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## SPECIAL CALLED MEETING

Mike Mason, Mayor

Phil Sadd – Post 1, Council Member  
James Lowe – Post 2, Council Member  
Alex Wright – Post 3, Council Member

Jeanne Aulbach – Post 4, Council Member  
Lorri Christopher – Post 5, Council Member  
Weare Gratwick – Post 6, Council Member

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**August 14, 2012**

## SPECIAL CALLED MEETING

**7:30 PM**

Robert Fowler YMCA

5600 West Jones Bridge Road, Peachtree Corners, GA 30092

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### A) CALL TO ORDER

### B) ROLL CALL

### C) PLEDGE OF ALLEGIANCE

### D) MAYOR'S OPENING REMARKS

- E) **MINUTES**            July 24, 2012 Special Called Meeting  
                                 August 7, 2012 Special Called Work Session Summary

### F) PUBLIC COMMENTS

### G) REPORTS AND PRESENTATIONS

Presentation by Chuck Warbington on the Gwinnett Village CID

**Pond & Co.**            Status Update on Community Development Planning Issues and Training

**Consultants**            Update on the City Hall Facility; Phone Services & IT Services RFP; Possible Procurement or Ethics Training

**Communication**      Update on Website and Communication Processes

### H) NEW BUSINESS

1.    **R2012-08-15**          Consideration of Approval of a Resolution Accepting A \$500,000 Tax Anticipation Note (TAN) From Georgia Commerce Bank

### I) EXECUTIVE SESSION – To be Held for Personnel Matter

### J) MAYOR'S COMMENTS

### K) ADJOURNMENT

**CITY OF PEACHTREE CORNERS**  
**SPECIAL CALLED MEETING**  
**July 24, 2012 @ 7:30pm**

The Mayor and Council of the City of Peachtree Corners held a Special Called Meeting on Tuesday, July 24, 2012 at 7:30pm. This Special Called Meeting was held at the Robert Fowler YMCA, located at 5600 West Jones Bridge Road, Peachtree Corners, GA, 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd - Post 1
Council Member	James Lowe - Post 2
Council Member	Alex Wright - Post 3 - <b>Absent</b>
Council Member	Jeanne Aulbach - Post 4
Council Member	Lorri Christopher - Post 5
Council Member	Weare Gratwick - Post 6
Acting City Attorney	Lenny Felgin, Scott Hastey, Bill Riley – <b>Delayed</b>
Consultants	John Kachmar and John McDonough
Acting City Clerk	Joan Jones

**PLEDGE OF ALLEGIANCE:** Mayor Mason led the Pledge of Allegiance.

**OPENING COMMENTS:** Mayor Mason reviewed information regarding the formation of Peachtree Corners Planning Commission and Board of Zoning Appeals. He asked if anyone is interested to please apply for these important posts, the applications will be on the city website.

**MINUTES:** Council Member Gratwick motioned, seconded by Council Member Christopher to approve the July 16, 2012 and the July 17, 2012 Special Called Meeting Minutes. There being no discussion, the motion carried unanimously.

**PUBLIC COMMENT:** Clerk Jones reminded everyone of the three minute public comment period. Mayor Mason called for Public Comments. Mr. Kirah Shah addressed council about his concerns and problems he has incurred trying to get a business licenses for the past few weeks. He has been in touch with Donna Geisenger for assistance. Mayor Mason explained the issues with permitting and licenses will hopefully be addressed tonight.

**REPORTS and PRESENTATIONS:** In order to proceed with the meeting in a timely manner, Clerk Jones asked for council consideration on the order of the agenda items as Councilor Riley is delayed. All items will be considered. There was council consensus to change the order of the agenda items. Mr. Kachmar was then asked to introduce Pond & Company Representative Michelle Alexander.

**AGREEMENT WITH POND & COMPANY:** Consultant Kachmar gave a brief bio of Ms. Alexander, (who was in attendance) and explained both he and Mr. McDonough have worked with Ms. Alexander and Pond & Company. Mr. Kachmar reported Pond & Company is reviewing the contract and once review is complete, the contract should be ready for signature tomorrow or the day after.

