

City Council of Peachtree City
Agenda
January 17, 2002

7:00 p.m

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
 - Recognize David McDaniel as Employee of the Year
 - Recognize Tony Wood as Supervisor of the Year
 - Proclaim January 21-27 as Kiwanis Week
 - Proclamation for Martin Luther King, Jr. Day
- III. Minutes
 - January 3, 2002 Regular Meeting Minutes
 - December 20, 2001 Regular Meeting Minutes
- IV. Consent Agenda
 - Consider Bid for Highway 54 Landscaping
- V. Old Agenda Items
 - 12-01-02 Public Hearing – Easement Request – St. Andrew's Square
 - 12-01-09 Appoint New Members to Public Safety Retirement Committee
 - 01-02-02 Alcohol License – NEW – Famous Fish Company
 - 01-02-05 Discussion on GEM/NEV Vehicles
- VI. New Agenda Items
 - 01-02-06 Discuss List of Appointed Positions/Staff Recommendations
 - 01-02-07 Appointment of Legal Organ
 - 01-02-08 Appointment of City Auditor
 - 01-02-09 Consider Fine for Operating GEM/NEV in "Street" Mode
 - 01-02-10 Consider Status of Multi-Family Moratorium
 - 01-02-11 Consider Increase in Hotel/Motel Tax
 - 01-02-12 Consider Policy for Requests for Legal Opinions
 - 01-02-13 Consider Van Pool Policy
 - 01-02-14 Consider Canceling or Rescheduling the April 4 Council Meeting
 - 01-02-15 Consider Liaison to All-Children's Playground Committee
- VII. Council/Staff Topics
- VIII. Executive Session

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

City Council of Peachtree City
Minutes of Meeting
January 3, 2002
7 p.m.

The City Council of Peachtree City met Thursday, January 3, 2002, in the City Hall Council Chambers. Mayor Pro-Tem Annie McMenamin called the meeting to order at 7:00 p.m. Other Councilmembers present were: Steve Rapson, Dan Tennant, Mayor-Elect Steve Brown, and Councilmember-Elect Murray Weed.

Oaths of Office

Reverend Keith Moore led those assembled in an invocation, and administered the Oath of Office to Steve Rapson. Judge Chris Edwards administered the Oaths of Office to Murray Weed and Steve Brown. Brown then thanked those who assisted in his campaign, dedicating his swearing-in to Mr. Marion Higgs, who lost his battle with cancer shortly before the election. Brown requested citizens to keep him and his family in their prayers so that he might choose the right path for Peachtree City. Reverend Dr. David Epps then led those assembled in a benediction.

Following a brief recess, Mayor Brown called the meeting to order at 7:20 p.m. and led those in attendance in the pledge of allegiance.

Announcements, Awards, Special Recognition

Brown announced that, due to the inclement weather, the awards would be postponed until the January 17, 2002, meeting.

Approval of Minutes

No minutes were submitted for approval.

Monthly Reports

Brown asked Council if there were any comments or questions relative to the monthly departmental reports. Rapson noted that the AT&T Broadband Cable complaints were very high, and suggested that staff look at the franchise agreement with a view toward putting some pressure on the system to make improvements in that area.

Election of Mayor Pro-Tem

Rapson made a motion to elect McMenamin as Mayor Pro Tem, saying she had represented the city with dignity and honor in the past. Tennant seconded the motion. Weed agreed that McMenamin had served well in this capacity in the past, having the time to be available for the duties of the office. Motion carried 4-0-1, with McMenamin

abstaining. Mayor Brown administered the Oath of Office to Mayor Pro-Tem McMenamin.

Consent Agenda

1. Annual Indemnification Resolution
2. Update Radar Permits on New Roads and School Zones

McMenamin moved to approve the consent agenda as presented. Tennant seconded. The motion carried unanimously.

Old Agenda Items

12-01-02 Public Hearing – Easement Request – St. Andrews Square

Mayor Brown said that, due to the inclement weather, the hearing would be moved to the January 17 agenda.

New Agenda Items

01-02-01 Alcohol License -- New -- Ted's Montana Grill

Administrative Services Director/City Clerk Jane Miller said that the proposed License Representative, Mr. Craig Kellogg, had not been able to attend due to the weather. She said Council normally liked to have the representative present for new alcohol licenses, but indicated Mr. Kellogg needed to complete some training in Ohio prior to the restaurant opening, and he had delayed the training to be present that night. Therefore, his attendance would not be possible over the next two weeks. Miller said she had spoken with Mr. Kellogg and the restaurant's attorney, and felt they had a full awareness of the city's rules and requirements regarding alcohol. She asked if Council would be comfortable considering the request that evening. McMenamin noted this was an action that had been taken in the past if all the paperwork was in order. Weed expressed concern about taking action without representation on the part of the applicant, but Miller felt they would be supportive of Council's assistance in working out the scheduling difficulties due to the weather. Tennant made a motion to approve an alcohol license for Ted's Montana Grill, with Mr. George W. McKerrow, Jr., as the Licensee and Mr. Craig David Kellogg as the License Representative. McMenamin seconded. Motion carried unanimously.

01-02-02 Alcohol License – New – The Famous Fish Company

Miller said that, due to the weather, Mr. Bruce Scott had been unable to attend the meeting. She requested that, due to the lack of a complete criminal history and Mr. Scott's absence, Council continue the item to the January 17 Council Meeting. McMenamin moved to continue the item until January 17. Rapson seconded. Motion carried unanimously.

01-02-03 Consider Amendment to Ethics Ordinance

Brown said that, having concerns about the city's Ethics Board, he wanted to make sure those appointed to serve were of strong character and had no major felonies in their pasts. He felt this could be a major embarrassment to the city if such an issue came to light after the fact. Therefore, Brown had suggested mandatory criminal background checks on the potential board members prior to their appointment. McMenamin expressed concerns about this requirement, saying the city frequently asked for citizens to volunteer their time on boards. She said that, while she appreciated the importance of the ethics board, she was concerned about invading the privacy of individuals. She felt that, if someone had something on their record from 20 or 30 years ago, and if they had paid their debt to society, she would hate to see it resurface. Brown said his primary goal had been to ensure the integrity of those who would be ruling on ethics issues so that nothing could come back and embarrass the city. Brown asked if the results of the background checks would be public information, and City Manager Jim Basinger said he felt it would be, and Weed agreed that the information would be subject to open records requests. Rapson asked if a check could be limited to certain types of felonies, but Police Chief James Murray said that the reports would include any and all requests. McMenamin said she recalled a situation where an applicant for an alcohol license had an incident from his youth appear on the report, and he had later been exonerated. Tennant said that as long as the applicants were informed, he felt requiring the checks would be acceptable. He said it would be more of an embarrassment to the city if an indiscretion were exposed after an Ethics Board ruling than it would be to the individual prior to the appointment.

Brown then addressed the second proposed modification, saying he felt the city needed to establish continuing education for commissioners at the city's expense, and he would like to see the requirement to fulfill one course on ethics per year. Rapson said the amendment really had three components: 1) the criminal background check; 2) annual training requirement; and 3) appropriate training with the City Attorney as needed. Rapson felt that training modifications were not a problem and recommended voting on the amendments separately. Rapson made a motion to approve the modifications to paragraphs 3 and 5 relative to training requirements. McMenamin seconded. Motion carried unanimously.

Tennant reiterated that the city needed to ensure that the members of the Ethics Board were of the highest caliber. Rapson said his only concern was that the requirement had something of a "Big Brother" feeling. Brown said they had to consider if the position warranted the scrutiny. Weed said that when individuals stepped up for public service, even in an unpaid capacity, part of that service was a higher level of scrutiny. He felt confident all the nominees would pass, and added that, even if something appeared on the report, Council could take that into consideration and the incident would not necessarily exclude the individual from serving. Tennant made a motion to amend the ordinance to require background checks for the nominees. Weed seconded. Motion passed 4-1, with McMenamin opposing.

01-02-04 Consider Moratorium on Development Activity

Brown said the city had received numerous calls from interested parties concerned that they would not be able to attend due to the weather and requesting that the item be postponed. He said they had decided to discuss continuing the item to another date, and asked the Councilmembers what date would be best. Tennant asked if the change could be placed in the newspaper if the meeting were held as early as Monday, and Basinger said that would be possible. Rapson felt the earliest date possible would be best, expressing concern that a rash of development plans could be submitted. Brown said the moratorium would address such cases. Rapson asked when the next Planning Commission meeting would be held, and staff confirmed it would be on January 14. After a brief discussion about individual members' schedules, Tennant moved to continue discussion of the moratorium to a special called meeting on Thursday, January 10, 2002, at 7:00 p.m. at City Hall. Rapson seconded. The motion carried unanimously.

01-02-05 Discussion on Tags for GEM/NEV Vehicles

Basinger said that Council had approved the use of Low Speed Motor Vehicles on the paths at the December 20 meeting with the understanding that the vehicles would be licensed by the state. Basinger said that the County had stopped issuing tags for the vehicles, per the state, and staff was working with them to straighten out the confusion on the issue. Rapson asked what the city's current position was on the issue, and Basinger said that, like automobiles, the vehicles had temporary 30-day tags and those were acceptable until the issue was resolved. Tennant asked if the vehicles were being issued a city golf cart registration sticker and Basinger said they were not. Weed said that, if the state refused to issue tags, the ordinance would be preempted after the fact, and that Council could revisit the issue, but would not be in violation of any laws.

Council/Staff Topics

McMenamin said that, historically, the Councilmember seating arrangement had begun with the Mayor in the center, proceeding with posts 1 and 2 to the right of the Mayor, and with posts 3 and 4 to the left of the Mayor. She announced that, as of the next meeting, Council posts would be in numerical order from left to right when viewed from the audience. Brown said this would reduce confusion in the event Council elected to televise the meetings.

There being no further business to discuss, McMenamin moved to adjourn the meeting. Fritz seconded. The motion carried unanimously. The meeting adjourned at 9:30 p.m.

Betsy Tyler, Deputy City Clerk

Steve Brown, Mayor

**City Council of Peachtree City
Minutes of Meeting
December 20, 2001
7 p.m.**

The City Council of Peachtree City met Thursday, December 20, 2001, in the City Hall Council Chambers. Mayor Lenox called the meeting to order at 7:00 p.m. Other Councilmembers present were: Carol Fritz, Annie McMenamin, Steve Rapson, and Dan Tennant.

Announcements, Awards, Special Recognition

Lenox recognized Financial Services Director Paul Salvatore and presented him with the Certificate of Achievement for Excellence in Financial Reporting, recognition the City has received for the past 14 years.

Approval of Minutes

McMenamin moved to approve the December 6 meeting minutes as written. Fritz seconded. The motion carried unanimously.

Consent Agenda

1. Resolution to Adopt Contract for Lease/Purchase of Equipment
2. Funding for Run-off Election

McMenamin moved to approve the consent agenda as presented. Fritz seconded. The motion carried unanimously.

Rapson asked Fire Chief Stony Lohr for an update on the status on the ladder truck, which was included in the contract for the lease/purchase of equipment. Lohr said the delivery date was the first or second of February. Rapson asked if the authorized amount had changed. Salvatore said it had not changed.

Old Agenda Items

12-01-02 Public Hearing – Easement Request – St. Andrew's Square

Lenox said that staff and the applicant had requested the public hearing be continued until the January 3 meeting. Lenox moved to continue the public hearing. McMenamin seconded.

Rapson said his preference was for a land swap, rather than a sale, and asked for that to go on the record. Fritz said she was also against a sale.

The motion carried unanimously.

10-01-10 Budget Reduction Update

Salvatore said this was the first of the combined monthly updates on the contingency plan established in response to anticipated revenue shortfalls. The four major consumer-based revenue sources identified in the contingency plan that might be affected by a shortfall included the Local Option Sales Tax (LOST), hotel/motel tax, alcoholic beverage tax, and mixed drink tax.

The LOST was holding out well to this point and had less than a 1% shortfall, Salvatore said. The actual sales collected in the first two months of the fiscal year were from sales in August and September, he explained. Over the next two or three months, the LOST collections should peak to reflect holiday spending. Salvatore added that LOST also peaked in the late summer months due to back-to-school spending. He said the City was short only \$5,800 in LOST funds.

Salvatore continued that the hardest hit source was the hotel/motel tax at this point. The City had expected to receive about \$177,00 and only received about \$110,000, close to a 38% shortfall. The alcoholic beverage tax was up 12% and didn't appear to be hurt by the economy or the events of September 11.

The four revenue sources were down 5% overall. Salvatore said other revenue categories were down 3% to 5% except interest earnings, which were down 62% to 63%. Salvatore attributed that to the federal rate cuts since the budget was approved, which caused a shortfall of around \$18,000 in interest revenue. A windfall in the insurance premium tax due to the 2000 census numbers offset the shortfalls. The change in the distribution formula gave the City an additional \$279,000 in insurance premium taxes. Overall, revenues were up 7.18%. However, Salvatore said staff's recommendation at this time was not to release any of the impounded funds. Salvatore added that it would be prudent to hold off and see what happened with the sales tax in the next few months. He said there was no immediate need for any of the impounded funds.

McMenamin agreed with Salvatore and said if there was a need for the impounded funds, a judgment could be made at that time.

Rapson said he was concerned about the hotel/motel tax and the funding for the Tennis Center expansion. The increase in the tax from 3% to 5% was supposed to pay the debt service. He said the expected revenues were down by \$66,000, which could lead to a short fall of \$350,000, and that wouldn't cover the debt service for the Tennis Center expansion. Rapson recommended Council look at the lodging ordinance and raise the hotel/motel tax from 5% to 7%. When the revenues increased, Council could drop the hotel/motel tax back to 5%. He asked Salvatore to verify that if the tax was raised to 7% this year there could still be a \$150,000 shortfall. Salvatore agreed and said that was assuming a tax increase would be implemented by February 1. The debt service for the tennis center expansion was \$262,000.

Lenox asked when the collection on the 5% rate began. Salvatore said July 1. Rapson pointed out that the City had collected the \$65,000 they were in the hole. He continued that Council's commitment was to raise the hotel/motel tax to fund the facility. The facility had been fast-tracked and was under construction. Typically, when a revenue source was designated to build something, it wasn't built when the revenue didn't come in. Rapson said there needed to be a three-pronged attack – raise the hotel/motel tax to 7%, ask the Development Authority how much of the \$155,000 supplement they would forego, and ask the Development Authority to review the plans and see what they could do to help with the deficit. Lenox said he was supportive of raising the hotel/motel tax, but cautioned that the tax should be lowered when the economy got back to normal. Rapson agreed. He continued that he didn't want to use the insurance premium windfall to offset the expenses for a \$2.5 million facility the taxpayers didn't ask for. McMenamin added that Council expected the tennis center to generate tax revenue by filling the hotels and motels.

She said Council wasn't funneling money into the tennis center without expecting any return. Rapson said there was a consensus among Council on how the tennis center expansion would be funded and that his concern was strictly from a funding standpoint. Salvatore said there would also be a break on the debt service payments this year. This year it would cost \$187,000 and in future years the cost would be \$247,000 each year. Rapson continued that the City would make up the difference when the revenues for the Development Authority and Airport Authority were down. He said he want Council to be proactive rather than reactive. Tennant asked Rapson if the hotel/motel increase should be done as soon as possible. Rapson answered yes and said that Council would see as soon as the economy reversed in the bi-monthly budget updates. Rapson asked Salvatore to include what was budgeted and what was received on the budget updates so it would be clear to Council.

