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SPECIAL CALLED MEETING AGENDA

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

June 26, 2012

SPECIAL CALLED MEETING

7:30 PM

Robert Fowler, YMCA

5600 West Jones Bridge Road, Peachtree Corners, GA 30092

A) CALL TO ORDER

B) ROLL CALL

C) PLEDGE OF ALLEGIANCE

D) MAYOR'S OPENING REMARKS

E) CONSIDERATION OF MINUTES -- June 19, 2012 Special Called Meeting Minutes

F) PUBLIC COMMENT

G) REPORTS AND PRESENTATIONS

H) OLD BUSINESS

1. **O2012-06-03** **PUBLIC HEARING and SECOND READ** and Consideration of An Ordinance to Adopt the Fiscal Year 2013 Budget for Each Fund of the City of Peachtree Corners, Georgia, Appropriating the Amounts Shown in Each Budget as Expenditures, Adopting the Anticipated Revenues for Each Fund, Prohibiting Expenditures to Exceed Appropriations for Each Fund and Prohibiting Expenditures to Exceed Actual Funding Available for Each Fund
2. **O2012-06-04** **SECOND READ** and Consideration of an Ordinance Approving a Franchise Agreement Between the Georgia Power Company and the City of Peachtree Corners, Georgia

I) NEW BUSINESS

1. **R2012-06-06** Discussion and Consideration to Approve a Resolution Authorizing Membership in the Georgia Interlocal Risk Management Agency

J) MAYOR'S COMMENTS

K) EXECUTIVE SESSION

L) ADJOURNMENT

CITY OF PEACHTREE CORNERS
SPECIAL CALLED MEETING MINUTES
June 19, 2012 @ 7:30 PM

The Mayor and Council of the City of Peachtree Corners held a Special Called Meeting on Tuesday, June 19, 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	Bill Riley
Acting City Clerk	Joan Jones
Consultant	John Kachmar

PLEDGE OF ALLEGIANCE was led by Mayor Mason.

OPENING REMARKS: Mayor Mason thanked everyone for attending and remarked on the feasibility study conducted by the Carl Vinson Institute, their proposed budget options and the proposed 1 mill rate figures. He asked the citizens in attendance to consider this 2013 proposed budget has a lot of first time expenses. Mayor Mason asked Consultant Kachmar for any remarks. Mr. Kachmar reiterated what the Mayor said, but noted to also keep in mind the feasibility study used academic figures versus reality figures and is a few years old. He went on to explain the additional sources of revenues other than the millage rate. Acting City Clerk Jones reminded the Mayor and Council there will be another Public Hearing on the budget at their June 26th meeting.

PUBLIC COMMENT: No Public Comment

REPORTS & PRESENTATIONS: Consultant Kachmar presented an update on the following:
»City Hall Lease: currently awaiting a call back from the owner on council's request to do away with the five month COLA clause,

»City Manager search; currently 77 resumes have been received, will wait one more week before closing the notice and there are 15 good prospects,

»Training Opportunity offered by the Department of Community Affairs on the duties/responsibilities of a Planning Commissioner, education on Comprehensive Planning etc., which is August 10-11 at Unicoi State Park.

OLD BUSINESS:

IT Start Up and Short Term Agreement: Council Member Christopher motioned, seconded by Council Member Gratwick to table this agenda item. There being no discussion, the motion carried unanimously. (*TABLED*)

NEW BUSINESS:

PUBLIC HEARING PROCEDURES: Attorney Riley reviewed this Resolution establishing a temporary procedure for conducting public hearings, explaining the options available to Mayor and Council and the difference between a Public Comment Period and a Public Hearing. That just like the Public Comment period, there is no two-way conversations between the speaker and council. He recommended to council as there were a number of citizens in attendance to limit the speaking time to three to five minutes and allow an hour for the public hearing as this would permit the best opportunity to hear from the most citizens. Mr. Kachmar explained to the council they also have the option to waive the time by a vote from the majority of the council and recommended if there were citizens from the same HOA and they had similar views or concerns they may want to choose a spokesperson to address the council tonight. He offered to answer questions from any citizen after the meeting if so directed by council for any budget feedback they may need. Council Member Aulbach motioned, seconded by Council Member Sadd to approve the Resolution to adopt temporary procedure for City Council Public Hearings to allow three minutes per speaker and allow one hour for this public hearing. During discussion, clarification was made this is temporary and that the times can be waived by council. There being no further discussion, the motion carried unanimously. (*RESOLUTION 2012-06-06*)

