

City Council of Peachtree City
Agenda
January 2, 2003
7:00 p.m.

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
 - Remind Attendees to Turn Off Cell Phones
 - Recognize Employee of the Year
 - Recognize Supervisor of the Year
 - Recognize Outgoing Commission and Authority Members
- III. Minutes
 - November 21, 2002 Regular Meeting Minutes
 - December 10, 2002 Special Called Meeting Minutes
- IV. Monthly Reports
- V. Election and Oath of Office of Mayor Pro-tem
- VI. Consent Agenda
 - 1. Consider Annual Indemnification Resolution
 - 2. Consider Appointment of City Attorney
 - 3. Consider Appointment of City Solicitor
 - 4. Consider Designation of City's Legal Organ
 - 5. Consider Design Contract for Highway 54 Bridge Enhancements
- VII. Old Agenda Items
- VIII. New Agenda Items
 - 01-03-01 Alcoholic Beverage License – NEW – Buckner Petroleum, Inc.
 - 01-03-02 Senator Mitch Seabaugh/Discussion of Transportation Issues
 - 01-03-03 Discuss Gerald Reed Memorial Park Proposal
- IX. Council/Staff Topics
- X. Executive Session

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

City of Peachtree City
Minutes of Meeting
November 21, 2002
7:00 p.m.

The City Council of Peachtree City met Thursday, November 21, 2002, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown recognized Scott Christopher as the GRPA Maintenance Section Distinguished Professional. Brown read proclamations for Bible Week and Shop Peachtree City Month. Corporal Terry Blackburn was recognized as Employee of the Month for October.

Approval of Minutes

Rapson moved to approve the November 7, 2002, Regular Meeting Minutes as amended. Weed seconded. The motion carried unanimously.

Consent Agenda

- 1. Consider Ordinance Amendment Relative to Alcoholic License Application**
- 2. Consider Ordinance Amendment Relative to Cart Path Littering Fines**
- 3. Resolution for Community Greenspace Trust Fund & Program**
- 4. Consider Drake Field Use Agreement for Lake Peachtree Silt Removal**
- 5. Consider Intergovernmental Agreement with Airport Authority for Deficit Reduction**
- 6. Consider Funding for LCI Master Plan**

McMenamin moved to remove Consent Agenda items #1 and #6. Weed seconded. The motion carried unanimously.

Rapson asked City Attorney Rick Lindsey if he should abstain on Consent Agenda item #4 since it dealt with the Development Authority. Lindsey said no.

McMenamin moved to approve Consent Agenda items #2, #3, #4, and #5. Tennant seconded. The motion carried unanimously.

1. Consider Ordinance Amendment Relative to Alcoholic License Application

McMenamin noted that, in reality, the alcohol fees were determined by a schedule, not by Council, and asked that wording to that effect be included in the ordinance amendment. Brown read the suggested amendment to the ordinance. Weed asked if the fee schedule was included in the ordinance. Lindsey said it was included in the CAR on alcoholic beverages.

Rapson moved to approve Consent Agenda item #1. McMenamin seconded. The motion carried unanimously.

6. Consider Funding for LCI Master Plan

Brown pointed out that additional documents related to this agenda item had been placed on the dais.

McMenamin said whenever new funding was to be considered it should be open for discussion. She continued that she was very supportive of the LCI Master Plan, but felt the funding request was premature when there were many variables that could affect the Master Plan. McMenamin noted the state government was getting ready to turnover and could make changes that would affect the County. She asked to table the item and to give the matter more time and thought.

Brown said the funding was time sensitive. DOT had moved up the schedule for 54 West and now the City was under extreme time constraints. He continued that a lot of the LCI Plan was to be done in conjunction with the road widening. Brown said one developer, RAM, owned a majority of the property and the area would be commercial whether the City wanted it or not. The developer was trying to keep the City's "flavor" with its architecture, and the architecture could be enforced with an overlay district. Brown said RAM had hired Roberto Parades of ASD to assist the advisory committee with the initial development of the master plan. Brown said it would be helpful to have the same engineer working on the accompanying projects and staff wanted Council to authorize the use of a "brand name." Brown said Parades had worked on a similar project in Roswell and had also codified Roswell's overlay district. Brown continued that much of the LCI implementation would have to be done in conjunction with the road-widening or right after the widening.

City Planner David Rast agreed that the funding was time sensitive. He said the City received \$600,000 for the bridge in the last round of ARC funding and the bridge was scheduled for construction in 2004. The next round of funding would be for 2005-2006 and fell in line with the completion of portions of 54 West. He said they were at a point now where the consultant could not do more until the City came up with funding.

Brown said it could take four or five months for codification of an overlay district and RAM had three tenants ready to build as soon as the road was widened. Rapson noted that the area had the City's number one traffic congestion problem. He felt the funding request should be for \$50,000.

McMenamin said she would support the request, but expressed concern that all of the property owners had not been contacted. She moved to reimburse ASD and to authorize staff to enter into a brand name contract with ASD for the Georgia 54 West Corridor study and that the funding to compensate ASD for their services be appropriated from Council Contingency. Rapson seconded. Financial Services Director Paul Salvatore asked that the motion specify that \$32,000 be taken from Council Contingency. Rapson also asked that the motion be amended so Council Contingency would be reimbursed if the City received a grant. McMenamin accepted the amendment and Rapson seconded. The motion carried unanimously.

Old Agenda Items

04-02-06 Update on Traffic Calming Devices for Golf View Drive

Brown said he and Tennant met with a group of residents who were concerned about the traffic calming measures in place on Golf View Drive. Brown reiterated that Golf View was a pilot program and it might need to be adjusted. The City was doing its best and trying to limit the inconvenience. Five recommendations were made:

1. Remove the stop signs on Golf View at Aberdeen South.
2. Remove the stop signs on Golf View at Cockspur Court.
3. Remove the stop signs on Golf View at Oakmount.
4. Raise the speed limit to 30 mph except at the hill.
5. Remove the two middle speed humps to provide better spacing.

Tennant commented that this had been a contentious and divisive issue, but reminded those at the meeting that it was a work in progress. Council wanted to be reasonable and fair, but he warned that not everyone would be happy. He felt the recommendations were a fair and reasonable compromise. Tennant moved to adopt the five measures as declared by the Mayor and to implement them as soon as possible. Brown seconded.

Rapson noted that there had been a lot of talk that the traffic calming devices put in place were illegal. Rapson said he wanted to state publicly that the City had done nothing against the law.

Marty Shroyer noted that, in addition to the removal of the speed humps, they had also discussed changing the other speed humps to speed tables. Tennant said that would be done in the spring. The recommendations made during the meeting were immediate. Brown added staff would also look at "choking" as another traffic calming device.

The motion carried unanimously.

08-02-09 Discuss Intergovernmental Agreement with Development Authority

Weed gave a brief history of the work on the intergovernmental agreement. He continued that, at the outset, the Development Authority and Council did not see eye to eye. Weed said the committee had spent about 20 hours over the last three months working on the agreement and the draft agreement was on the dais. The agreement addressed the subsidy issues. He noted the Development Authority had accepted serious reductions in the subsidy to reach a compromise. Weed said the Development Authority had incurred substantial debt over the years, which must be paid by someone, and the City would assume the debt according to the agreement.

Weed moved to approve a funding subsidy contract with the Peachtree City Development Authority as found on the dais and recorded as Item # 08-02-09 contingency upon the following three contingencies:

1. A revision of Paragraph 3(c) by the City staff and the City Attorney, or his or her designee, to legally and with fiscal responsibility provide for debt service of debt incurred by the Development Authority in the amount of approximately \$1.45 million.
2. That the provision of a highly-detailed and fully itemized accounting of what projects, programs, and activities the debt was incurred for be presented to the Mayor and Council for their consideration, and further,
3. That after the language described in the first contingency was developed, that such language be presented to the Development Authority for their consideration, review, and hopefully, consent by majority of the Development Authority and they would approve any revisions necessary in the contract.

Weed followed up and said Council realized \$1.5 million was a great deal of money and the Development Authority was responsible to account for where the money had gone. He said he had no doubt they would do so to Council's satisfaction. He said he was also aware the City had to find an appropriate, fiscally responsible, and legal mechanism to service the debt. Tennant seconded.

Brown asked Weed to clarify his motion. Brown said that technically the Development Authority's debt was not the City's. Weed agreed, but pointed out the Development Authority had no other funding and the City owned the facilities (Tennis Center and Amphitheater).

Tennant noted the Development Authority was a separate legal entity from the City, but agreed with Weed that the City was ethically on the hook for the money. He complimented Weed and thanked the Development Authority members who worked on the agreement – Bob Brooks, Doug Warner, and Brian Palmitessa. The goal of the subcommittee was to come together professionally and honorably. Tennant continued the City had negotiated a favorable contract. The agreement was not the best of both worlds, but it was fair.

McMenamin said she was very encouraged by the contract and felt it was something that would allow the Development Authority to move ahead and get on with the business of economic development.

Salvatore noted that the City gave the Development Authority \$5,000 a month for debt service under the existing agreement. He asked if he should stop paying the debt service to the Development Authority. Weed said the Development Authority had to approve the language and that the City should continue to pay under the alleged existing contract. He pointed out that until both entities signed it was not an agreement.

Brown expressed concern that the City might not legally be able to assume the Development Authority debt. He pointed out that the Airport Authority's debt service reduction had to go to referendum. Brown continued there needed to more openness between the two entities and that he wanted an open dialogue with the Tennis Center members. He said they had to avoid overages and running expenses out of debt.

Weed said it was a “time to heal” and asked Brown to support the agreement.

The motion carried 4-0-1 (Rapson).