04-01-08 Update to Short Term Work Program/Capital Improvements Element

City Planner David Rast told Council this was the annual update to the Short Term Work Program/Capital Improvements Element required by the Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA). The program allowed the City to maintain its status as a qualified local government. Rast said this year's update was not much different from previous years. The 2001 Short Term Work Program Report of Accomplishments listed all of the items identified in the past few years that staff wanted to accomplish. The initiation years on some projects went back several years and several projects were added in 2000-2001. The projects with asterisks were items that would bring the Short Term Work Program and the Comprehensive Plan into compliance with ARC's Regional Development Plan/Comprehensive Plan coordination process. Rast said staff had looked at the goals and objectives in the Comprehensive Plan and determined how they complied with the ARC's Regional Development Plan. Rast said the City was fortunate that most of the policies had already been implemented; however, a few were identified as needing work. Rast said staff would work on those the next few years. The status of the projects was detailed and several were listed as ongoing and some were listed as complete. There was one amendment to the document. Rast pointed out that 129 items were implemented under the Quality Improvement Program rather than the 118 listed. Under Update and Revise the Land Use Plan, the update to the Comprehensive Plan in 2007 was listed as an ongoing project. Rast said the Planning Commission was still reviewing the different villages and should be ready for public hearings in January and should send their recommendations to Council in late January or early February. The entire Comprehensive Plan had to be updated in 2007 and would include all of the policies for the Regional Development Plan and all of the City's new goals and objectives.

Rast said the Short Term Work Program provided an update on the projects hoped to be achieved in the next five years beginning in 2002-2003. Estimated costs were included, but some were to be determined since the work would be done at the staff level rather than by hiring consultants. Some of the projects had no estimated cost assigned to them. A couple of the projects were to be funded through the Capital Improvement Budget, but that status could change as the projects got closer and were determined to be either grant projects or projects that should be paid for out of the General Fund.

Rast called the Capital Improvement Element of the update essentially a "wish list" of projects for the next five years. It included Public Improvement Program (PIP) projects adopted as part of this year's budget as well as projects identified in the next several fiscal years. Several projects were

included in the Livable Centers Initiative (LCI) program and were identified as such to let the ARC know they were part of the LCI. The funding for those projects was local and from ARC LCI grants programs or other grant sources. Council would review the projects with staff input to see what should be included in upcoming PIP budgets. Rast said they tried to put realistic projects with realistic dollar amounts.

The final document was a Report of Annexations. Rast said there were four annexations approved since 1999, not all of which were properly reported to the ARC. The report should bring the ARC up to date on the annexations that occurred during the last two years. Rast said the Planning Commission had reviewed the information and endorsed the projects. Rast added it was staff's recommendation that Council approve the update for transmittal to the ARC.

Lenox and McMenamin both commented that it was interesting to see all the work that had been done. McMenamin suggested that candidates who qualify to run for Council be given a copy of the document so they could see what's going on and not "re-invent the wheel." She added that newly elected officials were also given a copy so they could see the work that was being done.

Tennant moved to approve the transmittal resolution and authorize the Mayor to forward the Short Term Work Program and planning amendments to the DCA and the ARC. Fritz seconded. The motion was approved unanimously.

08-01-06a Public Hearing – Acquisition of Real Property Under a Multi-Year Contract

Salvatore explained that before the Bricks & Mortar contract could be adopted, which involved the sale and lease/purchase of real property, a public hearing must be held. The sources of the funds would be the City Hall building and the Leach Fire Station. Salvatore said essentially the City was selling the buildings to the Georgia Municipal Association (GMA) and making lease/purchase payments to First Union Bank over a 15-year period. At the end, the City would pay \$1 each to get the properties back. The proceeds of the sale would fund various real estate projects in the PIP over the next three years. The projects included the Tennis Center expansion for \$2.5 million, \$200,000 for improvement at the Amphitheater, improvements to Neely Station at \$427,175, construction of a smoke/burn training facility for \$394,200, and the facility build-out plan for City Hall at \$148,157. In 2003, the projects included some utilities re-location work for \$100,000, resurfacing the Kedron large pool for \$50,000, improvements in the Rockspray area (spillway and bridge and restore dock), and improvements to Weber Station driveway and storage. Projects in 2004 included construction of a three-bay facility for Public Works for \$100,000, restoration of Gazebo at Shakerag Knoll for \$50,000; construction of a satellite auto facility for \$228,750, and additional facility build-out work in the Public Works building for \$234,532. The total was \$4,550,814.

Fritz asked if the \$50,000 for the Gazebo included bathrooms. Basinger said he didn't think it did. Tennant asked if there was any plumbing in the Gazebo and the consensus was there wasn't. Salvatore said there was some flexibility in using the funds for the program. The funds must be used for capital facilities for governmental entities. He said projects could be swapped completely out, but those replacement projects must come back for approval before Council during the budgetary process. Lenox pointed out that the replacement project must also be a real estate project.

Rapson asked about the draws on the funds and if only the money needed for current projects would be drawn out at this time. Salvatore said the proceeds would be deposited into an account the City could start drawing on the funds. Lenox asked if the account was at fixed rate funding. Salvatore said it was 4.415% and was locked in at First Union. Basinger added that given the economic situation each project would be looked at by staff and Council to see if it could be delayed. The money would remain in the bank and drawing interest. Lenox asked if there was more comment and closed the public hearing.

08-01-06b Adopt Authorizing Resolution for GMA Lease/Purchase Contract

Salvatore said First Union was selected after a competitive bidding process. The City Attorney had reviewed the contract and staff recommended Council take action to adopt the authorizing resolution. The closing was set for December 27.

Tennant pointed out that the rate was originally 4.44% and that Salvatore negotiated the lower rate after a federal rate cut had been announced. Council gave Salvatore "kudos" for getting the lower rate of 4.415%.

McMenamin moved to approve the authorizing resolution. Fritz seconded. The motion carried unanimously.

New Agenda Items

12-01-07 Public Hearing – Variance Request – 1303 Layor Court

Lenox read the rules for public hearings and set a time limit of 15 minutes for each side. David and Judith Bishton, the property owners, requested a variance for their fence, which was higher than the four-foot maximum height allowed by the City's fence ordinance.

David Bishton gave Council photos of the fence and told Council he and his wife were requesting a variance for the fence. Bishton said they asked the builder to add the entranceway to the house and had contracted a fence builder to dress up the house and give it an "estate" look. The Bishtons closed on the house on June 19 and moved in on July 10. He said they asked the builder for an entranceway similar to one located near the corner of Robinson and Spear Roads, and it had been built before they moved into the house. They contacted Glick Iron Works to build their fence and noted the company had built the fence at the North Hills entrance as well as others in the City. Bishton continued that he spoke to Glick about the permits and offered to get any permits needed. The fence builder told Bishton he would get the permits, as well as information on other regulations in the City. The fence was built and the Bishtons were happy with it. He said they had received many compliments from people walking in the neighborhood. Bishton stated it was a surprise when a code official came by and told his wife there had been no permit for the fence and that it was too high. He said they were also told there was a different set of rules for estate lots. The fence itself was four feet high, but the ornaments on the top take the fence about three inches above what was allowed by code. Bishton explained there were 17 panels on the left hand side of the fence and two of those panels were an additional three inches above the required height to give the fence a "tiered-down" appearance. It was built in good faith and they believed the contractors had gotten the necessary permits and they had spent about \$22,000 on the fence and gate.

Tennant asked Bishton about the gate. Bishton said it was consistent with the gate found on the corner of Robinson and Spear Roads. They told Glick they wanted to copy the entranceway and their gate was consistent with the other one. Tennant asked Bishton if the gate opened outward or inward and if cars protruded into the street while waiting for the gate to open. Bishton said the gate opened inward. Fritz said she had visited the site and there was no way a vehicle could sit in the driveway and not protrude into the street. Bishton said it was an electrical gate and was opened as they approached the house. Bishton said the gate was opened when he left for work in the morning, remained open during the day, and closed after the dinner hour at night unless someone was expected.

Rast told Council it was an interesting situation. The type of fence installed appeared to be appropriate for the zoning in the area. The problem was the fence and entry gate were installed without a permit and the height and location were caught after the fact. Rast continued that not only did the City not approve the fence and gate, but also they were in violation of the covenants of the Royal Highlands subdivision. According to the covenants, the plans for fences and walls must be submitted to and approved by the developer. Jim Royal, the subdivision developer, said he not seen the plans for the fence and gate, nor for the pool and pool house. Rast said staff didn't feel it would be a burden on the homeowner to lower the fence to the four-foot maximum, and the cost should fall to the contractor who installed the fence. A number of such projects came through each year and allowing one person to come in after the fact, regardless of the height, would lead to more variances in the future. Staff's recommendation was to deny the variance and that the owner be required to lower the fence to the four-foot maximum.

Tennant asked Rast if staff would have the same argument if the fence were ¼ inch too high. Rast said no and added that the slope of the property also played a part in such decisions. Fritz asked Rast if staff recommended moving the gate back to 20 feet. Rast reported that he had discussed the situation with the City Engineer and pointed out the property owner was required to move the gate in a similar situation in Smokerise because of sight distance. The property was located on the crest of a hill on a street that was to become a main residential street. Laylor Court was a cul-de-sac and the City Engineer didn't feel there was enough traffic to warrant moving the gate. In the City Engineer's opinion, sight distance and traffic would not be a problem in this situation. Lenox pointed out it also didn't violate a specific ordinance. Rapson said it would also depend on the definition of gate. To him, the gate appeared to be part of the fence. Rast said there were other entries into homes in the City where the gate was higher than four feet. He said that was a common sense thing and if it was appropriate to the area. Rapson said he was concerned that other homeowners would want to do the same thing. He said the covenants and ordinances were in place to prevent that and making an exception was exactly what they were doing. Rapson said Mr. Bishton saw something somewhere else that required a variance and wanted to do the same thing. Rapson asked Rast what would happen if another homeowner wanted to do the same thing. Rast said it would be difficult to tell them they could not do it.

Tennant asked Bishton if he had gotten any complaints about the fence and gate. Bishton said no and added that they would not have built it as it was if the builder had gotten the proper permits. Rapson said he would have a hard time approving the variance. It was a tough situation and the Bishtons acted in good faith, but the builder did not. Fritz said she was not willing to give a variance that would invalidate the subdivision covenants. McMenamin agreed and stated the

covenants were there for a purpose and she felt a variance was premature and the Bistons needed to go back to their developer before even approaching Council. Rapson said he would also like to hear from the neighbors and because their opinion would be critical to his determination. The only special circumstance was it was on a cul-de-sac and there were plenty of those in the City.

Tennant pointed out there had been no gross variation of standards and no malice. He said it would be a financial hardship to lower the fence and that the aesthetics of the fence enhanced the property. He said he didn't feel like being a "grinch" and was in favor of granting the variance.

Lenox stated that the heart and soul of Peachtree City was its body of ordinances that protected the streetscape. If the Bishtons didn't do their duty as property owners, the next person would demand the same thing, and the fence could be on the property line and would be wooden stakes. He said the ordinance had to be defended and that the Bishtons needed to settle the problem with the developer.

McMenamin moved to deny the variance. Fritz seconded. The motion carried 4-1 with Tennant voting against the motion.

12-01-08 Discussion on GEM (NEV) Vehicles on Carpaths

Basinger referred to a letter from Global Electric Motorcars, the manufacturer of a low-speed neighborhood electric vehicle known as the GEM. The company had asked for the City to allow the vehicles to operate on certain streets in the City and on the carpaths. The equipment included front-wheel drive, four-wheel hydraulic brakes, safety glass windshield, windshield wipers, anchored three-point seatbelts, low-maintenance batteries, no exhaust emissions, two-mode travel speed with a 15 and 25-mph switch, headlights, taillights, turn signals, and rack-and-pinion steering. The Police Department conducted field tests on the cart paths and the City Attorney provided a legal opinion.

Police Chief Jim Murray reported that the GEMs were not golf carts, but cars, that fell under the state laws for cars. They required a driver's license, liability insurance, and tags. They were allowed by federal law to operate on streets posted at 35 mph or less. The question was whether they would be allowed on the cart paths. The issues were that, if they were not allowed, it would restrict their movement in the City since there were many streets they couldn't go on, and if they would be safe on the carpath. Testing had been done in the past and two- and four-passenger vehicles were tested on the paths and the tunnels. Murray said the department had been bombarded with telephone calls about the vehicles from citizens who wanted to purchase one before the New Year and take advantage of a \$5,000 tax credit that was offered. The City Attorney researched the Federal Highway law to see where the GEM stood. The City Attorney found that the GEM was a motor vehicle that required a tag, automobile insurance, and could only be driven by a licensed driver.

Murray continued that the Department found the GEM was well adapted to the low-speed operation on the cart path. He said it was probably safer than golf carts, which were probably the most dangerous because they were not developed for safety, noting the lack of seatbelts and steel rods with a metal wheel that sat in front of people with babies on their laps. Murray felt the low-speed electric vehicles would eventually replace the golf carts. The City had always been on the

cutting edge with propane gas cars and multi-use golf carts. Murray said he had recently been told the City now had more golf carts than any other community in the United States. Not letting them on the cart paths defeated the whole purpose of what the City had, Murray said. The GEMs were safe and recent court decisions might eventually require driver's licenses for the use of golf carts on streets. Murray said he would never recommend anything he didn't feel was safe. The GEMs had to be insured, so those involved in accidents were covered. The GEMs were tagged by the state so the City didn't have to get into decals. When they were sold, the tag transfer would be the same as for an automobile.

McMenamin asked about the speed of the GEM cars and the ease of switching the speed. Murray said he recommended only the low speed setting on cart path. These were vehicles that would be used on the roads and had to go 25 mph when to operate safely on the road. Murray said the manufacturer had agreed to put a decal on the GEMs with the ordinance information to buyers and said the fine should be steep enough to deter people from operating them on high speed on the cart path. Murray added that the carpaths weren't designed for vehicles that operated 25 mph, and going that speed on the cart path would damage the vehicle. The tags would help people identify them on the cart path. It wouldn't be difficult to determine if the driver was in the high-speed mode if there was an accident, he said. Also, there could be problems with insurance companies if people were involved in accidents on the cart paths while in the high-speed mode. GEM operators must also abide by the state driving laws.

Tennant commented that there seemed to be an accountability with the GEMs that didn't exist with golf carts. Murray agreed and said it was also detailed accountability. McMenamin asked about the cities and states currently using the GEMs. Murray said they were used on roads and recreational paths.

Rapson said he still had some concerns. He asked what happened if someone reported the tag of a GEM that was seen going too fast. Murray said if a tag was reported, like any car, they would find the person. Rapson asked what happened. Murray said the citizen who reported it would be able to come in and testify in court. McMenamin said her concern was that people in the City considered golf carts recreational vehicles and used them as recreational vehicles on the cart paths and the paths were always being improved and updated. She said she was amazed Murray promoted allowing a 16-year old driving a mini-car on the paths. Murray said he would rather have a 16-year old with a license in a low-speed motor vehicle on the cart path driving home from school than in a 4,000-pound car going down the parkway. He said the fines set by Council should be substantial enough so if a driver was caught in the high-speed mode it would hurt enough so they wouldn't do it again. McMenamin expressed concern about the GEMs being on the recreational paths with walkers, runners, people on bikes, and people with strollers. She pointed out it was a multi-use path. Murray said the mini-cars were allowed on the streets anyway and would be on the paths anyway because they couldn't use Peachtree Parkway, Braelinn Road, Crosstown Road, or the North Parkway. He said the priorities could be set now and fine-tuned later. He added that people would eventually move to the low-speed cars and driver's licenses would be needed for golf carts.

Fritz asked about the federal highway laws. According to what she read, the GEM cars couldn't be driven on roads with a speed limit higher than 35 mph. She added there weren't a lot of roads in

the City they could be driven on. Murray said the speed limit on Peachtree Parkway North was 35, but the police had determined the mini-cars would not be safe on the Parkway from Highway 74 to Highway 54, and cart paths paralleled that part of the road. Lenox commented that most of the City's major collector roads had a 40 mph speed limit and most of the subdivisions didn't connect to another subdivision. Tennant said he could get from Braelinn to Kedron without getting on a collector road and had gone from Braelinn Golf Course to Pinegate without getting on a collector road. The route could be circuitous, but it could be done.

