

City Council of Peachtree City
Agenda
July 5, 2001

7:00 p.m.

REVISED

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
 - July 4th Parade Awards
 - Have Veterans Stand in Honor of July 4th
- III. Minutes
 - June 21, 2001 Council Meeting
 - June 21, 2001 Council Workshop (Public Safety Retirement)
- IV. Monthly Reports
- V. Consent Agenda
 - 1. Resolution Approving Purchasing Cards for Bank of America
 - 2. Approval of Funding – Highway 54 West Traffic Model Updates
- VI. Old Agenda Items
 - 06-01-09 - Discuss Status of Home Depot/WalMart Projects
- VII. New Agenda Items
 - 07-01-01 - Alcohol Licensee & License Representative Change – NEW – Kroger
#654 – 100 N. Peachtree Parkway
 - 07-01-02 - Rezoning Request – Haynes Property – 108 Carriage Lane
 - 07-01-03 - Rezoning Request – Penson Tract, GA 74, AR to OI
- VII. Council/Staff Topics
- VIII. Executive Session

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

ANNOUNCEMENTS

REVISED

1. Present July 4th Parade Awards
2. Have Veterans stand in honor of July 4th

2001 4th of July Parade winners

3 rd place Golf Cart	Eleanor Gaynor
2 nd place Golf Cart	Charles Micallef
1 st place Golf Cart	Japanese/American Friendship Society (*A representative)
Most Patriotic	Sturm/Zinck Family -- Mary Sturm & Zinck Family
Most Creative	Girl Scout #617 -- Kelly Carter
Most Original	Cub Scout Pack #75 -- Gerald Roth
Mayor's Trophy	Cub Scout Pack #279 -- Steve Rambeck
Grand Marshall's Trophy	Fayette YMCA Indian Guides -- Mike Yelle

* Japanese companies are closed, so we cannot determine who will come. If no one can be contacted, Carolyn Stanton will receive for them.

City Council of Peachtree City
WORKSHOP
Minutes of Meeting
June 21, 2001
6:00 p.m.

The City Council of Peachtree City met in a workshop session, Thursday, June 21, 2001, in the City Hall Council Chambers. Mayor Lenox called the meeting to order at 6:00 p.m. Other Councilmembers present were: Carol Fritz, Annie McMenamin, Steve Rapson and Dan Tennant.

Public Safety Retirement Workshop

Fire Chief Stony Lohr addressed Council, noting that the city had reviewed the retirement plan for Public Safety employees in 1998. When the city implemented the pay plan in 2000, some officers had asked to continue studying the issue. Lohr said the information provided that evening would be a foundation for discussion, although there was still more information pending. The pay study had indicated a clear separation for public safety employees (Fire/EMS/Police) due to the scheduling and nature of the work.

Lt. Ron Mundy then gave a Power Point presentation on the efforts of the Public Safety Retirement Committee, which had been looking to offer a viable alternative to the current retirement program and to reduce the length of time that Public Safety personnel were exposed to high risk environments and the extreme physical requirements associated with the performance of their duties. The goals of the committee had been to reduce the risk of debilitating injuries or death of public safety personnel, to identify and substantiate the reduced life expectancy of those employees, and to minimize the city's exposure for rehabilitation expenses for medical costs, liability, retraining and vacant position coverage. The committee evaluated data from a variety of sources, including nine cities and six counties in Metro Atlanta, the Georgia Municipal Association, the Association of County Commissioners, eight national departments, and several related professional agencies.

Mundy noted that 150 law enforcement officers and 102 firefighters had died in the line of duty during 2000, and deaths resulted from gunfire, physical assault, motor vehicle accidents, asphyxiation, building collapse, burns, stroke, heart attacks, and associated traumas. Mundy also noted that in 1999, there were 87,500 firefighters injured on the job, some so severely that they could not return to work. Mundy also noted the increased risk of firefighter deaths by heart attack as the age of personnel increased into the 40s, 50s and 60s. He said firefighters over the age of 55 were five times more susceptible to death from heart attack than from fire related trauma.

Mundy then said that the data indicated a need for retirement options for public safety personnel prior to the age of 55, but that all employees currently were only eligible for retirement with full benefits at age 65. He noted the increased risk of firefighters due to current construction materials, as well as the physical demands of the job and associated heavy gear, enduring long periods of sustained physical activity and concentration with extreme fluctuations in temperature. Mundy also noted firefighter exposure to carcinogenic and toxic substances as job stressors.

Mundy then addressed the staff of the Fire Department, saying that the average age for new hires was

31 due to the requirements for experience and training, and the average age of the department's employees was 37. Mundy compared this to the industry average of 18 to 22 as the age of new hires. Mundy said current information indicated a public safety officer's life expectancy was substantially shorter than that of the general population due to the stressors of the position.

The committee came up with several alternative retirement plans that were used in other agencies, including the Rule of 80, the Rule of 75, the Rule of 70, the Rule of 65, the Rule of 60, 20 Years and Out, and the Defined Benefit Plan. The committee recommended revising the city's existing plan to allow public safety personnel to retire at the age of 55 without penalty and with a provision for medical benefits until eligible for Medicare. An additional option was a 501(c)(9) trust plan for post employment health benefits. The plan would be tax exempt and accumulate reserves to pay medical insurance premiums or uncovered health care expenses for retired employees.

Lenox noted that this was not just a problem in Peachtree City, and Mundy agreed, saying several cities in the region had adopted plans to address the problem.

Tennant asked if a 501(c)(9) would have sufficient funds at retirement if an employee did not start contributing until age 45 or 50. Mundy said the committee recommended the city do everything possible to provide the maximum benefit possible, and said one possibility was a buy back option, which would ultimately depend on individual ability to participate. Mundy said the committee's primary focus had been about future Public Safety employees.

Lenox said that the city had certain financial considerations, saying that it would require a significant amount of money. He felt that some real planning would be necessary to make a program that worked. Mundy said the committee appreciated that the money had to come from somewhere, but felt that there were enough plans out there to allow for some type of compromise.

Lenox asked, philosophically, if the age were set at 55 due to the reasons Mundy listed, if the retirement should be mandatory. Mundy said the Federal Firefighters Agency had a mandatory retirement age of 57. He felt that each scenario was different, and office personnel had limited exposure, which should also be a factor.

Rapson noted that Fulton County was not included in the comparison data provided, saying Fulton had an Alternate 80 plan in which the personnel participated in the funding. He said he was interested in looking at the situation further and seeing what options were available. Tennant agreed, saying it would be critical for recruitment. Mundy agreed that public safety recruitment in Atlanta was very competitive.

Lenox asked what the next logical step would be. Mundy recommended that staff continue to collect data and develop a proposal that would be agreeable to everyone. Lenox felt it should be a cooperative effort between staff and the committee, with regular meetings on the matter. Mundy also asked for latitude for the committee to continue investigating options. Rapson asked if incorporating some type of plan into the 2002 budget was a reasonable goal. Financial Services Director Paul Salvatore noted that actuarial studies would be needed on the various scenarios. Lohr agreed. Lenox felt a deadline was less important than doing the project properly, and felt some seed money for the studies should be included in the 2002 budget. He felt staff and the committee could

come up with a viable plan for long-term implementation by the end of December 2001. Basinger asked if the funds for the studies could come out of Council Contingency Fund, noting he would advise Council of the cost. Council felt that would be fine. Rapson suggested the committee reconvene with Council regularly, and Lenox noted he would be sitting in with staff and the committee due to the ramifications of the plans.

There being no further business to discuss, the meeting adjourned at 6:50 p.m.

Attest: Robert L. Lenox, Mayor

Betsy Tyler, Deputy City Clerk

**City Council of Peachtree City
Minutes
June 21, 2001**

The City Council of Peachtree City met in a regular session on Thursday, June 21, 2001, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Councilmembers present were: Carol Fritz, Annie McMenamin, Steve Rapson and Dan Tennant.

Announcements, Awards, Special Recognition

Mayor Lenox recognized Linda Gravley of Public Services for 15 years of service to the city, and Terry Blackburn of the Police Department as the May Employee of the Month.

Approval of Minutes

McMenamin made a motion to approve the minutes of the June 7 Council Meeting as written. Fritz seconded the motion. Motion carried unanimously.

Consent Agenda

Kedron Multi-Purpose Rink Contract
PIP Reallocation

Staff recommended awarding the Multi-Purpose Rink contract to Tomco Construction, Inc., in the amount of \$581,230. Staff recommended reallocating the \$50,000 for the Riley sewer hookup to the Riley track football field project in the amount of \$25,566.80 and to the Kedron Multi-Purpose Rink project in the amount of \$24,433.20. Rapson noted that the City Manager had the authority to make the PIP Reallocation without Council approval. Basinger said such items normally would roll into the contingency fund at year-end, but he felt, due to the change mid-year, it should come before Council. McMenamin expressed appreciation for this precaution. McMenamin made a motion to approve the consent agenda as presented. Rapson seconded the motion. Motion carried unanimously.

Old Agenda Items

04-01-01 Livable Centers Initiative – Presentation of 54 West Corridor Master Plan

City Planner David Rast addressed Council, saying that a Livable Centers Initiative (LCI) advisory board had been established to define the Highway 54 West Activity Center in conjunction with the LCI Grant from the Atlanta Regional Commission (ARC). Originally, the board had looked at the area between the bridge over the CSX Railroad and Line Creek. That region was later expanded to include Westpark and the residential areas north and south of Highway 54 (Planterra, Cedarcroft, Summit Apartments, etc.). The board concluded that, within the center, the current and future commercial, residential, retail and office defined an emerging activity center. The board had a lengthy debate about whether the area should stand on its own or blend with the rest of Peachtree City, and the debate then turned to defining the "rest of Peachtree City."

Rast said that evening he was presenting a status report on where the advisory board was, noting their plan for the corridor was still a work in progress. He said they had updated the ARC on their status as

well, and the plan had been well received. The ARC personnel felt some of the ideas were very advanced. The board would begin working to identify projects that could be funded in the future with LCI grants. Rast said the defined activity center included Market Place, The Avenue, Clover Reach, Huddleston Road, Wynnmeade, Cedarcroft, Summit Apartments, and Planterra Ridge, as well as Westpark. He noted the large amount of green space in the corridor, saying it could help to define the area even after the highway was widened.

