptist Church request to be on the January 18, 2001 City Council Meeting Agenda. Our purpose is to formally request sanitary sewer service to our new property located between Peachtree Parkway and Dogwood Trail, on the East side of GA 74.

The location of our property is beyond the normal service area of the Peachtree City Water and Sewer Authority, therefore requiring a special request to the City of Peachtree City for sanitary sewer service. We have formally advised the City of Tyrone of our special request, and they have confirmed that there are no objections on their behalf.

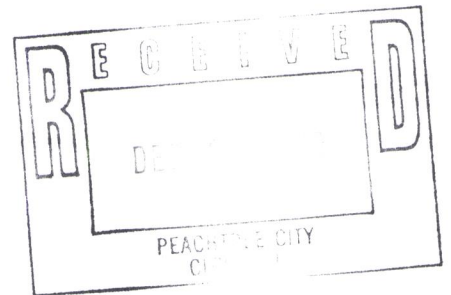
Capacity requirement calculations for Phase I and Phase II have been forwarded to Mr. Larry Turner of Peachtree City Water and Sewer Authority, for which he has reviewed and given us a positive response.

We look forward to meeting with the City Council, and please feel free to contact me with your questions and comments.

Sincerely,


Jeff Killingsworth
Braelinn Building Team

cc. Mr. Larry Turner, PE, PTC Water & Sewer Authority
Mr. Scott McDonald, PTC Water & Sewer Authority
David Millican, Braelinn Building Team



"You're the reason we're here!"

770-460-7400
631-7880



POLICE DEPARTMENT

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



JAMES V. MURRAY
Chief of Police

MAYOR AND CITY COUNCIL

FROM: CHIEF JAMES V. MURRAY

DATE: JANUARY 11, 2001

SUBJECT: SCOOTER SAFETY PROGRAM

Councilman Dan Tennant has expressed his concern about the safety of children regarding Scooters that have become a very popular item in Peachtree City. He had asked the police department to examine ways to improve the safety aspects of using this item within the city. As you are aware, The State of Georgia has a helmet law regarding bikes, but the City Attorney has advised me that scooters do not fall under this law. In addition, the bike law does not provide a penalty for failure to use the helmets and uses the law as a recommendation for parents to be responsible for their child's safety. In my discussions with the City Attorney and the Judge, they suggest that they prefer this item be handled the same way as we are dealing with minor children, since they could remove safety equipment after leaving home. Also, the helmet is only one part of the safety equipment recommended for use on Scooters, and both leg and arm protection is needed. With these thoughts in mind, we make the following recommendation to provide a very productive safety program in the city.

1. Please find attached a draft of a Scooter Safety pamphlet that will be made available to parents.
2. A recommendation that the Recreation Department consider closing some parking lots on weekends to allow a safe area for parents to bring their children to practice on not only Scooters, but also bikes and roller blades. Police and EMS officers would also take part in these activities to provide information on safety equipment that is needed for protection.
3. A public safety campaign to continue the process to insure this information stay available to parents that purchase Scooters in the future.

The police department has also made this item a Quality Improvement Project so that we can explore other ways to have this project grow. I would recommend that city council endorse this very important safety program and extend my appreciation to Councilman Tennant for his suggestions and recommendations.