Rapson said he wasn't comfortable approving the ordinance. He had received many e-mails about the matter. The Running Club was opposed. He agreed that it was better to have turn signals and seatbelts and he had no problem if it could be regulated to no more than 15 mph. He said with the highest speed setting people could go on the cart paths, see the police, and hit the switch and be in compliance. Murray pointed out that most golf carts ran between 15 and 20 mph, most at 18 mph. The four-seaters could go 24 to 25 mph downhill. Murray said the police couldn't control golf carts that were modified and speeding on the golf course. Tennant asked if Council should penalize the masses for the actions of a few. Tennant said he had driven a GEM at both speeds and that they were about the size of, and looked like, a golf cart. He also pointed out the advantages of having the vehicles insured. Fritz said she also had driven one of the vehicles. The position of the switch bothered her since the operator didn't even have to move their hand. Enforcement was her concern. She said thousands of people had driver's licenses, but that didn't make them intelligent. The courts were full of violators and speeders.

Lenox commented there was nothing mechanically good about a golf cart and the only hang-up everyone had about the GEM was that it only took a flick of switch to put it into high gear. He pointed out that everyone had to co-exist on the cart path. The GEM looked like the safest vehicle that could be gotten, but it just went too fast. Fritz said she also had concerns about the brakes and turning radius of the 4-passenger GEM. She said it seemed to take a long time to stop. Murray said they had had no problem with the brakes and found them better than golf cart brakes. Murray said they did find that the GEM had a wider turning radius, and that the steering was also different.

Rapson asked Mike Clevenger, the director of field operations for the GEM manufacturer, if he could address any of Council's concerns. Clevenger said they had looked at several possibilities and there was a way to put a cut-off switch so the vehicle wouldn't go over 15 mph, but that caused a problem with the federal regulations since the classification the vehicle fell under required vehicles to go 25 mph. If a vehicle went 26 mph, it must have an airbag. Clevenger said a lot of it would come down to the responsibility of the driver, and the GEM offered a better approach than anything used on the cart paths now. Clevenger explained the vehicle was designed for short trips around town of less than 10 miles. He added that was where most air pollution caused by automobiles came from, not the longer trips at higher speeds.

Rapson asked if Council needed more citizen input. McMenamin said yes and told Clevenger she thought the GEM was a good vehicle. She said she would like for him to address the groups that had concerns about the GEM and wanted more feedback from the path users. Clevenger said he didn't want the City to take a stance that prohibited the use of the vehicles already on the paths. He said the GEM offered more restraint and better conditions than what was currently in use on the paths.

Fritz asked how long there would be a tax credit. Clevenger said he couldn't answer that question. Tennant said the \$5,000 tax credit was a big deal to people. He understood there was also a 10% federal credit. He also understood the tax credit was definite for this year, but might not be available next year. Clevenger said the federal tax credit was in effect until 2005, but the state tax credit ended December 31.

McMenamin said she would like to table the matter and get more information. Clevenger said there were significant tax credits out there now. The Police Department had tested the vehicle. Clevenger said he had warning stickers to go in the vehicle about the speeds. Tennant commented that 99% of the time golf carts were operated in a safe manner and added that it wasn't fair to penalize the majority of people who would use the vehicles safely for the potential misuse of a few. There was a sense of urgency regarding the tax credit. Rapson said he wasn't prepared to approve the changes to the ordinance because of a sense of urgency regarding the tax credit. He said he felt he didn't have enough citizen input to make a decision that would have long-term ramifications. Rapson said he agreed with the points on safety, but he wanted to hear about other issues and concerns from citizens. His concern was that the vehicle could be operated at 25 mph at the touch of a button and that speed was unsafe on the cart path system.

Lenox commented that in his opinion there was no difference between the GEM vehicles and golf carts when operated as designed except they were safer and more controlled. He said he couldn't find any reason not to allow the vehicles on the cart paths. He agreed with Tennant that he hated to penalize the majority for the actions of a few.

Tennant asked Rapson if he would support a \$500 fine for the first offense of using the street mode on the cart paths and \$1,000 for the second offense. Rapson said he wanted to hear from the citizens.

Wayne Carter told Council he had tried several golf carts and didn't like that his young children were bouncing around on the seats. As a stay-at-home dad, he said he would use the GEM vehicle as a primary mode of transportation. He liked the safety features of the vehicle.

Paul Rogers said he had already bought a GEM vehicle. He commented that it was physically uncomfortable to put the GEM in "street" mode on the cart path and that golf carts didn't handle as well as the GEM either. He also liked the fact the vehicles had seatbelts and were safer.

Ken Brackett commented the GEM vehicle was a safer alternative on the cart paths. He continued that the tax credit was received when the vehicle was registered, not purchased. He said he spoke to the Department of Natural Resources and the state Department of Taxation. Proposed legislation for next year would reduce the tax credit from \$5,000 to \$2,500.

Dick Allis, a member of the Peachtree City Running Club and Fayette Biking for Life, said Council was opening up a Pandora's box if they allowed a vehicle that could go 25 mph at the flip of a switch on the cart paths. His concerns were for the bikers and runners that used the paths. He said enforcement on the paths wasn't optimal and he seldom saw police. He said he liked the vehicle and he would use it but on the road.

Bill Pursewell commented that most people wouldn't be irresponsible with a \$10,000 piece of equipment. He said he paid \$1,000 for his golf cart and he knew it wasn't safe. He planned to test drive a GEM this weekend and said he would decide for himself if it was safer for him and his family than a golf cart.

Vernon Vincent said the GEM had an independent suspension and offered a better ride on the cart paths as well as safety. Insurance was the biggest item Council should look at. He said he would rather be in accident with a GEM than a golf cart and know there was insurance protection.

Al Gainley said he was also a GEM owner. He explained that the "turf" mode limited the speed of the vehicle to 15 mph and the "street" mode limited the speed to 25 mph. He said that was an important distinction. A digital read-out also indicated the speed, while there was no way to know the speed of a golf cart.

Michael Weiss said he was probably the first person in Peachtree City to be pulled over in a GEM vehicle. Golf carts had been the only option available to this point. Weiss said operating a GEM vehicle was a completely different mindset from operating a golf cart. He asked Council to trust the integrity of the majority of citizens to abide by the laws set forth.

Gary Rower told Council that he didn't own a golf cart or a GEM vehicle. He spent his time on the paths in tennis shoes or on his bicycle. He noted he had also been in near collisions with golf carts and had taken home kids after golf cart accidents. He said he supported the vehicles and they were a vast improvement over golf carts.

Cathy Gainley pointed out that each GEM vehicles also had its own key and that if someone stole a GEM they were stealing a car, not a golf cart.

Chief Murray recalled that one of the issues the police dealt with when neighborhood electric vehicles were introduced was the availability of keys for stolen golf carts. He stated that the number one crime committed in Peachtree City this year would be stolen golf carts. The police would love to have vehicles with separate keys like ignition keys to cars. There would be in excess of 60 stolen golf carts in the City this year and most would be found wrecked. A lot of time was spent investigating stolen golf carts, stolen golf cart accidents, and damage to people's vehicles.

Allis commented that the GEM would be a great vehicle as a golf cart and he would go along with it the maximum speed could be limited to 15 mph. His solution was to make it a non-road vehicle.

Lenox asked Murray if mountain bikes were used to patrol the golf cart paths. Murray said the paths were patrolled and the department made more cases this year than last year on underage golf cart drivers. If a 14-year old was caught driving a GEM, the teen would be charged for illegally operating the vehicle and the parents would be charged to allowing it. That would also affect insurance and a potential violation could cost \$400 or \$500 a year on insurance.

Tennant moved that Section 78-91 of the City Code of Ordinances be amended to make provisions for the use of low speed motor vehicles and for other purposes as presented in the draft before

Council. Fritz seconded and commented that she also came in feeling it wouldn't work, but had changed her mind.

Rapson said he had also changed his mind. He listed 16 different items that the citizens had mentioned. One item was the vehicle was limited to 25 mph. He added he felt it was a different mindset when in the vehicle since seatbelts were buckled, there were turn signals, and it was safer. He was assured the state tax credit for the vehicle would be gone next year. He felt there would be an enforcement issue that needed to be dealt with. He felt the problem would be on the streets more than the cart paths.

McMenamin said her other concern would be the fine. Lindsey said he would bring that back and that the fine could be up to \$1,000. He said he would talk to the judge about the fines and bring it back to Council on January 17. Rapson asked Lindsey if the judge had any discretion on the fine regarding first offenses in the ordinance as currently written. Lindsey said the minimum fine for an underage person was \$250 for the first offense and \$500 for the second offense. The rest were under the discretion of the Court.

Lenox called for the vote. The motion carried unanimously.

12-01-09 Consider Public Safety Retirement Plan

Lenox commented that Council had been working on this item for some time and Lenox and Fritz had been on the committee. Unfortunately getting the information together had been difficult and there hadn't been time for Council to act on it. A new committee needed to be appointed. He complimented the public safety service personnel, the chiefs, and Captain Ron Mundy who had worked hard on the project. It was an important goal to enable the City's public service personnel to retire at 55. He said that made sense and the question was how to make it affordable for everyone involved so it could be achieved.

Fritz echoed Lenox's sentiments. It was absolutely compelling that it happened and it was a matter of how it got done. She wanted to make sure the effort continued next year. She said she asked Rapson to step in since a lot of it was financial. Rapson said he would like to do that and it was the right thing to do and how the City could afford it.

Mundy commented that the effort had been underway for 10 years. It was first introduced in 1997 and pushed back. In June 2001, an appropriate program was presented to Council, and Fritz and Lenox agreed to oversee further action. The committee was waiting for the final actuarial studies. He asked incoming Council to pledge to continue working on the issue.

Council/Staff Topics

McMenamin thanked Betsy Tyler and Jane Miller for their efforts in the evening's reception for Lenox. She also complimented Miller for her efforts when Basinger was on vacation. She thanked Lenox for his years of service. Fritz told Lenox she enjoyed the last four years. She appreciated everything she had learned.

Lenox moved to go into executive session for legal issues after a short break. McMenamin seconded. The motion carried unanimously.

Lenox moved to adjourn the executive session. McMenamin seconded. The motion carried unanimously.

There being no further business to discuss, Lenox moved to adjourn the meeting. McMenamin seconded. The motion carried unanimously. The meeting adjourned at 10:15 p.m.

Pamela Dufresne, Recording Secretary

Robert L. Lenox, Mayor

Jane Miller, City Clerk



Peachtree City

Georgia

DATE: January 10, 2002

TO: Mayor and Council Members

VIA: City Manager *[Signature]*
Director of Developmental Services
Director of Financial Services *p. 6. [Signature]*

FROM: David E. Rast, ASLA *David*
City Planner

SUBJECT: Transportation Enhancement Project STP-0000-00 (93)
Highway 54 East Landscape Enhancements (Phase 3)

Peachtree City was awarded funding through the Transportation Enhancement Program in the amount of \$55,000 for Phase 3 of the Highway 54 East Landscape Enhancement project, which will extend from Lake Peachtree to Peachtree Parkway. City Staff estimated the total cost for this project at \$70,000, with included a local match of \$15,000. These funds are budgeted within the approved Public Improvement Program.

To assist in reducing the overall cost of this project, the landscape plan was designed in house. City Staff also handled all coordination with GA DOT officials in an effort to avoid additional costs and to expedite the approval process. GA DOT recently approved the project for construction and authorized the City to solicit bids.

A total of six (6) bids were received for this project (see attached Bid Tabulation Sheet), with the low bid submitted by Piedmont Landscape of Tucker, GA. Due to a discrepancy on the construction documents, this bid did not include the cost of installing weed barrier fabric within the median. Apparently there was a misunderstanding as to whether or not this particular item should be included in the bid, as some companies included it and some did not.

Staff contacted Piedmont Landscape and asked them to revise their bid to include this item. The project cost subsequently increased to \$75,722.02, which still remains the low bid. Also, Staff contacted several references and has found nothing to discourage us from recommending that the bid for this project be awarded to Piedmont Landscape.

Transportation Enhancement Project STP-0000-00 (93)

Highway 54 East Landscape Enhancements (Phase 3)

January 10, 2002

Page Two

Staff therefore recommends that City Council authorize the Mayor to enter into a contract with Piedmont Landscape for Phase 3 of the GA 54 East Landscape Enhancement Project. Staff also proposes that Council fund the additional cost for this project from the PIP Contingency Fund. Should Council decide not to fund these additional costs, Staff will work with Piedmont Landscape to reduce the overall scope of the project to bring it under budget.

Attachment

CITY OF PEACHTREE CITY
BID TABULATION SHEET

BID TITLE: *Landscaping Enhancement*

Project - CA 54 East

DATE: *Jan. 8, 2002*

BUDGET:

BIDS OPENED BY:

WITNESSED BY:

TIME COMPLETED:

Maurice Collins

David C. Port

John W. Holcomb

11:17A '01

BIDDER NAME	MAILING ADDRESS	BID AMOUNT	BOND	MISC. INFO
<i>Lotus - Landscaping</i>	<i>P.O. Box 459</i>	<i>\$103,631.64</i>	<i>5%</i>	
	<i>Shapokung, Ala 30297</i>			
<i>Plow Service Corp.</i>	<i>9233 Lane Rd.</i>	<i>\$338,635.00</i>	<i>5%</i>	
	<i>Columbus, Ala 31907</i>			
<i>Lawn Patch Landscaping</i>	<i>10866 Summit Rd</i>	<i>\$92,057.90</i>	<i>5%</i>	
	<i>Shantville, Ala 30220</i>			
<i>Atlanta Metro</i>	<i>150 Flint River Circle</i>	<i>\$82,000.00</i>	<i>5%</i>	
<i>Arquitore & Landscaping</i>	<i>Arquitore, Ala 30838</i>			
<i>Piedmont Landscaping</i>	<i>1800 Montreal Circle, Ste B</i>	<i>\$71,726.32</i>	<i>5%</i>	
	<i>Puckett, Ala 30084</i>			
<i>Jordan's Construction</i>	<i>1089 Cypress Highway</i>	<i>\$90,775.50</i>	<i>5%</i>	
	<i>Coufard, Ala 30518</i>			

PIEDMONT LANDSCAPE

1800 Montreal Circle #B - Tucker, GA 30084

Phone (770) 723-1889 * Fax (770) 493-4608

PROPOSAL TO PROVIDE SERVICES FOR: PEACHTREE CITY MEDIAN PLANTING 1400

DATE: JANUARY 11, 2002

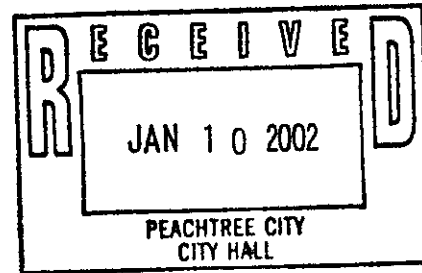
Piedmont Landscape proposes to furnish all labor, tools, materials, equipment, and insurance necessary to perform the following services at the referenced Project. Specifically, the scope of work shall be to provide the installation and services described herein:

QTY	PLANT MATERIAL	SIZE	UNIT COST	TOTAL COST
TREES				
15	T.F. BURFORD	15G	\$95.00	\$1,425.00
11	SAVANNAH HOLLY	2.5"	\$185.00	\$2,035.00
57	TUSCSRORA CRAPE MYRTLE	15G	\$85.00	\$4,845.00
15	BYERS WHITE CRAPE MYRTLE	15G	\$95.00	\$1,425.00
361	VIRGINIA PINE	7G	\$30.00	\$10,830.00
71	YOSHINO CHERRY	2"	\$120.00	\$8,520.00
SHRUBS				
80	DWF BURFORD HOLLY	3G	\$11.00	\$880.00
128	DWF YAUPON HOLLY	3G	\$11.00	\$1,408.00
242	RECURVE LIGUSTRUM	3G	\$11.00	\$2,662.00
7	WAX MYRTLE	7G	\$20.00	\$140.00
	ELEANOR TABOR INDIAN			
531	HAWTHORN	2G	\$10.00	\$5,310.00
3,064	WINTER CREEPER EUONYMUS	4"	\$1.58	\$4,841.12
3,864	DAYLILY FLAVA-(PINK)	1G	\$4.55	\$17,581.20
OTHER SERVICES PROVIDED				
1	TURF ERADICATION	LS		\$3,200.00
1	TRENCH CURB-LINE	LS		\$3,950.00
4,910	WEED BARRIER	SQ YD	\$1.17	\$5,744.70
37	AMENDMENT SOIL	CU YD	\$25.00	\$925.00
TOTAL				\$75,722.02

NOTES:

1. NO SEASONAL RESTRICTIONS APPLY TO THE PLANTING OF TREE AND SHRUB MATERIAL.
2. NO MULCH, TREE STAKES, OR TREE WRAP IS INCLUDED WITHIN THIS PROPOSAL.
3. NO IRRIGATION, HARDSCAPE MATERIALS, TREE PIT DRAINAGE OR SUBSURFACE DRAINAGE IS INCLUDED WITHIN THIS PROPOSAL.