10-02-01 Public Hearing – Rezoning – 355 Highway 74 North (Leach Property)

Josh Bonner spoke on behalf of Dalton West Carpets, agent for the owner, Helen Leach. He told Council his company had requested a Limited Use Commercial (LUC) zoning for a carpet showroom facility. The company had facilities in LaGrange and Newnan. The Peachtree City facility was currently located in Westpark Walk. Bonner said the plan was to develop the remaining portion of the parcel for office and retail use. The Dalton West building would be adjacent to the Fulton property. Bonner went over the site plan for Council, which also included an access road. In addition, there was a 40-foot setback at the front of the property and a 39-foot setback, which included a landscaped buffer and a six-foot privacy fence between the tract and Fairfield subdivision. There was also a 24-foot access easement across the property.

Brown read from the Planning Commission recommendation, which stated the office-retail should be adjacent to the Fulton tract and the Dalton West building should be adjacent to the Ergle tract. He noted the plan before Council did not include the recommendations. Bonner said he brought both the plans presented to Planning Commission as well as a plan that showed the recommended changes.

Gerald Kemp of Dalton West told Council his company had been part of the community for several years and appreciated the opportunity to be part of the community in the future.

Joann Alexander, agent for Virgil and Annette Ergle, adjacent property owners, said it seemed that the plan encroached on the Ergle property. Alexander said this was the first time the Ergles had seen the plan. She asked about the access road that appeared to go through the Ergle tract. Brown noted the access road was for future use if the land was developed as a commercial site. She expressed concern that, according to the plan, some of the Ergles’ property appeared to be part of the plan. Brown explained the City was being proactive in creating the access roads, but nothing would be done until the Ergles sold their property.

Sandra Harp, agent for Helen Leach, told Council a survey had been done of the property and the first survey on the area had been done by the Ergles.

Weed asked City Planner David Rast if the rezoning procedures had been followed and if the Ergles and the immediate adjacent property owners had been notified. Rast said they were informed according to the ordinance.

Rast gave an overview of the property’s background. Past proposals included oil/lube businesses and golf cart sales. The current project was a quality development and staff felt it was worth the time to work with them. The project had been planned for some

time. Two hundred letters about the project had been sent to the residents in Fairfield and five people had come to the meeting. Rast said the residents knew the property would develop and they wanted it to be a good project. They supported this plan.

Rast continued that staff and the Planning Commission wanted a transition from the offices on the north to the General Commercial to the south of the property, as well as a transition to another LUC parcel on the corner of Highway 74 and Wisdom Road. Rast said Mrs. Ergle had no intention of selling her property and he had assured her nothing would be done to her property. He pointed out that an LUC zoning allowed the City to be more stringent on architectural guidelines.

Rapson stated that the LUC zoning was against the Land Use Plan for the area. The commercial component was enough for him to deny the rezoning. He noted that the Planning Commission denied the rezoning request on September 23, 2002, and approved it on October 28, 2002, with a 3-2 vote. He reiterated the request was inconsistent with the Land Use Plan and set an unfavorable precedent.

Lindsey noted a lawsuit had been filed against the City on another property in the area. The parcel was zoned Limited Use Commercial and Council denied a request to rezone the parcel to General Commercial.

Tennant asked Rast if he recommended the rezoning. Rast said he did support the rezoning and that it gave the City a lot of control. Dalton West was a fairly low intensity user, but Rast added he did have concerns with the multi-tenant building. He explained that if the restaurant and package store component were taken out of the package a significant number of car trips in and out of the development were also taken out.

Rapson asked if the same stipulations could be put on the Office-Institutional (O-I) zoning rather than LUC. Lindsey said that could be done as long as the applicant agreed. If the applicant did not agree, the applicant could file a lawsuit.

Rapson moved to deny the rezoning request. Weed seconded.

Rapson said he did not want to set any precedent that went against the Land Use Plan. Tennant said he was also hesitant to go against the Land Use Plan, but the Planning Commission had approved the rezoning and staff had recommended the plan. He also cited the nature of the business and added he was willing to vote for the rezoning reluctantly.

McMenamin said she liked the statement "reasonable transition," and felt the development achieved that. Weed agreed with Rapson regarding the Land Use Plan, but said he could support the rezoning to O-I with the appropriate stipulations.

Lindsey said a carpet store might not be a permitted use in O-I zoning, but Council could stipulate the building had to be a carpet store in LUC zoning. Rapson said he liked the

plan, but was not in favor of shifting LUC zoning further north on the corridor. Bonner added that Dalton West could not accomplish their intentions with O-I zoning.

The motion was defeated 2 (Weed, Tennant)-3 (McMenamin, Brown, Rapson).

Tennant moved to approve the rezoning request as submitted to LUC with conditions as set forth and subject to the applicant agreeing to all conditions set by staff and the Planning Commission on October 28, 2002. Weed seconded.

Lindsey read from the LUC ordinance. He recommended that if Council wanted to expand on the stipulations listed for LUC zoning they should do so now. In LUC zoning, Council could stipulate what businesses were permitted. The Planning Commission recommended three very broad types of businesses. Lindsey continued that Council could make further restrictions. If that was the case, Lindsey recommended the rezoning be tabled to allow staff time to come back with a list of permitted uses. Lindsey said, in his experience, that trying to come up with such a list on the spot led to mistakes. He said that unless Council made significant changes, the rezoning request did not have to go back to the Planning Commission.

Bonner said his company did not oppose any of the stipulations for LUC zoning. Rapson wanted to table the request and work on the stipulations. Lindsey said if Council wanted more restrictions Council could direct staff to work with the developer. Bonner said they had already gone through workshops and they were willing to go through any specific uses at this meeting. He noted that the project had already been delayed several times.

Lindsey suggested Council stipulate the larger site would be a carpet store. If a carpet store could not be found for the site in the future, then the property owner would have to come back to Council. Lindsey and Rast went over a list of uses that would not be permitted in the LUC zoning for the parcel and the uses included (1006A.2(j)-(o)) hotel or motel, restaurant/lounge, commercial trade or vocational school, radio and/or television station, not including a transmission tower, wholesale business involving the sale of merchandise on the premises, and newspaper publishing facility. Tennant amended his motion to incorporate the restricted uses. Bonner agreed to the restrictions. Weed seconded the amendment.

The motion carried 4-1 (Rapson).

10-02-02 Public Hearing – Rezoning – Stephens Tract, Highway 74 South

Marvin Isenburg spoke on behalf of Cathryn Redwine Stephens, property owner. Isenburg told Council the parcel had 125.3 acres. The request was to rezone the property from General Industrial (GI) to Limited Use Residential (LUR) and General Commercial (GC). Isenburg told Council he planned to realign Rockaway Road, at no cost to the City, so the road would intersect with the traffic signal at Wilshire Pavilion and Highway 74. He said there would also be an access road into the Recycling Center and into Meade Field. Approximately 80 acres would be donated to the City for a nature preserve.

Approximately 6.1 acres would be used for a small retail center. Isenburg said he planned to build 124 lots on the remaining 37 acres. Two builders would be used to build homes in the \$250,000 to \$350,000 range. The plan included moving the transmission lines from Meade Field into the right-of-way.

Isenburg continued that the plan was an excellent use for the property. He noted that the Land Use Plan was a guide and there could be a better use in the future. Isenburg recalled that Flat Creek was the draw line for industrial use, but he felt this would be a better use, and that the parcel was surrounded by Peachtree City. Another school was planned for the area and should be on line by the time the subdivision was completed. Rapson pointed out that Peeples Elementary, Rising Starr Middle School, and Starr's Mill High School were all above capacity. Isenburg said he met with school officials. He continued the houses would not all be built at the same time so there would not be a rush of children into the schools.

Vern Darly told Council he thought the plan was great, but expressed concern that another Planterra situation could develop as far as the subdivision's proximity to Falcon Field was concerned. He said people needed to know about the aviation controls.

Rast explained that the Stephens property was essentially the last piece of the puzzle on the south end of the City. The flood plain was being donated to the City and a portion of the property would be used to realign the road. He continued that net acreage determined the density of the property. Wilshire Estates was located across Highway 74 from the property and was zoned R-12. The parcel had 149.3 acres and had 250 lots located on 76.25 acres, or 3.3 units per acre. The lots were 13,000 square feet. The Stephens parcel was 125.3 acres and LUR zoning had been requested. The plan was to build 124 lots on 31.1 acres, with a net density of 3.9 units per acre. The lots would be 11,000 square feet.

Rast continued that everyone was aware of the dangerous situation at the intersection of Rockaway Road and Highway 74. The signal application for the intersection was placed on hold. The transmission lines across Meade Field would be moved. He continued that the City had been trying to preserve the flood plain and open space for years. He added that the commercial component was six acres and was not tremendous. Staff recommended approval. There was a list of concerns, including the proximity to Falcon Field. Rast felt staff could work with the applicant and the Airport Authority to come up with some language so homeowners would be aware of their proximity to the flight path. The Board of Education did not feel the number of students would be detrimental.

Brown said he had a couple of concerns. He asked if there would be an architectural review of the commercial component. Rast said they would rely on the Planning Commission, but added there was interest for it to be similar to the Wilshire Pavilion development across the highway.

There were concerns about the design of Rockaway Road and a curve that appeared to be sharp. Rast explained that the curve was not as abrupt as it appeared. The road would be

a collector road and had to meet certain standards. Rast said the property was on the Land Use Plan as medium-density residential.

Brown noted that he had spoken with the Development Authority and industrial people and they would like to see the tract remain industrially zoned. He also had problems with the proximity to the airport. He was concerned about the commercial component and cross-traffic on Highway 74. Brown continued that portion of the highway would not be widened for a while, but pedestrian and cart crossings would be needed. He said the realignment of Rockaway Road kept him hanging on to the project and noted Senoia's concerns for its residents using the road.

Weed asked if the deeds would include information on the airport. Isenburg said they were using the same language included on the deeds for the houses in Planterra.

Tennant commented on the safety factor with the location near the airport. He continued that he felt strongly that taking the land away from industrial zoning could be a potential problem. He said he was very concerned about further overcrowding the schools and was opposed to rezonings that accommodated higher density.

