City Council of Peachtree City
Agenda
November 18, 2004
7:00 p.m.

I. Prayer

II. Pledge of Allegiance

III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Recognize Tom Carty for 10 years of Service
Recognize Nancy Moll as Employee of the Month
Recognize Sherry McHugh and Robin Tennant for State Recreation Awards
Recognize Starr's Mill Girls Volleyball Team as State Class 5 Champions

IV. Minutes
October 21, 2004, Regular Meeting Minutes
November 4, 2004, Regular Meeting Minutes

V. Consent Agenda
1. Alcohol License – Change in Licensee and License Representative – Buckner Petroleum/BP
2. Alcohol License – Change in License Representative – Kwickie/Flash Foods
3. Consider Appointments to WASA
4. Consider Budget Amendments

VI. Old Agenda Items

VII. New Agenda Items
11-04-07 Consider Request from Lawson-Mardon for Use of Existing Smoking Room
11-04-08 Consider Appointment of Auditing Firm
11-04-09 Consider Amendment to Defined Benefit Pension Plan for Part-time Employees
11-04-10 Consider Amendment to Pension Plan Regarding Payment to Estate
11-04-11 Consider Amendment to Pension Plan Regarding Actuarial Equivalences
11-04-12 Consider Amendment to Pension Plan Regarding Special Retirement Benefits
11-04-13 Consider Increase in Employee Life and AD&D Insurance

VIII. Council/Staff Topics

IX. Executive Session

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

City Council of Peachtree City
Minutes of Regular Meeting
October 21, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, October 21, 2004, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown recognized Mike Stewart of Public Works as the September Employee of the Month. Assistant City Manager Colin Halterman was recognized for 20 years of service with the City.

Brown moved to move Old Agenda Item 10-04-05 Consider Approval of Site Plan for Kedron Village Retail Expansion to the end of the agenda. Rapson asked Brown to amend his motion and include 10-04-03 Consider Step One Annexation Application from John Wieland. Brown accepted the amendment. Rapson seconded the motion. The motion carried unanimously.

Minutes

Rutherford moved to approve the October 7, 2004, Regular Meeting Minutes. Rapson seconded. The motion carried unanimously.

Consent Agenda

1. **Alcoholic Beverage License – Change in License Representative – Kwickie/Flash Foods #246**
2. **Consider Request from Braelinn Elementary for Construction of Track**
3. **Consider Amendment to Smoking Ordinance Regarding Smoking in City Parks/Facilities**
4. **Consider Approval of Sanitary Sewer Easement Request for Braelinn Church**

Brown noted there was an additional document on the dais related to Consent Agenda #2 – a memo from the Leisure Services Director dated October 19, 2004, with the subject "Request from Braelinn Elementary School."

Rutherford moved to remove Consent Agenda #2. Brown amended the motion to include Consent Agenda #4. Rutherford accepted. Rapson seconded. The motion carried unanimously.

Rutherford moved to approve Consent Agenda #1 and #3. Rapson seconded. The motion carried unanimously.

2. **Consider Request from Braelinn Elementary for Construction of Track**

Rutherford said $25,000 was budgeted for non-profit organizations and schools. She asked if the money for the track should be moved from that account to the Public Works budget to pay for the labor. Financial Services Director Paul Salvatore said the funds were already included in the Public Works budget. The cost was really the work that would not get done while the crew was working on the track. Salvatore said they could make a journal entry in the non-profit account to reflect an in-kind donation of time by Public Works employees. Rutherford asked if this would be above and beyond the non-profit fund. Salvatore said if the work was done over and above the normal eight-hour day, then they would definitely transfer the funds from the non-profit. Assistant City Manager Colin Halterman said the 10-12-person cart path crew would finish the work in two to three days. Rapson noted that this type of project had been done before, so there should be a history. Kourajian asked the Braelinn Elementary School representative if the track would be open to the public during non–school hours. She said that the track would be open. Rapson said the school was following CAR 8-3 and meeting all the criteria.

Rapson moved to approve the request for Braelinn Elementary to construct the track. Kourajian seconded. The motion carried unanimously.

4. Consider Approval of Sanitary Sewer Easement Request for Braelinn Church
Brown said he asked for this item to be removed because he was a member of the church. Rapson said he was also a member of the church. City Attorney Ted Meeker said that, under the City's ethics ordinance, there was no conflict since the action would benefit the entire church, not the Council Members individually. Rutherford added that the easement had been approved earlier by a Council that did not include any of the current members.

Rapson moved to approve Consent Agenda #4, the sewer easement request for Braelinn Church. Rutherford seconded. The motion carried unanimously.

New Agenda Items

10-04-10 Consider Comments Concerning Alcohol Handling Permits – Sonny Ishmael, Beef O'Brady's
No action was needed. No one attended the meeting to represent Mr. Ishmael or the restaurant.

10-04-11 Alcoholic Beverage License – Change in Owner – Thai Isan Restaurant (Papaya Thai)
Ta Crocker, the applicant, addressed Council. Rutherford moved to approve the alcoholic beverage license change in owner for the Thai Isan Restaurant and that Ta Crocker be named as Licensee and License Representative. Rapson seconded. The motion carried unanimously.

10-04-12 Consider Resolution to Support Statewide Smoking Ban
Brown noted that the City had recently approved the Smokefree Air Act. One of the criticisms was that City businesses were no longer on an even playing field with other businesses in the state. By supporting the resolution, Council was asking the state to impose a smoking ban statewide so all businesses would be impacted evenly.

Rapson moved for Council to support the resolution and to send it forward to the state in hopes the state officials would make the right decision. Rutherford seconded. The motion carried unanimously.

10-04-13 Discussion on Questionable Programming on the Expanded Basic Broadcast Cable System

Brown noted that Teresa Clark had brought this topic to his attention and she provided a copy of a fact sheet and letter, written to Andy Macke of COMCAST, to each Council Member.

Clark told Council she was flipping channels on the basic standard cable when she came across pornography on the FX channel, Channel 43. Clark called COMCAST the next day and asked for parental controls. She was told she would have to pay $4.80 per box per television, which would be $14.40 extra each month. Clark continued her research and found information that confirmed cable companies would provide a blocking device for free. She made six telephone calls, sent a certified letter, and e-mailed lobbyists before receiving her cable blocking for free. Clark said it was not right for parents trying to protect their children from indecency to go through so much before receiving the controls. She asked Council to ensure those parental controls were more available to families before renegotiating the City's agreement with COMCAST.

Brown clarified that the statement that the control devices would be provided free came from Robert Sachs, president and CEO of National Cable and Telecommunications Association (NCTA). Clark added that she had a lot of documentation and asked why it took 26 days to make things right. Brown noted that he had not watched television for 13 years, but he had talked with parents and read articles in the newspapers.

Cindy Fallon addressed Council and gave them a copy of a letter she had written to Andy Macke at COMCAST dated October 13, 2004. Fallon said she had cut back to the smallest package and was furious when she was told she would have to go up to the next package in order to obtain the parental controls, which she would have to pay for.

E.R. Clark noted there was no regulating agency for cable television. The basic television networks also had language, nudity, and other offensive programming. He asked the City to make the information available that blocking boxes were available to cable subscribers on request, and that the City should be a leader in taking a stand against offensive programming.

Brown moved to follow the lead of the NCTA and provide an ordinance at the next meeting that required all cable providers in the City to supply subscribers with the ability to block undesirable channels at no charge. Rapson seconded.

Rapson asked if Andy Macke with COMCAST was at the meeting. Public Information Officer/Deputy City Clerk Betsy Tyler told Council that Macke had intended to be at the meeting, but anticipated the discussion would be later based on the agenda. Rapson said if Macke was willing to make the blocking equipment available in the contract, then there would be no need for an ordinance. Kourajian said he wanted to hear what Macke had to say. Brown noted the cable company was not legally required to provide the blocking devices,

Brown said making the blocking equipment available was not legally required, but was a suggestion of the national association. Rapson withdrew his second to Brown's motion. Brown moved to hold the agenda item until Macke arrived at the meeting. Rapson seconded. The motion carried unanimously.

Old Agenda Items

10-04-03 Consider Step One Annexation Application from John Wieland

Brown noted the additional document on the dais – a memo to City Council from Developmental Services dated October 21, 2004, and the subject "John Wieland Homes Annexation Request, Potential Number of Housing Units Supplemental for the October 21, 2004, Council Meeting."

City Planner David Rast told Council this was the first foray into the new annexation procedures. John Wieland Homes submitted all the information required in Step One of the process. Rast said Council should consider the application and determine if the application should move forward to Step Two or not.

Dan Fields, vice-president of John Wieland Homes and Neighborhoods, reminded Council they had met in the spring and discussed the possibility of open charettes. Fields clarified that a charette was a public workshop. Three charettes had been held and attended by over 200 people representing civic groups, neighborhood associations, and various interest groups. Fields noted that some of the items discussed were included in the City's comprehensive plan. The residents also wanted continued input into the planning after Step One.

Fields summarized that the major components were transportation, better access to businesses and restaurants, the opportunity to coordinate golf cart paths, an improved railroad crossing with the possibility of stopping the train whistle at night, soccer fields, dedicated open space adjacent to the wetlands and Line Creek, boardwalks in the Line Creek area, and protection for the environment. The residents wanted MacDuff Parkway extended, as did the Board of Education. Residents felt the emergency response times would improve if MacDuff Parkway were extended. Fields pointed out that Line Creek was a source of water and was an area to be protected. The land plan made sewer access economically feasible. Access to sewer allowed for more dedicated open space and park area. The open space could be configured as a contiguous piece of land that offered more protection to Line Creek. Other options under consideration included land for churches, senior living spaces to accommodate the City's changing demographics, and a Main Street/town center area.

Fields said that, by annexing the area, the City could control the development. The zoning allowed multiple uses, which was endorsed by the Atlanta Regional Commission (ARC). Fields said they could only produce a plan to be proud of with the help of the ARC, Georgia Regional Transportation Authority (GRTA), and staff.

Fields continued that approving Step One did not mean Council approved the annexation. They would continue to refine the plan and to work with the residents. Fields said the plan would help address school and traffic issues. He asked Council to approve the Step One application so they could continue to work to come up with a plan that was acceptable to the City, the residents, and to the developers.

Dana Kinzer read a prepared statement, which is included in the official meeting file for this meeting. His statement primarily addressed the extension of MacDuff Parkway and designation of the area as a "Quiet Zone" by CSX Railroad, as well as emergency response times.

Kourajian asked Fields if the Board of Education wanted MacDuff Parkway extended. Fields said the Mayor indicated that the Board of Education had told him they wanted the road extended at one of the charettes. Fields said he had also received calls from the Board of Education and was asked when the road would be extended so they could begin planning for the Centennial elementary school site.

