

City Council of Peachtree City
Agenda
August 19, 2004
7:00 p.m.

- I. Prayer
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
 - Remind Attendees to Turn Off Cell Phones
 - Recognize Morgan Tyus as Winner of Georgia Pre-teen Scholarship Program
 - Recognize Matt Robinson for Certification as a Support Professional
 - Recognize Staff for GFOA Budget Award
 - Recognize Heather Lackey as Employee of the Month
 - Recognize Max Elias for Service as Mayor's Summer Intern
 - Presentation by Optimist Club to Police Department
- IV. Minutes
 - July 22, 2004, Budget Workshop Minutes
- V. Consent Agenda
 - 1. Consider Budget Amendments
- VI. Old Agenda Items
 - 08-04-02 Public Hearing – Consider Rezoning Request – AR to OI – 153 Senoia Rd
 - 08-04-CA3 Consider Amendment to Sec. 2-336c Relative to Filling Unexpired Terms on Commissions and Authorities
 - 08-04-06 Consider Agreement with Coca-Cola for Field of Hope Scoreboards
 - 08-04-07 Consider Ordinance Regarding Smoking in Public Places
- VII. New Agenda Items
 - 08-04-10 Public Hearing – Consider Variance Request – 828 Carnellian Lane
 - 08-04-11 Public Hearing – FY 2005 Budget and PIP
 - 08-04-12 Public Hearing – Millage Rate
 - 08-04-13 Adoption of 2004 Millage Rate
 - 08-04-14 Discussion on Golf Carts in the Industrial Zoned Areas, Tim Powers
 - 08-04-15 Conflicts with Roadside Parking in Industrial Zoned Areas, Tim Powers
 - 08-04-16 Consider Appointment of Judge Pro Hac
- VIII. Council/Staff Topics
- IX. Executive Session

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

City of Peachtree City
BUDGET WORKSHOP
Minutes of Meeting
July 22, 2004
6:00 p.m.

The City Council of Peachtree City met in a workshop session on Thursday, July 22, 2004, 6:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed. Staff members attending were: City Manager Bernard McMullen, Financial Services Director Paul Salvatore, Police Chief Jim Murray, Leisure Services Director Randy Gaddo, Public Services Director Tom Corbett, Fire Chief Stony Lohr, Administrative Services Director/City Clerk Jane Miller, Developmental Services Director Clyde Stricklin, System Administrator Matt Robinson, and Assistant Finance Director Janet Camburn.

Brown noted there were additional documents that included position papers on the proposed new positions – Administrative Services staff assistant, part-time planning assistant, purchasing agent, assistant fire marshal, three full-time firefighter/paramedics, part-time Kedron maintenance tech, three police officers, and a maintenance worker for the Cart Path Crew.

McMullen told Council that Salvatore would give an initial briefing on the budget book, highlight the FY 2004 budget, major points of the FY 2005 budget, and discuss adjustments and recommendations made by staff based on a continuing review of the budget, followed by questions and discussion.

Salvatore noted that FY 2004 revenues were projected to be \$565,497 more than budgeted and FY 2004 General Fund expenses were projected to be \$1,203,100 less than budgeted. He attributed the surplus to better Local Option Sales Tax (LOST) collections, hotel/motel tax collections, building permits, alcoholic beverage taxes, insurance premium taxes, a savings of \$133,000 in health insurance, an unusual frequency of salary vacancies, the implementation of positive changes to the revenue structure, and steps taken to curb expenditures such as the change in the pension plan. Salvatore added that the voters also passed a bond referendum that would cost 0.36 mills, once the library renovations were complete, 0.26 mills for the debt service and 0.10 mill for operating expenses.

The FY 2005 budget had a combined total of \$29,754,843, including \$3 million in carryover projects. New appropriations totaled \$26.7 million, an increase of \$1,144,488, or 4.47% over FY 2004. Salvatore said approximately 35% of the increase, or \$403,000, was due to the debt service for the Library General Obligation Bond. The increase would be 2.9% without the bond.

The General Fund was projected at \$24.7 million, with revenues of \$23.3 million and a surplus carryover of approximately \$1.4 million. The General Fund included Department Operating Expenses of \$21,526,425, an increase of 6.86%; General Administration

expenses of \$460,986, including \$100,000 for Council Contingency; and transfers to other funds/authorities of \$3,258,772. Also included were 10 new full-time positions and two part-time positions. Most of the General Fund revenues were ad valorem taxes and LOST.

Salvatore noted that staff had completed a three-year comprehensive survey of fees, and several changes had been implemented during FY 2004. The economy was better, so LOST collections were higher. The City's share of the LOST would decrease by 1.01%, while the County's share would increase 1.5%. Salvatore noted a 5% increase in LOST was projected, but the City would receive an increase of 1.9% in additional revenue due to the LOST formula change. The revenues included a projected 4.9% increase in ad valorem taxes and a 0.26 millage rate increase to pay for the library bond debt service.

Salvatore addressed the Public Improvement Program (PIP) fund for FY 2005. The total revenues for the program were \$4.9 million. Appropriations were \$1.9 million and there were approximately \$3 million in carryover projects. Most of the carryover projects were due to the widening of Highway 54 and the Livable Centers Initiative (LCI) projects. Also included was \$120,000 for Phase 1 of Meade Field and Riley Field parking improvements, as well as a concession stand at Meade Field, and fire station repairs and equipment. Gaddo noted that the funding included engineering work for both fields, curbing, and guttering for FY 2005. The paving of the parking lot would be completed in the next fiscal year. Gaddo said there were safety concerns at both venues and problems with water runoff. McMullen added that they needed to look at stormwater retention, which had not been addressed in the previous estimate. Rapson said he preferred to move quickly on these projects and that money could be taken from PIP contingency to do the entire project. The PIP contingency had \$300,000 per the City's financial policy and he expected to use most of the fund. Salvatore pointed out the PIP was subject to change from FY 2006 and beyond.

The total for all Special Revenue Funds for FY 2005 was \$955,016, with most of the money coming from the Hotel/Motel Tax fund. Salvatore said a two percent increase in the hotel/motel tax collections was projected in FY 2005. Due to previous shortfalls in the hotel/motel tax, the amount budgeted for FY 2004 was equal to the amount collected last year. Two-thirds of the funds went to the Peachtree City Tourism Association per state law and the remainder went to the General Fund.

Salvatore addressed the Debt Service Fund and said new equipment purchases of \$526,000 added \$153,612 to new debt service in FY 2005. The Library Bond debt service totaled \$402,998. The fund totaled \$2,674,910.

Salvatore continued with the details for the 10-year Financial Model. He noted the model had been revised to show improved revenue estimates, improved expenditure estimates, and improved millage rate estimates. One mill was the equivalent of \$1,561,092 in the tax digest. The proposed millage rate increase, with the 0.26 mill addition, was 5.543 mills, or a 4.9% increase, which would generate an 11% increase in revenue. The estimated impact on a \$200,000 property was \$20.80 for a total City tax bill of \$443.44.

McMullen addressed staff's proposed revisions to the budget that had come in since the budget books were delivered to Council. The revisions included additional grant funds for the Huddleston/Dividend intersection project in the PIP, moving some items in the PIP, a decrease in the estimated cost for the Court Solicitor, a decrease in the not-for-profit allocation based on requests that had been received, charges for alcoholic beverage server registration, and the increase in the Court administrative fees. The current recommended millage rate increase was 0.26 mills for a proposed millage rate of 5.543. The revised proposed millage rate was an additional 0.11 mills for a proposed millage rate of 5.390 mills.

McMullen noted that staff would bring a proposal to Council on August 5 for Court Solicitor services. Rutherford asked about the cost of malpractice insurance. Weed noted that if the Court Solicitor were a City employee, then the solicitor would be covered under the city's insurance. McMullen said staff would present the most economical way to add a full-time Court Solicitor's position.

McMullen continued that only two requests had been received before the June deadline from not-for-profit organizations. Both requests were for \$7,500 and the allocation had been revised from \$25,000 to \$15,000. McMullen added that the alcoholic beverage server registration revenue had not been included in the budget and that the figures had been revised to reflect the change in the Court administration fee from \$4 to \$5. Rutherford asked if annual golf cart registration would begin during the fiscal year. McMullen said it did not look promising in terms of expense, but staff was still working on the assessment. Rutherford noted that homeowners would pay more ad valorem taxes because assessments had gone up, whether the millage rate increased or not.

Rutherford said she had anticipated that a captain would be added to the Police Department and noted there was not a captain's position requested, but there were three new officer positions requested. Chief Murray said the captain's position was taken out and three new officer positions were added. Murray added that there would be an upgrade of a current position requested in the next fiscal year. He needed people to put on the west side. Rapson asked Murray why he had not included an upgrade to a captain's position in the FY 2005 budget. Murray said he wanted to wait until after the assessments in October.

Rutherford asked if the City provided the School Resource Officers and the DARE Officer. Murray said the City provided the high school and middle school resource officers. The Board of Education provided \$44,000 for the programs, and it was possible that a full-time position could be paid by the County in the future. Rutherford asked if the County could provide the officers. Murray said he did not recommend that since the local officers worked with the students one-on-one. He continued that the officers were rotated, and this year a bilingual officer would be assigned to the middle school. Murray added that the Department's relationship with the Board of Education was outstanding. McMullen noted that the City had received a 10% increase in the funding provided by the Board of Education for the new fiscal year.

Kourajian said the proposed budget was a good start. He asked McMullen to talk about the budget process and if there were any more possible cuts. He noted there would probably be small things in each department, but he did not want to nit pick.

McMullen explained the budget process and said Salvatore called the department heads and had them fill out a list of their requirements and needs, then Salvatore met with each director and chief to review their budgets to put together Bud 1. Subsequent meetings were held with Salvatore and McMullen, and then each department head met with McMullen, Salvatore, and the Mayor. Changes were recommended, and then the budget was presented to Council.

Salvatore added that each department was closely scrutinized. If there was more than a five or six percent increase, they looked for an explanation. They looked for explanations if there was a decrease, and unusual increases and decreases were highlighted.

McMullen continued that during the Bud 2 process, the department heads added in what would be needed for telephone, computers, etc. Robinson then reviewed each department's budget and made recommendations. The changes made between Bud One and Bud Two reflected that information.

Kourajian asked what happened to the old computers and equipment. Robinson said that the computers were on a three-year replacement cycle, which would make the discards easier to sell. Some of the old computers were given to non-profit organizations. He pointed out most of the discarded computers had gone beyond a useful life. The best of the discards were kept as loaner equipment during emergencies within the City.

Kourajian noted the part-time planning assistant position was a half-time job with a computer. He asked what the need for the position was. McMullen said the position was the result of new requirements. He explained that a complete update of the comprehensive plan was to begin soon. They were only looking at the position through 2007. The City could hire a part-time assistant or hire a consultant. The rate for the consultant would exceed the cost of a part-time assistant. The part-time position would allow time for the City Planner to work on the comprehensive plan update. Some consultant work would still be needed, but the part-time assistant would reduce that need.

Weed asked if the cost for the position would be \$33,000 for four years. McMullen said the salary for the first year would be \$18,844. The full-time salary would be \$33,000. Stricklin said the comprehensive plan update had to be completed by February 28, 2007.

Kourajian asked for the justification for the purchasing agent position. Salvatore noted there were more transactions to handle and that person would help with the Peachtree City Tourism Association (PCTA) books. McMullen added that they wanted to keep track of the hours spent on PCTA work by the staff. He said they felt like the PCTA was getting the best deal and that should be adjusted. A couple of months would be needed to document the time, and then an adjustment could be made. McMullen said the PCTA had just hired a finance/human resources person to do some of the work, but a history

was needed once that person was in place. Rapson said an accurate comparison could not be done at this point since they did not know what the normal workload was yet.

McMullen continued that a purchasing agent would also allow the City to be more economical in purchasing since there was another person to research pricing. Department heads now did a lot of the research. Rapson pointed out that Camburn was currently working on the new state financial requirements (GASB 34), as well as serving as the purchasing officer.

Weed said he would rather outsource for special services, such as those that would be performed by the part-time planning assistant. He continued that it would be hard to justify to him the money needed for the position for three years, plus the need for a consultant, which was not addressed in the budget. Weed said he was willing to be convinced, but he was not there yet. Stricklin said he could get more for less by having an intern, or planning assistant, working under the guidance of someone on staff. A consultant would have to go out for bid and then be trained. Stricklin said a part-time planning assistant was a more efficient use of money and would provide the data the way it was needed.

Kourajian asked about the Assistant Fire Marshal position and if all the priority inspections required of the Fire Marshal were made every year. Lohr said they were not and the visits were made in the reaction mode. The Department had tried to augment the Fire Marshal by sending others to get certified to do some of the lower level inspections, but those people were not qualified to do the more complex inspections. The \$63,000 cost for the first year included everything the person would need to be functional.

Weed asked if the Fire Marshal went on fire calls. Lohr said it depended. Weed asked if the fire marshals would leave what they were doing to respond to a fire call. Lohr said they would finish what they were doing, then answer the fire call. Lohr said available staff answered the call. The Department answered a call as quickly as it could, but usually only with three people. They had eight minutes to get an effective force on the scene.

Kourajian asked Lohr if he would close any fire stations if there were fewer than 11 people on duty. Lohr said that was not a viable option, but had been considered in previous years. Rutherford asked Lohr if people were out sick whether he would close one station to staff the others. McMullen clarified the situation and said Station 84 would have two people if there were a full staff. If someone were out, then one person would staff Station 84. Because of safety considerations, there should always be more than one person at a station. That was a reason to close a station until more people were available. Lohr said in those situations, they called part-timers, then volunteers, to keep the stations staffed.

Kourajian clarified with Gaddo that the part-time maintenance tech position was 27 hours a week and asked what kind of work the job entailed. Gaddo said yes and that the work

included setting up and breaking down rooms and minor maintenance. Gaddo said the position was more janitorial than maintenance. The hours were nights and weekends.

Weed asked Gaddo why they did not outsource the work to a bonded janitorial service. Gaddo said they had looked at outsourcing, but the costs were more. He added that the job also included some customer service, since people were always asking for help, and for things normal contract people were not expected to do. Gaddo said that two people were needed at Kedron on the weekends, one customer service person and one maintenance person. Now, two customer service people staffed the facility because there was not a maintenance person available. The Department was also using its part-time customer service people for more hours and paying overtime. Kourajian noted that they would not necessarily be adding another person, but replacing hours worked by someone in another position, so there might not be an increase in cost. Gaddo said it would probably be close. During big events, people had to be added, and both full-time and part-time employees received comp time for the events.

McMullen clarified with Gaddo that he was asking for a different type of position, but the staffing requirement was always two. Currently, two customer service employees staffed the fieldhouse. If the position were approved, a customer service representative and a maintenance technician would staff it. Both the customer service positions, were paid out of part-time salaries, so the maintenance technician could be added without adding to the part-time salaries line item. Replacing a customer service person with a maintenance technician would not cost anymore. Kourajian asked if the maintenance was being done currently. Gaddo said they were either doing the best they could, or the work was not being done.

Kourajian asked if there would be more grant money for the DARE officer. Chief Murray said the grant money lasted for four years. Kourajian asked about the money for the program provided by the Kiwanis Club. Murray said that money paid for all the materials and t-shirts.

Kourajian asked what Public Services considered an emergency call for the paving crew. Gaddo noted that an emergency could be a sinkhole on the cart path, or trees down, etc. He said most emergencies for the crew were cart path related. McMullen pointed out that the paving crew was multi-tasked and did more than paving.

Weed said more money had been allocated to the cart paths in the budget, and asked if more money had been allocated than crew to do the work. McMullen said the City needed to do more paving, and that more money had been put in the budget for supplies; however, people were also needed. A second asphalt paver had also been requested to get with the cart paths that needed paving. The paver was often pulled to work on a problem with the streets; so one paver would be dedicated to the cart path crew. Brown pointed out that the top complaint from citizens each month was about the cart paths. Kourajian said he did not disagree that another person was needed, but the only justification for the position was the emergency calls. Weed agreed that the justification should include the need for more staff to do the work.

Rutherford pointed out that there were no simple answers for healthcare costs. She noted that the corporate world employees were required to pay a premium for health insurance. Rutherford asked if the City was comparing premium fees.

Salvatore agreed that healthcare was a complex subject. He said they could go to premium from self-insurance, but there would always be a run-out on claims in the first year of paying premiums to the new company. He said the run-out would be significant, as much as six figures.

Miller said staff was currently doing an analysis with other networks to determine if there would be any savings to change networks. A survey would be sent to employees to make sure a majority of providers would be available.

Rutherford suggested the City pay out employees who used their spouses' insurance, rather than the City's health insurance. Miller said that would be a savings and would reduce the City's exposure.

McMullen provided an example from his own experience and said he used his retired military insurance to get his prescriptions. He noted there was a number of retired military working for the City, and that should be considered.

Salvatore continued that there would be \$1.2 million in staff savings for the current fiscal year. He said the savings was usually \$500,000, or normally two percent of the total operating budget. Salvatore said the savings in health insurance, the normal two percent savings, and the high number of employees who left during the fiscal year and were replaced by people with a lower salary contributed to the savings.

Rutherford said she had a problem raising taxes for money the City did not spend. McMullen said staff prepared the budget, then subtracted \$500,000.

Rapson asked Chief Lohr if he could get by with adding one more person on the night shift and using one of the six staff personnel during the day to answer calls. Lohr said the training lieutenant did go to calls on the tower truck, but other personnel were usually already gone in the other vehicles. When staff was available, staff answered calls.

Rapson said he felt the problem was logistics and he had a hard time adding an additional body to the day shift. He said he realized an additional body was needed on the night shift and that additional part-time people might help.

Lohr said the firefighters worked one day on/two days off and most had at least one other job. The part-time firefighters worked full-time for other departments. Lohr continued that the consultant had recommended 15 people on a shift and never less than 12 for safety reasons. The consultant recommended that no vehicle go out with less than two people on it. Lohr noted that more injuries occurred on the trips to and from the fire, than at the actual fire. Lohr continued that, if all the existing standards were applied to the Department, then none of those standards were met. Adding another person to each shift got the Department a notch closer to meeting the standards.

Rapson noted that the City's ISO rating was four and only seven percent of the fire departments in the country had an ISO rating of four. He said that, according to what Lohr just said, the Department was substandard, but the fire response times were phenomenal. He challenged Lohr to find any city with better response times. Lohr said the Department's response times were good, but the clock stopped when the first vehicle got there. Lohr pointed out that a truck had only one person when it got to the fire. Other departments had three or four people on the truck. Six people were needed to start operations if there was a fire. Rapson said, if the Department were staffed at 12 during the day, then there would be six people at a structural fire. Rapson said the assistant fire marshal position was critical, but he felt the Department should rely more on volunteers to make up at least two of the positions.