Mayor Mason welcomed Ms. Alexander and explained to everyone in attendance how the process will begin in order to clear the backlog of pending permits and licenses. Mr. Kachmar explained the term of the agreement; it goes through 12/31/2012, with an automatic renewal for 6 months until June 2013 unless council provides written notice by November 30<sup>th</sup>. In addition, he reminded council that Ms. Alexander is the

liaison between the city and the county; this is an hourly-rate contract and reviewed other aspects of the contract, i.e., accuracy of work, billing hours, services provided, reporting, insurance liability, etc. He recommended to council to pass this contract as an Action Item pending final approval by attorney and with acceptance from Pond & Company. Council Member Christopher noted the scribner's error on page 5 and asked this be corrected. Mayor Mason asked for council consideration on this agreement. Council Member Christopher motioned, seconded by Council Member Sadd to approve this agreement and authorize the Mayor to execute his signature subject to attorney approval and acceptance by Pond & Company. During discussion, Mr. Kachmar explained what happens at the end of the 5 month period (depends on what the council wants to do), i.e., they could put out a RFP for purchase of services, he reviewed the IGA allows for a 60 day withdrawal, the RFP would be for a permanent outsource and would need to be in place before the IGA is terminated and this liaison is terminated. The termination language was reviewed. If there is a necessity for a change, it will be brought back to council before signatures. There being no further discussion, the motion carried unanimously. **(ACTION ITEM)**

**AMENDMENT TO THE GWINNET COUNTY IGA:** Attorney Felgin reviewed the amendment made to the Gwinnett County Intergovernmental Agreement regarding business occupational tax and explained the previous IGA was for zoning related services. This amendment allows for Gwinnett County to continue the licensing and permitting services for alcohol permits, business occupation, etc. and the payment for this IGA would be the fees they collect for the cost of permits/licenses. The termination of this agreement would be July 1, 2013; however the city may terminate these services with proper notice (60 days) to the county. In addition the city will start collecting business occupational tax services effective January 1, 2013 so we can start collecting these taxes. Attorney Felgin explained the indebtedness regarding the Hotel/Motel Tax for the Civic Center, Arena provision was left in place, they have agreed to meet with the city to review how this bond repayment was structured and the IGA can be amended further once this is clarified. Council Member Sadd motioned, seconded by Council Member Christopher to approve the amendment to the IGA with Gwinnett County as presented. During discussion, clarification was made this is the amended IGA the council received earlier for review, the wording of Business License (Regulatory License) and Business Occupational Tax (taxes) Certificates taking over January 1<sup>st</sup> and what will need be done prior to July 1, 2013 and clarification of the bond language. There being no further discussion, the motion carried unanimously. **(ORDINANCE 2012-07-58)**

**TAX ANTICIPATION NOTE UPDATE:** Mr. McDonough reviewed the Request for Proposal for the Tax Anticipation Note of \$500,000 which must be paid back by 12/31/2012. These monies would be utilized by the city until the tax revenues are received; the proposal responses are due back by August 7<sup>th</sup> and the funds are to be made available August 17<sup>th</sup>. This will come back to council for final approval at an upcoming council meeting. Council Member Lowe motioned, seconded by Council Member Sadd to approve this Action Item to issue a RFP for a Tax Anticipation Note for \$500,000. There being no further discussion, the motion carried unanimously. **(ACTION ITEM)**

Mayor Mason called for a Five Minute Recess in order to confer with Attorney Riley who has arrived.

Mayor Mason called the Special Called Meeting back to order.

**REPORTS and PRESENTATION:** Prior to the Public Hearing and council consideration of the zoning ordinance and the sign ordinance, Attorney Riley explained there will be an overview of both ordinances, explained the city is essentially adopting the Gwinnett County Zoning Ordinance and the Gwinnett County Sign Ordinance with minor differences. Further, Attorney Bergthold will address how the zoning ordinance has been adapted to our Sexually Oriented Businesses; Attorney Felgin will address other zoning clarifications and the sign ordinance adaption that addresses the billboard litigation. Mr. Riley explained he will review the appendices that will be included in the zoning ordinance that council will be asked to consider.