2013 BUDGET ORDINANCE: The First Read of an Ordinance to adopt the Fiscal Year 2013 Budget for each fund of the City of Peachtree Corners, Georgia, appropriating the amounts shown in each budget as expenditures, adopting the anticipated revenues for each fund, prohibiting expenditures to exceed appropriations for each fund and prohibiting expenditures to exceed actual funding available for each fund was held. Mayor Mason asked Mr. Kachmar to review the budget prior to the Public Hearing. (*FIRST READ*)

Mr. Kachmar reviewed each budgetary expenditure line item as follows:

City Council:	\$83,111	Facilities & Buildings Dept:	\$250,000
City Manager:	\$199,954	City Clerk Dept:	\$91,936
General Operations Dept:	\$1,017,650	Contingency:	\$294,046
Finance Dept:	\$188,587	Community Development:	\$201,885
Legal Services:	\$200,000	Designated Reserves:	\$200,000

During his review, he highlighted high cost budget items such as the initial set up of operations, equipment, Tax Anticipation Notes, the development of the Comprehensive Plan, required audits, various contractual services such as AP/AR/Procurement, Website Mgmt., advertisement costs, litigation cost, building lease cost for city hall, etc. He explained this is a conservative budget with both revenues and expenditures balancing at \$2,727,168.

Mayor Mason opened the Public Hearing on the proposed 2013 Fiscal Year Budget. Mr. Jimmy Neese addressed the council explaining he has lived in the community 62 years and is concerned this starting budget is so far off from the Carl Vinson Study of 750K. He told council he does not want them to be working towards a larger city and is concerned about not keeping control of this large a budget. Mr. Judson Ward explained to the council he hopes they keep the line of communication open and just because we have the money, doesn't mean we have to spend it. He asked council to look closely at the proposed salaries of the city manager, community development manager, is the compensation right for a light city, and to be reasonable about what is purchased. Ms. Mary Beth Stickney asked council to represent us as a limited city, to question the line items in the budget especially the 401K expenses of 17-25%, not to do what other cities are doing. She asked council to cut this budget, to look at what we are as a limited city and community are and to become a city others talk about. Mr. Gary Terry voiced to council there are other revenue sources to consider, he asked about court expenses, contracts for police/fire. He noted the city manager's salary/benefits and to consider the difference between private vs public sector pay. In addition, Mr. Terry asked about procurement under the finance department, the professional services cost and the non-auditable legal hours/services. He presented the clerk with a handout about homestead exemption. Mr. Gary Shell addressed the council with his concerns about the 1 mill as it is more than what we want to spend; the numbers seem fluffy/rounded to him. He asked council to sharpen their pencils and don't go with a comfortable budget.

Mayor Mason called for anyone else wishing to speak during this budget public hearing. There being no other speakers, Mayor Mason closed the Public Hearing.

FRANCHISE AGREEMENT-GA POWER: The First Read of an Ordinance Approving a Franchise Agreement between the Georgia Power Company and the City of Peachtree Corners, Georgia was held. Attorney Riley explained he will review this Ordinance at the Second Read.

MAYOR'S COMMENTS: Mayor Mason thanked everyone for attending

No Executive Session was held.

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

Approved:

Mike Mason, Mayor

Attest:

Joan Jones, Acting City Clerk

AN ORDINANCE TO ADOPT THE FISCAL YEAR 2013 BUDGET FOR EACH FUND OF THE CITY OF PEACHTREE CORNERS, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES, ADOPTING THE ANTICIPATED REVENUES FOR EACH FUND, PROHIBITING EXPENDITURES TO EXCEED APPROPRIATIONS FOR EACH FUND AND PROHIBITING EXPENDITURES TO EXCEED ACTUAL FUNDING AVAILABLE FOR EACH FUND

WHEREAS, a proposed Budget for each of the various funds of the City has been presented to the City Council by the Mayor; and

WHEREAS, appropriately advertised public hearings have been held on the proposed Budget, as required by State law and City Charter; and

WHEREAS, the City Council has reviewed the proposed Budget and has made certain amendments to both funding sources and appropriations; and

WHEREAS, each of the funds has a balanced Budget, such that anticipated funding sources equal or exceed proposed expenditures; and

WHEREAS, the Mayor and City Council intend to adopt an annual Operating Budget for the Fiscal Year 2013 and a Capital Improvements Budget for Fiscal Year 2013.