Weed noted that the Department was down to 24 volunteers, but only had three that could be relied on. Rapson asked what happened to the volunteers. Lohr said the Department trained them and then they left for other jobs. He pointed out that of the last 27 volunteer applications they had gotten, only three lived in the City and the others lived well outside the City. Special duty volunteers had to spend 32 hours a month at the station and could not answer calls from home because it was too far.

Rutherford said fire districts needed to be created so the City could get the money back from the County to put into the City's fire program. Rapson agreed and said that money would fund the additional positions that were needed. He suggested the City fund the three positions, fund the fire marshal, and put a plan in place to aggressively go to volunteers. There had to be a plan.

McMullen said the fire committee was working on a plan, but it was taking longer than expected to complete. They were also looking at new developments in the City, the costs for everything, and the impact on the tax digest. Rapson said he was pro-volunteer, but they needed to ask tough questions and might need to consider going to a professional department because of the demographics.

McMullen said they needed to document the exact services they got from the volunteers and what those services cost. Volunteers provided the help needed for all special events. Rapson said if it cost \$45,000 a year to staff special events, it was worth every dime. He wanted to know what could be counted on from a firefighter perspective.

Lohr said 2.34 people were needed, even for emergency services. Lohr said that number was not enough, but was cost effective. Their mission was to support the community's need and to maintain a combination fire department as long as it made sense. When that was no longer feasible, then the volunteers would go away. Lohr said he hoped that would not be too soon because the volunteers served a valuable purpose.

Rapson said there were seven steps to balancing the budget – review and evaluate the revenue stream, review and realign the expenditures, recognize there were no sacred cows, review the capital plan and eliminate programming, and increase taxes. Rapson said he had taken a hard look at revenues and there was only one duplication between his

analysis and staff's in court fines, which was another \$120,000 in revenue. Rapson noted that he had added an additional \$50,000 to the \$30,000 for golf cart paths. He said it was critical that the paths be replaced. The sacred cows were police and fire promotions, cost of living allowances, and merit raises. Rapson said his plan dropped \$100,000 from the budget and no tax increase would be needed.

Weed clarified the revision to #6 and said \$76,000 would go back into the budget. Rapson said yes. McMullen pointed out that the position at Kedron could be authorized, but the part-time salaries line allocation might not need to be adjusted.

Rapson said the reason the City was in the position to do this was because Council scrapped \$1.6 million in expenditures in 2002, adjusted the millage in 2003, and due to the actions taken by the Council at the beginning of the year. In the last three years, the City had not added any jobs, while other cities were cutting people. He noted that 70% of the new positions requested were public safety.

Salvatore clarified the "marching orders" to review the changes and work with the City Manager to get the millage increase to zero, or hold the same millage as last year. Rapson said he did not favor rolling back the millage rate, then having to pick up the millage rate again next year and add 0.9 mills. Rutherford thanked everyone for the excellent job that had been done, but she was not ready to just make cuts, or rollback the millage rate. She also asked to see what had been cut from the budget before it got to Council. Rapson said the City could have a healthy rollback, but Council had to look at the impact that would have in future years.

The next budget workshop was tentatively scheduled for Wednesday, August 11, 6 p.m., pending availability of Council. There being no further business to discuss, the meeting adjourned at 8:37 p.m.

Jane Miller, City Clerk

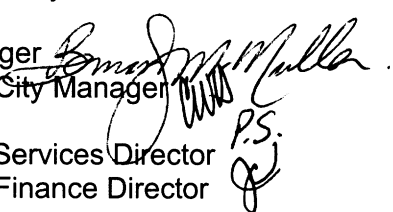
Stephen D. Brown, Mayor

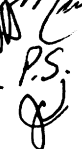
Pamela Dufresne, Recording Secretary

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: City Manager 
Assistant City Manager

FROM: Financial Services Director 
Assistant Finance Director

DATE: August 9, 2004

SUBJECT: Budget Amendment
August 19, 2004 City Council Consent Agenda

Recommendation:

It is staff's recommendation that City Council approve the attached budget amendment.

Discussion:

Attached please find one budget amendment for fiscal year 2004 submitted for your approval. A description of the amendment follows:

Budget Amendment 04-033

This budget amendment increases both the General Fund revenues and expenditures by \$1,000. This amendment increases expenditures for the purchase of a bicycle for the Police Department. The increase in revenue is from a \$1,000 donation from the Peachtree City Running Club. The \$1,000 check has been received and deposited.

Budget Impact:

The impact on the General Fund budget is a net increase in both budgeted revenues and expenditures of \$1,000, bringing the fiscal year 2004 General Fund budget to \$22,310,373.

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

Thank you for your attention to this matter.

Attachments

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-033

DATE August 9, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-00-38-9001	Other Revenue	1,000	
100-3210-53-1650	Small Tools & Equipment / Police Dept.	1,000	
TOTAL		\$ 2,000	\$ -

To increase both revenues and expenditures in the General Fund for a bicycle for the Police Department to be funded by the Peachtree City Running Club. The donation from the Running Club has been received and deposited into the City's pooled cash account.

POSITION PAPER

Proposed Rezoning: Broderick Tract, 153 Senoia Road

City Planner/ Zoning Administrator

August 12, 2004



Situation:

Mr. Dennis Broderick owns the property at 153 Senoia Road, which contains a single-family home and has driveway access onto Senoia Road. The Applicant, Mr. Roger Norton of K&E Venture Equities, Inc., has a contract to purchase the property and desires to rezone the 1.38-acre tract from its current designation of AR Agricultural Reserve to OI Office Institutional. The rezoning would allow Mr. Norton to locate the office for his residential development business within the existing structure. Because the property is not currently zoned for commercial use, the Applicant is requesting that it be rezoned to an appropriate classification. A copy of the application is included as Attachment "A."

Facts:

1. The tract is 1.38 acres in area and is currently zoned AR Agricultural Reserve. The owner of the property, Mr. Dennis Broderick, has owned the property for approximately 3½ years and has lived within the home for the past three years.
2. The Applicant is requesting that the property be rezoned to OI Office Institutional to accommodate the office component of his residential development business. The Land Use Plan designation for the four residential tracts on this portion of Senoia Road is OFF Office (Attachment "B").
3. A substantial natural buffer separates the subject property from the Harrell tract to the north and the Robinson tract to the south. Both of these tracts are currently zoned AR Agricultural Reserve. Additionally, a dense, natural buffer separates this property from the AMLI apartment complex to the east, which is zoned GR-10 General Residential.
4. The Carmichael Funeral Home at the intersection of GA 74 and Senoia Road was rezoned from AR Agricultural Reserve to OI Office Institutional in 1988.
5. The property has approximately 210 linear feet of frontage on Senoia Road. The parcels across Senoia are currently zoned GI General Industrial and are recommended for industrial use on the City's Land Use Plan. The existing CSX rail line is parallel to Senoia Road and provides additional separation between future development on these industrial tracts and this property.

Broderick Tract, 153 Senoia Road

August 12, 2004

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6. The Applicant is proposing to utilize the existing structure, driveway and parking area and plans to maintain the residential appearance of the property. There will be no equipment or vehicles stored on the site other than those required by on-site office personnel.
7. The Goal of Land Use Policy identified within the City's Comprehensive Plan recommends that the City "provide for the appropriate allocation and compatible arrangement of land uses." In order to achieve this goal, the plan outlines specific objectives, including that different land uses be separated "by the use of natural open spaces, major and minor collector roads, landscape buffers or lakes and streams." Additionally, the plan recommends that the City should "discourage strip commercial development along the state highways bisecting the city by encouraging the concentration of commercial businesses and providing areas for residential, office and open space use."
8. At their meeting on July 12, 2004, the Planning Commission voted unanimously to recommend that City Council approve the rezoning request (Attachment "C").

Staff analysis:

The OI Office Institutional zoning district requires a minimum side building setback of 75' when an office development adjoins a residential zoning lot (Attachment "D"). The existing structure is located 58.9' from the Harrell tract and approximately 71' from the Robinson tract. However, because AR Agricultural Reserve is not considered a residential zoning district, but is merely an 'interim' zoning classification until such time that a particular parcel can be developed in accordance with the master plan for the City (Attachment "E"), these setbacks would not be applicable to this particular lot.

Conclusion:

The existing development on the subject parcel and the proposed use comply with the City's Land Use Plan and the criteria established within the OI Office Institutional zoning district.

Broderick Tract, 153 Senoia Road

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Recommendation:

Because the proposed rezoning complies with the recommendations within the City's Land Use Plan and maintains the residential character of the property, Staff recommends that the rezoning to OI Office Institutional be approved as requested subject to the following understandings and conditions:

1. The proposed rezoning applies to the 1.38-acre Broderick tract only.
2. The overall property must remain residential in character until such time that the entire site can be redeveloped. There shall be no major modifications to the exterior of the existing building without prior approval from City Staff and/ or the Planning Commission. Any improvements to the existing driveway and parking area must be approved in advance and shall conform with the required setbacks within the OI Office Institutional zoning district.
3. The Applicant shall coordinate with the Building Official, the City Fire Marshal and the Fayette County Board of Health to ensure the existing structure conforms with current building codes, life safety guidelines, and environmental standards for the proposed change in use.
4. There shall be no outside storage of equipment, vehicles or building materials on this site at any time unless they are entirely screened from view.
5. The Applicant shall agree to continue working with City Staff and the adjoining property owners to develop an overall master plan for the residential tracts on this portion of Senoia Road. This does not imply or require that the adjoining residential tracts will be rezoned at this time; it merely provides a mechanism for Staff to work with the property owners to develop a master plan for this area that will accommodate ingress and egress from Senoia Road, internal circulation and parking, coordination of utilities, etc.
6. Should the remaining tracts be rezoned and re-developed, each tract shall connect to the sanitary sewer system, and the existing septic systems shall be removed.
7. At such time that the property is redeveloped, all existing overhead utility lines that traverse the site must be relocated underground.

Attachments

**APPLICATION FOR REZONING
CITY OF PEACHTREE CITY**

**APPLICANT: K & E VENTURE EQUITIES, INC
34 Sunset Lane
Newnan, Georgia 30264**

LOCATION OF PROPERTY: 153 SENOIA RD.

Contact: Roger Norton 404-569-9564

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property:

153 Senoia Rd, Peachtree City, Ga. 30269
Residential - 3bd/2 ba Brick ranch on 1.3 Acres

This property is presently zoned: Residential ^{dep.} AR Agricultural Reserve

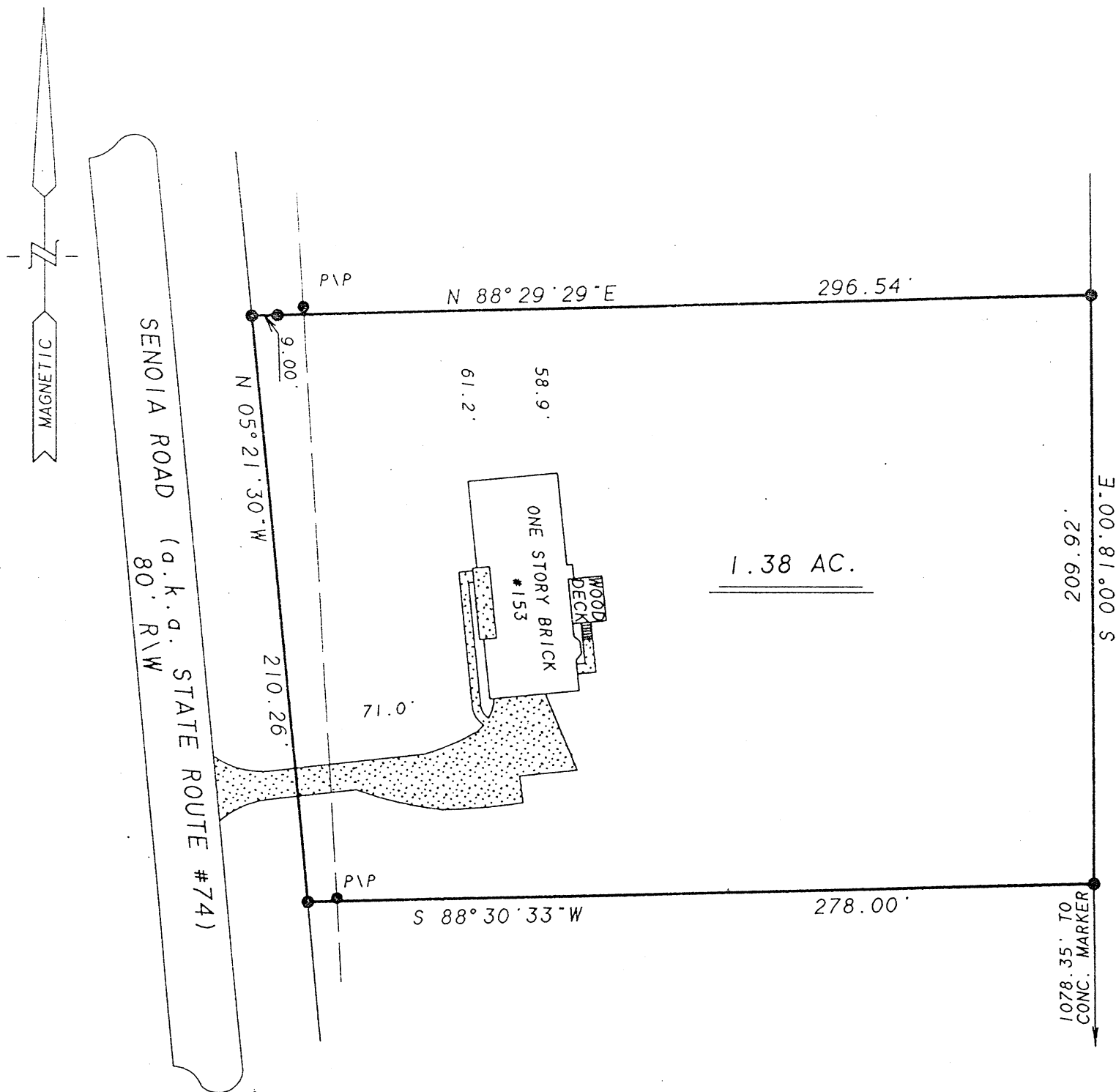
The proposed zoning classification is: RT

I certify that I am the owner, or the duly authorized agent of the owner, of the property described above:

Signature: Dennis Broderick
 Owner: (print) DENNIS BRODERICK
 Agent: (print) ROGER NORTON 404-569-9564
 Address: 153 SENOIA RD PEACHTREE CITY GA 30269
 Phone: 770-231-3913 Date: 3-29-04

This request, along with the required fee (\$600 + \$25/acre) and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature: David E. Rast
 Title: City Planner / Zoning Administrator
 Date: 06-19-04 06-21-04
 Request Number: 2004-05
 Date of Planning Commission Public Hearing: 07-12-04 July 12
 Date of City Council Public Hearing: 08-05-04 August 5



LEGEND

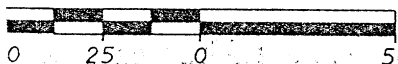
IPF-IRON PIN FOUND
 IPS-IRON PIN SET
 R/W-RIGHT OF WAY
 MAG- MAGNETIC
 P.O.B.-POINT OF BEGINNING
 B/L-BUILDING LINE
 D.E.-DRAINAGE EASEMENT
 N/F-NOW OR FORMERLY
 P - PREVIOUS
 E - EXISTING
 P/P - POWER POLE

CLOSURE DATA

FIELD CLOSURE-1' IN 10.000+
 ANGLE POINT ERROR-< 20"
 EQUIPMENT USED-E.D.M. & THEODOLITE
 ADJUSTMENT METHOD-COMPASS RULE
 PLAT CLOSURE-1' IN 100.000+

THIS SURVEY DOES NOT CONSTITUTE A TITLE
 SEARCH BY SURVEYOR. ALL INFORMATION
 REGARDING RECORD EASEMENTS, ADJOINERS,
 AND OTHER DOCUMENTS THAT MIGHT AFFECT
 THE QUALITY OF TITLE
 WERE NOT SUPPLIED TO

GRAPHIC SCALE



WARRANTY DEED

Prepared by:
BISCHOFF AND WHITE, P.C.
116 Peachtree Court
Fayetteville, Georgia 30215

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made this 22nd day of September, in the year of our Lord Two Thousand, between M. EDMA DUAILIBI f/k/a EDMA MCGILL, of the State of Georgia and County of Fayette, herein Grantor, and THOMAS DENNIS BRODERICK, of the State of Georgia and County of Fayette, herein Grantee.

WITNESSETH: That the said Grantor, for and in consideration of the sum of Ten ————Dollars and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said Grantee, Grantee's transferees, heirs and assigns,

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 156 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

Beginning at an iron pin on the East line of the land of H. L. Grantham, which point is also on the West line of lands now or formerly of Bessemer Securities Corporation, which point is located as follows: Commence at a concrete marker located at the Southeast corner of the lands of H. L. Grantham, which marker is also located on the North line of lands now or formerly of Bobby L. McWilliams; and on the West line of the lands now or formerly of Bessemer Securities Corporation, and running thence North 0 degrees 18 minutes East along the East line of the Grantham lands a distance of 1,078.35 feet to an iron pin and the point of beginning; run thence South 88 degrees 41 minutes West a distance of 278.4 feet to an iron pin located at the Easterly right of way of Senoia Road f/k/a State Route #74; run thence in a Northerly direction along the Easterly side of Senoia Road a distance of 210 feet to a point; run thence North 88 degrees 26 minutes East a distance of 9 feet to a point; run thence North 88 degrees 27 minutes East a distance of 296.4 feet to a point; running thence South 00 degrees 18 minutes East a distance of 210 feet to the point of beginning. Being improved property having a one story brick house located thereon being known as No. 153 Senoia Road, according to the present system of numbering houses in Fayette County, Georgia.

This Deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining to the only proper use, benefit and behoof of Grantee, Grantee's transferees, heirs and assigns forever, IN FEE SIMPLE.

And that said Grantor for Grantee's successors, heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said Grantee, Grantee's transferees, heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand and affixed her seal the day and year first above written.

WITNESS

M. EDMA DUAILIBI f/k/a EDMA MCGILL,
GRANTOR

NOTARY PUBLIC

GRANTOR

REZONING APPLICATION
K & E Venture Equities, Inc.

