City Council of Peachtree City
Agenda
November 6, 2003
7:00 p.m.

I. Prayer

II. Pledge of Allegiance

III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Presentation to Leukemia and Lymphoma Society
Proclamation – Feed America Thursday
Proclamation for Key Club Week
Proclamation Recognizing Public Safety Efforts in Hampton Inn Incident
Present 10-year Service Pin to Stony Lohr
Present 25-year Service Award to Tom Hughey

IV. Minutes
October 2, 2003, Regular Meeting Minutes
October 16, 2003, Regular Meeting Minutes

V. Monthly Reports

VI. Consent Agenda
1. Consider Contract for Rockspray Spillway Bridge Project
2. Consider Surveying Services for Perthshire Drainage
3. Approve Project Management Agreement for GA 54 West Sidewalk/Multi-use Path
4. Adopt Trust to Trust Transfer Ordinance for Defined Benefit Pension Plan

VII. Old Agenda Items
10-03-05 Consider Amendment to Alcohol Ordinance Relative to Definition of Church Building

VIII. New Agenda Items
11-03-01 Alcoholic Beverage License – NEW – Rajkripa, LLC dba Kedron Wines & Liquor
11-03-02 Certify Election Results
11-03-03 Public Hearing – Reaffirm Multi-family Moratorium
11-03-04 Public Hearing – Reaffirm Annexation Moratorium
11-03-05 Public Hearing – Rezoning – P.K. Wright property, Highway 74
11-03-06 Consider Establishment of Peachtree City Tourism Association, Inc.

IX. Council/Staff Topics

X. Executive Session

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

City of Peachtree City
Minutes of Meeting
October 2, 2003
7:00 p.m.

The City Council of Peachtree City met Thursday, October 2, 2003, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Steve Rapson, Dan Tennant, and Murray Weed. Annie McMenamin was out of town.

Announcements, Awards, Special Recognition

There were no announcements, awards, or special recognitions. Brown noted that Weed was one of four Peachtree City residents selected to attend the Regional Leadership Institute. Brown added that only about 50 people from the metro area were chosen each year and it was an honor for Weed to be selected.

Approval of Minutes

Tennant moved to approve the August 21, 2003, regular meeting minutes with changes from Brown and Rapson. Weed seconded. The motion carried unanimously.

Rapson moved to approve the September 4, 2003, regular meeting minutes as amended by Weed. Weed seconded. The motion carried unanimously.

Rapson moved to approve the September 18, 2003, special called meeting minutes and September 18, 2003, regular meeting minutes as amended. Tennant seconded. The motion carried 3-0-1 (Weed).

Monthly Reports

Brown noted the following events: Four Nights in October, October 2-5; Hispanic Heritage Festival, October 4; Light the Night Leukemia & Lymphoma Walk, October 4; Alzheimer's Memory Walk, October 11; Peachtree City Classic Road Race, October 18; and City Election, November 4.

Brown reported that the Building Department had collected $352,573 in building fees year-to-date, which was a little off the pace of last year. The top 5 automobile accident sites for the year were Highway 54/Highway 74, 52 incidents; Highway 54/Huddleston Drive; Highway 54/Planterra Way; Highway 74/Crosstown Drive; and Highway 54/Commerce Drive.

Consent Agenda

1. **Employee Medical Insurance Renewal**
2. **Consider Brand Name Purchase of Play Equipment for Beaver Dam Park, Wynnmeade**
3. **Consider Fire Department Homeland Security Grants and Budget Amendments**
4. **Consider Contract for County to Conduct City Election**

Weed moved to approve the Consent Agenda and asked Brown for a summation of the Consent Agenda items for the benefit of the public. Brown noted that Item #1 increased the employee group medical insurance excess coverage from $40,000 to $50,000. Item #2 allowed for a sole vendor without a bid for playground equipment. He added that the City was trying to have all the playground equipment in conformance and the new equipment at Pebblepocket, Picnic Park, and Glenloch was purchased from this company. Using the same type of equipment at all of the playgrounds would save on maintenance and replacement costs. Rapson noted the developer was also putting in $20,000 for the playground equipment at Beaver Dam Park. Item #3 included adjustments to the budget to accept federal grant money and allowed Fire Chief Stony Lohr to act as the authorizing agent for the Homeland Security Grants. The grants were worth $163,903 and required no matching funds. Item #4 was an agreement with the County to allow the County to conduct the City election. Tennant seconded. The motion carried unanimously.

Old Agenda Items

04-03-03 Consider Defined Benefit Pension Plan Adoption Agreement

Brown noted there was a substantial additional document on the dais entitled "The City of Peachtree City Defined Pension Plan Effective December 31, 2003." Financial Services Director Paul Salvatore reminded Council that at the April 3, 2003, meeting Clark Weeks of Actec, Inc., had discussed several potential changes to the Defined Benefit Pension Plan that could bring a significant savings to the City. During the discussion, Salvatore said they focused on the Georgia Municipal Employee Benefits System (GMEBS) defined benefit pension plan. Salvatore said there had been sharp increases in the contributions of nearly 35% for the last two years. Some of the increase was due to the pay plan changes, as well as the bearish stock market. More stability in the level of contributions was needed and Weeks felt that could be achieved, along with higher overall returns and more control over the plan in general, if the City got away from GMEBS, with whom the City had no say in how the money was invested. Council had agreed with Weeks and instructed staff to come back with a recommendation on making the change.

Salvatore continued that the first step was to draft a new plan document. The new document mirrored GMEBS as far as the pension benefit formulas, but there were changes that would benefit the City aside from the investment changes. With the help of Fredrick Cox, Jr., an attorney who specialized in Employee Retirement Income Security Act (ERISA) laws, the document was complete. No changes were made to the employee pension benefit formulas; however, there was a provision in the existing document for disability benefits. Salvatore said that was not needed since the City had taken out a long-term disability policy for employees that the City paid a premium on several years ago. The funds for the disability benefit could be shifted over to the pension benefit, which would result in an immediate reduction of the planned benefit obligation (PBO) of about $230,000. Salvatore said that would decrease the unfunded liability of the plan by about five percent. There would also be a decrease in the required annual contribution by about $46,000 to $50,000 a year for the next 20 years. Salvatore said there would also be a reduction in administrative costs due to several other minor revisions.

Requests for Proposals (RFPs) had been sent for the investment management and trustee services. The RFPs were due back on October 7 and they should be evaluated and a recommendation should be made in time for the October 16 meeting. Salvatore said the time schedule would give staff 60 days to make the change over before January 1, 2004, which was the date the actuarial valuation would change to so it was consistent with the calendar year. Salvatore asked Council to take action to adopt the new plan document, which had been reviewed by Cox and City Attorney Ted Meeker.

Tennant said this was a good example of Council relying on staff's recommendation. Rapson said it was a good example of Council moving forward on something that was a savings from the pension aspect and reaping some benefits. Rapson explained that there would be a recurring savings in the PBO. Rapson said the changes could knock down the millage rate increase in FY 2005 by at least $100,000. Rapson moved to replace the GMEBS plan document and adoption agreement as presented. Weed seconded. The motion carried unanimously.

09-03-04 Presentation on No Smoking Resolution from Board of Health

Dr. Thomas Faulkner, the City's representative to the Fayette County Board of Health, addressed Council. He said members of the Board of Health were addressing officials throughout the County regarding a proposed no smoking ordinance. Faulkner pointed out that smoking, both direct and second-hand, was a significant contributor to disease and was linked to 60,000 deaths per year. It also was related to heart disease and lung cancer in non-smokers. There was a significant impact on children, and asthma caused by inhaling second-hand smoke was increasing. He said the Board of Health's resolution asked the City to consider an ordinance that prohibited smoking in all public places. He commended the City for the ordinance already in place, but said second-hand smoke was a risk at sporting and field events.

Faulkner continued that the resolution was one of the initiatives from Helping People 2010, which was a program of the Department of Health and Human Resources to try and increase overall public health and prevent chronic and acute diseases.

Brown asked if the County already had an ordinance in place. Faulkner said he understood that the County did not have an ordinance in place. Tennant asked if any jurisdictions had enacted an ordinance to date. Faulkner answered that he did not know of one that had, but there were more municipalities getting involved in similar resolutions. He noted that over 2,500 municipalities or counties in the United States had initiated some kind of no smoking ordinance. For some, the ordinances included all workplaces, including restaurants. Those ordinances were almost exclusively in California and Massachusetts. In Georgia, Loganville was the only standout in the state. Effingham County also took the lead in restricting smoking in restaurants. DeKalb County had a resolution restricting smoking in workplaces excluding restaurants.

Weed asked what the Board of Health recommended prohibiting, and where. Faulkner said in all public places the City had control over. Weed asked for a definition of a public place the City had control over, whether it would include City-owned property or property throughout the City. Faulkner said if the Board of Health had its way it would include all areas within the City, such as workplaces, restaurants, and businesses. Faulkner said the board realized the City did not have control over how businesses offered their services, but at least extend it to public-owned buildings, sports fields, and amphitheaters. Brown said the Amphitheater already had a smoking prohibition in place.

Brown said the matter would be discussed with staff and Council would ask for recommendations. Rapson suggested putting the resolution on the website to find out what the residents thought. Tennant suggested staff could do some research analysis and make a recommendation.

Public Hearing – FY 2004 Millage Rate

Salvatore had a brief PowerPoint presentation on the FY 2004 millage rate. He said this was the third and final hearing required by law to adopt a millage rate that exceeded the rollback millage rate.

Salvatore continued that the major issues affecting the budget included employee health insurance costs going up by a minimum of 15% a year, defined benefit pension plan costs, Local Option Sales Tax (LOST) revenue shortfalls/formula change, hotel/motel tax shortfall in excess of $20,000, declining impact fees, decline in personal property values (about $32 million in three years, mainly in the industrial area), and state grant revenue loss (the funds to pay the last installment on Drake Field had to come from the FY 2004 budget rather than the $250,000 grant). Salvatore added that expenditures in general had exceeded revenues for the last few years. He said it was not deficit funding, just that spending had exceeded tax revenues. Other revenues, such as user fees and charges, helped cover the expenditures. The proposed millage rate for FY 2004 was 5.283 mills, an increase of .580 mills or 12.3% over the current rate of 4.703 mills.

Salvatore said the overall increase in the millage rate was 1.283 mills. One mill was due to the County school system. The remaining .283 mills was a combination of the County's millage rate decrease and the City's millage rate increase, which was indicative of the LOST redistribution. For every $200,000 of taxable property, the increase in the tax bill would be $102.64. Staff's recommendation was to adopt the millage rate of 5.283 mills.

Citizens who addressed Council regarding the millage rate included David Chaney, Larry Aronson, Nick Kaigler, Robert Brown, John McGregor, and Bill King. Their concerns included the following:

- Nickels and dimes caused higher taxes;
- Turn up the air conditioning, turn the heat down, and turn off the lights;
- Too much spent foolishly, such as on dog park;
- A lot of people out of jobs;
- Not looking for ways to save money;

- Employees need to pay more for medical insurance;
- Sell Tennis Center and Amphitheater to private entity;
- Contract out work that would be done in satellite auto shop;
- Sell Drake Field or get different terms from seller;
- Get spending under control and live within means;
- Act responsibly;
- Politicians were better stewards of taxpayers' money before they were elected;
- Look at effectiveness of money spent on Leisure Services and Public Safety and number of employees
- Look systematically at budget and operating costs;
- Residents get a lot of services for little taxes;
- Deal with senior citizens and those on fixed incomes.

Weed noted that the City gave the Dog Park Committee $5,000 in seed money. Weed continued that the committee had more than raised all of that money back and planned to pay the City back for the seed money. Weed said public land would still be dedicated for the park, but no public money would be involved. Salvatore noted that the Mayor and Council budget for FY 2004 was increased due to the cost of the November election. Brown closed the public hearing.

Rapson responded to the citizens' comments and noted that City Manager Bernard McMullen had implemented five major projects and saved millions in Fulton County due to energy conservation. He said McMullen would also do that here. Rapson continued that Council had discussed increasing the cost of medical benefits to employees, but pointed out that some employees were just barely above the poverty level and could not afford increased costs. Rapson said the pension plan could not be systematically suspended because people had vested rights in the plan. Rapson continued that the City could not sell its assets to maintain liquidity and asked where the line would be drawn. He explained that GASB 34 was a State requirement regarding how the City was to keep its financial records and there were major changes for the City. The City previously used the self-insurance fund to cover premiums, settlements, and liabilities. Items previously paid for by the self-insurance fund now had to be allocated out to the proper department and line item, which accounted for the spikes in the departments.

Rapson noted that he worked with finance as a living. He said one of the first things this Council had to do was to deal with the actions of the previous Council in their last year and those actions were the equivalent of approximately one mill, or one and a half million dollars. Those actions included a new pay plan, adding 12.5 employees, and rolling back the millage rate. Rapson said this Council could have gotten rid of the new employees, but 90% were in the Fire Department. Those were not bad decisions, but the millage rate was not changed at the same time. Those changes all affected service levels. Rapson discussed the new police cars and pointed out there were standards to follow and the vehicles had to be replaced because they were unsafe for police officers. The vehicles were not scrapped or given away. Other departments used the vehicles. Those police vehicles that were not used elsewhere in the City were surplused and the money from the sale was put back into the general fund. Rapson continued that the Police Department also had a take home policy and that was one reason people felt safe. He added that when someone said this Council had not been good stewards, then that person was not aware of what this Council had done.

Tennant said he had a lot of respect for City staff, who had worked very hard on the budget, and for his colleagues because the budget process was not easy. Everyone on Council believed strongly that they were doing what was best for the City. Tennant said he had been preaching no tax increase for many months and there was plenty more in the budget to cut. He acknowledged that it was one thing to say "no tax increase" when running for office, but he had proposed three plans for a zero percent increase without touching public safety. The plans meant making choices, including staff reductions, big increases in fines, and selling land. It all came down to the "willage" rate, not the millage rate. The "willage" was to raise taxes. Tennant said he would not vote for an increase. Tennant continued that desperate times called for desperate measures. He disagreed with cutting Public Safety since that was the most vital thing Council could provide. Tennant said it was plain and simple that the will was not there. Tennant said he was disappointed and that public servants were vital. The reality was that only one person in private enterprise served on Council and he understood what everyone had said.

Rapson said he understood private enterprise and that part of his job was managing the enterprise funds for Fulton County, which included an airport and a $450 million water and sewer system. He understood the decisions, but fundamentally disagreed with Tennant on service levels. Proposing a five percent reduction in service level and excluding Public Safety really meant a 10 to 12% reduction because Public Safety was 50% of the budget. Tennant noted that no one in private enterprise got a two to three percent cost of living allowance (COLA) just because they had a job. He said that could have been cut.

Weed said nothing happened in a vacuum. Last year, there were five hearings and Council made over $1 million in cuts. Some of the cuts were not good, but Council knew that last year, this year, and next year taxes were going up. He said it was a fact that they had to pay for the beautiful town that everyone lived in. Weed said the City's neighbors were not as wealthy or as well-educated as the City's residents. He said he was not willing to sacrifice quality of life. He continued that it was not a question of whether they were willing to cut services, but whether they were willing to preserve services and he would always vote to preserve the way of life.

Tennant said no one was talking about changing the City's way of life, but about using the budget hatchet where it had to be used. Tennant said Council wanted more money for the cart path system. They could double the money in the budget for cart paths if they had not hired an assistant city manager. The net increase to the budget would have been zero. Tennant called for the vote.

Brown said Tennant had presented three plans for no tax increases and that Tennant had said during the budget hearings that two of the plans were undesirable. Tennant said that he did not say that, but that the middle plan would be his choice if he had to choose. Brown continued that the third plan gave COLA for half the employees and not the other half. Brown said there was no fair way to determine which employees would receive the COLA, and it would have caused morale problems. Tennant said Public Safety employees should get the COLA because their jobs were fundamentally different from someone patrolling a park or working at the library.

Rapson said it was important to note that the Fire and Police Departments disagreed with Tennant. Weed suggested Tennant tell a public services worker that his job was not as valuable as a police officer when he was cleaning out a culvert in 102-degree heat and facing a snake. Brown said Tennant's plan also included laying off two female cancer victims, which was an EEOC lawsuit waiting to happen and would more than make up for tax savings. As for the satellite auto shop, Brown said the fire engines that needed the auto shop were purchased on Tennant's watch and there was no capacity to service them. Tennant said the City did not need state-of-the-art indoor facilities to take care of the fire trucks. Brown continued that Council had also spent money on vital road improvements and without those improvements, the traffic delays at 74/54 would be worse than ever. Brown said that money was pulled from other areas. Brown closed the public hearing.

New Agenda Items

10-03-01 Adopt FY 2004 Millage Rate

Salvatore said he had already gone over the reasons for the millage rate increase several times. Staff recommended a millage rate of 5.283 mills based on the service levels Council directed staff to maintain. Salvatore said staff recommended that the Mayor and staff be authorized to sign the necessary documents needed to implement the 2003 tax levy and homeowners tax relief grant certification.

Rapson moved to adopt the millage rate as proposed by staff. Weed seconded. The motion carried 3-1 (Tennant).

10-03-02 Public Hearing – Consider Increase in Occupational Tax

Administrative Services Director/City Clerk Jane Miller addressed Council. She said Council had directed staff to look at all fines and fees and evaluate them as part of the 2004 budget process. She said the notices for the occupation tax would be going out soon so a decision needed to be made so the appropriate information could be sent. Currently, the cost was \$15 per employee, with a minimum tax of \$100 and a maximum of \$2,075.

Miller said staff had provided information on three options to Council. Staff recommended Council adopt Option 2, which included a \$20 administrative fee, an increase in the per employee charge from \$15 to \$17.50, and a minimum of \$100 and maximum of \$5,000. Miller said Option 2 had no impact on businesses with four employees or less, which accounted for almost 75% of the businesses in the City. The main impact would be on the large businesses currently maxing out. She added that the maximum amount was scheduled to change to $2,575 in 2004. The recommended option would generate approximately $46,000-plus in additional revenue.

Residents who addressed Council included Judi Rutherford, Robert Brown, Don Bagnall, and Dave Wortman. Comments included:

- Council was asked to explain what businesses were required to pay occupational taxes;
- Businesses collected the tax from the customers for the government.

Rapson asked Miller to clarify what businesses were required to pay occupational taxes. Miller noted that several things were exempt from the occupational tax by ordinance. She read from Section 74-36 of the City's Code of Ordinances:

(b) The following persons will not be subject to the occupational tax:
  (1) Persons deemed to be engaged in business solely by reason of being engaged as a farmer in the production of crops, livestock or other farm products within the city.
  (2) Persons engaged in recreation activities sponsored by the parks and recreation department of the city.
  (3) Self-employed persons engaged in performing day and domestic work or services conducted in connection with or for occupants or residents of the city.
  (4) Those businesses regulated by the state public service commission
  (5) Those electrical service businesses organized under O.C.G.A. § 46-3-170 et seq

Miller continued that the City had conducted an audit of businesses based on a list obtained from Dunn & Bradstreet. Over 500 of the businesses on the list had never paid occupational taxes and the City had no record of them. Those businesses were contacted and over $16,000 in previously unpaid occupational taxes had been collected. One of the issues encountered with people who worked out of their home was that an independent contractor who received a 1099 was considered a business. If they received a W-2 from a company and just happened to do some things out of their home, they were in a different situation. Some of the businesses felt they were not home occupations, but were considered such by the ordinance.