Thomas Stephens, the property owner's son, addressed Council. He said the Board of Education had unused trailers and that Whitewater High School was coming on line next year. He questioned the figures regarding the number of school children that would live in the subdivision. He pointed out the County had a conservation ordinance and that was basically what they were doing by giving the 80 acres for a nature preserve. Stephens continued that his family had owned the land for 130 years and it had become a tax prohibition to hold onto the land. The time had come and development was coming.

Brown said taking a non-residential zoning and making it residential could create a negative impact.

McMenamin said the project was very nice and the realigning of Rockaway Road was a benefit, but once the highway was widened the tract would be an attractive industrial parcel. She continued that the airport information could be put in the deed, but when usage increased at Falcon Field the City would get complaints. She felt Council was preventing a disaster by not approving the rezoning and that the area would be a mess in 10-15 years.

Tennant moved to deny the rezoning request. McMenamin seconded. The motion carried 5-0.

New Agenda Items

11-02-07 Alcoholic Beverage License – NEW – Hub's Birds & Brews

Weed moved to approve the alcoholic beverage license for Hub's Birds & Brews with Joel Michael Hubbard as the Licensee and Charles Lee Wagner as the License Representative. McMenamin seconded. The motion carried unanimously.

11-02-08 Appoint City Attorney

McMenamin said she had to object to how the matter had been handled. She said no other Council Members had reviewed the applications other than Weed. She told Weed he was a Council Member, not an attorney for the City. McMenamin would have preferred each member review the applications and list their top three choices, and then had Weed review the choices. She also felt the applicants should have been interviewed.

Brown said the applications had been available for any Council Member to review. McMenamin said copies should have been placed in each Council Member's box. Weed said he had no real preference and hoped that Council had felt he had done them a favor. He continued that the Mayor asked him to review the applications and the process had been nothing but a drain.

Weed noted the recent charter change that separated the City Attorney and City Solicitor positions and the savings allowed by the change. He said the City had received 48-58 applications. Some of the firms were interested in both positions and some wanted a retainer in addition to an hourly rate. All were highly qualified and were located in the Southern Crescent. All had either done work for the City or in its proximity. Weed said he contacted Financial Services Director Paul Salvatore and Salvatore had worked out the numbers. Weed reviewed the list and said the numbers spoke for themselves. Assistant Finance Director Janet Camburn contacted the references for both groups and found the references were impeccable. Weed noted there was an opinion from City Attorney Rick Lindsey on the dais regarding Weed's relationship with Ted Meeker.

Salvatore noted that four firms had submitted bids for the City Attorney position only, and two firms had submitted bids for City Solicitor only. Four firms submitted applications for both positions. Salvatore explained the financial analysis was based on the number of actual hours for last fiscal year and the submitted rates had been applied to the hours.

Preferred choices were Sanders, Haugen, Sears & Meeker, P.C., for City Attorney and Warren A. Sellers, P.C., for City Solicitor. Second and third choices for City Attorney were Caryl Sumner Black, P.C., and Hancock, Story & Dempsey, LLC. Second choice for City Solicitor was Smith, Welch & Brittain.

Lindsey noted this had been his highest year as far as hours and expense and last year was the next highest year. Prior to that, expenses had been pretty level. Lindsey added there would also be a learning curve.

Rapson looked at the 960 solicitor hours and pointed out that the City's police officers could not talk to defense attorneys without the solicitor. He said the flat fee could change. There would be a lot hours spent looking at tapes, but added the court time would not change much.

Tennant thanked Salvatore and Weed for including an analysis of cost for an in-house attorney.

Brown commented that he had working experience with several of the applicants, he knew some of them, and he had also talked with other municipal attorneys. He felt comfortable with the choices and staff had gotten glowing reviews on the top choice for solicitor.

Tennant said he appreciated Weed's efforts and added that he understood McMenamin's point. McMenamin said she also appreciated Weed's expertise, but felt the Mayor overstepped his authority by singling Weed out and not making the applications available to everyone at the same time. Rapson said his concern had been the numbers and if the current attorney was comfortable with the analysis.

Due to the time, Brown moved to revoke the time restraints on meetings set by ordinance. Rapson seconded. The motion carried unanimously.

Lindsey noted that from a planning perspective, if an appointment were made at the meeting, it would be better to choose an effective date. He explained it would be easier to have a time to work toward and would make the transition more comfortable for staff. Rapson suggested looking at a transition from mid- to late-January. City Clerk Jane Miller noted that the annual appointments for the City would be considered at the January 2, 2003, meeting.

Tennant moved to appoint Sanders, Haugen, Sears & Meeker, P.C., as the City Attorney effective in January with a date to be decided. Weed seconded. The motion was approved 4-0-1 (McMenamin).

11-02-09 Appoint City Solicitor

Tennant moved to appoint Warren A. Sellers, P.C., as City Solicitor according to the proposal and pricing in January with an exact date to be announced. Weed seconded. The motion carried 4-0-1 (McMenamin).

11-02-10 Consider Employee Dental Insurance Bid

Miller noted that there was an additional document on the dais that included a correction to the fees proposed by Ameritas. She explained staff had been in the process of interviewing insurance consultants and had received word from the City's current dental insurance carrier three weeks ago that there would be a 50% (fifty percent) increase in premiums. She said Ameritas had proposed two different plans. The information in the meeting book was on the plan that provided less coverage. The information on the dais included the cost to maintain the current coverage. Miller asked Council to consider allowing staff to contract dental insurance service with Ameritas.

Brown moved to adopt the new Ameritas dental plan as provided on the dais. Rapson seconded. The motion carried unanimously.

**11-02-11 Consider Capital Project Prioritization/Consider Budget Amendment
– Neely Station**

Salvatore went over the spending priorities for capital projects, which staff determined required immediate attention for funding.

The priorities included improvements to the Highway 54 West corridor and the Neely Fire Station improvements. Georgia DOT moved up the road bridge widening to FY 2003 from FY 2004. Salvatore pointed out that the change was not known when the budget had been prepared for FY 2003. The costs of the road-widening included \$105,334 for bridge culverts, \$226,609 for utility relocation, and \$163,000 for improvements that need to be done in conjunction with the road and bridge-widening project. Salvatore explained that the Neely Fire Station project had already been reduced, but there were items deemed necessary to meet safety and code requirements that should be included. The additional amount of funding needed was \$96,000. Salvatore added that Highway 54 items included in the FY 2004 budget had to be moved up to the FY 2003 budget.

Additional projects included the TDK Boulevard extension, the City Hall generator and roofing, and the re-gravel of Meade Field parking lot.

Salvatore noted that some patching had been done to the City Hall roof, but the facility needed a new roof. Interim City Manager Colin Halterman said the roof patching could last for three years. Rapson added that it would also logistically be better to seal the outside of the library at the same time the work was done on City Hall.

Salvatore briefed Council on the City's GMA Bricks & Mortar loans. He said there was an ability to swap some of the projects. He continued that he wanted to re-prioritize FY 2004 to pay for outstanding things now. He continued that \$54,000 was needed for the facility buildout next year, but they needed to try to do the City Hall generator this year. He asked Council to approve the plan and to come up with a short list of projects.

Salvatore continued that staff had looked more closely at the bids for the Neely Fire Station renovation. New South had followed the bid process correctly and their bid quote was already public. He said there would be a fairness issue if the project were re-bid. Staff had learned that New South was a reputable company and the City had dealt with the company before.

Rapson said this was the kind of information Council needed to ensure the proper priorities were set and so the PIP could be revamped. Rapson moved to approve the budget amendment in the amount of \$635,251 as presented in the Funding Options for Capital Projects for FY2003 and to approve the work on Neely Fire Station to be done by New South for \$295,125 as reflected in the documents before Council. Brown seconded. The motion carried unanimously.

**11-02-12 Consider Local Government Project Agreement with DOT for
Utility Relocation**

Rapson moved to approve the contract for utility relocation as associated with State Route 54 as presented for \$326,609 and to authorize the Mayor to sign the local government project agreement with the caveat that if the money spent was less than estimated that the additional funds go back into the capital fund. Weed seconded. The motion carried unanimously.

Council/Staff Topics

Halterman announced that City Hall would be closed on Thursday and Friday, November 28-29, 2002, for the Thanksgiving holiday. In addition, City offices would be closed from noon-1:30 p.m., on Friday, December 6, 2002, for the Employee Christmas Luncheon.

Brown told Council he had looked at the calendar and had no problem with giving employees both Christmas Eve and Christmas Day off.

Lindsay suggested placing the additional Christmas holiday time on the December 5 consent agenda.

Brown moved to reconvene in executive session following a short break. Tennant seconded. The motion carried unanimously.

Tennant moved to recess out of executive session and reconvene the regular meeting. Rapson seconded. The motion carried unanimously.

There being no further business to discuss, Tennant moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 12:00 a.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

City Council of Peachtree City
SPECIAL CALLED MEETING
Minutes of Meeting
December 10, 2002
7:30 a.m.

The City Council of Peachtree City met in a special called meeting, Tuesday, December 10, 2002, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:30 a.m. Other Council Members present were: Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Brown stated the purpose of the meeting was to consider the LOST agreement with Fayette County. The Council Members read a memo from Financial Services Director Paul Salvatore concerning the LOST. The memo was included in the official meeting file.

Rapson moved to approve the LOST distribution as presented with Fayette County's proposal for 47.5% for 2003 graduated to 48.5% for 2004, and 50% to remain constant in 2005. McMenamin seconded.

Rapson said he felt the County made a fair offer. McMenamin agreed and said it was in the best interest of the City. Tennant thanked Rapson for making the figures understandable to everyone.

Brown said he would have liked to have seen a better deal and Council would have to work on many projects that would benefit the County as much as the City. He hoped the County would be willing to participate in those projects.