III Supplemental Documents and Information

- a) Three (3) copies of the Boundary Survey included as “Exhibit 1”
- b) One (1) copy of the Legal Description included as “Exhibit 2”
- c) The reason for the proposed rezoning is so that we may locate our office in the building. We are residential developers and need an office to handle phone calls, do bookkeeping and write checks. Since we subcontract the majority of our work, we have no heavy equipment and none will be stored on the property. We anticipate there to be only four office staff at this location, thereby keeping traffic to a minimum. Our superintendents stay on job locations with the exception of corporate meetings and picking up subcontractor checks at this location.
- d) AMLI Peachtree City Phase II is located to the east of this property and is zoned GR-10. To the north is Robert and Sandra Harrell located on approximately 1.4 acres and zoned AR. To the south is Faith G. Robinson located on approximately ~~2.5~~^{1.3} acres and zoned AR. Long rang planning for the area indicates that the first three (3) properties on Senoia Rd will become O & I zoned properties. This property is the center property of the three. To ensure that the neighbors are protected we are willing to set aside a 25 feet non disturbance buffer along the North, South and East property boundaries.
- e) Name and addresses of surrounding property owners are shown in “Exhibit 3”
- f) A location map is provided as “Exhibit 4”
- g) An accurate and detailed map which shows the proposed new City zoning districts at a scale of 1”=800’ is provided at “Exhibit 5”
- h) There is no major natural, geographic, or cultural features presently on or near the property
- i) Phone, electrical and water services are available to the property
- j) There are no public facilities presently on or near the property; no known public facilities are planned for the area

- k) As the property has previously been improved to include the brick home which we desire to use unchanged as an office, no development plans, feasibility studies, impact analyses, population projections, or other such planning documents have been or need to be prepared relative to this property**
- l) How this proposed rezoning will affect the City:**
 - a. Tax Base- As a commercial use (office) the assessed valuation will be greater thus enhancing the tax base**
 - b. Public Education- There will be no impact on schools**
 - c. Police and fire protection- No difference in current status**
 - d. Emergency and medical service- No difference in current status**
 - e. Transportation facilities- No difference in current status**
 - f. Utilities- No change in current status**
 - g. Environmental protection- None required; no land disturbance**
 - h. Recreation program- No change in current status**
 - i. Implementation of the overall development plan- The property and our proposed use of the property identifies with the City's future planning for this property**
- m) A topographic map of the property is included at "Exhibit 6"**
- n) A site plan is not required as the survey and topography maps show the existing building and permanent structures.**

LOCATION MAP

Borrower: Thomas D. Broderick

File No.: senola153 122

Property Address: 153 Senola Road

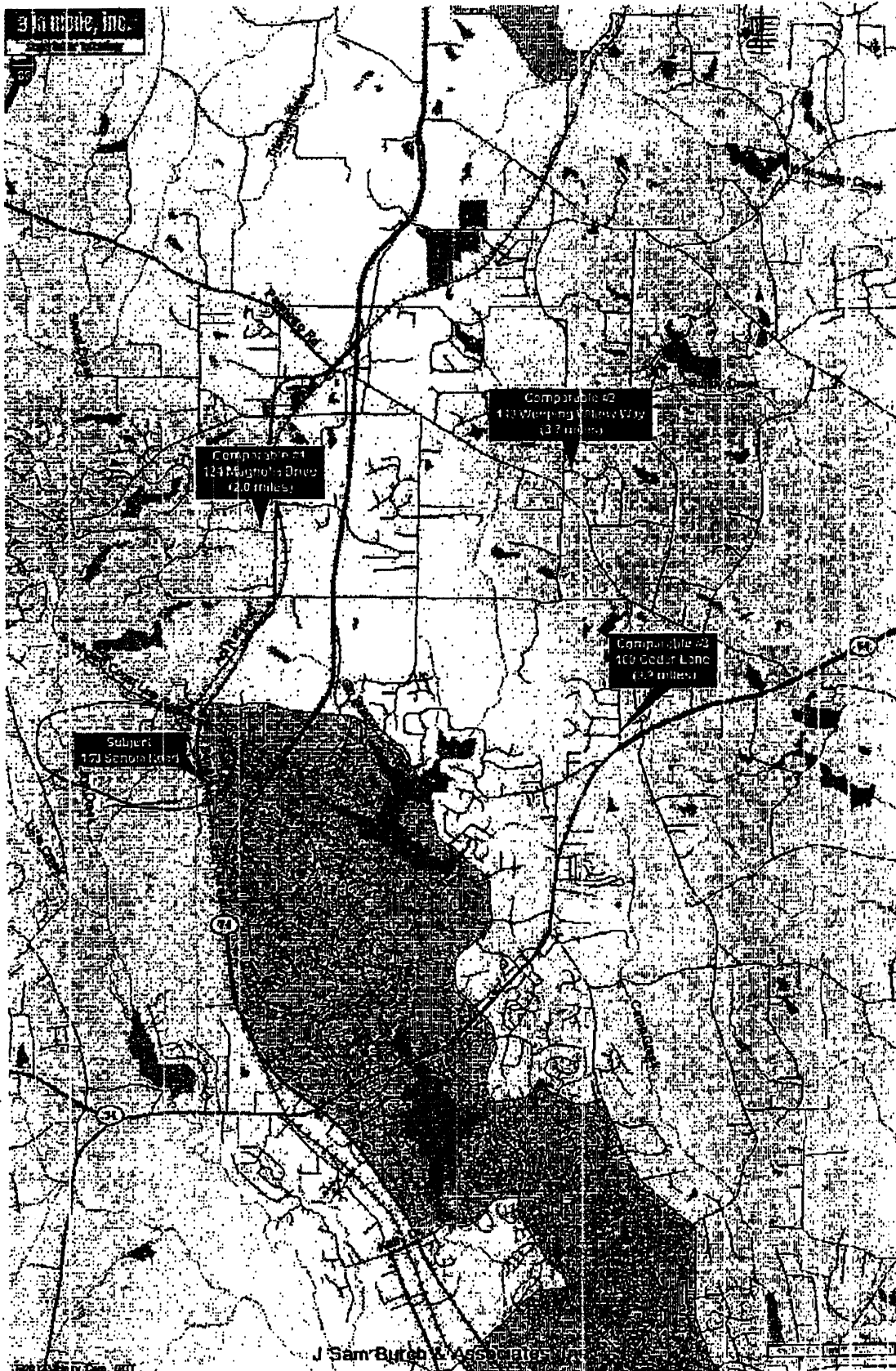
Case No.: 0021906936

City: Peachtree City

State: GA

Zip: 30269

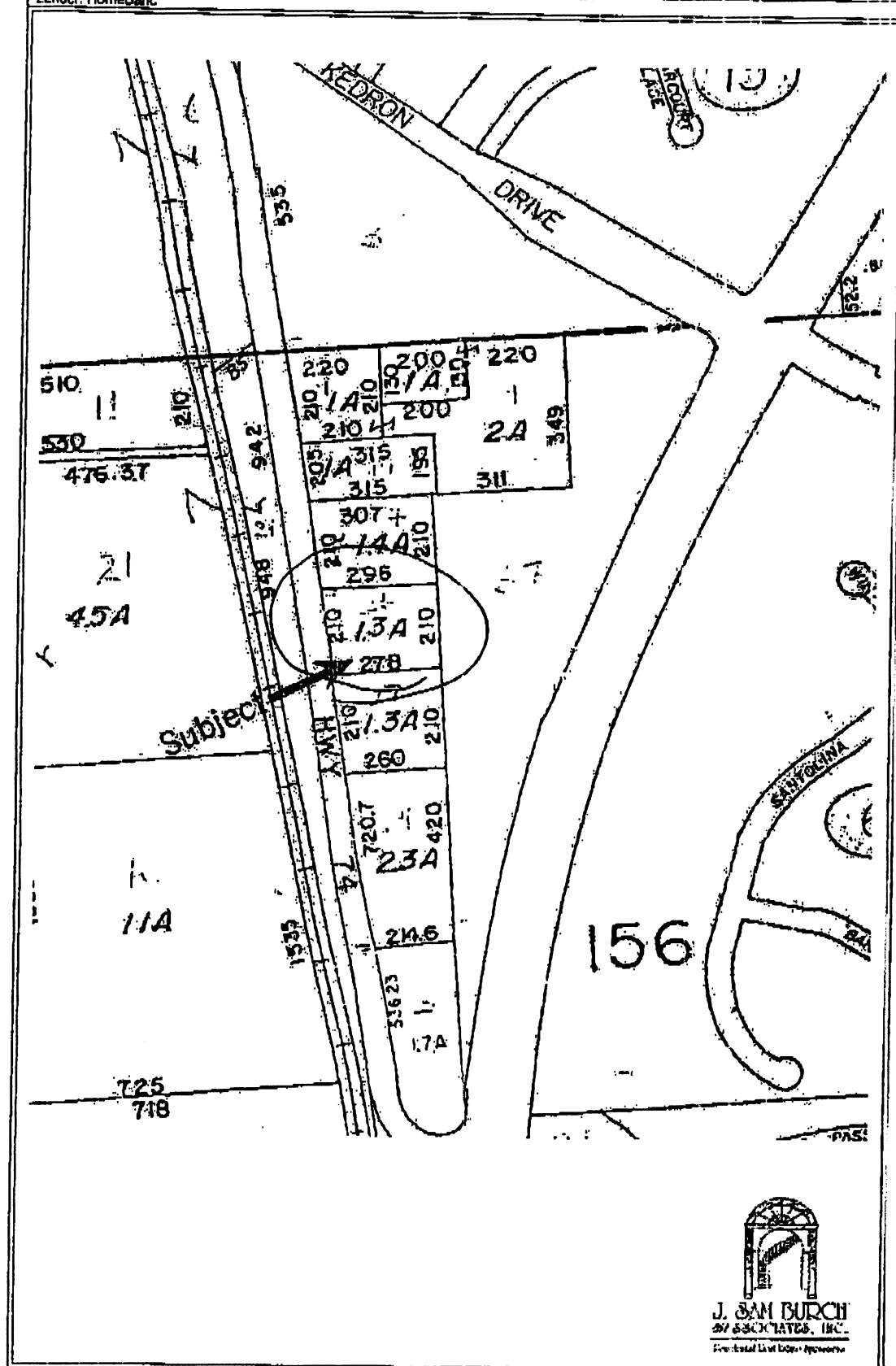
Lender: HomeBanc



PLAT MAP

Borrower: Thomas D. Broderick
Property Address: 153 Sandoz Road
City: Peachtree City
Lender: HomeBanc

File No.: 8000153 122
Case No.: 0021306938
Zip: 30269



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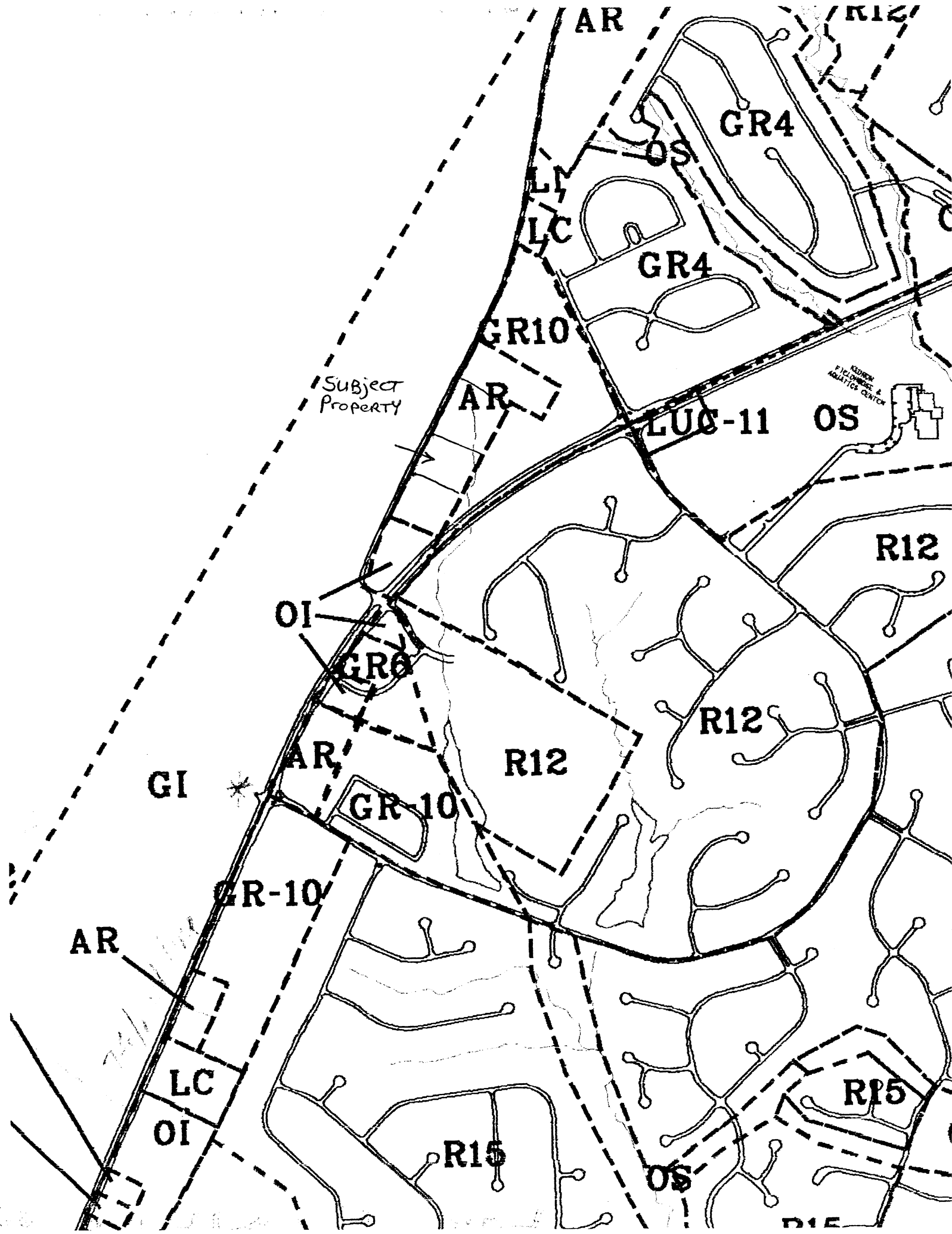
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Subject Property

540



KEDRON K-VIII						KEDRON NORTHWEST NEIGHBORHOOD					
	Tract			Existing Land Use	Proposed Land Use	Existing Zoning	Notes				
1.000	Carmichael Funeral Home			OFF	OFF	OI					
2.000	Senoia Road Residential Tracts:										
2.001	Grantham			OFF	OFF	AR	Potential Limited Use				
2.002	Robinson			OFF	OFF	AR	Potential Limited Use				
2.003	McGill			OFF	OFF	AR	Potential Limited Use				
2.004	Wilson			OFF	OFF	AR	Potential Limited Use				
3.000	Amli Apartments			MF	MF	GR-10					
4.000	Undeveloped, Pathway			COM	COM	LC					
5.000	Industrial Tract			IND	IND	LI					
6.000	Senoia Road Residential Tracts:										
6.001	Residence			SFC	SFC	AR	Potential Limited Use				
6.002	Residence			SFC	SFC	AR	Potential Limited Use				
7.000	Ardenlee Park			SFM	REC	GR-4	Adjust Zoning to OS				
8.000	St. Paul's Lutheran Church/School			MF	CS	GR-4	Adjust Zoning to OS				
9.000	Ardenlee S/D			SFC	SFC	GR-4					
10.000	Sagamore S/D			SFC	SFC	GR-4					
11.000	Belvedere S/D			SFC	SFC	GR-4					

**PEACHTREE CITY PLANNING COMMISSION
EXCERPT FROM MINUTES OF MEETING
July 12, 2004**

PUBLIC HEARING

The Chairman called the public hearing to order. He explained the rules for conducting a public hearing and informed the people in the audience that printed copies of the rules were available at the entrance.

PH-04-05 Proposed Rezoning, 153 Old Senoia Road, AR to OI.

Mr. Roger Norton was in attendance to represent K&E Venture Equities, Inc. He was proposing to rezone the 1.38-acre tract from its current designation of AR Agricultural Reserve to OI Office Institutional so that he could locate the office for his residential development business within the existing structure. Because the property was not zoned for commercial use, it was necessary that it be rezoned to an appropriate classification.

Mr. Norton noted that even though they developed residential communities, they did not employ the staff to build the homes but hired subcontractors. Their office staff was small, and they preferred that their office space maintain a residential profile. He added that no construction materials would be stored at the office, and he did not feel they would interfere with any of the neighboring properties. He also stated that the existing driveway would be sufficient for their needs. Mr. Norton emphasized that they did not have any plans to change the property.

Mr. Rast presented City Staff's position. He stated that, even before the last update, the Land Use Plan recommended that this parcel and three other residential tracts on this portion of Senoia Road be redeveloped into an office use. Mr. Rast explained the zoning of the neighboring properties as well as the buffering between them. He stated that the main condition of approval required that the property remain residential in character and that there not be a drastic change to the exterior of the home.

No one else spoke in favor of or in opposition to the proposed rezoning.

Mr. Saunders and Mr. Payton were both concerned about how this tract might be redeveloped at some time in the future. Mr. Green wondered what limitations there would be to the type development that would be permitted.

Mr. Norton assured the Commission that he understood that any changes to the property could not affect its residential character and would have to be reviewed by the City Planner.

After discussion, a motion was made by Mr. Saunders, seconded by Mr. Green, and unanimously adopted to forward the proposed rezoning to City Council with a recommendation for approval subject to the following understandings and conditions:

1. *The proposed rezoning applies to the 1.38-acre Broderick tract only.*
2. *The overall property must remain residential in character until such time that the entire 1.38-acre tract can be redeveloped.*
3. *The Applicant shall coordinate with the Building Official, the City Fire Marshal and the Fayette County Board of Health to ensure the existing structure conforms with current building codes, life safety guidelines, and environmental standards for the proposed change in use.*
4. *There shall be no outside storage of equipment, vehicles or building materials on this site at any time unless they are entirely screened from view.*
5. *The Applicant shall agree to continue working with City Staff and the adjoining property owners to develop an overall master plan for the residential tracts on this portion of Senoia Road. This does not imply or require that the adjoining residential tracts will be rezoned at this time; it merely provides a mechanism for Staff to work with the property owners to develop a master plan for this area that will accommodate ingress and egress from Senoia Road, internal circulation and parking, coordination of utilities, etc.*
6. *Should the remaining tracts be rezoned and re-developed, each tract shall connect to the sanitary sewer system, and the existing septic systems shall be removed.*
7. *At such time that the property is redeveloped, all existing overhead utility lines that traverse the site must be relocated underground.*

The Applicant agreed to the conditions.