Attorney Scott Bergthold gave a brief overview to council and reminded them of the extensive presentation of the negative secondary effect on adult businesses of reviewed at hearings held at their June 30<sup>th</sup>, July 1<sup>st</sup> and July 5<sup>th</sup> Council Meeting on voluminous amount of material (over 1500 pages) the council had received in early June. The legislative findings included in the zoning ordinance relative to the Sexually Oriented Businesses mirror those that are also in the licensing ordinance the city council previously adopted on July 5<sup>th</sup>. In addition, all those materials, the CD ROM, the printed materials, handouts, which you have a duplicate copy tonight, will be included as part of the minutes of this meeting as they build on predict that has been established. The council can regulate the time, the place and the manner of operation, the tonight council will consider the zoning piece which pertains to the place. Attorney Bergthold reviewed the case law of *Renton v. Playtime Theatres*, calls first amendment that a city refrain from denying a reasonable opportunity to open this type business. He reviewed what Gwinnett County has in their zoning as C-2, C-3 General Commercial Business zoning subject to a 1000 foot setback which is retained in this zoning ordinance. Once the jurisdictional boundaries of Peachtree Corners was reviewed, there was no C-2; C-3 zoning areas; the trend over the years and what is in place currently, is to allow these types of businesses within Industrial and Manufacturing zones. This ordinance under consideration tonight allows Sexually Oriented Businesses to be permitted uses within M-1 and M-2 zoning subject to the 1000 foot setback from all sensitive land uses. There has been a review and an analysis for areas that include what the courts consider such as land mass, population ratio and majority test (a supply and demand). This ordinance adopts all the definitions that are in the Sexually Oriented Business Licenses Ordinance as adopted July 5<sup>th</sup> and makes these types of uses permitted as of right in M-1 and M-2 subject to the 1000 foot setback that exist in the licenses ordinance and this zoning ordinance.

Attorney Bergthold asked council, as a clerical matter when adopting the Zoning Ordinance to include the language that directs the clerk to add to the Zoning Ordinance the specific Sexually Oriented Business Licensing Ordinance Number as adopted as a housekeeping matter. In closing Attorney Bergthold left council the handouts that go over the negative secondary effects of crimes and property values, noting this same council was presented the negative secondary effect over the last few weeks and asked council to consider all the handouts while keeping in mind when they adopt this ordinance, they are adopting language that will help control the negative secondary effects that has been discussed and reviewed the last couple of months.

Attorney Felgin reviewed changes to the zoning ordinance such as family definition, the striking of Article 4 as it is referenced in State Law, the series of changes in Zoning Districts (Article 13) i.e., the language as it relates to religious uses, cannot be discriminate, changes to the wording *church, temple, synagogue* language was changed to read "*facility for use in the conduct of religious services and ceremonies*" There was additional changes to the Overlay District as it pertains to the limitation of canopy/awning signage, this was deleted in the City of Peachtree Corners ordinance, the city can develop their standards later (Section 13.70 Mixed Overlay District). The city's ordinance adopts the Gwinnett County Comprehensive Plan by reference however there is language we can adopt our own Comprehensive plan at a later date without having to change our entire zoning ordinance.

The third set of changes include in the following appendices: (Attorney Felgin presented Mayor and Council with copies)

Appendix A-Official Zoning Map of Gwinnett County dated July 2009 and as amended with the date of the adoption of this Zoning Ordinance.

Appendix B-Adopting of All Zoning Files of Gwinnett County (files take precedents over map whenever there is a conflict)

Appendix C-Gwinnett County Comprehensive Plan-Adopted by Reference until the City of Peachtree Corners

adopts their own.

Appendix D-City of Peachtree Corner Overlay District Map as approved on March 27, 2007

Attorney Riley explained to council this concludes the Zoning and Sign Ordinance presentation prior to Public Hearing.

**ZONING ORDINANCE:** A reading of Ordinance to Adopt and Approve the Zoning Ordinance and for Other Purposes, Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia was held. City Clerk Jones reminded council of the time permit for public hearing previously adopted by council. Mayor Mason opened the Public Hearing regarding the City of Peachtree Corners Zoning Ordinance and called for any public comment. There being no public comment, the Mayor closed the Public Hearing. Attorney Riley explained pages 1-160 documents represents all the changes Mr. Felgin and Mr. Bergthold, but does not include the Appendices A, B, C, D nor the wording regarding religious facilities and the addition of the SOB Ordinance number to be properly reflected in the zoning ordinance.