There being no further business to discuss, Brown moved to adjourn the meeting. Tennant seconded. The motion carried unanimously. The meeting adjourned at 7:38 a.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

2003 City Event Calendar

<u>January</u>	<u>February</u>	<u>March</u>
1/01 – New Years Holiday, City offices closed 1/02 – City Council Meeting, 7 pm 1/16 – City Council Meeting, 7 pm 1/20 – MLK Holiday, City offices closed	2/6 – City Council Meeting, 7 pm 2/20 – City Council Meeting, 7 pm	3/6 – City Council Meeting, 7 pm 3/20 – City Council Meeting, 7 pm
<u>April</u>	<u>May</u>	<u>June</u>
4/03 – City Council Meeting, 7 pm 4/17 – City Council Meeting, 7 pm	5/01 – City Council Meeting, 7 pm 5/15 – City Council Meeting, 7 pm 5/26 – Memorial Day, City offices closed	6/5 – City Council Meeting, 7 pm 6/19 – City Council Meeting, 7 pm
<u>July</u>	<u>August</u>	<u>September</u>
7/03 – City Council Meeting, 7 pm 7/04 – July 4 Holiday – City Offices closed 7/17 – City Council Meeting, 7 pm	8/07 – City Council Meeting, 7 pm 8/21 – City Council Meeting, 7 pm	9/1 – Labor Day, City offices closed 9/4 – City Council Meeting, 7 pm 9/18 – City Council Meeting, 7 pm
<u>October</u>	<u>November</u>	<u>December</u>
10/02 – City Council Meeting, 7 pm 10/16 – City Council Meeting, 7 pm	11/6 – City Council Meeting, 7 pm 11/20 – City Council Meeting, 7 pm 11/28 & 29 – Thanksgiving Holidays – City Offices Closed	12/4 – City Council Meeting, 7 pm 12/18 – City Council Meeting, 7 pm 12/24 & 25 – Christmas Holidays – City Offices Close at noon on 12/24 and remain closed on 12/25

Note: Items in **BOLD** are new additions

Updated 12/26/02

BUILDING DEPARTMENT **2002 MONTHLY REPORT**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2002 YEAR TO DATE	2001 YEAR TO DATE
DEVELOPMENT PERMITS:	38	15	19	14	17	14	31	42	25	21	25		261	226
BUILDING PERMITS:														
Single Family Residential	22	28	5	16	18	17	13	43	10	21	22		215	175
Multi-Family Residential														0
Misc-Pool/fences/additions	34	75	56	103	77	59	64	52	39	66	51		676	598
Commercial/Industrial	7	13	11	6	8	8	5	11	13	20	8		110	122
TOTAL INSPECTIONS:	689	518	640	771	586	595	623	641	598	727	521		6,909	7,978
CERTIFICATE OF OCCUPANCY:														
Residential	12	18	23	10	14	30	10	19	11	12	12		171	159
Commercial	3	6	3	5	1	1	3	3	6	7	10		48	71
Multi-family Residential	24	56	12	34	24	0	0	0	0	0	0		150	453
CODE ENFORCEMENT:														
Sign Violations	94	49	36	137	67	147	133	119	102	106	119		1,109	1,439
Rehab	20	5	10	5	8	27	25	12	20	10	20		162	132
Notice of Violations	302	149	183	321	387	471	333	337	348	297	211		3,339	2,655
Citations	6	2	3	3	10	7	8	2	0	5	2		48	59
Stop Work Orders	12	6	2	6	1	8	3	15	7	17	2		79	58
Complaints from Citizens	39	17	25	35	34	6	32	35	18	16	11		268	169
Assessments	50	57	43	46	50	41	37	23	39	2	2		390	924
PERMIT FEES COLLECTED:	65,830	52,939	85,195	40,928	35,856	35,109	25,100	72,678	39,317	57,339	31,546		541,837	364,196
POPULATION:	33,843	33,998	34,071	34,163	34,242	34,305	34,326	34,366	34,389	34,414	34,440		34,440	33,703

Based on 2.09 of completed occupancy

Peachtree City Prisoners at Fayette County Jail

2002

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD 2002	Previous Year
*Average Misdemeanors	10.33	7.25	8.19	6.59	6.87	7.46	8.00	6.13	4.90	4.26	5.00		6.82	9.82
*Average Felonies	1.04	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.09	1.04	0.15		0.94	2.71

*Average Totals	11.37	8.25	9.19	7.59	7.87	8.46	9.00	7.13	5.99	5.30	5.15	0.00	7.75	12.53
-----------------	-------	------	------	------	------	------	------	------	------	------	------	------	------	-------

*These totals do not include weekend incarcerations.

Fayette County Jail Fund

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD 2002	Previous Year
	\$5,752.64	\$6,220.96	\$5,920.47	\$4,099.00	\$5,932.28	\$6,379.82	\$5,683.03	\$5,368.03	\$5,805.51	\$6,551.55	\$5,182.16		\$62,895.45	\$74,839.29

Financial Services Monthly Report

STATUS OF FUNDS AS OF NOVEMBER 30, 2002									
Fund	Cash		Total Investment	Total Fund Balance	Interest YTD	Purchasing Monthly Report			
	Balance	Total				For Fiscal Year	TOTAL FY03	TOTAL FY02	YTD% INC/DEC
General Fund	\$9,793	\$4,563,908		\$4,573,701	\$16,548	Purchase Requisitions Processed	460	464	-9.00%
Library Sales Tax Fund	\$0	\$0		\$0	\$0	City Store Requisitions Processed	18	24	-25.00%
Public Improvement Fund	\$2,511	\$1,803,811		\$1,806,322	\$6,387	Sealed Bids Requested >\$10,000	5	8	-37.50%
Self Insurance Fund	\$0	\$22		\$22	\$59	Requests for Proposals	1	4	-67.00%
Debt Service Fund	\$0	\$88		\$88	\$0	Requests for Proposals Awarded	0	3	-100.00%
Municipal Court Fund	\$34,632	\$0		\$34,632	\$0	Written Quotes Req \$5,000-10,000	8	2	400.00%
Develop & Impact Fees	\$528,941	\$218,427		\$747,368	\$2,351	Verbal Quotes Requested \$500-\$5,000	98	18	545.00%
Neighborhood Parks/Rec.	\$15,686	\$0		\$15,686	\$34	Total # Purchase Orders Issued	460	464	-9.00%
Governor's Greenspace Prj	\$5,934	\$0		\$5,934	\$241	Total # of Bids Awarded	5	4	25.00%
Federal Seizures Police Pd	\$4,130	\$0		\$4,130	\$7	Contracts Required >\$10,000	0	1	-100.00%
Police Tuition Account	\$2,880	\$0		\$2,880	\$0	# of Fixed Assets Purchased >\$5000	1	0	100.00%
Landscape Deposits	\$175,682	\$0		\$175,682	\$296				
Grand Total	\$780,190	\$6,586,255		\$7,366,445	\$25,923				

Collateral Analysis as of October 31, 2002									
Security Location	Bank	Total Held							
Bank of New York	First Union	\$1,812,085							
Bank of New York	Peachtree National	\$5,412,902							
Federal Res Bk of Boston	South Trust	\$5,791,842							
		\$13,016,829							

General Fund Budget Comparison						
Description	Revenues - By Major Category		Expenditures by Division YTD		Difference	%
	2003 Budget	Actual YTD	2003 Budget	Actual YTD		
General Property Taxes	\$6,617,035	\$286,213	Administrative	\$1,097,456	\$165,341	15%
Franchise Taxes	\$1,869,602	\$292,700	Developmental	\$944,590	\$114,123	12%
Local Option Sales Tax	\$6,242,736	\$970,903	Finance	\$602,305	\$91,152	15%
Other Sales & Use Taxes	\$1,411,882	\$244,245	Leisure Services	\$3,451,921	\$505,608	15%
Business Taxes	\$1,572,015	\$1,312,174	Public Safety	\$6,580,158	\$957,060	15%
Licenses & Permits	\$677,451	\$130,930	Public Works	\$2,653,993	\$390,975	15%
Grants	\$0	\$45,142	Trff to PCDA/PCAA	\$385,096	\$65,027	17%
Charges for Services	\$896,482	\$118,495	Non-Profit Organizations	\$25,000	\$0	0%
Fines & Forfeitures	\$707,284	\$135,683	Council Contingency	\$200,000	\$0	0%
Investment Income	\$79,851	\$16,553	Council Reserve	\$0	\$0	N/A
Surplus Carryover	\$186,509	\$0	Transfer to PFP	\$1,186,664	\$0	0%
Other Financing Sources	\$0	\$0	Transfer to Debt Svc	\$403,813	\$176,160	44%
			Transfer to Self Ins	\$2,729,851	\$158,309	6%
Total	\$20,260,847	\$3,553,036	Total	\$20,260,847	\$2,623,755	13%

Summary of Major Expenditures by City Manager			
Description	Budget	Award	Svgs/Short

**PEACHTREE CITY FIRE/EMS DEPARTMENT
2002/2003 MONTHLY REPORT**

	Oct. 02	Nov. 02	Dec. 02	Jan. 03	Feb. 03	Mar. 03	Apr. 03	May. 03	Jun. 03	Jul. 03	Aug. 03	Sept. 03	Fiscal Yr. 2003 Y-T-D	Fiscal Yr. 2002 Y-T-D
--	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	----------	-----------------------	-----------------------

Fire/Accident Calls

Residential	4	1											5	4
Business/Industrial	0	1											1	0
Other	186	168											354	363

Total Engine Response	190	170											360	367
-----------------------	-----	-----	--	--	--	--	--	--	--	--	--	--	-----	-----

Dispatched Fire Calls	56	37											93	110
-----------------------	----	----	--	--	--	--	--	--	--	--	--	--	----	-----

Response Time Fire	4:44	4:14											4:40	4:43
--------------------	------	------	--	--	--	--	--	--	--	--	--	--	------	------

Rescue/EMS

Trauma	69	77											146	111
Medical	82	72											154	178

Total # Patients	151	149											300	289
------------------	-----	-----	--	--	--	--	--	--	--	--	--	--	-----	-----

Patients Transported	72	79											151	142
----------------------	----	----	--	--	--	--	--	--	--	--	--	--	-----	-----