Bagnall told Council he was appalled by the lack of decorum at the dais. The Mayor asked Bagnall if he was going to address the occupational tax and Bagnall said no. Tennant moved that the gentleman be allowed to be heard. Weed said he agreed that the resident should be heard, but not at this time. Brown asked if anyone wanted to speak regarding the topic. Wortman questioned why Bagnall was not allowed to speak. Rapson said Bagnall could speak, but Council was working on an agenda topic. Tennant asked which agenda item would allow the residents to speak. Brown said under Council/Staff Topics. Weed told Tennant he would second a motion to allow public comment at the conclusion of the agenda item.

Tennant moved that there be no increase in the occupational tax as presented because it was bad to tax businesses when in a recession. Brown seconded.

Tennant said, in lean times, the last thing Council should do was to make it more difficult to do business in the City. Brown pointed out that Council had asked staff to look at an increase in fees. Tennant said most of the members wanted to look at the fees paid by non-City residents and that it was timing that brought this matter forward at this time. Tennant said Council wanted staff to look at fee structures for fees paid by non-City residents such as court fines and recreation fees.

Miller agreed and said staff needed to know about any changes in this tax before 2004. Tennant said he was not upset with staff and understood why the matter had been brought before Council at this time.

Rapson noted that Council had discussed an increase in this fee two years ago. He said he was in favor of discussing the matter instead of just denying the increase. He agreed the tax was passed on to customers and said that was just part of doing business. He said there were 1,601 businesses and 73.2% would not be impacted by staff's recommendation. The occupational tax was not a huge expense unless there were hundreds of employees and was a part of doing business. Rapson said he was in favor of Option 2, or at least discussing it.

Weed asked Miller if the City had ever charged an administrative fee in the past. Miller said no and added that staff had discussed whether to charge an administrative fee or not. She explained that it was labor intensive for staff to monitor and maintain the process. Staff time was used to generate new licenses and to process renewal notices every year. There was a maintenance agreement for the software program used to maintain the records. She continued that Code Enforcement monitored home occupations to ensure the ordinance was followed so there were some administrative costs involved.

Weed said he also understood from the tax law that there was nothing in the tax itself to recover the administrative costs. City Attorney Ted Meeker said the law did allow for an administrative fee to be collected. Rapson added that the increase in the occupational tax meant $46,000 that the millage rate would not have to increase.

Weed asked Miller to compare the City to neighboring entities if Option 2 were approved. Miller noted that a list of cities was included in the meeting book and went over some of the information on the list. She said staff chose what they felt was a justifiable and reasonable administrative fee. Staff felt the increase would not impact smaller businesses without the opportunity for significant revenue.

Tennant said it did not matter what the other cities charged. Either Council wanted to hurt businesses, or they did not.

Rapson said there were 1,601 businesses and 1,172 would not be impacted at all. If Council dropped that to 90% of the businesses being impacted, another 268 businesses would be picked up for an additional $4,443, which meant of the 90% of business impacted only 268 would pay an additional $16.58. The remaining 161 businesses, the large businesses, would see the increase and cost them another $220 or so on average. Rapson felt that did not impact the business community, but they were taking the expenditures associated with occupational taxes and making the City comparable to neighboring jurisdictions. At the same time, every dollar staff found in another revenue category would help with next year's budget.

Tennant said everything should be on the table, but this particular tax increase sent the wrong message. The lack of good will over $46,000 in additional occupational tax would hurt the City's reputation. If the Chamber of Commerce were present, they would make the same argument.

Tennant called the question. The motion failed 2 (Brown, Tennant)-2 (Rapson, Weed).

Miller noted that Council had approved a schedule of increases two years ago and a $500 increase in the maximum tax was already in the ordinance for January 1, 2004. She asked Council if that increase was also to be eliminated. Tennant said yes. Brown and Rapson questioned whether that change would need a motion. Meeker said the approved increase was not a part of the action. What was on the books was still on the books. The ordinance had gone into effect and the proposal before Council would have amended the ordinance. No action was taken to amend the ordinance.

10-03-03 Consider Approval of GA DOT Grant Application Submission for Multi-use Bridge

Brown noted there was an additional document on the dais regarding this agenda item. City Planner David Rast addressed Council and explained that the City received information from the Georgia Department of Transportation (GA DOT) on the renewal of the authorization of the Congestion Mitigation and Air Quality (CMAQ) program. Essentially, a call had been put out for projects to be reviewed by the state's air quality partners and the selected projects would be forwarded to the Atlanta Regional Commission (ARC) for potential implementation in the FY2005-2007 transportation improvement plan. Rast said staff recommended a multi-use bridge that would span Highway 74 north of Peachtree Parkway and connect from the Kedron Office Park to the Fayette County water tower site. Rast said the project had been in discussion for some time and the need became more evident with the opening of Crabapple Elementary and redistricting of the subdivisions on Peachtree Parkway.

Rast continued that the CMAQ program was similar to a transportation enhancement program to provide funds for alternate transportation. Staff prepared the application for this project. The estimated cost of the bridge was $800,000. They were requesting CMAQ funding in the amount of $622,000. The local match would be $178,000, including $20,000 in staff time, which could be submitted for reimbursement. Because of the amount and because the project was unbudgeted, staff brought the matter to Council for their recommendation.

Brown asked if the grant application had to be approved at this meeting. Rast said the application was due October 6. Rapson pointed out that staff time could eventually reach $178,000 and Council might not have to pay the match if that happened. Rast reminded Council that the City was eligible to submit staff time for reimbursement. Rast said staff time included project administration, construction administration, and any time spent by Financial Services in administering the grant. Rapson added that Council would also have to approve the grant if the City was selected and staff was basically asking for approval to send the application.

Tennant moved to authorize the Mayor to sign the grant application and forward it to DOT staff for consideration. Rapson seconded. The motion carried unanimously. Rast said staff should find out if the project was selected.

A resident asked if there could be a tunnel instead of a bridge. Rast explained that tunnels were difficult to construct after the road had been built. He added that there were also embankments on both sides of the highway. Another resident remarked that a tunnel would also be more aesthetically pleasing. Rapson noted there were also problems in the area with rock.

Council/Staff Topics

McMullen announced that the City would host the Association of Fayette County Governments (AFCG) meeting on Tuesday, October 14, 7:00 p.m., in Council chambers.

McMullen said Council Member McMenamin had called and reported that her son, an Alabama police officer injured in the line of duty, was being transferred to the Shepherd Center in Atlanta on Friday, October 3.

Brown mentioned that David Chaney fell in the parking lot and Chief Lohr took care of him. McMullen said Chaney was taken to the hospital and would need some stitches.

Update on Amphitheater and Tennis Center

McMullen said the City's Development Authority, on September 25, had approved transferring the operation of the Tennis Center and Amphitheater over to the City. Brown noted there were additional documents relating to the topic on the dais. The next day, staff began looking at options to make the transfer occur by October 30. On October 1, the Development Authority rescinded its previous action. McMullen said one of the documents on the dais gave three options under consideration, as well as the pros and cons.

Brown said, after looking at the research, he noticed that almost $112,000 from the Amphitheater had been used to subsidize the Tennis Center. He said that should be looked into and was a great concern. The Amphitheater had increased the price of tickets and the public was told the money would be used for the Amphitheater.

Tennant asked McMullen, given the fact that the Development Authority was to retain the operating power of both venues, what his game plan was.

McMullen said staff had come up with viable options. The game plan was to contact the Development Authority to work together on a solution. The City wanted something accountable, flexible, and stable. McMullen said both entities could work together to satisfy those requirements.

Tennant said, that after a 5-0 vote, it was clear there were major implications in the vote. By definition, the venues would go back under the City's control. He continued there were a number of logistical and legal problems with the transition. At his request, the Development Authority reconvened and chose to maintain the operation of the venues at least until the end of the year so everybody could sit down and figure out the best game plan for future management. Tennant said 30 days was not enough time and the Development Authority had made a wise move to give the City time to come up with a plan. There were a lot of options to consider. Tennant said he was greatly relieved the City did not have 28 days to figure everything out.

Tennant said everything had happened too fast and too furiously, and with a lot of emotion. Everything had happened when Scott Bradshaw quit and submitted his resignation letter to the Mayor and Council and the Development Authority. Tennant said his understanding, after talking to Bradshaw, was that the press had gotten hold of the correspondence in a matter of minutes.

Tennant asked Brown if he had notified the press. Brown said that Bradshaw had e-mailed the information to a number of people. Tennant said Bradshaw said he had not sent the letter to the press. Brown said all the copies he had were e-mailed. Brown said he had talked to the press about it and said the letter was a public document.

Tennant said the divulging of information should be investigated and rectified, if necessary. Tennant said he talked to Bradshaw and Bradshaw had e-mailed him that day. He read:

> Dan, your memory is correct. I developed a proposed transition plan for turning the two facilities over to a sports and entertainment authority several months ago. You will recall that we thought it might become a reality and the Authority agreed we should put our best foot forward and cooperate in the event the change was mandated. Authority members received a copy of the plan, but I did not distribute it to City Council because the actual legislation passed by the General Assembly made it possible for the Authority to continue operating the venues. Yes, I did tell you at the time that it would take four to six months for a smooth transition. I believe that because of the complexities of employee benefit programs, modifying

contracts, pre-paid tennis memberships, etc. It will not be a simple process. I agree with you that changing over the operation within 30 days will be painful for everyone. A smooth transition will take a minimum of 90 to 120 days. Thanks. Scott Bradshaw.

Tennant said Bradshaw concurred with his evaluation. Tennant said there would be unbelievable stress on staff and now there was the opportunity to sit down professionally and work out a plan.

Tennant moved that whoever from the public that wanted to speak be allowed to speak to Council. Rapson seconded. The motion carried unanimously.

Residents who addressed Council included Don Bagnall, Bill King, Robert Brown, John McGregor, Bill Chapman, Tennis Center Director Sean Ferreira, Jane Chapman, Robin Tennant, Shelby Barker, Bill Touchstone, Dave Timmis, Dave Wortman, Nick Kaigler, Mary Hamm, and Dave Gardner.

- No decorum on Council and no one without fault;
- Appeared that illegal activities had been conducted and worried about taxes going up;
- Damage done;
- People are innocent until proven guilty;
- Council is representative of democracy at work and provide cheap entertainment;
- Council should have consensus on this issue as it was an attempt to create a shadow government;
- Rapson should be unmuzzled and allowed to state his position;
- Wants a clear statement of what Tennis Center expansion cost;
- Public tennis facilities might not be able to operate at a profit or a break even basis;
- Not one stand-alone tennis facility in Atlanta was self-sufficient;
- Public record of Development Authority debt is wanted;
- Two outstanding facilities that bring people to the City and should be built up;
- Time needed to look at operation and do it correctly;
- Do not have all the facts;
- Not one dollar of ad valorem tax spent on venues;
- Economic impact of venues needed;
- Venues almost breaking even without support from ad valorem tax;
- Have to start working on solution and stop being problem;
- Tired of innuendo in newspapers;
- Need to be specific about illegalities;
- Might be problems, but should be commended for quality of facilities;
- Financial help, management, and accountability needed;
- Council needed to change and work together;
- Form a committee to go through budget line by line;

- Rapson v. Development Authority case needs to be resolved immediately;
- Comments about Fulton County and Coweta County residents being less educated and less wealthy were embarrassing to citizens of Peachtree City.

Council comments:

Brown said he had real problems with a major capital project that all the money had been given out for and bills kept coming in. There was consistent red ink and cost overruns had not been approved. The business model was crashing. Brown continued, based on recent information he had received, that the Amphitheater was subsidizing the Tennis Center. He referred to a memo to Mayor and Council from the City Manager. The memo is included in the official meeting file. Brown noted that the Amphitheater had a $112,000 profit and that had gone from one venue to the other. McMullen answered a resident's question that the Tennis Center received a supplement of $155,000 each year. Tennant said the Tennis Center had lost $65,000 this year.

Rapson asked Meeker if he could clarify expenditures. Meeker said as long as the information was contained in a budget document that Rapson could clarify the numbers. Meeker clarified Rapson could do so as long as the information was source information that was public information.

Rapson explained that the $155,000 subsidy all went into the Development Authority's economic development line item. The Tennis Center revenue was $897,000, of which expenditures were $963,000, which meant the Tennis Center operated at a loss of $65,000. The subsidy was fully spent by the economic development line and the revenue source of $265,000 was fully spent at $271,000, creating another loss of $6,700. The excess revenue at the Amphitheater covered those two losses. The Amphitheater had $1.426 million in revenue and expenditures of $1.314 million. The Amphitheater generated $111,945, which covered the losses at the Tennis Center and in economic development. Rapson said, historically speaking, that the Tennis Center lost between $100,000 to $125,000 a year, which had been covered by excess revenue in the Amphitheater.

Tennant said the Development Authority had not incurred any more debt this year. Brown noted that the cost overruns associated with the construction projects had increased the debt. Tennant said the Development Authority was within its right to turn the venues back over to the City and was also within its rights to rescind the vote. Council received a legal opinion regarding the rescinding vote. Tennant said now there was more time to transfer the operations. Brown said the Amphitheater had proven it could be profitable. Brown said, with the limited access to records that he had, he believed the Tennis Center could break even. Brown said when the Tennis Center expansion was approved the language clearly stated that the expansion would make the venue self-sufficient and that was how the project circumvented the referendum process.
Weed said the City entered into an agreement in 1993 that specifically said, an uncontested fact, that the facility would be self-sufficient and that was the reason the

Tennis Center did not go before a public referendum. Weed said he did not know if it was possible to run a Tennis Center that could break even or make money. Weed continued that the Development Authority had proposed a plan that would narrow the gap or maybe actually break even. Weed asked the City Attorney to find out if there was anything in the agreement that said the Amphitheater would supplement the Tennis Center. Weed said the agreement that founded the Tennis Center did not contemplate one venue paying for the other.

Brown continued that the venue was a public enterprise that had to abide by state law. There were no exclusions to state law and the state law mandated there be a balanced budget. Brown said the Tennis Center had never had that. Brown said the expenditures needed to meet the revenues. He said the Development Authority had been allowed to create a level of service through debt funding.

Brown asked Tennant what should be done about clear violations of state law. Tennant said no law-abiding citizen condoned violations of state law. Tennant said if a problem was identified it needed to be resolved.

Weed noted that he and Tennant had met with representatives of the Development Authority for months in an effort to work things out and that time had been wasted. Weed said now they were back to square one and he did not know where things were going from here. The 1993 agreement never contemplated that the Amphitheater would pay off the Tennis Center. Weed said he was not interested in having the City run the Tennis Center.

Brown said he did not want the Tennis Center to become part of the Recreation Department. He continued that the levels of service would clash and there would be feuding over funding. Tennant said if the Development Authority had not rescinded its vote that was exactly what would happen in 28 days.

Weed noted that he and Tennant had supported the idea of a sports and entertainment authority a year ago and both still supported that idea. Tennant agreed and said that had been a viable option until the Legislature changed the state law to allow the Development Authority to oversee the venues. Tennant reiterated that it would take more than 28 days to come up with a plan to run the facilities. Tennant said the panacea was not for the Development Authority to maintain control, but in the interim, it made sense for the Development Authority to keep running the venues until a plan was worked out. Brown said what he saw was that Tennant was telling the membership he wanted to keep the same management and the same set up.

Brown addressed the economic benefits of the Tennis Center. He said a tournament would bring people into the City and the participants would patronize restaurants and stores, but if the Tennis Center did not have the money to pay the bill for cost of the tournament then there would be trouble. The costs of the tournaments had to be covered.

Brown said Council specifically told the Development Authority not to borrow any more money for operating expenses and they did just that shortly afterward. Tennant said they did not borrow money for operating expenses. The loan was for capital expenses.

Rapson answered a question from a resident regarding the Wynnmeade land purchase. He explained that the acquisition was $875,000 and cost the City $56,000 a year in debt payments. He said everyone concentrated on the acreage at the Wynnmeade entrance, but the City also purchased another 45 acres. The bridge cost was $600,000 and the City had a grant of $429,000. The City had to ante up approximately $128,000. Rapson said the City would save about $200,000 in 2004 considering what the City got for the grant as opposed to the debt service. Weed added that the bridge would serve several neighborhoods on the Wynnmeade side of Highway 54.

Brown responded to a question about the Tennis Center employees. He said he had no intention of laying anyone off. He continued that the employees were paid partially by hotel/motel taxes and there were a lot of hoops to jump through to make sure the hotel/motel tax money could be used. Making the Tennis Center and Amphitheater employees city employees voided the hotel/motel tax. Brown said making the employees contract employees was one way to allow the continued use of hotel/motel tax money. Tennant asked about benefits. Brown said benefits were part of the contract now and could be a part of the contract as City employees.

Weed noted that one thing Council and the Development Authority agreed on was the validity of the 1993 agreements. The agreement also allowed the City 30 days notice to terminate the agreements and the City had been given the notice. Weed said he did not want to take on the management of the facilities. State law was changed so the Development Authority could run the venues legally. Furthermore, the City was prepared to create a 501(c)(6) organization so the venues could legally receive the hotel/motel tax.

Weed noted that according to ordinance, the meeting could not go past 11 p.m. He moved to suspend the rules to hear Mr. Gardner and adjourn the meeting after that. Tennant seconded. The motion carried unanimously.

There being no further business to discuss, the meeting adjourned at 11:27 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

City Council of Peachtree City
Minutes of Meeting
October 16, 2003
7:00 p.m.

The City Council of Peachtree City met Thursday, October 16, 2003, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Annie McMenamin, Steve Rapson, and Dan Tennant. Murray Weed arrived late.

Announcements, Awards, Special Recognition

Mayor Brown recognized Katie Schulz of the 87 Lazers on her selection to the U.S. U-19 Women's National Team. Council Member McMenamin recognized her son-in-law, Sergeant Mark Brown of the Police Department, for 10 years of service to the City. Brown noted that Weed was late due to his duties as City Attorney for Hapeville.

Minutes

Tennant moved to approve the October 2, 2003, Special Called Meeting Minutes as written. Rapson seconded. The motion carried 3-0-1 (McMenamin).

Consent Agenda

1. **Consider Appointment of Defined Benefit Plan Administrator**
2. **Consider Authorization for Temporary Public Service Signs**

Brown noted there were additional documents on the dais for both items. Tennant moved to approve the Consent Agenda as submitted. McMenamin seconded. The motion carried unanimously (4-0).

Old Agenda Items

07-03-CA1 Consider Request to Lower Lake Peachtree Four to Five Feet

City Manager Bernard McMullen noted that earlier this summer Council had approved a request to lower the lake two feet. The homeowners asked that the lake be lowered four to five feet in order to repair docks and perform other work. The County Commissioners approved the request and the request was for the same time frame – early November until the end of December. Brown pointed out the request to lower the lake was to allow for dock and shoreline repairs.