William J. Rye and Ann A. Rye
105 Saint Andrews Square
Peachtree City, GA 30269



January 10, 2002

Mr. Steve Brown, Mayor
151 Willowbend Road
Peachtree City, GA 30269

Dear Mayor Brown:

I have been encouraged to write you today so that you can address this issue with your council members this evening. I have been rescheduled by the city for my issues before council to be heard on January 17, 2002. Unfortunately, although I was prepared, the snow earlier this month required that the city cancel the original date of January 3, 2002.

Due to my travel schedule, I am unable to attend the January 17 meeting because of prior planning in my professional life. After attempting to reschedule my flight and my appointments (which involve several other colleges), the cost to myself, but mainly the cost and inconvenience to others, was astronomical.

I ask for your understanding in this matter and request for this hearing to be rescheduled for February 7, 2002. With this much notice I can request the appropriate time off. Should you need any further information, please feel free to contact me.

Sincerely,

William J. Rye

cc: Jim Williams

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: City Manager
FROM: Developmental Services Director 
DATE: January 10, 2002
SUBJECT: Proposed Easement – 105 St. Andrew's Square

At the Council meeting on December 6, 2001, action on resolving Mr. Rye's encroachment into the City-owned greenbelt was deferred to allow time for additional study. The matter was rescheduled for consideration at the meeting on January 3, 2002. Due to inclement weather on the 3rd, the matter was rescheduled again for the meeting on January 17, 2002.

Attached for your information are the following documents: (1) A copy of the portion of the minutes from the December 6 meeting which addresses the proposed Rye easement; (2) A copy of the staff position paper for the December 6 meeting relative to the proposed Rye easement; and (3) A letter from the City Attorney which discusses the legal aspects of the proposed Rye easement.

Staff has considered several options to resolve the encroachment problem. First would be to require Mr. Rye to remove all encroachments into the greenbelt. It is still felt that this would be too harsh a solution. Allowing an encroachment of no more than two feet would have minimal impact on the greenbelt, but would result in the removal of the major encroachments while preserving much of the existing wall construction. It would seem to be a balanced response if combined with an appropriate re-landscaping requirement.

The second option would be for the City to sell Mr. Rye the area he encroached into at a fair market price.

And the third option would be to trade Mr. Rye the encroachment area for an equal amount of his property in another area. Staff is opposed to selling or trading any greenbelt area to resolve this encroachment problem. Not only would these options establish bad precedents, they would seem to reward or even encourage deliberate encroachments.

Staff recommends the following:

1. That Mr. Rye be ordered to remove all man-made improvements that encroach more than two feet into the greenbelt area;
2. That Mr. Rye be granted a non-exclusive easement for any man-made improvements that already encroach no more than two feet into the greenbelt area;
3. That Mr. Rye pay all expenses incurred in drawing up and recording the easement;
4. That Mr. Rye agree to install landscaping to re-naturalize the greenbelt to repair damage done by constructing the rear yard improvements and illegally using the greenbelt for construction access to the rear yard;
5. That the above landscaping be in accordance with a professionally prepared plan that must be approved by the Planning Commission prior to the installation of any materials;
6. That Mr. Rye shall not under any circumstances create further disturbance in the greenbelt nor ever again use the greenbelt for access to the property; and
7. That, in the event Mr. Rye chooses to simply remove all of the greenbelt encroachments, he still be required to comply with paragraphs 4, 5, and 6 above.

JBW/jir

Attachments

City Attorney Rick Lindsey if the variance could be tabled until Council had a chance to speak with the neighbors behind Blueberry Hill. Lindsey said it could be tabled, but the precedent he was concerned with was if the variance were permitted, that it only addressed the first of the three criteria. The homes all had the peculiar buffer circumstances. Other requests would also have to meet the remaining criteria.

Lenox stated that Kern had been proactive and said the weighted factor for him was that she obtained approval from the people behind her and had a contract for screening the buffer. If the others came along with similar requests, he would require the same thing. Lindsey said it might also address the peculiarity of the properties. It worked because the neighbors behind agreed to put up trees to mitigate the problem.

McMenamin told Kern that Council looked at the requests on a case-by-case basis, but kept it mind it could set a precedent when making the decision. She said the distraction in getting the permits was something she could understand. She felt Kern might not recover from the potential damage to her home from dismantling the deck. She had visited the property and didn't see any negative impact.

Tennant agreed with McMenamin. He said no complaints had been received and it was aesthetically pleasing. Tennant moved to approve the variance. McMenamin seconded.

Lenox and Rapson asked Lindsey if something needed to be put in the motion about the buffer and Lindsey recommended that they should. McMenamin said Kern's contract should be part of the motion. Lindsey said some type of agreement with neighbors to the rear of the subdivision should be included. Lindsey said she had answered the hardship criteria. Other neighbors wouldn't be able to use dismantling a deck as a hardship and had to meet the criteria of the variance. Lenox offered an amendment to the motion that the approval was conditioned upon Kern's obtaining the approval of the neighbors behind her, having entered into an agreement with those neighbors for screening that was acceptable to both parties, and that there were no other objections from the neighborhood. Tennant modified the motion to accept the remarks. McMenamin seconded the amendment. The motion carried unanimously.

12-01-02 Public Hearing – Easement Request – St. Andrew's Square

William Rye asked to withdraw his variance request for 105 St. Andrew's Square, Agenda Item 12-01-03, which followed his easement request on the agenda. Although Rye's request was out of order, no one on Council had any objection and the variance request was withdrawn.

Concerned about the appearance of any conflict of interest, Rapson stated that he lived in St. Andrew's Square, a few houses down from Rye. Lindsey said that was not a reason to abstain from voting since the request had no direct impact on Rapson or his property, but that it was on record that he lived in the same neighborhood.

Rye addressed the Council regarding his request for two easements, one for the fence and columns in the front of the property that encroach less than a foot into the city-owned right-of-way and one a brick retaining wall in the back of the property that encroached from 1.9 feet to 8.1 feet into a city-owned greenbelt. Rye told Council that he inherited some of the issues when he bought the

property and created some of the issues himself. Because he bought the property outright, a survey wasn't required when he purchased the home, Rye explained. The fence also encroached onto his neighbor's, the Ferrells, property, in addition to encroaching onto city property. He added he was working with the Ferrells to take care of that issue.

Rye continued that the berm in the back of the property ran across the back for privacy and was put in by the developer. He said he had tried to "max" out his backyard for use by his three daughters and wanted to create a Charleston or Savannah-style private backyard. The berm tapered into the backyard a good bit, Rye said. They pulled the property stakes as they cut into the berm to put in a brick retaining wall. He said several code enforcement officers visited his property on a daily basis during that time. The code enforcers told him not to encroach to the top of the berm. The wall was four to eight feet from the top of the berm. The wall had a double brick top cap. The wall encroached 6.4 feet in one area and 8.1 feet in another area. The playground includes brick pavers, rocks, and bridges. Rye said when discovered the encroachment was an issue he wanted to make sure it was legalized. He added he had spent around \$35,000 on his backyard. Jim Williams had expressed concern over the encroachment, Rye said. He had looked at trying to pull the playground forward and out of the city greenbelt. Rye stated he was willing to sign any papers needed to take liability responsibility for any child hurt on the City's property and to work with the City on whatever Council wanted to do.

Lenox explained that this was not a variance request in the classic sense since the structure was not on Rye's property. The request was for an easement from the City to permit him to incorporate the City property into his and leave the structure in place.

Williams pointed out there were two separate areas where easements were needed to correct the problem. The first was in the front area of the house and was relatively minor and accidental when the columns were set for the fence. He recommended that an easement be granted for that.

The second situation in the rear yard was recent construction and no permit was pulled for the construction, Williams stated. Williams said there were two separate parts to that situation. One was the wall that ran most of the distance of the width of the property and encroached about two feet into the greenbelt. Because that wall was just over the line and was well constructed, staff suggested that easement could be granted. The six to eight-foot encroachment would be a serious problem and was a major encroachment into the City-owned greenbelt and could be a serious problem as far as setting a precedent.

Williams continued that during construction, construction traffic came off of Flat Creek Road and across the right-of-way and greenbelt. A number of people complained to Developmental Services and the Building Department. Many of the complaints regarded that and erosion control efforts. Staff recommended that the two minor easements be granted. In return, staff recommended that Rye be required to install landscaping to re-naturalize the greenbelt where it was damaged when the walls were built and from using the greenbelt as a driveway during construction. In addition, the landscaping plan should be professionally done and approved by the Planning Commission before any installation was done so the community could participate in re-naturalizing the area. Staff recommended the third easement not be granted.

Rye added that his chimney also encroached into the setback line, another issue he inherited when he bought the property. The wall in the playground area tapered from one foot to two feet and was built to keep the dirt out of the playground. Rye added that he did ask for a permit to cross the greenbelt after finding out he needed one. Lenox told Rye the situation concerning the chimney was taken care of by granting an administrative variance that afternoon.

Lenox said he was disturbed by this request since greenbelts were the essence of the City and the City was extremely protective of them. He said the greenbelt should be restored and it was the community's property. He said he had no problem with the easement across the front. The error was made a long time ago.

Rapson asked why staff recommended no more than a two-foot encroachment. Williams said it was already there and would probably do more damage to rip it out than to leave it. The other encroachment was significant and could not be justified. Rapson asked if the wall were moved into the playground so it encroached no more than two feet and restoration of the greenbelt beyond the wall would be acceptable. Williams said it would be a consistent acceptable solution.

Tennant asked Rye why the playground was an all or nothing situation. Rye said there were several walls in the backyard. If the back wall had to be pulled in, the wall would be against another wall and the playground wouldn't fit. Rye said he understood the City's position. Tennant asked if the City would be liable if there was an injury on the playground. Lindsey said possibly, and added he had another legal issue. He said there were two different types of easements – exclusive and non-exclusive. The wall made the area part of Rye's yard and if an easement were granted Council would have, in effect, given away City property. Lindsey advised against that, but said the City could sell the property to Rye at market value. He recommended that an easement not be granted, but that it would be a purchase and sell situation. Rye said his preference was for an easement, but if he had to he would purchase the property. He acknowledged it was a difficult subdivision to make thing work. Rye said his work on the property had doubled its value. It had been appraised at \$300,000 and now exceeded \$600,000.

Rapson agreed with Lindsey that an easement was not the proper thing to do. He agreed with Lenox on the greenbelt and said Rye wouldn't be able to convince a majority of Council that the playground should encroach into the greenbelt. He felt it was an undue hardship and didn't feel the encroachment was intentional. He felt the only solution would be to enter into a sale.

Lindsey recommended Council table the request. He said there were options that needed to be explored and staff would bring a recommendation to Council on December 20. He said it needed to be done without setting a precedent.

Lenox restated what Lindsey suggested. Council was willing to contemplate selling Rye just enough land to accommodate the law, not more than two feet wide. A professional landscaping plan to restore the greenbelt was expected. Lenox told Rye it would be well worth spending \$300 to \$400 to have a professional designer come up with a plan. Lenox added that any expenses for the sale, including a survey, contracts, descriptions, would be paid by Rye. Rapson said they were asking Rye to work with City staff. Rapson said he had one other condition. Council had a letter from another neighbor regarding the berm and asked Rye to work with them on their issues.

Rapson asked Rye to come back with a plan sanctioned by City staff to take the berm off his neighbors' property. McMenamin and Fritz both told Lindsey they needed assurances that it would not set a precedent.

Lenox moved to continue the hearing until the December 20 meeting pending a report from the City Attorney. Fritz seconded. The motion carried unanimously.

12-01-04 Consider Recommendation for City Flag

Jan Zink, vice chair of the Recreation Commission, presented the Commission's suggestion for a City flag. Zink continued that Council had asked the Recreation Commission to design a flag and City logo in November 2000. None of the process had been taken lightly, Zink said. She added that a lot of love and hard work went into the design. Marilyn Haas designed the proposed flag, which included the current tree logo. Zink said the tree was included because it represented the City's heritage. The five globes on the tree represented the City's five villages. The path on the design represented the City going into the future. Zink said there had been a lot of input from citizens as well. City businesses were already asking about the flags, she continued. As soon as a decision was made, the flag was ready to go out for bids. The estimated cost for an indoor 3-foot by 5-foot embroidered flag was \$200—\$250. The estimates for good quality outdoor flags was \$50—\$70 each depending on the number ordered. Zink said that due to current budget constraints the Recreation Commission recommended that only the flag be considered at this time. She added that the cost for changing the logo on letterhead, vehicles, uniforms, and other areas would be significant. The Recreation Commission would also like to have a workshop with Council before December 20 to discuss the proposed design.

Lenox agreed that it would be expensive to duplicate the logo at this time. Both Lenox and Tennant commented that the flag and the logo did not have to be the exact same design.

Fritz told Zink that she had mixed emotions about the design and preferred to have a workshop to discuss it. Tennant commented that he thought the design looked great.

A workshop was scheduled for Monday, December 17, at 5:30 p.m., with the Recreation Commission to discuss the City flag design.

12-01-05 Consider Adjustment to AT&T Franchise Agreement

Administrative Services Director Jane Miller reported to Council that AT&T had notified the City regarding a Federal Communications Commission (FCC) opinion which allowed cable companies to charge customers, and to itemize on customer bills, franchise fees on non-subscriber revenues such as home shopping commissions and advertising revenues. Miller continued that AT&T would be increasing the franchise fee charged to subscribers in the City from 4% to 4.23%. Miller said it would be noted on the bill that the fees increased because the City opted to include the revenue in the franchise fees. She said it would increase the City's revenues from the franchise fees by \$9,600 per year, but that staff recommended against the proposed fee increase.

Several councilmembers indicated that this would just be a hidden tax increase for citizens and they could not support it. Rapson moved to not pass along the franchise fee increase. Tennant seconded. The motion carried unanimously.

POSITION PAPER
Proposed Easements: Rye Residence, 105 St. Andrews Square
Director of Developmental Services
November 29, 2001

Situation:

Mr. William Rye is the owner of the residence at 105 St. Andrews Square. He recently applied for a variance. During a review of the plat for the proposed variance, it was discovered that a number of the improvements related to Mr. Rye's property actually extend over his property lines onto city property. Mr. Rye was informed he would need to deal with these encroachment problems concurrent with his variance application. Therefore, he has requested easements from the city for the existing encroachments (Attachment "A").

Facts:

1. In the front of the property, four masonry columns and a connecting fence are partially on city-owned right-of-way. These improvements were constructed some years ago prior to Mr. Rye purchasing the property. The maximum encroachment is less than one foot.
2. In the rear of the property, a brick retaining wall has been constructed across most of the width of the lots. Most of this wall is on a city-owned greenbelt. These improvements were constructed within the past year by Mr. Rye without a city permit. The encroachments vary from 1.9 feet to 8.1 feet (Attachment "B").
3. A children's play area has been established on a portion of the greenbelt inside the retaining wall.