Mr. Saunders stated for the record that he felt this was a good example of what the Land Use Plan does by providing guidance for a rezoning.

Mr. Rast stated that this item would be on the August 5, 2004, City Council agenda.

Sec. 1005A. OI office institutional district.

(1005A.1) *Intent of district:* It is intended that the OI zoning district be established for office oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for office uses that are located so as to provide nearby areas with convenient service facilities. These regulations are also intended to reduce traffic congestion, provide adequate off-street parking, avoid the development of "strip" type business areas, and discourage encroachment by other uses capable of adversely affecting the limited character of the district.

(1005A.2) *Permitted uses:* The following uses shall be permitted in any OI office/institutional zoning district:

- (a) Business, professional, and government office facilities.
- (b) Business involving the rendering of a personal service in establishments having a size of 6,000 square feet or less.
- (c) Masonic lodge.
- (d) Funeral home.
- (e) Publicly owned building, facility or land.
- (f) Building, facility or land for the distribution of utility services.
- (g) Building, facility or land for noncommercial park, recreation, thoroughfare or open space purposes.
- (h) Building, facility or land for off-street automobile parking.
- (i) Accessory use: See section 908. (Ord. No. 588, 11-19-1992; Ord. No. 709, 3-18-1999)

(1005A.3) [*Conditional uses:* The following uses shall be permitted in any OI zoning district on a conditional basis:]

- (a) Church or other legitimate place of worship, including a one-family dwelling for a minister, on the following conditions:
 - (1) Notwithstanding any other requirements in this ordinance the following conditions shall apply to all churches regardless of zoning district.
 - (2) Minimum zoning lot area is three acres.
 - (3) Minimum lot width: 100 feet.
 - (4) Minimum setback area, front:
 - (a) Building: 40 feet.
 - (b) Parking: 20 feet.
 - (5) Minimum setback area, side: 15 feet. If adjoining a residential lot, the

building setback shall be 75 feet.

- (6) Minimum setback area, rear: 30 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
- (7) Maximum building height: As approved by the fire department.
- (8) All zoning lots shall have direct access onto an arterial, major collector road or have access to an arterial, major collector or industrial/commercial road via a minor collector.
- (9) No parking shall be permitted within 20 feet of the property line of any adjoining residential zoning lot.
- (10) Parking and/or service areas shall be separated from adjoining residential lots by a suitable fence or wall six feet in height or a suitable planting screen six feet in height at time of planting. The required fence, wall, or screen must provide for a reasonable visual separation between properties. No fence or wall in excess of four feet may be placed in a setback area adjoining a public street.
- (11) One nonilluminated sign not greater than 32 square feet in area for each panel of a double-sided structure is permitted.
- (12) Parking: See section 909.
- (13) Lighting: See section (1005A.4)(n).
- (14) Any existing church in any zoning district may comply with either the requirement existing prior to enactment of this ordinance or they may comply with the conditions of this section. They shall not be permitted to comply with various sections of both requirements.

(Ord. No. 408, 8-21-1986)

Editor's note: Ord. No. 408, adopted Aug. 21, 1986, renumbered former section (1005A.3) as (1005A.4) and added a new § (1005A.3), as herein set out, except that subsection classifications were provided by the editor in order to maintain the classification system used herein. Material in brackets was added by the editor for purposes of clarity.

(1005A.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in OI zoning districts shall conform to the following standards:

- (a) Minimum zoning lot area: 20,000 square feet.
- (b) Minimum lot width: 100 feet.
- (c) Minimum front setback depth:
 - (1) Building: 40 feet.
 - (2) Driveway/parking: 20 feet.
- (d) Minimum side setback depth: Ten feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.

- (e) Minimum rear setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
- (f) Maximum building height: 35 feet.
- (g) Parking: See section 909.
- (h) Signs: See Peachtree City sign ordinance [§ 66-1 et seq.].
- (i) Storage: No storage will be permitted on the zoning lot outside a fully enclosed building.
- (j) All zoning lots shall have direct access onto an arterial, major collector or industrial/commercial road or have access to an arterial, major collector or industrial/commercial road via an access street.
- (k) No automobile parking or service areas will be permitted within the required front setback depth or within 30 feet of the property line of any adjoining residential zoning lot.
- (l) Parking and service areas must be separated from adjoining residential lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above required screen, fence or wall must provide for a reasonable visual separation between the properties.
- (m) No outside loudspeaker systems shall be utilized.
- (n) All lights or lighting arrangements used for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.
- (o) A landscape plan is required for the site, and must be reviewed by a registered landscape architect to be designated by the city and by the planning commission prior to issuance of occupancy permit. If no action is taken or time extended within 30 days from filing, such request shall be considered approved. The landscape plan shall be fully implemented prior to occupancy and if not completed an occupancy permit will not be issued. If it is infeasible to complete the landscaping due to weather conditions or other extenuating circumstances then the owner shall post a performance bond or other acceptable security in an amount equal to 110 percent of the cost of the landscaping improvements which remain incomplete. The owner shall have a one-year period in which to complete the required improvements in a satisfactory manner.

The owner shall provide adequate maintenance of the landscaping improvements for a minimum of one year from implementation. The city shall inspect special screening at least once during this period to ensure that the approved plan has been fully implemented and maintained. If it is found that the landscaping, as stated in this section, has died within a one-year period such landscaping shall be replaced by the owner.
- (p) Items (c) and (o) above shall be binding standards on all development after March 5, 1981. Development completed prior to this date will not need to meet such standards now or in the future and will be limited to a 20-foot front setback

depth.

(Ord. No. 174(b), 1-25-1979; Ord. No. 233, 4-2-1981; Ord. No. 260, 5-6-1982; Ord. No. 268, § 1(C)(6), 6-3-1982; Ord. No. 366, § 19, 5-22-1985)

Note: See the editor's note following § (1005A.3).

Sec. 1010. AR agricultural reserve district.

* (1010.1) *Intent of district.* Because Peachtree City is a new town and is being developed in accordance with a master plan, there are many areas within the city which are now rural but which will eventually be part of the planned residential neighborhoods, commercial centers, and industrial parks. Water and sewer lines, roads, and other public facilities are being installed in anticipation of the proposed ultimate use as shown in the land use and thoroughfare plan. Therefore, it is intended that the AR zoning district will be used for general agricultural, forestry and horticultural purposes as an interim use until such time as it is appropriate to convert the land to its ultimate use in accordance with the plan. In the meantime, the AR zoning district will permit the productive use of the land for the purposes herein specified.

(1010.2) *Permitted uses.* The following uses shall be permitted in any AR zoning district:

- (a) (Reserved).
- (b) One-family dwelling on an individual zoning lot.
- (c) Customary home occupations: See section 907.

(1010.3) [*Conditional uses:* The following uses shall be permitted in any AR zoning district on a conditional basis:]

- (a) Church or other legitimate place of worship, including a one-family dwelling for a minister, on the following conditions:
 - (1) Notwithstanding any other requirements in this ordinance the following conditions shall apply to all churches regardless of zoning district.
 - (2) Minimum zoning lot area is three acres.
 - (3) Minimum lot width: 100 feet.
 - (4) Minimum setback area, front:
 - (a) Building: 40 feet.
 - (b) Parking: 20 feet.
 - (5) Minimum setback area, side: 15 feet. If adjoining a residential lot, the building setback shall be 75 feet.
 - (6) Minimum setback area, rear: 30 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
 - (7) Maximum building height: As approved by the fire department.
 - (8) All zoning lots shall have direct access onto an arterial, major collector road or have access to an arterial, major collector or industrial/commercial road via a minor collector.
 - (9) No parking shall be permitted within 20 feet of the property line of any adjoining residential zoning lot.

- (10) Parking and/or service areas shall be separated from adjoining residential lots by a suitable fence or wall six feet in height or a suitable planting screen six feet in height at time of planting. The required fence, wall, or screen must provide for a reasonable visual separation between properties. No fence or wall in excess of four feet may be placed in a setback area adjoining a public street.
- (11) One nonilluminated sign not greater than 32 square feet in area for each panel of a double-sided structure is permitted.
- (12) Parking: See section 909.
- (13) Lighting: See section (1005A.4)(n).
- (14) Any existing church in any zoning district may comply with either the requirement existing prior to enactment of this ordinance or they may comply with the conditions of this section. They shall not be permitted to comply with various sections of both requirements. (Ord. No. 408, 8-21-1986)

(1010.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in AR zoning districts shall conform to the following standards:

- (a) Minimum floor area per dwelling unit: 1,000 square feet.
- (b) Minimum zoning lot area: One acre.
- (c) Minimum land area per dwelling unit: One acre.
- (d) Minimum lot width: 150 feet.
- (e) Minimum front setback depth: 50 feet.
- (f) Minimum side setback depth: 25 feet.
- (g) Minimum rear setback depth: 30 feet.
- (h) Maximum building height: Unlimited, but if over 35 feet subject to approval of the fire department.
- (i) Parking: See section 909.
- (j) Signs: See Peachtree City sign ordinance.

Cross references: The "sign ordinance" is found in § 66-1 et seq. of this Code.

- (k) No poultry or livestock shall be maintained within 100 feet of the property line of any adjoining street or residential zoning except when it abuts AR or ER zoning lot it may be no closer than ten feet. (Ord. No. 366, § 19, 5-22-1985)

Cross references: Animal and fowl, ch. 14.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Assistant City Manager 

FROM: Administrative Services Director / City Clerk 

DATE: August 13, 2004

SUBJECT: Consider Amendment to Sec. 2-336c Relative to Filling Unexpired Terms on Commissions and Authorities
August 19, 2004 Council Agenda

Recommendation:

Approve the attached proposed amendment to Sec. 2-336c of the Peachtree City ordinances relative to filling unexpired terms on commissions and authorities.

Discussion:

At the August 5, 2004, Council meeting, council reviewed a proposed change to Sec. 2-336c of the Peachtree City Code of Ordinances. Council wanted to have a requirement for the alternate to attend some of the meetings of the commission/authority and also clarification of the twelve months for appointment to an unexpired term. Attached is a revised draft of the ordinance for Council's consideration. Proposed is a minimum attendance requirement of 50% of meetings for your consideration.

Council member Rutherford asked about the length of the terms of the commissions and authorities. The City has three commissions and three authorities. All three commissions have three-year terms. The authorities vary with the Development Authority having four-year terms and the Airport Authority and Water and Sewerage Authority having five-year terms. Attached is a schedule of terms for the existing members of the commissions and authorities. Please note that this proposed ordinance only applies to commissions and authorities and does not affect the Tourism Association.

Budget Impact:

None

Attachments

Ordinance # _____

**AN ORDINANCE TO AMEND ARTICLE V, SECTION 2-336,
OF THE PEACHTREE CITY CODE OF ORDINANCES TO PROVIDE FOR
THE FILLING OF UNEXPIRED TERMS ON CITY COMMISSIONS AND
AUTHORITIES, 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 2-336(c) relating to the filling of unexpired terms on City Commission and Authorities be amended as follows:

Sec. 2-336(c) *Filling of unexpired terms.* If a member of a commission or authority resigns before completing his term of office, the city council can appoint an interim member to fill and unexpired term of six months or less from the pool of previous applicants. At the time of appointment of a member (s) to a commission or authority, the city council may designate an alternate (s) from the pool of applicants. The term of the alternate will extend until the interview process is concluded for the next succeeding vacancy. At that time, a new alternate may be designated. The alternate would be appointed as a regular member of the commission or authority should there be a vacancy of an unexpired term of less than twelve months. If an unexpired term of more than twelve months occurs, the normal interview process will occur and the alternate will not automatically be appointed to the position. While serving as an alternate, the alternate will be required to attend a minimum of 50% of regular and called meetings of the commission or authority.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2004.

Stephen D. Brown, Mayor

Attest: _____
City Clerk

PEACHTREE CITY LIBRARY COMMISSION
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Betsy Tyler

From: Bernard McMullen
Sent: Tuesday, August 10, 2004 3:54 PM
To: Steve Brown (E-mail); Theodore (Ted) Meeker (E-mail)
Cc: Steve Rapson (E-mail); Stuart Korajian (E-mail); Judi-ann Rutherford (E-mail); Murray Weed (E-mail); Tom Carty; Stony Lohr; Colin Halterman; Bernard McMullen; Pam Dufresne; Betsy Tyler
Subject: Smokefree Air Act

I have reviewed the August 6, 2004 version of the proposed Smokefree Air Act with staff and based on our discussions I recommend the following changes/additions:

1. It would seem a statement needs to be included that this Act replaces in total Section 42, Article IV of the City Code of Ordinances. (Ted)
2. Section 42-119, needs a carriage return before #5.
3. If the Council wanted to grant a variance for Section 42-120 then a new paragraph "C" could be added providing for "Smoking Lounges" that would be constructed in accordance with the current version of the International Mechanical Code adopted by the City of Peachtree City.
4. Section 42-121. Recommend the last sentence be changed to read, "All commercial establishments shall be required to have HVAC systems designed in accordance with the latest version of the International Mechanical Code adopted by the City." The current language would require all public facilities to have HVAC systems constructed such that they would provide positive pressure and require compliance within 90 days from the adoption of this Act. This would be both a practical and financial impossibility for most organizations including the City of Peachtree City. The only City building that may currently comply with this ordinance is the new Police Department facility. Many of the older establishments in town have small residential A/C units, window A/C units, and hot water base board heating systems, etc, which would be an economic hardship to modify and bring into compliance.
5. Section 42-122, paragraph 4. We recommend that this paragraph be deleted and section 42-122 of the existing ordinance be restated since the existing ordinance is more restrictive and provides more clarifying language.
6. Section 42-122, paragraph 5. Delete the words, "of places of employment".
7. Section 42-128, insert a line between paragraphs C and D.

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AN ORDINANCE AMEND ARTICLE IV, SECTION 42-116 ET. SEQ. OF THE PEACHTREE CITY CODE OF ORDINANCES TO PROHIBIT THE SMOKING OF TOBACCO PRODUCTS IN CERTAIN PUBLIC PLACES, CERTAIN PLACES OF EMPLOYMENT, AND WITHIN REASONABLE DISTANCE FROM THESE PLACES; TO PROVIDE FOR THE POSTING OF SIGNS; TO PROVIDE FOR ENFORCEMENT; TO ESTABLISH PENALTIES FOR VIOLATION; AND FOR OTHER PURPOSES . THIS ORDINANCE SHALL BE KNOWN AS AND MAY BE CITED AS " PEACHTREE CITY SMOKEFREE AIR ACT OF 2004."

Findings and Intent

The Peachtree City Council does hereby find that:

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," *Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI)*, August 1999.)

The Public Health Service's National Toxicology Program has listed secondhand smoke as a known carcinogen. (Environmental Health Information Service (EHIS), "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," *U.S. Department of Health and Human Services (DHHS), Public Health Service, National Toxicology Program*, 2000.)

Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer. (California Environmental Protection Agency (Cal EPA), "Health effects of exposure to environmental tobacco smoke", *Tobacco Control* 6(4): 346-353, Winter, 1997.)

The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability. (Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act," *Nonsmokers' Voice* 15(1): 8-9.)

The U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. (Department of Health and Human Services. *The Health Consequences of Involuntary Smoking: A Report of the Surgeon General*. Public Health Service, Centers for Disease Control, 1986.) The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. (Environmental Protection Agency (EPA), "Indoor air facts no. 5: environmental tobacco smoke," *Washington, D.C.: Environmental Protection Agency (EPA)*, June 1989.)

A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chryschoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," *Tobacco Control* 11(3): 220-225, September 2002.)

Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke. ("The high price of cigarette smoking," *Business & Health* 15(8), Supplement A: 6-9, August 1997.)

Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke free. Creation of smoke free workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A. & Smith, L. The effect of ordinances requiring smoke free restaurants on restaurant sales in the United States. *American Journal of Public Health*, 87:1687-1693, 1997; Colman, R.; Urbonas, C.M., "The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health," *GPI Atlantic*, September 2001.)

Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses. ("The high price of cigarette smoking," *Business & Health* 15(8), Supplement A: 6-9, August 1997.)

Secondhand smoke contains a complex mixture of more than 4,000 chemicals, more than 50 of which are cancer-causing agents (carcinogens).^{1,2} (National Cancer Institute. *Health Effects of Exposure to Environment Tobacco Smoke*. Smoking and Tobacco Control Monograph No. 10 Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute; 1999. NIH Pub. No. 99-4645. Accessed: February 2004.) (National Toxicology Program. *10th Report on Carcinogens*. Research Triangle Park, NC: U.S. Department of Health and Human Services, Public Health Service, National Toxicology Program, December 2002. Accessed: February 2004.)

An estimated 3,000 lung cancer deaths and 35,000 coronary heart disease deaths occur annually among adult nonsmokers in the United States as a result of exposure to secondhand smoke.⁶ (CDC. Annual smoking-attributable mortality, years of potential life lost, and economic costs—United States, 1995–1999. *Morbidity and Mortality Weekly Report* 2002;51(14):300–303. Accessed: February 2004.)

Each year, secondhand smoke is associated with an estimated 8,000–26,000 new asthma cases in children.⁴ Annually an estimated 150,000–300,000 new cases of bronchitis and pneumonia in children aged less than 18 months (7,500–15,000 of which will require hospitalization) are associated with secondhand smoke exposure in the United States.⁴ (U.S. Environmental Protection Agency. *Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders*. Washington, DC: U.S. Environmental Protection Agency; 1992. Pub. No. EPA/600/6-90/006F. Accessed: February 2004.)

Approximately 60% of people in the United States have biological evidence of secondhand smoke exposure.⁷ (CDC. *Second National Report on Human Exposure to Environmental Chemicals: Tobacco Smoke*. Atlanta, GA: U.S. Department of Health and Human Services, CDC, National Center for Environmental Health; 2003:80. NCEH Pub No. 03-0022. Accessed: February 2004.)

Second hand smoke exposure is a cause of heart disease in nonsmokers (The Surgeon General.)