NOW, THEREFORE BE IT ORDAINED that the Operating Budget, shown as "Exhibit A" attached hereto and by this reference made a part of this Ordinance, shall be the City of Peachtree Corners' Fiscal Year 2013 Operating Budget; and

BE IT FURTHER ORDAINED that this Budget be and is hereby approved and that the anticipated revenues presented for each fund are adopted in the amounts shown and that the amounts shown for each fund as proposed expenditures are hereby appropriated to the departments named in each fund; and

BE IT FURTHER ORDAINED that any increase or decrease in appropriations or revenues of any fund or for any department or the establishment of capital projects other than those exceptions provided for herein shall require approval of the Mayor and Council; and

BE IT FURTHER ORDAINED that, as provided in Section 6.26 of the City Charter, such revisions to the Budget may be made by majority vote of the Mayor and Council at any business meeting; and

BE IT FURTHER ORDAINED that the expenditures shall not exceed the appropriations authorized by this Budget or amendments thereto and that expenditures for the fiscal year shall not exceed actual funding available; and

BE IT FURTHER ORDAINED that the City Manager or his/her designee may promulgate all necessary internal rules, regulations and policies to ensure compliance with this Budget Ordinance.

SO ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CORNERS, GEORGIA, this ____ day of June 2012.

Approved:

Michael Mason, Mayor

Attest:

(Seal)

Joan C. Jones, Acting City Clerk

Approved as to Form and Content:

William F. Riley, Acting City Attorney

City of Peachtree Corners
FY 2013 Budget
General Fund

Revenues

<i>General Revenues</i>	2013 BUDGET	
	Amount	Notes
Property Taxes	1,727,168	\$1,763,200 x 98% Collection Rate
Franchise Fees	500,000	\$500,000 x Phase in < 3 Quarters in year 1
Other Revenue	500,000	Tax Anticipation Note (TAN) - Working Capital for Start-up
TOTAL REVENUES	2,727,168	

Expenditures

<i>City Council</i>	2013 BUDGET	
	Amount	Notes
Regular Salaries and Withholding	57,000	
Social Security	3,534	
Medicare	827	
Unemployment	1,750	
Postage	500	
Travel/Dues/Training	9,000	GMA, Chamber of Commerce
Operating Supplies	5,000	
Hospitality	5,500	
TOTAL EXPENDITURES	83,111	

City of Peachtree Corners
FY 2013 Budget
General Fund

Revenues

<i>General Revenues</i>	2013 BUDGET	
	Amount	Notes
Property Taxes	1,727,168	\$1,763,200 x 98% Collection Rate
Franchise Fees	500,000	\$500,000 x Phase in < 3 Quarters in year 1
Other Revenue	500,000	Tax Anticipation Note (TAN) - Working Capital for Start-up
TOTAL REVENUES	2,727,168	

Expenditures

<i>City Manager</i>	2013 BUDGET	
	Amount	Notes
Regular Salaries	101,250	\$135,000 pro-rated at 9 months
Group Ins - Health	9,000	Pro-rated at 9 months
Group Ins - L/T Disb	1,200	
Group Ins - Dental	700	
Group Ins - Life	1,500	
Social Security	6,278	
Medicare	1,468	
Retirement- Defined Contribution 401(25,313	
Move and Relocation Expenses	30,000	Moving, Temporary Housing allowance
Unemployment	750	
Workers Comp	996	
Travel	3,000	GMA, GCCMA
Dues & Fees	3,500	ICMA, GCCMA, Civic Club
Education/Training	2,500	
Operating Supplies	7,500	
Hospitality	5,000	
TOTAL EXPENDITURES	199,954	

City of Peachtree Corners
FY 2013 Budget
General Fund

Revenues

<i>General Revenues</i>	2013 BUDGET	
	Amount	Notes
Property Taxes	1,727,168	\$1,763,200 x 98% Collection Rate
Franchise Fees	500,000	\$500,000 x Phase in < 3 Quarters in year 1
Other Revenue	500,000	Tax Anticipation Note (TAN) - Working Capital for Start-up
TOTAL REVENUES	2,727,168	