McMenamin moved to approve the request to lower Lake Peachtree. Rapson seconded. The motion carried unanimously (4-0).

New Agenda Items

10-03-04 Alcoholic Beverage License – NEW – Mellow Mushroom

McMenamin noted that the paperwork appeared to be in order. She moved to approve the alcoholic beverage license and appoint Jim Utting as the licensee and Vickey Utting as the license representative for the Mellow Mushroom. Tennant seconded. The motion carried unanimously (4-0).

10-03-05 Consider Amendment to Alcohol Ordinance Relative to Definition of Church Building

City Attorney Ted Meeker asked Council to table this agenda item. He said he had several questions from Council Members and would like time to gather the comments.

Tennant moved to table the item until the next Council meeting. Rapson seconded. The motion carried unanimously (4-0).

10-03-06 Consider Endorsement for Loan for Airport Authority

McMullen said that Cathy Nelmes, chairman of the Airport Authority, had asked that this agenda item be tabled. Brown noted there was an additional document on the dais regarding this agenda item.

McMenamin moved to table the agenda item. Tennant seconded. The motion carried unanimously (4-0).

10-03-07 Consider Amendment to Traffic Ordinance Relative to State Rules of the Road

McMullen explained that currently the ordinance adopted specific state rules by specific reference of O.C.G.A. Sections 40-6-1 through 40-6-395. He continued that staff requested the amendment, which referenced Title 40, Chapter 6, of the Official Code of Georgia, so the City automatically adopted any amendments made by the state and there would be no conflict.

McMenamin said this was a housekeeping item and moved to approve the proposed amendment to Section 78-1 of the Peachtree City Code of Ordinances. Tennant seconded. The motion carried unanimously (5-0)

10-03-08 Consider Resolution Regarding Legislative Changes for Motorized Vehicles

Brown noted there were additional documents on the dais regarding this agenda item. Meeker told Council that Representative Lynn Westmoreland had asked legislative counsel to prepare the legislation concerning the changes. The draft legislation was forwarded to the City. Meeker, McMullen, and Chief Murray met and worked on the legislation, then sent it back to Westmoreland's office. Meeker said there was one follow-up change by legislative counsel. Meeker said the legislation did not void the Coker decision. Meeker said Westmoreland asked that Council go ahead and adopt the resolution in support of the legislation.

Brown noted one typo on paragraph 4 of the resolution. Rapson said the legislation would allow local jurisdictions the ability to allow golf carts on paths and designate other parts of the highway system, such as state highway crossings. Meeker said the legislation created an exception for golf carts for state route crossings. The legislation also gave the City the right to determine what vehicles were allowed to operate on the City's streets. Rapson said the proposed legislation basically put the City back where it was before the court decision. Meeker said the City's ordinances would need to be readopted, but that things would go back as they were before the court decision.

Rapson moved to approve the attached resolution with the amendment made by the Mayor and send it to the Fayette County legislative delegation. Weed seconded. The motion carried unanimously (5-0).

Council/Staff Topics

McMullen told Council that Christmas was on a Thursday this year. In the past, City employees had been given a ½ day on Christmas Eve and all of Christmas Day off. He requested Council consider giving the employees Christmas Day and Friday, December 26, off instead. Brown said he suggested wiping out the half day since no one wanted to come back to work the day after Christmas, especially on Friday. The Council Members said they had no objection.

Meeker said he had a matter of pending or threatened litigation for executive session. McMenamin said she also had a legal issue she wanted to discuss. Tennant moved to reconvene in executive session for a legal matter and pending litigation. Weed seconded. The motion carried unanimously.

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

Weed moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The public hearing adjourned at 8:14 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

2003 City Event Calendar

October	November	December
	11/4 – City Election, 7 am – 7 pm 11/6 – City Council Meeting, 7 pm 11/8 – Flat Creek Nature Area Volunteer Workday, 9 am - Noon 11/10 – GMA Training, Macon 11/20 – City Council Meeting, 7 pm 11/27 & 28 – Thanksgiving Holiday – City Offices Closed	12/4 – City Council Meeting, 7 pm 12/18 – City Council Meeting, 7 pm 12/19 – Open House at The Gathering Place, 3-5 PM 12/25 & 26 – Christmas Holiday – City Offices Closed

2004 City Event Calendar

January	February	March
1/1 – New Years Holiday – City Offices Closed (1/1 – Regular Council Meeting Date) 1/15 – City Council Meeting, 7 pm 1/19 – MLK Holiday, City Offices Closed	2/5 – City Council Meeting, 7 pm 2/19 - City Council Meeting, 7 pm	3/4 - City Council Meeting, 7 pm 3/18 - City Council Meeting, 7 pm
April	**May**	**June**
4/1 – City Council Meeting, 7 pm 4/15 – City Council Meeting, 7 pm	5/6 – City Council Meeting, 7 pm 5/20 – City Council Meeting, 7 pm 5/31 – Memorial Day, City Offices Closed; Golf Cart Rally – 7:30 am Celebration at Plaza	6/3 – City Council Meeting, 7 pm 6/17 – City Council Meeting, 7 pm
July	**August**	**September**
7/1 – City Council Meeting, 7 pm 7/4 – Independence Day, City Offices Closed; Parade – 9 am Concert at City Hall – 7 pm Fireworks – 9:30 pm 7/15 – City Council Meeting, 7 pm	8/5 – City Council Meeting, 7 pm 8/19 – City Council Meeting, 7 pm	9/2 – City Council Meeting, 7 pm 9/6 – Labor Day, City Offices Closed 9/16 – City Council Meeting, 7 pm 9/18 & 19 – Shakerag Arts & Crafts Festival

*Note: Items in **BOLD** are new additions* *Updated 10/29/03*

BUILDING DEPARTMENT

2003 MONTHLY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2003 YEAR-TO-DATE	2002 YEAR-TO-DATE
DEVELOPMENT PERMITS:	12	23	20	14	28	26	15	43	27				208	215
BUILDING PERMITS:														
Single Family Residential	15	23	13	18	23	20	19	36	29				196	172
Multi-Family Residential	0	5	0	0	5	0	5	0	5				20	0
Misc.-Pools/fences/additions	38	55	64	57	64	60	61	62	59				520	559
Commercial/Industrial	2	11	0	8	8	10	10	14	10				73	82
TOTAL INSPECTIONS:	629	513	659	599	612	538	787	708	726				5,771	5,661
CERTIFICATE OF OCCUPANCY:														
Residential	16	14	32	16	14	19	24	14	15				164	147
Commercial	6	3	2	5	3	1	3	5	3				31	31
Multi-Family Residential	0	0	0	0	4	1	0	0	1				6	150
CODE ENFORCEMENT:														
Sign Violations	87	91	163	83	105	147	139	62	160				1,037	884
Rehab	7	18	12	25	5	22	19	26	20				154	132
Notice of Violations	236	275	341	783	412	311	410	351	304				3,423	2,831
Citations	0	1	4	2	4	5	0	2	6				24	41
Stop Work Orders	11	8	12	2	1	9	10	3	13				69	60
Complaints From Citizens	18	10	22	25	16	20	14	25	39				189	241
Assessments	1	6	8	10	2	14	8	40	23				112	386
PERMIT FEES COLLECTED:	28,004	48,240	25,706	37,930	57,370	38,357	61,091	55,875	52,461				405,034	452,952
POPULATION:	34,915	34,944	35,011	35,044	35,082	35,124	35,174	35,203	35,236				35,236	34,366

Based on 2.09 of completed occupanc

Peachtree City Prisoners at Fayette County Jail

2003

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD 2003	Previous Year
*Average Misdemeanors	5.09	3.40	2.14	3.18	4.27	4.61	4.96	5.05	3.90				4.07	7.30
*Average Felonies	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				0.00	1.01
*Average Totals	5.09	3.40	2.14	3.18	4.27	4.61	4.96	5.05	3.90	0.00	0.00	0.00	4.07	8.32

*These totals do not include weekend incarcerations.

Fayette County Jail Fund

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD 2003	Previous Year
Amount Sent to County	$6,441.79	$6,097.30	$4,550.02	$6,147.98	$5,643.86	$5,540.35	$4,003.02	$4,727.98	$4,526.17				$47,678.47	$51,161.74
Billed from County	$5,121.00	$2,253.24	$2,116.68	$2,662.92	$2,423.94	$2,970.18	$4,165.08	$4,882.02	$3,789.54				$30,384.60	$52,320.00
Cumulative Balance	$7,144.86	$3,844.06	$2,433.34	$3,485.06	$3,219.92	$2,570.17	-$162.06	-$154.04	$736.63	$0.00	$0.00	$0.00	$23,117.94	-$1,158.26

*Includes carryover for 2002 of: $5,824.07

Financial Services Monthly Report (Unaudited)

STATUS OF FUNDS AS OF SEPTEMBER 30, 2003

Fund	Cash Balance	Total Investment	Total Cash and Investments	YTD Interest
General Fund	$122,882	$5,119,568	$5,242,450	$91,595
Library Sales Tax Fund	$14,365	$0	$14,365	$0
Hotel/Motel Tax Fund	$57,102	$0	$57,102	$0
Public Improvement Fund	$50,981	$2,079,011	$2,129,993	$20,363
Self Insurance Fund	$0	$0	$0	$0
Debt Service Fund	$30,654	$12,886	$43,540	$205
Municipal Court Fund	$35,911	$0	$35,911	$0
Develop & Impact Fees	$348,867	$25,865	$374,733	$6,680
Neighborhood Parks/Rec.	$24,742	$0	$24,742	$85
Governor's Greenspace	$5,952	$0	$5,952	$266
Federal Seizures Police	$10,056	$0	$10,056	$23
Police Tuition Account	$2,299	$0	$2,299	$21
Escrow Account	$115,485	$0	$115,485	$428
Grand Total	**$819,297**	**$7,237,331**	**$8,056,628**	**$119,667**

Purchasing Monthly Report

For Fiscal Year	2003 TOTAL YTD	2002 TOTAL YTD	MTHLY % INC/(DEC)
Purchase Requistions Processed	2,158	2,783	-22.46%
City Store Requistions Processed	108	125	-13.60%
Sealed Bids Requested >$10,000	25	19	31.58%
Requests for Proposals	8	10	-20.00%
Requests for Proposals Awarded	4	4	0.00%
Written Quotes Req $5,000-10,000	39	67	-41.79%
Verbal Quotes Requested - $500 - $5,000	431	358	20.39%
Total # Purchase Orders Issued	2,158	2,783	-22.46%
Total # of Bids Awarded	26	12	116.67%
Contracts Required >$10,000	5	7	-28.57%
# of Fixed Assets Purchased >$5000	49	29	68.97%

Collateral Analysis as of September 30, 2003

Security Location	Bank	Total Held
Bank of New York	Wachovia	$1,240,534
Bank of New York	Peachtree National	$5,355,211
Federal Res Bk of Boston	South Trust	$6,025,676
		$12,621,421

General Governmental Funds Budget Comparison
Revenues - By Major Category

Description	2003 Budget	Actual YTD	Difference	%
General Property Taxes	$6,701,035	$6,821,616	$120,581	101.80%
Franchise Taxes	$1,869,602	$1,892,277	$22,675	101.21%
Local Option Sales Tax	$6,242,736	$5,886,217	($356,519)	94.29%
Other Sales & Use Taxes	$508,144	$587,085	$78,941	115.54%
Business Taxes	$1,638,015	$1,711,543	$73,528	104.49%
Licenses & Permits	$677,451	$734,356	$56,905	108.40%
Grants	$202,591	$163,762	($38,829)	80.83%
Charges for Services	$899,601	$826,675	($72,926)	91.89%
Fines & Forfeitures	$707,284	$666,439	($40,845)	94.23%
Investment Income	$79,851	$91,595	$11,744	114.71%
Surplus Carryover	$698,683	$0	($698,683)	0.00%
Other Financing Sources	$192,684	$164,059	($28,625)	85.14%
SubTotal General Fund	**$20,417,677**	**$19,545,624**	**($872,053)**	**95.73%**
Hotel/Motel Tax	$903,738	$881,789	($21,949)	97.57%
Total	**$21,321,415**	**$20,427,413**	**($894,002)**	**95.81%**

General Governmental Funds Budget Comparison
Expenditures by Division YTD

Percentage into Budget Year **100.00%**

Division	2003 Budget	Actual YTD	Difference	%
Administrative	$1,368,854	$1,253,484	$115,370	92%
Developmental	$1,159,617	$936,712	$222,905	81%
Finance	$657,125	$554,454	$102,671	84%
Leisure Services	$3,852,196	$3,644,856	$207,340	95%
Public Safety	$7,703,861	$7,258,924	$444,937	94%
Public Works	$3,832,519	$3,372,471	$460,048	88%
Council Contingency	$0	$0	$0	0%
Non-Profit Organizations	$25,000	$16,375	$8,625	66%
Grant Incentive Program	$50,000	$0	$50,000	0%
Council Reserve	$0	$0	$0	n/a
Transfer to PIP	$756,217	$756,217	$0	100%
Equity Transfer - Other	$0	$70,283	($70,283)	n/a
Liability Insurance	$64,185	$59,741	$4,444	93%
Legal Services	$167,525	$173,205	($5,680)	103%
Gen'l Admin	$51,043	$0	$51,043	0%
Reserve-Insurance	$508,404	$0	$508,404	0%
Other	$221,131	$221,131	$0	100%
Sub-Total General Fund	**$20,417,677**	**$18,317,854**	**$2,099,823**	90%
Trfr to PCDA/PCAA	$385,096	$383,073	$2,023	99%
Transfer to General Fund	$114,829	$0	$114,829	0%
Transfer to Debt Svc	$403,813	$403,813	$0	100%
Total General & Hotel/Motel Funds	**$21,321,415**	**$19,104,740**	**$2,216,675**	**90%**

Summary of Major Expenditures by City Manager

Description	Budget	Award	Svgs/Short	Date

PEACHTREE CITY FIRE/EMS DEPARTMENT
2003 MONTHLY REPORT

	Oct. 02	Nov. 02	Dec. 02	Jan. 03	Feb. 03	Mar. 03	Apr. 03	May. 03	Jun. 03	Jul. 03	Aug. 03	Sept. 03	Fiscal Yr. 2003 Y-T-D	Fiscal Yr. 2002 Y-T-D
Fire/Accident Calls														
Residential	4	1	2	3	2	3	2	2	2	2	2	2	27	31
Business/Industrial	0	1	1	0	0	1	3	1	2	0	2	0	11	10
Other	186	168	175	186	173	189	168	206	159	172	186	198	2166	2115
Total Engine Response	190	170	178	189	175	193	173	209	163	174	190	200	2204	2155
Dispatched Fire Calls	56	37	41	50	34	41	37	38	43	48	41	35	501	579
Response Time Fire	4:44	4:14	5:31	4:37	5:14	4:56	4:18	4:13	4:34	5:02	3:57	3:48	4:39	4:19
Rescue/EMS														
Trauma	69	77	55	38	44	76	94	89	28	41	66	44	721	806
Medical	82	72	71	78	67	64	79	53	33	43	67	57	766	1035
Total # Patients	151	149	126	116	111	140	173	142	61	84	133	101	1487	1861
Patients Transported	72	79	47	54	45	53	78	51	25	30	55	52	641	919
Dispatched EMS Calls	138	130	136	140	140	152	136	174	119	127	152	165	1709	1594
Total Medic Response	151	149	126	116	111	140	173	142	61	84	133	101	1487	1876
Dispatched Fire/EMS Total	194	167	177	190	174	193	173	212	162	175	193	200	2210	2173
Response Time EMS	4:17	4:16	4:35	4:24	4:26	4:11	4:16	4:18	3:56	4:22	4:23	4:23	4:15	4:00
EMS BILLING														
Patients Billed	63	71	74	69	78	91	49	110	61	87	65	70	888	964
Revenue Generated	22,355	25,170	26,105	23,360	27,410	31,385	16,695	37,620	20,870	33,027	25,216	26,692	315,905	333,616
***Total Revenue Received**	18,932	18,398	19,768	15,550	13,903	17,344	15,668	22,886	19,992	15,985	23,865	25,923	228,214	211,342

***Revenue Received on All Outstanding Accounts**

HUMAN RESOURCES DEPARTMENT

2003 MONTHLY REPORT

REPORT PERIOD	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	2003 YTD TOTAL	2002 YTD TOTAL
1. Authorized Permanent Positions	224	224	224	224	224	224	224	224	224				224	224
2. Positions Open	9	11	7	8	11	6	5	5	2				-----	-----
3. Workers Comp. Claims Filed	4	3	1	0	2	1	5	4	1				21	26
4. City Veh./Equip. Accidents	2	0	3	2	1	0	1	2	1				12	6
5. Law Suit Legal Fees	$ 30,642	$ 52,116	$2,202	$ 6,096	$ 638	$ 3,858	$ 12,202	$ 3,894	$ 1,274				$112,920	$ 63,097

2. Public Services Director/Public Works (1); Maintenance Technician/Public Works (1).
3. Maintenance Technician got sawdust in eye while cutting tree (1) Public Works.
4. Fire Sergeant backed into a parked car with Fire Engine (1) Fire.
5. Georgian Park Car Wash $821.52; O'Keefe $320.00; Wright $132.00

CRIME REPORT – SEPTEMBER 2003

PART I CRIMES	**JAN**	**FEB**	**MAR**	**APR**	**MAY**	**JUN**	**JUL**	**AUG**	**SEPT**	**OCT**	**NOV**	**DEC**	**YTD 2003**	**YTD 2002**
MURDER	0	0	0	0	0	0	0	0	0				0	0
RAPE	0	0	0	1	0	0	0	2	0				3	2
ROBBERY	1	1	1	0	1	0	0	0	0				4	2
AGGRAVATED ASSAULT	0	0	0	1	1	1	2	1	1				7	8
ARSON	0	0	0	0	0	0	1	0	0				1	0
AUTO THEFT	3	3	4	6	12	16	10	3	8				65	38
THEFT	12	19	15	21	18	31	20	19	15				170	159
BURGLARY	1	0	1	1	0	5	4	3	2				17	29
TOTAL PART I CRIMES	17	23	21	30	32	53	37	28	26				267	238
ALCOHOL/DRUG ARRESTS														
DUI – TOTAL	19	10	15	11	19	19	20	12	18				143	166
DUI – ADULT	16	9	14	8	18	14	17	10	15				121	140
DUI – UNDERAGE	3	1	1	3	1	5	3	2	3				22	26
OTHER UNDERAGE ALCOHOL ARRESTS	4	3	8	4	24	18	7	7	9				83	89
DRUG ARRESTS	7	15	5	15	9	11	9	7	11				89	103
ARRESTS														
PROPERTY CRIMES	8	8	2	7	9	16	14	17	7				88	85
PERSON CRIMES	2	2	9	3	6	9	6	9	3				49	64
CITY ORDINANCES	28	27	40	35	63	70	34	35	34				366	384
*OTHER	98	89	98	95	73	123	86	71	60				793	786

ADMINISTRATIVE AVERAGE RESPONSE TIME	5.02	5.54	5.41	4.56	5.59	5.40	5.30	5.19	5.25				5.25	5.26
CALLS ANSWERED	6175	5346	5679	5683	5492	5331	5543	5202	5479				49,930	54,884
TRAFFIC CITATIONS ISSUED	552	454	505	490	438	403	492	559	520				4413	5348
WARNINGS ISSUED	584	578	433	500	483	411	474	459	447				4369	4646
ACCIDENTS – TOTAL	85	70	99	105	124	82	91	94	111				861	763

TOP 5 ACCIDENT LOCATIONS – MONTH	TOTAL #
1. HWY 54 / HUDDLESTON DR	10
2. HWY 54 / PLANTERRA WAY	5
3. HWY 54 / COMMERCE DR	4
4. HWY 54 / HWY 74	4
5. HWY 54 / LINE CREEK	3

TOP 5 ACCIDENT LOCATIONS – YEAR	TOTAL #
1. HWY 54 / HWY 74	56
2. HWY 54 / HUDDLESTON DR.	48
3. HWY 54 / PLANTERRA WAY	34
4. HWY 74 / CROSSTOWN DR	28
5. HWY 54 / COMMERCE DR	25

Monthly Report
Public Information Department
Updated 10/01/03

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD Total
Citizen Contact (calls/letters/email)	26	39	36	38	47	46	41	29	44				**346**
Cable Complaints	16	8	13	10	20	18	15	10	11				**121**
Automated	*10*	*2*	*3*	*5*	*8*	*9*	*5*	*8*	*6*				*56*
Calls/Visits to City Hall	*6*	*6*	*11*	*5*	*12*	*9*	*10*	*2*	*5*				*66*
Open Records Requests	2	3	4	2	2	6	2	7	5				**33**
Press Releases	4	3	4	3	5	5	5	4	9				**42**
Media Contacts	**	**	12	14	6	12	16	13	25				**98**
Proclamations	*	*	5	5	1	1	5	2	9				**28**
Occupational Tax Payments	208	94	165	144	26	23	99***	41	24				**725**
New Businesses	*35*	*24*	*29*	*24*	*14*	*21*	*41*	*23*	*19*				*230*
Renewals	*173*	*70*	*136*	*120*	*12*	*2*	*58*	*18*	*5*				*594*
Garage Sale Registration	20	29	81	84	172	125	107	114	116				**848**
Solicitors Permits	8	7	14	65	11	18	35	8	3				**169**

Comments: September citizen calls included 5 EPI complaints for problems resulting in their route changes during the month.