Dispatched EMS Calls	138	130											268	258
----------------------	-----	-----	--	--	--	--	--	--	--	--	--	--	-----	-----

Total Medic Response	151	149											300	287
----------------------	-----	-----	--	--	--	--	--	--	--	--	--	--	-----	-----

Dispatched Fire/EMS Total	194	167											361	368
---------------------------	-----	-----	--	--	--	--	--	--	--	--	--	--	-----	-----

Response Time EMS	4:17	4:16											4:16	4:07
-------------------	------	------	--	--	--	--	--	--	--	--	--	--	------	------

EMS BILLING

Patients Billed	63	71											134	166
-----------------	----	----	--	--	--	--	--	--	--	--	--	--	-----	-----

Revenue Generated	22,355	25,170											47,525	58,236
-------------------	--------	--------	--	--	--	--	--	--	--	--	--	--	--------	--------

*Total Revenue Received	18,932	18,398											37,330	35,048
-------------------------	--------	--------	--	--	--	--	--	--	--	--	--	--	--------	--------

*Revenue Received on All Outstanding Accounts

HUMAN RESOURCES DEPARTMENT

2002 MONTHLY REPORT

REPORT PERIOD	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	2002 YTD TOTAL	2001 YTD TOTAL
1. Authorized Permanent Positions	224	224	224	224	224	224	224	224	224	224	224	224	224	224
2. Positions Open	5	7	7	6	5	4	5	4	7	5	4		---	---
3. Workers Comp. Claims Filed	0	1	1	2	6	5	2	3	6	6	2		34	44
4. City Veh./Equip. Accidents	1	0	2	0	1	1	1	0	0	3	2		11	7
5. Health Insurance Claims	\$108,515	\$ 93,252	\$67,643	\$128,615	\$100,352	\$ 57,461	\$ 88,452	\$ 67,998	\$ 67,971	\$144,979	\$109,798		\$1,035,035	\$ 713,239
6. Law Suit Legal Fees	\$ 12,853	\$ 11,247	\$1,543	\$ 640	\$ 6,503	\$ 9,307	\$ 6,504	\$ 8,225	\$ 6,274	\$ 2,701	\$ 462		\$66,260	\$ 49,064

2. Building Inspector/Building (1); Developmental Services Director/Planning (1); Technical Support Manager/Information Technology (1); Maintenance Technician I / Recreation (1).
3. Maintenance Employee caught finger in tailgate of dumptruck causing laceration (1) Recreation; Maintenance Employee strained muscle due to lifting tailgate of trailer (1) Public Works.
4. Maintenance Employee damaged truck and citizen's vehicle due to late braking (1) Public Works; Police Sergeant damaged vehicle when a deer ran out in front of vehicle (1) Police.
5. Balance remaining in health insurance account: \$1,098,634.21
6. Bearman/Shaver Appeal \$408.27; Rye \$52.00; Tax Equity Issue \$1.74

LEISURE SERVICES MONTHLY REPORT 2002

ACTIVITY DESCRIPTION	UNIT	January	February	March	April	May	June	July	August	September	October	November	December	2002 Year to Date	2001 Year to Date
LIBRARY															
1. Books Circulated	Num.	16,868	15,762	16,446	16,701	16,787	20,832	20,606	17,844	17,344	17,522	14,814		180,524	173,503
2. Average Daily Traffic	Num.	578	565	558	578	590	743	630	520	516	528	512		576	568
a. Monday - Saturday	Num.	330	332	330	328	310	289	291	283	294	305	381		330	358
b. Sunday	Num.	168	173	261	208	195	0	0	142	115	168	152		1,613	779
3. Story Time Participants	Dis.	2,370	1,671	2,080	2,221	2,061	1,951	1,923	1,884	2,142	2,084	2,042		22,438	17,428
4. Revenue from Overdue Books	Dis.	719	776	908	941	581	497	552	781	880	802	790		8,338	8,212
5. Revenue from Copy Machine	Num.	382	616	801	834	425	444	427	409	588	674	473		5,683	8,528
6. Reference Assistance	Num.	1,698	1,738	1,730	1,895	1,713	1,951	2,055	2,205	1,889	1,528	1,545		19,938	16,501
7. Internet Usage	Num.	535	659	568	575	499	483	485	480	473	485	568		5,780	7,878
8. Renewals by Phone	Num.	42	84	46	48	30	25	58	33	42	21	24		453	0
9. Computer Use	Num.														
Leisure Programs															
1. Adult Activities															
a. Ongoing Programs	Num.	1	1	0	1	1	2	2	2	1	1	0		12	25
b. New Programs	Num.	0	0	0	0	0	0	0	0	0	0	0		0	3
c. Participants	Num.	240	240	2,050	1,085	1,085	1,275	1,088	1,086	898	307	507		9,857	8,288
d. Revenues	Dis.	0	0	7,876	14,987	0	10,400	3,720	0	13,150	0	1,820		51,652	53,173
e. Expenses	Dis.	0	0	7,357	953	3,282	8,510	1,755	1,106	8,455	127	2,457		33,880	42,012
f. Refunds	Dis.	0	0	0	0	0	0	0	0	0	0	0		0	0
g. Balance (+ or -)	Dis.	0	0	518	13,635	-3,282	1,881	1,965	-1,106	4,695	-127	-537		17,872	\$10,043.00
RECREATION															
Leisure Programs															
1. Classes/Programs															
a. Classes/Programs	Num.	132	127	137	130	134	89	83	73	83	107	108		1,251	1,279
b. Participants	Num.	3,081	1,888	3,272	2,759	2,862	2,648	2,536	3,000	2,882	3,037	2,783		31,246	31,371
c. Revenues	Dis.	19,772	27,428	28,108	32,338	28,813	48,980	25,237	20,588	18,082	24,858	21,731		308,058	288,872
d. Expenses	Dis.	15,443	21,557	22,511	25,537	21,864	37,581	21,797	15,528	14,478	19,414	16,848		239,787	211,562
e. Refunds	Dis.	80	83	363	121	1,102	1,230	642	30	80	240	246		4,158	6,898
f. balance (+ or -)	Dis.	4,289	5,807	8,234	6,690	5,817	10,178	2,788	5,038	3,522	5,304	4,537		\$82,196.17	\$51,421.16
2. Special Events															
a. Events	Num.	1	2	1	1	4	0	1	1	1	0	0		12	47
b. Participants	Num.	12	68	0	1,000	879	0	10,000	2,000	4,000	0	0		17,858	27,578
c. Revenues	Dis.	0	1,581	0	0	0	0	0	688	7,520	0	0		9,800	44,894
d. Expenses	Dis.	485	1,359	0	80	820	0	0	4,330	2,280	0	0		8,324	40,518
e. Refunds	Dis.	0	25	0	0	0	0	0	150	0	0	0		175	518
f. balance (+ or -)	Dis.	-485	197	0	-80	-820	0	0	-3,781	5,270	0	0		\$301.00	\$3,857.65
Sports and Facilities															
1. Playing Surface Mowing	Hrs.	0	0	0	358	360	371	365	390	407	412	180		2,873	2,888
2. Playing Field Preparation	Hrs.	280	650	720	518	460	386	275	388	432	420	200		4,748	4,872
3. Building Maintenance	Hrs.	294	205	237	210	113	119	40	22	80	75	58		1,421	865
4. Parks/Pools/Plants Courts															
a. Safety Inspections	Num.	32	44	50	50	50	50	50	50	50	50	50		528	344
b. General Repairs/Maint.	Hrs.	305	120	100	75	100	110	117	100	100	100	100		1,327	940
c. Grounds/Landscapes Maint.	Hrs.	550	575	300	390	350	310	280	189	133	150	150		3,337	2,895
5. Litter Removal	Num.	104	150	232	304	272	304	248	289	200	320	248		2,878	2,208
6. Vandalism Repairs	Dis.	0	0	25	50	100	75	28	75	200	175	600		1,328	1,641
7. Complaints Answered	Num.	0	2	1	5	4	2	4	3	3	2	3		28	40

**Public Information
2002 Citizen Call Log
As of 11/30/02**

Problem/Complaint	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD 2002	YTD 2001	% of 2002
Animal Control													0	1	0%
Business Complaint													0	5	0%
Development													0	0	0%
Garbage Company													0	15	0%
AT&T Cable	72	15	4	2	8	8	14	12	6	2	2		145	144	29%
AT&T Automated Complaints	13	127	39	24	29	23	19	18	22	6	8		328	0	67%
Ordinance/Code Violations		3	5	1									9	19	2%
Public Works Repair Request	1		1	1									3	6	1%
Recreation				1									1	1	0%
Traffic				1									1	1	0%
Utility Company													0	8	0%
Other	5												5	7	1%
TOTAL	91	145	49	30	37	31	33	30	28	8	10		492	207	100%
Average Response Time for action/update contact w/citizen	0.01 days	0.00 days	0.11 days	0.20 days	0.00 days	0.00 days	0.00 days	0.00 days	0.00 days	0.00 days	0.00 days				0.02 days
% Response Time for response / action on same day	99%	100%	90%	83%	100%	100%	100%	100%	100%	100%	100%				98%