Accordingly, the Peachtree City Council finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smoke free air, and to recognize that the need to breathe smoke free air shall have priority over the desire to smoke.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of same, that Article IV, Sections 42-116 through 42-129, of the Peachtree City Code of Ordinances be deleted in their entirety and replaced as follows:

Sec. 42-116. Title

This Article shall be known as the Peachtree City Smokefree Air Act of 2004. This act replaces in total Sec. 42, Art. IV, of the City Code of Ordinances.

Sec. 42-117. Definitions

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

Bar means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food constitutes less than 60% of total revenue, and is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets, and where absolutely no persons are permitted on the premises under the age of 18.

Business means a sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

Employee means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

Employer means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

Enclosed Area means all space that is enclosed on all sides by solid walls or windows (exclusive of doorways).

Health Care Facility means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

Place of Employment means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a place of employment unless it is used as a child care, adult day care, or health care facility.

Public Place means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a public place unless it is used as a child care, adult day care, or health care facility.

Restaurant means an eating establishment where the sale of food is 60% or more of total revenue, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term restaurant shall include a bar area within the restaurant.

Retail Tobacco Store means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

Service Line means an indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

Shopping Mall commercial/ retail stores with entrances located in a common area that is indoors.

Smoking means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.

Sports Arena means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

Private Club Facilities means a building or leased space where the persons present are solely members of a club such as the Elks Club or the Veterans of Foreign Wars that is for the members' exclusive use only.

Sec. 42-118. Application of Article to Peachtree City Facilities

All enclosed facilities, including buildings and vehicles owned, leased, or operated by the city of Peachtree City shall be subject to the provisions of this Article.

Sec. 42-119. Prohibition of Smoking in Public Places

Smoking shall be prohibited in all enclosed public places within the city of Peachtree City including but not limited to, the following places:

1. Aquariums, galleries, libraries, and museums.
2. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.
3. Bingo facilities when a bingo game is in progress.
4. Convention facilities.
5. Elevators.
6. Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance.
7. Health care facilities.
8. Licensed childcare and adult day care facilities.
9. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
10. Polling places.
11. Public transportation facilities, including buses and taxicabs, under the authority of the city of Peachtree City, and ticket, boarding, and waiting areas of public transit depots.
12. Restaurants.
13. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
14. Retail stores.
15. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the city of Peachtree City or a political subdivision of the State when a public meeting is in progress, to the extent the place is subject to the jurisdiction of Peachtree City.
16. Service lines.
17. Shopping malls.

18. Sports arenas, including enclosed places in outdoor arenas.

Sec. 42-120. Prohibition of Smoking in Places of Employment

A. Smoking shall be prohibited in all enclosed facilities within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices (excluding home offices), elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

B. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

Sec. 42-121. Reasonable Distance

Smoking is prohibited within a reasonable distance of 10 feet outside an enclosed area where smoking is prohibited, so as to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means. ~~All commercial establishments shall be required to have HVAC systems designed with positive air pressure except for automotive repair facilities with bay doors and large warehouse facilities; however all enclosed offices and customer waiting areas must have positive air pressure.~~ (editing note: It was discovered that many older establishments have smaller A/C units and window A/C units that would be difficult to modify and that positive air flow requirements are in direct conflict with the Energy Building Code adopted by the City.)

Sec. 42-122. Where Smoking Is Not Regulated

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of Sections 42-119 and 42-120:

1. Private residences, except when used as a licensed childcare, adult day care, or health care facility.
2. Hotel and motel rooms that are rented to guests and are designated as smoking rooms that have separate ventilation; provided, however, that no more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated.
3. Retail tobacco stores; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this Article.
4. Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted and separately ventilated
5. Outdoor areas ~~of places of employment~~ except those covered by the provisions of Section 42-121.
6. Facilities owned by private clubs where only members are present, and no persons under the age of 18 are permitted on premises.
7. Bars- As defined in Section 42-117.

Sec. 42-123. Declaration of Establishment as Nonsmoking

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 42-124 (A) is posted.

Sec. 42-124. Advertisements & Posting of Signs

A. The standard mandated 5 inch by 5 inch City sign with the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Article, by the owner, operator, manager, or other person in control of that place. These signs shall be available for purchase, at the City Hall, Peachtree City.

B. Every public place and place of employment where smoking is prohibited by this Article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

C. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area. This does not prohibit these items for resale purposes.

D. Any bar or facilities owned by private clubs that intend to permit smoking, shall include in their advertisements and promotions a statement that contains the language, "No person under the age 18 will be permitted."

Sec. 42-125. Nonretaliation

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article.

Sec. 42-126. Enforcement

A. This Article shall be enforced by an authorized designee of the city of Peachtree City.

B. Notice of the provisions of this Article shall be given to all applicants for a business license in the city of Peachtree City.

C. Any citizen who desires to register a complaint under this Article may initiate enforcement with Police and Code Enforcement.

D. Fire Marshall or designee shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.

E. An owner, manager, operator, or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof.

F. Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action to enforce this Article.

G. In addition to the remedies provided by the provisions of this Section, the City Manager or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Sec. 42-127. Violations and Penalties

A. A person who smokes in an area where smoking is prohibited by the provisions of this Article shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50).

B. A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:

1. A fine not exceeding one hundred dollars (\$100) for a first violation.
2. A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
3. A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.

C. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

D. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Sec. 42-128. Public Education

The City shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Sec. 42-129.. Governmental Agency Cooperation

The City Manager shall annually request other governmental and educational agencies having facilities within the city of Peachtree City to establish local operating procedures in cooperation and compliance with this Article. This includes urging all Federal, State, County, City, and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

Sec. 42-130. Other Applicable Laws

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Sec. 42-131. Liberal Construction

This Article shall be liberally construed so as to further its purposes.

Sec. 42-132. Severability

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Sec. 42-133. Effective Date

This Article shall be effective ninety (90) days from and after the date of its adoption.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed in their entirety.

Done, Ratified, and passed this _____ day of _____ 2004.

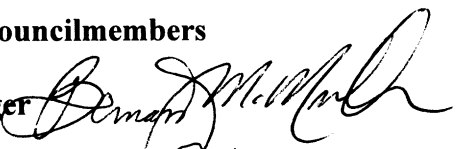
Mayor

City Clerk

City Council

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers
VIA: City Manager 
FROM: Director of Leisure Services 
DATE: August 11, 2004
SUBJECT: Agreement with Coke for Scoreboards: Reconsideration
19 August, 2004 City Council Agenda

Recommendation: That the Mayor and Council reconsider this request and authorize the City Manager to sign an agreement with Coke whereby Coke provides, installs and maintains scoreboards for all city sports fields and facilities free of charge in exchange for exclusive use of Coke products at those facilities through December 2005. By state law, this would involve signing one agreement through December 2004, and approving an extension for another year after that.

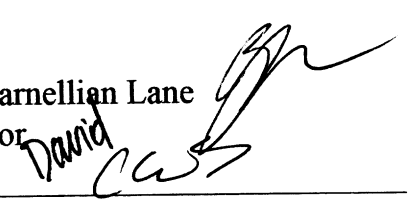
Discussion: As described at the August 5 council meeting, the City has been under this type of agreement for several years. The previous City Manager signed the last agreement in April 1995, when the scoreboards were put in at the Kedron Fieldhouse. The current request is promulgated as new scoreboards are being planned for the nearly completed handicap-accessible Field of Hope at the South 74 Baseball Soccer Complex.

The Council expressed concerns on August 5 that we should be more inclusive in offering this type of opportunity to other private entities who might be interested, and suggested that we explore publishing a request for proposals to determine the level of interest. Staff concurs with that approach, but requests authorization to enter into this agreement in order to obtain the scoreboards in time for the planned Oct. 2, 2004 opening of the special needs field. The opening will be a highly visible, well publicized and positive community event, and the scoreboards will be necessary to ensure the facility is completed. Extending the approval through December 2005 provides staff with adequate time to properly develop the RFP and ensure it is structured correctly.

Budget Impact: There is no adverse budgetary impact.

POSITION PAPER

Proposed Variance: Walter Residence, 828 Carnellian Lane
City Planner/ Zoning Administrator
August 12, 2004



Situation:

Mr. and Mrs. Russell Walter own a home at 828 Carnellian Lane in the Kedron Hills subdivision, and are the original owners of the subject property. The home was built several years ago and conforms to applicable building setbacks within the R-22 Residential zoning district. The Applicant desires to expand their home to provide additional space for their family and home-based business. The proposed expansion would encroach 6.5' into the minimum 15' side building setback. Mr. and Mrs. Walter are requesting a variance to permit this encroachment and have provided a detailed Request for Variance application and supporting documentation (Attachment "A").

Facts:

1. The subject parcel is zoned R-22 Residential, which requires a minimum side building setback of 15'. The proposed expansion would encroach 6.5' into the required setback.
2. The overall lot is 0.625 acres in size. The home was constructed 63.9' from the front property line, 51' from the right (west) property line and 15.7' from the left (east) property line.
3. The proposed expansion would be located on the southeast corner of the home and would consist of a new bedroom on the second level; an expansion of the family room on the first level; and a new office on the basement of the home.
4. The Applicant has consulted with an Architect and a Design/ Build contractor and both agree the best location for the proposed expansion would be at the southeast corner of the home as proposed.
5. The existing home on the adjoining Lot 99 is located approximately 26.4' from the property line, and the current distance between the two structures is 42.1'. Should the expansion be permitted, the distance between the new addition and the structure on the adjoining property would be 42.2'.
6. The architectural design, exterior building materials and color selection of the proposed addition would be consistent in appearance to the existing home.

Proposed Variance: Walter Residence, 828 Carnellian Lane

August 12, 2004

Page 2

7. A copy of the portion of the Zoning Ordinance that addresses variance policies and procedures is included as Attachment "B."

Recommendation:

City Staff recommends that a variance of 6.5' be approved as requested, with the understanding that the Applicant will coordinate with the City Landscape Architect once the addition is complete to determine if landscaping will be necessary between the addition and the property line to create a vegetative buffer between the homes on Lots 98 and 99.

Attachments "A" – "B"

**REQUEST FOR VARIANCE
ZONING ORDINANCE, CITY OF PEACHTREE CITY**

This is a request for a variance from the requirements of the Peachtree City Zoning Ordinance for the property located at: 828 Carnellian Lane, Lot 98 Redon Hills subdivision

The reason this variance is being requested is as follows: to allow an addition to be built onto the home. (see attached documentation for complete details)

Along with this form, the applicant should submit a detailed report justifying the granting of the requested variance. In preparing the report, please consider the following:

Variances from the provisions of this Ordinance may be approved by the City Council if it is determined that they will not cause substantial detriment to the other parties or impair the purpose or intent of this Ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this Ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the City Council shall consider the following factors:

- a. Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- b. Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- c. Whether or not the request is due to an intentional action of the applicant to violate the requirements of this Ordinance.

I certify that I am the owner or duly authorized agent of the owner of the above-described property:

Name: (Please type or Print) Russell M. Walter
Address: 828 Carnellian Ln., Peachtree City, GA 30269
Phone: 770-631-4392
Signature: Russell M. Walter

This request, along with the required fee and all necessary supplemental documents, has been properly submitted and is hereby accepted for consideration by the City Council at a public hearing in the City Council Chambers at 7:00 PM on the date shown below:

Signature: David E. Port
Title: City Planner / Zoning Administrator
Date of Acceptance: 07-19-04
Date of Public Hearing: 08-05-04

Request for variance for 828 Carnellian Lane, Lot 98, Kedron Hills subdivision,

The owners of lot 98 in the Kedron Hills Subdivision of Peachtree City, Georgia request a variance in the side-yard setback be granted to allow them to build an addition to their home. Since originally purchasing the home they have an additional child and they have started a business which is located in the basement of their home. The addition would provide a much needed additional second floor bedroom and extra space in the basement for the owners' business.

In accordance with the established factors to be considered by the City Council to determine the validity of the owners' request, the following information is provided:

A) What special circumstances contribute to the request that are peculiar to this particular property?

The configuration of the lot is such that it is wide at the front, approximately 164 feet at the street R/W, but narrow in the back, 53.02 feet. (See attached survey, Attachment #1)

Apparently, this odd shape was not initially noticed by the builder. He located the house so that the east wall is at an angle to the property line, not parallel to it, and closer to it than necessary. In fact, during construction of the home it was discovered the house was too close to the property line. It encroached on the side-yard setback on the east side. Fortunately for the builder he also owned the adjacent lot, so he reset the property line to provide the minimum setback by putting a slight bend in it. He had a pin set just beyond the minimum setback distance at the southeast corner of the house, where it came closest to the property line, then re-drew the line to the existing corners from that pin. This solved his problem, but made it impossible to add on adjacent to that property line without encroaching on the setback.

To further compound the problem, the natural location for any addition to the house is on the east side. The east side of the house is where the basement, primary living area, and upstairs children's bedrooms are located. The west side is the garage, which has a slab on-grade, (no basement), and the master bedroom suite above the garage. (A copy of the existing house plan is attached, see Attachment #2).

An addition to the east side would require very few changes to the existing home. Adding to the basement would be an extension of the existing, as would the ground level, and access to the new second floor bedroom would be through the same foyer as all the other bedrooms.

In order to add a second floor bedroom to the west side, major changes in the master suite would be necessary, significant changes to existing architectural features would have to be made, and the basement addition on this side would be isolated from the existing basement making it less accessible and possibly requiring separate access. A local Architect and a local design/build contractor were both consulted for their advise. They both concluded the only logical place for the addition is on the southeast corner. (Copies of letters from Showalter Architecture and Timberline Construction are attached, Attachments #3 and # 4.)

With the proposed addition on the southeast corner the distance separating the two homes would not change. A recent survey shows the closest distance between the two homes is currently 42.1 feet. The proposed addition would be 42.2 feet from the adjacent home, (see attached survey, Attachment #1).

The addition would be a straight extension of the existing east wall and therefore would not be an obvious intrusion on the adjacent property. Both lots are large, well over ½ acre, with substantial grass and tree areas and have significant separation that will be maintained. The addition will not change this. There would not be any detriment to the properties or the neighborhood in general. (Photos of the homes and lots at the location of the proposed addition are provided in Attachment #5).

The Owners of lot 98 have consulted and received the approval of those affected by the proposed variance. The adjacent property owner, the property owner directly across the street, and the Kedron Hills Homeowner's Association have all given their permission and approval to request a variance. (Please see Attachments 6, 7, and 8.)

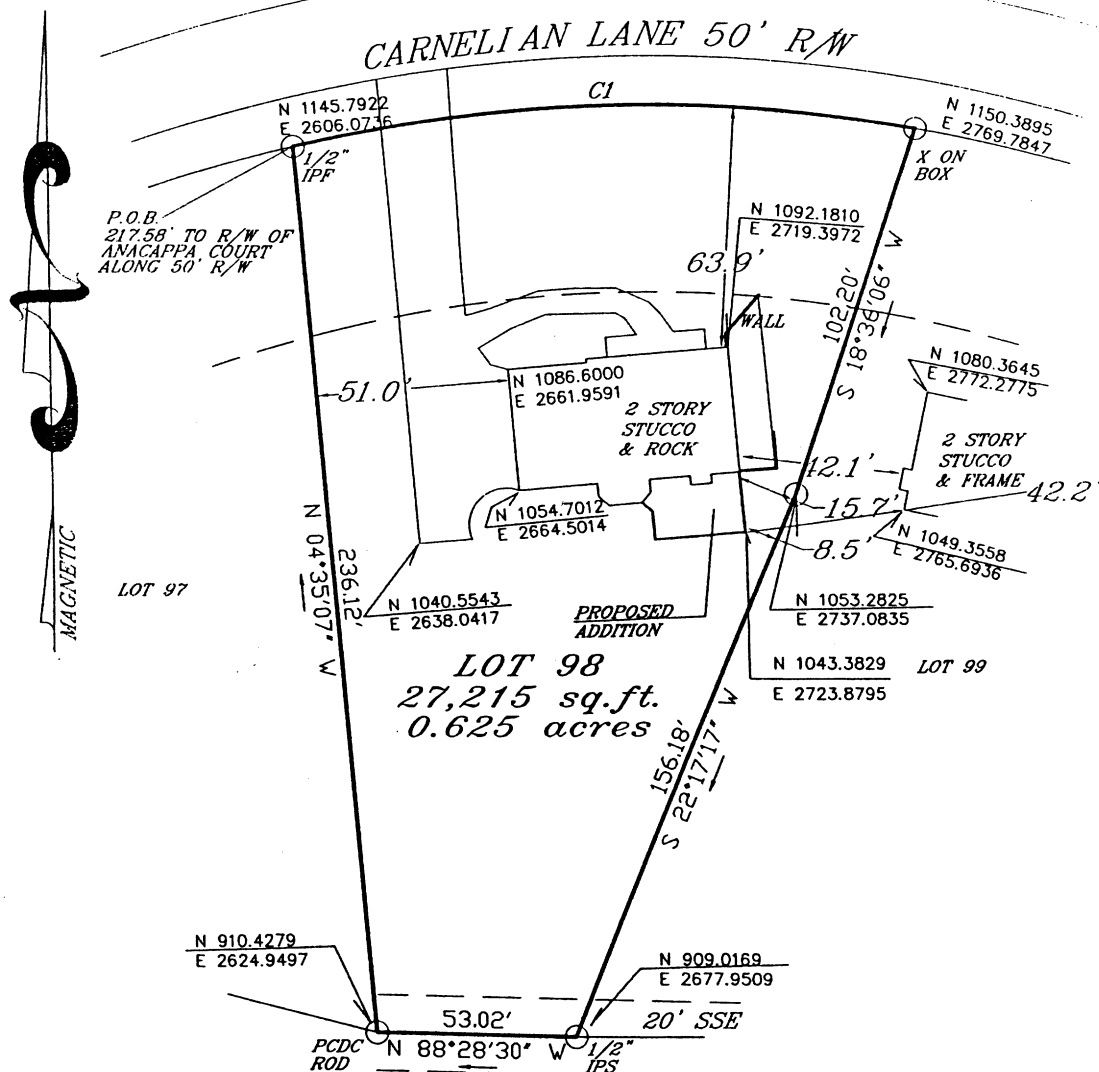
b) Does the situation pose an unnecessary hardship?

Without the variance, significant changes will have to be made to the existing home in flow, aesthetics, and configuration in order to add on. The function and efficiency of the additional space will be greatly impaired, and the cost will be substantially increased due to the changes required in the existing spaces. In short, the addition is not be feasible without the variance.

c) Is the request due to an intentional action of the applicant to violate the requirements of the ordinance?