* *Note: Due to a problem with the computer network, some data for January & February was lost.*

** *Media Contact Log implemented beginning in March 2003.*

*** *Increase followed Occupational Tax Audit and issuance of delinquency notices*

2003 MONTHLY REPORT
PUBLIC SERVICES DIVISION

Activity Description	Unit	January	February	March	April	May	June	July	August	September	October	November	December	2003 YEAR-TO-DATE	2002 YEAR-TO-DATE
CART PATHS															
1. Const./Reconst./Overlay	Ft.	0	0	0	0	35	285	580	0	10,560				11,460	7,192
2. Drainage Maintenance	Hrs.	173	218	330	346	237	306	199	90	38				1,937	1,377
3. General Maintenance	Hrs.	203	184	224	240	255	156	91	168	199				1,720	1,806
4. Mowing	Hrs.	0	0	0	165	68	225	210	135	45				848	598
5. Litter Removal	Hrs.	83	90	68	60	83	68	53	75	45				625	519
FLEET MANAGEMENT															
1. Equipment Maintenance	Hrs.	0	43	14	20	15	34	34	59	37				256	342
2. Equipment Repairs	Hrs.	192	126	159	279	241	261	261	278	180				1,977	1,898
3. Vehicle Maintenance	Hrs.	177	191	157	146	130	150	130	96	162				1,339	1,371
4. Vehicle Repairs	Hrs.	208	227	270	217	158	175	258	200	203				1,916	1,662
5. Fleet Down Time	Hrs.	587	593	666	670	548	622	689	629	579				5,583	5,329
RIGHT OF WAY															
1. Litter Removal	Hrs.	218	351	271	305	244	202	266	249	234				2,340	2,577
2. Right-of-Way Mowing	Hrs.	0	0	240	742	638	814	886	777	599				4,696	4,768
3. General Maintenance	Hrs.	693	853	797	447	477	653	446	530	654				5,550	4,250
LANDSCAPE															
1. Litter Removal	Hrs.	0	0	8	7	7	12	8	12	6				60	90
2. Mowing (Sub. Entrances)	Hrs.	0	46	454	920	844	805	698	796	608				5,171	5,062
3. General Maintenance	Hrs.	60	199	365	333	369	318	419	172	211				2,446	3,866
4. Planting	Hrs.	656	4	67	0	0	0	2	0	0				729	302
RECYCLING SITE															
1. City Employees Hours	Hrs.	187	70	79	74	191	71	56	78	70				876	857
2. City Employees Salaries	Dls.	4927	1370	1996	1556	5248	1467	1065	1785	1,340				20,754	16,560
3. Revenues	Dls.	571	341	344	559	463	373	458	367	331				3,807	3,645
4. Participants															
a. Recycling	Num.	292	310	428	433	623	295	301	415	277				3,374	4,063
b. Composting	Num.	1604	832	1696	1683	2545	1605	1614	1912	1,315				14,806	12,962
c. Mulch (Pick Up)	Num.	25	53	128	173	158	101	237	226	177				1,278	1,019
SIGN MAINTENANCE															
1. Building Maintenance	Hrs.	21	20	21	22	21	20	21	21	19				186	186
2. Subdivision Sign Maintenance	Hrs.	44	38	43	38	31	25	69	81	86				455	748
3. Traffic Sign Maintenance	Hrs.	218	193	172	179	166	60	66	136	121				1,311	1,204
STREETS															
1. Street Sweeping	Hrs.	15	60	30	60	14	38	12	16	25				270	167
2. Pavement Patching	Hrs.	0	0	20	303	208	280	113	255	60				1,239	1,823
3. Drainage Maintenance	Hrs.	176	130	195	83	434	241	174	175	75				1,683	771
4. General Maintenance	Hrs.	882	252	555	284	373	270	240	208	198				3,262	4,460
MISCELLANEOUS															
1. Vandalism	Dls.	144	179	241	522	215	397	411	197	221				2,527	2,375
2. Complaints Answered	Num.	12	24	52	49	78	39	35	35	29				353	216
3. Wash Police Cars	Hrs.	0	0	0	0	0	0	0	0	0				0	100

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & City Council**

VIA: **City Manager**
Financial Services Director
Assistant Finance Director
Developmental Services Director CMS/gf

FROM: **City Engineer**

DATE: **October 20, 2003**

SUBJECT: **Rockspray Spillway Bridge Project – Contract Award**
November 6 Consent - Agenda Item

Recommendation:

Staff recommends the contract for the design and construction of the multi-use bridge over the spillway at Rockspray Pond be awarded to the low bidder, Tiernan & Patrylo, Inc., in the amount of $49,950.

Discussion:

This project was planned to address serious safety problems at the depressed, concrete spillway of the Rockspray Pond. The pond is located just south of Crosstown Drive (Attachment "A") and has a paved path across the top of the dam connecting the neighborhoods of Braelinn with some of the commercial and recreational areas in the vicinity. Several golf cart accidents of a very serious nature have occurred at this location and have caused staff to investigate options for correcting the situation without compromising the hydraulic function of the spillway. The conclusion was to bridge the 44' spillway to avoid impeding stormwater flows or exposing the dam to changes in the hydraulics across the spillway (Attachment "B").

A request for bids was sent to area firms as a design-build project as well as being placed on the City's website for advertising. Six responses were received (Attachment "C") on October 2 with a very wide range of bid amounts. Only one bid was under budget, and it was from Tiernan & Patrylo of Peachtree City. After staff investigated the firm, the low bidder appears to have the expertise, project knowledge, and means to construct the project. Tiernan & Patrylo has visited the site, is a local firm, and is familiar with the construction standards for this type of work as well as our expectations of the final product.

The contract has been reviewed by the City Attorney, and the approved version is attached for review (Attachment "D").

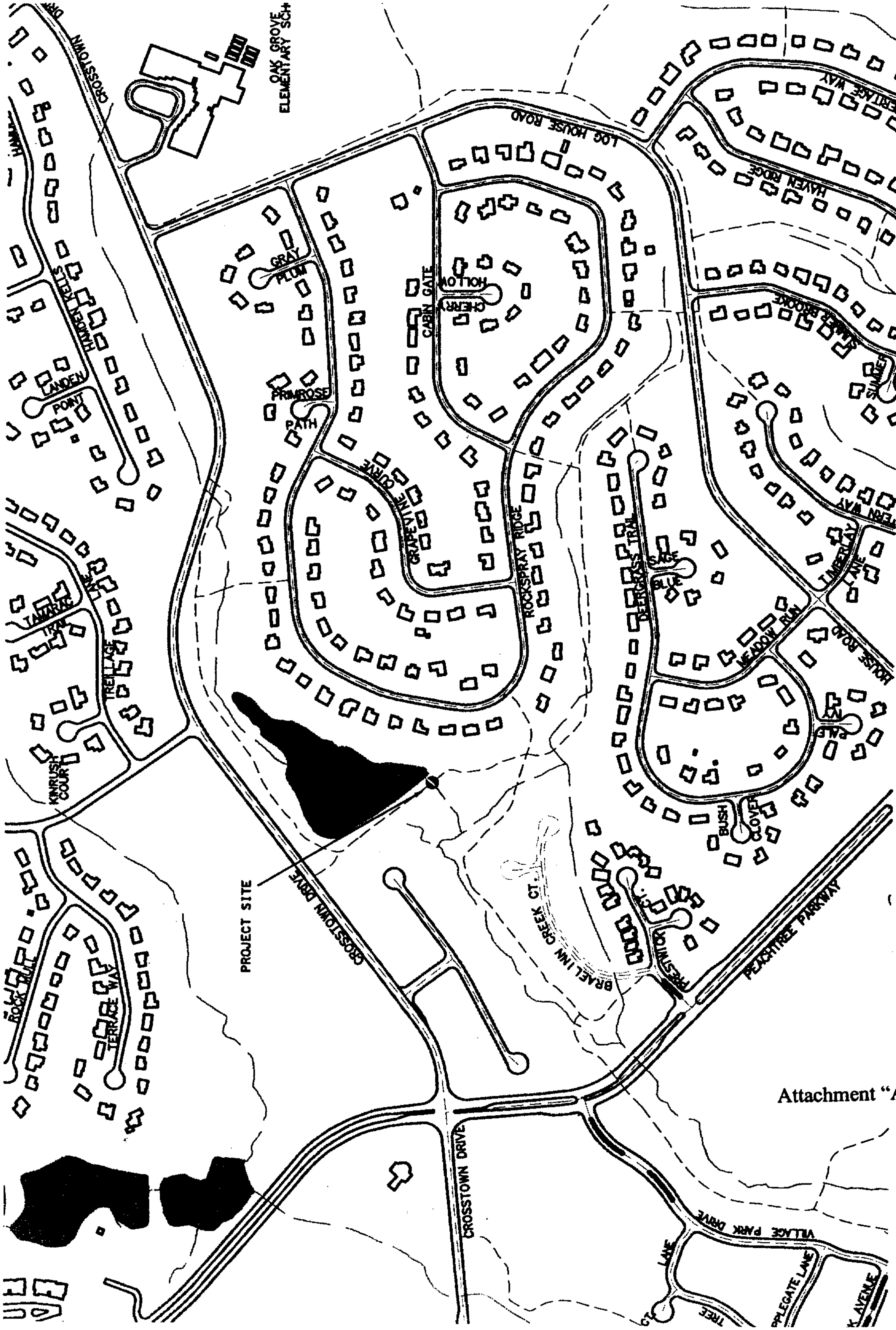
Budget Impact:

This project has been approved in the Public Improvement Program and is budgeted at $51,000, the funds for which are provided by the Bricks and Mortar Loan Program. There are adequate funds remaining in the project account to cover the contract, and $882 will be left in the account after printing expenses to cover some geotechnical work and contingencies.

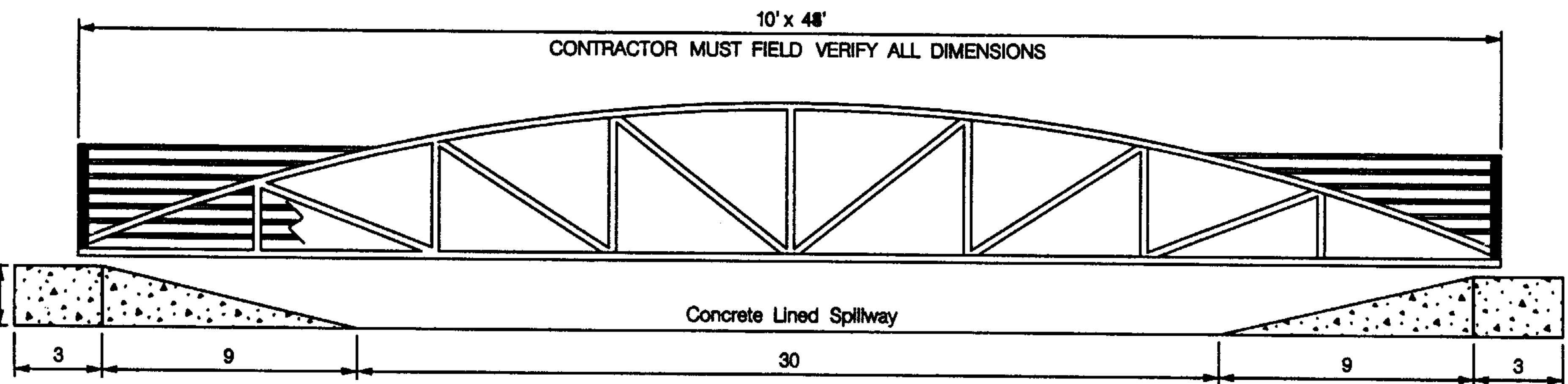
Attachments:

A – Location Map
B – Bridge Description
C – Bid Tabulation Sheet
D - Contract

cc: *file*



Attachment "A"



PROPOSED STEEL BRIDGE

NO SCALE

NOTES:

1. Provide required plates/clearances at bearing location according to mfr. recommendation.
2. Provide bearing detail from mfr.
3. Provide shop drawings for approval by City Engineer prior to fabrication.
4. Concrete bridge deck.
5. Painted Finish. Submit Colors with bid.
6. Provide concrete approach ramp to bridge deck elevation at no greater than 4% slope.
7. Camber bridge deck to provide smooth transition on approach.

Attachment "B"

CITY OF PEACHTREE CITY
BID TABULATION SHEET

BID TITLE: Rockspray Spillway Bridge

DATE: 10/2/03

BUDGET:

BIDS OPENED BY: Janet Carnburn

WITNESSED BY: Charlotte Bunn

TIME COMPLETED:

BIDDER NAME	MAILING ADDRESS	BID AMOUNT	BOND	MISC. INFO
J.M. Wilkerson Const. Co.	1734 Sands Place	$95,200	✓	
	Marietta, GA 30067			
Cline Service Corp.	923 B Farr Rd.	$89,000	✓	
	Columbus, GA 31907			
Tiernan + Patrylo, Inc.	665 Hwy 74 South	$49,950	✓	
	Peachtree City, GA 30269			
Gilbert Southern Corp.	450 Dividend Drive	$118,000	✓	
	Peachtree City, GA 30269			

Attachment "C"

CITY OF PEACHTREE CITY
BID TABULATION SHEET

BID TITLE: Rockspray Spillway Bridge

DATE: 10/2/03

BUDGET:

BIDS OPENED BY: Janet Camburn

WITNESSED BY: Charlotte Bunn

TIME COMPLETED:

BIDDER NAME	MAILING ADDRESS	BID AMOUNT	BOND	MISC. INFO
Sunbelt Structures	P.O. Box 327	$92,000.	✓	
	Tucker, GA 30085			
Bellamy Brothers	P.O. Box 218	$74,400	✓	
	16 Fairview Road			
	Ellenwood, GA 30294			

SECTION 00600

CITY OF PEACHTREE CITY

CONTRACT

THIS CONTRACT, made and entered into this ____ day of November, 2003, by and between PEACHTREE CITY, GEORGIA, a political subdivision of the State of Georgia, party of the first part, (hereinafter referred to as the "CITY"), and TIERNAN & PATRYLO, INC., party of the second part (hereinafter sometimes called "CONTRACTOR");

WITNESSETH:

That the parties hereto, for and in consideration of the covenants and agreements hereinafter set forth, mutually agree as follows, to wit:

1. That the **CONTRACTOR** shall furnish all labor, materials and equipment and perform all work in the manner and form provided by the Contract Documents covering the Project of the **CITY** known and identified as the **Rockspray Pond Spillway Bridge Project** for the aggregate amount reflected by the Bid, said aggregate amount being Forty-Nine Thousand, Nine Hundred, Fifty Dollars and No Cents

($49,950.00).

2. That the **CONTRACTOR** shall *begin* the work to be performed under this Contract on

________________________________ and shall fully *complete* all work hereunder on

(date)

________________________________.

(date)

3. That the **CITY** shall pay the **CONTRACTOR** for the faithful performance of this Contract, in lawful money of the United States, and subject to additions and deductions as provided in the Contract Documents, the total amount of his bid as set forth above at the times and in a manner stated in the General Conditions of the Contract Documents.

4. It is further mutually agreed that if at any time after the execution of this Contract, the Performance Bond and Payment Bond, the **CITY** shall deem the surety upon such bonds to be unsatisfactory, or if for any reason such bond shall become inadequate to cover the performance of the work, the **CONTRACTOR** shall at his own expense, within five (5) calendar days after the receipt of notice from the **CITY** to do so, furnish an additional bond or bonds in such form and amount and with such surety or sureties as shall be satisfactory to the **CITY**. In such event, no further payment to the **CONTRACTOR** shall be deemed to be due under this Contract until such new or additional security shall have been furnished in a manner and form satisfactory to the **CITY**.

5. The "Contract Documents" are hereby defined as the Questionnaire, the Advertisement for Bids, the Instructions to Bidders, the Bid, the Bid Bond (or certified check), the Contract, the Performance Bond, the Payment Bond, the General Conditions, Special Conditions, the Specifications, the Plans, and any Addenda which may be issued. The terms and conditions of said Contract Documents are incorporated herein by reference and made a part hereof as though fully set forth herein. The Contract Documents are complementary, so that a recital in one is tantamount to a recital in all, and the **CONTRACTOR** specifically acknowledges that he has read and understands all of said Contract Documents.

IN WITNESS WHEREOF, the parties hereto have executed this Contract in three counterparts, each of which shall be deemed an original contract all as of the day and year first hereinbefore written.*

CITY OF PEACHTREE CITY:

______________________________ ______________

Signature Date

____

Printed Name and Title (City Manager or Mayor)

(SEAL)
ATTEST: ____

CONTRACTOR:

______________________________ ______________

Signature Date

____

Printed Name and Title (Principal)

(SEAL)
ATTEST: ____

*In the event that the Contractor is a corporation, there shall be attached to each counterpart a certified copy of a resolution of the Board of Directors of the corporation authorizing the officer who signs the Contract, Performance Bond and Payment Bond to do so in its behalf.