The board looked at a secondary road system, identifying a frontage road located on both the north and the south side of the highway. This system would help to facilitate movement within the corridor without putting the traffic directly on the highway. Rast said the cart path connections had also been expanded to tie the area together. The system included several grade crossings of Highway 54 due to the board's feeling that residents would be crossing at the lights anyway, as well as the tunnel/bridge system around the railroad bridge. Additionally, a bridge over the highway was proposed at Wynnmeade to create an entry feature to the city.

The board also looked at building massing – how future buildings would be placed in new developments or in redeveloped areas. He said Doug McMurray of RAM Development had already agreed to work with the group on architectural design standards for his commercial property. The board would continue to work on this aspect to tie the corridor together.

Rast said that a commuter rail station had also been included in the plan, although the board was unsure if the state was pursuing that project. They looked at potential sites and were proposing a site off Clover Reach that was accessible from both Clover Reach and Huddleston. The board felt this site would keep the station as a community station rather than a regional station. Rast noted several of the uses already positioned around the site that were harmonious with a commuter rail station. He noted that the site was not unanimously agreed upon by the board, and that several members of the board had concerns about it.

Rast concluded by saying the board needed Council's input, either that evening or at a later time after they had an opportunity to think about it. He said the board needed to forward information to the ARC within the next few weeks.

Tennant said he liked the idea of the additional bike bridge, although it would be expensive, but expressed concern about the proposed grade cart path crossings due to the high volume of traffic on Highway 54. He asked how the board could justify the proposal from a safety standpoint. Rast said that all crossings would be located at signalized intersections, and they felt people would cross there anyway. He said their goal had been to make the entire area pedestrian and alternate transportation friendly. They felt they could work with the Department of Transportation (DOT) to design safe crossings, timing the signals and possibly making use of the proposed 40 ft. median. Rast said it was not an ideal situation, but it was far less expensive than building more tunnels and bridges.

Lenox asked about the grant received, and Rast said the city had been awarded a small grant to conduct a study of the area. The funds had been primarily used for a consultant to work on the commuter rail station. The remainder of the plan was the result of citizen ideas that Jerry Peterson had put onto paper. Rast said the ARC was impressed that the plan was community driven. The next round of ARC funding was approximately \$350 million, for which 20 entities were currently vying.

Rapson said he was in agreement with the suggestions up to the commuter rail because all the citizen

input he had received had opposed that project. Tennant said he was receiving the same citizen feedback. Rapson continued that he was hesitant about giving a plan to ARC that included a provision for commuter rail. Rast agreed that this was the most controversial issue, but felt it was not a major element from the ARC's perspective in the grand scheme. He said the board had attempted to show how commuter rail could fit into the activity center. Lenox said the key issue was in defining commuter rail, adding that those who parked their cars and went to work at the airport or downtown would appreciate such a facility in 10 years when the I-85 / Highway 74 corridor developed. He said the key was to keep the station for citizens, which would be a benefit to the community. Although Lenox did not personally think the commuter rail line would ever be completed, he felt that, if it were put in on the community's terms and properly planned for, it would be politically correct. Rapson agreed that someday Peachtree City might not have a choice in getting commuter rail, but he was uncomfortable submitting a plan with it included. Fritz said if the city had to have it, a plan was necessary, and this plan changed the station from regional to local in nature in an out-of-the-way location. She added that the land might not be available if the system were ever put in. Rast said that site had the best access.

Lenox said that the city could not afford to make this plan happen on its own, and following the usual course of working with developers could prove difficult. He said that getting some of the grant funding to put in the major elements would be beneficial. He felt implementing the plan over the next 5 to 10 years would be a major accomplishment, making the area look like or better than the rest of the corridor.

Rapson asked what the next step was. Rast said that more work was needed on the plan, a report must be sent to the ARC, and an implementation schedule was needed. He said the primary focus would be the path connections and the secondary road system. The board also needed to solicit input from the Planterra Ridge Homeowners Association. He said they could come back to Council in the next four to six weeks with an update. Tennant asked if it would be possible to include an additional tunnel under Highway 54 in lieu of the grade crossings. Rast said the board could certainly look at that option, but the topography did not really provide a good location, and they knew that bridges were so expensive. Tennant said the highway was really a heavily trafficked area, despite the pedestrian friendly goals. Lenox asked if the median could be used as a stopping point, and McMenamin said she would be surprised if the DOT would approve that type of crossing.

Council thanked Rast and the committee, and felt they had done a great job in this planning effort.

04-01-07 Approve Ordinance to Create a Senior Facility Authority

City Attorney Rick Lindsey said Council had before them an Ordinance to activate the Senior Facility Authority. He said at the previous meeting, Council had a couple of questions on this issue for which he had obtained the answer. The first was how long the Authority would exist, and it would need to remain in existence until all the bonds were retired. The second question was whether Council could enact a requirement that applicants for the funding must come to Council, and there was no restriction on that requirement.

Lindsey said the Ordinance followed the state requirements, creating an Authority of nine members from the seven Development Authority members and Floy Farr and Jim Steinbach. He recommended that the terms coincide with the Development Authority terms. Lindsey also said the ordinance stipulated that two of the members must be age 55 or over. He also noted the new state law requiring annual registration of the authority. Lindsey also recommended that Council go ahead and approve The Parc for consideration.

McMenamin asked if the language of subsections (b) and (c) in the Ordinance should be clarified to reflect that both the appointments and reappointments be made by Council. Lindsey said that would be possible. Rapson asked if he had a conflict of interest in voting due to his wife's employment by the Development Authority, and Lindsey said no. Rapson asked about the authority's meeting frequency, and Lindsey said they would occur on an as needed basis. Rapson asked if they would be scheduled on the annual Council Retreat, and Lenox suggested including them in the Development Authority's scheduled time. Tennant said the city usually accepted applications for appointments, and asked if the city should open up this Authority to the same process. Lindsey said it was possible, but noted that all the other authorities had initial members that were listed in the Ordinance or Charter when they were established, and the application process followed for new members. Rapson noted that Council had asked the committee, and this arrangement was what they had recommended. Lindsey said if Council found the Authority to be active in three years, they might wish to revisit the appointments.

McMenamin made a motion to approve the Ordinance to create a Senior Facility Authority as amended. Fritz seconded the motion. Motion carried unanimously.

Lenox made a motion to remand The Parc to the Senior Facility Authority for action. McMenamin seconded the motion. Motion carried unanimously.

01-01-10 Public Hearing – Approve Changes to City Charter

Lenox called the Public Hearing to order, inviting the public to comment on the proposed Charter changes. Lindsey recommended that Council wait to adopt the changes until he had completed the corresponding Ordinances, which should be available for the July 5 meeting. McMenamin and Fritz agreed that he should not rush to meet a deadline, preferring that the Ordinances were properly written. Hearing no public comment, Mayor Lenox closed the Public Hearing.

IV. New Agenda Items

06-01-10 Public Hearing – Rezoning Request – Halligan - Astoria Lane

Lenox read the rules for Public Hearings, establishing time limits of 20 minutes per side for those for and against the project.

Developer Jimmy Halligan of Hyland Developers addressed Council, saying he had worked with staff to finalize the details of his proposal. His request would allow the addition of two homes to a subdivision of 28 homes, for a total of 30 homes in Kedron Estates. He said the rezoning request, from R-43 to R-22, met the Land Use Plan, and two additional homes would not really impact the adjacent community of Kedron Hills. He also said he had attempted to have his homes as part of the Kedron Homeowners Association two years ago, but had been denied.

City Planner David Rast spoke in favor of the rezoning, saying staff felt the creek served as the definition between the two zoning categories. He also made the correction that 12 to 15 of the R-43 lots in Phase II were on sewer. He said staff supported R-22 zoning up to the creek, in which this fell, and R-43 zoning beyond the creek. Rast said the Planning Commission had voted on a motion to recommend approval for the rezoning, including staff's conditions and a fifth condition that Mr.

Halligan provide a 50 foot access easement. The motion had failed, so the Planning Commission was forwarding the item without a recommendation.

Rapson asked if the property was originally zoned R-43 and Mr. Halligan chose to develop all but four lots so he did not have to include sewerage, and now he wanted the rezoning because sewer was required. He said he did not see a compelling reason to approve the request. Lenox asked that anyone else who wished to speak be allowed to do so before Council debated the issue.

Bill Kessler, Russell Wilson, Tom Sheedy, Brandy Ashe, Fred Dalor and John Leonard of Kedron Hills all spoke in opposition to the rezoning. Their reasons included the fact that Loring Lane, the only entrance to Kedron Hills and Kedron Estates, already had a high volume of traffic, speeding was a problem, a recreation area and golf cart traffic compounded that issue, there was limited access for emergency services, the developer circumvented installing sewerage, and it should be kept consistent with the rest of Kedron Estates to provide a clear difference between the neighborhoods. Kessler said he was unaware of any effort to join the HOA. Ashe said the property should be made a greenbelt.

Resident Steve Brown of Planterra Ridge also mentioned the efforts to avoid installing sewerage, and Lenox corrected his statement, saying this was the first one-acre subdivision in the city required to be on sewer, and that he had just been following the same rules that applied to other subdivisions.

Resident Phyllis Aguayo of Stoneybrook said there was no compelling reason or benefit to the city to change the zoning.

Halligan apologized to Council for bringing this issue back before them and said his offer to join the Kedron Hills HOA was still on the table if the neighborhood was interested. He felt differentiation between the two neighborhoods was unnecessary because Kedron Estates had the same builders as Kedron Hills. He also said that one acre had been set aside for recreation by the builders who had purchased the lots.