The circumstances that have combined to make it necessary for the applicants to request this variance were not due to any action or error on their part. They have investigated the applicable laws and ordinances and have made every effort to comply with them before requesting this variance. Reasonable attempts were made to investigate alternatives by consulting with an architect, a builder, and surveying the property and adjacent property. Each of these led to the conclusion that an addition that requires a variance is the logical, most efficient, least disruptive, and most cost effective method to add the space.

In summary, the Owners of lot 98 have a need for additional space due to a larger family and starting a business since originally purchasing their home. Through no fault of their own they have been placed in a difficult situation in which they must request a variance in order to accomodate that need. They have thoroughly investigated alternatives which do not require a variance, but cost and aesthetic factors preclude those alternatives. The neighbors and homeowner's association have given their approval to the granting of a variance by the city. Therefore, the Owers request the City consider all these factors and grant a variance reducing the sideyard setback from 15 feet to 8 feet between lots 98 and 99 in the Kedron Hills Subdivision.



CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHD. BEARING
C1	164.95'	398.17'	163.78'	S 88°23'29" W

BUILDING LINES
FRONT - 50'

CLOSURE DATA

FIELD CLOSURE=1" IN 10,000+
ANGLE POINT ERROR=< 20"
EQUIPMENT USED=E.D.M. & THEODOLITE
ADJUSTMENT METHOD=COMPASS RULE
PLAT CLOSURE=1" IN 100,000+

LEGEND

IPF=IRON PIN FOUND
IPS=IRON PIN SET
R/W=RIGHT OF WAY
MAG= MAGNETIC
P.O.B.=POINT OF BEGINNING
B/L=BUILDING LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
F.W.P.D.=FIELD WORK PERFORMED DATE

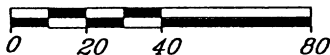
NOTE: THIS DOCUMENT WAS PREPARED FOR PERMITTING PURPOSES ONLY AND SHOULD NOT BE USED FOR TRANSFER OF TITLE.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN WERE NOT SUPPLIED TO THIS OFFICE.

THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO REFERENCE PLAT.

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.

GRAPHIC SCALE



Prepared For:

RUSSELL M. & LAURY G. WALTER

Subdivision: KEDRON HILLS

Lot: 98

P.B. ~ PG.

Land Lot: 99

District: 7 TH

County: FAYETTE, GA

F.W.P.D. 05/24/04

Scale: 1" = 40'

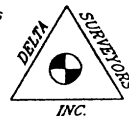
Date: 06/15/04

Job No: 04-0406

DELTA SURVEYORS, INC.

surveyors planners development consultants
770-460-9342 ~ (fax) 770-460-7114

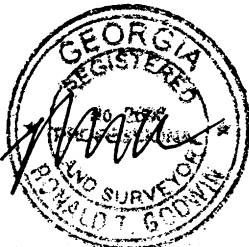
P.O. BOX 571
Fayetteville, GA 30214



JOHN 3:16

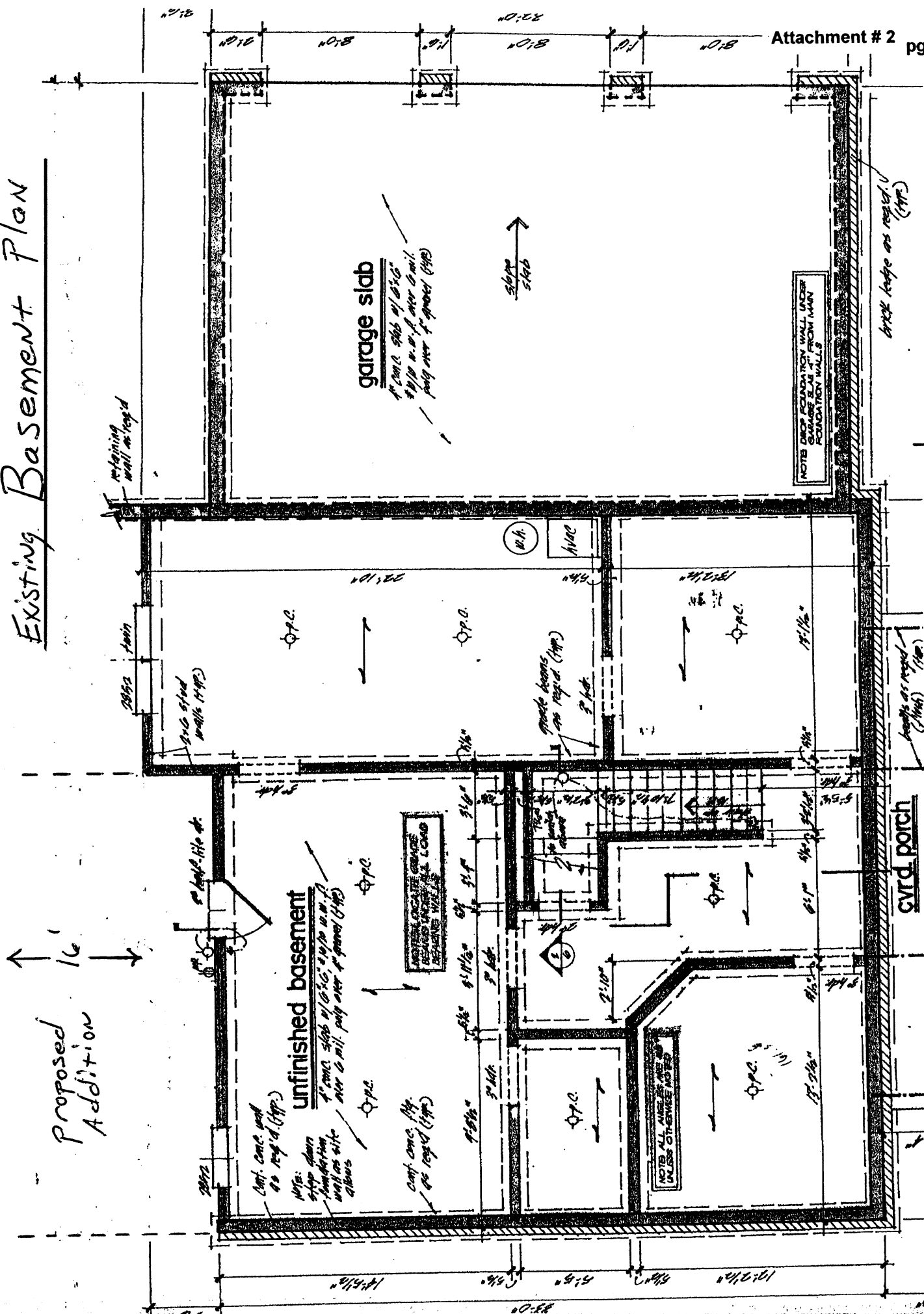
INC.

DTH

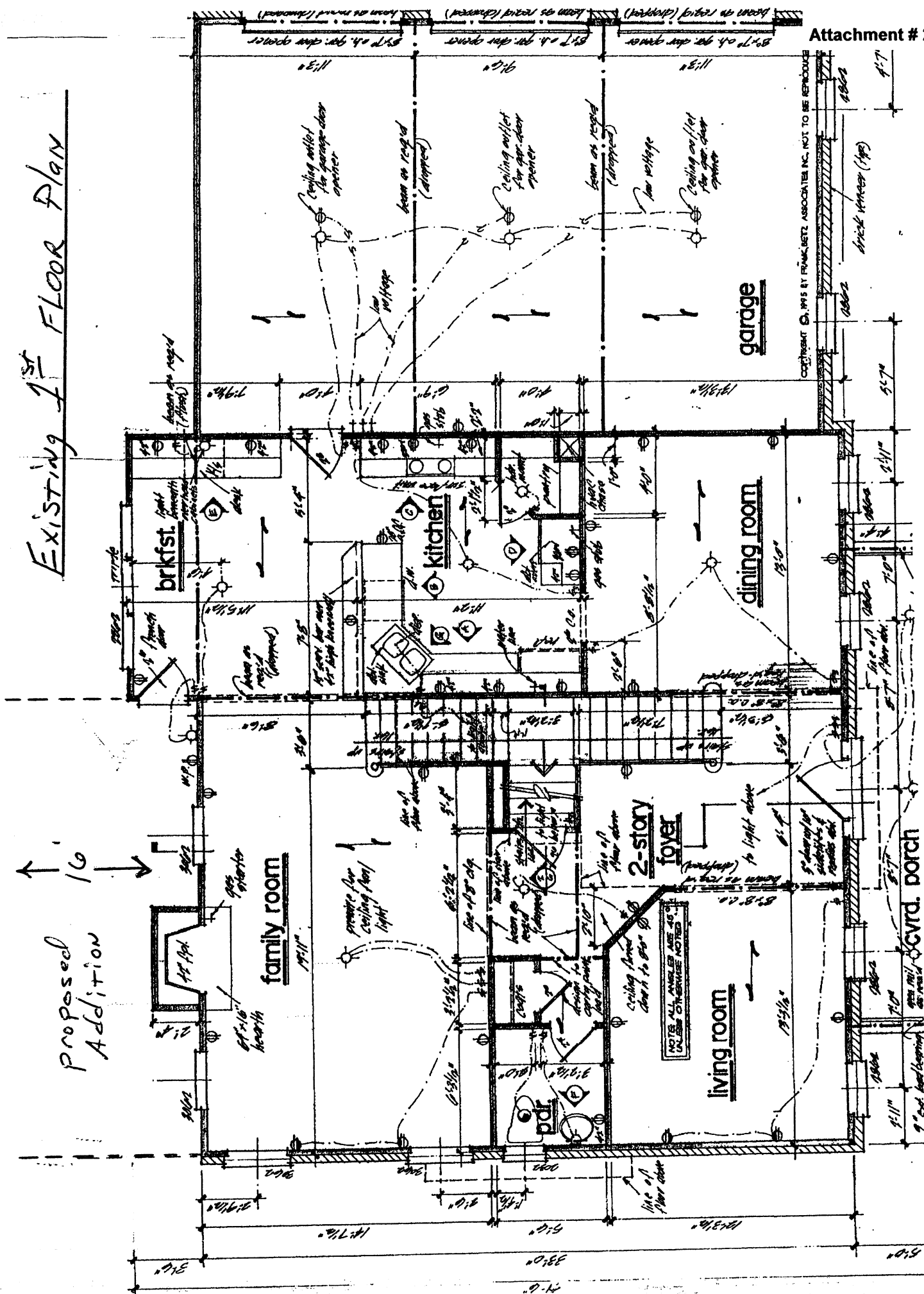


LHUCKABY@DELTA-SURVEYORS.COM

proposed
Addition

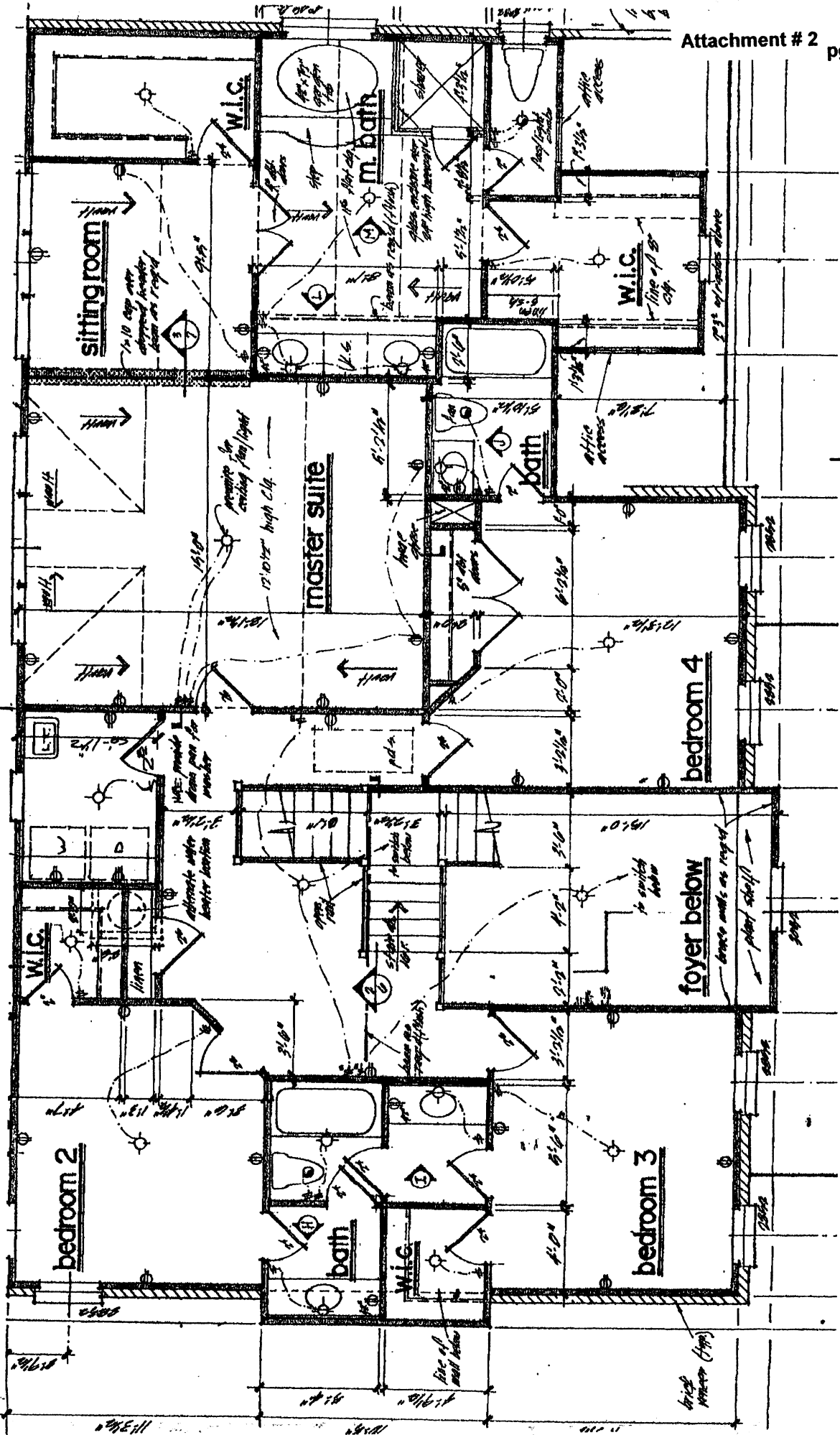


Existing 1st Floor Plan



← 9/ →

Proposed Addition



Russ Walter
828 Carnellian Lane
Peachtree City, Ga 30269

June 22, 2004

Peachtree City Council

To whom it may concern,

I am writing to you on the behalf of Mr. and Mrs. Russ Walter. They are considering to incorporate an new two-story addition to their existing home. They have asked me to describe to you the impact that this structure will have on their home and the adjacent neighbor. They are asking for you to consider their intentions.

The footprint of this new addition will be twenty four feet wide and sixteen feet to the rear of the existing property. The new program will include an office basement space below with an enlarged living area at the street level. This will allow them to have more room upstairs for another bedroom for the children and much needed laundry/ utility space. This will add to the existing square footage of the house approximately seven hundred and fifty square feet heated and cooled.

I have been to the site and have listened to their program requirements. I have been in the basement and most ancillary spaces to get a better understanding of the structural elements and building restraints or potential possibilities.

It is my feeling that by placing this new addition to the left and to the rear of the structure on the opposite side of the existing garage will prove to be the most beneficial to their needs. Doing this will allow them to make a better transition from one space to the next. It also will create a much better massing of the exterior elements and prove to be more aesthetically pleasing to all.

Also, by placing the new addition to the left and to the rear of the site will allow them to take better advantage of the back yard. If it were placed otherwise, it could potentially fracture or separate the expansive space either to the left or right. Thus, not accomplishing the overall goal for all concern.

If you have any question or comments to what I have addressed, please call.

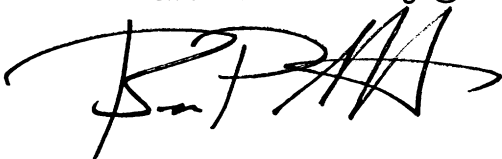
Thank you very much,

Ben Showalter

**Showalter Architects, P.C.
2000 Shakerag Hill, Suite C
Peachtree City, Ga 30269**

office: 678-364-1599
fax: 678-364-0149
cell: 770-630-9728

email: showalterdesign@bellsouth.net

A handwritten signature in black ink, appearing to read 'Ben Showalter', is written over a horizontal line.

135B Shamrock Ind. Park
Tyrone, GA 30290



Main: (770) 487-1705
Fax: (770) 486-1603

TO: City Council of Peachtree City, Ga.

June 16, 2004

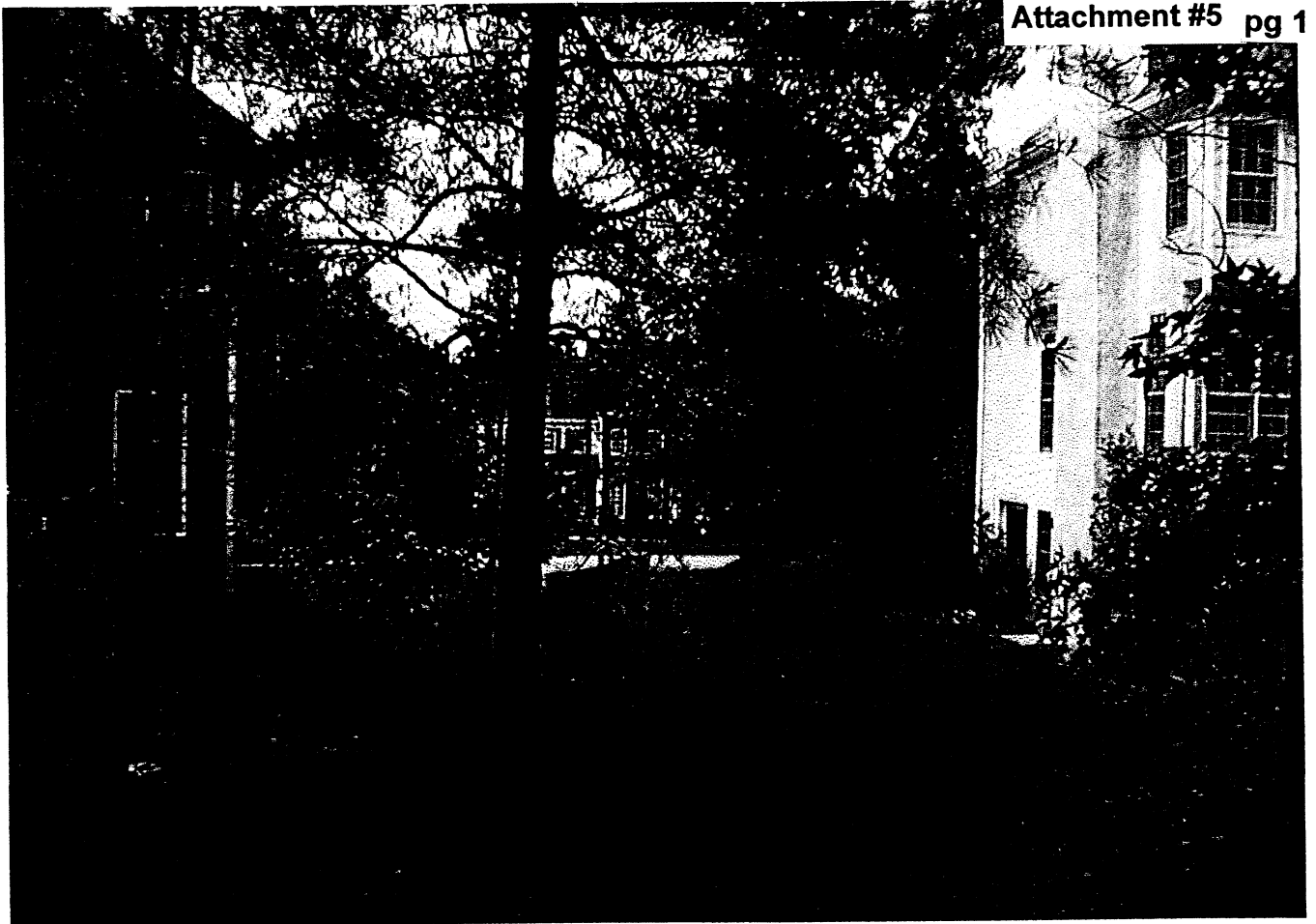
RE: Russ Walter residence
828 Camellian Lane
Peachtree City, Ga.