Expenditures

<i>General Operations</i>	2013 BUDGET	
	Amount	Notes
Prof Svcs-Call Center	100,000	Start-up costs plus monthly operating cost
Professional Svcs- Start-up Assistance	75,000	Start-up Service Assistance
Prof Svcs- Comprehensive Plan	100,000	Preparation of First Comprehensive Plan - First Year Payments
Prof Svcs- Communications	70,000	omm Plan, Website Management, Branding Materials, Newslette
IT Equipment & Licenses	100,000	Servers, Routers, Laptops, Email, GIS, Licenses
Prof Svcs- IT Services	30,000	IS Start-up and on-going services
Prop/Liab Insurance	7,650	General Liability Insurance for City
Working Capital Repayment - TAN	500,000	TAN must be repaid by 12/31/12
Office Equipment	35,000	copier, scanner, fax, postage meter, telephones
TOTAL EXPENDITURES	1,017,650	

City of Peachtree Corners
FY 2013 Budget
General Fund

Revenues

<i>General Revenues</i>	2013 BUDGET	
	Amount	Notes
Property Taxes	1,727,168	\$1,763,200 x 98% Collection Rate
Franchise Fees	500,000	\$500,000 x Phase in < 3 Quarters in year 1
Other Revenue	500,000	Tax Anticipation Note (TAN) - Working Capital for Start-up
TOTAL REVENUES	2,727,168	

Expenditures

<i>Finance</i>	2010 BUDGET	
	Amount	Notes
Regular Salaries	63,750	Accounting Manager @ \$85,000 pro-rated at 9 months
Group Ins - Health	9,600	
Group Ins - L/T Disb	1,974	
Group Ins - Dental	1,462	
Group Ins - Life	1,462	
Social Security	4,858	
Medicare	924	
Retirement - Defined Contribution 401	10,838	
Unemployment	332	
Workers Comp	250	
Prof Svcs- Check Printing	2,500	
Prof Svcs-Audit	30,000	Annual Audit Report
Prof Svcs- Other IGA	3,437	Tax Collection Svcs
Contractual Services	50,000	AP, AR, Procurement
Travel	1,000	
Dues & Fees	1,200	CPA certification
Education/Training	2,500	Continuing Education
Operating Supplies	2,500	
TOTAL EXPENDITURES	188,587	

City of Peachtree Corners
FY 2013 Budget
General Fund

Revenues

<i>General Revenues</i>	2013 BUDGET	
	Amount	Notes
Property Taxes	1,727,168	\$1,763,200 x 98% Collection Rate
Franchise Fees	500,000	\$500,000 x Phase in < 3 Quarters in year 1
Other Revenue	500,000	Tax Anticipation Note (TAN) - Working Capital for Start-up
TOTAL REVENUES	2,727,168	

Expenditures

<i>Legal Services</i>	2013 BUDGET	
	Amount	Notes
Prof Svcs-Legal	100,000	
Prof Svcs-Litigation	100,000	
TOTAL EXPENDITURES	200,000	

City of Peachtree Corners
FY 2013 Budget
General Fund

Revenues

<i>General Revenues</i>	2013 BUDGET	
	Amount	Notes
Property Taxes	1,727,168	\$1,763,200 x 98% Collection Rate
Franchise Fees	500,000	\$500,000 x Phase in < 3 Quarters in year 1
Other Revenue	500,000	Tax Anticipation Note (TAN) - Working Capital for Start-up
TOTAL REVENUES	2,727,168	

Expenditures

<i>Facilities and Buildings</i>	2013 BUDGET	
	Amount	Notes
Technical Services	25,000	Phone Lines, Internet Access
Repair & Maint of Building & Signage	50,000	Janitorial, Repairs, Improvements (Signage)
Furnishings	50,000	Furniture
Building Operating Lease	125,000	Base Rent, Common Area Maintenance, Utilities
TOTAL EXPENDITURES	250,000	