Halligan said he took offense to statements that he tried to avoid sewerage the subdivision dishonestly. He said he had a letter from the Fayette County Board of Health approving septic systems, and when he was 75% finished developing, was told it should be sewerage. Fritz, who also served on the Board of Health, said the letter did not give approval, and Halligan quoted the letter, saying it "appears acceptable." Fritz said the letter was based on information given over the phone, but Halligan said representatives had come to the property before the letter was issued. Halligan added that the Board and Council could have made an allowance on the matter, but neither would do so, so he was just following the rules they had established that anything within 500 feet of sewerage had to be sewerage. Halligan reiterated that the Land Use Plan indicated this property should be R-22, and said he was just trying to be consistent with the plan.

Hearing no further public comment, Lenox closed the Public Hearing and opened the subject for Council discussion. Tennant said their job was to hear the facts, weigh the evidence and vote in the best interests of the community, and he felt the residents of Kedron Hills had compelling arguments against the rezoning. Fritz agreed, saying she had looked at the property and heard the arguments at the Planning Commission meetings, and saw no compelling reason to change the zoning. Lenox said he had visited the property as well, and he listed several factors that he weighed in making his decision: 1) the Land Use Plan, which called for R-22 zoning; 2) he put a lot of weight on staff's recommendation; and 3) two houses would not be the end of the world for Kedron Hills. Lenox understood the Kedron

Hills residents' concerns, but would vote in favor of the rezoning. McMenamin said she supported the Land Use Plan and the staff. Rapson said he felt for Halligan, but did not see a compelling reason to rezone.

Rapson made a motion to deny the rezoning request. Tennant seconded the motion. Motion carried three to two, with Lenox and McMenamin opposing.

06-01-11 Financial Policies

Financial Services Director Paul Salvatore said Council had several proposed financial policies before them that were important as Peachtree City transitioned from a growing city to a built-out city with a stable population. That change would cause a shift in the focus for the city and necessitate the implementation of reserve funds. He asked for feedback from Council on the policies.

Tennant asked for clarification on policy #13 Preventing Overspending, asking about the City Manager's authority in situations when total revenues of a fund failed to keep pace with estimated revenues budgeted for that fund. Salvatore said this was a fairly routine practice, and if a project was falling short, spending should be cut accordingly. He added that, in the opposite situation – if revenues exceeded projections – the City Manager would have to come before Council to appropriate the additional revenues. Tennant asked if Council would be informed in the event of a shortfall. Rapson pointed out this was part of the day-to-day operations overseen by the City Manager. Basinger added that he knew Council would expect notification and would do so, but the policy allowed him to assure only essential expenditures in the event of a shortfall. Lenox said it would be a matter of degree, and generally the shortfalls were noticed while the problem was still minor.

Rapson said he had some concerns with the phrasing of policies #5 through #8, saying he did not want to pass them and then fall immediately into non-compliance with the coming year's budget. He felt the stated reserves needed to be goals achieved over the next two to three years. He was comfortable with the levels stated. Lenox agreed, saying if they adopted the policies that evening, the city was already out of compliance. Salvatore said setting a target date would resolve that problem. Rapson suggested two to four years, and Salvatore said the target was September 30, 2003, which would then apply to the budgeting process for FY2004. He also noted that Policy #8 said, "strive" to maintain the following cash reserve levels. Rapson requested that policy #16 include an example of one-time revenues.

Rapson made a motion to adopt the proposed financial policies as amended, with an October 2004 adoption date. Fritz seconded the motion. Motion carried unanimously.

06-01-12 Discussion of City Attorney Costs

Tennant said he requested this item be added to the agenda. He said Rick Lindsey had a tough job, and felt he had put forth a solid effort to represent the city's interest. Tennant said it was also generally in the taxpayers' best interests to contract out a lot of work. However, since May of 2000, the city had paid over \$250,000 to Lindsey, and this represented a 50% increase in legal services. Tennant said he was concerned the city might not be spending tax dollars as efficiently as possible, and thought the service might be provided in a more cost effective manner in-house. He felt the options needed to be analyzed using objective criteria because a staff attorney would be representing the sole interests of the city, would eliminate any potential conflicts of interest, and would be subject to the city's Ethics Ordinance.

Fritz noted that this year had seen higher than usual legal bills due to some ongoing lawsuits and the changes to the Charter. She felt it was not an ongoing event. Tennant was skeptical, noting that once prices went up, they generally did not come back down. Fritz also felt the city would not see much additional growth, and added that any costs projected for a staff attorney would need to include the necessary support staff. Tennant said he would also like to see a list of benefits and drawbacks.

McMenamin said Council had looked at this issue about six years ago, and she had been amazed at the hidden costs. She also noted that the city had not lost a court case in the eleven years she had served. She felt a staff attorney would need to know municipal law, but would not be versed in litigation and the city would still need to go outside to meet that need, and would probably have to pay the additional expenses of an experienced attorney from Atlanta, including the requisite travel time. She added that Peachtree City had been very spoiled at the availability of Rick Lindsey.

Tennant said he could not imagine the down side of taking a closer look at the issue because currently they were all speculating. McMenamin said she was not because she had been on Council previously when the issue was studied.

Rapson said he had worked as a controller for a law firm and also knew some concrete numbers. He said Fulton County had an Assistant District Attorney position that would be equivalent to what the city was looking at, and they paid \$130,000 per year in salary, plus \$40,000 per year for a paralegal and \$50,000 for the law library. This still left no resources and the need to pay for outside legal expertise. He said the city wanted someone knowledgeable with integrity that could pull together a variety of resources, and he felt Lindsey was a bargain for the city. McMenamin reiterated that 2001 had extraordinary expenses.

Tennant said that was why he brought it to the table, and when these types of spikes occurred in costs, it was incumbent upon Council to look at them. Fritz asked why no other cities the size of Peachtree City had staff attorneys if it was such an efficient approach.

Lenox said the only reason to have an in-house attorney was when there was sufficient routine legal work to support one. He had several concerns about the process, saying it limited the city's choice to the bottom 30% of the class. He agreed that some of the increases seen in 2001 would go away, especially pertaining to the Charter and to the O'Keefe lawsuit. Lenox felt the city would have paid \$100,000 in the past year for that suit alone. He added that the confrontational attitude on Council also cost the city when Councilmembers called the attorney frequently. He also noted that the Solicitor position reflected the 15% annual increase in court cases, as well as a 100% increase in court appeals, over which the city had no control. Lenox felt the court duties were the most routine and likely to support an in-house attorney position. He said that some of the cases Lindsey had handled, had they been lost, would have cost more than the city would ever pay in legal fees. Lenox said he did not mind looking at the issue more closely, but he did not want a lot of staff time spent on the project. Rapson felt the numbers were not available to do a cost benefit analysis. Fritz said staff had a lot of other projects on their plates. Tennant felt the project would not be overly burdensome. Lenox said this would not be a simple analysis because it would require a lot of assumptions. He was unsure how to assess the value of some of the elements of the issue. Tennant asked at what point an analysis would be in order, and said for him that point was now.

Resident Murray Weed addressed Council, saying he practiced local government law and had served

as in-house counsel in Lowndes County. He said Rapson was correct about the hidden costs, and said a staff attorney probably would not pay off for a city the size of Peachtree City. He said the point was that Tennant was merely asking for an analysis, and felt it would not cost the city a great deal to look at the issue due to the number of studies already done in the area. Weed volunteered his time to assist with the project, and said he was not applying if a position were created.

Council asked Salvatore to work with Rapson and Weed on the analysis. McMenamin was concerned about comparing to 2001, which was so different from normal years. Rapson suggested averaging the past three years. Lenox asked them to bring the item back before Council when they were ready.

Council/Staff Topics

Basinger said a selection committee was needed for the Planning Commission vacancies. Lenox and Fritz volunteered to serve.

Lenox made a motion to adjourn the meeting. Fritz seconded the motion. Motion carried unanimously.

Attest: Robert L. Lenox, Mayor

Betsy Tyler, Deputy City Clerk

2001 City Event Calendar

<u>July</u>	<u>August</u>	<u>September</u>
7/4 – Independence Day Holiday – City offices closed; Parade, 10 a.m.; Fire Dept. Expo, 3 p.m.; City Hall Concert, 7 p.m., Fireworks, 9 p.m. 7/5 – City Council Meeting, 7 p.m. 7/10 – AFCG Meeting, 7 p.m., Tyrone 7/19 – City Council Budget Workshop, 6 p.m. Floy Farr Room at the Library 7/19 – City Council Meeting, 7 p.m. 7/22 – Police / Fire Open House, 2 – 4 p.m.	8/2 – City Council Meeting, 7 p.m. 8/11 – Last Fling, 11 a.m. – 3 p.m., Shakerag Knoll 8/16 – City Council / WASA Joint Workshop on Stormwater Management, 6 p.m. (TENTATIVE) 8/16 – City Council Meeting, 7 p.m.	9/3 – Labor Day Holiday, City offices closed 9/6 – City Council Meeting, 7 p.m. 9/10 – 14 – Election Qualifying 9/15 & 16 Shakerag Arts/Crafts Festival, Sat 10-6, Sun. 1-5 9/20 – City Council Meeting, 7 p.m.
<u>October</u>	<u>November</u>	<u>December</u>
10/4 – City Council Meeting, 7 p.m. 10/6 – Alzheimer's Memory Walk 10/13 – PTC Classic Road Race, 6 a.m. – 2 p.m. 10/18 – City Council Meeting, 7 p.m. 10/19 Employee Picnic, 11:30 - 1:30 10/20 – Citywide Garage Sale	11/1 – City Council Meeting, 7 p.m. 11/6 – City Election 11/15 – City Council Meeting, 7 p.m. 11/22, 23 – Thanksgiving Holidays, City offices closed 11/27 – City Election (run-off)	12/1 - Christmas Tree Lighting, 7 p.m. 12/6 – City Council Meeting, 7 p.m. 12/7- Annual Employee Luncheon, Noon– 1:30 p.m. (City offices closed) 12/20 – City Council Meeting, 7 p.m. 12/24 & 25 – Christmas Eve & Christmas holidays, City offices closed

2002 City Event Calendar

<u>January</u>	<u>February</u>	<u>March</u>
1/1 – New Year's Holiday – City offices closed 1/3 – City Council Meeting, 7 p.m. 1/17 – City Council Meeting, 7 p.m. 1/21 – Martin Luther King Holiday – City offices closed	2/7 – City Council Meeting, 7 p.m. 2/21 - City Council Meeting, 7 p.m.	3/7 – City Council Meeting, 7 p.m. 3/21 – City Council Meeting, 7 p.m.