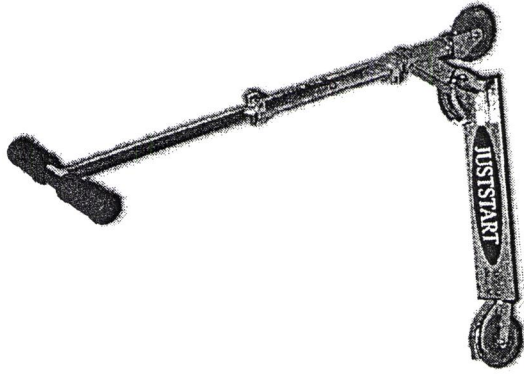
Cc: City Manager

*An Internationally Accredited Agency
A State Certified Agency*

HELPFUL HINTS FOR STAYING SAFE

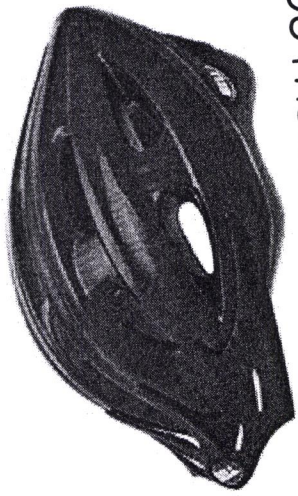
- Never ride a scooter and be towed by a car, truck, golf cart, etc.
- Only have one person on the scooter at a time.
- Be careful when riding downhill on a scooter. You may not be able to stop when you need to.
- Always follow the rules of the road and stay alert to your surroundings.
- Always follow your scooter manufacturer's suggestions about maximum weight and use.
- Most shopping centers prohibit bikes and skateboards from being ridden on the sidewalks. This also includes scooters.
- Always wear appropriate safety gear, including a helmet, elbow pads, kneepads and shoes.
- Make sure the protective gear fits properly and does not interfere with vision, movement or hearing.
- Check the scooter thoroughly before riding it. Wheels can get nicks and cracks in them and bolts can loosen.
- Ride on smooth surfaces to avoid injury from hitting bumps and cracks. Avoid riding on streets or surfaces with water, sand, gravel or dirt.
- Avoid riding scooters in areas with vehicular traffic. Scooters, cars or golf carts can be a dangerous mix.
- Don't ride scooters after dark.

SCOOTER SAFETY IN PEACHTREE CITY



Scooters are big on fun, but can be just as big on injuries. The City of Peachtree City wants everyone to be safe and have fun at the same time. Just like bicycles and skateboards, improper use of scooters and improper safety equipment can lead to serious injuries.

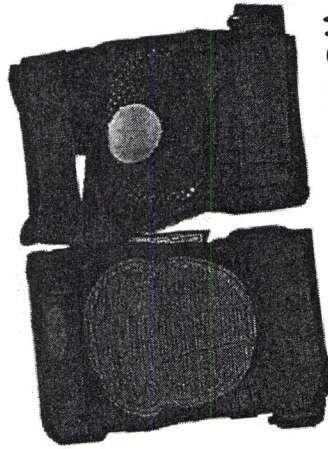
Please remember that electric and gas powered scooters are not allowed on the cart path system in Peachtree City.



NO MATTER HOW YOU LOOK AT IT...



PROTECTIVE GEAR...



CAN SAVE YOU FROM BEING HURT!

If you have any questions about scooter safety, inline skate safety, bicycle safety, please contact the police department at 770-487-8866.

Join our safety club!

Just print your name and information and stop by the police department to turn it in. An officer will be available to discuss safety precautions with you.

NAME: _____
AGE: _____
ADDRESS: _____

CITY OF PEACHTREE CITY
INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Manager 
DATE: January 11, 2001
SUBJECT: Appointment of City Clerk

Councilmember McMenamin asked that this item be placed on the agenda.

WEBB, STUCKEY & LINDSEY, LLC

Attorneys-At-Law

400 Westpark Court
Suite 220
Peachtree City, Georgia 30269

Telephone: (770) 631-1811
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Other Offices
Atlanta, Georgia
Fairburn, Georgia
McDonough, Georgia

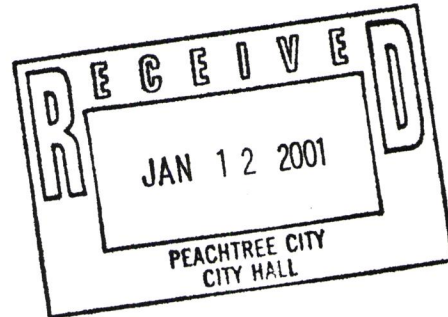
Other licenses:
* Florida
**Tennessee & District of Columbia
†Illinois
††Texas

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

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

January 12, 2001

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



RE: Needed Charter Revisions

Dear Mayor and Council:

I have completed my review of our Charter. Listed below are the sections which need revision and the problem or problems which I believe exist in each section.

SECTION VI (DUTIES AND AUTHORITY OF MAYOR)

The Mayor has the general authority and duty to supervise the affairs of the City along with several listed powers. In reality, our City Manager is responsible for the general supervision of the City affairs. Some delineation of responsibilities between the Mayor and City Manager is probably in order so there is not an overlapping of responsibilities. The remaining duties and authorities of the Mayor seem to be necessary for the Mayor to act as the Chief Executive Officer of the City.