Council Member Aulbach motioned, seconded by Council Member Christopher to approve Ordinance 2012-07-61 as amended in pages 1-160 as presented tonight to include the approval of the addition of Appendix A, Appendix B, Appendix C and Appendix D as presented tonight along with clarification on the wording on page 46 *facility for use in the conduct of religious services and ceremonies* and to allow the clerk to enter the correct ordinance number as it relates to the Sexually Oriented Business Licenses Ordinance within the Zoning Ordinance. (**ORDINANCE 2012-07-61**)

**SIGN ORDINANCE:** A reading of an Ordinance to Adopt and Approve the Sign Ordinance and for Other Purposes, Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia was held. Attorney Felgin explained these changes are recommended by Laura Henderson and he proceeded to review the changes to the sign ordinance to include the following: definitions, i.e., removal of accessory ground sign, added definition of changeable copy signs, added definition and clarification of a Standard Informational Sign, portal sign are more general and less content specific, took out any reference to the zoning ordinances within definitions; removed definition of off premise sign, Section 8 moved so all procedural matters will be together, Section 109 reflects prohibited signage changes, weekend directional signs removed from prohibition, allowance of sign area for subdivisions. Mr. Felgin reviewed LED signs which now will be nonconforming signs, the council will need to consider if they want to regulate this in the future. He reviewed Section 15A chart and noted the signage for 0-3 acres recommended 12 sq. feet for ground signs, 3 sq. feet for wall signs. He reviewed the Variance Procedure, as sign ordinance should have its own time line and provisions. As clerical error please include the word "sign" under the definition of *Oversized* in Section 2 so it will read "Oversized Sign".

Mayor Mason opened the Public Hearing regarding the Sign Ordinance and called for any public comment.

Robert Fordum addressed council asking if there is a provision for an Administrative Variance for both the sign ordinance and the previous zoning ordinance. Mayor Mason explained the city attorney will be speak with him after the meeting as council only received comments during this time. There being no further public comment, Mayor Mason closed the Public Hearing regarding the sign ordinance.

Council Member Gratwick motioned, seconded by Council Member Christopher to approve the Gwinnett County Sign Ordinance with the amendments that were presented tonight in pages 1-22 with the inclusion of Section 15A table adding to the graph "for 0-3 acres as 12 sq. feet for ground signs, 3 sq. feet for wall signs" and to correct a clerical error adding the word "sign" under the definition of *Oversized* in Section 2 so it will read "Oversized Sign". There being no further discussion the motion carried unanimously. (**ORDINANCE**

**2012-07-62)**

**ZONING MORATORIUM:** Prior to consideration of the Resolution to Remove Moratoriums Currently in Place for the City of Peachtree Corners, Georgia and for Other Purposes, Attorney Riley asked for a five minute recess in order to have the zoning and sign ordinance amended to reflect the changes made tonight and be signed into law before this resolution is presented and considered.

Mayor Mason called for a five minute recess.

Mayor Mason called the Special Called Meeting back to order. Clerk Jones reported to council changes to both the Zoning Ordinance and Sign Ordinance have been made and signatures have been executed.

Attorney Felgin reviewed the history of the moratoriums currently in place and how this resolution will terminate the moratorium on all permits and licensing. Attorney Riley explained that it was just this afternoon that we received the IGA from Gwinnett County consenting to the needs the city addressed, this was the reason we did not if we can release the licensing provisions, and we did not know when they were going to pass their IGA. Gwinnett County confirmed they will be considering the IGA at a Public Hearing held tonight, the county attorney was to call him if there was an issue. As has not heard from County, he would recommend passing this resolution.

Council Member Lowe motioned, seconded by Council Member Christopher to approve the resolution lifting and removing the Moratoriums currently in place regarding Licensing and Permitting for the City of Peachtree Corners. There being no further discussion, the motion carried unanimously. **(RESOLUTION 2012-07-14)**

**MAYOR'S COMMENTS:** Mayor Mason appreciated everyone staying throughout this meeting and asked for their consideration regarding the opportunity for community involvement with the Planning Commission and Board of Zoning Appeals.

**EXECUTIVE SESSION:** Attorney Riley requested an Executive Session to discuss one litigation matter. Council Member Christopher motioned, seconded by Council Member Sadd to go into Executive Session for one litigation matter. There being no discussion, the motion carried. Attorney Riley explained for the benefit of the audience there will be action for council to consider after this Executive Session.

Council Member Sadd motioned, seconded by Council Member Lowe to come out of Executive Session and resume the special called meeting.

Council Member Christopher motioned, seconded by Council Member Gratwick to authorize the city attorney to intervene and take such action as necessary for pending billboard litigation. There being no further discussion, the motion carried unanimously.