END OF SECTION 00600

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & City Council**

VIA: **City Manager** Bernard McMullen
Financial Services Director
Developmental Services Director CWS / JP

FROM: **City Engineer**

DATE: **October 23, 2003**

SUBJECT: **Stormwater Project Surveying – Perthshire Area**
November 6, 2003 Consent Agenda Item

Recommendation:

Staff is recommending that Council authorize the unbudgeted expenditure of $5,500 from the Council Contingency fund for the completion of a stormwater project related survey of the area east of Perthshire.

Discussion:

Staff has examined the drainage characteristics related to the stormwater complaints registered with the Public Works, Engineering, and City Manager's offices regarding drainage in the area just east of Perthshire. This area is very flat and is in the floodplain of Flat Creek. Thus when staff was investigating a possible solution, the need for an accurate, field-run survey was determined to be vital. This topographic information will be important in determining the best and least expensive route for piping the runoff from Perthshire to Flat Creek and evaluating the necessary slope of the system. The survey will remain useful when the project is eventually constructed and will provide the baseline data for the construction plans.

Budget Impact:

In accordance with the purchasing policy as codified, Council must approve unbudgeted items over $5,000. The cost, as indicated on the attached task order form is $5,500 and represents a cost not budgeted for in either an operating or capital budget.

CITY OF PEACHTREE CITY
TASK ORDER FORM #8
FLAT CREEK GOLF COURSE TOPOGRAPHIC SURVEY
October 9, 2003

Background Information

Integrated Science & Engineering, Inc. (ISE) has prepared this Task Order Form (TOF) to assist Peachtree City with a topographic survey of the Flat Creek Golf Course. This proposal was prepared in accordance with information provided to ISE by Mr. Troy Besseche and a site visit performed by ISE survey staff. A detailed scope of services outlining our planned approach to the project is presented in this TOF.

Scope of Work

A topographic survey will be provided. The contour interval will be 2 feet. The mapping will be on the AUTOCADD format with features and alphanumeric characters meeting Georgia Minimum Technical Standards at a scale of one inch equals 50 feet. Mapping will include the area bounded by Flat Creek Road on the North, the basement of the houses along the East side of Pearthshire Drive on the West, the center of Stratford Court on the South, and the West toe of the berm on the West side of Flat Creek on the East. The area consists of approximately 16.5 acres. Spot elevations will be shown in lieu on contours in flat areas. Drainage structures, cart paths, tree lines, greens and limits of the fairway, and other features considered in the design of a drainage system will be located and shown. The work will be on Georgia State Plane coordinates horizontally and NAVD 29 for vertical.

ISE survey crews will supplement our traditional survey crew with a GPS crew and equipment to perform the work. As such, this will necessitate that we wait to begin the work until after the leaves fall from the trees to maximize the effectiveness of the GPS equipment.

Schedule

The work will begin after the leaves fall and will be complete within three weeks or approximately December 21, 2003.

Fee Estimate

The cost of the tasks outlined herein is estimated at $5,500.00. ISE will invoice the City hourly for our services and not exceed the aforementioned budget without authorization.

Authorization

The Scope of Services outlined herein will be performed in accordance with ISE's Master Services Agreement with Peachtree City dated May 1, 2003. As our authorization, please sign in the space provided below.

City of Peachtree City	Integrated Science & Engineering, Inc.
Signature:__________	Signature: [signature]
Name:__________	Name: RONALD A. FELDNER, P.E.
Date:__________	Date: 10-9-03

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO:	**Mayor and Council Members**
FROM:	**City Planner**
VIA:	**City Manager** **Financial Services Director** **Developmental Services Director**
DATE:	**October 30, 2003**
SUBJECT:	**Approval of Project Management Agreement** *November 6, 2003 City Council agenda*

Recommendation:
Staff recommends that Council authorize the Mayor to sign the Project Management Agreement for the GA 54 West multi-use path and sidewalk connections.

Discussion:
The Georgia Department of Transportation (GA DOT) has asked the Atlanta Regional Commission (ARC) to oversee the implementation of the Livable Centers Initiative (LCI) program. This means that ARC will be providing assistance to local government project sponsors of LCI implementation projects and to GA DOT as LCI projects move through GA DOT's Project Development Process and the federally mandated NEPA process. In order to facilitate this process, ARC contracted with Moreland Altobelli, a transportation consulting firm, to assist in managing the implementation of the LCI program.

ARC has allocated a portion of the LCI implementation funds to pay for Moreland Altobelli's services. Because these are federal funds, they require a 20% local match. ARC is unable to provide this match and has asked the local governments to supply the required match. On a per project basis, to include all three programmed phases, the required match works out to be $1,500 per project. Peachtree City has forwarded these funds to ARC, and they have authorized Moreland Altobelli to initiate the contracting process for this project with us. This process begins with the signing of the Project Management Agreement.

Budget impact:
The total project cost for the GA 54 West multi-use path and sidewalk connections is estimated to be $400,000, and these funds have been identified in the FY 05 Public Improvements Program. ARC has committed construction funding in the amount of $320,000 within the FY 04 TIP and the City is required to provide the 20% local match ($80,000).

A schematic layout of the multi-use and sidewalk connections has been prepared and incorporated into the construction plans for the GA 54 West road-widening project and is being shown on the conceptual and final site plans for individual developments within the GA 54 West corridor. Staff will coordinate with GA DOT officials to complete the appropriate permitting and approval process.

Attachment

AGREEMENT
BETWEEN
DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA
AND THE
CITY OF PEACHTREE CITY
FOR
TRANSPORTATION FACILITY IMPROVEMENTS

This AGREEMENT is made and entered into this _____ day of _____________, 2003, by and between the DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the "DEPARTMENT", and the **City of Peachtree City**, acting by and through its Mayor and Board of Commissioners, hereinafter called the "SPONSOR".

WHEREAS, the SPONSOR has represented to the DEPARTMENT a desire to improve the transportation facility listed in Exhibit "A" and attached hereto, hereinafter referred to as the "PROJECT"; and

WHEREAS, the SPONSOR has represented to the DEPARTMENT a desire to participate in certain activities of the PROJECT as set forth in this AGREEMENT, and the DEPARTMENT has relied upon such representations; and

WHEREAS, the DEPARTMENT has expressed a willingness to participate in certain activities of the PROJECT as set forth in this AGREEMENT.

THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the SPONSOR hereby agree each with the other as follows:

1. The SPONSOR shall contribute to the PROJECT by funding all or certain portions of the PROJECT costs for the preconstruction engineering (design) activities, utility relocations, right of way acquisitions, and/or construction as set forth in Exhibit "A".

2. The DEPARTMENT shall contribute to the PROJECT by funding all or certain portions of the PROJECT costs for the preconstruction engineering (design) activities, utility relocations, right of way acquisitions, and/or construction as set forth in Exhibit "A". The DEPARTMENT may use funds of the DEPARTMENT, funds apportioned to the DEPARTMENT by the Federal Highway Administration, hereinafter referred to as the "FHWA", under Title 23, United States Code, Section 104, or a combination of funds from any of the above sources; subject to those certain conditions set forth in this AGREEMENT.

3. If actual costs for any or all of the funding categories exceed the amounts set forth in Exhibit "A", the SPONSOR shall fund 100% of such excess costs.

4. The SPONSOR shall be responsible for all costs for the continual maintenance and the continual operations of any and all sidewalks and the grass strip between the curb and gutter and the sidewalk within the PROJECT limits.

5. The SPONSOR shall Certify that they have read and understands the regulations for "CERTIFICATION OF COMPLIANCES WITH FEDERAL PROCUREMENT REQUIREMENTS, STATE AUDIT REQUIREMENTS, AND FEDERAL AUDIT REQUIREMENTS" as stated in attachment A of this AGREEMENT and will comply in full with said provisions.

6. The SPONSOR shall accomplish all of the design activities for the PROJECT. The design activities shall be accomplished in accordance with the DEPARTMENT's Plan Development Process, the applicable guidelines of the American Association of State Highway and Transportation Officials, hereinafter referred to as "AASHTO", the DEPARTMENT's Standard Specifications Construction of Transportation Systems, 2001 Edition, the DEPARTMENT's Plan Presentation Guide, PROJECT schedules, and applicable guidelines of the DEPARTMENT. The SPONSOR's responsibility for design shall include, but is not limited to the following items:

a. Prepare the PROJECT concept report in accordance with the format used by the DEPARTMENT. The concept for the PROJECT shall be developed to accommodate the future traffic volumes as generated by the SPONSOR as provided for in paragraph 6b and approved by the DEPARTMENT. The concept report shall be approved by the DEPARTMENT prior to the SPONSOR beginning further development of the PROJECT plans. It is recognized by the parties that the approved concept may be modified by the SPONSOR as required by the DEPARTMENT and reapproved by the DEPARTMENT during the course of design due to public input, environmental requirements, or right of way considerations.

b. Develop the PROJECT's base year (year facility is expected to be open to traffic) and design year (base year plus 20 years) traffic volumes. This shall include average daily traffic (ADT) and morning (am) and evening (pm) peak hour volumes. The traffic shall show all through and turning movement volumes at intersections for the ADT and peak hour volumes and shall indicate the percentage of trucks expected on the facility.

c. Validate (check and update) the approved PROJECT concept and prepare a PROJECT Design Book for approval by the DEPARTMENT prior to the beginning of preliminary plans.

d. Prepare environmental studies, documentation, and reports for the PROJECT that show the PROJECT is in compliance with the provisions of the National Environmental Protection Act and Georgia Environmental Protection Act, as appropriate to the PROJECT funding. This shall include any and all archaeological, historical, ecological, air, noise, underground storage tanks (UST), and hazardous waste site studies required. The SPONSOR shall submit to the DEPARTMENT all environmental documents and reports for review and approval by the DEPARTMENT and the FHWA.

e. Prepare all public hearing and public information displays and conduct all required public hearings and public information meetings in accordance with DEPARTMENT practice.

f. Perform all surveys, mapping, and soil investigation studies needed for design of the PROJECT.

g. Perform all work required to obtain project permits, including, but not limited to, US Army Corps of Engineers 404 and Federal Emergency Management Agency (FEMA) approvals. These efforts shall be coordinated with the DEPARTMENT.

h. Prepare the PROJECT's drainage design including erosion control plans and the development of the hydraulic studies for the Federal Emergency Management Agency Floodways and acquisition of all necessary permits associated with the drainage design.

i. Prepare traffic studies, preliminary construction plans including a cost estimate for the Preliminary Field Plan Review, preliminary and final utility plans, preliminary and final right of way plans, staking of the required right of way, and final construction plans including a cost estimate for the Final Field Plan Review, erosion control plans, lighting plans, traffic handling plans, and construction sequence plans and specifications including special provisions for the PROJECT.

j. Provide certification, by a Georgia Registered Professional Engineer, that the construction plans have been prepared under the guidance of the professional engineer and are in accordance with AASHTO and DEPARTMENT guidelines.

k. Failure of the SPONSOR to follow the DEPARTMENT's Plan Development Process will jeopardize the use of Federal funds in some or all of the categories outlined in this AGREEMENT, and it shall be the responsibility of the SPONSOR to make up the loss of that funding.

7. All Primary Consultant firms hired by the SPONSOR to provide services on the PROJECT shall be prequalified with the DEPARTMENT in the appropriate area-classes. The DEPARTMENT shall, on request, furnish the SPONSOR with a list of prequalified consultant firms in the appropriate area-classes.

8. The PROJECT construction and right of way plans shall be prepared in English units.

9. All drafting and design work performed on the project shall be done utilizing Microstation and CAiCE software respectively, and shall be organized as per the Department's guidelines on electronic file management.

10. The DEPARTMENT shall review and has approval authority for all aspects of the PROJECT. The DEPARTMENT will work with the FHWA to obtain all needed approvals with information furnished by the SPONSOR.

11. The SPONSOR shall be responsible for the design of all bridge(s) and preparation of any required hydraulic and hydrological studies within the limits of this PROJECT in accordance with the DEPARTMENT's policies and guidelines. The SPONSOR shall perform all necessary survey efforts in order to complete the design of the bridge(s) and prepare any required hydraulic and hydrological studies. The final bridge plans shall be incorporated into this PROJECT as a part of this AGREEMENT.

12. The SPONSOR shall follow the DEPARTMENT's procedures for identification of existing and proposed utility facilities on the PROJECT. These

procedures, in part, require all requests for existing, proposed, or relocated facilities to flow through the DEPARTMENT's Project Liaison and the District Utilities Engineer.

13. The SPONSOR shall address all railroad concerns, comments, and requirements to the satisfaction of the DEPARTMENT.

14. Upon the SPONSOR's determination of the rights of way required for the PROJECT and the approval of the right of way plans by the DEPARTMENT, the necessary rights of way for the PROJECT shall be acquired by the responsible party as set forth in Exhibit "A". Right of way acquisition shall be in accordance with the law and the rules and regulations of the FHWA including, but not limited to, Title 23, United States Code; 23 CFR 710, et. seq., and 49 CFR Part 24, and the rules and regulations of the DEPARTMENT. Failure of the SPONSOR to follow these requirements may result in the loss of Federal funding for the PROJECT and it will be the responsibility of the SPONSOR to make up the loss of that funding. All required right of way shall be obtained and cleared of obstructions, including underground storage tanks, prior to advertising the PROJECT for bids. The SPONSOR shall further be responsible for making all changes to the approved right of way plans, as deemed necessary by the DEPARTMENT, for whatever reason, as needed to purchase the right of way or to match actual conditions encountered.

15. Upon completion and approval of the PROJECT plans, certification that all needed rights of way have been obtained and cleared of obstructions, and certification that all needed permits for the PROJECT have been obtained by the SPONSOR, the

PROJECT shall be let for construction. The SPONSOR shall be solely responsible for securing and awarding the construction contract for the PROJECT.

16. The SPONSOR shall review and make recommendations concerning all shop drawings prior to submission to the DEPARTMENT. The DEPARTMENT shall have final authority concerning all shop drawings.

17. The SPONSOR agrees that all reports, plans, drawings, studies, specifications, estimates, maps, computations, computer diskettes and printouts, and any other data prepared under the terms of this AGREEMENT shall become the property of the DEPARTMENT. This data shall be organized, indexed, bound, and delivered to the DEPARTMENT no later than the advertisement of the PROJECT for letting. The DEPARTMENT shall have the right to use this material without restriction or limitation and without compensation to the SPONSOR.

18. The SPONSOR shall be responsible for the professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, and other services furnished by or on behalf of the SPONSOR pursuant to this AGREEMENT. The SPONSOR shall correct or revise, or cause to be corrected or revised, any errors or deficiencies in the designs, drawings, specifications, and other services furnished for this PROJECT. Failure by the SPONSOR to address the errors or deficiencies within 30 days shall cause the SPONSOR to assume all responsibility for construction delays caused by the errors and deficiencies. All revisions shall be coordinated with the DEPARTMENT prior to issuance. The SPONSOR shall also be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or

omissions related to the designs, drawings, specifications, and other services furnished by or on behalf of the SPONSOR pursuant to this AGREEMENT.

19. Both the SPONSOR and the DEPARTMENT hereby acknowledge that time is of the essence and both parties shall adhere to the priorities established in the approved Transportation Improvement Program/State Transportation Improvement Program (TIP/STIP) or earlier. Furthermore, all parties shall adhere to the detailed project schedule, as approved by the DEPARTMENT. In the completion of respective commitments contained herein, if a change in the schedule is needed, the DEPARTMENT shall have final authority. If, for any reason, the SPONSOR does not produce acceptable deliverables at the milestone dates defined in the current TIP/STIP, or in the approved schedule, the DEPARTMENT reserves the right to delay the project's implementation until funds can be re-identified for construction or right of way, as applicable.

20. This AGREEMENT is made and entered into in FULTON COUNTY, Georgia, and shall be governed and construed under the laws of the State of Georgia. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the DEPARTMENT and the SPONSOR have caused these presents to be executed under seal by their duly authorized representatives.

RECOMMENDED:

CITY OF PEACHTREE CITY

____
State Transportation Planning Administrator

BY: ______________________________
Name
Title

____
Director, Transportation Planning, Data & Intermodal Development Division

Signed, sealed and delivered this _____ day of ________________, 2003, in the presence of:

____
Chief Engineer

____
Witness

DEPARTMENT OF TRANSPORTATION

____
Notary Public

BY: ______________________________
Commissioner

This Agreement approved by the ______ (SPONSOR) at a meeting held at

____
this ______ day of ______________, 2003.

ATTEST:

____
Treasurer

____
City/County Clerk (as appropriate)

REVIEWED AS TO LEGAL FORM:

____
Office of Legal Services

FEIN: ____________________

EXHIBIT "A"
0006271 Fayette County

		Responsible Party					
Project (PI #,Proj #;Desc.)	**Type**	**Prelim. Eng**	**R/W**	**Construction**	**Utility Reloc. Costs**	**Acquire R/W**	**Const. Letting**
STP-0006-00(271), P.I. No. 0006271 Pedestrian Path connections at planned bridge over CSX RR & SR 54 culverts.	Q23 LCI Ped.	City	City	$400,000 20% by City = $ 80,000 80% by Fed. = $320,000	City	City	City

Note: 80% Federal means 80% of the actual phase amount not to exceed federal share.

ATTACHMENT A

CERTIFICATION OF COMPLIANCES

I hereby certify that I am a principle and duly authorized representative of ________________ whose address is ____________________and it is also certified that:

I. PROCUREMENT REQUIREMENTS

The below listed provisions of Federal Procurement requirements shall be complied with throughout the contract period:

(a) 49 CFR Part 18 Section 36
Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments – Procurement

(b) 23 CFR 635 Subpart A – Contract Procedures

II. STATE AUDIT REQUIREMENT

The provisions of Section 36-81-7 of the Official Code of Georgia Annotated, relating to the "Requirement of Audits" shall be complied with throughout the contract period in full such that:

(a) Each unit of local government having a population in excess of 1,500 persons or expenditures of $ 175,000.00 or more shall provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the local government for each fiscal year of the local government.

(b) The governing authority of each local unit of government not included above shall provide for and cause to be made the audit required not less often than once every two fiscal years.

(c) The governing authority of each local unit of government having expenditures of less than $ 175,000.00 in that government's most recently ended fiscal year may elect to provide for and cause to be made, in lieu of the biennial audit, an annual report of agreed upon procedures for that fiscal year.

(d) A copy of the report and any comments made by the state auditor shall be maintained as a public record for public inspection during the regular working hours at the principal office of the local government. Those units of local government not having a principal office shall provide a notification to the public as to the location of and times during which the public may inspect the report.

(e) The audits of each local government shall be conducted in accordance with generally accepted government auditing standards.

III. FEDERAL AUDIT REQUIREMENT

The provisions of OMB Circular A-133 issued pursuant to the Single Audit Act of 1984, P.L. 98-502, and the Single Audit Act Amendments of 1996, P.L. 104-156 shall be complied with throughout the contract period in full such that:

(a) Non-Federal entities that expend $ 300,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of OMB Circular A-133.