2002 MONTHLY REPORT
PUBLIC SERVICES DIVISION

Activity Description	Unit	2002												2001	
		January	February	March	April	May	June	July	August	September	October	November	December	YEAR-TO-DATE	YEAR-TO-DATE
CART PATHS															
1. Const./Reconst./Overlay	Fl.	835	290	395	2768	0	450	854	1600	0	0	4675		11,867	14,400
2. Drainage Maintenance	Hrs.	225	308	148	135	204	101	38	23	195	248	83		1,708	2,476
3. General Maintenance	Hrs.	199	245	207	122	230	273	91	129	310	188	166		2,160	1,983
4. Mowing	Hrs.	0	0	0	75	135	185	60	75	68	45	0		643	811
5. Litter Removal	Hrs.	68	45	53	45	60	60	45	60	83	53	45		617	734
FLEET MANAGEMENT															
1. Equipment Maintenance	Hrs.	0	17	40	64	26	58	96	18	23	33	25		400	377
2. Equipment Repairs	Hrs.	183	150	144	212	298	246	263	229	173	158	218		2,274	1,850
3. Vehicle Maintenance	Hrs.	203	135	168	189	142	85	169	198	82	264	186		1,897	1,821
4. Vehicle Repairs	Hrs.	215	182	156	142	142	224	104	276	221	229	162		2,053	2,534
5. Fleet Down Time	Hrs.	608	484	514	610	608	622	638	739	506	686	597		6,612	6,711
RIGHT OF WAY															
1. Litter Removal	Hrs.	560	375	294	245	245	208	228	225	197	209	199		2,985	3,597
2. Right-of-Way Mowing	Hrs.	0	0	180	588	818	873	951	885	473	634	323		5,725	4,926
3. General Maintenance	Hrs.	700	927	490	127	546	243	226	262	729	586	591		5,427	5,424
LANDSCAPE															
1. Litter Removal	Hrs.	30	12	15	29	4	0	0	0	0	5	0		95	501
2. Mowing (Sub. Entrances)	Hrs.	0	0	356	659	934	757	706	859	791	802	547		6,411	6,213
3. General Maintenance	Hrs.	927	1068	231	384	376	246	321	265	48	466	306		4,638	4,527
4. Planting	Hrs.	139	97	27	15	0	15	2	7	0	25	35		362	387
RECYCLING SITE															
1. City Employees Hours	Hrs.	192	70	88	70	161	79	48	79	70	65	70		992	1,004
2. City Employees Salaries	Dis.	4024	1264	1712	1343	3381	1346	671	1473	1,346	1193	1415		19,168	18,115
3. Revenues	Dis.	489	355	328	424	341	445	498	401	364	496	394		4,535	5,316
4. Participants															
a. Recycling	Num.	409	465	379	567	434	590	382	404	433	411	379		4,853	8,001
b. Composting	Num.	1285	1117	1120	1867	1504	1901	1378	1428	1,352	1203	1250		15,415	14,027
c. Mulch (Pick Up)	Num.	61	128	95	219	59	168	56	121	112	55	114		1,188	2,165
SIGN MAINTENANCE															
1. Building Maintenance	Hrs.	20	20	21	22	22	20	19	22	20	23	14		223	215
2. Subdivision Sign Maintenance	Hrs.	75	77	123	123	64	87	77	56	66	85	54		887	754
3. Traffic Sign Maintenance	Hrs.	174	148	120	136	129	143	125	108	121	163	86		1,453	1,427
STREETS															
1. Street Sweeping	Hrs.	0	24	8	16	35	8	31	30	15	38	0		205	269
2. Pavement Patching	Hrs.	53	99	45	55	372	437	632	0	130	144	110		2,077	1,555
3. Drainage Maintenance	Hrs.	98	221	30	71	208	0	0	31	112	178	106		1,055	1,328
4. General Maintenance	Hrs.	513	733	823	681	582	548	161	56	363	524	423		5,407	4,990
MISCELLANEOUS															
1. Vandalism	Dis.	121	91	241	117	171	279	1050	179	126	119	197		2,691	1,208
2. Complaints Answered	Num.	20	28	12	12	18	22	26	35	43	44	26		286	373
3. Wash Police Cars	Hrs.	12	31	12	15	6	3	6	9	6	2	8		110	147

November

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: Interim City Manager 

DATE: December 26, 2002

SUBJECT: Indemnification Resolution

As you may know, Council adopts an indemnification resolution each year that provides elected officials, appointed officials (except authority members) and employees legal protection should they be sued as a result of the performance of their duties. Attached is a copy of the resolution for Council action.

/bt

attachment

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PEACHTREE CITY
REGARDING POTENTIAL LIABILITY
OF CITY ELECTED OFFICIALS,
APPOINTED OFFICIALS, AND EMPLOYEES**

WHEREAS, the City of Peachtree City is a municipal corporation duly chartered and incorporated by the State of Georgia; and

WHEREAS, as a result of certain decisions by State and Federal Courts, elected and appointed officials and employees of the City may be subject to suits seeking to hold those persons personally liable for damages; and

WHEREAS, elected and appointed officials, employees, and other individuals may be subject to formal complaints under the City Code of Ethics; and

WHEREAS, the City Council deems it to be in the best interest of the City to indemnify, defend, and protect City elected and appointed officials and employees from certain liability,

IT IS THEREFORE, RESOLVED THAT:

The City of Peachtree City shall indemnify, defend and pay any and all judgments rendered against any City elected official or appointed official (with exception of officials of authorities) or employee for any and all suits brought against them for any acts or omissions performed or neglected to be performed by them in the course of their employment, or association with the City.

The City of Peachtree City shall provide legal counsel to any elected official, appointed official, employee, or other individual who is investigated under the City's Code of Ethics (with the exception of officials of authorities) for representation before the Ethics Board, the investigation conducted by the Ethics Board, and any action taken by Council. Such legal counsel shall be selected by the individual requesting representation from a panel of three attorneys compiled by the City Staff selected from the attorneys on the approved list of lawyers maintained by GIRMA.

This indemnification shall not apply to those individuals who acted oppressively, maliciously, corruptly, or without authority of law as defined under O.C.G.A. §36-33-4.

This resolution shall remain in full force and effect until such time as it may be amended or repealed by a subsequent resolution of the City Council.

SO RESOLVED, in open session assembled pursuant to law. This _____ day of January 2003.

Mayor

ATTEST: _____
Jane S. Miller, City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members
FROM: Interim City Manager 
DATE: December 26, 2002
SUBJECT: City Attorney Appointment

At the November 21, 2002, meeting, Council took action to appoint Sanders, Haugen, Sears & Meeker, P.C., as the City Attorney effective in January 2003 with a specific date to be determined at this meeting. Staff recommends that Council confirm this appointment with an effective date of January 2, 2003, for a term of three years. Staff would also recommend that Council approve continuing to work with outgoing City Attorney Rick Lindsey at his previously approved rate, if necessary, during the transition between firms.

CH/bt

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: Interim City Manager 

DATE: December 26, 2002

SUBJECT: City Solicitor Appointment

At the November 21, 2002, meeting, Council took action to Warren A. Sellers, P.C., as City Solicitor with a specific date to be determined at this meeting. Staff recommends that Council confirm this appointment with an effective date of January 2, 2003, for a term of three years. Staff would also recommend that Council approve continuing to work with outgoing City Solicitor, Christy Jindra, at his previously approved rate if necessary during the transition between firms.

CH/bt

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: Interim City Manager 

DATE: December 26, 2002

SUBJECT: Legal Organ

As you may know, each year the City must appoint a Legal Organ in which to publish our legal notices and ads required by state law and the City Charter. Based upon ad costs and frequency of publication, staff recommends that the City continue with the Today in Peachtree City, published by Fayette Newspapers, Inc., as the City's legal organ.

CH/bt

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

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

FROM: City Engineer *JB*

DATE: December 19, 2002

SUBJECT: SR-54 Widening Project – Livable Centers Initiative Project
Highway 54W Bridge Enhancements (Decorative Lighting and Railing)

As a part of the Livable Centers Initiative planning, city staff has proposed some enhancements to the soon-to-be-widened CSX RR bridge on highway 54, just east of Huddleston. The basic bridge GDOT has designed is very utilitarian, the appearance of which will not match the rest of the corridor enhancements that are planned. Therefore, the City Planner has proposed some changes with the bridge railing and street lighting, which will improve the structure's appearance.

GDOT has agreed to incorporate the construction cost of the railing into their contract, if the City would pick up the cost for design changes associated with the railing and lighting (a decision on the lighting installation is pending). Qk4 is GDOT's consultant and they have provided the proposal for the additional services (attached). However, keep in mind the cost only includes modifying the bridge plans and adding the appropriate details for the rail, poles, and pole pedestals. Some additional design costs may have to be incurred to design the lighting package and electrical connections. This aspect of the work will be pursued with another consultant.

Since Qk4 is GDOT's consultant for the bridge project, we do not have the flexibility to follow the prescribed selection process according to our purchasing policy and are recommending that Council authorize a sole-source procurement in this case. In addition, city staff recommends that Council authorize a contract with Qk4 in the amount of \$11,036. Funding in the amount of \$35,000 is available for this work as a result of the recent budget amendment.

Attachment

Post-It® Fax Note	7671	Date	12/20	# of pages	5
To	TROY BESSECHE		From	STEVE POOLE	
Co./Dept.			Co.		
Phone #			Phone #		
Fax #	770 631 2552		Fax #		

Architecture

Engineering

Construction

December 20, 2002

Mr. Troy Besseche, City Engineer
City of Peachtree City
153 Willowbend Circle
Peachtree City, GA 30269

RE: STP-164-1(30), BRP-164-1(32)
SR-54 Bridge Over CSX Railroad

Dear Mr. Besseche:

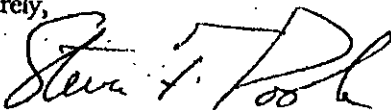
I have been informed that the Georgia Department of Transportation (GDOT) has approved adding Texas Rail and decorative lighting as line items in the BRP-164-1(32) construction contract. Although these items will be built and paid for under the normal terms and funding of the GDOT contract, Peachtree City will have to pay for the following:

- Design costs related to the plan modifications
- Energy and maintenance of the lights
- Actual utility connection for the lights.

► Qk4 is the prime consultant for the above reference GDOT contracts, and we have contracted with Heath & Lineback Engineers Inc. (H&L) to provide the bridge design services. H&L is currently in the final plan stages of the CSX bridge. The proposed bridge design changes will be performed by H&L, and their fee is submitted with this letter. Please review the cost proposal and associated notes and let us know if the proposal is satisfactory.

Please keep in mind the fee does not include services from a licensed electrical engineer as we have been requested to exclude such services from this proposal. If Peachtree City cannot secure such services from their lighting distributor of choice or elsewhere, please let us know so we can supplement this contract as appropriate.