Brown said he had discussed the MacDuff Parkway extension with School Superintendent John DeCotis and three administrators. DeCotis said he supported the extension for another access to the school. Brown said that lengthening the parkway would allow the Board of Education to build the school because there was another access point. Fields said he had spoken with Jerry Whitaker of the Board of Education's administrative staff and Whitaker had indicated they wanted MacDuff Parkway extended. He led Fields to believe that both access points would be used. Kourajian clarified that the access point was at the former COMCAST location. He noted that, in the past, the Board of Education had expressed concern about buses using at-grade crossings. Brown said buses drove over the railroad tracks in the City on Kelly Drive. Rapson clarified that the names being mentioned were administrators, not Board of Education members. Fields said Whitaker was willing to provide a letter from the board, but Fields told Whitaker it was too early in the process to do so.

Kourajian asked about better access to established restaurants. Fields said the residents could take MacDuff Parkway from GA 74 South to GA 54, rather than going through the GA 54/GA 74 intersection. He added that residents could live, work, play, and eat in the same neighborhood, without having to get on either state highway. Kourajian said extending MacDuff Parkway could increase traffic in the area, rather than relieve traffic woes. He said the soccer fields and the town center would draw people to the area, rather than help people get out of the area.

Fields said they were asking Council to approve the application so they could begin traffic studies and find out if the impact would be negative. He said the soccer fields would relieve some of the traffic traveling from Kedron to the soccer fields on Highway 74 South. Brown said they had discussed the GA 54/GA 74 intersection at both charettes. Mitigating structures would not be implemented until 2011 and the extension of MacDuff Parkway could get some of the traffic going to GA 74 South before getting to the worst intersection in the County.

Kourajian agreed, but added more people would use MacDuff Parkway as a cut-through and more people would be attracted to the soccer fields and town center. Fields said they would also get further insight from the ARC and GRTA about the optional traffic flows. Traffic would increase some, but there would be options for the people who lived there to keep them off the state highways.

Kourajian noted that there had been an annexation plan several years ago that included the entire unincorporated area from the City line to Tyrone. He asked Fields if he had spoken with the other landowners. Kourajian said the area was an unincorporated island. He continued that the remaining land would still be an island if this area were annexed. He asked if the developer had considered developing the entire area, putting a bridge over the railroad tracks, and providing a third entrance. Fields said they had not looked at that recently, but he knew that one landowner had no interest in participating. The Council Members decided that annexation was not in the best interests of the City at that time.

Brown said one owner had clear-cut his property, and the City did not want that land. Brown said the land north of this property would be in the County, but the response times for the County would decrease because they would also use MacDuff Parkway as access.

Kourajian asked Fields if he had discussed the proposed annexation with the County. Rapson said the County could object only if there was a bonafide land use complaint. Meeker said a more intense zoning would be considered a bonafide land use objection. Kourajian asked if proposed annexation was an exercise in futility if the County objected. Fields said that was unknown at this time. Fields said the County's zoning was R-2, one home to every two acres. Brown and Rutherford recalled a court case concerning the County's zoning in which the County agreed to change the zoning for the area from five-acre lots to two-acre lots, but no smaller. Brown said there were also problems with emergency response times. Rutherford said the area was on the edge of the City and there should be step-down density. She pointed out that the lots became larger on the City's other borders.

Kourajian asked Fields if he had considered one house on every two acres and extending the road, which would make everyone happy but the soccer people. Fields said they could look at that option. He continued that, at the charettes, everyone focused on quality. Fields said they were open to working with the City and the residents, and that was why they had not contacted the County officially. Until they had gotten through Step One, there had been no reason to contact the County or think about Step Two.

Fields continued that, by working together, they might be able to build something of high quality. He asked Council again to approve the Step One application and allow the developer to talk with City staff. He said they wanted to build something of minimum impact and maximum value.

Citizens who spoke included Tamara Moore, Wayne Roberts, and Todd Strickland. Their comments included:

- The school could not come in without the road expansion;
- A jewel of a developer would go away and no one knew who might come in next;
- Concern for emergency services and response times;
- Concern that traffic engineers would be the same ones who said Wal-mart and Home Depot would have no traffic impact;
- Concerns about density;
- Need to build and plan development from the inside out, not the outside in;
- Concerns about whether MacDuff Parkway would be two-lane or four-lane road;
- The opportunity to create something to make the City better;
- Mixed-use development was best for place making;
- Key to mixed use was choices, whether to drive, walk, or ride bikes; and
- Focus should be on quality, not just density.

Rapson said he had issues with density. The property was 364.8 acres. He estimated 30% of the property would be used for roads and amenities, which meant 128 homes could be built in the area according to the County's zoning. Rapson said the developer could try approaching the County and asking for help to extend the road. He estimated the cost to extend the road at $5 million, which should be less than 10% of the cost to put the development into the ground.

Rapson continued that he heard four critical elements during the presentation. The extension of MacDuff Parkway was needed. Rapson agreed that putting the homes on sewer was an environmental plus. The only question would be capacity. Control over the development was important, as were public safety concerns. Rapson said he had heard there would be multi-family and cluster housing and he wanted to know the density, since density impacted the roads, schools, sewer, and public safety. Rapson said there was not enough information in the application, and it would be fine for the developer to resubmit the application. He said he needed to know the developer's commitment to density. Rapson said he was in favor of approaching the County to help extend MacDuff Parkway.

Brown noted that Step One was a general overview of the proposal. Rapson said they had gone to great lengths to discuss the issues. Only three votes were needed to approve the application. Brown said the information Rapson was looking for would be included in Step Two of the process.

Fields said everyone working together could figure out the density and quality issues. He did not want to be locked into density. Fields continued there were a lot of amenities, and he honestly did not know what the density needed to be. They wanted to create a special neighborhood first, then worry about the density. If they did not achieve the quality and density Council was looking for, they could say no to the annexation. Fields said they would continue to hold workshops and keep Council in the loop. Fields asked Council to give them the chance to work with City staff and GRTA.

Rutherford said the West Village included everything from the City to Tyrone and Coweta County. All the landowners needed to be involved. She said she did not have a problem not knowing the density, but she needed to know that more than one piece of property in the area was included. She was concerned that the developer had not talked with the other landowners. She wanted to have the opportunity to see how the whole piece would work for the City. Fields said that perhaps those parcels could be included as they went through the process.

Brown recalled that he railed against the earlier annexation because it was a hodge-podge of everything. He supported the annexation of the Katz property because the developer had done the right thing. When he found out that Wieland had purchased this parcel, he was excited because the developer had the financial wherewithal to pull the project off and had done so elsewhere in the metro area. Brown said the road would give the City access. If the City had the road, then the City could control everything that happened north of the property because it controlled the access.

Brown moved to approve the Step One submittal by Wieland in order to work with staff and take the plan to Step Two. Weed seconded.

Weed said he had been invited to attend the last charette by Dana Kinzer. Fields had also approached him regarding his initial thoughts about the process. Weed said when he ran for office, he committed that he would not support an annexation during his term in office. Weed said he would vote in support of the Step One application, and that the developer had a right to move forward. He would not, however, support the annexation.

The motion failed, 2 (Brown, Weed)-3 (Kourajian, Rapson, Rutherford)

Rapson encouraged Fields to take Council's comments and file an amended application. Meeker said there was nothing in the ordinance to prevent the developer from re-submitting the application. He asked Council to take formal action to allow Fields to resubmit the application. Rapson moved to table the annexation until the developer determined if the application would be resubmitted. Kourajian seconded. The motion carried unanimously.

10-04-13 Discussion on Questionable Programming on the Expanded Basic Broadcast Cable System

Brown briefly went over the previous discussion. Andy Macke of COMCAST told Council the company had taken a second look at how indecent programming was treated. A public awareness campaign was initiated so people would know the choices available to them. Inappropriate programming could be blocked by several methods. Macke showed a tape of one of the public service announcements shown by COMCAST. Rapson said he had not seen the video, and asked for a show of hands of those who had seen it. Kourajian asked how long the spots had been running. Macke said they started in March. Macke noted that the spot just shown had run 300 times in the last month over 48 channels, and other spots ran during that time providing the same information.

Rapson said, when the issue had been brought to his attention, he watched the program in question. It was not soft pornography, but hardcore pornography that someone should pay for. Rapson said the cable company had a right to show it, but it should be moved to a premium channel. He suggested a mailing to homes in the City that said the company was willing to provide what was needed to block the programming at no cost to the customer.

Macke said the purpose of the public awareness campaign was to make people aware of their options. The company was interested in giving people control. When a new customer came in, they received a welcome kit that included information on how to block programming. Macke continued that COMCAST did an annual mailing, usually in November that also included the information. Rapson said he would like to see information go out in November.

Brown said he had talked with many parents who were put on hold indefinitely, then told they would have to up their level of service to get rid of the pornography and pay for the controls. Rapson said this matter fell under the "welfare" of the community. Rapson told Macke he wanted a firm commitment, or there would be no agreement with COMCAST.

Rutherford said COMCAST should also look at training their customer service personnel so parents would know their options. When parents called, the response should be what kind of device do you have and come by and get a box. Macke said that was no problem. If blocking programs could not be done with filters, then boxes would be available.

Brown asked the City Attorney if Council had any teeth in the matter if the subject was not covered in the franchise agreement. Meeker said they could do it within the confines of the franchise agreement. Rutherford said before the agreement was to be signed again, she wanted to be sure the parents would get the appropriate response. Rapson said he would like a letter from COMCAST the next day agreeing to providing the controls and to training customer service personnel.

Macke said he could get a letter to Council by the end of the month that laid out what options were available and ensuring that the customer service people were aware of the options. Rapson added that the devices should be provided at no cost to the parents.

Residents who spoke included Kelly Hintz and Cindy Fallon. Their comments included:

- Other options were available,
- Parents did not want to go to next package level in order to get boxes, and
- Networks should be made aware that parents were angry about programming.

Brown went over the discussion and said COMCAST would provide a letter, make whatever public relations moves were necessary to get the information out, and staff was directed to look at incorporating the information in the franchise agreement. Tyler said the existing franchise agreement expired in 2006, but they would be working to have the agreement in place before that time. Rapson said Council would like to see the proposed agreement soon.

Rutherford moved to reconvene in executive session to discuss pending litigation. Rapson seconded. The motion carried unanimously.

Rutherford moved to adjourn the executive session. Rapson seconded. The motion carried unanimously.

Weed moved to reconvene the regular session. Rapson seconded. The motion carried unanimously.

10-04-05 Consider Approval of Site Plan for Kedron Village Retail Expansion

The copy of the official transcript, which is attached, serves as the minutes for this agenda item.

<u>Council/Staff Topics</u>

Weed moved to reconvene in executive session for pending or threatened litigation. Rutherford seconded. The motion carried unanimously.

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

Weed moved to authorize the commencement of a lawsuit against BVT to enforce development conditions for the Kroger Center at Kedron Village. Rapson seconded. The motion carried unanimously.

There being no further business to discuss, Weed moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 12:45 a.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

City Council of Peachtree City
Minutes of Regular Meeting
November 4, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, November 4, 2004, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, and Judi Rutherford. Murray Weed arrived late.

Announcements, Awards, Special Recognition

Mark Brown of the Police Department was recognized as the Supervisor of the Quarter. John Paone was recognized for his work with U-Night 17 and 4 Nights in October. The Great Georgia Airshow Team was recognized for the 2004 show held October 9-10.