Recommendations:

The staff makes the following recommendations:

1. That Mr. Rye be granted an encroachment easement for the fence and columns in the front yard;
2. That Mr. Rye be granted another easement for the portion of the retaining wall that encroaches no more than two feet into the greenbelt;
3. That Mr. Rye be ordered to remove all man-made improvements that encroach more than two feet into the greenbelt area;

4. That, in return for the two easements, Mr. Rye agree to install landscaping to re-naturalize the greenbelt to repair the damage done by constructing the retaining walls and illegally using the greenbelt for construction access to his rear yard; and
5. That the above landscaping be in accordance with a professionally prepared plan that must be approved by the Planning Commission prior to the installation of any new material.

JBW/jir

Attachments "A" - "B"

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

This is a request for a variance from the requirements of the Peachtree City Zoning Ordinance for the property located at: 105 St Andrews Sq, PTC GA 30269

The reason this variance is being requested is as follows:

Exist walls (Massive Walls)
Encroach on to A Jaycees City Property.
This is a request for easements and not a request
for a variance.

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

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

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

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

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

Name: (Please type or Print) William Rye
Address: 105 St. Andrews Sq, PTC, GA 30269
Phone: 678-364-1131 Cell 678-641-2385
Signature: William Rye

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

Signature: James Hill

Title: ZONING ADMINISTRATOR

Date of Acceptance: November 16, 2001

Date of Public Hearing: December 6, 2001

07/01/01

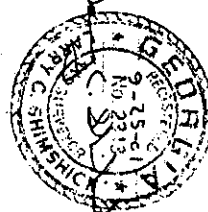
Attachment "A"

WILLIAM J. RYE

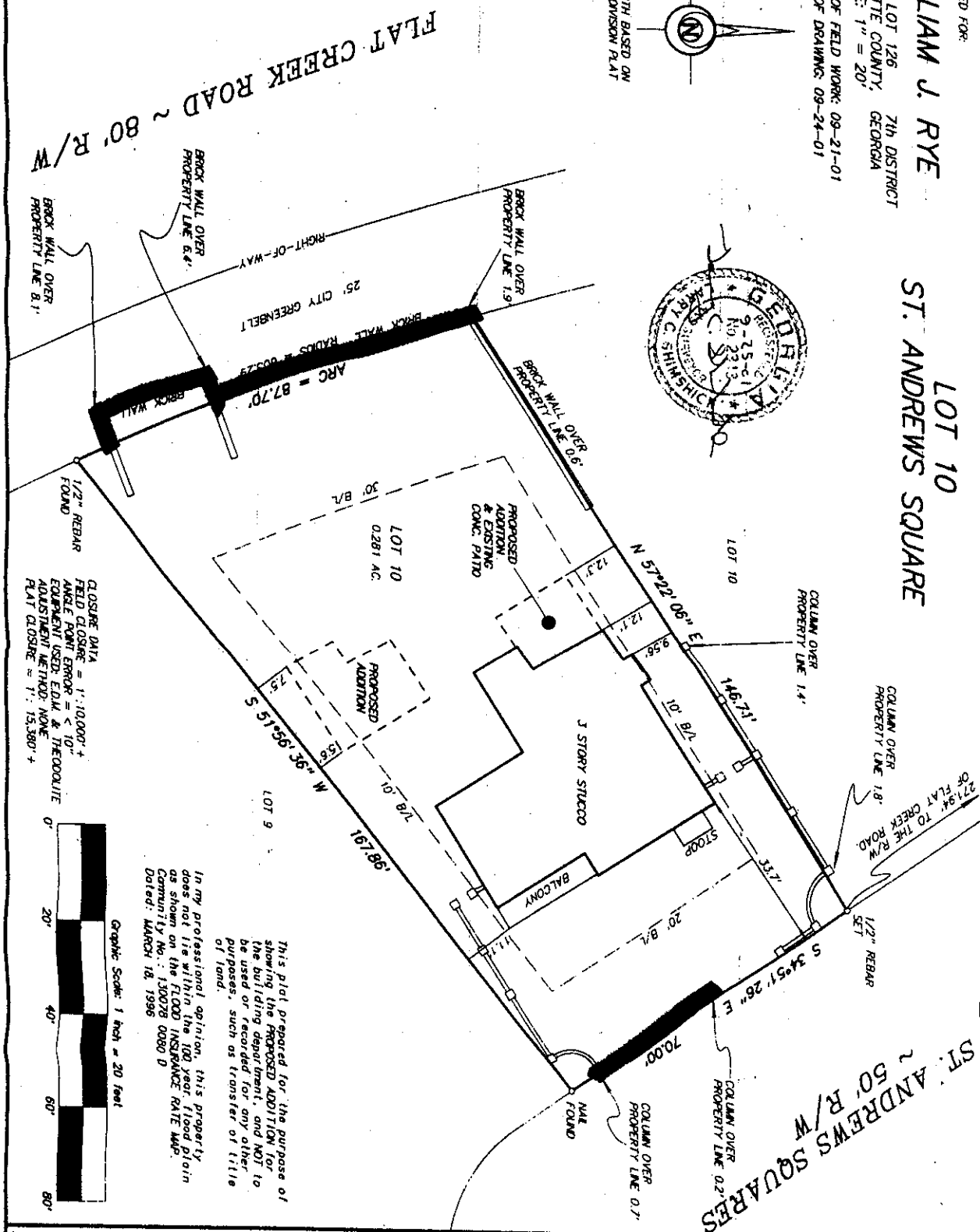
LAND LOT 126
FAYETTE COUNTY,
GEORGIA
SCALE: 1" = 20'

DATE OF FIELD WORK: 09-21-01
DATE OF DRAWING: 09-24-01

LOT 10
ST. ANDREWS SQUARE



NORTH BASED ON
SUBDIVISION PLAT



In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP. Community No. 150078 0080 D
Dated: MARCH 10, 1996

Graphic Scale: 1 inch = 20 feet

W.D. Gray and
Associates, Inc.

land surveyors - planners

130 WESTPARK DRIVE SUITE C PEACHTREE CITY
GEORGIA 30269
PH. 770-486-7552 FAX 770-486-0496

JOB No. 0003066

WEBB, LINDSEY, COLLINS, JONES & WADE, LLC

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Fairburn, Georgia
McDonough, Georgia

Other licenses:
* Florida
† Illinois

December 28, 2001

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

re: Available Options for Encroachment of Greenbelt by Mr. Rye

Dear Mayor and Council:

At a previous Council meeting, the staff was directed to examine possible alternatives available to Council to resolve the problem created by Mr. Rye's encroachment into the City owned greenbelt. We have looked into the legal issues to determine what options, if any, are available to the Council to rectify this situation caused by the encroachment.

Authority to Convey Property

There is a preliminary issue as to the City's right to sell or otherwise dispose of the property at all. The courts have found a clear distinction between property held by a city for corporate use by it as an entity, such as city buildings, and property held by a city for the public use and benefit of its citizens, such as parks. A city has unquestioned authority to dispose of property held in its proprietary capacity for strictly corporate purposes. In contrast, a city cannot sell, lease or grant easements in property acquired for and dedicated to the public use of its citizens without express legislative authority. The property must be devoted to the use and purpose for which it was dedicated. Tuten v. Brunswick, 262 Ga. 399, 418 S.E.2d 367 (1992).

The property in question appears to be a right-of-way that was intended to be kept as green space. The Peachtree City Charter defines a "greenbelt" as "an area of land to be dedicated to the city which shall remain undisturbed, insofar as possible, from its natural state to form a screen or buffer." Peachtree City Code, Appendix B, § 201 (ff). The City arguably does not have authority to convey its greenbelts to private citizens to erect structures. A citizen could challenge the conveyance of any interest in the greenbelt property, whether through sale, lease, easement or trade, on the grounds that the City has no authority to convey the property. However, because the property is part of a right-of-way, and not simply a greenbelt, then the City probably has authority to dispose of it.

I:\PTC\CITY\MISC\Rye Greenbelt Issue\Letter to Mayor and



Methods of Disposing of Municipal Property

Section 36-37-6 of the Georgia Code establishes a comprehensive method for disposal of municipal property. First, a city may sell property outright. The law requires publication of notice of intent to sell, and the city must sell the property to the highest bidder. Section 36-37-6 provides exceptions to these general requirements, however. The city may sell a "narrow strip[] of land, so shaped or so small as to be incapable of being used independently" to an abutting property owner, under terms and conditions set out by ordinance. Id. § 36-37-6(g). In doing so, the city may bypass the requirement of public notice and sale to the highest bidder. Moreover, the city may trade the property for property of equal or greater value, after public notice, when that is "deemed to be in the best interest of the municipal corporation." Id. § 36-37-6(c). The value of both properties must be determined by appraisals. Section 36-37-6 contains other provisions for disposing of property, none of which would apply here.

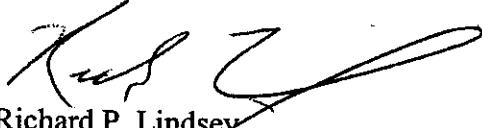
The City has indicated that it might want to give the homeowner an easement to use the property. An easement is a conveyance of interest in property, although more limited in scope than an outright transfer of full title. Therefore, the requirements of Section 36-37-6 apply to easements just as they would apply to any other disposal of city property.

Based on the foregoing, the City of Peachtree City has several options. First, it could offer to sell the property, or an easement in the property, to the highest bidder after public notice. Second, it could offer to sell the property, or an easement in the property, to the homeowner without public notice and without accepting bids if it is a small, narrow strip of land incapable of being used independently. The terms of this sale must be set out in a City ordinance. Peachtree City does not currently have an ordinance addressing this type of sale but could enact one. Third, the City could trade the property, or an easement in the property, for other property belonging to the homeowner after an independent appraisal of the value of the two properties. Of course, the City could elect to require the homeowner to remove the structures from the greenbelt.

Should you wish to discuss this matter, please do not hesitate to call.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC



Richard P. Lindsey

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Manager

FROM: Director of Developmental Services JBW/ge

DATE: December 14, 2001

SUBJECT: Proposed Rye Easement

Attached for your information are excerpts from the Council minutes for the meetings of July 1, 1999, and August 5, 1999. These excerpts concern the McAllister land swap. They were requested by Council as background information for the proposed encroachment easement being requested by Mr. Rye in the St. Andrews Square Subdivision.

JBW/jir

Attachments

07-99-01 Public Hearing – McAllister, 205 Creekbed Court

Lenox read the rules for conducting a public hearing and allowed 40 minutes for each side to present its case.

Brian McAllister addressed Council and stated his family was in a hardship. He explained that his home was the first built in his cul-de-sac in 1973. He said that at the time it was built, a split-rail fence with hog wire was installed in the back yard.. He said shortly there after, the City put in a carpath near the east side of property to gain access to the Flat Creek golf course. He said a pool and surrounding fence was installed in 1989. He said the building permits were issued and the structures were inspected by the City using the existing split-rail fence as the boundary for the lot. He said that shortly after that, the owner erected a 10x20-ft storage shed on the side of the property, which extended over the split-rail fence line. He said the shed was built on a slope and propped up with cinderblocks. McAllister said his family purchased the house in August of 1997. He explained that his wife used his "power of attorney" to close the mortgage because he was out of town. He said the closing papers included a survey, which showed the existing split-rail fence to be off the back property line; however, neither the realtor nor the attorney pointed this out to his wife.

McAllister said he asked his realtor about the procedure for obtaining a building permit to replace the fence because it was 23-years old and rotting. He said the hog wire was rusted and the fence was over grown with poison ivy. His realtor advised him that he did not need a building permit to replace an existing fence, so he and his wife proceeded to replace the fence with a 6-foot cedar privacy fence along the existing fence line. McAllister said he had since learned, that a building permit had been necessary because the new fence was more than four-feet high. He pointed out that if he had replaced the fence with a four-foot fence, a building permit would not have been required. McAllister explained that it was a great effort for him and his wife to install the fence. He said it was 430 feet in length with 55 eight-foot panels, 58 postholes dug and over 5,000 3-inch screws installed. He said their intentions were to clean up the property and make it safe for their children. He said the clean-up effort took fifteen trips to dump.

McAllister said he felt the storage shed was unsafe because it was propped up with cinder blocks, so he and his wife moved it to a flat area of the back property. Shortly after moving the storage shed, the Code Enforcement Officer came to his house and told him that it had be moved 30-feet from the rear property line. He said they moved the shed again, to a location measuring 30-feet from the rear fence line, as instructed.

McAllister explained that after living in the home 18 months, they decided to move back to

Denver, Colorado to be closer to their family. He said a contract was quickly placed on the home and they proceeded to move. He said that one week before the closing was to take place, he received a phone call from his realtor, who told him that there was a "cease and desist" order placed on the house because the boundary fence extended 60 feet into the City's greenbelt. He said he pulled his survey from his original closing papers and discovered that it did indeed show the fence extending into the greenbelt. He said the sale of his home fell through because of the situation and he could not sell the property until the situation was resolved. He said he now had two mortgages and a bridge loan in place.

Mr. McAllister felt there were two choices that Council could make. He said they could force him to tear down the fence and destroy his backyard or they could agree to swap an equal amount of property with him. He explained that the City encroached onto his property with the carpath and he would be willing to deed that property (8,810 SF) to the City and asked that in return, the City deed the property between his fence line and property line (8,806 SF) to him. He said the City Attorney had prepared a legal opinion that stated that a city government could annex a citizen's property, but that those "squatter's rights" did not apply for a citizen to annex a municipal government's property. McAllister asked Council to work with him and help settle a 26-year land dispute.

Mr. McAllister's next door neighbor spoke in favor of the proposal. He said McAllister had been a good neighbor and had always consulted him to ensure that nothing he did would affect his property. He said that the McAllister's were very attentive to their children and replaced the fence as soon as they moved in, following the existing fence line.

Jim Williams, Director of Developmental Services, spoke in favor of granting a variance to allow the existing pool and its surrounding fence to remain; however, he was not in favor of the land swap to allow the existing privacy fence to remain.

Hearing no one else speak in favor of the variance, Lenox asked to hear from those opposed. Hearing none, Lenox asked if there were any questions. Hearing none, Lenox called the hearing to a close and opened the floor for Council debate.

Jim Pace said he felt one would have to inspect the property to render a fair decision. He said he had inspected the site and felt that there was really only one conclusion. He felt that conclusion was to agree to the land swap as proposed. Pace said the City's carpath was almost entirely on McAllister's property and he would never support a one-sided adverse possession, even if it were legal, because he did not feel it was fair. He described the property as an established 20-year old back yard landscaped with azaleas, trees, sod, etc. He felt it would be criminal to destroy the yard and to go to the expense of ripping up the carpath and relocating it, as well as an existing sewer manhole. He also said large trees would need to be cut down for the relocation. Pace felt that nothing would be accomplished by all of the disruption and that, if Council agreed to the land swap, Mr. McAllister would not gain anything of value because he

would giving the City an equal amount of property. Pace said he was familiar with the previous fence and that the new fence was much more attractive. He said he could not support giving City greenbelt to residents but that in this case, it would not be given away. He said it would be exchanged for an equal amount of property. He said he did not believe the land swap would set a precedent because the situation was so unusual, he did not think it could be duplicated. However, he said, if the same situation did arise, it could be decided at that time on its own merit. He said the only precedent being set, in his opinion, would be that common sense in government was not an "oxy moron." He also said he could not understand why the boundary dispute had not been noticed in the prior home sales.

McMenamin agreed with Pace and supported everything he said. She said Lindsey's legal opinion was confusing, but that when she visited the site, she also felt it was common sense to grant McAllister's request.

Lenox said if Council approved the land swap, there would be no need for a variance for the pool and its fence. Brooks asked if the corner of the house would violate any setback requirements if McAllister's side property were deeded to the city. Williams said it would not cause any problems.