SECTION VII

The veto power of the Mayor seems to be of little necessity and, basically, without any force. This veto power would seem to be more appropriate if the Mayor did not vote on all motions. I would suggest that we remove this section or rework it so that the veto power actually means something.

January 12, 2001

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SECTION IX

We need to change the oath given to the Mayor and Councilmen to reflect the requirements of state law.

SECTION X

Section X needs to be reworded to reflect that a vacancy on the Council shall be filled by an appointment the Mayor and Council and the vacancy in the Mayor's office shall be filled by an appointment selected by the Council.

SECTION XI

Should the three consecutive month be shortened?

SECTION XII

Should there be a cap on expenses?

SECTION XIII

The last sentence of this section seems to be an impossibility. If the Mayor and the Mayor Pro Tem cannot attend or discharge their duties, we do not have a quorum and no action can be taken. Therefore, a provisional Mayor Pro Tem could not be elected because we would not have a quorum present.

SECTION XIV

Section XIV needs to be completely reworked. This section is confusing and antiquated. It is my suggestion that the only appointments be of the City Manager, City Clerk, City Judge, City Attorney, and City Auditor. There is no legal necessity for the reappointments to be conducted on an annual basis or on any regular interval. Such decision, obviously, is up to the Council. Perhaps the appointment should be reviewed every January following an election, every four years, or only when Council wants to consider the removal of an appointed person.

SECTION XV

The Clerk's duties must be coordinated along with a review of the entire organizational structure of the City. A determination needs to be made of whether Council will assign the duties or if some other staff person will assign the duties.

SECTION XVI

Some rewording may be in order since we have a well-established Police Department. A revision of this section is not necessary, but might be more reflective of the existence of our accredited Department.

SECTION XXIII

The Council may want to select which staff person will be the Manager of Elections.

SECTION XXVI

Since we presently use the Fayette County Tax Commissioner to handle property returns, I suggest that we either state that in the Charter or reword this provision so that either the Clerk serves in this capacity or another individual as may be designated by the City Council.

SECTION XXVII

I believe the date for paying property taxes is actually December 15th and not December 20th. I am not sure if our City Clerk records delinquent taxes on the General Execution Docket. If not, this provision should be changed.

SECTION XXVIII

There is a strange provision in this section of the Charter which provides Council with the authority to levy and collect a street tax on inhabitants who are between the ages of eighteen and fifty years of age. I would suggest that we remove this provision or, or at the very least, impose the tax on those individuals who utilize the streets which is basically everyone. I believe this provision, as presently worded, is illegal.

SECTION XXIX

We need to reword this provision and simply grant to the City Council the authority to license, regulate, and control all businesses which are not regulated by the State of Georgia. (I am still not sure what a "flying Jenny" is.)

SECTION XXXII

This provision needs to be reworded so that the keeping of all livestock is prohibited not just cattle, hogs, and goats. (If I were a keeper of goats, I'd be very upset if a sheepherder moved in next door.)

January 12, 2001

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SECTION XLVIII

The United States Supreme Court has altered the jurisdiction of courts like our municipal court. Unless a Defendant has a right to a jury trial, a court does not have the constitutional authority to incarcerate or imprison for more than six (6) months. Therefore, we need to change this portion of our Charter.

There are several grammatical problems located throughout the Charter which I have not mentioned in this letter. Obviously, we will correct those problems when the Charter is presented for amendment.

Most of the provisions can be changed by myself working with the City Staff without much direction from Council. However, I need direction before we can begin the process of amending the Charter on these issues: the relationship between the Mayor and City Manager when it comes to the issue of general supervision of the City; the inclusion of the City Manager in the Charter; the deletion of certain positions such as Police Chief, Fire Chief, Librarian, etc. from the Charter; and the positioning of the City Clerk with any organizational structure of the City.

It is my suggestion that the City Manager be given the general supervision powers of the City and that he report to the Mayor and Council as he deems necessary or as directed by the Mayor and Council. All other department heads and employees with the exception of City Clerk should be created in the ordinances and not in the Charter. The position of City Attorney and City Auditor should be created in the Charter.