Monthly Reports

Brown announced that a community blood drive was scheduled Monday, November 8, 2:30-7:30 p.m., at The Gathering Place. The City offices would be closed November 25-26 for Thanksgiving, would close at noon on December 23 and all day on December 24 for Christmas, and would be closed on December 31 for New Year's. Mayor Brown noted that fire and EMS response times were down from last year, 4:33 minutes compared to 4:39 minutes last year. The top five accident locations for September were GA 74/Rockaway Road, GA 54/Huddleston Drive, GA 54/McDuff Parkway, GA 54/Wynnmeade Parkway, and GA 54/Planterra Drive.

Consent Agenda

1. **Consider Amendment to Sec. 46-57 First/Youthful Offender Treatment**

Rapson moved to adopt the proposed amendment to Sec. 46-57. Rutherford seconded. The motion carried unanimously.

New Agenda Items

11-04-01 Consider Comments Concerning Alcohol Handling Permits – Mark Smith

Mark Smith addressed Council concerning the ordinance that required alcohol servers to obtain handling permits. Smith said he worked part-time at a local establishment that sold alcohol to adults. He told Council that people in the business at that level did not make much money, and he did not see the use of having a tax on one class of employee, and not others. Smith said there were background investigations in the military, but there was still crime on military installations. He continued that it was insulting to the Police Department since they were doing a fine job. Smith said he did not think there was a problem, unless there was some data that showed there had been an increase in crime. He had not been able to figure out why the ordinance had been put into place. He asked several people, but all had different stories. He asked Council if the people they kept from working because of the permits were the same people who would work in the school cafeterias or elderly care facilities. He asked Council if they were going to require the same of people who work at those facilities. Anytime government intruded into the life of citizens, it violated the right to privacy.

Police Chief James Murray said he brought the ordinance to Council for approval. He noted that the City was one of the few that did not require alcohol servers to be permitted. He continued that the City had three alcohol licenses for every square mile in the City. Murray said the industry that served liquor attracted some people that bore watching. He said there had been numerous incidents during the last three-four years of identity theft, credit card theft, drug sales, and other crimes involving servers in alcohol establishments. Murray noted that serving alcohol was a privilege, not a constitutional right. The permit requirement protected the citizens. Murray said the Department was three-quarters of the way finished with the process and had uncovered cocaine traffickers, credit card theft, and identity theft. One person in one restaurant stole 323 credit card numbers in a few weeks, then charged thousands of dollars worth of merchandise.

Brown noted that some businesses, such as childcare, required a background check. Murray said they did. He added that the Board of Education also ran checks on anyone who worked with children. Rutherford added that the City's Recreation Department also required background checks.

11-04-02 Public Hearing – Reaffirm Multi-family Moratorium

Brown noted there was an additional document on the dais – a memo to Mayor and Council from the Developmental Services Director dated November 1, 2004, with the subject "Multi-family Moratorium & Alternative."

No one spoke either in favor, or in opposition to, the issue. Brown closed the public hearing.

Brown said he wanted to exclude assisted living facilities from the multi-family moratorium. He noted the three criteria used for consideration of the moratorium – overburdening the schools, exhausting available resources, and an increase in traffic congestion. He said assisted living facilities did not fit the three criteria and that the 55 and over age category was one of the fastest growing demographics. Brown continued that all of the existing facilities in the City, as well as one just outside the City, were all at capacity and had waiting lists.

Kourajian said he did not like making exceptions because one exception led to another. He said all a property owner had to do was to ask Council to lift the moratorium. He did not see the point in changing the moratorium.

Brown agreed. He continued that they should all agree whether this type of multi-family housing was something they wanted to see in the community and was a legitimate need. He said assisted living facilities did not have the impact that other types of multi-family housing had on the community.

Rapson said he was not interested in changing any zoning to multi-family. He told Brown he understood his reasoning. He preferred that those interested in multi-family housing come to Council.

Rutherford moved to continue the multi-family moratorium for another year. Rapson seconded. The motion carried unanimously.

11-04-03 Alcohol License – NEW – Big Daddy's Oyster Bar

David Sutherland, applicant, addressed Council. Rutherford asked if the business would qualify as a bar or a restaurant. Brown asked Sutherland if he was familiar with the smoking ordinance and the requirement to meet the definition of bar. Sutherland said he was familiar with the ordinance and that his business would open as a bar. Kourajian asked when the bar would open. Sutherland said January 1.

Weed moved to approve the alcohol license for Big Daddy's Oyster Bar. Kourajian seconded. The motion carried unanimously.

11-04-04 Alcohol License – Change in Owner – Chin Chin Restaurant

Brown noted there was an additional document on the dais – a memo to Mayor and Council from the City Clerk dated November 2 with the subject "Alcohol License – Chin Chin Restaurant." Brown noted that the document included a satisfactory criminal history.

Hin Ming "Ricky" Yeung addressed Council. He told them he had worked at the restaurant for six years and had the opportunity to buy the franchise.

Rutherford moved to approve the alcohol license change in ownership for the Chin Chin Restaurant. Kourajian seconded. The motion carried unanimously.

11-04-05 Consider Speed Bump Survey Results and Smokerise Bid Award

Brown noted there were additional documents on the dais – a memo for Mayor and Council from the Smokerise Plantation Homeowners Association regarding Smokerise Plantation Speed Humps dated November 4, 2004, with an article from the *Atlanta Journal-Constitution* dated February 8, 2001, entitled "Residents Reluctant to See Road Paved, One of Peachtree City's Last Country Lanes Will Be Wider, Lined with Fewer Trees."

Brown noted that Council approved the speed humps for the neighborhood on March 4, 2004. This agenda item was to approve the low bid and to make a written agreement with the Smokerise Homeowners Association regarding payment of their portion.

Christy Dunkelberger, attorney for the Smokerise Homeowners Association, told Council the residents voted to approve and go after speed humps during a Homeowners Association meeting in April 2003. She clarified they were not referring to any survey taken by the Homeowners Association, but to an actual vote at the meeting to get a feel for the support of the traffic-calming devices.

David Cree told Council that a notice for the annual meeting was sent every year and was done prior to the April 2003 meeting. A ballot on the speed bumps, along with a self-addressed, stamped envelope that was to be returned prior to the Homeowners Association meeting was included with the notice. The ballots were counted at the meeting. Sixty-nine percent of the respondents approved of putting in the speed humps, which exceeded the two-thirds requirement. Cree said there were two more ballots, also in favor of the traffic-calming devices, delivered to his home during the meeting. Over 75% of the homeowners participated in the vote.

Brown said Riverdale Paving submitted the lowest bid at $25,160. Rutherford questioned where the funding would come from.

City Manager Bernard McMullen said there was sufficient funding in the line item established last year, plus $6,000 taken from Council Contingency and put in a separate line item and carried over, so no funding was needed from the PIP Contingency.

Kourajian said he understood the cost estimate was $18,000 and the lowest bid was 40% over the estimate. He asked what had happened. McMullen said the estimates were two years old and had not been adjusted. Part of the increase was because the job was small. He noted that the smaller the paving project, the more the per unit costs. Brown said there had also been a substantial increase in the cost of materials. McMullen noted that the first time the project had been bid, the bid had been $41,000. Rapson pointed out that the homeowners would bear a portion of the cost. Kourajian asked if Riverdale Paving was any good. Assistant City Manager Colin Halterman said the company was one of the best around. Rutherford noted that a lot of cost estimates were put into the PIP and had never been adjusted. She added that Council would see more bids that came in way above the estimates unless the figures were adjusted.

Rutherford moved to approve Riverdale Paving for the Smokerise speed bumps bid award and that the Mayor be authorized to sign any documentation with the homeowners for their share, or reimbursement, of the cost. Weed seconded. The motion carried unanimously.

11-04-06 Hear Update of Stormwater Program and Consider Approval for Phase 4

Brown noted there was an additional document on the dais – a spreadsheet entitled "Peachtree City Stormwater Management Program Cost Service Analysis" dated September 30, 2004.

Ron Feldner, Integrated Science & Engineering, addressed Council. He acknowledged four members of the City's Stormwater Committee who were attending the meeting – Dennis Chase, Dale Phenicie, Vijay Abdul, and Tony Fusco.

Feldner went over the four-step process that had been worked on during the last 18 months. Steps One and Two had been discussed at Council's annual retreat. He would discuss Step Three, Stormwater Utility Data Development, at this meeting. Step Four was the Stormwater Utility Implementation.

Feldner continued that the Stormwater Committee had identified priorities. The top two priorities were funding needs and drainage infrastructure inventory and assessment. The critical needs components included the drainage capital improvement program. Staff had identified 40-50 projects totaling $9 million in capital improvement needs. The capital backlog continued to grow. Without an effort to fund the projects, the backlog would continue.

Drainage system maintenance was also critical. The City was aging and some of the culvert systems had reached their life expectancy. The pressing needs would be capital maintenance rehabilitation. Other cases would be proactive situations to deal with a growing system. The Georgia Environmental Protection Division (EPD) had laid out minimum maintenance activity requirements for communities that would be implemented in the coming years.

Feldner discussed regulatory compliance. Within the last 18 months, the City had come under the jurisdiction of the Water Planning District and the National Pollution Discharge Elimination System (NPDES) Phase Two Permit. Each of the permit elements had specific requirements driven by inventorying the system and maintaining the drainage system at a certain operation level.

Feldner said a stormwater utility provided the City with a mechanism to address all the issues in a comprehensive and thorough manner. He continued that two acronyms to be familiar with were Single Family Residential (SFR) and NSFR (Non-Single-Family Detached Residences), or the commercial and business component within the City.

Feldner explained that the stormwater advisory committee had categorized and prioritized the $9.2 million worth of projects. About one-third of the projects, or $3 million, was non-construction related. He said they had to figure out how the non-construction projects fit in with the overall prioritization.

Feldner noted that Tier One projects were projects considered to be high-risk for either property or infrastructure damage. They would be addressed first. Second Tier projects were considered lower risk, or nuisance projects, because the ponded water did not create a hazard.

Feldner said examples of Tier One projects were located on Wisdom Road and Dividend Drive. He said the failure of the culvert system at a specific point on Dividend Drive would result in failure of the road. The bottom of the culvert had rusted, and the ground had eroded away. On Wisdom Road, a washed out culvert section undermined the road. The stream was also eroding the bank towards the road.

Feldner explained that the costs of program had stayed constant, but priorities had shifted. Priority money had been shifted to maintenance due to the increased focus on maintenance because of the permits the City held. Some of the cost of service aspects of the capital program had shifted. Feldner explained that some systems might be in danger of imminent failure due to storms, and there needed to be money built in each year to address those situations when they occurred. The programmed capital improvement program would have an amortized system to set a systematic implementation plan for the capital. The program would be proactive and reactive. Administrative costs were also factored in.

Feldner said 100% of the stormwater management program would be funded through the stormwater utility and the enterprise fund that would be established. Rapson asked where the three employees would be physically located. McMullen said he and Halterman had discussed locating the employees at Public Works. Feldner said there was one internal person, a stormwater program coordinator, who would coordinate all aspects of the program. The person could be shared elsewhere, but there would be a lot of activity.