Pace felt the land swap would officially bring the land into compliance for its existing use for the past 25-years.

Lenox said he could not remember a situation similar to this. He said the City was encroaching on a property owner's land and the property owner was encroaching onto the City's land. Pace felt it would cost more than \$5,000 to relocate the cart path.

Fritz said she understood Pace's comments, but she did not want to see people expanding their rear property lines by encroaching into the greenbelt. Pace felt McAllister's situation was different in that he was offering an equal amount of land to the city in return, and that the City was encroaching onto his land. Fritz asked the City Attorney if the land swap could be done and not set a precedent. Lindsey said it was a unique situation and he could not imagine that the same situation could be duplicated.

Pace made a motion to direct city staff and the city attorney take necessary steps to swap land with Mr. McAllister as proposed. McMenamin seconded. Motion carried with Fritz abstaining.

07-99-02 Consider Funding – Concept Design for SR 54/Walt Banks Road Properties

Williams said the development of the property located at the corner of Walt Banks Road and Highway 54 had been in dispute for over 10 years. He felt that the City, residents, and the developers were close to working out a compromise. He said the property in question comprised 74 total acres, with 34 acres being owned by Mr. Lassiter and the other 40 acres being owned by

City Council of Peachtree City
Minutes of Meeting
August 5, 1999
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, August 5, 1999, 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, Jim Pace and Bob Brooks.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

There were no announcements, awards or special recognitions.

MINUTES

McMenamin made a motion to approve the minutes of July 12, 1999, as presented. Pace seconded the motion. Motion carried unanimously with Brooks abstaining.

McMenamin made a motion to approve the minutes of July 15, 1999, as presented. Fritz seconded the motion. Motion carried unanimously.

Brooks made a motion to approve the minutes of July 22, 1999, as presented. McMenamin seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

There were no old agenda items.

NEW AGENDA ITEMS

**08-99-01 Public Hearing – Proposed Land Swap of 0.202 acres with
McAllister, 205 Creekbed Court**

Lenox read the rules for conducting a public hearing and set a time limit of 10 minutes for each side to present its case.

Jim Williams, Director of Developmental Services, explained that on July 1, 1999, Council directed staff to initiate a land swap which would affect the property located at 205 Creekbed Court. The owner of that property, Mr. Brian McAllister, had offered to swap an 8,810 square foot parcel of land containing a section of the City's cart path in exchange for an 8,804 square foot parcel of City-owned greenbelt. The greenbelt was adjacent to McAllister's lot and had been fenced and used as part of his property for many years. Williams suggested if

Council approved the land swap, that it be conditional on Mr. McAllister reimbursing the City for its legal and advertising expenses.

Hearing no one speak in favor or in opposition to the land swap, Lenox called the hearing to a close and opened the floor for Council debate.

McMenamin asked the City Attorney, Jim Webb, if he had reviewed the situation and if everything was in order. Webb replied that he had reviewed the situation and everything was in order. McMenamin expressed concern about having McAllister pay the City's legal expenses. She said there had been many instances in which the City had to obtain a legal opinion to address a citizen's need and the City had never been reimbursed for the expense. She also felt that the City was partly to blame for the situation. She said she would feel more comfortable sharing the expenses with McAllister. Pace agreed with McMenamin.

Fritz had concerns about the land swap. She said 60 feet was a substantial amount of land and she felt that allowing a citizen to acquire such a large portion of the City's greenbelt would set a harmful precedent.

McMenamin made a motion to approve the land swap with the understanding that McAllister and the City would equally share the advertising and legal expenses. Pace seconded the motion. Motion carried with Fritz opposing.

**08-99-02 Residents of Sagamore/Belvedere – Petition/Concerns
 AML I Apartments and Line Creek Parkway**

Mr. Jere Williams presented a petition to Council, signed by 176 residents of Sagamore and Belvedere Subdivisions. The petition expressed their concerns about the entrance/exit of the AML I Apartments and the proposed Line Creek Parkway. Williams said all of the 97 homes located in the subdivisions were represented on the petition and several residents were present to support it. Williams explained that the petition objected to the one and only entrance/exit from AML I Apartments onto Kedron Drive, and requested that the entrance/exit be relocated to Senoia Road. The petition also requested that the proposed Line Creek Parkway not be developed. The citizens felt the road would only accommodate Coweta County residents. The petition asked that, if the Line Creek Parkway had to be developed, it should be relocated to merge with Kedron Drive South so that it would not be close to a residential subdivision.

Harry Vander crab, 209 Brighton Path, spoke in favor of the petition. He said he had previously lived in apartments and felt that residents of the apartments would want two entrances. He felt that if only one entrance/exit was located on Kedron Drive, there would be traffic problems.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

VIA: Jim Basinger 

FROM: Jane Miller 

DATE: December 27, 2001

SUBJECT: Appointments to Public Safety Retirement Committee

As you know, former Mayor Lenox and former Councilmember Fritz served as Council representatives on the committee studying options for early retirement for public safety personnel. Since they are no longer on Council, the committee requests that new Council representatives be appointed so the committee can continue its work.

/jsm

cc: Chief Murray
Chief Lohr

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: Deputy City Clerk
VIA: City Manager 
DATE: January 11, 2002
SUBJECT: Alcohol License – NEW – The Famous Fish Company

The Famous Fish Company located at 300 City Circle has submitted an application to sell alcoholic beverages. Mr. Bruce Scott has asked to be appointed as the Licensee and the License Representative. Mr. Scott will be present at the meeting on Thursday, January 17, to answer any questions you may have.

Because Mr. Scott has lived overseas, where the criminal background check process is more cumbersome, the Police Department has not received written documentation regarding his criminal history record. However, through verbal conversations with authorities in the United Kingdom, the department is satisfied with the information it received on Mr. Scott's record.

Staff recommends approval of the license, with the understanding that the written documentation from the Criminal Information Center in the United Kingdom must be provided for the files as it becomes available in the next two to three months.

:pd

Attachment



Peachtree City

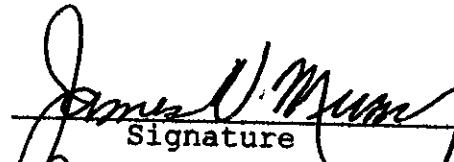
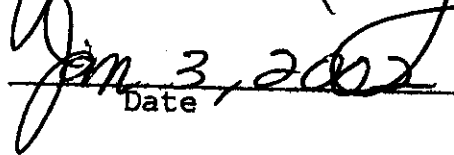
Georgia

State of Georgia

City of Peachtree City:

I, James V. Murray, Chief of Police for Peachtree City, certify that information was received from Investigator Phil Geach, of the Thanet Valley Police, United Kingdom, concerning Mr. Bruce Scott. Mr. Scott's current address is 314 Hyacinth Lane Peachtree City, GA.

According to Investigator Geach, he has personally reviewed Mr. Scott's criminal history record and there is no indication that Mr. Scott has been convicted of a felony, misdemeanor or civil violation relating to the sale or use of alcoholic beverages or illegal drugs. As required, the information provided by Investigator Geach is applicable for five (5) years, prior to the date of the application for this license. In addition, the Peachtree City Police Department has received a facsimile transmission from the Central Buckinghamshire Magistrates Court in the United Kingdom. The facsimile states that there are no penalties pertaining to Mr. Scott's alcohol beverage license and the license has therefore been renewed until April 2004.


Signature

Date


Witness

Note: This approval is contingent on the applicant providing written documentation from the United Kingdom regarding his criminal history record status and information regarding civil licensing violations, if any. It is understood that this information may take approximately five or six weeks to process.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Chief Murray
FROM: City Clerk 
DATE: December 17, 2002
SUBJECT: Alcohol License – NEW – The Famous Fish Company

An application has been submitted for an alcohol license for The Famous Fish Company, a fish restaurant located at 300 City Circle, Suite 1520. Mr. Bruce Scott has requested that he be appointed as the Licensee and as the License Representative. The application and consent form are attached.

Please conduct a criminal background investigation on Mr. Scott. Council will consider the request at the January 3rd City Council meeting; therefore, I will need your approval prior to December 27th.

:pd

Attachments



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: <i>THE FAMOUS FISH CO.</i>	Business Location: <i>300 CITY CIRCLE SUITE 1520 PEACHTREE CITY GEORGIA 30269</i>	
Nature of Business: <i>FISH RESTAURANT</i>	Mailing Address: <i>P.O. BOX 2748 PEACH TREE CITY GEORGIA 30269</i>	Business Phone Number: <i>770 - 632 1880</i>
Name of Licensee: <i>THE FAMOUS FISH CO. INC.</i>	Home Address: <i>AS ABOVE</i>	Home Phone Number: <i>AS ABOVE</i>
Name of License Representative: <i>MR. BRUCE SCOTT</i>	Home Address: <i>314 HYACINTH LANE PEACHTREE CITY GEORGIA 30269</i>	Home Phone Number: <i>N/A</i>

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

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the Individuals listed:	Please provide Home and Business Phone Numbers for Individuals listed:
<i>BRUCE SCOTT</i>	<i>314 HYACINTH LANE P.T.C. GA, 30269</i>	<i>(H) - N/A (B) - 770 - 632 1880</i>

Is any person who owns an interest in the license an employee of the City of Peachtree City? No



**AFFIDAVIT AND CRIMINAL HISTORY CONSENT FORM
FOR ALCOHOLIC BEVERAGE LICENSE APPLICATION
WITH THE CITY OF PEACHTREE CITY**

I, BRUCE SCOTT (PRINT FULL NAME), swear that I am at least 21 years of age and am competent to provide this affidavit..

My address is: 314 HYACINTH LANE P.T.C. GEORGIA 30269. I have resided at this address for: 0 years and 1 months. My previous addresses for the last 10 years are as follows: 12 HILL CROFT ROAD, TYLER GREEN, BUCKINGHAMSHIRE HP10 8EA
27 LOUDHAMS ROAD, LITTLE CHALFONT, BUCKINGHAMSHIRE

Social Security #: AWAITING NEW NO. Driver's License #/State: U.K. SCOTT 611202 B99 PG 23

Date of Birth is: 20.11.1962 Race: EUROPEAN Sex: MALE

I ~~have~~ / **have not**, within 5 years prior to this application, been convicted of, (or entered a plea of nolo contendere to) any felony or misdemeanor relating to the sale/use of alcoholic beverages or illegal drugs.

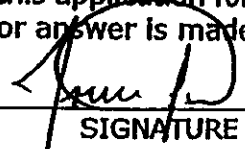
I ~~have~~ / **have not ever** been ever arrested for a crime. If so, details below and the disposition of the arrest are listed below. I understand that failure to disclose any arrest (including DUI's) may result in denial of the application.

(Attach a separate sheet if necessary.)

I ~~have~~ / **have not ever** had beneficial interest in any other alcoholic beverage business in this or any other state in which the alcohol license was denied, revoked or other disciplinary action taken. (Beneficial interest here means when a person holds the license in his own name or when he has a legal, equitable or other ownership interest in, or has any legally enforceable interest or financial interest, or derives any economic benefit from, or has control over a business.) If so, please describe in detail. Attach a separate sheet if necessary:

I ~~am~~ / **am not** the applicant for license representative. If so, I swear that I am a manager of the business and a resident of the State of Georgia.

I have read the Peachtree City Ordinance regarding the sale of alcoholic beverages and I understand and will comply with the rules and regulations. I hereby authorize the PEACHTREE CITY POLICE DEPARTMENT to receive any criminal history record information pertaining to me, which may be in the files of any state or local criminal justice agency. I solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for city license for sale of alcoholic beverages are true, and no false or fraudulent statement or answer is made herein to procure the granting of such license.


SIGNATURE OF APPLICANT

I do hereby certify that the foregoing applicant is personally known to me, that he/she signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and that he/she actually administered to me, has sworn that said statements and answers are true.

NOTARY PUBLIC:


Claire Rogers

This 7 day of

Dec, 2001.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers
FROM: City Manager 
DATE: January 10, 2002
SUBJECT: GEM / LSMV Registration Status

As of this date, the State has still not made a determination regarding the registering of Low Speed Motor Vehicles such as the GEM, and therefore the County is still not issuing tags for those vehicles. Please be assured that if additional information becomes available prior to the January 17 meeting, staff will forward that information to Council immediately.

JB/bt

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

VIA: Jim Basinger 

FROM: Jane Miller 

DATE: January 2, 2002

SUBJECT: Appointed Entities

Mayor Brown has requested that Council be provided with information about the entities that are appointed to provide services to Peachtree City. Attachment "A" is a synopsis of the entity, cost, length of appointment and date of current appointment. Attachment "B" is staff's recommendations. This item will be on the January 17 Council agenda.

JSM:gr

Attachments

ATTACHMENT "A"

<u>City Attorney</u> (Rick Lindsey)	<u>Hourly Rate</u> \$130	<u>Term(s)</u> 3 years	<u>Current Appointment Date:</u> May 4, 2000
<u>City Solicitor</u> (Rick Lindsey)	\$130	3 years	May 4, 2000
<u>Municipal Judge</u> (Mitch Powell)	\$125	3 years	April 2, 2000
<u>Judge Pro Hac</u> (Eric Maxwell)	\$70 * \$125 **	3 years	April 2, 2000
<u>Legal Organ</u> (Fayette Newspapers)	\$10 per 100 words	(generally appointed each year)	
<u>City Depository</u> (PT National Bank)	No monthly fees/svc charges	No established time frame for length of appointment	1987
<u>City Auditor</u> (Geeslin, Cordle, Johnson & Wetherington)	\$29,000 (City Audit) \$ 2,000 (Single Audit – Federal Compliance) \$ 2,000 (Accounting Services)	3 years	Aug. 5, 1999
<u>Engineer of Record</u> (United Consulting)	\$16,350 (FY99) \$23,461 (FY00) \$19,276 (FY01) \$22,715 (FY02)	3 years	Jan. 8, 1998

* (during business hours)

** (after business hours)

ATTACHMENT "B"

STAFF RECOMMENDATIONS:

City Attorney – remain with Rick Lindsey through three-year period, but end December 31, 2002.

City Solicitor – remain with Rick Lindsey through three-year period, but end December 31, 2002.

Municipal Judge – remain with Mitch Powell through three-year period, but end December 31, 2002.

Judge Pro Hac – remain with Eric Maxwell through three-year period, but end December 31, 2002.

Legal Organ – See agenda item 01-02-07 for recommendation.

City Depository – solicit Requests for Proposal from other banks to determine which bank can meet all city needs including enhanced electronic banking services.

City Auditor – see agenda item 01-02-08 for RFP analysis and recommendation.

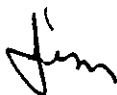
Engineer of Record – this contract is overdue to be re-evaluated. Recommend United Consulting not be reappointed at this time and that any new services be bid out according to each project until annual contract recommendation can be presented.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

VIA: Jim Basinger



FROM: Jane Miller

DATE: January 11, 2002

SUBJECT: Legal Organ

Attached is a copy of the legal opinion received from the City Attorney in response to our inquiry about naming more than one legal organ for the City (Attachment 1). He has indicated that it can be done but that, to avoid confusion, he recommends placing the same ads in all legal organs each time an ad is placed. I have checked on prices for legal ads for Fayette Newspapers (Today in Peachtree City), The Citizen and The Atlanta Journal Constitution. Costs are indicated on Attachment 2.

The editor of The Citizen has requested, due to the paper's support of some of the candidates in the last election, that The Citizen not be considered as a legal organ for the city, in order to avoid any perception of potential reporting bias or impropriety.

The Fayette Newspaper is significantly less expensive than The Atlanta Journal Constitution. The Fayette Newspaper publishes Tuesday through Saturday, and The Atlanta Constitution publishes daily. Based on the Citizen editor's request, and the cost and frequency of publication, staff recommends remaining with Fayette Newspapers. It would be very expensive to advertise in more than one newspaper each time a legal ad is run and could pose some problems meeting advertising time requirements established by our ordinances. The City always includes The Citizen, Fayette Neighbor and the Fayette Extra of The Atlanta Journal Constitution on all press releases and meeting agendas so the information about meetings and public hearings are provided to the various newspapers.