The City Clerk's position should either be the same individual as the City Manager or should report to the City Manager and not to Council. If Council desires for the City Clerk to report directly to it, then the City Clerk should not be supervised by the City Manager or anyone else on Staff. The problems I see with this latter structure is that our Mayor and Council are part-time positions who are generally not available to supervise full-time employees. Without creating a separate "City Clerk Department" with at least two employees to ensure continual coverage of the City Clerk duties, the direct reporting of the City Clerk to the City Council with no Staff supervision or assistance does not seem workable.

Once Council has debated and decided these issues, I believe the City Staff and I can draft the revised Charter provisions within a couple of weeks. Unless we are changing the governing structure of the City, we have the authority, under State law, to amend the Charter through our home rule powers which involves some required advertising and public hearings, but does not require action on the part of the General Assembly. Many, if not most, of the changes needed in our Charter are the housekeeping variety and are those which I would hesitate to present to our elected state officials. If you present these to the General Assembly, then the Office of Legislative Council will get involved and staff lawyers for the General Assembly will review our suggested changes. For the majority of our changes, it does not seem to be a wise

January 12, 2001

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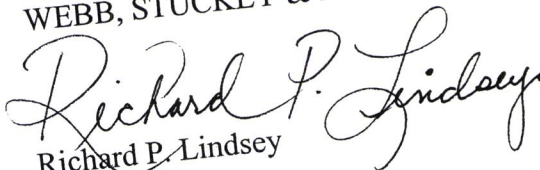
use of State funds to pay the staff lawyers to review the many sections of our Charter which, I believe, need to be cleaned up. Therefore, unless we are significantly changing the powers of the Mayor and Council or changing the structure of our governing body, then all these changes can be made through our home rule powers.

If you wish to discuss this matter before Thursday's meeting, please do not hesitate to contact me.

Best regards.

Sincerely,

WEBB, STUCKEY & LINDSEY, LLC


Richard P. Lindsey

RPL:jmf

PART I CHARTER AND RELATED LAWS

Subpart A CHARTER*

***Editor's note**--Printed in this article is 1959 Ga. Laws, page 2409, as adopted by the Georgia General Assembly. Amendments to this act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

AN ACT

To create and incorporate Peachtree City, in the County of Fayette, Georgia, and grant a charter to that municipality under that name and style; to prescribe and define the corporate limits thereof; to provide a municipal government for said city, and to declare the rights, powers, privileges and liabilities of said city; to authorize said city to levy and collect a tax for purposes authorized herein; to authorize the construction of waterworks, sewers, streets, parks and other facilities and utilities deemed useful in the operation and management of the said city and to provide for the method of payment of the same; to provide for granting franchises to persons, firms or corporations for construction and maintenance of public utilities; to declare and define the police powers of said city; to declare and define the duties and powers of the officers of said city; to provide for the initial appointment of the mayor and council of said city and thereafter the election of the mayor and councilmen of said city; to provide for passage of ordinances and granting licenses for the conduct of business; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA, AND
IT IS HEREBY ENACTED BY THE AUTHORITY OF THE SAME:

ARTICLE I. IN GENERAL

Sec. 1. [Incorporation; corporate powers].

That 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 a body politic and corporate of said state and county and by that name and style shall have perpetual succession with 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. Said city shall have full power in and by said corporate name to contract and be contracted with, to sue and be sued, to plead and be impleaded, 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; to use, manage, improve, sell, convey, rent or lease any such estate or property; to have and use a

common seal; and to perform all acts necessary or incident to its corporate existence or capacity.

Sec. 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. [Corporate authority and territorial jurisdiction of governing body and officers].

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. 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 section 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 2 hereof.

ARTICLE II. GOVERNING BODY; DEPARTMENTS; APPOINTIVE OFFICERS

Sec. 4. [Governing body; composition, quorum, meetings].

→ { The government of said city shall be vested in a mayor and four (4) councilmen, initially appointed and thereafter chosen as hereinafter provided, and such other officers and employees as are provided for by this act as the mayor and councilmen consider necessary and proper to appoint and employ as hereinafter provided. The mayor and councilmen 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. The mayor and three (3) councilmen, or four (4) councilmen 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. 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. [Eligibility qualifications of mayor and councilmen].