Sincerely,



Steven T. Poole P.E.
Project Manager

cc: Mike Davidson, P.E.

2957 Clairmont Road

Suite 500

Atlanta, Georgia

30329

Ph. 404-329-5900

Fx. 404-329-5901

www.qk4.com

Heath Lineback Engineers

12/20/02

Page 1

BRF-164-1(32)
FAYETTE COUNTY
S.R. 54 OVER CSXT
P.I. NO. 322065
COST ESTIMATE

Additional Services - Decorative Railing

Additional Services - Decorative Railing					
1. Direct Labor					
	Hours	\$/hour	Cost		
Principal	0.00	49.00	0.00		
Project Manager	5.00	39.00	195.00		
Senior Engineer	8.00	32.50	260.00		
Engineer	36.00	22.00	792.00		
Technician	42.00	16.00	672.00		
Administrator	2.00	24.00	48.00		
93					
TOTAL DIRECT LABOR					1967.00
2. OVERHEAD AT 150.00%					2950.50
3. Labor + Overhead					4917.50
4. Fixed Fee at 12% of labor + overhead					590.10
5. Other Direct Costs			Est Costs		
Direct Costs - Material, Equipment, & Travel			0.00		
Total Other Direct Costs					
TOTAL (3+4+5)					0.00
Notes:					5508

Notes:

1. Estimate assumes that sidewalk will remain as currently detailed on plans.
2. Estimate is for removal of parapet as currently detailed and incorporation of Texas Barrier into plan set.

Heath Lineback Engineers

12/20/02

Page 2

BRF-164-1(32)
FAYETTE COUNTY
S.R. 54 OVER CSXT
P.I. NO. 322065
COST ESTIMATE

Additional Services - Lighting

1. Direct Labor					
	Hours	\$/hour	Cost		
Principal	0.00	49.00	0.00		
Project Manager	2.00	39.00	78.00		
Senior Engineer	9.00	32.50	292.50		
Engineer	35.00	22.00	770.00		
Technician	48.00	16.00	768.00		
Administrator	2.00	24.00	48.00		
	96				
TOTAL DIRECT LABOR					1956.50
2. OVERHEAD AT 150.00%					2934.75
3. Labor + Overhead					4891.25
4. Fixed Fee at 12% of labor + overhead					586.95
5. Other Direct Costs				Est Costs	
Direct Costs - Material, Equipment, & Travel			0.00		
Total Other Direct Costs					
TOTAL (3+4+5)					0.00
					5478

Notes:

1. Estimate assumes that the following items will be provided to H&L:
 - a. Light spacing and type of light standard (fixture).
 - b. Wire gage and location of power supply to connect lights.
 - c. Loads imposed by fixture and anchor bolt layout & requirements as specified by light manufacturer.
2. H&L will provide 2 sheets of lighting plans which will include:
 - a. Lighting location plan - light locations and conduit runs & lighting general notes.
 - b. Lighting Details - schematic details for conduit & junction box locations and interactions with structure.

Heath Lineback Engineers

12/20/02

Page 3

BRF-164-1(32)
FAYETTE COUNTY
S.R. 54 OVER CSXT
P.I. NO. 322065
COST ESTIMATE

Additional Services - Total (Decorative Railing and Lighting)				
1. Direct Labor				
	Hours	\$/hour	Cost	
Principal	0.00	49.00	0.00	
Project Manager	7.00	39.00	273.00	
Senior Engineer	17.00	32.50	552.50	
Engineer	71.00	22.00	1562.00	
Technician	90.00	16.00	1440.00	
Administrator	4.00	24.00	96.00	
189				
TOTAL DIRECT LABOR				3923.50
2. OVERHEAD AT 150.00%				5885.25
3. Labor + Overhead				9808.75
4. Fixed Fee at 12% of labor + overhead				1177.05
5. Other Direct Costs			Est Costs	
Direct Costs - Material, Equipment, & Travel			50.00	
Total Other Direct Costs				
TOTAL (3+4+5)				50.00
				11036

26

Heath Lineback Engineers

12/20/02

Page 4

S.R. 54 OVER CSXT	FAYETTE COUNTY					
BRF-164-1(32)	P.I. NO. 322065					
DRAWINGS TO BE REVISED	HOURS					
TASKS	Principal	Project Manager	Senior Engineer	Engineer	Technician	Project Admin.
PLAN & ELEVATION		1	1			
Add Texas railing to elevation view				1	2	
GENERAL NOTES		1	1			
Add pay item Concrete Parapet, Spcl. Desn.					1	
Revise SS Reinf. Steel quantities				1	1	
Revise endposts in "Bridge Consists of"					1	
CONSTRUCTION SEQUENCE						
Revise to show texas barrier				1	1	
DECK PLAN		1	1			
Revise railing dimensions				4	1	
Delete parapet bar designations				1	1	
Show fence post spacing				4	2	
DECK SECTIONS - SPANS 1 & 3			1			
Revise all views from parapet to railing				1	2	
DECK SECTIONS - SPANS 2			1			
Revise all views from parapet to railing				1	2	
MISCELLANEOUS DETAILS - SHT 1						
Remove Parapet Details				1	1	
MISCELLANEOUS DETAILS - SHT 2			1			
Revise fence detail for railing				2	2	
BAR REINF. DETAILS - SHT 1		1	1			
Remove details for parapet reinforcement				1	1	
COST ESTIMATE						
Revise to omit Parapet and add railing				2		
DRAWINGS TO BE ADDED						
BARRIER DETAILS - SHT 1		1	1	16	24	
SUBTOTAL FOR RAILING		5	8	36	42	2
LIGHTING DETAILS - SHT 1		1	3	16	24	
LIGHTING DETAILS - SHT 2		1	3	16	24	
Coordination with Lighting Plan			3	3		
SUBTOTAL FOR LIGHTING		2	9	35	48	2
TOTAL HOURS	0	7	17	71	90	4

93

96

189

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Interim City Manager 

FROM: Deputy City Clerk 

DATE: December 27, 2002

SUBJECT: Alcoholic Beverage License – NEW – Buckner Petroleum, Inc.

Buckner Petroleum, Inc., a convenience store located at 2597 Highway 54 West (formerly Alyce's Amoco), has applied for an alcoholic beverage license. Mr. Robert D. Buckner has requested he be appointed as the Licensee and as the license representative. Mr. Buckner currently holds an alcoholic beverage license for another convenience store in Fayetteville. The Police Department has not received a complete criminal history on Mr. Buckner at this time. Staff recommends approval pending a satisfactory criminal history report from Chief Murray.

Mr. Buckner will attend the January 2nd Council meeting to answer any questions you may have.

BT:pd



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: <i>BP/Amico</i> <i>Buckner Petroleum Inc.</i>	Business Location: <i>2597 Hwy 54 W</i> <i>PTC 30269</i>	
Nature of Business: <i>Convenience store</i>	Mailing Address: <i>2597 Hwy 54 W.</i> <i>Peachtree City, GA 30269</i>	Business Phone Number: <i>770-487-6955</i>
Name of Licensee: <i>Robert D. Buckner</i>	Home Address: <i>140 Handshaker Ct. Fayetteville</i> <i>30215</i>	Home Phone Number: <i>770-719-7553</i>
Name of License Representative: <i>Robert D. Buckner</i>	Home Address: <i>same</i>	Home Phone Number: <i>same</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>Robert D. Buckner</i>	<i>140 Handshaker Ct. Fayetteville</i>	<i>(7) 719-7553</i>
<i>Christina Buckner</i>	<i>140 Handshaker Ct. Fayetteville</i>	<i>(7) 719-7553</i>
<i>Buckner Petroleum Inc.</i>		
<i>Robert D. Buckner</i>		

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

SENATOR MITCH SEABAUGH
District 28
P.O. Box 504
Sharpsburg, Georgia 30277
(770) 304-0652

302 Legislative Office Building
18 Capitol Square
Atlanta, Georgia 30334
Tel: (404) 656-6446
Fax: (404) 657-3217

Email: GAsenate28@aol.com



COMMITTEES:
Agriculture
Insurance and Labor
Public Safety
Special Judiciary

MAJORITY WHIP

The State Senate

Atlanta, Georgia 30334

December 20, 2002

The Honorable Steve Brown
148 Terrane Ridge
Peachtree City, GA 30269

Dear Mayor Brown,

I have requested to address the Peachtree City Council on January 2, 2003. The purpose for my address is to update the council on contacts I have received from some of our common constituents regarding transportation issues.

With the upcoming change in our state's administration, there may very well be a great opportunity for us to capitalize on transportation funding. However, there must be a contributing partnership of all government entities for us to fully be able to maximize our potential to address our common transportation needs.

I have worked to bring our state's assistance to our transportation needs. We have seen an acceleration of the widening of 34/54, the acceleration of right-of-way acquisition on 74 and a commitment for a light at 74 and Dividend Road. I have also paved the way for possible assistance on the proposed TDK extension, one project I personally feel critical as evidenced from the responses I have received from businesses and constituents.

Continued progress however, will only be possible if there is a solid agreement and steadfast commitment to see them completed. No transportation project improvements are possible if it is not a priority of the Council and for this reason I wish to try to gain better understanding of the Council's transportation priorities and their commitment to contribute to the projects.

Budget issues are a concern in every government entity this coming year. That is why it is absolutely critical I understand which projects are priorities along with what can be afforded. I cannot effectively gain state funding for projects that the County or City

cannot locally afford to participate. With money short, only priorities can be addressed. Local governments will need to define those priorities and provide evidence of a commitment to the projects.

I look forward to being with the Council on January 2 for us to begin the discussion of your priorities. If you have any questions, please, as always, feel free to call me.