Note: Items in **BOLD** are new additions

Updated 6/01/01

PEACHTREE CITY PRISONERS
FAYETTE COUNTY JAIL
MAY 2001

DATE	MISD.	FELONY	TOTAL
05-01	12	2	14
05-02	12	2	14
05-03	10	2	12
05-04	09	2	11
05-07	10	3	13
05-08	09	2	11
05-09	08	2	10
05-10	10	2	12
05-11	08	2	10
05-14	11	2	13
05-15	10	2	12
05-16	10	3	13
05-17	09	2	11
05-18	14	3	17
05-21	09	3	12
05-22	09	2	11
05-23	09	2	11
05-23	09	2	11
05-24	10	2	12
05-25	11	2	13
05-29	08	2	10
05-30	10	3	13
05-31	15	3	18
AVERAGE	10.08	2.26	12.34

FAYETTE COUNTY JAIL FUND PAYMENTS:

January	\$6,666.73
February	\$7,101.58
March	\$5,090.68
April	\$6,986.11
May	\$6,542.81

**Public Information
2001 Citizen Call Log
As of 5/1/01**

Problem/Complaint	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD 2001	YTD 2000	% of 2001
Animal Control	1			1									1	0	1%
Business Complaint	1	1											3	0	4%
Development													0	1	0%
Garbage Company	3			1	1	1							6	16	8%
AT&T (InterMedia) Cable	4	6		8	14	5							37	12	51%
AT&T (Media One) Cable													0	1	0%
Ordinance/Code Violations	9	6		1	1								17	5	24%
Public Works Repair Request	1		1	1									3	0	4%
Recreation			1	1									0	0	0%
Traffic													0	2	0%
Utility Company	2		2	1									5	3	7%
Other													0	4	0%
TOTAL	21	13	13	19	6								72	44	100%
Average Response Time for action/update contact w/citizen	0.11 days	0.00 days	0.08 days	0.00 days	0.00 days	0.00 days	0.00 days	0.00 days	0.00 days	0.00 days	0.00 days	0.00 days			
% Response Time for response / action on same day	90%	100%	92%	100%	100%										

0.04
days

96%

BUILDING DEPARTMENT

2001 MONTHLY REPORT

Revised

DEVELOPMENT PERMITS:

BUILDING PERMITS:

Single Family Residential
Multi-Family Residential
Misc.-Pools/Fences/additions
Commercial/Industrial

TOTAL INSPECTIONS:

CERTIFICATE OF OCCUPANCY:

Residential
Commercial
Multi-Family Residential

CODE ENFORCEMENT:

Sign Violations
Rehab
Notice of Violations
Citations *
Stop Work Orders
Complaints From Citizens
Assessments

PERMIT FEES COLLECTED:

POPULATION: Based on
2.9 of completed occupancy

*35 citations to A/T&T Broadband

**Adjusted to reflect
2000 Census figures

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2001 YEAR-TO-DATE	2000 YEAR-TO-DATE
DEVELOPMENT PERMITS:	15	9	38	22	44	14	20	15	18				195	122
BUILDING PERMITS:														
Single Family Residential	12	10	25	14	27	18	20	11	14				151	101
Multi-Family Residential	0	0	0	0	0	0	0	0	0				0	399
Misc.-Pools/Fences/additions	33	40	55	64	74	61	78	52	51				508	582
Commercial/Industrial	15	12	29	4	8	9	10	8	8				103	82
TOTAL INSPECTIONS:	838	789	749	551	555	686	631	899	700				6,398	3,778
CERTIFICATE OF OCCUPANCY:														
Residential	10	12	17	8	12	16	11	15	24				125	141
Commercial	2	7	16	15	6	8	2	6	4				66	18
Multi-Family Residential	69	35	0	0	0	83	0	212	0				399	0
CODE ENFORCEMENT:														
Sign Violations	84	46	152	97	166	187	171	113	87				1,103	0
Rehab	16	11	13	31	18	13	13	2	1				118	0
Notice of Violations	282	195	234	376	260	282	240	233	194				2,296	3,002
Citations *	1	2	2	4	4	0	5	4	36				53	15
Stop Work Orders	7	3	4	12	7	5	16	1	7				51	48
Complaints From Citizens	14	8	13	25	29	6	16	5	16				132	3,397
Assessments	135	176	115	294	79	58	61	4	1				923	0
PERMIT FEES COLLECTED:														
	21,956	30,692	47,309	16,939	23,856	33,109	32,766	36,149	37,036				279,812	334,964
POPULATION: Based on														
2.9 of completed occupancy	32,158	32,294	32,343	32,366	32,401	32,688	32,720	33,378	33,448				33,448**	31,849**

	2000	2001
R-TO-DATE YEAR-TO-DATE		

[illegible]

CERTIFICATE OF OCCUPANCY:

CODE ENFORCEMENT:

PERMIT FEES COLLECTED:

POPULATION: Based on 3.05 of completed occupancy	34,061	34,204	34,256	34,280	34,317
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Financial Services
May Monthly Report

Financial Services Monthly Report

FIN_RPT.XLS
6/21/01

STATUS OF FUNDS AS OF MAY 31, 2001				
Fund	Cash		Total Fund	
	Balance	Investment	Balance	YTD Interest
General Fund	\$227,616	\$3,813,042	\$4,040,659	\$131,935
Land Reserve Fund	\$7,297	\$0	\$7,297	\$7,658
Library Sales Tax Fund	\$48,082	\$0	\$48,082	\$1,365
Public Improvement Fund	\$177,653	\$2,454,865	\$2,632,518	\$75,586
Police Station Lease	\$0	\$388,123	\$388,123	\$39,061
Self Insurance Fund	\$10,307	\$892,472	\$902,779	\$33,960
Debt Service Fund	\$180,619	\$0	\$180,619	\$403
Bond Fund	\$0	\$0	\$0	\$0
Municipal Court Fund	\$38,554	\$0	\$38,554	\$1,311
Develop & Impact Fees	\$380,312	\$309,251	\$689,563	\$45,480
Neighborhood Parks/Rec.	\$60,279	\$0	\$60,279	\$1,231
Federal Seizures Police Fd	\$3,989	\$0	\$3,989	\$7
Police Tuition Account	\$2,974	\$0	\$2,974	\$34
Escrow Account	\$174,387	\$130,698	\$305,086	\$7,637
Grand Total	\$1,312,069	\$7,988,453	\$9,300,522	\$345,669

Purchasing Monthly Report				
For Calendar Year	2001		2000	
	TOTAL YTD	TOTAL YTD	TOTAL YTD	MTHL Y % INC/(DEC)
Purchase Requisitions Processed	903	696	29.74%	
City Store Requisitions Processed	87	88	-1.14%	
Sealed Bids Requested >\$10,000	11	14	-21.43%	
Requests for Proposals	5	N/A	100.00%	
Requests for Proposals Awarded	1	N/A	100.00%	
Written Quotes Req \$5,000-10,000	52	36	44.44%	
Verbal Quotes Requeste	132	107	23.36%	
Total # Purchase Orders Issued	992	843	17.67%	
Total # of Bids Awarded	21	10	110.00%	
Contracts Required >\$10,000	5	5	100.00%	
# of Fixed Assets Purchased >\$500	45	39	15.38%	
Total \$ of Fixed Assets Purchased	\$503,290	\$445,858	12.88%	

Collateral Analysis as of May 31, 2001		
Security Location	Bank	Total Held
Bank of New York	First Union	\$6,337,657
Bank of New York	Peachtree National	\$5,339,069
Bank of New York		\$11,676,726

General Fund Budget Comparison				
Description	Revenues - By Major Category		Difference	
	2001 Budget	Actual YTD		%
General Property Taxes	\$4,672,069	\$4,465,264	(\$206,805)	96%
Franchise Taxes	\$1,880,054	\$1,499,778	(\$380,276)	80%
Local Option Sales Tax	\$5,541,890	\$3,717,981	(\$1,823,909)	67%
Other Sales & Use Taxes	\$1,031,622	\$661,199	(\$370,423)	64%
Business Taxes	\$1,020,302	\$1,043,011	\$22,709	102%
Licenses & Permits	\$386,632	\$405,164	\$18,532	105%
Grants	\$201,606	\$59,586	(\$142,020)	100%
Charges for Services	\$723,073	\$601,986	(\$121,087)	83%
Fines & Forfeitures	\$629,685	\$492,441	(\$137,244)	78%
Investment Income	\$151,770	\$140,960	(\$10,810)	93%
Surplus Carryover	\$2,048,586	\$0	(\$2,048,586)	0%
Other Financing Sources	\$0	\$0	\$0	0%
Total	\$18,287,289	\$13,087,371	(\$5,199,918)	72%

General Fund Budget Comparison				
Division	Expenditures by Division YTD		Difference	
	2001 Budget	Actual YTD		%
Administrative	\$990,359	\$656,608	\$333,751	66%
Developmental	\$821,197	\$507,215	\$313,982	62%
Finance	\$454,135	\$260,955	\$193,180	57%
Leisure Services	\$2,971,120	\$1,886,607	\$1,084,513	63%
Public Safety	\$5,444,999	\$3,342,378	\$2,102,621	61%
Public Works	\$2,297,553	\$1,431,299	\$866,254	62%
Tfr to PCDA/PCAA	\$449,321	\$283,913	\$165,408	63%
Council Cont. Res.	\$675,000	\$46,303	\$628,697	7%
Land Acquisition	\$161,221	\$160,000	\$1,221	99%
Transfer to PIP	\$2,823,227	\$2,359,992	\$463,235	84%
Transfer to Self Ins	\$1,199,157	\$1,199,157	\$0	100%
Total	\$18,287,289	\$12,134,427	\$6,152,862	66%