City of Peachtree Corners
FY 2013 Budget
General Fund

Revenues

<i>General Revenues</i>	2013 BUDGET	
	Amount	Notes
Property Taxes	1,727,168	\$1,763,200 x 98% Collection Rate
Franchise Fees	500,000	\$500,000 x Phase in < 3 Quarters in year 1
Other Revenue	500,000	Tax Anticipation Note (TAN) - Working Capital for Start-up
TOTAL REVENUES	2,727,168	

Expenditures

<i>City Clerk</i>	2013 BUDGET	
	Amount	Notes
Regular Salaries	48,750	Annual Salary of \$65,000 pro-rated for 9 months
Group Ins - Health	9,200	
Group Ins - L/T Disb	1,063	
Group Ins - Dental	787	
Group Ins - Life	787	
Social Security	3,023	
Medicare	707	
Retirement - Defined Contribution 401	8,288	
Unemployment	250	
Workers Comp	332	
Advertising	11,500	
Postage	500	
Travel	1,500	
Dues & Fees	1,000	
Education/Training	2,500	Certification and Continuing Education
Operating Supplies	1,750	
TOTAL EXPENDITURES	91,936	

City of Peachtree Corners
FY 2013 Budget
General Fund

Revenues

<i>General Revenues</i>	2013 BUDGET	
	Amount	Notes
Property Taxes	1,727,168	\$1,763,200 x 98% Collection Rate
Franchise Fees	500,000	\$500,000 x Phase in < 3 Quarters in year 1
Other Revenue	500,000	Tax Anticipation Note (TAN) - Working Capital for Start-up
TOTAL REVENUES	2,727,168	

Expenditures

<i>Contingency</i>	2013 BUDGET	
	Amount	Notes
Start-up Contingency	194,046	
City Manager Contingency	100,000	
TOTAL EXPENDITURES	294,046	

City of Peachtree Corners
FY 2013 Budget
General Fund

Revenues

<i>General Revenues</i>	2013 BUDGET	
	Amount	Notes
Property Taxes	1,727,168	\$1,763,200 x 98% Collection Rate
Franchise Fees	500,000	\$500,000 x Phase in < 3 Quarters in year 1
Other Revenue	500,000	Tax Anticipation Note (TAN) - Working Capital for Start-up
TOTAL REVENUES	2,727,168	

Expenditures

<i>Community Development</i>	2013 BUDGET	
	Amount	Notes
Regular Salaries	90,000	Salary of \$120,000 pro-rated for 9 months
Group Ins - Health	9,600	
Group Ins - L/T Disb	2,500	
Group Ins - Dental	800	
Group Ins - Life	800	
Social Security	5,580	
Medicare	1,305	
Retirement- Defined Contribution 401(15,300	
Unemployment	750	
Workers Comp	250	
Prof Svcs - Community Dev	75,000	Contract to provide Planning and Zoning Liaison Services
TOTAL EXPENDITURES	201,885	

City of Peachtree Corners
FY 2013 Budget
General Fund

Revenues

<i>General Revenues</i>	2013 BUDGET	
	Amount	Notes
Property Taxes	1,727,168	\$1,763,200 x 98% Collection Rate
Franchise Fees	500,000	\$500,000 x Phase in < 3 Quarters in year 1
Other Revenue	500,000	Tax Anticipation Note (TAN) - Working Capital for Start-up
TOTAL REVENUES	2,727,168	

Expenditures

<i>Fund Balance Reserve</i>	2013 BUDGET	
	Amount	Notes
Reserve Contribution	200,000	
TOTAL EXPENDITURES	200,000	

City of Peachtree Corners
FY 2013 Budget
General Fund

Revenues

<i>General Revenues</i>	2013 BUDGET	
	Amount	Notes
Property Taxes	1,727,168	\$1,763,200 x 98% Collection Rate
Franchise Fees	500,000	\$500,000 x Phase in < 3 Quarters in year 1
Other Revenue	500,000	Tax Anticipation Note (TAN) - Working Capital for Start-up
TOTAL REVENUES	2,727,168	

Expenditures

Summary	2013 BUDGET	
	Amount	Notes
City Council	83,111	
City Manager Dept.	199,954	
General Operations Dept.	1,017,650	
Finance Dept.	188,587	
Legal Services Dept.	200,000	
Facilities and Buildings Dept.	250,000	
City Clerk Dept.	91,936	
Contingency	294,046	
Community Development Dept	201,885	
Designated Reserve	200,000	
TOTALS	2,727,168	