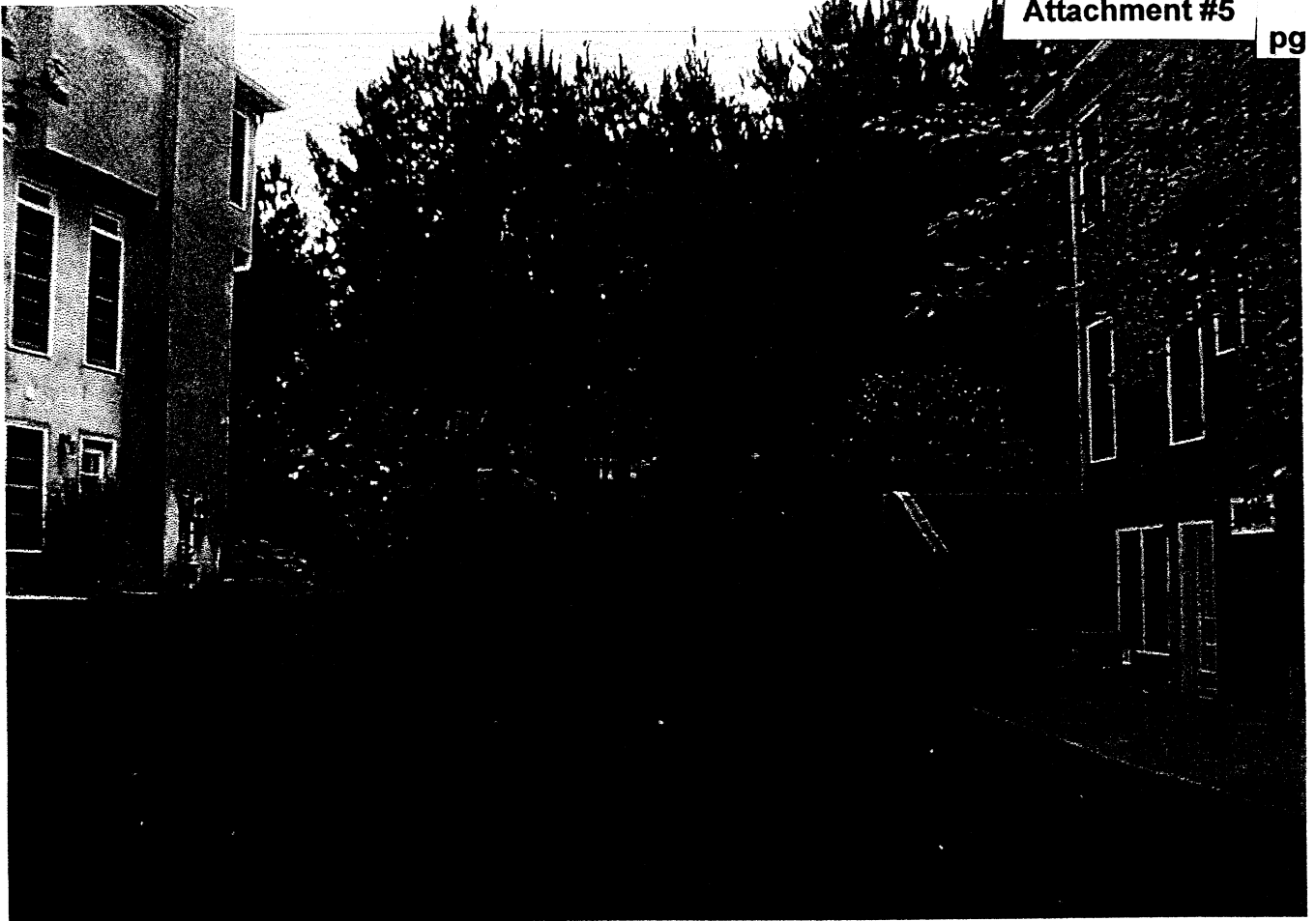
Given the existing configuration of this home, it is my opinion that the best location for an addition would be on the southeast corner of the house. Another location would require more expense and work in adding this type of addition. Also, this location would integrate into the existing floor plan and exterior quite well.

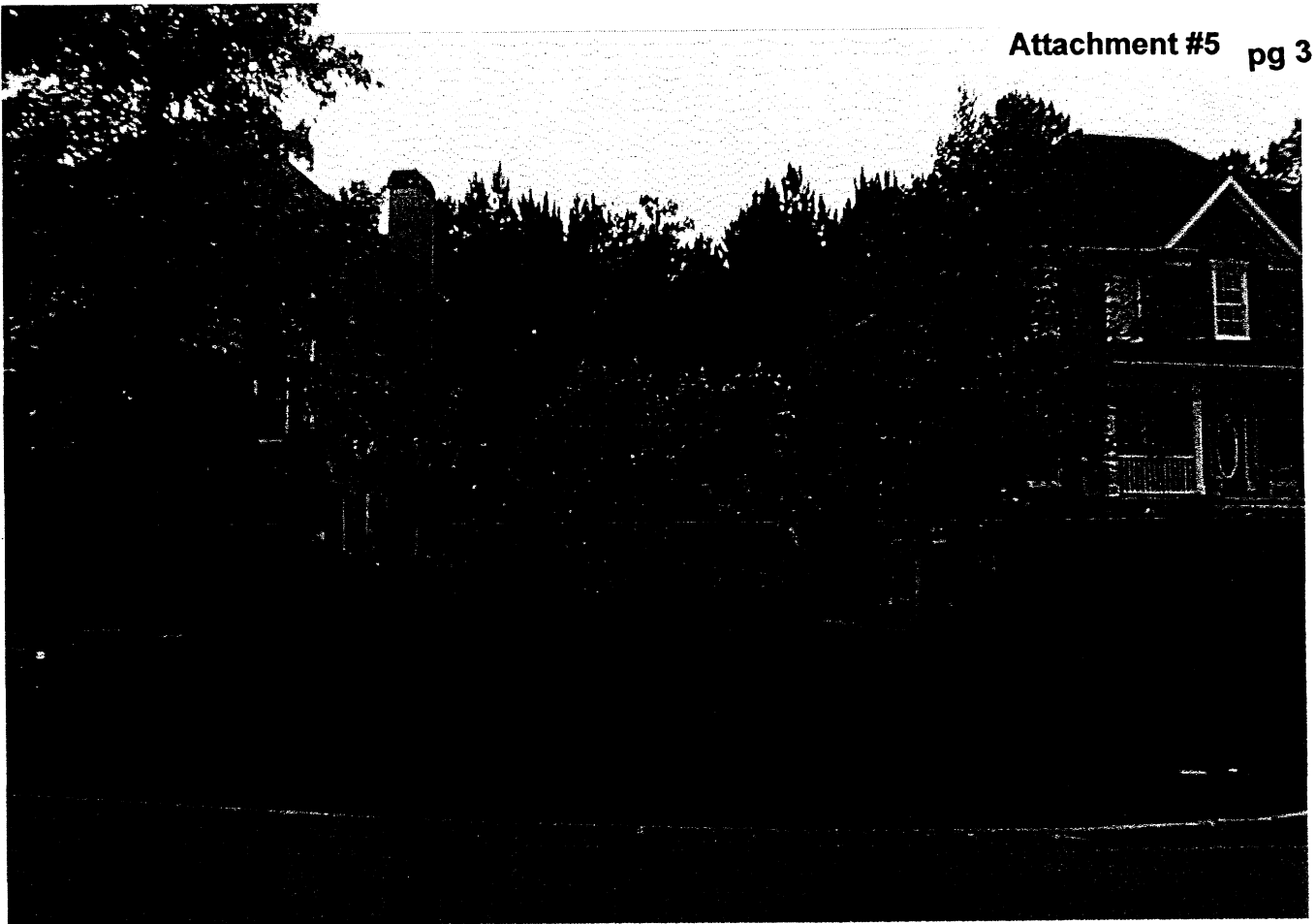
Richard Michael

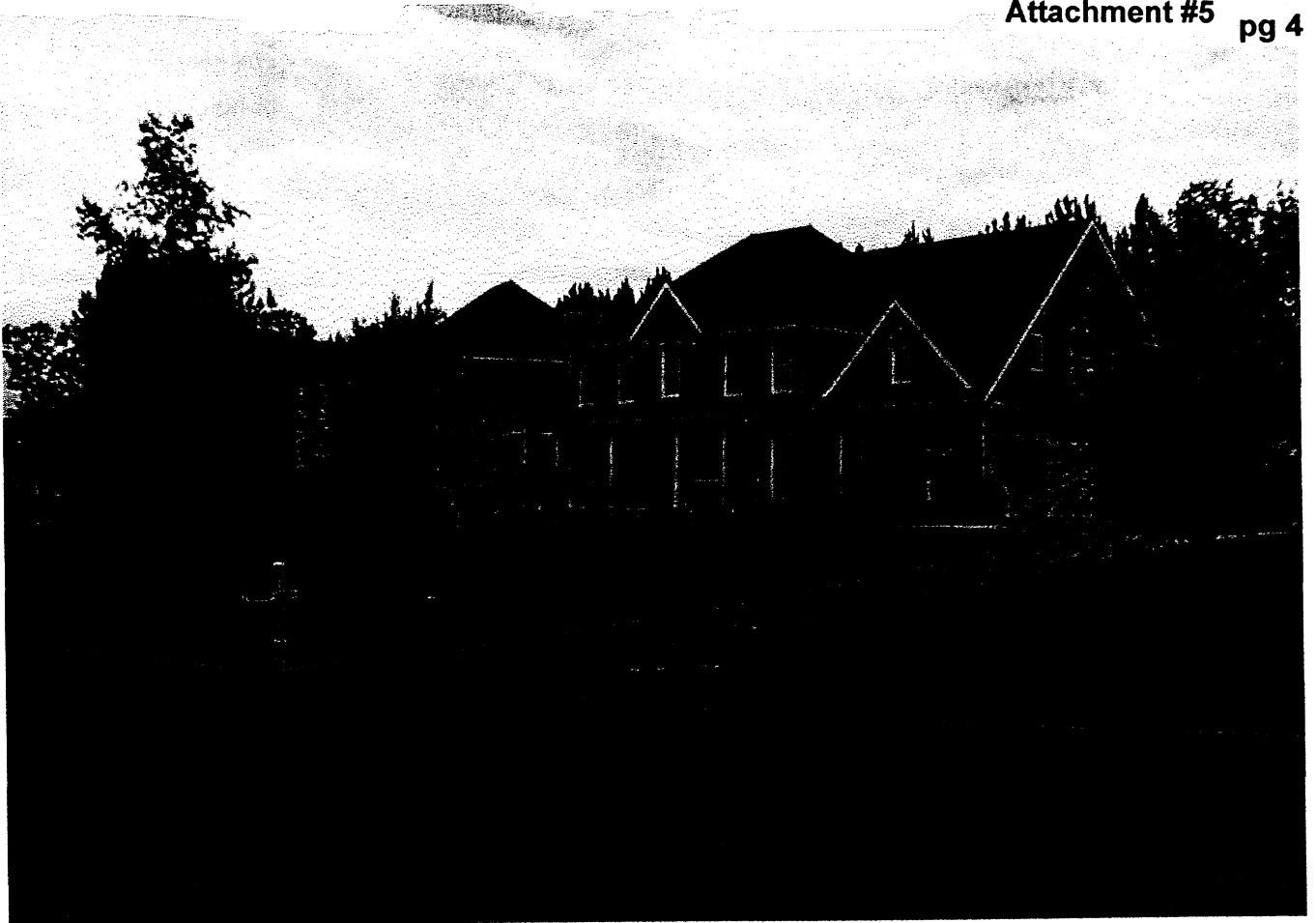
Pres.

Timberline Const. Co.









6/21/04

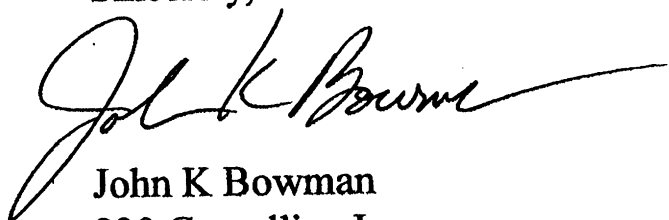
To: Zoning Board

RE: Walter Family Home Addition
828 Carnellian Lane

I do not have a problem with allowing the corner of the addition on 828 Carnellian Lane to be approximately 8 feet inside their property line instead of the required 15-foot setback.

If you have any further questions, please call 770-632-7296.

Sincerely,

A handwritten signature in black ink, appearing to read "John K. Bowman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John K Bowman
830 Carnellian Lane
Peachtree City, GA 30269

7/10/04

RE: Variance for lot 98, Kedron Hills Subdivision

To whom it may concern:

We live directly across from lots 98 and 99 in the Kedron Hills Subdivision. Our house faces directly between the two homes on these lots. Russ and Laury Walter, owners of lot 98, have asked us if we would object to them adding on to their home on the back. We realize this addition will reduce the side yard setback from the normal 15 feet to approximately 8 feet between the two lots. We do not object to the city granting a variance to allow this addition.

Sincerely,

Handwritten signatures of Jeff and Loraine Spangler. The signature for Jeff is written above the signature for Loraine.

Jeff and Loraine Spangler
861 Carnellian Ln
Peachtree City, GA 30269

Russ,

The Kedron Hills Board of Directors met on Monday July 12, 2004 for the express purpose of the your variance request. The board voted 5-0 in favor of granting your variance request for the addition to your house. This approval is for the variance only and not for the addition. When you have a determination from PTC City Council on the variance you will still have to submit to the Kedron Hills ARB the actual building plans for approval.

A separate letter will be sent to you shortly.

If you have any questions, please give me a call or return email.

Your Variance has been approved by the Kedron Hills Board of Directors

Bill Kessler - President

Kedron Hills Community Assoc.

(1202.2) The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.

- (a) Variance applications shall be filed with the city planner on forms provided by the city planner.
- (b) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.
- (c) An application fee of \$50.00 must accompany each variance application.
- (d) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.
- (e) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.
- (f) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.
- (g) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.
- (h) Variances from the provisions of this ordinance may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the city council shall consider the following factors:

- (1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- (2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- (3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance. (Ord. No. 589, 11-19-1992; Ord. No. 618, 7-7-1994)

(1202.3) After due consideration of an application for special exception, the city council shall take such action or establish such reasonable conditions of approval as will accomplish the intent and purposes of this ordinance.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Assistant City Manager 

FROM: Financial Services Director *P.S.*

DATE: August 13, 2004

SUBJECT: Public Hearing – FY 2005 Budget
August 19, 2004 City Council Meeting

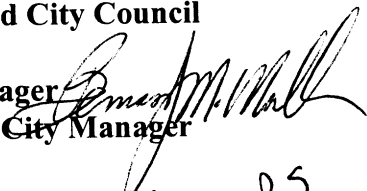
Staff will have a Powerpoint presentation prepared to present the proposed FY 2005 Operating and PIP Budget. A Public Hearing will be conducted at the close of the presentation to hear comments from the public.

City Council does not need to take any action on this agenda item. A Budget Resolution will be presented for adoption at the September 2 City Council Meeting.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Assistant City Manager

FROM: Financial Services Director P.S.

DATE: August 13, 2004

SUBJECT: Public Hearing – 2004 Millage Rate
August 19, 2004 City Council Meeting

Staff will have a Powerpoint presentation prepared to present information about the 2004 millage rate. A Public Hearing will be conducted at the close of the presentation to hear comments from the public.

City Council does not need to take any action on this agenda item. There will be a separate agenda item after the Public Hearing during which Council must take action to adopt the 2004 millage rate.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Assistant City Manager 

FROM: Financial Services Director P.S.

DATE: August 13, 2004

SUBJECT: Adopt 2004 Millage Rate
August 19, 2004 City Council Meeting

City Council needs to take action to formally adopt the 2004 millage rate and authorize the Mayor to sign the appropriate forms to be filed with the Fayette County Tax Commissioner. Copies of these forms are attached for your review.