**ADJOURNMENT:** There being no further business, Council Member Sadd motioned, seconded by Council Member Gratwick to adjourn the meeting. There being no further discussion, the motion carried unanimously and the meeting was adjourned.

Approved,

Attest,

Mike Mason, Mayor

Joan C. Jones, Acting City Clerk

**CITY OF PEACHTREE CORNERS**  
**SPECIAL CALLED WORK SESSION SUMMARY**  
**August 7, 2012 @ 7:30PM**

The Mayor and Council of the City of Peachtree Corners held a Special Called Work Session on Tuesday, August 7, 2012 at 7:30pm. This Special Called Meeting was held at Robert D. Fowler YMCA located at 5600 West Jones Bridge Road in Peachtree Corners, Georgia 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd, Post 1
Council Member	James Lowe, Post 2
Council Member	Alex Wright, Post 3
Council Member	Jeanne Aulbach, Post 4
Council Member	Lorri Christopher, Post 5
Council Member	Weare Gratwick, Post 6
Acting City Attorney	Lenny Felgin
Acting City Clerk	Joan Jones
Consultant	John Kachmar

**PLEDGE OF ALLEGIANCE** was led by Mayor Mason.

**MAYOR'S COMMENTS:** Mayor Mason commented on the tremendous response regarding the Planning Commission and Board of Zoning Appeals. In addition, he commented on the positive turnout on the recent Town Hall held in Post 1.

**REPORTS and PRESENTATION:** As part of our City Hall update, Mayor Mason introduced Randy Meacham, Director of Gwinnett Municipal Association and Steve Edwards, Council Member from Sugar Hill who participate in the GMA and can give us input on what other city halls do to benefit the their city and citizens. Steve Edwards, recommended to not reinvent the wheel, there are 14 cities that are here to help. Randy Meacham, who works for Georgia Municipal Association but dedicates his time to the Gwinnett Municipal Association, explained the make of the Gwinnett Association, the board, the development committee, help facilitate with elected officials and the legislatures.

Consultant John Kachmar gave a presentation on the city hall facility and furniture, painting and rehab is proceeding. Mr. McDonough is currently working along with Council Members Christopher and Aulbach on an RFP for furniture; they have used the approved state list from the state offices of the Administrative Services. The Georgia Municipal Association will be able to provide a brief training session on procurement, how it works and the guideline restrictions, hopefully within the next week or two. He and Mr. McDonough are in the process of developing a purchasing policy that minimally follows the state policy. In addition, he reported council should be able to have a Request for Qualifications for IT Services at the next meeting. Mr. Kachmar explained the difference between a Request for Proposal and a Request for Qualifications. He gave examples of buying different items such as ink pens, GIS Mapping

Services, Personnel Services. Once the council adopts the Purchasing Policy they are out of the process, as staff will follow the policy. Final proposals may come back to council depending on the policy, for example the award for a Comprehensive Plan will come back to council. He reiterated that price should not be the only factor in awarding a bid; a local purchasing option should be part of the policy, possibly 10% local buy on certain commodities. There was discussion; on what type of IT software/hardware is actually needed, possibly having someone come into city hall to see what actually is needed, what are the basic needs. Mr. Kachmar will speak with Mr. McDonough about having someone come in for an assessment.

Mr. Kachmar reviewed what items may go thru the bid process, i.e., Comprehensive Plan, Outsource Inspection Services, Plan Review, Code Enforcement, and Communication Services (not part of IT Services). Council Member Lowe asked about the city manager search, Mr. Kachmar explained currently 6 candidates have been interviewed; he will give council an update in Executive Session later on tonight. Council Member Christopher reported when information will be received on the furniture and city hall layout, a brief discussion was held on the city hall layout and the area set aside for council usage and training area.

Mr. Kachmar reported on the Request for Proposals for the Tax Anticipation Note, two competitive bids have been received at this time. This will be on the next agenda for council consideration. He is working on the Accounting Services RFP.