Feldner continued that another aspect of Step Three was to categorize the parcels in the City. They did a representative sample of the SFR structures in the City to determine the median impervious area coverage, which was around 4,100 square feet. Feldner said they did a lot of research into the statistical significance of the sample and they felt comfortable with recommending that a flat rate bill be assigned to all single-family residential parcels. He said they would continue to evaluate that decision as more area information was gathered. The NSFR customers would receive a custom bill based on actual impervious coverage of their property. The initial billing rate would be \$3.96 per Equivalent Residential Unit (ERU) or 4,100 square feet of impervious area. A NSFR customer that had an impervious surface of three houses would multiply the ERU by three. The billing rate duration was five years.

Feldner compared the proposed ERU cost to others in the state. Decatur had the highest rate at \$5 per ERU. Fayetteville had the lowest cost at \$2.95 per ERU; however, Fayetteville combined it with the existing water and sewer operation, which helped with the cost. Communities that set the utility up from scratch had more costs upfront. The average in Florida, based on a survey of 100 utilities, was \$3.52. The ERU factors in other communities differed. Decatur's ERU was 2,500 square feet and Griffin's was 2,200 square feet. The monthly rate was calculated for the Kedron Kroger shopping center was \$200.

Feldner noted that, in July 2004, the Georgia Supreme Court upheld a ruling by the Columbia County Superior Court regarding stormwater utility setup and implementation in Georgia using the Columbia County method. Feldner said they were using the Columbia County method and were working with the City Attorney.

Feldner continued that everyone would pay, including churches, the Board of Education, and the City. The City would be its own biggest customer since the City would pay for all the roads, the cart paths, and City properties. The City had annually been spending $300,000-$400,000 on stormwater services between Public Works and the Engineering Department. The City's bill would be in the low $300,000 range, so there would not be an increase in stormwater costs for the City.

Rapson asked whether they were talking about hard costs, such as employees, or items in the PIP. McMullen said the City's cost now included items in the PIP, as well as reactive work and repairs done by Public Works. Rapson said the City would have to budget $340,000 per year for the stormwater fee. He asked how much money could be taken out of the PIP because the work would be done by the stormwater utility. McMullen said the City was spending about $300,000 now. Feldner said the utility's three-man crew would do the work. If a second crew from Public Works had to be brought in, then the cost for that crew would be charged back to the stormwater utility.

Feldner addressed Step Four. He said the impervious surface data would be updated with new color aerial photography. He had been working with City staff on what needed to be obtained. The cost was built into the budget. The stormwater enterprise and rate ordinance would also be developed as part of Step Four. The ordinance would establish the separate accounting entity. The rate ordinance would set the user fee classes. A key aspect in the Columbia County case was to set up a mechanism to allow customers to seek a credit. On-site stormwater controls would reduce the burden on the City's system. The procedure to procure, and maintain, a stormwater credit would be clearly laid out. The master account file would be the individual customer bills. A customer service training manual would be developed and City employees would be trained. There would be a method for people to appeal their bills if they thought the bill was incorrect.

Feldner said they were looking at possibly issuing bills in early 2006. The 2006 date gave them plenty of time to get everything together. He said February 2006 would be the outside date to send out bills.

Rutherford noted that the Fayette County Water System did the billing for the City's Water and Sewer Authority (WASA). She suggested they might also be interested in the stormwater utility billing. Feldner said that option had been discussed with staff, but the County's Water System charged $1 per bill that was sent out and might be cost prohibitive. Rapson said the City could create its own utility department and share billing with WASA.

Brown said there was a staff recommendation to approve the Step Four funding authorization at $175,000. Rutherford moved to approve the Step Four funding. Rapson seconded. The motion carried unanimously.

Council/Staff Topics

Brown noted there was an additional document on the dais – an e-mail from Betsy Tyler to Mayor and Council dated November 1, 2004, with the subject "11/04 Council/Staff Topic –2005 Legislative Issues." Brown said this was the list of concerns Council sent to the Fayette County legislators on issues of concern to the City. One of the issues was for tiered licensing for neighborhood electric vehicles (NEVs). Brown noted that the Global Electric Motorcars (GEMs) were safer vehicles. According to state law, a person had to be licensed to drive either vehicle. Brown said the requirement to register the vehicles was being removed. He continued that a lot of seniors used golf carts as their primary form of transportation. Many were interested in GEMs since they had sealed doors and were more reliable in the winter. The Senior Adult Council supported the tiered licensing. Brown said the tiered licensing would be only for seniors, not teens. Kourajian said the list should also be prioritized. Weed asked how the list would be prioritized. Brown suggested that staff look at prioritizing the issues first, then send that list to Council for feedback.

Brown said the five-minute video clip he made for COMCAST on the Special Purpose Local Option Sales Tax had been shown on the private channel owned by COMCAST, not on a government access channel. Brown said COMCAST wanted to have an equal time opportunity, and no government funds had been spent on the video. A COMCAST representative spoke with the City Attorney to ensure the video clip was not in violation of the City Attorney's opinion, which allowed Council to comment as individuals.

Rapson asked that a U.S. flag be placed on the GA 54 bridge. Administrative Services Director/City Clerk Jane Miller said there had been a flag on the bridge, but it had been stolen. Rapson said as long as the country was at war that he wanted to display a flag on the bridges.

Rutherford moved to reconvene in executive session to discuss pending litigation and personnel issues. Rapson seconded. The motion carried unanimously.

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

There being no further business to discuss, Brown moved to adjourn the meeting. Rutherford seconded. The motion carried unanimously. The meeting adjourned at 9:06 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

____
Pamela Dufresne, Recording Secretary

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council**

VIA: **City Manager**
Assistant City Manager

FROM: **City Clerk**

DATE: **November 9, 2004**

SUBJECT: **Alcohol License – Change in Licensee and License Representative – Buckner Petroleum, Inc.**
November 18, 2004, Regular Meeting

Recommendation:

Staff recommends Council consider the attached application for a change in the alcoholic beverage license.

Discussion:

Buckner Petroleum, Inc., 2597 Highway 54 West, has submitted an application for a change in Licensee and License Representative. Ms. Christina Buckner has requested she be appointed as the Licensee and the License Representative. While Ms. Buckner is not the store manager, she will be there on a regular basis to monitor alcohol sales at the store. Ms. Buckner will attend the November 18th meeting to answer any questions you may have.

Budgetary Impact:

The change in Licensee and License Representative will have no impact on the budget.

JM:pd

Attachments

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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: Buckner Petroleum Inc.	**Business Location:** 2597 Hwy 54 W. PTC 30269	
Nature of Business: Convenience store	**Mailing Address:** 2597 Hwy 54 W Peachtree City, GA 30269	**Business Phone Number:** 770-487-6455
Name of Licensee: Christina Buckner	**Home Address:** 140 Handshaker Ct Fayetteville GA 30215	**Home Phone Number:** 770-719-7553
Name of License Representative: same	**Home Address:**	**Home Phone Number:**

Please indicate type of licenses applying for:

	Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer
	Malt Beverage	✓	Malt Beverage		Malt Beverage
	Wine	✓	Wine		Wine
	Distilled Spirits		Distilled Spirits		Distilled Spirits

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

NAME Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	**ADDRESS** Please provide Home Addresses for the individuals listed:	**PHONE NUMBERS** Please provide Home <u>and</u> Business Phone Numbers for individuals listed:
Buckner Petroleum Inc.	610 W. Lanier Ave Fayetteville	770-460-7509
Christina Buckner	140 Handshaker Ct Fay.	777-719-7553
Robert D. Buckner		

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

Peachtree City
Georgia

State of Georgia

City of Peachtree City:

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

Christina Buckner
Name

140 Handshaker Court Fayetteville, GA 30215
Address

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

James V. Murray
Signature

Nov. 9, 2004
Date

Major R.M. Dukes
Witness

151 Willowbend Road • Peachtree City, Georgia 30269 • (404) 487-7657

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council**

VIA: **City Manager**
Assistant City Manager

FROM: **City Clerk**

DATE: **November 9, 2004**

SUBJECT: **Alcohol License – Change in License Representative – Kwickie/Flash Foods #246**
November 18, 2004, Regular Meeting

Recommendation:
Staff recommends Council consider the attached application for a change in the alcoholic beverage license.

Discussion:
Kwickie/Flash Foods #246, 1001 Crosstown Road, has submitted an application for a change in License Representative. Ms. Linda Frances Pike has requested she be appointed as the License Representative. Ms. Pike is the area supervisor for Kwickie/Flash Foods and has assured staff that she will be in the store on a regular basis to monitor alcohol sales. Ms. Pike will attend the November 18th meeting to answer any questions you may have.

Budgetary Impact:
The change in License Representative will have no impact on the budget.

JM:pd

Attachments

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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: FLASH FOODS	**Business Location:** 1001 CROSSTOWN RD PEACHTREE CITY, GA 30269	
Nature of Business:	**Mailing Address:** P.O. BOX 2149 102 LEE AVENUE WAYCROSS GA 31502	**Business Phone Number:** 912 285 4010 X 221
Name of Licensee: William Glen Bryson	**Home Address:** 3915 Old WATERTOWN RD WAYCROSS, GA 31503	**Home Phone Number:** 912 285 7592
Name of License Representative: LINDA FRANCES Pike	**Home Address:** 26 THIGPEN ROAD NEWNAN, GA 30263	**Home Phone Number:** 770 253 6272

Please indicate type of licenses applying for:

Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer	
	Malt Beverage	X	Malt Beverage		Malt Beverage
	Wine	X	Wine		Wine
	Distilled Spirits		Distilled Spirits		Distilled Spirits

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

NAME Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	**ADDRESS** Please provide Home Addresses for the individuals listed:	**PHONE NUMBERS** Please provide Home and Business Phone Numbers for individuals listed:

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

Peachtree City

Georgia

State of Georgia

City of Peachtree City:

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

Linda Frances Pike
Name

26 Thigpen Road Newnan, GA 30263
Address

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

James V. Murray
Signature

Nov. 9, 2004
Date

Major R.M. Dufau
Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council**

FROM: **City Manager**

DATE: **November 12, 2004**

SUBJECT: **Appointments to the Water and Sewerage Authority November 18, 2004, City Council Agenda**

The Selection Committee composed of Mayor Steve Brown, Council Member Murray Weed, WASA Chairman John Gronner, and myself considered three applicants for the vacancy on the Water and Sewerage Authority.

It is the recommendation of the Committee that Mr. Michael Harman be reappointed to serve a term from 1/1/05 to 12/31/09.

A copy of Mr. Harman's application is attached for your review.

BJM/pd

Attachment

WATER AND SEWERAGE AUTHORITY
APPLICATION FOR APPOINTMENT

Thank you for your interest in being considered for appointment to the **Water and Sewerage Authority**.

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

The Water and Sewerage Authority is comprised of five members appointed to five-year terms. Meetings are held on the first Monday of each month at 6:30 p.m. Members are required to attend a minimum of eighty percent (80%) of all meetings. The Authority is responsible for the operation of the Peachtree City sewer system.