Summary of Major Expenditures by City Manager				
Description	Budget	Award	Sygs/Short	Date
Multi-Use Bridge Design	\$17,477	\$17,477	\$0	5/2/01
Rosewood C/P Bridge	\$12,268	\$12,268	\$0	5/17/01
Tractor Replacement	\$21,500	\$7,395	\$14,105	5/22/01

2001 MONTHLY REPORT **Fire/EMS Department**

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	2001 Y-T-D	2000 Y-T-D
Fire/Accident Calls														
Residential	6	2	5	4	2								19	9
Business/Industrial	1	0	0	0	1								2	4
Other	156	150	133	164	189								792	532
Total Engine Response	163	152	138	168	192								813	545
Dispatched Fire Calls	53	30	37	38	34								192	218
Response Time Fire	4:45	4:02	5:03	4:44	4:26								4:36	4:35
Rescue/EMS														
Trauma	51	51	50	39	85								276	302
Medical	74	79	85	97	91								426	397
Total # Patients	125	130	135	136	176								702	699
Patients Transported	72	70	78	75	78								373	375
Dispatched EMS Calls	110	122	101	130	158								621	622
Total Medic Response	146	145	135	166	183								775	787
Dispatched Fire/EMS Total	163	152	138	168	192								813	840
Response Time EMS	3:54	4:10	4:27	4:23	4:32								4:10	4:07
EMS BILLING														
Patients Billed	98	60	74	74	72								378	350
Revenue Generated	34,515	20,850	25,910	25,680	25,620								132,575	71,647
*Total Revenue Received	12,103	13,682	17,672	14,438	18,867								76,762	55,884

*Revenue Received on All Outstanding Accounts

HUMAN RESOURCES DEPARTMENT

2001 MONTHLY REPORT

REPORT PERIOD	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	2001 YTD TOTAL	2000 YTD TOTAL
1. Authorized Permanent Positions	223	223	223	223	223								223	211
2. Positions Open	14	12	11	9	9								14	14
3. Workers Comp. Claims Filed	2	2	1	5	4								5	4
4. City Veh./Equip. Accidents	2	0	1	1	1									
5. Health Insurance Claims	\$80,652	\$ 43,314	\$55,208	\$72,246	\$53,759								\$305,179	\$ 321,520
6. Law Suit Legal Fees	\$ 3,490	\$ 8,126	\$4,407	\$ 6,168	\$10,827								\$33,018	\$ 21,489

- Police Officer/Police (5); Police Captain/Police (1); Building Inspector/Building (1); Fire Lieutenant-Training/Fire (1); Staff Assistant/City Hall (1).
- Maintenance Technician got debris in eye while mowing (1) Public Works; Maintenance Technician bitten by insects causing pain/swelling (1) Public Works;
- Police Corporal exposed to tuberculosis (1) Police; Firefighter/Paramedic experienced thoracic strain while lifting weights (1) Fire.
- Police Corporal damaged spotlight on patrol car upon striking mailbox. (1) Police.
- Balance remaining in health insurance account: \$113,810.08.
- Lazarus \$1,155.10; O'Keefe \$9,016.55; Tax Equity Issue \$654.99; Pathways \$.55

LEISURE SERVICES MONTHLY REPORT 2001

ACTIVITY DESCRIPTION	UNIT	January	February	March	April	May	June	July	August	September	October	November	December	2001 Year to Date	2000 Year to Date
LIBRARY															
1. Books Circulated	Num.	14,747	14,227	15,771	14,082	14,609	0	0	0	0	0	0	0	73,436	60,200
2. Average Daily Traffic															
a. Monday - Saturday	Num.	561	577	557	526	529	0	0	0	0	0	0	0	539	539
b. Sunday	Num.	287	368	420	346	365	0	0	0	0	0	0	0	286	286
3. Story Time Participants	Num.	74	93	112	108	47	0	0	0	0	0	0	0	434	776
4. Revenue from Overdue Books	Dis.	1,828	1,658	1,679	2,187	1,633	0	0	0	0	0	0	0	8,986	6,084
5. Revenue from Copy Machine	Dis.	717	796	736	946	731	0	0	0	0	0	0	0	3,926	4,166
6. Reference Assistance	Num.	1,303	741	865	787	853	0	0	0	0	0	0	0	4,548	4,778
7. Internet Usage	Num.	1,406	1,472	1,479	1,283	1,430	0	0	0	0	0	0	0	7,070	4,289
8. Renewals by Phone	Num.	927	618	868	786	665	0	0	0	0	0	0	0	3,864	4,220
Leisure Programs															
1. Adult Athletics															
a. Ongoing Programs	Num.	1	2	2	2	2	0	0	0	0	0	0	0	9	8
b. New Programs	Num.	0	0	0	0	0	0	0	0	0	0	0	0	0	1
c. Participants	Num.	240	240	1,248	1,058	1,058	0	0	0	0	0	0	0	3,844	4,124
d. Revenues	Dis.	0	0	18,158	0	146	0	0	0	0	0	0	0	18,304	28,100
e. Expenses	Dis.	0	0	0	3,968	2,833	0	0	0	0	0	0	0	6,801	15,321
f. Refunds	Dis.	0	0	0	0	0	0	0	0	0	0	0	0	0	657
g. Balance (+ or -)	Dis.	0	0	18,158	-3,968	-2,687	0	0	0	0	0	0	0	11,503	\$12,122.00
RECREATION															
Leisure Programs															
1. Classes/Programs															
a. Classes/Programs	Num.	105	118	125	122	110	0	0	0	0	0	0	0	580	498
b. Participants	Num.	3,229	3,037	1,954	3,080	2,871	0	0	0	0	0	0	0	14,181	12,693
c. Revenues	Num.	19,450	23,601	27,710	25,083	19,998	0	0	0	0	0	0	0	115,852	94,007
d. Expenses	Dis.	15,550	18,665	20,585	19,779	15,816	0	0	0	0	0	0	0	90,396	73,480
e. Refunds	Dis.	125	107	1,608	153	90	0	0	0	0	0	0	0	2,083	1,032
f. balance (+ or -)	Dis.	3,775	4,828	5,518	5,160	4,092	0	0	0	0	0	0	0	\$23,373.42	\$19,495.20
2. Special Events															
a. Events	Num.	4	4	3	4	7	0	0	0	0	0	0	0	22	16
b. Participants	Num.	210	245	190	4,852	1,405	0	0	0	0	0	0	0	6,902	1,614
c. Revenues	Dis.	0	2,251	15	0	0	0	0	0	0	0	0	0	2,266	25
d. Expenses	Dis.	0	2,220	0	1,534	2,352	0	0	0	0	0	0	0	6,106	2,126
e. Refunds	Dis.	0	3	15	0	0	0	0	0	0	0	0	0	18	25
f. balance (+ or -)	Dis.	0	28	0	-1,534	-2,352	0	0	0	0	0	0	0	(\$3,858.42)	(\$2,126.00)
Mem Day overtime salaries															
Sports and Facilities															
1. Playing Surface Mowing	Hrs.	31	0	220	350	355	0	0	0	0	0	0	0	956	926
2. Playing Field Preparation	Hrs.	264	725	711	560	502	0	0	0	0	0	0	0	2,762	2,796
3. Building Maintenance	Hrs.	168	200	136	40	60	0	0	0	0	0	0	0	604	719
4. Parks/Pools/Tennis Courts															
a. Safety Inspections	Num.	32	32	32	32	24	0	0	0	0	0	0	0	152	40
b. General Repairs/Maint.	Hrs.	112	109	95	80	85	0	0	0	0	0	0	0	481	714
c. Grounds/Landscape Maint.	Hrs.	512	543	281	211	275	0	0	0	0	0	0	0	1,822	628
5. Litter Removal	Num.	96	120	136	175	175	0	0	0	0	0	0	0	702	600
6. Vandalism Repairs	Dis.	0	0	120	55	25	0	0	0	0	0	0	0	200	0
7. Complaints Answered	Num.	3	4	3	4	4	0	0	0	0	0	0	0	18	0

CRIME REPORT - MAY 2001

PART I CRIMES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD 2001	YTD 2000
MURDER	0	0	0	0	0								0	0
RAPE	0	0	0	0	0								0	1
ROBBERY	0	0	0	0	1								1	1
AGGRAVATED ASSAULT	0	2	2	0	0								4	5
ARSON	0	0	0	1	0								1	0
AUTO THEFT	1	6	1	11	1								20	20
THEFT	16	12	8	11	19								66	92
BURGLARY	2	1	2	0	1								6	6
TOTAL PART I CRIMES	19	21	13	23	22								98	125
ALCOHOL/DRUG ARRESTS														
DUI - TOTAL	16	15	27	18	19								95	68
DUI - ADULT	15	15	26	14	18								88	55
DUI - UNDERAGE	1	0	1	4	1								7	13
OTHER UNDERAGE														
ALCOHOL ARRESTS	9	7	0	13	9								38	71
DRUG ARRESTS	7	18	21	14	8								68	60
ARRESTS														
PROPERTY CRIMES	8	12	4	14	8								46	28
PERSON CRIMES	4	3	9	10	5								31	30
CITY ORDINANCES	43	33	52	48	47								223	243
*OTHER	81	72	67	85	73								378	622
ADMINISTRATIVE AVERAGE RESPONSE TIME	5.21	5.22	5.12	5.32	5.54								5.28	5.35
CALLS ANSWERED	5094	4165	4863	5182	5177								24,481	22,464
TRAFFIC CITATIONS ISSUED	659	585	661	740	788								3433	2928
WARNINGS ISSUED	725	576	676	611	649								3237	2271
ACCIDENTS - TOTAL	63	60	74	83	86								366	348

TOP 5 ACCIDENT LOCATIONS - MONTH TOTAL #

- HWY 54 / HUDDLESTON DR.
- HWY 54 / MARKET PLACE
- HWY 54 / HWY 74
- HWY 74 / ROCKAWAY ROAD
- HWY 54 / PEACHTREE PARKWAY

8
6
5
4
3

TOP 5 ACCIDENT LOCATIONS - YEAR TOTAL #

- HWY 54 / HWY 74
- HWY 54 / HUDDLESTON DR.
- HWY 74 / CROSSTOWN RD.
- HWY 54 / PEACHTREE PARKWAY
- HWY 54 / MARKET PLACE