No person shall be eligible to hold the office of mayor or councilmen 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. [Duties and authority of mayor].

The mayor shall be the chief executive officer of said city and it shall be his duty to preside at all meetings of the city council; to see that all meetings are conducted in a parliamentary manner, to preserve order and decorum in such meetings; to inflict such punishment upon any person guilty of contempt before said council as may be authorized by municipal ordinances; to see that all laws, ordinances, rules, regulations and resolutions of the city council of said city are faithfully executed and enforced; to appoint and be an ex officio member of all committees; to see that all funds are properly accounted for and that all revenues are properly and promptly collected; 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; to inspect or cause to be inspected by one or more of the councilmen 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, to the council as he may deem proper; 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 to convene the council in extra session as frequently as he may deem proper; 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 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. [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. [Date of municipal general election; election of mayor and councilmen, post designation; assuming office; term; oath].

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. For the purposes of electing councilmen, 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 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 1993, 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, 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. After January 1, 1993, any mayor or councilman 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. 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.

Candidates elected to office shall on or before the day of assuming office qualify by taking and subscribing before some officer authorized by law to administer oaths, the following oath: "I (A.B.), do solemnly swear that I will well and truly perform the duties of mayor (or councilmen as the case may be) 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. So help me God." Such oath shall be filed with the city clerk, who shall spread 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 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. [Filling vacancies on council].

In the event that the office of mayor, or the office of any one or more of the councilmen shall become vacant by death, resignation, removal or otherwise, said vacancy or vacancies may be filled by appointment and selected by the city council, in the case of vacancies in said council, and by the councilmen in the case of a vacancy in the office of mayor and 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 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 exceed twelve (12) months then a special election shall be called to determine the person who shall fill the unexpired term.

Sec. 11. [Declaration of vacancy in office of mayor or councilman].

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 remaining members of the council, declared vacant and the vacancy filled as above provided.

Sec. 12. [Compensation of mayor and councilmen as fixed; expenses of office allowable].

The mayor shall receive an annual salary and each councilman shall receive such annual salary as shall be reduced during the term for which such official shall have been appointed or elected. Said salaries shall be paid in twelve (12) equal monthly installments on the last day of each month. In addition to their salaries, each councilman may be reimbursed for actual out of pocket expenses incurred on behalf of the city. 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. [Organization of council; mayor pro tem; provisional mayor pro tem].

The city council shall at its organization 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 shall remain unimpaired, except he shall not receive the salary or expense of a councilman while receiving the salary and expense of mayor where there is a vacancy in the office of mayor. Before entering on the discharge of his duties the mayor pro tem shall, in addition to the oath taken as councilman, take and subscribe the oath prescribed for mayor. ~~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. [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 of each year 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. Such appointed officers, 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 pending a meeting of the council to make a formal decision on termination. Any officers appointed pursuant to this section will be subject to the termination procedures therein and contained in the city 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 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 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 duties as may be determined by the council.

Sec. 16. [Police department].

The city council when deemed necessary 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 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].

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 departments and to prescribe their functions and the duties of the affairs and employees of such departments as it may deem necessary and to the best interest of the residents of Peachtree City.

Sec. 18. [Officers elected by council to perform prescribed duties and give bond].

All officers elected 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.

ARTICLE III. REGISTRATION OF ELECTORS; ELECTIONS

Sec. 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.

Sec. 22. [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 Charter, 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.

ARTICLE IV. TAXATION; LICENSES

Sec. 24. [General purpose and bond sinking fund ad valorem taxes authorized].

For the purpose of raising revenues for the support, operation and maintenance of said city and its affairs, including reserves for capital improvements, 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, 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 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.].

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 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].

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 and execution or compulsory labor on the streets in the discretion of the recorder as may be provided by ordinance.

Sec. 29. [Authority to license, regulate and control business and other activities--General and miscellaneous].

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 licenses and prohibiting operation].

The city council of said city may revoke the license of, and 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 without giving written notice to the person, firm or corporation holding such license, such notice stating the reasons why such license is being revoked, 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. At said hearing the person holding said license, or the firm or corporation holding same, may submit to said council whatever evidence he may desire touching upon the question of revocation of such license. The decision of said council of said city, revoking any such license shall be final.