Please take a few minutes to complete the form below and to answer the questions on the reverse side of this letter and return it with a resume, if available, to Gloria Reid, 151 Willowbend Road, Peachtree City, GA 30269 by **5:00 p.m. on FRIDAY, OCTOBER 15, 2004**. The City will contact you within two weeks of the application closing date.

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

NAME: Michael D. Harman

ADDRESS: 222 Terrane Ridge

Peachtree City, GA 30269

TELEPHONE (Day Time) 770-632-5092

(Evening) 770-632-6690

(Email) harmanm@comcast.net

Signature

9-29-04
Date

1. **How long have you been a resident of Peachtree City?**
Since August of 1998

2. **Why are you interested in serving on the Water and Sewerage Authority?**
I am just completing my first term on the Board and feel that we have made great strides and improvements in the treatment system, it's capacity, capabilities that will be a tremendous, if unnoticed, benefit to all of the citizens. I would like to continue with the current courses of action that we have taken and in addition be a part of the many exciting changes and decisions that will be made in the coming years.

3. **What qualifications and experience do you possess that would benefit the Water and Sewerage Authority?**
As I mentioned, I am just completing my first five year term on the board and during that time have served as Treasurer for two years and as Vice-Chairman for two years. I am familiar with the workings of the system and with our interaction with the city staff.

4. **List major jobs you have held during your working career to include name of company and position.**

SPATCO Environmental-	General Manager
Ferrellgas-	District Manager
Indusco Environmental Services-	Director of Sales and Project Management
Gardner Denver-	Senior Application Sales Engineer

5. **Do you have any past experience relating to water/sewerage? If so, describe.**
I work within the wastewater industry, as an equipment supplier, and am exposed to other operations across the county that enable me to bring in ideas from other successful operations.

6. **Have you attended any Water and Sewerage Authority meetings in the past year and, if so, how many?**
I believe that my attendance for the past five years is exemplary, with only 3 missed meetings.

7. **Would there be any possible conflict of interest between your employment and you serving the Water and Sewerage Authority?**
No, we do not have any equipment on the site currently and do not offer replacement parts or service for existing items. Because of the most recent upgrade project, replacement of equipment similar to that offered by Gardner Denver would not occur for probably 15 years.

8. **Describe your current community involvement.**
My involvement in the community is limited primarily to the WASA. However, I did serve on the Mayor's Committee for Stormwater Compliance.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Bernard J. McMullen, City Manager

FROM: Colin W. Halterman, Assistant City Manager
Paul J. Salvatore, Financial Services Director
Janet I. Camburn, Assistant Finance Director

DATE: November 10, 2004

SUBJECT: Budget Amendments
November 18, 2004 City Council Consent Agenda

Recommendation:

It is Staff's recommendation that City Council approve the attached budget amendments.

Discussion:

Attached please find several budget amendments (04-039 through 04-046) for fiscal year 2004 submitted for your approval. These budget amendments are housekeeping in nature and are necessary to prepare for the annual audit and to issue financial statements for the fiscal year ended September 30, 2004. An explanation of the budget amendment is included on each budget amendment form.

Budget Impact:

The proposed budget amendments affect the General Fund, the Neighborhood Parks Fund, the HAZMAT Fund, the City's Amphitheater and Tennis Center Funds, the Hotel/Motel Tax Fund, the Debt Service Fund (310) and the Library Debt Service Fund. A separate report is attached that shows the budget impact on each of these funds.

If you have any questions please do not hesitate to contact either Paul or Janet.

Thank you for your attention to this matter.

Attachments

JIC/BUDGET AMENDMENTS – FY 04 – 9/30/04

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-039

DATE September 30, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
200-6220-53-1175	Operating Supplies - All Children's Play	2,409	
200-6220-54-2070	Playground Equipment	1,371	
200-00-37-1010	Donations - All Children's Playground	3,780	
	TOTAL	$ 7,560	$ -

To increase both revenues and expenditures in the Neighborhood Parks Fund to cover fiscal year 2004 costs. Donations were received in the fiscal year to cover these costs.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-040

DATE September 30, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
204-3510-53-1175	Operating Supplies	60	
204-00-34-7901	Reimbursements	60	
	TOTAL	$ 120	$ -

To increase both revenues and expenditures in the HAZMAT Fund to cover fiscal year 2004 costs. Reimbursements were received in the fiscal year to cover these costs.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-041

DATE September 30, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
255-00-39-1110	Operating Transfer from General Fund	13,222	
255-00-38-9000	Other Revenue	200	
255-6180-53-1230	Electricity	1,500	
255-6180-53-1220	Natural Gas	800	
255-6180-52-3200	Communications	735	
255-6180-53-1175	Operating Expense	10,387	
100-1505-61-1255	Operating Transfer to City - Amphitheater	13,222	
100-00-38-9025	Surplus Carryover	13,222	
	TOTAL	$ 53,288	$ -

To adjust budget for the Amphitheater Fund operated by the City in December and January to cover costs associated with those operations and to increase the budget for operating transfer from the General Fund.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-042

DATE September 30, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
260-00-34-7210	Activity Fees	22,874	
260-00-34-7500	Program Fees	34,182	
260-6126-52-3200	Communications	2,500	
260-6126-52-3900	Merchant Services	1,300	
260-6126-53-1230	Electricity	5,000	
260-6126-53-1650	Small Tools & Equipment	5,000	
260-6126-57-3105	Recreation Programs	31,465	
260-6126-53-1175	Operating Expense	11,791	
	TOTAL	$ 114,112	$ -

To adjust budget for the Tennis Center Fund operated by the City in December and January to cover costs associated with that operations.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-043

DATE September 30, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
275-00-31-4100	Hotel/Motel Tax Revenue	127,716	
275-1505-61-1110	Operating Transfer to General Fund	31,194	
275-1505-61-1120	Operating Transfer to Tourism Association	129,103	
275-1505-57-2015	Operating Transfer to Airport Authority		10,490
275-1505-57-2018	Operating Transfer to Development Auth.		22,091
100-00-39-1127	Operating Transfer from Hotel/Motel	31,194	
100-00-38-9025	Surplus Carryover		31,194
	TOTAL	$ 319,207	$ 63,775

To adjust budget for the Hotel/Motel Tax Fund to reflect additional revenues and adjusted the Operating Transfers Out to reflect the adjustment due to the revenues received. To adjust the corresponding entry in the General Fund.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-044

DATE September 30, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
400-8000-58-4050	Administrative Expenses	655	
400-8000-58-4270	Interest/Police Vehicles		655
400-00-39-1131	Operating Transfer from Debt Service	10,657	
400-00-39-1110	Operating Transfer from General Fund		10,657
310-1505-61-1400	Operating Transfer to Debt Service (400)	10,657	
310-00-38-9025	Surplus Carryover	10,657	
100-00-38-9025	Surplus Carryover		10,657
100-1505-61-1400	Operating Transfer to Debt Service (400)		10,657
TOTAL		$ 32,626	$ 32,626

To adjust Debt Service Funds budgets to cover changes in Operating Transfers between funds during the 2004 fiscal year and to adjust the amount needed from the General Fund for debt service.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-045

DATE September 30, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
410-00-39-1141	Transfer from Library Construction Fund	58,018	
410-8000-58-4282	Interest - Library Bonds	58,018	
315-6510-61-1410	Transfer to Library Debt Service Fund	58,018	
315-6510-54-1300	Library Construction		58,018
	TOTAL	$ 174,054	$ 58,018

To adjust the Library Construction Fund and Library Debt Service Fund to reflect proceeds from Bond issue that were used for the first debt service payment in July 2004.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-046

DATE September 30, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-1505-57-9145	Contribution - Department Savings	575,000	
100-3210-51-1100	Regular Salaries - PD		63,000
100-3210-51-2100	Health Insurance - PD		90,000
100-3510-51-1100	Regular Salaries - Fire		27,000
100-3510-51-2100	Health Insurance - Fire		80,000
100-4100-51-1100	Regular Salaries - PW		150,000
100-4100-51-2100	Health Insurance - Fire		86,000
100-6110-51-1100	Regular Salaries - Rec		27,000
100-6110-51-2100	Health Insurance - Rec		52,000
	TOTAL	$ 575,000	$ 575,000

To spread the budgeted departmental savings for fiscal year 2004 to the four largest departments for audit purposes.

CITY OF PEACHTREE CITY

BUDGET AMENDMENTS - FISCAL YEAR 2004

September 30, 2004

General Fund		
Budgeted Revenue and Expenditures before amendments	$	22,310,373
Budget Amendments:		
Fiscal Year 2004 Adjustment		2,565
Budgeted Revenue and Expenditures after amendments	$	22,312,938
Neighborhood Parks Fund		
Budgeted Revenue and Expenditures before amendments	$	56,597
Budget Amendments:		
Fiscal Year 2004 Adjustment		3,780
Budgeted Revenue and Expenditures after amendments	$	60,377
HAZMAT Fund		
Budgeted Revenue and Expenditures before amendments	$	2,766
Budget Amendments:		
Fiscal Year 2004 Adjustment		60
Budgeted Revenue and Expenditures after amendments	$	2,826
City - Amphitheater Fund		
Budgeted Revenue and Expenditures before amendments	$	16,515
Budget Amendments:		
Fiscal Year 2004 Adjustment		13,422
Budgeted Revenue and Expenditures after amendments	$	29,937
City - Tennis Center Fund		
Budgeted Revenue and Expenditures before amendments	$	41,222
Budget Amendments:		
Fiscal Year 2004 Adjustment		57,056
Budgeted Revenue and Expenditures after amendments	$	98,278
Hotel/Motel Tax Fund		
Budgeted Revenue and Expenditures before amendments	$	849,514
Budget Amendments:		
Fiscal Year 2004 Adjustment		127,716
Budgeted Revenue and Expenditures after amendments	$	977,230

CITY OF PEACHTREE CITY

BUDGET AMENDMENTS - FISCAL YEAR 2004

September 30, 2004

Debt Service Fund (310)		
Budgeted Revenue and Expenditures before amendments	$	-
Budget Amendments:		
Fiscal Year 2004 Adjustment		10,657
Budgeted Revenue and Expenditures after amendments	$	10,657
Library Debt Service		
Budgeted Revenue and Expenditures before amendments	$	-
Budget Amendments:		
Fiscal Year 2004 Adjustment		58,018
Budgeted Revenue and Expenditures after amendments	$	58,018

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council**

FROM: **Bernard McMullen, P.E.**
City Manager

DATE: **November 12, 2004**

SUBJECT: **Consider Request from Lawson Mardon reference Smokefree Air Act November 18, 2004, City Council Agenda**

Discussion:
Mayor Brown received a letter, which was copied to Council, from Brian Cardoza, President of the Fayette County Development Authority, dated October 28, 2004, reference a conversation Brian Cardoza had with Mr. Ron Syrkos, Vice President and General Manager of ALCAN Packaging. A copy of this letter is attached. Mr. Syrkos had previously written to Mayor Brown reference this issue and a copy of that letter and Mayor Brown's response, which was copied to City Council, are also attached. Staff was requested by Council Member Rutherford to place this item on the November 18, 2004, agenda for discussion. Also, staff was requested by Council Member Rapson to meet with Mr. Syrkos and evaluate the adequacy of the existing smoking room from an engineering perspective.