29
11
9
9
9

2001 MONTHLY REPORT
PUBLIC SERVICES DIVISION

Activity Description	Unit	2001												YEAR-TO-DATE	YEAR-TO-DATE
		January	February	March	April	May	June	July	August	September	October	November	December		
CART PATHS															
1. Const./Reconst./Overlay	Ft.	0	0	12	1,250	1,000								2,262	5,406
2. Drainage Maintenance	Hrs.	270	297	465	291	164								1,487	455
3. General Maintenance	Hrs.	201	164	201	134	248								948	1,212
4. Mowing	Hrs.	0	0	0	92	105								197	306
5. Litter Removal	Hrs.	75	60	60	53	71								319	286
FLEET MANAGEMENT															
1. Equipment Maintenance	Hrs.	16	59	40	5	15								135	152
2. Equipment Repairs	Hrs.	138	89	105	135	257								724	741
3. Vehicle Maintenance	Hrs.	168	134	115	201	131								749	564
4. Vehicle Repairs	Hrs.	262	212	229	251	225								1,179	1,248
5. Fleet Down Time	Hrs.	595	505	498	599	629								2,826	2,691
RIGHT OF WAY															
1. Litter Removal	Hrs.	410	400	369	329	281								1,789	1,639
2. Right-of-Way Mowing	Hrs.	0	0	0	540	849								1,389	1,929
3. General Maintenance	Hrs.	656	649	1,084	186	347								2,922	3,299
LANDSCAPE															
1. Litter Removal	Hrs.	0	30	38	12	36								116	292
2. Mowing (Sub. Entrances)	Hrs.	0	0	158	888	732								1,778	1,631
3. General Maintenance	Hrs.	1,045	443	617	277	441								2,823	2,350
4. Planting	Hrs.	90	267	8	0	0								365	123
RECYCLING SITE															
1. City Employees Hours	Hrs.	235	103	79	66	72								555	538
2. City Employees Salaries	Dis.	3,760	1,304	1,256	1,112	1,212								8,644	4,246
3. Revenues	Dis.	652	495	529	504	497								2,677	3,213
4. Participants															
a. Recycling	Num.	641	605	634	727	2,043								4,650	3,347
b. Composting	Num.	1,166	1,124	1,043	1,692	1,542								6,567	6,610
c. Mulch (Pick Up)	Num.	70	177	135	217	504								1,103	989
SIGN MAINTENANCE															
1. Building Maintenance	Hrs.	21	20	22	16	21								100	106
2. Subdivision Sign Maintenance	Hrs.	76	78	87	41	85								367	535
3. Traffic Sign Maintenance	Hrs.	156	156	174	72	148								706	822
STREETS															
1. Street Sweeping	Hrs.	137	17	23	8	8								193	189
2. Pavement Patching	Hrs.	0	45	75	158	123								401	514
3. Drainage Maintenance	Hrs.	113	150	227	137	62								689	557
4. General Maintenance	Hrs.	491	761	573	483	634								2,942	1,788
MISCELLANEOUS															
1. Vandalism	Dis.	149	161	205	97	127								739	549
2. Complaints Answered	Num.	28	24	47	47	36								182	215
3. Wash Police Cars	Hrs.	0	6	23	2	2								33	212

May

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *[Signature]*
Director of Financial Services *P.S.*

FROM: Purchasing Agent *[Signature]*

DATE: June 22, 2001

SUBJECT: Resolution for Purchasing Card Application

As you know we have been working on making Purchasing Cards available for city use. Last month the Purchasing Card Policy was approved and now we need to send Bank of America the application for the VISA Purchasing Cards. Part of the application is a resolution from the Mayor and City Council giving permission for the use of the cards. Numerous banks have purchasing card programs, but we have chosen Bank of America because they have the State of Georgia Contract and there will be no fees involved with using the program that they have in place. The other banks all have fees involved with the use of the purchasing card programs. I have attached the Bank of America Price Schedule that shows that the fees for using the cards are waived.

At this time I am asking for Council to give the Mayor approval to sign the attached resolution so that we can send in the application to Bank of America for the VISA Purchasing Card Program.

Attachment

The State of Georgia

Bank of America Purchasing Card Price Schedule

Description	The State of Georgia	Standard Fee Schedule
PAYMENT FREQUENCY –	<i>30-day billing payment due date options 14,25 days after billing.</i>	
Annual Cardholder Fee	<i>Waived</i>	<i>Negotiated per deal</i>
Transaction Fee	<i>Waived</i>	<i>Negotiated per deal</i>
Payment Processing Fee	<i>Waived</i>	<i>Negotiated per deal</i>
InfoSpan Software	<i>Waived</i>	<i>Negotiated per deal</i>
Card Program Administrator Software	<i>Waived</i>	<i>Negotiated per deal</i>
Late Fee	<i>Waived</i>	<i>2.5% of past due amount</i>
Finance Charge	<i>Waived</i>	<i>Prime + 5%</i>
Insufficient Funds Fee	<i>\$20.00</i>	<i>\$25.00</i>
Rush Card Fee (Express Mail)	<i>Waived</i>	<i>Cost determined by carrier</i>
Logo Fee	<i>Waived</i>	<i>Negotiated per deal</i>
Unique Card Design	<i>Waived</i>	<i>Negotiated per deal</i>
Draft Retrieval Request	<i>\$3.00 When no billing dispute</i>	<i>\$3.00 per request</i>
Program Implementation	<i>Waived</i>	<i>Negotiated per deal</i>
Training	<i>Waived</i>	<i>Negotiated per deal</i>
EDI 811	<i>Waived</i>	<i>Negotiated per deal</i>
Statement Billing File	<i>Waived</i>	<i>Negotiated per deal</i>
Paper Reports	<i>Waived</i>	<i>Negotiated per deal</i>

Proprietary and Confidential

Purchase Card

Bank of America



**State of Georgia
Bank Of America
Purchasing Card
Application**

Bank of America



STATE OF GEORGIA / BANK OF AMERICA VISA PURCHASING CARD APPLICATION

Does your Organization currently bank with Bank of America?

Yes

No

Organization Information (Please type or print):

Name of Organization (As it will appear on card): Limit 24 spaces:

C I T Y O F P E A C H T R E E C I T Y

Organization Legal Name City of Peachtree City

Street Address 151 Willowbend Road

City/State/Zip Peachtree City, GA 30269

Tax ID # 58-1079955

Business Phone (770) 487- 7657

No. of Employees 223 Full time positions

Type of Organization:

Community College

Special District (type)

X Municipality

District School Board

Other (specify)

County

County Constitutional Office (specify)

Program Administrator(s): (attach additional list if necessary)

Name Marcie Blind

Title Purchasing Agent

Business Address 151 Willowbend Road

City Peachtree City State GA Zip 30269

Business Phone (770) 631-2515

E-mail address mblind@peachtree-city.org

Fax number (770) 631-2505

Name

Title

Business Address

City

State Zip

Business Phone

E-mail address

Fax number

Program Information:

1. What is the total dollar amount of your annual purchases under \$5,000? \$1,244,855

2. What is your projected annual spending volume with the Purchasing Card (total)? \$192,781

3. What is your average small dollar purchase amount (for use as a guideline)? \$116

4. What types of purchases do you plan to use the Purchasing Card for (travel, office supplies, etc.)? Travel expenses, office supplies, auto parts, hardware store items

5. How many cards do you anticipate initially? 30 At full implementation? 100

6. When do you plan to implement a Purchasing Card program (target date)? August 1, 2001

Resolution

Legal Name of Municipality City of Peachtree City

Address 151 Willowbend Road

City/State/Zip Peachtree City, Georgia 30269

I, Jane Miller, City Clerk of the above named Municipality (the "Municipality") do hereby certify that I am the keeper of the records, corporate seal and minutes of the proceedings of the governing board of the Municipality; that on the 5th day of July, 2001, a meeting of the said Board was held in accordance with the laws of Georgia and the Bylaws of the Municipality, that a quorum of Board members was present, and the following resolutions were duly and legally passed:

Copy of Resolutions:

Be it Resolved, that the following elected official

Title
Mayor

Name
Robert L. Lenox

of the Municipality (the "Designees"), or any Council member of them be and they/he hereby are/is authorized for and on behalf of and in the name of the Municipality, for such time, at such interest rates, and on such other terms and conditions as are deemed expedient by the Designees to negotiate and procure credit from Bank of America, N.A. ("Bank of America") on VISA Purchasing card(s), to designate the officer(s) or employee(s) to receive and execute the application and provide any other documents or information required by Bank of America as a requirement of issuing such Purchasing card(s). The authority herein given and the designation of officer(s) or employee(s) shall remain irrevocable as far as Bank of America is concerned until Bank of America is notified in writing of the revocation of such authority and shall have acknowledged in writing receipt of such notification.

Be it Further Resolved, that such Purchasing cards, the debt created by their use and any security interest pertaining to that debt, issued to designated officer(s) or employee(s) of the Municipality shall represent legal and binding obligations of the Municipality; and that Bank of America is hereby authorized and directed to pay the proceeds of any such credit without the necessity to look to the use of the credit or of the account, whether such account is opened or maintained by the Designees, or others as designated by the Designees, in their individual capacities or not, and whether funds from the use of such accounts are deposited to the individual credit of, or used for the individual credit of, or used for the individual purposes of, the Designees, or others designated by the Designees, or not.

Be it Further Resolved, the Municipality shall indemnify and hold harmless Bank of America from any claim, loss, cost, damage, liability or expense arising out of its actions in reliance on this Resolution.

I Hereby Further Certify that the seal affixed hereto is the Seal of the Municipality; that the individuals named above are the duly elected incumbents of the respective offices of the Municipality set forth opposite their respective names; and that the signatures set opposite their respective titles are the genuine, original signatures of each respectively:

(Please supply genuine signatures hereunder)

Title

Name (printed or typed)

Specimen Signature

I have hereunto affixed my name as City Clerk and have caused the Seal of the Municipality to be affixed this _____ day of _____, 2001.