ARTICLE V. PERSONNEL

Sec. 31A. [Social security, hospitalization and workmen's compensation benefits for employees authorized].

The council of Peachtree City shall be authorized to provide insurance, retirement, and 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)

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

Sec. 32. [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 from running at large in said city, and to prevent and prohibit the keeping of cattle, hogs and goats within the city limits, or to regulate the manner in which they must be kept if allowed to remain. Also to impound such animal, or animals 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 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 to dispose of such animals under such rules and regulations as may be prescribed by said council.

Sec. 33. [Condemnation of property for municipal purpose; eminent domain].

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, and the acts amendatory thereof which by this reference thereto is incorporated herein [as] if set forth verbatim. 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.

Without limiting the generality of the foregoing said 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, 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, 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, and all others having the right to acquire private property by exercise of the power of eminent

domain or any similar power.

Sec. 34. [Street powers].

Said city shall have full and complete power and authority to open, lay out, grade, widen, construct, pave, repave, curb, and otherwise permanently improve any and all streets, sidewalks, and ways, and to maintain, relocate, repair, repave, extend, abandon or close them, and to construct, maintain, repair, replace and remove street curbing, sidewalks, alleys or ways. To provide funds for these purposes all sidewalks, curbing and service sewer 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. One-third of the cost of street construction 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. 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. [Improvement assessment ordinance].

Provision shall be made by ordinance for all sewer, sidewalk, street 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. After the first reading of such ordinance, notice that it has been introduced shall be published one time by the 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. 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 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, sidewalk or alley 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. 39. [Scope of improvement assessment].

Cost assessed against abutting or other property and the owners thereof for sewers, sidewalks, streets, 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, repaving, repairing and replacing of sewers, streets, sidewalks and street curbing, and extending, relocating and regrading for any of these, to the private property line of the property assessed. Expense of maintenance and repairs of public streets 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. 40. [Lien for improvement cost].

To secure costs of streets, sidewalks, sewer and 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 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. 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. [Installment payment of improvement assessments].

When any street, sidewalk, sewer or 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. [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 benefit of persons other than such abutting or other real estate owner.

Sec. 43. [Due date of improvement assessments].

Costs assessed against property and the owner thereof for street, sidewalk, 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. 44. [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 of 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. 45. [Payment of street paving cost by railroads; street tax on public carriers].

Any street railroad company or other railway company having a track or tracks running along or across a street or streets of said city, shall be required to pay the cost in full for paving or otherwise improving such street or streets between their tracks and two (2) feet on each side thereof. 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. 46. Creation.

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 court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by law; 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; 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 police courts to the extent of and in accordance with the provisions of such laws and all laws subsequently enacted amendatory thereof; to establish bail and recognizances to insure the presence of those charged with violations and to prescribe the conditions of forfeiture of the same; to administer oaths and to perform all other acts necessary and proper to the conduct of said court. The presiding officer of such court shall be known as the judge. Said court shall be convened at such times as designated by ordinance or at such times as deemed necessary to keep current the dockets thereof. The court shall sit at a place designated by the council.

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

Sec. 47. 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 licensed to practice law in the State of Georgia. 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.
- (b) 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.
- (c) 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, 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, § 1)

Sec. 48. Jurisdiction.

Unless a lesser penalty is provided by ordinance 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, to an amount not to exceed one thousand dollars (\$1,000.00) for each offense; to imprison offenders for a period of not more than twelve (12) months for each offense; or at labor on the roads and streets or other public works of said city for not more than twelve (12) months for each offense, any one or more of these punishments in the discretion of the judge. Said judge shall not have the authority to inflict a greater punishment for contempt than to impose a fine of one hundred dollars (\$100.00) or imprisonment not exceeding twenty (20) 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 to issue warrants for offenses committed within the limits of Peachtree City, which warrants may be executed by any officer of said city, and to commit the offenders to jail or admit them to bail in bailable cases for their appearance at the next term of court of competent jurisdiction. The municipal court shall also have concurrent jurisdiction with that of the justice of the peace over offenses against the criminal laws of the state committed

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

Sec. 52. Repeal of conflicting laws.

All laws and parts of laws in conflict herewith are hereby repealed.