(b) Non-Federal entities that expend less than $ 300,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office (GAO).

(c) Except for the provisions for biennial audits provided in paragraphs (1) and (2) below, audits required shall be performed annually. Any biennial audit shall cover both years within the biennial period.

(1) A State or local government that is required by constitution or statute, in effect on January 1, 1987, to undergo its audits less frequently than annually, is permitted to undergo its audits biennially. This requirement must still be in effect for the biennial period under audit.

(2) Any non-profit organization that had biennial audits for all biennial periods ending between July 1, 1992, and January 1, 1995, is permitted to undergo its audits biennially.

(d) The audit shall be conducted in accordance with Generally Accepted Government Auditing Standards.

____________________ ____________________

Date Signature

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and City Council**

VIA: **City Manager**
Assistant City Manager

FROM: **Financial Services Director** P.S.

DATE: **October 31, 2003**

SUBJECT: **Trust-to-Trust Transfer Ordinance for D.B. Pension Plan Assets**
November 6, 2003 City Council Meeting

Recommendation:
Adopt the Trust-to-Trust Transfer Ordinance to authorize the transfer of the City's defined benefit pension plan assets from the GMEBS retirement system to SouthTrust Bank.

Discussion:
At the October 16 City Council Meeting, action was taken to appoint SouthTrust Bank as the new trustee for the employees' defined benefit pension plan. This legal document is required in order for the transfer of assets from GMEBS to take place. The document is being prepared by the GMEBS legal staff and will be reviewed by the City Attorney. Although this process is not complete at this time, staff hopes to have the documents available and reviewed in time for the November 6 Council Meeting, as time is of the essence in this matter.

Budgetary Impact:
None

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

BIA: City Manager
Assistant City Manager

FROM: Jane Miller

DATE: October 31, 2003

SUBJECT: Definition of Church Building
November 6, 2003 Agenda

At the October 16, 2003 Council meeting, Council tabled the definition of church building agenda item (attached) to the November 6 meeting to allow time for Council to provide input to the City Attorney. The City Attorney is in the process of gathering comments from Council members. Should he have a new draft prepared prior to the November 6 meeting, staff will forward it to Council for review and possible action at the November 6 meeting.

/jsm

Attachment

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager
Assistant City Manager

FROM: Administrative Services Director / City Clerk

DATE: October 10, 2003

SUBJECT: Consider Amendment to Alcohol Ordinance Definition of Church Building
October 16, 2003 Council Agenda

Recommendation:

Adopt proposed amendment to Alcohol Ordinance providing for a definition of church building

Discussion:

Our current alcohol ordinance prohibits alcohol licenses to be issued to any business located within 100 yards of a "church building." However, there is not a definition of "church building" included in the ordinance. There have been questions in the past about this prohibition from shopping center owners who had been approached by churches wanting to lease space to begin a church and the City has cautioned that this rental might jeopardize any future alcohol licenses being issued for businesses in the center. Recently, a church that was considering leasing space in Peachtree Crossings that would possibly be used as a youth center or classroom space for Sunday school contacted us. I contacted Ted Meeker and discussed the problem with not having a definition of what constituted a church building. He has drafted the attached ordinance for Council review and action.

Budget Impact:

There would be no budgetary impact.

Attachment

ORDINANCE # _______

AN ORDINANCE TO AMEND SECTION 6-39 OF THE PEACHTREE CITY CODE OF ORDINANCES TO PROVIDE REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 6-39 of the Peachtree City Code of Ordinances be amended as follows:

Section 6-39. No licenses issued within prohibited distances.

(a) No licenses shall be issued pursuant to this article for the sale of any alcoholic beverages on premises located:

(1) Within 100 yards of a church building or an alcoholic treatment center building. <u>As used herein, the term "church building" shall only include those buildings wherein a church maintains a permanent place of public religious worship and shall further only include those church-owned properties upon which such activities take place.</u>

(2) Within 200 yards of any school building, educational building, school grounds, college building, or college campus. The school buildings or educational buildings referred to in this subsection shall apply only to state, county, city or church school buildings and to such buildings at other such schools in which subjects are taught which are commonly taught in the common schools and colleges of this state.

(b) The distances referred to in subsection (a)(1) and (2) of this section shall be measured by the shortest straight line.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed in their entirety. Done, Ratified, and Passed this _____ day of October, 2003.

____
Mayor

____

____

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager
Assistant City Manager

FROM: Jane Miller

DATE: October 31, 2003

SUBJECT: Alcohol Beverage License – Kedron Wines & Liquor
November 6, 2003 Agenda

Recommendation:

Approve licensee and license representative for Rajkripa, LLC dba Kedron Wines & Liquor if all background information is received and approved by the Police Department

Discussion:

Mr. Mehul Patel has requested that he be appointed as Licensee and Mr. Narendra Patel has requested that he be appointed as license representative for the new Kedron Wines & Liquor store to be located at Kedron Village Shopping Center. At this time, the Police Department is still awaiting information before they can complete their background investigation. Since this has been advertised for November 6, 2003 meeting, staff has elected to keep it on the agenda with the hope that the background investigation is complete by November 6, and Council can take action on the request.

Budgetary Impact:

Business will pay alcohol license fee and alcohol tax.

Attachment

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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: Kedron Wines & Liquor	**Business Location:** Kedron Village Shopping Center	
Nature of Business: retail package store	**Mailing Address:** 1015 Peachtree Parkway North Peachtree City, Georgia 30269	**Business Phone Number:** (770) 478-7759
Name of Licensee: MEHUL PATEL	**Home Address:** 7411 Shelton Court Jonesboro, Georgia 30236	**Home Phone Number:** (678) 479-6897
Name of License Representative: NARENDRA PATEL	**Home Address:** 7411 Shelton Court Jonesboro, Georgia 30236	**Home Phone Number:** (678) 479-6897

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	X	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:
RAJKRIPA, LLC	740 North Avenue Jonesboro, Georgia 30236	(770) 478-7759
LLC Contact: MEHUL PATEL, Managing Member	7411 Shelton Court Jonesboro, Georgia 30236	(678) 479-6897

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO:	**Mayor & Council Members**
VIA:	**City Manager**
FROM:	**Administrative Services Director / City Clerk**
DATE:	**October 29, 2003**
SUBJECT:	**Certify Election Results** **November 6, 2003 Agenda**

Recommendation: Council certify election results.

Discussion: The municipal election will be held on November 4, 2003. Council is required to certify the results. The results should be available after the election on November 4 and will be placed on the dias for council consideration at the November 6, 2003 meeting.

Budget Impact: None

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: City Planner/ Zoning Administrator David

VIA: City Manager
Developmental Services Director

DATE: October 28, 2003

SUBJECT: Multi-family rezoning moratorium
November 6, 2003, Agenda

Recommendation:
Staff recommends that Council reaffirm by vote the multi-family rezoning moratorium.

Discussion:
Several years ago, Council adopted an ordinance directing Staff *"to accept no applications seeking to zone or rezone property to any designation that would allow the development of the property as multi-family."* This ordinance was initially adopted on November 4, 1999, and must be renewed each year in order to remain in effect.

A copy of the referenced ordinance, which expires in January of 2004, is attached for your review.

Budget impact:
The only budget impact associated with the adoption of this ordinance is the loss of impact fee revenue that might be collected if a multi-family project were to be developed in Peachtree City.

Attachment

ARTICLE XIV. MULTI-FAMILY--REZONING MORATORIUM*

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

Sec. 1401. Purpose.

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

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

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

Sec. 1402. Findings.

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

(a) The development of additional multifamily housing would create a significant burden on the police department and emergency and fire departments for the city;

(b) The development of additional multi-family housing would overburden area schools

(c) The development of additional multi-family housing would exhaust available resources, thus reducing the quality of life now existing; and

(d) The development of additional multi-family housing would increase traffic congestion, which also reduces air quality.

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

Sec. 1403. Moratorium.

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

(a) Multi-family shall include apartments, townhouses, duplexes, condominiums and assisted living facilities.

(b) This moratorium shall be in effect for a period of one year and shall automatically expire if not reviewed by the mayor and council and if deemed necessary, renewed.

(c) This moratorium shall not apply to property already zoned for use as multifamily, (Ord. No. 727, 11-4-99)

Sec. 1404. Appeals.

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

(a) The application shall be accepted by the city planner and placed on the council agenda after being properly advertised, and then, considered by the mayor and council.

(b) City staff shall only provide council with current land use and zoning information regarding the subject property and its surrounding properties and shall not make a recommendation to council on the application to lift the moratorium.

(c) In the event council lifts the moratorium, the property owner may then submit the request for rezoning following established procedures.

(d) In the event council declines to lift the moratorium, the property owner shall have the same rights and follow the same procedures as those connected with the denial of a rezoning request.

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council Members**

FROM: **City Planner/ Zoning Administrator** David

VIA: **City Manager**
Developmental Services Director

DATE: **October 28, 2003**

SUBJECT: **Annexation moratorium**
November 6, 2003, Agenda

Recommendation:
Staff recommends that Council reaffirm by vote the annexation moratorium.

Discussion:
The City Attorney has advised that the attached copy of the annexation moratorium within the City's Zoning Ordinance must be reaffirmed annually. It is necessary for the Council to review and renew the moratorium regularly in order for it to maintain its legal effectiveness.

A copy of the referenced ordinance, which expires in January of 2004, is attached for your review.

Budget impact:
There is no budget impact associated with the adoption of this ordinance.

Attachment

PEACHTREE CITY CODE OF ORDINANCES
APPENDIX A ZONING
ARTICLE VII. ESTABLISHMENT OF DISTRICTS

Sec. 704. Annexation.

These regulations are designed to set forth the principles which shall apply to annexation of property into the city limits of the city. The following principles shall apply:

(a) Support and enhance the existing economic value and environmental control of property within the city limits.

(b) Primary consideration will be given to complementary zoning within the current land use plan of the city and contiguous jurisdictions.

(704.1) Priority will be given to raw land that can be developed consistent with current city standards. Secondary considerations will be given to harmoniously adjacent developed parcels.

(704.2) The city shall provide written notification to the appropriate governmental jurisdiction as soon as practicable following the initiation of any annexation.

(704.3) It is desirable, but not essential, that all property have natural boundaries, but in no instance create unnatural division for convenience sake.

(704.4) Each of the following factors will be reviewed on each area to be annexed according to economic and service feasibility on its own merit within the framework of existing plan for the entire city:

a. Water/sewer

b. Road/street access

c. Police/fire protection

d. Zoning compliance

(704.5) Whenever the owner of a piece of property outside the city limits wishes to request that the property be annexed into Peachtree City, the procedure for filing an application, holding public hearings, reapplying for consideration, and changing the zoning map shall be consistent with the procedure for amending the zoning ordinance, as specified in article XIII of the zoning ordinance.

(Ord. No. 464, 6-2-1988; Ord. No. 512, 10-19-1989)

Note: Ord. No. 726, adopted on Nov. 4, 1999, amended section 704 as follows:

"(a) At its October 10, 1991, meeting, the council passed a resolution placing a moratorium on annexation. At its November 4, 1999, meeting, the council reaffirmed the annexation moratorium and directed that the moratorium be reflected in the City Code of Ordinances. The council further directed that city staff shall not accept or discuss an annexation application until the moratorium is lifted by council."

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

FROM: **City Planner/ Zoning Administrator** David

VIA: **City Manager**
Developmental Services Director

DATE: **October 30, 2003**

SUBJECT: **Request for rezoning - The Galleries Tract**
November 6, 2003 City Council Agenda

Recommendation:
Staff recommends that Council approve the rezoning as requested for the property known to us as The Galleries Tract with the understandings and conditions contained within this memorandum.

Discussion:
In 1994, the subject property was rezoned from OI Office/ Institutional to LUC-12 Limited Use Commercial specifically for a frame shop, an art gallery, and an array of small retail spaces for businesses in the field of interior design and home decoration, as well as the private residence for the owner (Attachment "A").

In 1995, the owners requested an amendment to the LUC-12 zoning classification to allow for the sale of general merchandise. Council approved a limited expansion of the original concept to allow for "small retail businesses dealing in handmade or low production volume specialty products relating to home décor, wearing apparel, jewelry, artwork, and handicrafts operating entirely within the building and a private residence for the proprietor. No tenant space shall exceed 500 square feet."

The owners are now requesting that the property be rezoned to allow additional uses as specified within the LUC Limited Use Commercial zoning ordinance (Attachment "B"). Many of the uses identified by the owner are consistent with the approved uses within the existing LUC-12 zoning ordinance. While Staff is not in agreement with all of the uses requested, the majority of these uses could be incorporated into a new zoning classification. Staff does suggest that the existing residential unit be removed, which would allow the entire 7,700 SF building to be used for specialty retail and commercial use. It is our understanding the owner plans to market the building for sale once the rezoning is granted.

City Staff, the City Attorney, the property owner and their attorney have been working diligently for several months to try and resolve a variety of concerns with the uses the Applicant is proposing for this property. Staff felt it was imperative that the proposed uses were consistent with other developments within the GA 74 North corridor. Staff's recommendations are identified in the new LUC-19 Limited Use Commercial zoning ordinance (Attachment "C"), which would replace the existing LUC-12 zoning ordinance.

The uses included within this revised ordinance are consistent with those identified as a part of the recently completed Land Use Plan update, where considerable discussion took place pertaining to developed and undeveloped property within the GA 74 North corridor. During these discussions, it was the consensus of Staff and the Planning Commission that limited use commercial uses specializing in home décor or repair could be located within this corridor with minimal impact to traffic and surrounding developments.

The uses being proposed within the new ordinance are consistent with the uses already in place within The Galleries building. The proposed uses are also consistent with those recently approved as a part of the Dalton West Carpets/ Leach Tract rezoning.

Conditions of approval:
Staff recommends that Council adopt the LUC-19 Limited Use Commercial zoning ordinance and repeal in its entirety the existing LUC-12 zoning ordinance. This approval should be granted subject to the following understandings and conditions:

1. *The existing residential unit and all residential tenants shall be removed from the building within 60 days of the date this ordinance is adopted. Prior to any demolition or construction, the Applicant must secure appropriate permits from the Building Department.*
2. *Should there be a substantial change in the building footprint or site layout, the Applicant must submit a new conceptual site plan to the Planning Commission for review and approval.*

Budget Impact:
There are no budget impacts associated with this request.

Attachments

(1006B.12) *Limited-use commercial district no. 12.*

(a) The tract of land of approximately one acre and known as lot 4 of the Whitlock Place Subdivision be rezoned from OI office institutional to LUC-12 limited-use commercial.

This tract is more particularly descried on the revised final plat of Whitlock Place, phase II, dated February 17, 1994, and recorded in plat book 24, pages 148, 149. A copy of page 149 is incorporated herein as figure 1006B.12.

It is intended that the LUC-12 zoning district be established specifically as follows:

(b) *Permitted uses.*

(1) A single building for a frame shop, an art gallery, space for small retail businesses dealing in hand made or low production volume specialty products relating to home decor, wearing apparel, jewelry, art work and handicrafts operating entirely within the building and a private residence for the proprietor. No tenant space shall exceed 500 square feet.

(2) Accessory use, as set forth in section 908.

(c) *Conditional uses.*

(1) The only conditional use that will be permitted in this zoning district is a private residence exclusively for the owner of the building and proprietor of the facility. The residence must be contained entirely within the primary building for the permitted use.

(2) If, at any time, the owner of the property chooses to not use the property for the above permitted use, the owner may then use the property for any use permitted in section (1005A.2) (office institutional) in accordance with the requirements of section (1005A.4), provided that no residential use will be permitted on the property in conjunction with the uses permitted in section (1005A.2). The residential use of the property is intended specifically and exclusively for the owner/proprietor of the proposed interior design/home decoration business.

(d) *Other requirements.*

(1) The floor area of the primary building shall be a maximum of 7,700 square feet. It will be divided into units of no smaller than 100 square feet for individual tenant businesses.

(2) The minimum zoning lot area is one acre.

(3) The minimum lot width is 150 feet.

(4) The minimum front setback is 40 feet for the building and 20 feet for the driveway and parking.

(5) The minimum side setback is 20 feet on both the north and south sides.

(6) The minimum rear setback is 20 feet.

Attachment "A"

(7) The maximum building height is one story.

(8) Parking: As set forth in section 909.

(9) Signs: As set forth in the sign ordinance, but with the condition that the property will be limited to only one free-standing identification sign and there will be no wall signs, no window signs, and no individual tenant signage outside the building.

(10) No outside storage will be permitted on the property, with the exception of one fully screened trash dumpster.

(11) No outside loudspeaker system shall be utilized.

(12) The property must be connected to the city cart path system prior to occupancy and use.

(13) Development will take place substantially in accordance with the concept plan and other design characteristics submitted as a part of this rezoning request.

(14) This rezoning was approved by the city council at its meeting on July 21, 1994, and the conditions imposed at that time shall remain in effect unless specifically modified by subsequent action of the city council.

(Ord. No. 624, 7-21-1994; Ord. No. 646, 8-17-1995)

PROPOSAL FROM WRIGHTS

(a) The following retail businesses involving the sale of merchandise inside (i.e. not outside) the premises:

1. Appliance, radio and TV sales;
2. Art, custom frame and antique shops;
3. Bookstores, provided the store includes a significant section devoted to construction, home improvement and similar activities;
4. Furniture/home furnishings, including carpeting;
5. Upholstery shop;
6. Lawn equipment sales;
7. Barber or beauty shop;
8. Dressmaking and tailoring shop;
9. Dry cleaning store;
10. Interior decorating store;
11. Stores selling blinds, fabric and wall covering;
12. Import stores;
13. Coffee-shop establishment in conjunction with any of the above (our intention being something similar to the Starbucks which has opened in the Grand Harbor Import store in Newnan);

(b) Business involving the rendering of personal services connected with uses set forth under subsection (a) above including by way of example and not by way of limitation a locksmith shop;

(c) Daycare facility;

(d) Any authorized used under OI zoning;

(e) The Wright's present use;

(f) A mixture or combination of the above, including partitioning of the existing premises into smaller shops, businesses or offices, with separate entrances;

(g) Any other LUC permitted or conditional use which is approved pursuant to a rezoning application;

Ordinance Number ______ (LUR-19)

AN ORDINANCE TO AMEND THE PEACHTREE CITY ZONING ORDINANCE TO REZONE PROPERTY ON GA 74 NORTH FOR COMMERCIAL DEVELOPMENT AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that a 1.001-acre parcel adjacent to GA 74 North be rezoned from its current designation of LUC-12 Limited Use Commercial to LUC-19 Limited Use Commercial by amending Section 1006B Specific Limited Use Commercial Districts and adding Section 1006B.19 as follows:

(Section 1006B.19) *Limited use commercial district no. 19.*

(a) The tract of land of approximately one acre and known as Lot 4 of the Whitlock Place Subdivision shall be rezoned from LUC-12 Limited Use Commercial to LUC-19 Limited Use Commercial.

This tract is more particularly described on the revised final plat of Whitlock Place, Phase II, dated February 17, 1994, and recorded in plat book 24, pages 148, 149. A copy of page 149 is incorporated herein as figure 1006B.19.