Colin Halterman and I visited Mr. Syrkos and his staff at ALCAN Packaging on November 9, 2004. During that meeting, we were provided a copy of the test and balance report for the air-handling units that serve the area where the smoking room is located. Subsequent to the meeting, I had a conversation with Mr. Steven Gulas, Tiernan & Patrylo Design Group, which designed the smoking room. I received a letter, copy attached, from Mr. Gulas documenting the design and actual conditions of the room. The information I received was compared to the requirement of Table 403.3 of the 2000 International Mechanical Code, the current mechanical code used by the City.

The existing smoking room has a dedicated exhaust fan exhausting 687 cubic feet per minute (CFM) from the room. The fan is wired to run continuously. The smoking room has one supply outlet supplying 439 CFM to the room. The room is completely enclosed with the exception of two transfer grilles, which allow air to be drawn into the smoking room from the vending area. The mechanical code requires 60 CFM of air per person. Based on this requirement, the capacity of the room would be restricted to 11 people. There was no room occupancy sign noted. All other requirements of the mechanical code were satisfied.

BJM/pd

Attachment

FAYETTE COUNTY
Georgia
Development Authority

October 27, 2004

RECEIVED
NOV 1 2004
PEACHTREE CITY
CITY HALL

Mayor Steve Brown
City of Peachtree City
151 Willowbend Rd.
Peachtree City, GA 30269

Dear Mayor Brown:

I'm writing to you in regards to the Peachtree City Smokefree Air Act that went into effect on October 18th.

I recently met with Ron Syrkos at Lawson Mardon, and he expressed deep concern about this new law. About a year ago, his company sectioned off a portion of the cafeteria and installed a $100,000 ventilation system to accommodate both his smoking and non-smoking employees. This system is designed to draw the smoke up through a vent and out of the building. In addition, this room creates negative air pressure when the door is opened, resulting in fresh air being brought in as opposed to smoke entering the non-smoking portion of the cafeteria.

When Mr. Syrkos heard of the smoking ban, he contacted you by letter, asking that his facility be considered for exemption. You kindly responded back to him, stating that it appears the city council will not consider this. He and I are both concerned with what seems to be a lack of interest on the city's part. Did you and the city council formally consider Mr. Syrkos' request?

After reading the act, I noticed that there are some exemptions granted, including hotels and motels, as well as nursing homes and long-term care facilities. It is required that these facilities have separate ventilation systems, but no such exemption is granted to our businesses.

I am asking that you and the city council meet Mr. Syrkos at his facility to see the system that he has installed. If his smoking room does not meet the city's specifications, please provide recommendations to meet them and grant exemption status. Otherwise, I would ask that you and the city council clearly explain in writing why he is not exempt, but others are in our community.

Lawson Mardon is a terrific corporate citizen, and we value their investment in our community. Each year, they contribute between $35,000 and $40,000 to Peachtree City, Fayette County, and the state of Georgia. Because of this new law, Mr. Syrkos has pulled all sponsorships, including the Great Georgia Airshow, the YMCA, the local Ducks

www.FayetteGA.org
200 COURTHOUSE SQUARE • FAYETTEVILLE, GA 30214 • 770.461.5253 • FAX 770.460.0259 • AEDO

Unlimited chapter, and the Chamber of Commerce. He will no longer support any activity such as these. This is extremely unfortunate, and I hope this will one day change.

I trust that you will contact Mr. Syrkos in the near future to schedule a meeting.

Sincerely,

Brian Cardoza
President/CEO

cc: Peachtree City City Council
Mr. Ron Syrkos

ALCAN PACKAGING

Ron Syrkos
Vice President, General Manager

Tobacco Packaging - Americas

445 Dividend Drive
Peachtree City, Georgia 30269

Tel.: (770) 486-9095
Fax: (770) 486-8669
ron.syrkos@alcan.com

RECEIVED
SEP 29 2004
PEACHTREE CITY
CITY HALL

ALCAN

Mayor Steve Brown
Peachtree City City Hall
151 Willowbend Road
Peachtree City, GA
30269

September 28, 2004.

Mayor Brown,

I am writing you to express our dissatisfaction with the Peachtree City Smokefree Air act of 2004.

First, I am surprised that your office would not have contacted us to explain the intent of the Peachtree City Council on this issue and perhaps give us a chance to express our views on the matter. You have visited our factory and you have seen that our business is primarily focused on Tobacco Products and Customers and I am surprised that you would not have expected that this would be a sensitive issue for us to handle. I would think that our involvement in this community and our contributions to the various organizations would have allowed us that courtesy. It is important to note, however, that we would feel the same way if we were focused on market segments other than tobacco.

We have built this facility in 1996 and presently employ 167 people. Our investment to date amounts to over $45 million and our average salary is around $35,000 annually. We are part of the Atlanta Chamber of Commerce, the Fayette County Chamber of Commerce, the Canadian–American Society and we regularly sponsor the Peachtree City Tennis, the Amphitheater, the YMCA, the McIntosh High School programs including the Graphic Art classes, Band, and Athletic Department, the Fayette County Duck's Unlimited, the Panther Touchdown Club, the Peachtree City Parks and Recreation, the Drive for MDA and lately the American Heart Association and others.

We are a responsible company and we resent that your Smokefree Air act suggests that we do not treat our employees safely and that we would subject them to second hand smoke or that we do not provide smoke free air to non-smokers and finally that we simply fail to recognize that the need to breathe smoke free air does not have priority over the desire to smoke.

Our production areas are already smoke free areas and all of our public rooms such as the receptions, boardrooms and meeting rooms are also non-smoking areas. Smoking is permitted in individual offices and smoking and /or non-smoking employees can decide if they wish to enter and spend time in those offices or not. We have a separate closed smoking break room to accommodate the smokers during their lunch and breaks.

This issue is not about smoking and its effects to smokers and non-smokers. Alcan Packaging as do all of the Tobacco Manufacturers agree with the overwhelming medical and scientific consensus that cigarette smoking causes lung cancer, emphysema and other serious diseases in smokers. They agree that cigarette smoking is addictive and also acknowledge that the public health officials have concluded that second hand smoke from cigarettes causes diseases in non-smoking adults as well as causes conditions in children such as asthma, respiratory infections, sudden infant death syndrome, development abnormalities and cancer.

ALCAN PACKAGING

ALCAN

This issue is about our constitutional right to make business decisions and choices related to legal and moral matters. The problems outlined in the Peachtree City Smokefree Air act must be addressed as you suggest in order to protect the health and welfare of the people and to guarantee the right to breath smoke-free air. Cigarette smoking is an accepted and legal habit, which must be dealt with until such time, if ever, that it disappears. The Tobacco industry develops and markets these consumer products intended for adults. I suggest you visit the Philip Morris website and familiarize yourself with their Mission and Values, their Policies, Practices, Positions and Programs on Tobacco issues. Alcan Packaging deals with this every day and has spent enormous amounts of money to ensure that the smokers' and non-smokers' health and welfare are maintained along with their respective rights as we do for all issues other than Tobacco related.

Imposing such an act on everyone addresses the symptoms and not the problem. There would be no need for this act if second-hand smoke were not an issue in public places or places of employment. Other countries that have taken this route allow a designated smoking room to exist in the facilities. The owners have the option of building such a room or to impose smoking outside. The smoking room must be built to exact specifications related to size, ventilation and purpose. The room cannot be perceived or used as a game room or recreational room and can only include necessities such as chairs and tables and ashtrays. (No magazine racks, TV, radio…). I see no problem occurring in those communities. Your approach however will be challenged in the private sector and businesses along with the Community will suffer.

I am asking that you amend your act to ensure that the rights of everyone in this Community are protected and upheld and not only those of the non-smokers. We will not support a Community that does not support our legal rights to choose and make our business and personal decisions freely. The American Armed Forces are loosing young men and women every day to ensure that those rights remain in this country.

Sincerely,

Ron Syrkos.

CC none for the moment.

PEACHTREE CITY
PLAN TO STAY™

OFFICE OF THE MAYOR
151 WILLOWBEND ROAD
PEACHTREE CITY, GA 30269
PHONE: 770-487-7657
FAX: 770-631-2505
WWW.PEACHTREE-CITY.ORG

October 1, 2004

Mr. Ron Syrkos
Vice President & General Manager
Alcan Packaging
445 Dividend Drive
Peachtree City, GA 30269

Dear Mr. Syrkos:

I received your correspondence dated September 28, 2004, regarding the Smokefree Air Act of 2004. I can certainly understand how the act would be a sensitive issue for Alcan Packaging since your operation is focused on the tobacco products industry. Please know that our primary focus was on public health and was in no way intended to denigrate those that smoke. In fact, I stated in a several interviews following the passage of the ordinance that it was my intent to "protect the health of non-smokers and not punish smokers."

The city did conduct workshop sessions on the proposed ordinance and those meetings were advertised in the four newspapers that serve Fayette County. The newspapers and television media did provide significant coverage of the ongoing debate over the ordinance. Our workshops concluded with the pro-smokers and the anti-smokers agreeing on the ordinance and it was sent to the City Council for passage.

Your thoughts and views are always appreciated. However, it appears unlikely that any member of the City Council would be willing to amend the current ordinance at this time.

Sincerely,

Stephen D. Brown
Mayor

SDB:gr

cc: City Council
City Manager

TIERNAN & PATRYLO DESIGN GROUP
engineers • architects • managers

665 Highway 74 South, Suite 100
Peachtree City, GA 30269-3003

telephone: (770) 632-0828
faxsimile: (770) 632-9604

November 10, 2004

Bernie McMullen
City Manager
151 Willow Bend Rd
Peachtree City, Georgia 30269
Ph: 770-487-7657
Fax: 770-631-2505

Re: **Alcan Packaging Atlanta**
Smoking Room
Peachtree City, Georgia

Dear Mr. McMullen:

This letter serves to document our conversation today regarding the exhaust at the smoking room constructed earlier this year. According to the test and balance report by Westside Test and Balance, Inc., the room is in negative pressure in order to remove all smoke exhaust from inside the smoking room. Please reference page 4 of the test and balance report to find that outlet 5 supplies 439 cfm to the smoking room. The existing HVAC unit that supplies air to this room was installed years ago and is know as RTU-17. Outlet 6,7, and 8 supply air to the main room where the cabinetry and vending machines are located. Outlets 1,2, 3, and 4 supply air to the new cafeteria expansion. Please reference page 5 of the test and balance report to find that the new exhaust fan known as EF-21 exhausts 687 cfm from the smoking room. The grille in the wall and the grille in the door at the smoking room allow the exhaust fan to draw additional air from the adjacent non-smoking room. Given this data, the exhaust from the smoking room is 56% greater than supply. For your records, Mr. Randall Griggs of Westside Test and Balance confirmed the above information to me this morning.

Power to the exhaust fan is only controlled by breaker number 23 in the electrical panel labeled RPIG-A1 in the Pre-Make Ready Room. Since there is not a switch in the smoking room to control exhaust, the fan runs 24 hours per day. I hope this information is helpful to you. Please call me if you any further questions.