JSM/bt
Attachment

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www.webb-firm.com

Other licenses:
* Florida
* Illinois

December 31, 2001

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

re: Multiple Legal Organs

Dear Mayor and Council:

The question has arisen of whether the law will permit the City to use multiple newspapers as legal organs for running required advertisements. The short answer is yes. However, before Council makes this decision, a few factors should be considered.

The law governing county legal organs is detailed and strictly construed by the courts. That law imposes many constraints on the type of newspaper which can be selected as the county legal organ, how the legal organ is selected, and when it must be selected. The law governing the running of ads by municipalities is more lenient. In fact, the laws requiring the running of legal ads by municipalities simply require that the ads be placed in newspapers of "general circulation." There is no requirement that the same newspaper be used by a city each time an advertisement is run. Thus, the City is free to use any newspaper of general circulation when it places an ad. However, the sole purpose of running advertisements is to provide notice to the public of important issues coming before Council. If the City uses various newspapers, then the purpose of running ads is somewhat circumvented. I know there have been times when the publication dates of the City's legal organ has presented scheduling problems for issues to be brought before the Planning Commission and the Council. I am sure the publication dates will present problems again in the future. On the other hand, I cannot recommend to Council that the City adopt a policy of running the legal ads in various newspapers because it will make the City vulnerable to criticism of not providing a simple and consistent avenue for information to be available to the public.

If Council is concerned about the scheduling problems caused by the publication dates of the newspapers, then I would recommend that Council consider running all legal ads in multiple newspapers. This practice might avoid some of the scheduling problems. If Council chooses this option, then the same newspapers should be used for each ad. In that way, the public will know that they can find the legal ads in these newspapers each time an important issue is coming before the City. Of course, the problems with this option are the increased costs of publication and the increased work created for the City staff. The problems created by this option do not seem to be outweighed by the few instances when the publication dates have created scheduling delays for the City.

To summarize, the law permits a city to use multiple newspapers provided that each newspaper is one of general circulation.

Best regards.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC

ATTACHMENT 2**Legal Advertising Rates**

The advertising rates and two cost comparisons are provided below. The first ad is a standard "Notice of Application for Retail License to sell Alcoholic Beverages," which has 100 words. The second ad is the longer "Notice of Public Hearing – Adoption of Charter Changes," which had 396 words.

	Fayette Newspapers	The Citizen	Atlanta Journal Constitution
Quoted Rates	\$10 - 100 words \$20 – 100-200 words \$30 – 200-300 words, etc.	\$23 – 1x2" (+/- 60-75 words) \$46 – 2x2" (+/- 125-150 words) \$69 – 3x2" (+/- 200-275 words)	\$19.09 per column line
Cost – Ad #1	\$10	\$23	\$229
Cost – Ad #2	\$40	\$92	\$687

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jim Basinger, City Manager 

FROM: Paul Salvatore, Director of Financial Services 

DATE: January 10, 2002

SUBJECT: City Auditor appointment

As our current contract for audit services will expire at the completion of audit services for fiscal year 2001, staff has solicited proposals for audit services for another 3-year term. Three firms attended the proposer's conference and a fourth firm also expressed interest. The two viable proposals received were from the firms of Mauldin & Jenkins and Geeslin, Cordel, Johnson & Wetherington (our current auditors). The entire proposals for both firms are available for review at City Hall.

Staff used a combination of five technical factors, in addition to the cost factor, as part of the evaluation and award criteria for the proposals (see Attachment A). As stated in our request for proposals, *"Although cost is a significant factor, it will not be the dominant factor. Cost will be given more importance when all the other evaluation criteria are relatively equal. The general approach is to first identify all qualified, responsive proposers and then to award the audit to the lowest proposer in that group"*. Based upon a review of this criterion, staff recommends accepting the proposal submitted by Mauldin & Jenkins. In addition to realizing a substantial cost savings over the 3-year appointment term, the firm also proved to have far more extensive governmental audit experience, including experience with GASB 34 implementation. As you may recall, GASB 34 is the biggest change in governmental financial reporting history and a federal mandate that we must comply with by FY 2003.

A representative from Mauldin & Jenkins will be in attendance at the January 17 Council Meeting to answer any questions you may have concerning their firm or proposal.

Auditor Selection Criteria

Technical Factors	Weight	Mauldin & Jenkins		GCJW	
		Rating	Score	Rating	Score
1. Responsiveness of the proposal:					
Necessity of procedures	2	5	10	5	10
Reasonableness of time estimates	3	3	9	4	12
Appropriateness of assigned staff levels	2	4	8	4	8
Timeliness of projected completion	3	5	15	4	12
2. Technical experience of the firm	3	5	15	3	9
3. Qualifications of staff, including recent pertinent continuing education	3	5	15	3	9
4. Size and structure of the firm	1	4	4	3	3
5. Prior experience with the firm with emphasis on report and work paper quality and track record of meeting agreed upon delivery dates	2	4	8	5	10
Total Scores- Technical Factors:			84		73

Cost Factors	Mauldin & Jenkins		GCJW	
FY 2002 Audit				
Audit Services	\$22,400		\$32,875	
Expenses	\$2,100		\$125	
Total Cost FY2002:		\$24,500		\$33,000
FY 2003 Audit				
Audit Services	\$25,300		\$36,075	
Expenses	\$2,200		\$125	
Total Cost FY2003:		\$27,500		\$36,200
FY 2004 Audit				
Audit Services	\$25,300		\$32,875	
Expenses	\$2,200		\$125	
Total Cost FY2004:		\$27,500		\$33,000
Total 3-Year Costs:		\$79,500		\$102,200

Weights:

3 - Very Important

2 - Important

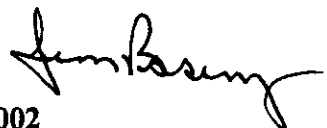
1 - Moderately Important

Ratings:

Ratings range from 1 to 5, with 1 being the lowest rating and 5 being the highest rating.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers
FROM: City Manager 
DATE: January 11, 2002
SUBJECT: Fines for Operating LSMVs in "Street" Mode on Paths

As you recall, Council passed an ordinance permitting the use of Low Speed Motor Vehicles on the city's path system on December 20. One of the conditions of the ordinance requires the vehicles to have two speed settings, one for the 25 mile per hour "Street" mode, and one that restricts the speed of the vehicle to no more than 20 miles per hour, and vehicles must be operated in the lower speed setting while on the paths.

Council directed the City Attorney to recommend fines for operating the vehicles in "Street" mode while on the paths. Rick Lindsey will have a recommendation for this fine prior to the meeting on January 17, after following up with Judge Powell on the matter. Staff will forward the letter to you immediately upon receipt.

JB/bt

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers

FROM: Public Information Officer/Deputy City Clerk 

VIA: City Manager 

DATE: January 10, 2002

SUBJECT: Multi-Family Rezoning Moratorium

At Council's instruction, staff has advertised a public hearing to discuss reinstating the moratorium on Multi-Family rezoning requests. With an effective date of one year, the moratorium must be annually reviewed by Council and renewed as is deemed necessary. A copy of the moratorium is attached, and it was renewed by Council in January 2001.

- (5) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and
- (6) Whether there are other existing or changing conditions affecting the use and development of the property which give supportive grounds for either approval or disapproval of the zoning proposal. (Ord. No. 420, 1-8-1986; Ord. No. 499, 7-6-1989).

Editor's note—There is no subsection 1304(2).

Sec. 1305. Changes in the zoning map.

Following final action by the city council, any necessary changes shall be made within 90 days to the zoning map.

Temporary notation shall be made within the next working day.

A written record of the type and date of such changes shall be maintained by the city clerk.

The zoning action shall become official once the temporary notations have been made to the zoning map. (Ord. No. 200, 6-5-1980)

ARTICLE XIV. MULTI-FAMILY—REZONING MORATORIUM*

Sec. 1401. Purpose.

In order to protect the health, safety, and welfare of its citizens, the city has determined that a moratorium on the zoning or rezoning of property for development of multifamily housing needs to be adopted and enforced for all property in the City of Peachtree City not currently zoned for use as multifamily.

This moratorium is intended to promote: the orderly development of property in the city; maintain the high quality of police services now provided; maintain the high quality of emergency and fire services now provided; maintain the quality of education now provided; maintain the high quality of life now existing; help reduce traffic congestion; and ameliorate air quality standards.

(Ord. No. 727, 11-4-99)

Sec. 1402. Findings.

The mayor and council have made the following findings of fact in consideration of this moratorium:

- (a) The development of additional multifamily housing would create a significant burden on the police department and emergency and fire departments for the city;
- (b) The development of additional multi-family housing would overburden area schools

***Editor's note**—Ord. No. 727, adopted Nov. 4, 1999, renumbered art. XIV, §§ 1401—1404 to art. XV, §§ 1501—1504 and added a new art. XIV, §§ 1401—1404 as herein set out.

- (c) The development of additional multi-family housing would exhaust available resources, thus reducing the quality of life now existing; and
- (d) The development of additional multi-family housing would increase traffic congestion, which also reduces air quality.

(Ord. No. 727, 11-4-99)

Sec. 1403. Moratorium.

The Mayor and Council of the City of Peachtree City hereby directs its staff to accept no applications seeking to zone or rezone property to any designation that would allow the development of the property as multi-family.

- (a) Multi-family shall include apartments, townhouses, duplexes, condominiums and assisted living facilities.
- (b) This moratorium shall be in effect for a period of one year and shall automatically expire if not reviewed by the mayor and council and if deemed necessary, renewed.
- (c) This moratorium shall not apply to property already zoned for use as multifamily,

(Ord. No. 727, 11-4-99)

Sec. 1404. Appeals.

Any party with an ownership interest in property in the city that believes said property owner is severely prejudiced by this moratorium may file an application with the city planner requesting that the mayor and council remove the moratorium as it applies to the property.

- (a) The application shall be accepted by the city planner and placed on the council agenda after being properly advertised, and then, considered by the mayor and council.
- (b) City staff shall only provide council with current land use and zoning information regarding the subject property and its surrounding properties and shall not make a recommendation to council on the application to lift the moratorium.
- (c) In the event council lifts the moratorium, the property owner may then submit the request for rezoning following established procedures.
- (d) In the event council declines to lift the moratorium, the property owner shall have the same rights and follow the same procedures as those connected with the denial of a rezoning request.

(Ord. No. 727, 11-4-99)

ARTICLE XV. LEGAL STATUS PROVISIONS*

Sec. 1501. Zoning ordinance shall control.

Whenever the regulations of this ordinance impose more restrictive standards than are required in any other statute, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

(Ord. No. 727, 11-4-99)

***Note—**See the editor's note following art. XIV of app. A.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jim Basinger, City Manager 

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

DATE: January 10, 2002

SUBJECT: Consideration of Hotel/Motel Tax increase

At the December 20, 2001 City Council meeting, staff reported that the city was experiencing a revenue shortfall of 38% in Hotel/Motel taxes. As the city's budget contingency plan only addresses shortfalls at a maximum level of 20%, and the Hotel/Motel Tax is used to fund debt service payments on the Tennis Center expansion project, Council instructed staff to investigate the possibility of increasing the tax from 5% to 7%. After researching the matter, the city attorney and I determined that the maximum level that our city can impose for this kind of tax is only 6%.

Since the December 20 meeting, we have recorded receipts for an additional month of Hotel/Motel taxes and have calculated that the shortfall is now only 27%. Although this represents a significant improvement, we are still above the 20% level and staff still expects that there will continue to be some instability in the hospitality industry due to economic downturn. The attached spreadsheet (see Attachment A) depicts four scenarios, labeled A – D.

Scenario A shows the tax remaining at 5%, and assumes that we will experience a shortfall of 30% for the remaining nine months of the fiscal year. This would result in an overall shortfall of \$279,648, or 29.75%. Since the maximum shortfall we planned for is \$187,984, or 20%, this would leave us with an additional deficit of approximately \$92,000.

Scenario B shows what we expect to happen if the tax were raised to 6%, assuming the same 30% shortfall for the remainder of the fiscal year. This would result in an overall shortfall of \$181,937, or 19.36%, which would be just within the 20% limit of our contingency plan.

Scenario C shows what we expect to happen if the tax were raised to 6%, but assumes a more optimistic 20% shortfall for the remainder of the fiscal year. In this case, the overall shortfall would be only \$98,186, or 10.45%.

Finally, Scenario D shows what we expect to happen if we leave the tax at the current 5% level and assume the optimistic 20% shortfall for the remainder of the fiscal year. This would result in a shortfall of \$209,854, or 22.33%, which would create an additional deficit of about \$22,000 from the contingency plan maximum of \$187,984. A copy of the contingency plan is attached for your reference (See Attachment 2).

In order for the city to land up right about on budget for this fiscal year, we would need to raise the Hotel/Motel Tax to 6%, and hope for a shortfall of only 10% for the remaining nine months of the fiscal year. Although staff believes that this would be unlikely, it is not beyond the realm of possibility, since the taxes collected during the month of December were only about 6% short of the monthly projection amount.

If we leave the tax at the 5% level and experience only a 10% shortfall for the remaining nine months of the fiscal year, we would still expect an overall shortfall of \$140,061, or 14.9%. Whatever the shortfall may be, Council may want to consider asking the Development and Airport Authority's to absorb a pro rata share of the shortfall based upon the proportion of the tax they receive (according to the inter-governmental agreements). In addition, as it appears that the downturn in the hospitality industry may be long term, and our shortfall will most likely exceed 10%, staff also recommends that Council take action to increase the Hotel/Motel Tax to 6%, to become effective as of February 1, 2002, or as soon as possible thereafter.

A.

FY 2002 Hotel/Motel Tax Projections Assuming 30% Shortfall for Remaining 9 Months Tax Collected at the 5% Level					
<u>Projected*</u> <u>Jan-Sep 2002</u>	<u>Collected</u> <u>Oct-Dec 2001</u>	<u>Total FY02</u> <u>Projection</u>	<u>FY 2002</u> <u>Budget</u>	<u>Projected</u> <u>Shortfall</u>	<u>Shortfall</u> <u>Percent</u>
\$488,552	\$171,722	\$660,274	\$939,922	\$279,648	29.75%

B.

FY 2002 Hotel/Motel Tax Projections Assuming 30% Shortfall for Remaining 9 Months Tax Collected at the 6% Level					
<u>Projected*</u> <u>Jan-Sep 2002</u>	<u>Collected</u> <u>Oct-Dec 2001</u>	<u>Total FY02</u> <u>Projection</u>	<u>FY 2002</u> <u>Budget</u>	<u>Projected</u> <u>Shortfall</u>	<u>Shortfall</u> <u>Percent</u>
\$586,263	\$171,722	\$757,985	\$939,922	\$181,937	19.36%

C.

FY 2002 Hotel/Motel Tax Projections Assuming 20% Shortfall for Remaining 9 Months Tax Collected at the 6% Level					
<u>Projected*</u> <u>Jan-Sep 2002</u>	<u>Collected</u> <u>Oct-Dec 2001</u>	<u>Total FY02</u> <u>Projection</u>	<u>FY 2002</u> <u>Budget</u>	<u>Projected</u> <u>Shortfall</u>	<u>Shortfall</u> <u>Percent</u>
\$670,014	\$171,722	\$841,736	\$939,922	\$98,186	10.45%

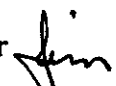
D.