City Clerk

Planned Reporting Method:

EDI

Statement Billing (ASCII File)

InfoSpan 2.0 ☒

Paper

Planned Payment Method:

ACH Credit

ACH Debit ☒

Wire Transfer

Signature and Authorization:

The Organization named above (the "Organization"), by the signature of its authorized officer or employee below, requests that a Visa Purchasing Card account be established by Bank of America, N.A. in the name of the Organization, and that Visa Purchasing Cards be issued to the representatives of the Organization as the Organization designates from time to time. The Organization agrees to be liable for transactions made on the account, and shall pay Bank of America, N.A. the account charges in accordance with Bank of America's response to the State of Georgia's RFP #SWC 60695 and amendments which may be added from time to time (the "Agreement"). The Organization hereby acknowledges receipt of a copy of the Agreement. The Organization understands that its participation in the Purchasing Card Program may be immediately terminated if it fails to make timely payments hereunder. If Agreement should terminate, Bank of America may, at its option, upon notice to the Organization, terminate Organization's account or issue new terms for the account. I hereby certify that I am authorized to sign this application for the Bank of America Purchasing Card Program and to contractually bind the Organization to all terms and conditions found herein, without limitation, for the duration of the said contract.

Name (print): Robert L. LenoxTitle: Mayor

Signature: _____

Organization: City of Peachtree City

Date: _____

TO ENSURE PROMPT PROCESSING, CONFIRM THAT THE FOLLOWING IS PROVIDED:

✓ **Complete Application:** Complete all sections of the Application including Signature(s) and Authorization and Resolution.

✓ **Financial Statements:** Enclose the three most recent years audited financial statements or three most recent years tax returns (if applicable).

✓ **Submit the completed Application, along with required documentation to:**

Bank of America
Mr. Evan Tullos
13099 U.S. 41 Southeast, Suite 400
Fort Meyers, FL 33907

For question about the application contact Evan Tullos at (941) 433-6105

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

VIA: City Manager 
Director of Developmental Services 
Director of Financial Services P.S. 

FROM: City Engineer 

DATE: June 28, 2001

SUBJECT: Traffic Impact Analysis Costs

Since the time the traffic impact ordinance was passed, periodic updates of the SR-54 traffic model were completed to include 'background' traffic created by projects not reaching the 100 peak-hour trip threshold. These updates were being funded from the Council Contingency account. Reimbursement of the costs is not possible, however, as the updates cannot necessarily be attributed to any one project. All other project related traffic impact evaluation expenses were recovered from associated developments.

With the current sensitivity to expenses from the contingency funds, city staff is requesting authorization to expend funds from the Council Contingency account to cover the following costs of updating the SR-54 traffic model.

The two most recent updates were conducted to obtain the most accurate determination possible for two significant projects. The first update was performed in April in anticipation of the Centennial project determination, which was next in line for analysis. The update sought to incorporate the 'background' traffic since the last update about 18-months ago. The cost for this update was \$4,200. With that update in place and the determination made from the Centennial project, the Avenue had their grand opening, with most of the shopping center occupied.

Therefore, staff sought to conduct one more update prior to reviewing the West Village project (Home Depot/Wal-Mart) again, as their determination had lapsed. With the opening of the Avenue and the potential for the project to fail the determination, we requested URS to conduct a second update in as many months. The West Village project passed the determination with one new mitigation project (EB-54 through and right turn lane from 200 feet west of Planterra to right turn lane onto Huddleston). The cost for this update was \$4,500.

City staff recommends that Council authorize these updates be funded from the Council Contingency account.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Manager 
DATE: June 29, 2001
SUBJECT: Wal-Mart/Home Depot Status Discussion

Council, this item was tabled at the June 7, 2001, meeting and reset for this meeting.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

FROM: Jim Basinger 

DATE: May 31, 2001

SUBJECT: Discuss Status of Home Depot/WalMart Projects

Councilmember Tennant requested that this item be placed on the June 7 council agenda. He will speak on this matter at the meeting.

Jim Basinger

From: Richard Lindsey [rlindsey@webb-firm.com]
Sent: Thursday, July 05, 2001 12:28 PM
To: Jim Basinger
Subject: Revised RAM Development Agreement



Draft V Development
Agreement....

I have finalized the agreement after my conversations with city staff this morning. If you wish to discuss further with me, please call.

<<Draft V Development Agreement.doc>>

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> broad range of legal services to individuals and businesses, including
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DEVELOPMENT AGREEMENT

This development agreement ("Agreement") is entered into by Ram Development Group, Inc. ("RAM"), Home Depot U.S.A., Inc. ("Home Depot"), Wal-Mart Stores, Inc. ("Wal-Mart") and their respective successors and assigns (collectively, "Developers") and the City of Peachtree City, Georgia, (the "City") to provide for the orderly development of the property known as the Huddleston tract on Georgia 54 west (the "Property").

WHEREAS, RAM submitted to the City a proposed conceptual site plan on August 19, 1999, for the Wal-Mart and Home Depot projects on the Property which was rejected by the City staff as failing to meet the requirements for a conceptual site plan;

WHEREAS, RAM and Home Depot submitted to the City a revised conceptual site plan on October 22, 1999, pursuant to the City's suggestions for Phase I of the Property (attached as Exhibit "A" and hereinafter referred to as the "Site Plan, Phase I");

WHEREAS, the Site Plan, Phase I was denied for approval on November 22, 1999, by the Peachtree City Planning Commission;

WHEREAS, RAM and Home Depot appealed the denial of the approval of the Site Plan, Phase I to the City Council ("Appeal I");

WHEREAS, the City Council heard the Appeal I on December 16, 1999;

WHEREAS, as a result of the Appeal I, the City, by and through its Mayor and Council, and Developers voluntarily agree that the Site Plan, Phase I is approved with certain conditions which were established between the City and Developers through various meetings and accepted by the Developers as expressed at the December 16, 1999, City Council meeting;

WHEREAS, RAM and Wal-Mart submitted to the City a conceptual site plan in January, 2000, for Phase II of the Property (attached as Exhibit "B" and hereinafter referred to as the "Site Plan, Phase II");

WHEREAS, the Site Plan, Phase II was denied for approval on July 24, 2000, by the Peachtree City Planning Commission based on the City's traffic impact (codified in Sections 1201 - 1209, Land Development Ordinance) (hereinafter "Traffic Impact Ordinance");

WHEREAS, RAM and Wal-Mart appealed the denial of the approval of the Site Plan, Phase II to the City Council ("Appeal II");

WHEREAS, the City Council heard the Appeal II on November 2, 2000;

WHEREAS, as a result of the Appeal II, the City, by and through its Mayor and Council,

and Developers voluntarily agree that the Site Plan, Phase II is approved with certain conditions which were established between the City and Developers through various meetings and accepted by the Developers as expressed at the November 2, 2000, City Council meeting; and

WHEREAS, it is the intent of this Agreement to finalize the terms of the Site Plan, Phase I and of the Site Plan, Phase II ("Combined Conceptual Site Plan") and all conditions to which the parties have agreed.

NOW THEREFORE, in exchange of the mutual promises and considerations contained herein, the parties agree the Combined Conceptual Site Plan is approved and said approval is conditioned further as follows:

1. (a) Developers agree to be responsible for making certain road improvements and paying all construction and associated costs therewith as shown in the set of construction plans as approved by Georgia Department of Transportation (through Permit Number _____, which a copy of said permit is attached hereto as Exhibit "D" and the corresponding road improvements are hereinafter referred to as "Road Improvements"). In addition, Developers shall use reasonable efforts to obtain approval from the Georgia Department of Transportation (hereinafter "DOT") to construct the additional improvements as shown in Exhibit "D-1" (hereinafter "Revised Road Improvements").

(b) Should Developers fail to commence construction of the Road Improvements by August 15, 2001, then the parties shall convene by no later than August 22, 2001, to determine if Developers should have additional time to commence construction on the Road Improvements and establish a new date for commencement of construction. In determining if the Developers should have additional time, the parties shall excuse events of *force majeure* and all actions of the City which adversely affected the Developers' ability to commence construction. Should the parties fail to establish a new date for the commencement of construction, then the City shall be free to construct any and all of the Road Improvements and shall be reimbursed by the Developers for all costs incurred in the construction of the Road Improvements within thirty (30) days from sending Developers an invoice.

(c) For purposes of this Agreement, "commence construction" shall mean the mobilization of equipment and personnel for purposes building the Road Improvements.
2. It is the understanding of the parties that the Developers have obtained all needed approvals and permits from DOT for the Road Improvements. However, if the parties are mistaken and all needed approvals and permits from DOT for the Road Improvements have not been obtained, then the Developers agree to obtain approval and all necessary permits from DOT for the Road Improvements prior to the issuance of any development permits by the City. If such DOT permits and approvals cannot be obtained by Developers, then Developers may select other road and traffic-related improvement options presented in the URS Corporation

report provided that the City, the City's traffic engineer, and Developers agree on any such alternatives provided that such alternatives will comply with the requirements of the Traffic Impact Ordinance. Furthermore, Developers shall exercise good faith efforts to obtain approval and permits from DOT for the Revised Road Improvements between the execution of this Agreement and sixty (60) days following commencement of construction of the Road Improvements; however, should Developers be unsuccessful in so obtaining the approval and permits for the Revised Road Improvements from DOT, then the City shall not withhold Certificates of Occupancy from the Developers.