ORDINANCE GRANTING FRANCHISE

To

GEORGIA POWER COMPANY

By

CITY OF PEACHTREE CORNERS

On

_____, 2012

The within franchise accepted on

_____, 2012.

GEORGIA POWER COMPANY

By: _____
President

ORDINANCE GRANTING PERMISSION AND CONSENT to Georgia Power Company, a Georgia corporation, and its successors, lessees, and assigns (hereinafter referred to collectively as the "Company") to occupy the streets and public places of the City of Peachtree Corners, Georgia, a municipality and political subdivision of the State of Georgia (hereinafter referred to as the "City"), in constructing, maintaining, operating, and extending poles, lines, cables, equipment, and other apparatus for transmitting and distributing electricity and for other purposes.

SECTION I. Be it ordained by the governing authority of the City that the authority, right, permission, and consent are hereby granted to the Company, for a period of thirty-five (35) years from the date of the Company's acceptance hereof, to occupy and use the streets, alleys, and public places of the City within the present and future corporate limits of the City as from time to time the Company may deem proper or necessary for the overhead or underground construction, maintenance, operation, and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections, and other apparatus (hereinafter referred to collectively as the "Company's Facilities") for the business and purpose of transmitting, conveying, conducting, using, supplying, and distributing electricity for light, heat, power, and other purposes for which electric current may be or become useful or practicable for public or private use, and to re-enter upon such streets, alleys, and public places from time to time as the Company may deem proper or necessary to perform these functions, and to cut and trim trees and shrubbery when and where necessary, in the judgment of the Company, to insure safe and efficient service.

SECTION II. Be it further ordained that the rights, permission, and consents herein contained are granted for the following considerations and upon the following terms and conditions:

1. The Company shall pay into the treasury of the City (a) on or before the first day of March in each year following the granting of this franchise, a sum of money equal to four percent (4%) of the gross sales of electric energy to customers served under residential and commercial rate schedules (as prescribed by the Georgia Public Service Commission) within the corporate limits of the City during the preceding calendar year and four percent (4%) of the gross sales of electric energy to customers served under industrial rate schedules (as so prescribed) within the corporate limits of the City during the period beginning on the first day of the month following the granting of this franchise and ending on December 31 thereafter and (b) on or before the first day of March of each year thereafter during the term of this franchise, a sum of money equal to four percent (4%) of the gross sales of electric energy to customers served under residential, commercial, and industrial rate schedules (as so prescribed) within the corporate limits of the City during the preceding calendar year, on condition that in the event the City shall grant to any other entity the right to use and occupy the City's streets for like purposes, such use and occupancy shall be upon the same terms and conditions as those herein contained, including the payment provisions hereof.

2. The amount, if any, of any tax, fee, charge, or imposition of any kind required, demanded, or exacted by the City on any account, other than ad valorem taxes on property, shall operate to reduce to that extent the amount due from the percentage of gross sales provided for in paragraph 1 of this Section II.

3. The Company shall fully protect, indemnify, and save harmless the City from all damages to persons or property caused by the construction, maintenance, operation, or extension of the Company's Facilities, or conditions of streets, alleys, or public places resulting therefrom, for which the City would otherwise be liable.

4. The Company shall, in constructing, maintaining, operating, and extending the Company's Facilities, submit and be subject to all reasonable exercises of the police power by the City. Nothing contained herein, however, shall require the Company to surrender or limit its property rights created hereby without due process of law, including adequate compensation, for any other purpose at the instance of the City or for any purpose at the instance of any other entity, private or governmental.

5. For purposes of paragraph 6 of this Section II, the term "Distribution Facilities" means poles, lines, wires, cables, conductors, insulators, transformers, appliances, equipment, connections, and other apparatus installed by or on behalf of the Company (whether before or after the adoption of this ordinance) in the streets, alleys, or public places of the City for the purpose of distributing electricity within the present and future corporate limits of the City. Distribution Facilities do not include any of the following: (i) electric transmission lines with a design operating voltage of 46 kilovolts or greater (hereinafter referred to as "Transmission Lines"); (ii) poles, towers, frames, or other supporting structures for Transmission Lines (hereinafter referred to as "Transmission Structures"); (iii) Transmission Lines and related wires, cables, conductors, insulators, or other apparatus attached to Transmission Structures; (iv) lines, wires, cables, or conductors installed in concrete-encased ductwork; or (v) network underground facilities.