Sincerely,



Mitch Seabaugh

CC: Mayor Steve Brown
Peachtree City Council Members
Fayette County Commissioners
Representative Lynn Westmoreland
Representative Kathy Cox
Representative John Yates
Representative John Lunsford

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members
FROM: Interim City Manager *CH*
DATE: December 26, 2002
SUBJECT: Former Leach Station Property

Attached are two documents relative to this agenda item. The first is a staff position paper from the City Planner highlighting concerns with the possible disposition of this property. The second is a legal opinion from the City Attorney relative to Council's legal right to dispose of the property.

CH/bt



Peachtree City

Georgia

TO: Mayor and Councilmembers

VIA: Interim City Manager *WJA*
Interim Developmental Services Director *DD*

FROM: City Planner *David*

DATE: December 26, 2002

SUBJECT: **Former Leach Station property**

Staff has been asked to provide a review of the information submitted by FC&A for the proposed development of the former Leach Fire Station site at the intersection of GA 74 and Paschal Road. It is our understanding that Council is considering selling a portion of this property to FC&A to accommodate a parking expansion and that FC&A has agreed to construct and maintain the proposed park feature. It is also our understanding that representatives from the City's Fire Department and FC&A have met with the Reed family, who have endorsed the park feature.

With no disrespect intended toward the Reed family, Staff is opposed to the sale of this property and to the development of a parking lot on City-owned property. Staff is also very concerned that the plan prepared for this property and presented to the Reed family does not meet specific requirements identified within the City's Land Development Ordinance and could not be constructed without the issuance of several variances.

Staff has prepared the following synopsis to provide you with some background information and to identify our concerns with this proposal:

History of property/ former requests for development

The property in question is 0.925-acres in size and is located at the intersection of GA 74 South and Paschal Road. Paschal Road has always been considered as one of the main entrances into the City's industrial park. The original Leach Fire Station was formerly located on the site, but was demolished last year when the new Leach Station was completed at the intersection of Paschal Road and Clover Green.

Prior to demolishing the former building, Staff considered using this structure as the site for the Satellite Auto Facility or as additional storage space and staging areas for the Public Works and Recreation Divisions. Due to the fact that the site and building were in such a visible location, it was determined that the property would not be appropriate for these uses.

Former Leach Station property

December 26, 2002

Page 2

The City was also contacted by several civic organizations about the possibility of renovating the former building and utilizing the space for meetings and social gatherings. Due to extensive costs for renovation, including the removal of asbestos, and long-range maintenance and liability costs, it was determined that the building would not be appropriate for these uses.

When it became public knowledge that a new fire station would be built, Staff began receiving requests from a variety of developers, organizations and businesses wanting to purchase and redevelop the subject parcel. It must be noted that FC&A has been persistent in submitting requests over the years wanting to purchase all or a portion of the property. It must also be noted that Staff and former Councils have repeatedly informed them that the City had no interest in selling publicly held property for development.

In addition to FC&A, Staff has received numerous inquiries from representatives of service stations, banks, restaurants and various offices asking if the City would be selling this property when the new fire station was built. In each of these instances, Staff was advised to inform these individuals that the City had no interest in selling this property.

Zoning vs. Land Use

The property is zoned LI Limited Industrial, which permits a variety of industrial uses. During the recently completed update to the City's Land Use Plan, Staff and the Planning Commission recommended that the subject parcel be rezoned to OS Open Space. This recommendation was based on the understanding that the property would be re-developed into a memorial park in honor of Chief Reed and the Volunteer Fire Department. Due to the fact that Council was considering a request from the adjoining property owner to develop a portion of this site, this recommendation was not forwarded to City Council.

When this site was being discussed, Staff and the Planning Commission felt strongly that the property should be developed into a park or remain as open space. Due to the fact that the property is located at one of the main entrances into the industrial park and is highly visible from GA 74, it was felt that the property should be enhanced and utilized as an entry statement into the industrial park.

Additionally, Staff has identified this site as the location of the proposed Paschal Road multi-use tunnel. The tunnel and path system will traverse this site once the GA 74 widening project is complete. It is imperative that the property not be developed in a manner that would preclude this important link within the overall multi-use path system to occur.

Design restrictions

The minimum front building setback within the LI zoning district is 30', and the side and rear setbacks are 20'. The LI zoning ordinance does not permit automobile parking or service areas within the front building setback. The subject parcel is also considered a "multiple-frontage" lot, as it borders GA 74, Paschal Road and Clover Green. Therefore, the front setback (30') would apply to GA 74, Paschal Road and Clover green, and parking would not be permitted within these setbacks.

The City's Buffer Ordinance would also be applicable to the subject parcel. GA 74 is considered an arterial highway, which requires a minimum 60' tree save and landscape buffer. To ensure there is a vegetated buffer adjacent to both GA 74 and GA 54 once the respective widening projects are complete, Staff has required these buffers to be measured from the future road right-of-way rather than the existing right-of-way. The Buffer Ordinance also classifies Paschal Road as a Community Collector, which requires a minimum 50' tree save and landscape buffer.

Critique of current design

Based on these design restrictions, the proposed site plan could not be approved without a number of variances. It is highly unlikely that Staff would support these variances. The plan also proposes a fairly intensive development on an important and highly visible parcel of land. It appears that the idea of utilizing this property to develop a memorial to Chief Reed and the Volunteer Fire Department is being compromised by the addition of a large and impersonal sea of asphalt. It is Staff's position that the parking lot is taking prominence over the park and memorial feature.

Also, it must be taken into account that Staff has been advised in the past to inform interested parties that this property would not be sold for development. It is uncertain what publicity might be generated if Council elects to sell a portion of this parcel to one individual for development without offering the same property to the general public.

Within recent years, it has been most uncommon for the City to sell and/ or 'swap' publicly held land to private individuals. The most recent case was several years ago and involved a cart path within an older subdivision that was installed on private property rather than within a recorded easement. The City was able to resolve this issue with the new property owner by 'swapping' a small portion of land and re-recording the plat. This was referred to as a "housekeeping" issue.

Although somewhat of a different circumstance, Staff must also point out that Council recently refused to sell or swap City-owned property to Mr. Rye within the St. Andrews Square subdivision. Due to the lengthy discussion and publicity generated by this issue, Council may want to consider the comparisons between this issue and the proposed sale of the property at the corner of GA 74 and Paschal Road.

Staff will be available to answer any questions at the January 2 Council meeting.

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 †

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
7 West Broad St.
Fairburn, Georgia 30213

Other licenses:
* Florida
† Illinois

December 26, 2002

Mr. Colin Halterman
Acting City Manager
151 Willowbend Road
Peachtree City, GA 30269

Re: Selling Old Leach Station to Frank Cawood & Associates, Inc.

Dear Colin:

Chief Lohr has asked whether the City can sell a parcel of property to Frank Cawood & Associates, Inc. ("Cawood") bypassing the bidding process. Cawood wants to use the property to expand its parking lot, and has agreed to pay the appraised value and, in addition, to donate funds to the City for construction and maintenance of a park on adjoining City property. I conclude that the City probably can convey the property without obtaining bids.

As a general rule, a city that wants to sell property must provide notice that the property is for sale and sell it to the "highest responsible bidder." O.C.G.A. § 36-37-6(a). There are several exceptions to the bidding requirement, however, two of which may be applicable here. *First, a city may bypass the bidding process if it is selling real property in "established municipal industrial parks" or in "municipally designated industrial development areas" for industrial development purposes.* O.C.G.A. § 36-37-6(d). Neither the Georgia Code nor the Georgia Administrative Code define an "industrial park" or an "industrial development area." The property in question is located in the area generally recognized as the City's industrial park. In the absence of an official definition of an industrial park, the property in question should fit within this category. The exception provides that bidding is not required when this type of property is sold "for industrial development purposes." The City could make a reasonable argument that conveying property to expand the parking lot of an existing industrial facility contributes to the industrial development of the area. Under this provision, the City is not required to offer the property to any other entity, including abutting landowners.

Second, a city need not comply with the bidding process to convey "parcels of narrow strips of land, so shaped or so small as to be incapable of being used independently as zoned" to

I:\PTC\CITY\Opinions 2002\Property Disposition.wpd



Mr. Colin Halterman
December 26, 2002
Page 2

abutting property owners, provided that all abutting property owners are given an equal opportunity to purchase the property. O.C.G.A. § 36-37-6(g) (sale is permissible provided "that each abutting property owner shall be notified of the availability of the property and shall have the opportunity to purchase said property under such terms and conditions as set out by ordinance").

This exception is dependent on the subject property being too small, narrow, or oddly shaped so that it is not capable of being developed under the applicable zoning ordinances. Even if the property fits this definition, the City could not sell the property to Cawood without first notifying all abutting property owners that the property is available for sale. If I am correct, there are no other abutting landowners except for the City.

These two exceptions to the general rule are somewhat vague, and I found no case law interpreting them. That vagueness may help the City, however. Provided the City can make a reasonable argument that the property falls under one or both exceptions, a court would likely uphold the sale. O.C.G.A. § 36-30-02 provides that a city council has discretion in the disposition of city property. "Where such discretion is exercised in good faith, equity will not interfere therewith." *Id.* Recognizing this broad discretion, courts have often upheld sales of municipal property that were challenged as impermissible. See *Kirkland v. Johnson*, 209 Ga. 824 (1953) (court will not interfere with or inquire into wisdom of sale of municipal property in the absence of illegality, fraud or a clear abuse of discretion); *Hamsley v. City of Unadilla*, 265 Ga. 494 (1995) (court will not interfere in city's disposition of property except in a clear case of mismanagement or fraud).

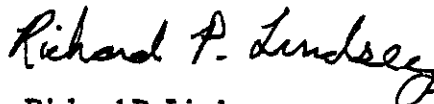
In short, the City can sell the property to Cawood without going through the bidding process and without offering it to abutting landowners on the basis of its location in a municipal park. In the alternative, the City could rely on the exception for narrow strips of land, although in that case the City would have to offer the property to all abutting landowners.

Should you wish to discuss this matter further, please do not hesitate to contact me.

Best regards.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC



Richard P. Lindsey

RPL:

I:\PTC\CITY\Opinions 2002\Property Disposition.wpd