Department of Revenue
Property Tax Division
4245 International Parkway, Suite A
Hapeville, Georgia 30354-3918
Telephone: (404) 968-0720
FAX: (404) 968-0778
<http://www2.state.ga.us/departments/dor/ptdl/>

CITY & INDEPENDENT SCHOOL MILLAGE RATE CERTIFICATION FOR TAX YEAR 2004

This form provides the Property Tax Division with the millage rates for the distribution of Real Estate Transfer Tax, Railroad Equipment Tax and the Homeowner Tax Relief Grant. **Complete this form as soon as the levy is set, even if the levying authority sets zero as the gross and net millage rate, and mail original to the Property Tax Division at the above address or fax form to (404) 968-0778. One copy must also be submitted to your county tax commissioner.** If you have any questions, please contact us at the above phone number. **All information requested on this form must be completed.**

Name of City: Peachtree City **P. O. Box Address:** _____
City Clerk: Jane Miller **Street Address:** 151 Willowbend Road
FEI No.: 58-1079955 **City, State, Zip:** Peachtree City, GA. 30269
(FEI number must be provided for HTRG Credit)
Office Phone No.: (770) 487-7657 **FAX No.:** (770) 631-2505
Office Days / Hours: Mon-Fri / 8 a.m. - 5 p.m. **Contact No. When Office Is Closed:** _____
(City Clerk)
Are taxes billed and collected by (Check one): ☐ **City** (if checked, contact person, phone no. and vendor name)
Name: _____ **Phone No.:** _____
☒ **County Tax Commissioner** **Vendor Name:** _____

List below the amount & qualifications for each of the homestead exemptions granted by the City and Independent School System.

CITY		INDEPENDENT SCHOOL	
Exemption Amt.	Qualifications	Exemption Amt.	Qualifications

If City and School assessment is other than 40%, enter percentage millage is based on ____%.
Please state in the spaces below the millage rate in terms of mills. Example: 7 mills is shown as 7.000

CITY				
Column 1 Gross Millage for Maintenance & Operation	Column 2 **Less Rollback for Local Option Sales Tax	Column 3 Net Millage for Maintenance & Operation Purposes (Column 1 less Column 2)	Column 4 Bond Millage (If Applicable)	Column 5 Total Millage (Column 3 plus Column 4)
9.112	3.829	5.283	--	5.283
** Local Option Sales Tax - Proceeds must be shown as a mill rate rollback if applicable to city				
INDEPENDENT SCHOOL SYSTEM				
Column 1 Gross Millage for Maintenance & Operation	Column 2 **Less Rollback for Local Option Sales Tax	Column 3 Net Millage for Maintenance & Operation Purposes (Column 1 less Column 2)	Column 4 Bond Millage (If Applicable)	Column 5 Total Millage (Column 3 plus Column 4)

** Local Option Sales Tax - Proceeds must be shown as a millage rate rollback if applicable to Independent School System.

Name of County(s) in which your city is located: 1. Fayette 2. _____ 3. _____

I HEREBY CERTIFY THAT THE TAX RATE INDICATED ABOVE IS THE OFFICIAL RATE APPLICABLE TO ALL PROPERTY FOR TAX YEAR 2004.

Signature of Person Completing Form: _____ **Date:** _____

COMPUTATION OF MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES FOR YEAR 2004

COUNTY	Fayette	TAXING JURISDICTION	Peachtree City	
INFORMATION FOR THE SHADED PORTIONS OF THIS SECTION MUST BE ENTERED				
DESCRIPTION	2003 DIGEST	REASSESSMENT OF EXISTING REAL PROP	OTHER CHANGES TO TAXABLE DIGEST	2004 DIGEST
REAL	1,231,975,648	75,357,662	12,147,160	1,319,480,470
PERSONAL	204,812,370		-2,375,871	202,436,499
MOTOR VEHICLES	109,288,250		-821,190	108,467,060
MOBILE HOMES	0		0	0
TIMBER -100%	0		0	0
HEAVY DUTY EQUIP	23,522		-19,126	4,396
GROSS DIGEST	1,546,099,790	75,357,662	8,930,973	1,630,388,425
EXEMPTIONS	71,826,705		-1,630,305	70,196,400
NET DIGEST	1,474,273,085	75,357,662	10,561,278	1,560,192,025
	(PYD)	(RVA)	(NAG)	(CYD)
2003 MILLAGE RATE >>>	5.283	2004 PROPOSED MILLAGE RATE >>>		5.283
THIS SECTION WILL CALCULATE AUTOMATICALLY UPON ENTRY OF INFORMATION ABOVE				
DESCRIPTION	ABBREVIATION	AMOUNT	FORMULA	
2003 Net Digest	PYD	1,474,273,085		
Net Value Added-Reassessment of Existing Real Property	RVA	75,357,662		
Other Net Changes to Taxable Digest	NAG	10,561,278		
2003 Net Digest	CYD	1,560,192,025	(PYD+RVA+NAG)	
2003 Millage Rate	PYM	5.283		
Millage Equivalent of Reassessed Value Added	ME	0.255	(RVA/CYD) * PYM	
Rollback Millage Rate	RR	5.028	PYM - ME	
Total Ad Valorem Tax Levied for 2004 Tax Year >>>>>>		7,844,646	CYD * RR/1000	
Total Ad Valorem Tax Levied for 2003 Tax Year >>>>>>		7,788,585	PYD * PYM/1000	
Allowable Revenue Growth Without Public Hearings >>>>		55,795	NAG * PYM/1000	
COMPUTATION OF PERCENTAGE INCREASE IN PROPERTY TAXES				
If the 2004 Proposed Millage Rate for this Taxing Jurisdiction exceeds the Rollback Millage Rate	Rollback Millage Rate	5.028		
computed above, this section will automatically calculate the amount of increase in property	2004 Millage Rate	5.283		
taxes that is part of the notice required in O.C.G.A. Section 48-5-32.1(c) (2)	Percentage Increase	5.07%		
CERTIFICATIONS				
I hereby certify that the amount indicated above is an accurate accounting of the total net assessed value added by the reassessment of existing real property for the tax year for which this rollback millage rate is being computed.				
Chairman, Board of Tax Assessors		Date		
I hereby certify that the values shown above are an accurate representation of the digest values and exemption amounts for the applicable tax years.				
Tax Collector or Tax Commissioner		Date		
I hereby certify that the above is a true and correct computation of the rollback millage rate in accordance with O.C.G.A. Section 48-5-32.1 for the taxing jurisdiction for tax year 2004 and that the final millage rate set by the authority of this taxing jurisdiction for tax year 2004 is				
CHECK THE APPROPRIATE PARAGRAPH BELOW THAT APPLIES TO THIS TAXING JURISDICTION				
☐ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2004 exceeds the rollback rate, I further certify that the required advertisements, notices, and public hearings have been conducted in accordance with O.C.G.A. Sections 48-5-32 and 48-5-32.1 as evidenced by the attached copies of the published five year history and current digest advertisement, the "Notice of Intent to Increase Taxes" showing the times and places when and where the required public hearings were held, and a copy of the press release provided to the local media.				
☐ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2004 does not exceed the rollback rate, I further certify that the required five year history and current digest advertisement has been published in accordance with O.C.G.A. Section 48-5-32 as evidenced by the attached copy of such advertised report.				
Signature of Responsible Party		Title	Date	

MUNICIPAL AND INDEPENDENT SCHOOL SYSTEM HOMEOWNER TAX RELIEF GRANT CERTIFICATION FOR TAX YEAR 2004**Mailing Address:**

Department of Revenue, Property Tax Division
4245 International Pkwy., Suite A
Hapeville, GA 30354-3918
<http://www2.state.ga.us/departments/dor/ptd/index.shtml>

SEE

INSTRUCTIONS
FOR REQUIRED
DOCUMENTATION

FOR REVENUE DEPARTMENT USE ONLY

PT-553M RECEIVED	
REVISED	
DUE DATE	
PAYMENT DATE	

CITY NAME: Peachtree City**ADDRESS:** 151 Willow Bend Road**CITY/STATE/ZIP:** Peachtree City, GA 30269**FBI NUMBER:** 58-107995**PHONE NUMBER:** 770-487-7657 **FAX NUMBER:** 770-631-2505**CONTACT NAME:****List County(s)** 1.

in which City 2.

is Located: 3.

Column 1 ENTER CITY, DISTRICT OR SCHOOL NAME	Column 2 2004 NET MILLAGE RATE FROM COL. 3 OF FORM PT-38	Column 3 # OF HOMESTEADS (\$1-SS) FROM COUNTY CONS. SHEET	Column 4 NUMBER OF QUALIFIED HOMESTEADS	Column 5 SHOW IN VALUE TOTAL AMOUNT OF 2004 HTRG CREDIT	Column 6 SHOW IN TAX \$\$\$ TOTAL AMOUNT OF 2004 HTRG CREDIT	Column 7 ADJUSTMENTS FROM BELOW + OR (-)	Column 8 NET 2004 TAX RELIEF CREDIT AMOUNT AFTER ADJUSTMENTS
Peachtree City	5.283		8,562	68,488,794	361,826.30	37.62	361,863.92
2.							
3.							
4.							
5.							
SCHOOL							
TOTALS >>>				68,488,794	361,826.30	37.62	361,863.92

ADJUSTMENTS TO THE HOMEOWNER TAX RELIEF GRANT CERTIFICATION FOR TAX YEAR 2004 FOR MUNICIPALITIES AND INDEPENDENT SCHOOLS							
TAX YEAR	INDEPENDENT SCHOOL	1. ENTER CITY DISTRICT NAME	2. ENTER CITY DISTRICT NAME	3. ENTER CITY DISTRICT NAME	4. ENTER CITY DISTRICT NAME	5. ENTER CITY DISTRICT NAME	
2003							
NET MILLAGE RATE							
NUMBER OF ADJUSTMENTS TO HOMESTEADS							
VALUE OF ADJUSTED HOMESTEADS							
TOTAL ADJUSTED CREDIT >>>							
2002							
NET MILLAGE RATE							
NUMBER OF ADJUSTMENTS TO HOMESTEADS							
VALUE OF ADJUSTED HOMESTEADS							
TOTAL ADJUSTED CREDIT >>>							
2001							
NET MILLAGE RATE							
NUMBER OF ADJUSTMENTS TO HOMESTEADS							
VALUE OF ADJUSTED HOMESTEADS							
TOTAL ADJUSTED CREDIT >>>							
ADJUSTMENTS FOR EACH TAX YEAR ARE TO BE MAINTAINED IN THE TAX OFFICIAL'S OFFICE FOR AUDIT PURPOSES							
ADJUSTED DISTRICT TOTALS >>>							
		Total to Column 7		TOTAL MUNICIPAL ADJUSTMENTS - to Column 7			

I hereby certify that the information listed above is a true and accurate representation of the applicable Millage Rate, the number of Qualified Homesteads, the total amount of the 2004 tax relief credit (in assessed value and tax dollars), any adjustments made to the 2002 tax year for the City and any adjustments made to the City Independent School System for 2003, 2002, and 2001 tax years and the Net credit amount of Homeowner Tax Relief Credit actually allowed for all qualified homesteaded property as listed on the 2004 City and Independent School tax digests. I further understand that the grant amount for tax year 2004 for the City and Independent School System will be increased or decreased according to these adjustments.

Signature of Local Billing Authority: _____

Date: _____

August 4, 2004

Mr. Tim Powers
Powers Heating & Air
200 Tiger Way
Peachtree City, GA 30269

Dear Mr. Powers:

I received your correspondence dated August 3, 2004, requesting to be placed on the August 19, 2004, City Council agenda. Both of the items that you are concerned with will be on the agenda listed as:

DISCUSSION ON THE GOLF CARTS IN THE INDUSTRIAL ZONED AREAS, TIM POWERS

CONFLICTS WITH ROADSIDE PARKING IN INDUSTRIAL ZONED AREAS, TIM POWERS

Unfortunately, one of the great shortcomings of our path system is the lack of path infrastructure in the industrial area. As the use of golf carts evolved into a true alternative form of transportation, the city never required industrial developments to tie into the path system. We currently have industrial residents strongly requesting to be connected to the path system. I see the demand for local citizens wanting to drive golf carts to work in the industrial area as positive, but we have to provide the infrastructure for them to do it safely. The city has some path infrastructure plans for the industrial area, but they will take several years to implement.

On the other subject, we have dealt with roadside parking congesting roads before. The deciding factor is usually whether emergency vehicles are able to proceed down the road smoothly. I will ask the Fire Department to evaluate your situation on Tiger Way.

Thank you for expressing your concerns, and I look forward to a good dialog at the August 19 City Council meeting.

Sincerely,



Stephen D. Brown
Mayor

SDB:gr

cc: City Council
City Manager
Chief Lohr
Chief Murray
Director of Developmental Services
City Planner

POWERS HEATING & AIR
Residential • Commercial Sales & Service

August 3, 2004

City of Peachtree City
Peachtree City, GA 30269

Dear Mayor,

I would like to be placed on the agenda for the August 19, 2004 meeting with regards to road side parking and golf cart issues in the industrial park.

Sincerely,


Tim Powers

200 Tiger Way • Peachtree City, GA 30269
Office: 770.487.2040 • Fax: 678.364.1754

CITY OF PEACHTREE CITY
INTER-OFFICE MEMORANDUM

TO: Mayor Brown and Members of Council

VIA: City Manager, ATTN: Mr. Bernie McMullen
Assistant City Manager, ATTN: Mr. Colin Halterman
Director of Public Works, ATTN: Tom Corbett

FROM:  Stony Lohr
Fire Chief

DATE: August 10th, 2004

SUBJECT: Tiger Way/Auburn Court/D-Bob Industrial Parking
(Council Meeting Agenda, August 19th, 2004)

RECOMMENDATION. The Fire Department recommends that parking be prohibited along the inside portion of the street complex consisting of the west side of D-Bob Industrial, the north side of Auburn Court, and the east side of Tiger Way so that there is parallel parking only along the outside edge of the street with the following constraints:

- (1) No parking within 30 feet of approaching the stop signs at D-Bob and Huddleston Road, and at Auburn Court and D-Bob Industrial (OCGA 40-6-203 (a)(2)(D));
- (2) No parking in front of or within 30 feet either side of a driveway entrance or exit (OCGA 40-6-203 (a)(2)(A)) and (2)(F); and
- (3) No parking in the intersections of D-Bob Industrial and Auburn Court, and Auburn Court and Tiger Way; and at the northern end of Tiger Way. (OCGA 40-6-203 (a)(1)(C) and (2)(F)).

DISCUSSION.

a. I have evaluated parking on Tiger Way pursuant to a letter from Mr. Tim Powers to Mayor Brown, and Mayor Brown's and Mr. McMullen's subsequent request to the Fire Department.

b. I attempted to contact Mr. Powers on August 9th for clarification on his request. Mr. Powers is out of town and was not available, but I did speak with his wife, Mrs. Elaine Powers. Mrs. Powers indicated that the primary issue is safety and traffic obstructed by motor vehicles and trucks parked directly across from each other on both sides of the street, primarily on Auburn Court. Parking on both sides of the street has sometimes caused an impassable obstruction to traffic, and has also resulted in near accidents with vehicles that could not be seen pulling out of the Fitzgerald parking lot into Auburn Court. She reported that there was a recent occasion when their driveway on Tiger

Way was obstructed by a large truck and trailer carrying multiple golf carts to the nearby golf cart shop.

c. This "street" complex is a three-legged cul-de-sac. Its entrance is from Huddleston Road via D-Bob Industrial. D-Bob proceeds southerly from Huddleston Road for approximately 697 feet, turns approximately 90 degrees to the right and proceeds westerly for approximately 671 feet as Auburn Court, and finally turns another 90 degrees to the right and proceeds approximately 404 feet to the north as Tiger Way. The roadway is approximately 32 feet in width with curb and gutter sections of approximately 18 inches on each side.

d. Three fire hydrants are all on the inside portion of the roadway; one at the corner of D-Bob and Auburn Court; one at the intersection of Auburn Court and Tiger Way; and one toward the northern end of Tiger Way

e. The only parking and traffic control signs currently posted are the stop sign at D-Bob and Huddleston Road, the stop sign at Auburn Court and D-Bob, and a no parking sign just prior to the stop sign on D-Bob at Huddleston Road.

f. Prohibiting parking on the inside of the street complex would provide maximum field of vision in the direction of their turns for traffic on the street and maximum access to fire hydrants.

g. There are no driveways on the east side of D-Bob Industrial, but two on the west side; there are no driveways on the west side of Tiger Way, but two on the east side; there are two driveways on the north side (McWilliams Collision side) of Auburn Court and three on the south side (Fitzgerald Plumbing side).

h. Most vehicles that park on Auburn Court already appear to park on the south side. However, trucks, campers and other vehicles that park near the driveway entrances block vision of vehicles exiting those driveways.

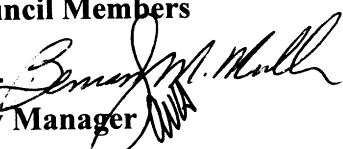
i. There are other businesses in the "Fitzgerald Plumbing" building, but Fitzgerald is the most prominent. The building appears to be for sale or lease by Group VI.

BUDGET IMPACT. There will be an operational cost to Public Works to build and emplace signs and to paint selected curbing so that the no parking areas can be legally enforced.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Assistant City Manager 

FROM: Administrative Services Director / City Clerk 

DATE: August 12, 2004

SUBJECT: Consider Appointment of Judge Pro Hac
August 19, 2004, Council Agenda

Recommendation:

Appoint Carlton Jones and Clay Collins as Judge Pro Hac for Municipal Court.

Discussion:

As you know, Eric Maxwell is the City's municipal court judge and Stephen Ott is a judge pro hac for our court. Judge Maxwell is currently unable to perform his duties as our judge, and it is anticipated that he will be out for at least two months. Stephen Ott has assumed the major duties of judge. He is conducting all court sessions and handling the other duties of the judge. Judge Ott is, at this time, available for all court sessions except the court session on September 8, 2004. I have spoken with Judge Ott about the need to have someone for that court session and to be available should something occur that would preclude Judge Ott from performing court duties. Judge Ott has spoken with two attorneys he knows who are municipal court judges for other municipalities, and they have both agreed to serve as temporary judge pro hacs for the City. The two attorneys are Carlton H. Jones and Clay Collins. They have both indicated that they would require a fee of \$100.00 per hour. Since it is not anticipated that the City would use their services for other than a few hours and there is not time to prepare an RFP and get responses prior to the September 8, 2004, court, staff is recommending that council appoint both attorneys as judge pro hacs at an hourly rate of \$100.00 per hour. Both attorneys are also known and respected by Ted Meeker. Additionally, staff recommends that, since Stephen Ott is actually functioning as our primary judge, his salary be adjusted to what we are currently paying Judge Maxwell. This would be an increase in the hourly rate from \$85.00 per hour to \$95.00 per hour during normal business hours and from \$115.00 per hour to \$125.00 per hour after normal business hours. This should compensate him for some of the business he may be unable to take on due to the increased responsibilities he has assumed as our judge.

Budget Impact:

None