FY 2002 Hotel/Motel Tax Projections Assuming 20% Shortfall for Remaining 9 Months Tax Collected at the 5% Level					
<u>Projected*</u> <u>Jan-Sep 2002</u>	<u>Collected</u> <u>Oct-Dec 2001</u>	<u>Total FY02</u> <u>Projection</u>	<u>FY 2002</u> <u>Budget</u>	<u>Projected</u> <u>Shortfall</u>	<u>Shortfall</u> <u>Percent</u>
\$558,346	\$171,722	\$730,068	\$939,922	\$209,854	22.33%

* Original budget projection for remaining nine months was \$697,932.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers
VIA: Jim Basinger 
FROM: Jane Miller 
DATE: December 13, 2001
SUBJECT: Policy on Legal Opinion Notification and Distribution

Staff has been requested to develop a policy on procedures for obtaining legal opinions from the City Attorney to ensure that the Mayor and all Councilmembers are informed about all issues for which a written opinion is requested/received. A draft policy is attached for your review and consideration. Should Council approve the policy, it will be implemented immediately.

/jsm

Attachment

LEGAL OPINION NOTIFICATION AND DISTRIBUTION

Purpose	Section	I
Policy		II
Responsibility		III

DRAFT

I. Purpose

The purpose of this CAR is to detail the procedures for obtaining legal opinions from the City Attorney by city staff and elected officials.

II. Policy

It is the policy of the City of Peachtree City to ensure the Mayor and Councilmembers remain informed of all issues on which a written legal opinion has been requested from the Council-appointed City Attorney. To that end, a copy of all legal opinion requests by both elected officials and staff shall be forwarded to the Mayor and Councilmembers, who shall also receive copies of the resulting, written legal opinion.

III. Responsibility

All legal opinion requests from staff shall be made via the City Manager, or via the City Clerk in the absence of the City Manager. The Mayor and Councilmembers may direct the City Manager to seek a legal opinion or may contact the City Attorney directly to make the request, and the City Attorney shall then inform the City Manager of any such direct requests. It shall be the responsibility of the City Manager and City Clerk to forward a copy of all legal opinion requests and legal opinions to the Mayor and City Councilmembers upon receipt of those documents.

APPROVED:

City Council
City Manager
Administrative Services Director/City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council
VIA: City Manager 
FROM: Developmental Services Director 
DATE: January 10, 2002
SUBJECT: Ride-Share Program

Peachtree City has been encouraged to endorse the ride-share concept as a part of the State Clean Air Campaign. Mr. Herb Wood of Metro Van Pool has expressed a strong interest in actually implementing a ride-share program in Peachtree City.

At the Council meeting on November 15, 2001, Mr. Wood made a presentation to Council and requested an endorsement. The matter was referred to the City Attorney for a legal opinion. Rick Lindsey prepared that opinion in a letter dated December 5, 2001 (Attachment "A").

Staff concurs with Mr. Lindsey's opinion and recommends that Council endorse the ride-share concept but not endorse any particular service provider. Also, staff recommends that the City commit to serve as a resource center for ride-share information in order to help promote the activity. This action will meet the needs of Mr. Wood and Metro Van Pool, and it will also make a significant contribution to the State's air quality improvement program.

JBW/jir

Attachments: City Attorney Letter "A"
Information Brochure "B"

WEBB, LINDSEY, COLLINS, JONES & WADE, LLC

Attorneys-At-Law

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

Michele M. Bradley
Susan M. Brown
Karen C. Gainey
Christy R. Jindra †
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400 Westpark Court
Suite 220
Peachtree City, Georgia 30269

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

E-mail:
postmaster@webb-firm.com

Web Site:
www.webb-firm.com

Other Offices
Atlanta, Georgia
Fairburn, Georgia
McDonough, Georgia

Other licenses:
* Florida
† Illinois

December 5, 2001

Mr. Jim Williams
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

RE: City Support for Ride-Sharing Programs

Dear Jim:

Following the discussion held at the last City Council meeting regarding an endorsement of a van pool company, I have given some careful consideration of the direction that, I believe, the City should take in this matter. First and foremost, the City should refrain from endorsing any single private entity for carpooling, vanpooling, bus service, etc. Such an endorsement places the City at risk to be held liable for any injuries or damages suffered by individuals as a result of the actions of the endorsed company. This is an area which we need to avoid. However, there are other considerations which should be taken into account by the City and some action on the part of the City in this area is probably warranted.

I am sure that we all can agree that the exhaust from the vehicles driven by Peachtree City residents to and from their jobs at the Atlanta airport and greater metropolitan area contribute the level of pollution suffered by our region. Therefore, it is appropriate for our City government to examine ways in which it can assist in improving those problems. While I strongly advise against the City endorsing any single private company, I believe the City can endorse the concept of ride-sharing and can promote that activity. The City can easily serve as a resource center for information regarding parking lot locations, lists of van and bus companies, information regarding DOT's rideshare program, etc. While the City should not actively recruit any particular company or organization to provide this information, the City can let it be known that it will serve as a general resource center for such information.

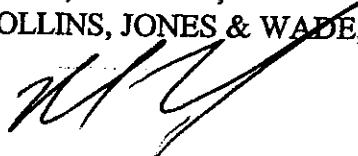
Should you have any questions regarding the contents of this letter, please do not hesitate to contact me.

December 5, 2001
Page 2

Best regards.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC

A handwritten signature in black ink, appearing to read 'R. Lindsey', is written over the printed name.

Richard P. Lindsey

RPL:jmf

We started our Clean Air Act in 1977

VPSI - America's VanPool Leader.

In Atlanta VPSI is
MetroVanPool

For Information
Call 1-800-VAN-RIDE

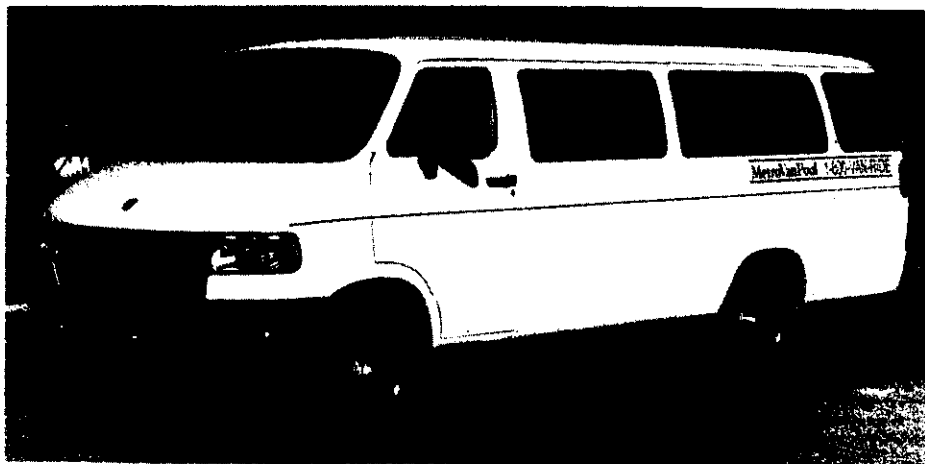


INFORMATION FOR EMPLOYERS

Atlanta Area Employers:

Twenty years ago, VPSI began providing commuters a better way to travel to and from work. Today, VPSI is the nation's largest provider of vanpool services, accommodating about 25 million passenger-trips annually.

In metropolitan Atlanta, MetroVanPool services are part of the solution to the urban problems of traffic gridlock and air pollution. By encouraging the use of vanpools, an employer can take advantage of our commuter vans without the risks and hassles of owning and operating its own fleet. MetroVanPool provides the vehicles, maintenance, insurance, and fleet management required to accommodate employees who elect to vanpool. As needed, we can provide a multi-employer, multi-building service, in order to maximize ridership in each van.



What a vanpool service can do for your company:

- Enhance recruitment and retention of valuable employees.
 - Improve employee morale: employees have a commuting choice and arrive at work less stressed.
 - Provide a positive public image when the community sees that your company is doing it's part for the environment.
 - Improve attendance: employees who depend upon one another for their transportation are less inclined to be absent or late.
 - Provide a way to offer tax-free fringe benefits to employees who vanpool through the use of a provision of the Clean Air Act and VPSI Commuter Bucks.
-

Your employees who vanpool can benefit in the following ways:

- ***Save money*** by sharing the ride and the costs of commuting each day.
- ***Save wear and tear*** on their personal cars.
- ***Save time*** by using the HOV express lanes.

Are you aware that:

- One vanpool removes eight to 12 cars from Atlanta roadways during peak hour traffic?
 - One vanpool reduces parking requirements by eight to 12 spaces?
 - The Atlanta 13-county metro area is rated as a serious non-attainment area by EPA and is getting worse?
 - Only three of the 13 counties in the metro area offers bus service?
 - The daily volume of traffic on the freeway system is growing at a rate of more than 20% per year?
 - Vanpools are permitted and encouraged by Georgia DOT to use the HOV lanes on the freeways?
-

Metro VanPool
1-800-VAN-RIDE

MetroVanPool

ELEMENTS OF A "TURNKEY" COMMUTER VANPOOL SERVICE

Market and Match

- Assist employers, government agencies, and other sponsors in publicizing the program.
- Solicit applications for service from potential riders and drivers.
- Help match applicants for service by home locations and work hours and form vanpool groups.

Select Drivers

- Set criteria and select volunteer vanpool drivers, who are offered free commute and personal use of the van (no lease required).
- Conduct driver orientation.

Provide Vehicles

- Deliver new or late-model well-equipped vans to organized groups.
- As the group requires, provide different-size vans: 15-passenger or 9passenger commuter vans.

Provide Insurance

- Furnish complete insurance coverage on the vans, including claims handling, with indemnification for the employer and sponsor.

Fleet Administration

- Order and deliver vans, arrange for regular preventive maintenance, road repairs, towing and back-up service at authorized dealers and repair stations.

On-Site Management

- MetroVanPool services are administered by a local manager and staff, supported by a Home Office staff and field organization.

Passenger Fare Calculation

- Vehicle costs (fixed and operating) are recovered from vanpool fares; employers receive Federal tax benefits for any fare support they provide (if offered) under *Commuter Choice* programs.
- The monthly cost of each vanpool is determined individually, based on the total miles expected to be used during the month. Passenger fares are based on this figure, divided by the number of riders (less any fare support provided). Personal use of the van is permitted within the total monthly mileage allowance by drivers and back-up drivers.
- Riders are offered, at no charge, a Guaranteed Ride Home in the event of a personal emergency.

Fare Collection

- Passenger fares are paid monthly in advance to the driver and submitted to MetroVanPool. Vanpools are invoiced to either the Primary Driver or the Sponsoring Company monthly.
- MetroVanPool fares include ALL vehicle related expenses except fuel and parking fees.

Driver Administration

- Approved drivers sign a VPSI Volunteer Driver Agreement (or a 3-Party Volunteer Driver Agreement if a company sponsors the vanpool) which explains the obligations of each party.
- The agreement can be terminated by any party on 30-days notice.

Neighbors Riding with Neighbors

1337 Canton Highway, Suite D-3 Marietta, GA 30066-9806

Tel: 770.427.7665

Toll Free: 1.800.VAN.RIDE

www.metrovanpool.com

Fax: 770.427.7815

A Service of VPSI Commuter Vanpools



1475 Canton Road, Room 202
Marietta, GA 30066
(404) 424-8485

Business History

HERBERT C. WOOD

Position: Marketing Consultant,
VPSI Commuter Vanpools

Experience: 25 Years with Chrysler
32 Years Automotive Sales and Management Positions
22 1/2 Years Van Pool Management Programs

As Chrysler's Manager of Consumer Relations, Mr. Wood developed and administered public responsibility and consumer affairs programs. In this capacity he conceived and managed the Chrysler Employee Van Pooling Program in order to demonstrate to the business community the validity of the concept. Mr. Wood also wrote the Commuter Van Pooling Operations Guide for Employers, which was distributed nationwide.

Mr. Wood later acted as staff consultant to management on public transportation issues and innovations. In this connection he originated, and for three years was President of, Van Pool Services, Inc. (VPSI), which is now the oldest and largest third-party van pool operating company in the United States. After electing early retirement from Chrysler, he established the Eastern Area Office for VPSI in Atlanta and later became Regional Marketing Consultant. He sold and established a number of vanpool services under contract to various local agencies of government in the Southeast. When VPSI was purchased by Team Rental Group, Inc. in February 1996, he continued in that sales capacity. In May 1996 he also assumed the responsibility for marketing VPSI's new Atlanta-based MetroVanPool program.

★ In Atlanta Mr. Wood was a charter member of the Private Providers Task Force of the Atlanta Regional Commission and later was appointed to ARC's Transportation Committee of the VISION 2020 planning group. Mr. Wood, a Columbia University graduate, is a founding member and director emeritus of the National Association of Van Pool Operators (now ACT).

MetroVanPool

Vanpool Business References - VPSI, Inc.

Georgia:

Ms. Jane Franklin
Projects Coordinator
Georgia Power Company
241 Ralph McGill Blvd
Smartride BIN 10041
Atlanta, GA 30308
(404) 506-1967

*We have 50 vanpools with this company,
at sites throughout the metro Atlanta area.*

Don Griffith
Senior Planner
MARTA
(404) 848-5016

*Don was the Director of Cobb Community
Transit when we operated the CCT
Vanpool Service in Cobb County for six
years prior to our expansion.*

Phoenix:

Ms. Randi Alcott
TDM Manager
Regional Public Transportation Authority
302 N. 1st Avenue
Suite 700
Phoenix, AZ 85003
(602) 534-1802

*We have a multi-year contract as the
exclusive vanpool service provider for this
fast growing metropolitan area. Randi has
known us for 24 years.*

Michigan:

Ms. Angie Payne
Statewide Rideshare Coordinator
Michigan DOT
425 W. Ottawa Street
P.O. Box 30050
Lansing, MI 48909
(517) 335-2553

*VPSI has operated the vanpool service for
the State of Michigan for 20 years, under
contract to the Department of
Transportation.*

Brevard County Florida:

Mr. Jim Liesenfelt
Transit Director
Space Coast Area Transit
401 S. Varr Avenue
Cocoa, FL 32922
(321) 635-7815

*VPSI has operated for 21 years a large
vanpool fleet under contract, which covers
a string of Florida Coastal Cities, including
Cape Canaveral.*

1337 Canton Highway, Suite D-3 Marietta, GA 30066-9806
Tel: 770.427.7665 Toll Free: 1.800.VAN.RIDE

www.metrovanpool.com
Fax: 770.427.7815

A Service of VPSI Commuter Vanpools

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers
FROM: City Manager 
DATE: January 10, 2002
SUBJECT: Canceling/Rescheduling the April 4 Council Meeting

Several Councilmembers have expressed concern about the April 4 City Council meeting conflicting with schedules due to the local school system's spring break. It has been suggested that Council consider canceling or rescheduling this meeting to a date that would not conflict with the school holiday.

JB/bt

Pam Dufresne

From: Jim Basinger
Sent: Wednesday, January 09, 2002 7:40 AM
To: Mayor Brown
Cc: Betsy Tyler; Pam Dufresne
Subject: FW: Luther Holt's All Children's Playground

Steve, as indicated below Murray Weed desires that Council appoint him as Council representative to the All children's Playground Committee. Would you like this item placed on the January 17th, council agenda? Regards. Jim

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

From: Jennifer Elkins [mailto:jennifer_elkins@fincherandhecht.org]
Sent: Tuesday, January 08, 2002 4:53 PM
To: citymgr@peachtree-city.org; annie@peachtree-city.org;
DanTennantPTC@aol.com; steverapson@co.fulton.ga.us;
dls@peachtree-city.org
Cc: Murray
Subject: Luther Holt's All Children's Playground

I wanted to contact each of you briefly and forward the following information to you. I am resigning from the Vice-Chairman position of the Luther Holt All Children's Playground Committee. I would like the Mayor and Council to appoint me as the Council liaison to the Committee at our upcoming meeting in January. Likewise, it is my understanding that since Luther Holt's passage we no longer have an official liaison between the Recreation Committee and the Playground Committee. I think that it would be appropriate that the Recreation Committee appoint an official liaison as well.

If you have any questions with regard to these matters, please do not hesitate to contact me.

MJW