It is intended that the LUC-19 zoning district be established specifically as follows:

(b) *Permitted uses.*

(1) Appliance, radio and TV sales;
(2) Art, custom frame and antique shops;
(3) Furniture/home furnishings, including carpeting;
(4) Upholstery shop;
(5) Lawn equipment sales;
(6) Barber or beauty shop;
(7) Dressmaking and tailoring shop;
(8) Dry cleaning store;
(9) Interior decorating store;
(10) Stores selling blinds, fabric and wall covering;
(11) Import stores (sales of home furnishings only);

Attachment "C"

(12) Business involving the rendering of personal services connected with uses set forth above including by way of example and not by way of limitation a locksmith shop;

(13) Any authorized uses under OI zoning;

(14) A frame shop, an art gallery, space for small retail businesses dealing in handmade or low production volume specialty products relating to home décor, wearing apparel, jewelry, art work and handicrafts operating entirely within the building. No tenant space under this paragraph shall exceed 500 square feet.

(15) A mixture or combination of the above, including partitioning of the existing premises into smaller shops, businesses or offices, with separate entrances;

(c) *Conditional uses.*

No conditional uses shall be permitted within this zoning district.

(d) *Other requirements.*

(1)	Minimum zoning lot area:	one acre.
(2)	Minimum lot width:	150 feet.
(3)	Minimum front setback depth:	
	(a) Building:	40 feet.
	(b) Driveway/ parking:	20 feet.
(4)	Minimum side setback:	20 feet.
(5)	Minimum rear setback:	20 feet.
(6)	Maximum building height:	one story.
(7)	Parking:	See Section 909.

(8) Signs: As set forth in the sign ordinance, but with the condition that the property will be limited to only one free-standing identification sign; and there will be no wall signs, no window signs, and no individual tenant signage outside the building.

(e) No outside storage or displays of merchandise will be permitted on the property, with the exception of one fully screened trash dumpster.

(f) No outside loudspeaker system shall be utilized.

(g) The property must be connected to the city cart path system prior to occupancy and use.

(h) This rezoning was approved by the City Council at its meeting on November 6, 2003; and the conditions imposed at that time shall remain in effect unless specifically modified by subsequent action of the City Council.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety. By way of specific reference, LUC-12 Limited Use Commercial is hereby repealed in its entirety.

Done, Ratified, and Passed this ______ day of __________ 2003.

____
Stephen D. Brown, Mayor

____

____

____

____

____

Attest: ______________________________
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council**

FROM: **City Manager**

DATE: **October 30, 2003**

SUBJECT: **ESTABLISHMENT OF PEACHTREE CITY TOURISM ASSOCIATION, INC.**
November 6, 2003, Council Agenda

Requested Action: Request Council authorize the City Manager to establish a 501(c) 6 nonprofit organization – the Peachtree City Tourism Association, Inc. Additionally, request Council to select two Council Members to serve on the Board of Directors of the corporation from present to the first Council meeting in January 2004.

Discussion: City staff is preparing to assume responsibility for operation of the Tennis Center and Amphitheater, effective November 30, 2003. These venues both receive supplements from Hotel/Motel Taxes collected by the City. The purpose of the proposed Peachtree City Tourism Association will be to:

- Improve the availability of basic goods and services within the City of Peachtree City.
- Develop the educational, cultural and economic potential of the City.
- Enlist the active interest and financial support of individuals and businesses in the development, improvement, and beautification of the City.
- Improve and maintain the appeal of the City by improving and maintaining the physical, environmental and business conditions of the City.
- Increase City revenue by stabilizing the tax base, enhancing property values, and increasing retail sales in the City.
- Contract with the City of Peachtree City to expend on behalf of the City, the three (3%) percent hotel/motel tax authorized by Georgia law and other funding and use the tax revenue and other funds to promote tourism, conventions, and trade shows within the City.
- By contract with the City of Peachtree City, manage and operate the Frederick W. Brown, Jr., Amphitheater and the Peachtree City Tennis Center.

The Board of Directors of the Corporation shall consist of five (5) members to be comprised as follows:

1. The City Manager of Peachtree City
2. The Financial Services Director of Peachtree City
3. The Chairperson of the Recreation Commission of Peachtree City
4. Two (2) members of the City Council of Peachtree City to be selected by a majority of the members of the governing body of Peachtree City

Council members serving as directors will typically be selected at the first Council meeting in January when new Council members are elected and sworn in. Due to the timeliness of decisions that are required with the transfer of the Amphitheater and Tennis Center venues, staff recommends Council appoint two Council members to the Corporation who would serve from present to January 2004.

Budget Impact: Staff will be working with the Tennis Center and Amphitheater to develop a balanced operating budget for both facilities. These facilities will receive a portion of the Hotel/Motel Tax supplements previously allocated to the Development Authority for their venues. Operating revenue for the venues will come from the Hotel/Motel Tax, sponsors, tickets sales, membership dues, rental income and court fees.

BJM:gr

cc: City Attorney

ARTICLES OF INCORPORATION

ARTICLE I

The name of the Corporation is:

PEACHTREE CITY TOURISM ASSOCIATION, INC.

ARTICLE II

The Corporation is organized pursuant to the Georgia Nonprofit Corporation Code.

ARTICLE III

The Corporation shall have no members.

ARTICLE IV

The initial registered office of the Corporation shall be 151 Willowbend Road, Peachtree City, Georgia 30269 in Fayette County. The initial registered agent of the Corporation at such address shall be Bernard J. McMullen.

ARTICLE V

The name and address of the incorporator is:

Bernard J. McMullen
151 Willowbend Road
Peachtree City, Georgia 30269

The purposes for which the Corporation is formed are as follows:

(a) The Corporation is a voluntary association of individuals and organizations the purposes of which, as set forth in the articles of incorporation, are not organized for profit and no part of the net earnings of which inures to the benefit of any profit shareholder of individual within the meaning of Section 501(c)(6) of the Internal Revenue Code. The Corporation was organized, and at all times shall be operated, to serve the needs and interests of tourism within the City of Peachtree City. The purposes of he Corporation shall include, but shall not be limited to:

- Improve the availability of basic goods and services within the City of Peachtree City;

- Develop the educational, cultural and economic potential of City of Peachtree City;

- Enlist the active interest and financial support of individuals and businesses in the development, improvement and beautification of City of Peachtree City;

- Improve and maintain the appeal of the City of Peachtree City by improving and maintaining the physical, environmental and business conditions in the City;

- Increase City revenues by stabilizing the tax base, enhancing property values and increasing retail sales in the City;

- Contract with the City of Peachtree City to expand on behalf of the City of Peachtree City the three (3%) hotel tax authorized by Georgia law and other funding, and use the tax revenue and other funds to promote tourism, conventions and trade shows within the City. The Corporation's overall purpose will be to promote the welfare of the public, stimulate commerce and otherwise serve the public interest of the City of Peachtree City, as set forth in these Articles of Incorporation and the Bylaws, including the exercise of all other power and authority enjoyed by corporations generally by virtue of the provisions of the Georgia Nonprofit Corporation Code, within the subject to the limitations of Section 501(c)(6) of the Internal Revenue Code; and

- By contract with the City of Peachtree City to manage and operate the Frederick W. Brown, Jr. Amphitheater and the Peachtree City Tennis Center.

(b) This Corporation is not organized and shall not be operated for pecuniary gain or profit. No part of the property or net earnings of the Corporation shall inure to the benefit of or be distributable to its directors, officers or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article VI of these Articles. The Corporation shall not carry on propaganda, or otherwise attempt to influence legislation to such extent as would result in loss of its exemption from federal income tax under Section (c)(6) of the Internal Revenue Code of 1986, as amended, and the Corporation shall not participate in, or intervene in (including publication or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any provision of these Articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a provision of any future United States Internal Revenue Law of (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law).

ARTICLE VII

The affairs of the Corporation shall be managed by a Board of Directors. The number of Directors of the Corporation and method of election shall be set out in the bylaws.

ARTICLE VIII

The Board of Directors shall consist of five (5) members to be comprised as follows:

1. The City Manager of the City of Peachtree City;

2. The Finance Director of the City of Peachtree City;

3. The Chairperson of the Recreation Commission of the City of the City of Peachtree City; and

4. Two (2) members of the City Council of Peachtree City to be selected by a majority of the members of the governing body of the City of Peachtree City.

The names and addresses of the initial Board of Directors are:

Bernard J. McMullen, City Manager
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

Paul J. Salvatore, Finance Director
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

David Ring, Chairperson
Peachtree City Recreation Commission
151 Willowbend Road
Peachtree City, Georgia 30269

____
____
____
____

____
____
____
____

ARTICLE IX

Upon the dissolution of the Corporation affairs, the Board of Directors shall, after paying or making provisions for the payment of all liabilities of the Corporation, distribute, transfer, convey, deliver and pay over all of the assets of the Corporation, remaining in the hands of the Corporation to any other organization qualifying under Section 501(c)(3) or Section 501(c)(6) of the Internal Revenue Code of 1986, as described in Article VI of these Articles. In the event that, for any reason, upon provided within a reasonable period of time, the Judge of the Superior Court of Fayette County, Georgia shall make such distribution, exclusively upon the application of one or more persons having a real interest in the Corporation or its assets.

ARTICLE X

(a) The Corporation shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code of 1986, as amended (or corresponding provisions of any subsequent federal tax laws).

(b) The Corporation shall not engage in any act or self-dealing as defined in Section 4941(d) of the Internal Revenue Code of 1986, as amended (or corresponding provisions of any subsequent federal tax laws).

(c) The Corporation shall not retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code of 1986, amended (or corresponding provisions of any subsequent federal tax laws).

(d) The Corporation shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code of 1986, as amended (or corresponding provisions of any subsequent federal tax laws).

(e) The Corporation shall not make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code of 1986, as amended (or corresponding provisions of any subsequent federal tax laws).

ARTICLE XI

(a) Each person who is or was a director or officer of the Corporation, and each person who is or was a director or officer of the Corporation who at the request of the Corporation is serving or has served as an officer, director, partner, joint venture or trustee of another corporation, partnership, joint venture, or trustee of another corporation, partnership, joint venture, or trustee of another corporation, partnership, joint venture, trust or other enterprise shall be indemnified by the Corporation against any and all liabilities or costs of litigation including attorneys' fees, judgments, fines and amounts paid in settlement which are allowed to be paid, advanced or reimbursed by the Corporation under the laws of the State of Georgia and which are actually and reasonable incurred in connection with any action, suit, or proceeding, pending or threatened, whether civil, criminal, arbitrative, administrative, or investigative, whether formal or informal, in which such person may be involved by reason of his being or having been a director or officer of this Corporation or of such other enterprises. Such indemnification, reimbursement or advance shall be made only in accordance with the laws of the State of Georgia, including the Georgia Nonprofit Corporation Code, subject to the conditions under such statutory provisions.

(b) In any instance where the laws of the State of Georgia permit indemnification, reimbursement or advances to be provided to persons who are or have been an officer or director of the Corporation or who are or have been an officer, director, partner, joint venture or trustee of any such other enterprise only on a determination that certain specified standards of conduct have been met, that all statutory requirements and procedures have been satisfied, and that upon application for indemnification, reimbursement or advances by any such person the Corporation shall promptly cause such determination to be made in accordance with the statutory procedures of Georgia law.

(c) Nothing in this Article shall be construed as limiting the applicability and cope of Georgia law with respect to indemnification, reimbursement and advances for expenses; further, as a condition to any such right of indemnification, the Corporation may require that it be permitted to participate in the defense of any such action or proceeding through legal counsel designated by the Corporation and at the expense of the Corporation.

(d) In accordance with the law of the State of Georgia, the Corporation may purchase and maintain insurance on behalf of any such persons whether or not the Corporation would have the power to indemnify such officers and directors against any liability under the laws of the State of Georgia. Any expenses or other amounts that are paid by way, or by indemnification, reimbursement, or advances of funds other than by court order, action by shareholders, the Corporation shall provide notice of such payment to the shareholders in accordance with the applicable provisions of the laws of the State of Georgia.

ARTICLE XII

The Articles of Incorporation of the corporation may be amended at any time in the manner provided in the Georgia Nonprofit Corporation Code (or the corresponding provision of any future Georgia nonprofit corporation law) by the affirmative vote of a majority of the directors then in office; provided, however, that no amendment may be made which would cause the organization no longer to be qualified as an exempt organization described in Section 501(c)(6) of the Code.

IN WITNESS WHEREOF, the undersigned has executed these Articles of Incorporation this ______ day of ________________________, 2003.

____
Bernard J. McMullen

BY-LAWS

OF

PEACHTREE CITY TOURISM ASSOCIATION, INC.

Incorporated as a Not-for-Profit Corporation
Under the laws of the State of Georgia

Incorporated ___________________________, 2003

ARTICLE ONE

Name, Location and Offices

1.1 Name. The name of this Corporation shall be:

"PEACHTREE CITY TOURISM ASSOCIATION, INC."

1.2 Registered Office and Agent. The Corporation shall maintain a registered office in the State of Georgia, and shall have a registered agent whose address is identical with the address of such office, in accordance with the requirements of the Georgia Nonprofit Corporation Code.

1.3 Other Offices. The principal office of the Corporation shall be located at such places as designated by the Board of Directors. The Corporation may have other offices at such place or places, within or outside the State of Georgia, as the Board of Directors may determine from time to time or the affairs of the Corporation may require or make desirable.

ARTICLE TWO

Purposes and Governing Instruments

2.1 Not-for-Profit Corporation. The Corporation shall be organized and operated as a not-for-profit corporation under the provisions of the Georgia Nonprofit Corporation Code.

2.2 Charitable Purposes. The Corporation is a voluntary association of individuals and organizations the purposes of which, as set forth in the articles of incorporation, are not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual within the meaning of Section 501(c)(6) of the Internal Revenue Code. The Corporation was organized, and at all times shall be operated, to serve the needs and interests of tourism within the City of Peachtree City. The purposes of the Corporation shall include, but shall not be limited to, the following:

- Improve the availability of basic goods and services within the City of Peachtree City;
- Develop the educational, cultural and economic potential of the City of Peachtree City;
- Enlist the active interest and financial support of individuals and businesses in the development, improvement and beautification of the City of Peachtree City;

- Improve and maintain the appeal of the City of Peachtree City by improving and maintaining the physical, environmental and business conditions in the City;

- Increase City revenues by stabilizing the tax base, enhancing property values and increasing retail sales in the City;

- Contract with the City of Peachtree City to expend on behalf of the City of Peachtree City the three (3%) hotel/motel tax authorized by Georgia law and other funding, and use the tax revenue and other funds to promote tourism, conventions and trade shows within the City. The Corporation's overall purpose will be to promote the welfare of the public, stimulate commerce and otherwise serve the public interest of the City of Peachtree City, as set forth in these Articles of Incorporation and the Bylaws, including the exercise of all other power and authority enjoyed by corporations generally by virtue of the provisions of the Georgia Nonprofit Corporation Code, within the subject to the limitations of Section 501(c)(6) of the Internal Revenue Code; and

- By contract with the City of Peachtree City to manage and operate the Frederick W. Brown, Jr. Amphitheater and the Peachtree City Tennis Center.

2.3 Governing Instruments. The Corporation shall be governed by its articles of incorporation and these bylaws.

2.4 The Corporation shall not carry on propaganda or otherwise attempt to influence legislation. The Corporation shall not in any manner or to any extent participate in or intervene in any political campaign on behalf of any candidate for public office. In the event of dissolution or liquidation of the corporation, all assets shall be under the direction and control of the City of Peachtree City.

ARTICLE THREE

Board of Directors

3.1 Authority and Responsibility of the Board of Directors. The supreme authority of the Corporation and the government and management of the affairs of the Corporation shall be vested in the Board of Directors; and all the powers, duties, and functions of the Corporation conferred by the articles of incorporation, these bylaws, state statutes, common law, court decisions, or otherwise, shall be exercised, performed, or controlled by the Board of Directors.

The governing body of the Corporation shall be the Board of Directors. The Board of Directors shall provide supervision, control and directions of the management, affairs and property of the Corporation; shall determine its policies or changes therein; and shall actively pursue its purposes and objectives and supervise the disbursement of its funds. The Board of Directors may adopt, by majority vote, such rules and regulations for the conduct of its business and the business of the Corporation as shall be deemed advisable, and may, in the execution of the powers granted, delegate certain of its authority and responsibility to an executive committee. Under no circumstances, however, shall any actions be taken which are consistent with its articles of incorporation or these bylaws; and the fundamental and basic purposes of the Corporation, as expressed in the articles of incorporation and these bylaws, shall not be amended or changed.

The Board of Directors shall not permit any part of the net earnings or capital of the Corporation to inure the benefit of any member, director, officer, trustee, or other private person or individual.

Only when the services are not otherwise available from resources of the City of Peachtree City; the Board of Directors may, from time to time, appoint, as advisors, persons whose advice, assistance and support may be deemed helpful in determining policies and formulating programs for carrying out the purposes and functions of the Corporation; and, to employ such person or persons, including an executive director or officer, attorneys, trustees, agents, and assistants, as in its judgment are necessary or desirable for the administration and management of the Corporation, and to pay reasonable compensation for the services performed and expenses incurred by any such person or persons.

The five (5) member Board of Directors and any officers of the Corporation shall be appointed in the manner established in Section: 3.3of these Bylaws. The Board of Directors shall have full power and authority to review and approve in advance both short-term and long-term budgets, capital and operating, of income and expenditures of the Corporation and to exercise such other supervision and control over the affairs and property of the Corporation as the Board of Directors of the Corporation may deem necessary or desirable to ensure the 501(c)(6) purposes and functions of the Corporation are carried out.

3.2 Board of Directors. The ultimate property, affairs, activities and concerns of the Corporation shall be vested in a Board of Directors, consisting of five (5) directors. The members of the Board shall, upon appointment, immediately enter upon the performance of their duties and shall continue in office until their successor shall have been duly appointed and qualified, or until the director's earlier death, resignation, removal or disqualification.

3.3 Manner of Appointment and Term of Office. The five (5) member Board of Directors shall be appointed by the City Council of the City of Peachtree City ("Council"); provided that one (1) director shall be the City Manager of the City of Peachtree City, one (1) director shall be the Financcial Services Director of the City of Peachtree City; one (1) director shall be the Chairperson of the Peachtree City Recreation Commission, all of whom shall serve exofficio. Two (2) directors shall be members of the City Council and shall be appointed by a majority of the Council at the first scheduled Council meeting following the appointment of newly elected Council members. The Board shall consist of a chair, a vice-chair and a secretary/treasurer to be chosen by the Board of Directors of the Corporation. At the expiration of his/her term, any director may be re-appointed. The City Council may stagger the terms of the directors so as to provide continuity on the board.

3.4 Removal. Any director may be removed by the Council. A removed director's successor shall be appointed by the Council to serve the unexpired term. Failure of any director to attend seventy-five percent (75%) of the meetings of the Board of Directors of the Corporation held in any fiscal year of the Corporation shall operate as a tender of such director's resignation, and such director shall be removed from the Board; provided, however, that a director, may petition the Board for an excused absence due to unavoidable circumstances.