Michelle Alexander with Pond & Co. provided an update on the Community Development Status, reporting she has meet with Gwinnett County key staff and they are in the process of developing procedures. The first step is the development of a current zoning map, the map presented tonight is from 2012. The goal is to respond to calls within 4 hours currently it is 24 hours as they work on whittling down the backlog from the list she received from Donna Geisenger. Ms. Alexander explained she wants to determine what this council wants and needs are, to make sure they have information to make informed decision. Gwinnett County will continue to handle Land Development; she will bring regular items on each agenda and keep council informed about what may be coming. There are currently no rezoning cases in the queue, there is an Administrative Review that needs to come before the Planning Commission. Gwinnett County is responsible for the advertisement and the board, so they need an agenda calendar. Ms. Alexander presented a draft agenda calendar outlining deadlines, sign posting, advertisements, etc. and reviewed how the zoning process works. For example, if council meets the 2<sup>nd</sup> and 4<sup>th</sup> weeks, the planning commission may meet the 1<sup>st</sup> week of the month and council will hear zoning cases on their 4<sup>th</sup> week meeting. There are Zoning Procedure Laws that must be followed, so the Planning Commission needs to be formed and trained. At this time, the IGA requires the city use the Gwinnett County Board of Zoning Appeals and the Construction Board of Appeals. The Planning Commission needs to have an organizational meeting, basic training and by-laws adopted.

There was discussion on what information council would like routinely reports on permits issued, upcoming zoning cases, construction board of appeals hearings etc. There was discussion of adopting an agenda calendar for the remaining of the year. She gave a brief review of what she will be going over the next few weeks, have different speaks come in for more training and to inform council of the different agency that can be a resource; i.e. Georgia Municipal

Association and the Atlanta Regional Commission and their Regional Leadership Training Institution and the ARC is organized. Ms. Alexander reviewed the 2010 Zoning Maps, showing where the CID is located.

Council Member Lowe asked how all this information being communicated to the citizens. Rosemary Taylor explained a “How To Guide” and a “Frequently Asked Questions” (FAQ). These will continually to be defined and updated on the website.

Mayor Mason remarked there is a need to go into Executive Session, but there will not be any council action afterward and he wished everyone a good evening.

**EXECUTIVE SESSION:** Mayor Mason requested an Executive Session to discuss two Personnel Matters. Council Member Christopher motioned, seconded by Council Member Sadd to go into Executive Session for two Personnel Matters. There being no discussion, the motion carried unanimously.

Council Member Christopher motioned, seconded by Council Member Aulbach to adjourn out of Executive Session. The motion carried and the Work Session was resumed.

Council Member Christopher motioned, seconded by Council Member Lowe to adjourn. There be no further discussion, the meeting was adjourned.

Approved:

Attested:

\_\_\_\_\_  
Mike Mason, Mayor

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Joan Jones, Acting City Clerk

To: Mayor and City Council

From: John McDonough

Date: August 9, 2012

Item: Recommendation to Accept Tax Anticipation Note (TAN) Proposal

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**Recommendation:**

The staff recommends that the Mayor and City Council accept the proposal received from Georgia Commerce Bank to provide \$500,000 in Tax Anticipation Notes to the City of Peachtree Corners.

**Background:**

After a briefing to the Mayor and City Council, the City advertised a notice of sale of \$500,000 Peachtree Corners, Tax Anticipation Notes on the City website and the Georgia Registry. The proceeds of the TAN are intended for short-term working capital to be utilized for start-up costs related to establishing a new city government.

**Discussion:**

The City received proposals from the following institutions:

BB&T Governmental Finance	Georgia Commerce Bank
Rate of interest: 1.36%	Rate of Interest: 0.99%
Net Interest Cost: 2,568.89	Net Interest Cost: \$1,870.00
Other fees: \$2,800.00	Other fees: NONE
Total Cost: \$5,368.89	Total Cost: \$1,870

**Alternatives:**

The City could choose not to select an offer and wait until property tax receipts begin to be collected in September/October time period.

**Attachments:**

- I. Notice of Sale of \$500,000 City of Peachtree Corners, Georgia Tax Anticipation Notes, Series 2012
- II. Bid Response Forms
- III. Resolution to Accept Tax Anticipation Note proposal from Georgia Commerce Bank (Attorney's preparing for Tuesday meeting)

**NOTICE OF SALE**  
**\$500,000 CITY OF PEACHTREE CORNERS,**  
**GEORGIA TAX ANTICIPATION NOTES,**  
**SERIES 2012**

Sealed or electronic (e-mail) bids for the purchase of all but no part of the above notes (the "Notes") will be received by the City of Peachtree Corners, Georgia (the "City"). In the case of sealed bids, please address your proposal to the attention of City of Peachtree Corners, 147 Technology Parkway, Duluth, GA 30092, phone: (678-682-5560), or electronic bids [copctan@gmail.com](mailto:copctan@gmail.com) until 10:00 A.M. (Eastern Time) on August 7, 2012.