Sincerely,
TIERNAN & PATRYLO DESIGN GROUP, INC.

Steven Gulas
Project Manager

Cc: Larry Aronson (Tiernan & Patrylo Design Group)
Larry Wright (Alcan Packaging)
Glenn Shealey (Alcan Packaging)
File

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Bernard J. McMullen, City Manager Bernard J. McMullen

FROM: Colin W. Halterman, Assistant City Manager
Paul J. Salvatore, Financial Services Director P.S.
Janet I. Camburn, Assistant Finance Director

DATE: November 10, 2004

SUBJECT: Auditing Services
November 18, 2004 City Council Consent Agenda

Recommendation:

That City Council award a one-year contract to Mauldin & Jenkins, LLC for auditing services for the fiscal year ending September 30, 2005, with two one-year automatic renewals; and authorize the Mayor or City Manager, after review by the City Attorney, to sign the agreement required for these services.

Discussion:

On October 13, 2004, the City mailed a request for proposals (RFP) to fourteen (14) local, regional, and national accounting/auditing firms and placed the RFP on the City's web site. Although attendance was not required, the City held a pre-proposal conference on October 26, 2004, to discuss the request for proposals. Two firms, Mauldin & Jenkins, LLC and Cherry, Bekaert & Holland, LLP, sent a representative to the pre-proposal conference. One other firm, Clifton, Lipford, Hardison & Parker, LLC, also indicated an interest in submitting a proposal.

Proposals were due Friday, November 5, 2004. The only proposal the City received was from the firm of Mauldin & Jenkins, LLC. Attached are the price proposals for auditing services for the fiscal years of 2005, 2006, and 2007.

Mauldin & Jenkins is a leader in auditing state and local governments in the State of Georgia. They currently audit more cities, counties, and State agencies than any other public firm in Georgia. Cities that are audited by Mauldin & Jenkins include Albany, Fayetteville, Griffin, Roswell, and Tyrone. Counties that are audited by the firm include Fulton, Gwinnett, Athens-Clarke, Glynn, Henry, and Spalding. Peachtree City has engaged Mauldin & Jenkins to conduct the City's audits for the last three fiscal years –

2002, 2003, and 2004. Staff feels that the professionals at Mauldin & Jenkins have an excellent background in state and local governmental accounting and auditing to ensure that the City's financial statements meet all the requirements of 1) Governmental Generally Accepted Accounting Principles (GGAAP), 2) the Governmental Accounting Standards Board (GASB), 3) the Government Finance Officers Association (GFOA) for the Certificate of Achievement for Excellence in Financial Reporting Program, and 4) the State of Georgia.

City Staff recommends the award of a one-year contract, with two one-year automatic renewals, to the firm of Mauldin & Jenkins, LLC.

Budget Impact:

There is no current budget impact, since the actual costs associated with the fiscal year 2005 audit will not impact the City until fiscal year 2006. The City will include these costs in the fiscal year 2006 budget, accordingly.

JIC/CITY COUNCIL – AUDITING SERVICES

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES
FOR THE AUDIT OF THE 2005 FINANCIAL STATEMENTS

Name of Firm: Mauldin & Jenkins

	(A) Number of Hours	(B) Hourly Rate	(A x B) Total
Partners (or Client Executives)	20	$220	$ 4,400
Managers	120	160	19,200
Supervisors (or Seniors)	100	130	13,000
Staff Accountants	65	100	6,500
Total for services described in RFP	305		43,100
Out of Pocket Expenses			
Meals and Lodging			1,900
Transportation			300
Mauldin & Jenkins discount from standard fees and expenses			(10,000)
Total All-Inclusive Price for the 2005 Audit			$ 35,300
Amount of Professional Services, in hours, allowed for the 2005 year without additional cost.			See Note 2

Note 1: Special audit services requested by the City will be performed at the above rates.

Note 2: We have traditionally supplied our clients with technical accounting and finacial reporting updates and advice throughout the year without additional charge. We will provide these services to you on routine matters without additional charge.

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES
FOR THE AUDIT OF THE 2006 FINANCIAL STATEMENTS

Name of Firm: Mauldin & Jenkins

	(A) Number of Hours	(B) Hourly Rate	(A x B) Total
Partners (or Client Executives)	20	$235	$ 4,700
Managers	110	170	18,700
Supervisors (or Seniors)	110	135	14,850
Staff Accountants	65	105	6,825
Total for services described in RFP	305		45,075
Out of Pocket Expenses			
Meals and Lodging			1,900
Transportation			300
Mauldin & Jenkins discount from standard fees and expenses			(10,975)
Total All-Inclusive Price for the 2006 Audit			$ 36,300
Amount of Professional Services, in hours, allowed for the 2006 year without additional cost.			See Note 2

Note 1: Special audit services requested by the City will be performed at the above rates.

Note 2: We have traditionally supplied our clients with technical accounting and finacial reporting updates and advice throughout the year without additional charge. We will provide these services to you on routine matters without additional charge.

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES
FOR THE AUDIT OF THE 2007 FINANCIAL STATEMENTS

Name of Firm: Mauldin & Jenkins

	(A) Number of Hours	(B) Hourly Rate	(A x B) Total
Partners (or Client Executives)	20	$245	$ 4,900
Managers	110	175	19,250
Supervisors (or Seniors)	110	140	15,400
Staff Accountants	65	110	7,150
Total for services described in RFP	305		46,700
Out of Pocket Expenses			
Meals and Lodging			1,900
Transportation			300
Mauldin & Jenkins discount from standard fees and expenses			(11,700)
Total All-Inclusive Price for the 2007 Audit			$ 37,200
Amount of Professional Services, in hours, allowed for the 2007 year without additional cost.			See Note 2

Note 1: Special audit services requested by the City will be performed at the above rates.

Note 2: We have traditionally supplied our clients with technical accounting and finacial reporting updates and advice throughout the year without additional charge. We will provide these services to you on routine matters without additional charge.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: City Manager
Administrative Services Director / City Clerk
Financial Services Director P.S.

DATE: November 9, 2004

SUBJECT: Consider Amendment to Pension Plan Regarding Part-time Employees
November 18, 2004 Council Agenda Item

Recommendation:

Consider approval of attached proposed amendments to defined benefit pension plan regarding part-time employee eligibility.

Discussion:

The current defined benefit pension plan allows participation by part-time employees, except part-time, on-call firefighters, who work at least 20 hours per week. Staff recently discovered that a number of part-time employees that were listed as participating under the plan did not work enough hours to be eligible for participation. The pension board met to discuss this situation and determined that it would be advisable to recommend amending the defined benefit pension plan to eliminate part-time employees from participation. This would reduce potential errors and reduce administrative costs.

In an effort to be fair, the pension board evaluated the hours worked by each part-time employee to determine which employees had worked at least 1040 hours in a year and how many years they had worked at least that number of hours. The board determined that eleven part-time employees had worked at least 1040 hours for at least one year. Eight part-time employees had not. Staff met with all affected part-time employees and explained the situation and what the board was going to recommend. Only one affected employee seemed to have a problem with the proposed recommendation.

It is the board's recommendation that any employee that has worked at least 1040 hours for at least one year by the end of 2004 be grand fathered into the plan and continue to be eligible for participation in the plan. These employees would be given credit for the number of years they have already worked at least 1040 and would get credit for any future year they worked at least 1040 hours. No other part-time employee, current or future, would be eligible for participation in the defined benefit pension plan. All part-time employees would continue to be eligible to participate in the 457/401 deferred compensation plan.

Budget Impact:

Undetermined at this time. There would be a savings over time.

/jsm

Attachment

ARTICLE I

Before Change

Section 18. "Eligible Employee" shall mean any Employee, except for elected or appointed members of the Governing Authority, who satisfies any eligibility conditions applicable to the class of Eligible Employees to which he belongs. Employees with job designations as part time firefighters are excluded from this Plan.

Section 19. "Eligible Regular Employee" shall mean any Regular Employee who works a regularly scheduled 20 hours per week. Employees with job designations as part time firefighters are excluded from this Plan. For the purpose of determining the twenty (20) hour minimum requirement as an Eligible Regular Employee, total hours at Calendar Year end divided by the total employment period during the Calendar Year replace reviewing weekly records.

After Change

Section 18. "Eligible Employee" shall mean any Employee, except for elected or appointed members of the Governing Authority, who satisfies any eligibility conditions applicable to the class of Eligible Employees to which he belongs. Only Employees with job designations classified as full time by the payroll system are eligible for this plan. Part time employees who meet the prior eligibility requirements by 12/31/2004 are grandfathered into the prior provisions.

Section 19. "Eligible Regular Employee" shall mean any Regular Employee who works in a full time position. Prior to 12/31/2004, a Regular Employee who worked a regularly scheduled 20 hours per week qualified as a Eligible Regular Employee. Appendix A lists employees who met and therefore retain Eligibility under this provision. For the purpose of determining the twenty (20) hour minimum requirement for these employees as an Eligible Regular Employee, total hours at Calendar Year end divided by the total employment period during the Calendar Year replace reviewing weekly records.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

FROM: **City Manager**
Administrative Services Director / City Clerk
Financial Services Director

DATE: **November 11, 2004**

SUBJECT: **Consider Amendment to Pension Plan Regarding Payment to Estate**
November 18, 2004 Council Agenda

Recommendation:

Consider deleting Article VI, Section 6 (attached) to eliminate the lump sum in-service death benefit payment to an estate.

Discussion:

The City's consultant Clark Weeks recommends that Article VI, Section 6 be deleted. Currently, our plan provides that, if there is no beneficiary named, the lump sum death benefit automatically goes to a spouse, a child or children, or a parent, in that sequence. If there is no beneficiary named and there is no surviving spouse, child or parent, the benefit goes to the estate. The deletion of Article VI would relieve the City of the obligation of searching for other relatives. This search for a beneficiary can be expensive in these cases and often times these payments wind up reverting to the state government.

Budget Impact:

Undetermined. There could be a savings in the unlikely event that an employee ever did die without naming a beneficiary or having immediate family members.

/jsm

Attachment

Delete the following section from Article VI and renumber the following sections in Article VI as required:

<u>Section 6. Actuarial Reserve In-Service Death Benefit; Payment to Estate.</u> With respect to the Actuarial Reserve in-service death benefit only, if there is no Primary, Secondary or Default Pre-Retirement Beneficiary to whom a death benefit is payable under Article VI, Section 5, then the Actuarial Equivalent of the Participant's vested Accrued Retirement benefit shall be paid to the Participant's estate in lieu of the lifetime monthly benefit which would otherwise be payable to a Pre-Retirement Beneficiary. Such Actuarial Equivalent shall be determined as if the Participant had terminated employment on the date immediately preceding his date of death and received a lump sum distribution of his benefit under Article V, Section 5, determined without reference to the maximum cash-out limits of said Section.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

FROM: **City Manager**
Administrative Services Director / City Clerk
Financial Services Director P. S.