6. In the event that the City or any other entity acting on behalf of the City requests or demands that the Company relocate any Distribution Facilities from their then-current locations within the streets, alleys, and public places of the City in connection with a public project or improvement, then the Company shall relocate, at its expense, the Distribution Facilities affected by such project or improvement. The Company's obligations under this paragraph 6 shall apply without regard to whether the Company has acquired, or claims to have acquired, an easement or other property right with respect to such Distribution Facilities and shall not affect the amounts paid or to be paid to the City under the provisions of paragraph 1 of this Section II. Notwithstanding the foregoing provisions of this paragraph 6, the Company shall not be obligated to relocate, at its expense, any of the following: (i) Distribution Facilities that are located on private property at the time relocation is requested or demanded; (ii) Distribution Facilities that are relocated in connection with sidewalk improvements (unless such sidewalk improvements are related to or associated with road widenings, the creation of new turn lanes, or the addition of acceleration/deceleration lanes); (iii) streetscape projects or other projects undertaken primarily for aesthetic purposes; or (iv) Distribution Facilities that are converted from an overhead configuration or installation to an underground configuration or installation.

7. The City and the Company recognize that both parties benefit from economic development within the City. Accordingly, when it is necessary to relocate any of the Company's Facilities (whether Distribution Facilities, Transmission Lines, Transmission Structures, or other facilities) within the City, the City and the Company shall work cooperatively to minimize costs, delays, and inconvenience to both parties while ensuring compliance with applicable laws and regulations. In addition, the City and the Company shall communicate in a timely fashion to coordinate projects included in the City's five-year capital improvement plan, the City's short-term work program, or the City's annual budget in an effort to minimize relocation of the Company's Facilities. Such communication may include, but is not limited to, (i) both parties' participation in the Georgia Utilities Coordinating Council, Inc. (or any successor organization) or a local utilities coordinating council (or any successor organization) and (ii) both parties' use of the National Joint Utility Notification System (or any successor to such system mutually acceptable to both parties).

8. With regard to each streetscape project undertaken by or on behalf of the City, the City shall pay the Company in advance for the Company's estimated cost to relocate any of the Company's Facilities (whether Distribution Facilities, Transmission Lines, Transmission Structures, or other facilities) in

connection with such project. For each streetscape project, the Company shall estimate in good faith the amount of incremental base revenue, if any, that the Company will realize as a result of new customer load or expansion of existing customer load attributable to such project; and such estimate shall be based on tariffs in effect at the time that construction of such project begins and shall not include fuel recovery charges, non-electric service billings, or taxes. If such estimate indicates that the Company will realize incremental base revenue, the Company shall do one of the following, whichever results in greater cost savings to the City: (i) reduce the City's advance payment to the Company for relocation costs by ten percent (10%); or (ii) where the City has developed a bona fide marketing plan within twelve (12) months after construction of such project begins, either refund the amount of the Company's incremental base revenue during such twelve-month period to the City or credit such amount against any future payment due from the City to the Company. The City and the Company acknowledge and agree that the amount of any refund or credit calculated pursuant to clause (ii) of the foregoing sentence of this paragraph 8 shall not exceed the amount of the City's advance payment to the Company for relocation costs associated with such project.

SECTION III. Be it further ordained that nothing contained in this ordinance shall limit or restrict the right of customers within the corporate limits of the City to select an electric supplier as may hereafter be provided by law.

SECTION IV. Be it further ordained that from time to time after the approval of this ordinance, the Company and the City may enter into such additional agreements as the Company and the City deem reasonable and appropriate; provided, however, that such agreements shall not be inconsistent with the terms and conditions of the franchise granted in this ordinance, shall not extend beyond the term of the franchise, and shall be enforceable separate and apart from the franchise.

SECTION V. Be it further ordained that the Company shall, within ninety (90) days from the approval of this ordinance, file the Company's written acceptance of the franchise granted in this ordinance with the Clerk of the City, so as to form a contract between the Company and the City.