**NOTE DETAILS:** The Notes will be issued in typewritten, registered form without coupons in the denomination of \$100,000 or any integral multiple of \$5,000 in excess of \$100,000. The Notes will be dated as of August 17, 2012, the expected date of delivery, and due on December 31, 2012. Interest computed on the basis of a 360-day year of twelve 30-day months, will be payable at maturity on December 31, 2012. The City will act as the paying agent.

**REDEMPTION PROVISIONS:** The Notes are not subject to optional redemption prior to maturity.

**BID REQUIREMENTS:** Bidders must specify the fixed rate of interest the Notes shall bear according to the following restrictions: (a) the interest rate may not exceed four point five percent (4.5%) and (b) the interest rate specified must be a multiple of 1/100th of one percent. Sealed and email bids must be submitted on bid forms furnished by the City. Sealed bids shall be enclosed in a sealed envelope marked on the outside "Proposal for the Purchase of City of Peachtree Corners Georgia Tax Anticipation Notes." Bids submitted by electronic (e-mail) system should be submitted to [copctan@gmail.com](mailto:copctan@gmail.com) and the subject line shall contain the "Proposal for the Purchase of City of Peachtree Corners, Georgia Tax Anticipation Notes" You may confirm the City's receipt of your email by calling (678) 682-5560. The City and its agents shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder.

**BASIS OF AWARD:** The Notes will be awarded to the responsive bidder whose bid results in the lowest **NET INTEREST COST (the "NIC")** to the City. The NIC will be calculated as the total interest from August 17, 2012 to December 31, 2012 minus any premium. If two or more bids provide for the same lowest NIC, the City shall determine, by lot, the bid to be accepted, and such determination shall be final. **Any bid for less than par will be rejected.** The City reserves the right to reject any and all bids and to waive informalities in any or all bids.

The bid award is subject to approval by City Council at a regularly scheduled or special called meeting.

**PURPOSE:** The proceeds from the sale of the Notes will be used to finance the current expenses of the City for the remainder of the calendar year and the costs incident thereto.

**SECURITY:** The principal of and interest on the Notes are payable from the full faith, credit, resources and taxing power of the City.

**AUTHORIZATION:** The Notes are being issued pursuant to the Article IX, Section V, Paragraph V of the Constitution of the State of Georgia and Section 36-80-2 of the Official Code of Georgia Annotated, and are affirmed by a Resolution to be adopted by the Mayor and City Council on or before August 14, 2012.

**BANK QUALIFICATION:** The Notes shall be bank qualified obligations under Section 265(b) of the Internal Revenue Code of 1986, as amended.

**DELIVERY AND PAYMENT:** Delivery of the properly executed Notes is expected to be made to the City of Peachtree Corners on or before August 17, 2012. Payment for the Notes shall be made in immediately available funds.

**LEGAL OPINION AND CLOSING CERTIFICATES:** The City will furnish upon delivery of the Notes, a copy of the Resolution, certain closing certificates, and the approving opinion of Mr. Han Chun Choi of Ballard Spahr, LLP, Atlanta, Georgia, as Bond Counsel, all without cost to the purchasers.

**ADDITIONAL INFORMATION:** A copy of the City's adopted millage rate resolution, 2012 Gwinnett County Tax Digest and 2011 County collection rate information is attached. Informational requests can be made to John McDonough, via email at [copctan@gmail.com](mailto:copctan@gmail.com) or by telephone at 678-682-5560.

CITY OF PEACHTREE CORNERS,  
GEORGIA

TAN BID RESPONSE FORM

Name of Financial Institution: Georgia Commerce Bank

FIXED RATE OF INTEREST: 0.99%

NET INTEREST COST (NIC): \$1870\*

OTHER FEES/CHARGES: NONE

TOTAL COST: \$1870

\*ON \$500,000 IN NOTES

CITY OF PEACHTREE CORNERS,  
GEORGIA

**TAN BID RESPONSE FORM**

Name of Financial Institution BB+T Governmental Finance

FIXED RATE OF INTEREST: 1.36

NET INTEREST COST (NIC): 2,568.89

OTHER FEES/CHARGES: 2800.00

TOTAL COST: 5,368.89