DATE: **November 10, 2004**

SUBJECT: **Consider Amendment to Pension Plan Regarding Actuarial Equivalence**
November 18, 2004 Council Agenda

Recommendation:

Consider amending Article X, Sections 1 – 7 and adding a new Section 8 (attached) changing the actuarial tables for calculating retirement from those currently in the plan to using actuarial equivalence. This will allow for a more equitable calculation of benefits.

Discussion:

Our pension consultant Clark Weeks recommends this change in the method of calculating pension benefits for beneficiaries. By using the actuarial equivalence to determine pension benefits, there will be greater fairness in the calculations. Clark Weeks will be at the Council meeting to answer any technical questions you may have.

Budget Impact:

This will have no impact on the budget. It is just a more equitable way of calculating benefits.

/jsm

Attachment

Article X before changes:

ARTICLE X

ACTUARIAL EQUIVALENT CONVERSION TABLES

Section 1. Early Retirement Reduction Table

Number of Years Before Normal Retirement*	Factor Reducing Normal Retirement Benefit
0	1.000
1	.933
2	.867
3	.800
4	.733
5	.667
6	.633
7	.600
8	.567
9	.533
10	.500

*Interpolate for whole months.

Section 2. Standard Joint & Survivor Factors.

(a) **Participant Same Age Or Older** - The following table is to be used for a Participant who is the same age or older than his Beneficiary:

Participant Age - Beneficiary Age	Contingent Annuity Factor		
	100%	75%	50%
0	.833	.870	.909
1	.826	.864	.905
2	.819	.857	.900
3	.811	.851	.896
4	.804	.845	.891
5	.797	.839	.887
6	.790	.833	.882
7	.783	.828	.878
8	.776	.822	.874

9	.769	.816	.870
10	.763	.811	.866
11	.757	.806	.861
12	.751	.800	.858
13	.745	.795	.854
14	.739	.791	.850
15	.733	.786	.846
16	.728	.781	.843
17	.723	.777	.839
18	.718	.772	.836
19	.713	.768	.833
20	.708	.764	.830
* 21 or more			

*Factor for 20 year age difference minus extrapolation factor below times number of years in excess of 20 that Participant's age exceeds his Beneficiary's age.

Contingent Annuity Percentage	Extrapolation Factor
100%	.005
75%	.004
50%	.003

(b) <u>Standard Factors; Participant Younger</u> - The following table is to be used for a Participant who is younger than his Beneficiary:

Beneficiary Age - Participant Age	Contingent Annuity Factor		
	100%	75%	50%
1	.841	.876	.914
2	.848	.882	.918
3	.856	.888	.922
4	.863	.894	.926
5	.870	.899	.931
6	.877	.905	.935
7	.885	.911	.939
8	.892	.916	.943
9	.898	.922	.947
10	.905	.927	.950
11	.912	.932	.954
12	.918	.937	.957
13	.924	.942	.960
14	.930	.946	.964
15	.935	.951	.967
16	.941	.955	.969
17	.945	.959	.972

18	.950	.962	.974
19	.955	.966	.977
20	.959	.969	.979
21 or more	.960	.970	.980

Section 3. Period Certain and Life Factors.

Period	Factor
10 Years	.911
20 Years	.780

Section 4. Life Annuity Factors to be Used in Computing Actuarial Reserve Death Benefit.

Age	Factor	Age	Factor
21	12.5773	43	11.4236
22	12.5567	44	11.3274
23	12.5337	45	11.2264
24	12.5082	46	11.1207
25	12.4804	47	11.0102
26	12.4501	48	10.8952
27	12.4170	49	10.7755
28	12.3809	50	10.6509
29	12.3416	51	10.5213
30	12.2994	52	10.3869
31	12.2541	53	10.2479
32	12.2056	54	10.1041
33	12.1535	55	9.9552
34	12.0976	56	9.8010
35	12.0383	57	9.6415
36	11.9754	58	9.4769
37	11.9088	59	9.3076
38	11.8384	60	9.1331
39	11.7640	61	8.9537
40	11.6855	62	8.7698
41	11.6026	63	8.5818
42	11.5154	64	8.3903
		65	8.1958

Section 5. Late Retirement Actuarial Equivalence Factors.

Current Age	Factor
65	1.0000
66	1.1317
67	1.2850
68	1.4645
69	1.6755
70	1.9246
71	2.2204
72	2.6486
73	2.9967
74	3.5073
75	4.1274

Figure factor using years and months. Divide difference between next highest age factor and age factor lower, by 12, then multiply by number of months. Add this onto age for years factor to arrive at correct factor. (Round off to 4 decimals).

Section 6. Other Annuity Forms. Conversion factors for other annuity forms shall be computed by an enrolled Actuary on an actuarially equivalent basis assuming that the Participant is retiring at age 65 and using the UP-1984 Mortality Table without age setback with interest at 8%, regardless of the actual age and sex of any Participant or beneficiary. If appropriate, such factors may vary by the difference between the Participant's age and the Beneficiary's age. The value of Retirement benefits received by a Participant for purposes of Article V, Section 6 shall be determined using the UP-1984 Mortality Table without age setback with interest at 8%.

Section 7. Lump Sum Payments. Effective January 1, 2001, a single sum distribution of benefits payable under Article V, Section 5, or upon plan termination, or if required for compliance with Section 401(a)(9) of the Internal Revenue Code, shall be computed on the basis of the actual age of the Participant and/or Beneficiary at the time of distribution and under the following actuarial assumptions:

(a) Interest: The applicable interest rate established by the Internal Revenue Service under Code Section 417(e)(3) and accompanying regulations, as in effect for the month of September preceding the calendar year during which the distribution is paid.

(b) Mortality: The applicable mortality table established by the Internal Revenue Service pursuant to IRC Section 417(e)(3) and accompanying regulations.

(c) Age at Which Payments Begin: The greater of the Normal Retirement Date or the age at the time of distribution of the Participant and/or Beneficiary.

Article X after changes:

ARTICLE X

ACTUARIAL EQUIVALENT CONVERSION TABLES

Section 1. Early Retirement Reduction Table

Number of Years Before Normal Retirement*	Factor Reducing Normal Retirement Benefit
0	1.000
1	.933
2	.867
3	.800
4	.733
5	.667
6	.633
7	.600
8	.567
9	.533
10	.500

*Interpolate for whole months.

Section 2. Standard Joint & Survivor Factors.

Factors for Joint & Survivor Annuities shall be computed on an actuarially equivalent basis at the Participant's retirement age using the UP-1984 Mortality Table without age setback with interest at 8%. These factors will vary by the difference between the Participant's age and the Beneficiary's age at Retirement.

Section 3. Period Certain and Life Factors.

Factors for Certain & Life Annuities shall be computed on an actuarially equivalent basis at the Participant's retirement age using the UP-1984 Mortality Table without age setback with interest at 8%.

Section 4. Life Annuity Factors to be Used in Computing Actuarial Reserve Death Benefit.

Factors for Actuarial Reserve Death Benefits shall be computed on an actuarially equivalent basis at the Participant's age at Death using the UP-1984 Mortality Table without age setback with interest at 8%.

Section 5. Late Retirement Actuarial Equivalence Factors.

Current Age	Factor
65	1.0000
66	1.1317
67	1.2850
68	1.4645
69	1.6755
70	1.9246
71	2.2204
72	2.6486
73	2.9967
74	3.5073
75	4.1274

Figure factor using years and months. Divide difference between next highest age factor and age factor lower, by 12, then multiply by number of months. Add this onto age for years factor to arrive at correct factor. (Round off to 4 decimals).

Section 6. Other Annuity Forms. Conversion factors for other annuity forms shall be computed by an enrolled Actuary on an actuarially equivalent basis at the Participant's retirement age using the UP-1984 Mortality Table without age setback with interest at 8%. If appropriate, such factors may vary by the difference between the Participant's age and the Beneficiary's age. The value of Retirement benefits received by a Participant for purposes of Article V, Section 6 shall be determined using the UP-1984 Mortality Table without age setback with interest at 8%.

Section 7. Lump Sum Payments. Effective January 1, 2001, a single sum distribution of benefits payable under Article V, Section 5, or upon plan termination, or if required for compliance with Section 401(a)(9) of the Internal Revenue Code, shall be computed on the basis of the actual age of the Participant and/or Beneficiary at the time of distribution and under the following actuarial assumptions:

(a) Interest: The applicable interest rate established by the Internal Revenue Service under Code Section 417(e)(3) and accompanying regulations, as in effect for the month of September preceding the calendar year during which the distribution is paid.

(b) Mortality: The applicable mortality table established by the Internal Revenue Service pursuant to IRC Section 417(e)(3) and accompanying regulations.

(c) Age at Which Payments Begin: The greater of the Normal Retirement Date or the age at the time of distribution of the Participant and/or Beneficiary.

Section 8. Transition. These factors are effective 12/31/2004. Participants are entitled to the greater of their frozen accrued benefit as of 12/31/2004 using the previous actuarial equivalence factors, or their benefit at Termination or Retirement using these factors.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

FROM: **City Manager**
Administrative Services Director / City Clerk
Financial Services Director P.S.

DATE: **November 11, 2004**

SUBJECT: **Consider Amendment to Pension Plan Regarding Special Retirement Benefits**
November 18, 2004 Council Agenda

Recommendation:

Consider approval in Article IV of a new Section 5 (attached) permitting benefit enhancements or an opportunity to retire under specified terms and conditions.

Discussion:

Our pension consultant recommended that Council consider adding this section to the pension plan. It will allow the Board of Trustees to approve benefit changes with Council approval in the event there is a need to pay enhanced pension benefit for any purpose. For example, if Council wanted to offer a one-time early retirement package to an employee or group of employees, it could be done under this section without having to amend the plan.

Budget Impact:

Budget would only be impacted if a determination were made that Council wanted to offer a special retirement benefit.

/jsm

Attachment

New section in Article IV- Retirement Benefits

<u>Section 5. Special Retirement Benefits</u> The Board may, at its sole discretion, from time to time, offer benefit enhancements, or the opportunity to retire under specified terms and conditions to a group of Employees.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**
Assistant City Manager

FROM: **Administrative Services Director / City Clerk**

DATE: **November 9, 2004**

SUBJECT: **Employee Life and AD&D Insurance**
November 18, 2004 Council Agenda Item

Recommendation:

Approve an increase in the employee Life Insurance and AD&D Insurance provided by the City from one times annual salary with a maximum of $50,000 to one times annual salary with a maximum of $100,000.

Discussion:

Currently, the City provides life insurance and AD&D at one times annual salary to a maximum of $50,000. This amount has been offered for the past 20+ years. At the time this insurance was initially provided, no employee with the City made $50,000. Over the past 20 years, salaries have increased and the City now has approximately 45 employees who make more than $50,000 a year. An increase in the maximum from $50,000 to $100,000 would cost the City approximately $2,184 in increased premium for the 45 eligible employees. Any employee who qualifies for more than $50,000 in insurance must pay FICA and Medicare on the benefit. This is a small tax liability for the employees, just a few dollars a year. Finance would ensure that this tax is withheld on the final paycheck at the end of the year.

Budget Impact:

This would increase the budget approximately $2,184 in 2005. This can be funded from unused salary in the department budgets.

/jsm