3.5 Vacancies. Any vacancy in the Board of Directors arising at any time and from any cause, may be filled for the unexpired term only by the Council. Unless otherwise provided by these bylaws, each director so appointed shall hold office until the expiration of his or her term and the qualification of his or her successor.

3.6 Compensation. There shall be no Director compensation. Directors may be reimbursed for actual out-of-pocket expense incurred in pursuing the business of the Corporation, provided the expenses are approved by the Board prior to being incurred, or are incurred pursuant to prior established Board policy.

ARTICLE FOUR

Meetings of the Board of Directors

4.1 Place of Meetings. Meetings of the Board of Directors may be held at any place within the State of Georgia as set forth in the notice thereof or in the event of a meeting held pursuant to waiver of notice, as may be set forth in the waiver, or if no place is so specified, at the principal office of the Corporation.

4.2 Annual Meeting; Notice. The annual meeting of the Board of Directors shall be held at such place as the Board of Directors shall determine on such day and at such time as the Board of Directors shall designate. Unless waived as contemplated in Section 5.2, notice of the time and place of such annual meeting shall be given by the secretary either personally or by telephone or by mail or by telegram not less than ten (10) nor more than fifty (50) days before such annual meeting.

4.3 Regular Meetings; Notice. Regular meetings of the Board of Directors shall be held from time to time between annual meetings at such times and at such places as the Board of Directors may prescribe.

4.4 Special Meetings; Notice. Special meetings of the Board of Directors may be called by the Chair, or by any three (3) of the directors in office at that time. Notice of the time, place and purpose of any special meeting of the Board of Directors shall be given by the secretary/treasurer either personally, by telephone, by mail, by email, by telegram, or by facsimile at least twenty-four (24) hours before such meeting.

4.5 Waiver. Attendance by a director at a meeting shall constitute waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of business because the meeting is not lawfully called.

4.6 Quorum. At meetings of the Board of Directors, at least sixty percent (60%) of the directors then in office shall be necessary to constitute a quorum for the transaction of business. In no case, however, shall less than three (3) directors constitute a quorum.

4.7 Vote Required for Action. Except as otherwise provided in these bylaws or by law, the act of a majority of directors present at a meeting at which a quorum is present at the time shall be the act of the Board of Directors.

4.8 Adjournments. A meeting of the Board of Directors, whether or not a quorum is present, may be adjourned by a majority of the directors present to reconvene at a specific time and place. It shall not be necessary to give notice of the reconvened meeting or the business to be transacted, other than by announcement at the meeting that was adjourned. At any such meeting at which a quorum is present, any business may be transacted which could have been transacted at the meeting, which was adjourned.

ARTICLE FIVE

Notice and Waiver

5.1 Procedure. Whenever these bylaws require notice to be given to any director, the notice shall be given as prescribed in Article Four. Whenever notice is given to a director by mail, the notice shall be sent by first-class mail by depositing the same in a post office box or letter box in a postage prepaid sealed envelope addressed to the director at his address as it appears on the books of the Corporations and such notice shall be deemed to have been given at the time the same is deposited in the United States mail. Notice shall be deemed to have been given by telegram, cablegram, facsimile, or email at the time notice is filed with the transmitting agency.

5.2 Waiver. Whenever any notice is required to be given to any director by law, by the articles of incorporation, or by these bylaws, a waiver thereof in writing signed by the director entitled to such notice, whether before or after the meeting to which the waiver pertains, shall be deemed equivalent thereto.

ARTICLE SIX

Officers

6.1 Number and Qualifications. The executive officers of the Corporation may consist of officers as the Board deems necessary for the efficient management of the Corporation; but the Corporation shall not be required to have, at any time, any officers other than the chair, vice-chair and secretary/treasurer which shall be members of the Board.

6.2 Election and Term of Office. The executive officers of the Corporation, shall be elected by the Board of Directors of the Corporation on a biannual basis at the first meeting after Board appointments have been made by Council, and shall serve at the will of said Board.

6.3 Other Agents. Subject to Section 3.1 of these Bylaws, the Board of Directors may appoint from time to time such agents as it may deem necessary or desirable, each of whom shall hold office at the pleasure of the Board, and shall have such authority and perform such duties and shall receive such reasonable compensation, if any, as the Board of Directors may from time to time determine.

6.4 Removal. Any officer or agent elected or appointed by the Board of Directors of the Corporation, may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation will be served thereby; provided that any such removal shall be without prejudice to the contract rights, if any, of the officer or agent so removed.

6.5 Vacancies. A vacancy in any office arising at any time and from any cause may be filled for the unexpired term by the Board.

6.6 Chair. The chair shall preside at all meetings of the Board of Directors. The chair shall appoint the members and chairs of any committee of the board. He or she shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe. The chair shall be a member of the Board and shall report to and be supervised by the Board of Directors.

6.7 Vice-Chair. The vice-chair shall preside at all meetings of the Board of Directors in the absence or disability of the chair, and shall act in the place of the chair in the chair's absence or disability. He or she shall perform such other duties, and have such other authority and powers as the Board of Directors may from time to time prescribe. The vice-chair shall be a member of the Board, and shall report to and be supervised by the Board of Directors.

6.8 Secretary / Treasurer. The secretary/treasurer shall attend all meetings of the Board of Directors and record, or cause to be recorded, all votes, actions and the minutes of all proceedings in a book to be kept for that purpose and shall perform, or cause to be performed, like duties for other board committees when required. The secretary/treasurer shall give, or cause to be given, notice of all meetings of the Board of Directors. The secretary/treasurer shall keep in safe custody the seal of the Corporation and, when authorized by the Board of Directors or the Chair, affix it to any instrument requiring it. The secretary/treasurer shall be a member of the Board and shall report to and be under the supervision of the Board of Directors. He or she shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe.

ARTICLE SEVEN

Conflict and Disclosure of Interest

The directors and officers of the Corporation shall comply with and enforce the "Conflict and Disclosures of Interest" policies as adopted by these Bylaws, and may be amended from time to time.

7.1 Purpose. The purpose of the conflicts of interest policy is to protect the Corporation's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Corporation. This policy is intended to supplement but not replace any applicable state laws governing conflicts of interest applicable to nonprofit and charitable corporations.

7.2 Definitions.

Interested Person: Any director, principal officer, or member of a committee with board delegated powers that have a direct or indirect financial interest, as defined below, is an interested person. If a person is an interested person with respect to any entity or venue in which the Corporation is a part, he or she is an interested person with respect to all such entities.

Financial Interest. A person has a financial interest if the person has, directly or indirectly, through business, investment or family:

a. an ownership or investment interest in any entity with which the Corporation has a transaction or arrangement, or

b. a compensation arrangement with the Corporation or with any entity or individual with which the Corporation has a transaction or arrangement, or

c. a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Corporation is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are substantial in nature.

A financial interest is not necessarily a conflict of interest, a person who has a financial interest may have a conflict of interest only if the Board of Directors decides that a conflict of interest exists.

7.3 Procedures

7.3.1 Duty to Disclose. In connection with any actual or possible conflicts of interest, an interested person must disclose the existence of his or her financial interest and must be given the opportunity to disclose all material facts to the Board of Directors and members of committees with board delegated powers considering the proposed transaction or arrangement.

7.3.2 Determining Whether a Conflict of Interest Exists. After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Board meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board members shall decide if a conflict of interest exists.

7.3.3 Procedures for Addressing the Conflict of Interest.

a. An interested person may make a presentation at the board or committee meeting, but after such presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement that results in the conflict of interest.

b. The chair/president of the Board shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

c. After exercising due diligence, the Board shall determine whether the Corporation can obtain a more advantageous transaction or arrangement with reasonable efforts from a person or entity that would not give rise to a conflict of interest.

d. If a more advantageous transaction or arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, the Board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Corporation's best interest and for its own benefit and whether the transaction is fair and reasonable to the Corporation and shall make its decision as to whether to enter into the transaction or arrangement in conformity with such determination.

7.3.4 Violations of the Conflicts of Interest Policy.

a. If the Board has reasonable cause to believe that a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

b. If, after hearing the response of the member and making such further investigation as may be warranted in the circumstances, the Board determines that the member has in fact failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

7.4 Records of Proceedings.

The minutes of the Board and all committees with board-delegated powers shall contain:

a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the board's or committee's decision as to whether a conflict of interest in fact existed.

b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection therewith.

7.5 Compensation.

a. A voting member of the Board of directors who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member's compensation.

b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member's compensation.

7.6 Annual Statements.

Each member of the board and each officer shall annually sign a statement, *which* affirms that such person:

a. has received a copy of the conflicts of interest policy,

b. has read and understands the policy,

c. has agreed to comply with the policy, and

d. understands that the Corporation is a charitable organization and that in order to maintain its federal tax exemption it must engage primarily in activities, which accomplish one or more of its tax-exempt purposes.

ARTICLE EIGHT

Committees

8.1 Committees of Directors. Committees, each consisting of one (1) or more directors, not having and exercising the authority of the Board of Directors in the management of the Corporation may be designated by a resolution adopted by a majority of directors.

8.2 Advisory and Other Committees. The Board of Directors may provide for such other committees, including committees, advisory groups, boards of governors, etc., consisting in whole or in part of persons who are not directors of the Corporation, as it deems necessary or desirable, and discontinue any such committee as its pleasure. It shall be the function and purpose of each such committee to advise the Board of Directors on matters relating to the business and affairs of the Corporation; and each such committee shall have such powers and perform such specific duties or functions, not inconsistent with the articles of incorporation of the Corporation or these bylaws, as may be prescribed for it by the Board of Directors.

8.3 Committee Governance. Except as otherwise provided in Board resolution or in these bylaws, a committee formed by the Board shall be generally governed as follows:

8.3.1 Appointment and Removal. Except as otherwise provided in such resolution or in these bylaws, members of each such committee shall be appointed by the chairperson of the Corporation. Any member of any committee may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the Corporation shall be served by such removal.

8.3.2 Terms of Appointment. Each member of a committee shall continue as such until the next annual meeting of the Board of Directors or until his successor is appointed, unless the committee shall be sooner terminated, or unless such member shall be removed from such committee, or unless such member shall cease to qualify as a member thereof.

8.3.3 Meetings, Notice and Waiver. The committee may establish a regular meeting schedule. Special meetings of the committee may be called by, or at the direction of, the chairperson of the committee, the Corporation's Chair, or a majority of the members of the committee. Notice of the time, place and purpose of any meeting, except scheduled regular meetings, shall be given, in writing, by the chairperson of the committee or the president, or either's designee, to each member personally, be personal delivery, telephone, facsimile, e-mail or telegram at least twenty-four (24) hours prior to the meeting, or by mailing at least three (3) days prior to the meeting. Attendance of a member at a meeting shall constitute a waiver of notice of the meeting. Attendance of a member at a meeting shall constitute a waiver of notice of the meeting, except where the member delivers to the chairperson, before any vote is taken, a written objection to the notice or the calling of the meeting. No business shall be conducted at any called meeting except that stated in the notice, unless all then serving members are present and consent to non-noticed business being discussed or acted upon. Business may be conducted at a special meeting upon written waiver of notice by all members, or upon written waiver of notice being obtained from all members not receiving notice. The committee shall keep minutes of its proceedings and shall report to the Board at meetings of the Board.

8.3.4 Chair. One member of each committee shall be appointed chair thereof by the chair of the Corporation.

8.3.5 Vacancies. Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

8.3.6 Quorum. Unless the Board of Directors directs otherwise, sixty percent (60%) or more of the committee members then serving shall constitute a quorum; and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

8.3.7 Rules. Each committee may adopt rules for its own government, so long as such rules are not inconsistent with these bylaws or with rules adopted by the Board of Directors.

8.3.8 Board Reports and Control. Any action of a committee shall be reported to the Board of Directors at its regular meeting next succeeding such action and shall be subject to control, revision and alteration by the Board of Directors.

ARTICLE NINE

Contracts, Checks, Deposits, and Funds

9.1 Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name and on behalf of the Corporation. Such authority must be in writing and may be general or confined to specific instances.

9.2 Checks, Drafts, Notes, Etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by the chair or vice-chair and countersigned by the City Manager or Director of Finance of the City of Peachtree City.

9.3 Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

9.4 Gifts. The Corporation, acting through its Board of Directors, may accept any contribution, sponsorship, donation, bequest, or devise for the general purposes of the Corporation or for any special purpose of the Corporation. No such contribution, sponsorship, donation, bequest or devise shall be accepted or received by an individual member of the Board of Directors

ARTICLE TEN

Indemnification and Insurance

10.1 Indemnification. In the event that any person who was or is a party to or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, seeks indemnification from the Corporation against expenses, including attorney's fees (and in the case of actions other than those by or in the right of the Corporation, judgments, fines and amounts paid in settlement), actually and reasonably incurred by him in connection with such action, suit, or proceeding by reason of the fact that such person is or was a director, officer, employee, trustee, or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee, trustee, or agent of another Corporation, domestic or foreign, not-for-profit or for profit, partnership, joint venture, trust, or other enterprise, then, unless such indemnification is ordered by a court, the Corporation shall determine, or cause to be determined, in the manner provided under Georgia law; and, to the extent it is so determined that such indemnification is proper, the person claiming such indemnification shall be indemnified to the fullest extent now or hereafter permitted by Georgia law.

10.2 Indemnification Not Exclusive of Other Rights. The indemnification provided in Section 10.1 above shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under the articles of incorporation of bylaws, or any agreement, vote of members or disinterested directors, or otherwise, both as to action in his official capacity and as to action in another capacity while, holding such office, and shall continue as to a person who has ceased to be a director, officer, employee, trustee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of such a person.

10.3 Insurance. To the extent permitted by Georgia law, the Corporation may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee, trustee, or agent of the Corporation, or is was serving at the request of the Corporation as a director, officer, employee, trustee, or agent or another corporation, domestic or foreign, not-for-profit or for profit, partnership, joint venture, trust or other enterprise.

ARTICLE ELEVEN

Miscellaneous

11.1 Books and Records. The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors. The Corporation shall keep at its registered or principal office a record giving the names and addresses of the directors.

11.2 Corporate Seal. The corporate seal (of which there may be one or more exemplars) shall be in such form as the Board of Directors may from time to time determine.

11.3 Fiscal Year. The Board of Directors is authorized to fix the fiscal year of the Corporation and to change the same from time to time as it deems appropriate.

11.4 Internal Revenue Code. All references in these bylaws to sections of the Internal Revenue Code shall be considered references to the most recent revision of the Internal Revenue Code, as from time to time amended, to the corresponding provisions of any applicable future United States Internal Revenue Law, and to all regulations issued under such sections and provisions.

11.5 Construction. Whenever the context so requires, the masculine shall include the feminine and neuter, and the singular shall include the plural, and conversely. If any portion of these bylaws shall be invalid or inoperative, then, so far as is reasonable and possible, the remainder of these bylaws shall be considered valid and operative, and effect shall be given to the intent manifested by the portion held invalid or inoperative.

11.6 Table of Contents; Headlines. The table of contents and headings are for organization only.

11.7 Relation to Articles of Incorporation. These bylaws are subject to, and governed by, the articles of incorporation.

ARTICLE TWELVE

Amendments

12.1 Powers to Amend Articles and Bylaws. Subject to the provisions of Section 12.2 of this Article, the Board of Directors shall have the power to alter, amend, or repeal the articles of incorporation or these bylaws, or adopt new bylaws; provided, however, that the Board of Directors shall have no power or authority to make any changes in the articles of bylaws which would in any way diminish or derogate from the duties at Section 2.2 of these Bylaws.

12.2 Conditions. Action by the Board of Directors with respect to the articles of incorporation or these bylaws shall be taken by the affirmative vote of a majority of all directors then holding office. Anything in these bylaws to the contrary notwithstanding, no action with respect to the articles of incorporation or these bylaws shall be taken without the prior written approval of the Council.

ARTICLE THIRTEEN

Reserved Powers of the Council

13.1 Limitations on Board of Directors. Notwithstanding any other provision contained herein, the Board of Directors of the Corporation shall not undertake the following actions without the prior approval of the Council:

a. Expend cash or incur any indebtedness with respect to any transaction or group of related transactions in excess of \$20,000.00, excluding any amounts previously approved as a part of the Corporation's capital budget or business plan (such transactions requiring approval pursuant to this section being hereinafter referred to as "Material Transactions");

b. Approve the acquisition of control by the Corporation of, or the affiliation of the Corporation with, any other entity;

c. Amend the articles of incorporation or bylaws of the Corporation;

d. Voluntarily file any petition in bankruptcy;

e. Adopt any short-term capital or operational or long-term budget of the Corporation; or

f. Acquire, sell, transfer or otherwise dispose of any assets of the Corporation, excluding: (i) transactions occurring in the ordinary course of business, (ii) transactions previously approved as part of the Corporation's budget or business plan, (iii) transactions among the Corporation and the City of Peachtree City.

ARTICLE FOURTEEN

Tax-Exempt Status

14.1 The affairs of the Corporation at all times shall be conducted in such a manner as to assure its status as a "publicly supported" organization as defined in Section 509(a)(1) or Section 509(a)(2) or Section 509(a)(3) of the Internal Revenue Code, and so in other ways to qualify for exemption from tax pursuant to Section 501(c)(6) of the Internal Revenue Code.

14.2 The Corporation shall have all the powers permitted nonprofit corporations in the State. Notwithstanding anything contained herein to the contrary, the Corporation:

a. Shall only exercise such powers

b. Shall engage in only such activities

c. Is organized exclusively for such purposes as shall be permitted under Section(c)(6) of the Internal Revenue Code and regulations issued pursuant thereto as they now exist or as they may hereafter be amended.

14.3 No part of the income of the Corporation shall inure to the benefit of, or be distributable to, any director, officer, employee, or other agent of the Corporation or to any other private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in furtherance of its purposes), and no director, officer, employee, or other agent of the Corporation, or any other private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

14.4 Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all the liabilities of the Corporation, distribute all the remaining assets of the Corporation exclusively to organizations which are engaged in substantially the same activities as the Corporation and for purposes within the intendment of Section 501(c)(3) or Section (c)(6) of the Internal Revenue Code and regulations issued pursuant thereto as they now exist or as they may hereafter be amended. Any of such assets not so disposed of shall be disposes of by the Superior Court of the county in which the principal office of the Corporation is then located, exclusively to such organizations and for such purposes.

ARTICLE FIFTEEN

Adoption of Bylaws

Peachtree City Tourism Association, Inc. is organized under the laws of the State of Georgia on this _____ day of _________________________, 2003. The Bylaws were adopted by resolution of the Board of Directors and the Corporation on and became effective as of said date.

{Signatures appear on the following page.}

Adopted by a majority vote of the Board of Directors, in a public and open session of a regularly scheduled meeting of the Board of Directors, at which a quorum was present and voting.

Adopted: ______________________________

Attest: ________________________________

Approved on ____________________, 2003, by a majority vote of the City of Peachtree City Council ("Council"), in a public and open session of a regular scheduled meeting, at which a quorum was present and voting.

Approved: ____________________________

By: ____________________________
Stephen Brown, Mayor