SECTION VI. Be it further ordained that upon such acceptance all laws and ordinances, and all agreements between the Company and the City with respect to the Company's use of the City's streets, alleys, and public places, in actual conflict herewith be and the same shall thereupon stand repealed and terminated, respectively.

Adopted by the City Council of the City of Peachtree Corners, Georgia, at a meeting held on

_____, 2012.

Approved: _____, 2012.

Mayor

I, _____, Clerk of the City of Peachtree Corners, Georgia, hereby certify that I was present at the meeting of the City Council of the City of Peachtree Corners, Georgia, held on _____, 2012, which meeting was duly and legally called and held, and at which a quorum was present, and that an ordinance, a true and correct copy of which I hereby certify the foregoing to be, was duly passed and adopted by the City Council of the City of Peachtree Corners, Georgia, at said meeting.

IN WITNESS WHEREOF, I hereunto set my hand and the corporate seal of the City of Peachtree Corners, County of Gwinnett, State of Georgia, this _____ day of _____, 2012.

Clerk

A RESOLUTION AUTHORIZING MEMBERSHIP IN THE
GEORGIA INTERLOCAL RISK MANAGEMENT AGENCY

WHEREAS, Article 9, Section 3, Paragraph 1 of the Constitution of Georgia authorizes municipalities and other political subdivisions to contract with each other for activities which the contracting parties are authorized by law to undertake; and,

WHEREAS, Chapter 85 of Title 36 of the Official Code of Georgia Annotated authorizes public entity to execute intergovernmental contracts to form and become members of an Interlocal Risk Management Agency for the purpose of sharing liability, motor vehicle and property damage risks in whole or in part with those of other public entities; and,

WHEREAS, municipalities within Georgia have found it increasingly difficult to obtain commercial insurance protection, and have found the costs of such protection often exceeds the ability of a public entity to pay; and,

WHEREAS, public entities in Georgia need a stable method for managing their risks to avoid the unpredictable and cyclical nature of the commercial insurance market; and,

WHEREAS, many Georgia public entities do not have sufficient resources to self-insure their risks on an individual basis; and,

WHEREAS, the Georgia Municipal Association has studied the possibility of creating an intergovernmental risk management agency so that Georgia public entities may self-insure their risks and has concluded that such an agency is economically feasible; and,

WHEREAS, the Public Entity of Peachtree Corners is desirous of becoming a Member of the Georgia Interlocal Risk Management Agency (hereafter GIRMA), an interlocal risk management agency formed pursuant to Chapter 85 of Title 36 of the Official Code of Georgia Annotated; and,

WHEREAS, the governing authority of the Public Entity of Peachtree Corners has reviewed the intergovernmental contract and the bylaws of GIRMA and finds that the goals of GIRMA and the obligations imposed upon this public entity are in accordance with the philosophy and public policy objectives of this community; and,

WHEREAS, the governing authority of the Public Entity of Peachtree Corners finds that it is in the best interest of its citizens to become a member of GIRMA,

NOT, THEREFORE BE IT RESOLVED by the Public Officials of the Public Entity Peachtree Corners, Georgia:

- Section 1: That the (insert title of Chief Officer) Mayor of the Public Entity Peachtree Corners is authorized to execute on behalf of the Public Entity the intergovernmental contract to become a Member of GIRMA. A copy of the contract and bylaws of GIRMA are attached to and made part of this resolution as Appendix 1.
- Section 2: The powers of GIRMA, unless the contract and bylaws are amended, shall be limited to those contained in the documents attached as Appendix 1, those authorized by Chapter 85 of Title 36 of the Official Code of Georgia Annotated and the rules and regulations of the Insurance Commissioner of the State of Georgia.
- Section 3: The commencement of operations and the continuing operations of GIRMA and the obligation of this Public Entity to fully participate in such operations shall be effectuated in accordance with the contract and bylaws.
- Section 4: The (insert title of designated person) _____ is designated as the Public Entity's representative to GIRMA. The Public Entity may change its representative by informing GIRMA of the change in writing.
- Section 5: This resolution shall be effective upon its passage and approval.

Adopted this _____ day of _____ of 20_____.

City of Peachtree Corners, Georgia

(Name of Public Entity)

(Mayor or Executive Director)

Witness/title

(Imprint Entity Seal)