3. The Road Improvements shall be completed by the Developers and approved by DOT prior to the issuance of a Certificate of Occupancy by the City to the Developers for any of the projects constructed on the Property. If Developers have obtained the approval and permits for the Revised Road Improvements, then the Revised Road Improvements shall be completed by the Developers and approved by DOT prior to the issuance of a Certificate of Occupancy by the City to the Developers for any of the projects constructed on the Property.
4. The Developers agree to provide green space as shown on the Combined Conceptual Site Plan.
5. The Property will be developed architecturally generally as shown on the attached Exhibits "E" and "F" as long as the final site plan is mutually acceptable to the City and to the Developers. The Developers agree to provide the City with plans, acceptable to the City, for building architecture, exterior lighting, and signage, as shown in Exhibits "E" and "F," and those plans shall be reviewed by the City as part of final site plan approval process unless those plans have been approved by the City prior to the execution of this Agreement. Furthermore, Developers shall submit a landscaping plan in the normal course of business for approval by the City. The City will not unreasonably withhold approval of the final site plan and landscaping plan.
6. The Developers agree to abide by local ordinance (Sec. 66-169) regarding outdoor displays which, if not contained within an enclosed area, must be in the area which is within six (6) feet of exterior walls with additional restrictions.
7. The undeveloped commercial parcels of property identified as Out-parcels 1 and 2 on the Combined Conceptual Site Plan shall not be developed unless the development of each such property complies with the Traffic Impact Ordinance.
8. At the execution of this Agreement, the Developers shall reimburse the City for all expenses it has incurred with URS Corporation and its predecessor, which are related to this project, and which are currently \$26,407.55. Additionally, at the execution of this Agreement, the City shall issue all site development approvals and permits provided: (1) Exhibits "E" and "F" and a final site plan have been approved by the City, and (2) DOT has issued permits for the Road Improvements as shown on Exhibit "D" to the Developers or their designee.
9. The Developers agree that nothing contained in this Agreement shall obviate the requirement

that the Developers comply with all City ordinances, building codes and development standards. With respect to all these requirements, the City will not unreasonably withhold approval. All parties agree that the requirements of the Traffic Impact Ordinance have been met under the terms and conditions of this Agreement.

10. The Developers agree that this Agreement shall be binding on Ram Development Group, Inc, Home Depot U.S.A., Inc, Wal-Mart Stores, Inc., their respective successors-in-title to the real property, any other entities by which each may be known, all assigns, successors-in-interest to the development, and any entity taking possession of this development. The Developers agree to include the restrictions and covenants contained herein which restrict outdoor marketing: (1) on any and all deeds transferring said property, or (2) on the real estate agreement to be entered into by the Developers, or (3) on any other written document, provided, whichever method is utilized by the Developers, the said restrictions and covenants appear in the chain of title for the Property for all future purchasers. If Developers fail to include said restrictions and covenants on a document which appears in the chain of title for the Property, the City shall have the option to file said restrictions and covenants in the chain of title of the Property to ensure that the restrictions and covenants will run with the land.
11. All parties agree that this Agreement is entered into voluntarily, that all parties will incur their own legal expenses and other related expenses, and that this Agreement resolves all disputes currently existing between the parties.
12. In the event an ambiguity exists in the interpretation or implementation of this Agreement, the parties will first look at the Agreement and the attached Exhibits to clarify such ambiguity. In the event the ambiguity is still not resolved, the parties will next look to the Combined Conceptual Site Plan, and, then, if necessary, to the rules, regulations, and ordinances of the City.
13. Any ambiguity in the nature and extent of the Road Improvements agreed to in this Agreement shall be resolved by referencing solely the DOT permit(s), which is/are attached as Exhibit "D" and Exhibit "D-1" if such additional permit is obtained as provided herein.
14. If Developers fail or choose not to develop this property as presented to the City Council at Appeal I and Appeal II, then Developers shall have no obligation under this Agreement to construct the Road Improvements or Revised Road Improvements. Likewise, if Developers fail or choose not to develop this property as presented to the City Council at the either Appeal I and Appeal II, then Developers shall have no rights which may have been granted by the City to Developers under this Agreement.

15. All notices under this Agreement shall be sent to:

For the City:

City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269
Attn: Jim Williams

Richard P. Lindsey, Esq.
Webb, Lindsey, Collins Jones & Wade, LLC
400 Westpark Court, Suite 220
Peachtree City, Georgia 30269

For Developers:

RAM Development Group, Inc.
1915 Airport Road, Suite 2-D
Atlanta, Georgia 30341
Attn: Doug McMurray

Home Depot USA, Inc.
2455 Paces Ferry Road, C-20
Atlanta, Georgia 30339-4024
Attn: Corporate Counsel and Real Estate Divisions

Wal-Mart Stores, Inc.
2001 S.E. 10th Street
Bentonville, Arkansas 72716-0550
Attn: Legal Department and Real Estate Manager

G. Douglas Dillard, Esq.
Dillard & Galloway, LLC
1500 Monarch Plaza
3414 Peachtree Road, N.E.
Atlanta, Georgia 30320

Theodore H. Sandler, Esq.
Kritzer & Levick, P.C.
6400 Powers Ferry Road, N.W.
Suite 200
Atlanta, Georgia 30339

Elizabeth Gray Tatum, Esq.
Tatum, Levine & Powell, LLP
4512 Rebel Valley View Drive
Atlanta, Georgia 30339

IN WITNESS WHEREOF, the parties, by and through their respective representatives,
have entered into this Agreement on the date of which the last signature was affixed hereto.

RAM Development Group, Inc.

Date signed: _____

By: _____
(Name/Title) _____

Home Depot USA, Inc.

Date signed: _____

By: _____
(Name/Title) _____

Wal-Mart Stores, Inc.

Date signed: _____

By: _____
(Name/Title) _____

The City of Peachtree City

Date signed: _____

By: _____
Robert L. Lenox, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: Administrative Services Director/City Clerk 
DATE: June 27, 2001
SUBJECT: Alcohol – NEW – KROGER #654 – (Formerly Harris Teeters)

Due to the recent acquisition of the Harris Teeter Grocery Store by The Kroger Company, Mr. Timothy Floyd Brown has applied to be the Licensee, and Mr. Russell E. Stewart has applied to be the License Representative for the new Kroger #654 located at 100 North Peachtree Parkway.

The Police Chief is conducting the appropriate background checks and that information should be available for your review at the July 5th Council meeting. Mr. Brown was previously appointed as the Licensee for the Kedron Kroger Store #422 on January 6, 2000 (although he is not the *current* Licensee). Mr. Russell E. Stewart is the current License Representative at the Kedron Kroger Store #422.

The Kroger Company has asked that this request be approved pending the results of the background checks.

:gr

Attachments

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Clerk 
DATE: July 5, 2001
SUBJECT: KROGER LICENSEE/LICENSE REPRESENTATIVE
CRIMINAL HISTORY BACKGROUND APPROVALS

Attached are copies of the Police Department's approvals of the criminal history background investigations for Mr. Timothy Floyd Brown and Mr. Russell E. Stewart. Mr. Brown has applied to be the Licensee and Mr. Stewart has applied to be the License Representative for the new Kroger Store # 654, located at 100 N. Peachtree Parkway, in Peachtree City.

Mr. Stewart will attend the July 5th Council meeting to answer any questions you may have.

JSM:gr



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

I, Major of Police Mike DuPree, for the City of Peachtree City, do hereby certify that:

Timothy Floyd Brown
Name

420 Bethany Green Cove Alpharetta, GA 30004
Address

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

Mike DuPree
Signature

07/02/01
Date

[Signature]
Witness



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

I, Major of Police Mike DuPree, for the City of Peachtree City, do hereby certify that:

Russell E. Stewart
Name

245 Richmond Place Newnan, GA 30265
Address

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

Mike DuPree
Signature

07/02/01
Date

[Signature]
Witness



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: Kroger #654	Business Location: 100 N. Peachtree Pkwy. Peachtree City, GA 30269	
Nature of Business: Grocery Store	Mailing Address: 2175 Parklake Dr. ATTN: S.O.S. Department Atlanta, GA 30345	Business Phone Number: 678-364-0318
Name of Licensee: The Kroger Co. Timothy Floyd Brown	Home Address: 420 Bethany Green Cove Alpharetta, GA 30004	Home Phone Number: 770-496-7420
Name of License Representative: Russell E. Stewart	Home Address: 245 Richmond Place Newnan, GA 30265	Home Phone Number: 770-252-1628

Please indicate type of licenses applying for:

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

Please complete information below (use separate sheet if necessary)

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
The Kroger Co.	2175 Parklake Dr. ATTN: S.O.S. Dept. Atlanta, GA 30345	770-496-7420
Russell E. Stewart	245 Richmond Place Newnan, GA 30265	770-252-1628

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

POSITION PAPER
Proposed Rezoning: Haynes property
108 Carriage Lane, Shakerag Plantation Subdivision
Director of Developmental Services *JBW/ge*
June 28, 2001

Situation:

Mr. and Mrs. Thomas C. Haynes own the property at 108 Carriage Lane; Lot 5, Block B of the Shakerag Plantation Subdivision. They desire to subdivide their property to create a second building lot so their son can construct a home adjacent to their existing home. In order to subdivide the lot into two lots, it will be necessary to first rezone the property. Mr. Haynes has filed a request for rezoning (Attachment "A").

Facts:

1. The Shakerag Plantation Subdivision contains 10 estate lots. The subdivision has been zoned ER Estate Residential since its creation almost 30 years ago. The minimum lot size in that zoning district is three acres. The Haynes property is 3.82 acres (Attachment "B").
2. The Land Use Plan calls for the subdivision to be used for low-density, single-family residential purposes on lots of at least three acres.
3. If rezoned as requested, Lot 5 would be subdivided into two lots, one of 2.0 acres containing the existing house and one of 1.82 acres for the construction of a new house (Attachment "B").
4. The property is bordered on the west by two parcels. The first parcel is owned by Mr. Mascara. It is a non-conforming lot of about one acre with an occupied house on it. It is zoned ER Estate Residential, and it is accessed via Old Stagecoach Road. The second parcel is a 32-acre undeveloped subdivision owned by Katherine Palmer and Mike Hyde. It is zoned LUR-9 Limited Use Residential for 12 low-density residential lots, one of which is one acre and the remaining 11 range from 2.48 acres to 3.12 acres. The one-acre lot is west of the Mascara lot and also fronts on Old Stagecoach Road (Attachment "C").
5. The property is bordered on the south by Old Stagecoach Road, and across the road is the property for the proposed Methodist Church complex which is zoned ER Estate Residential.
6. The property is bordered on the east by Lot 4, Block B, in the Shakerag Plantation Subdivision which is owned by Mr. Jackson and is zoned ER Estate Residential.

7. The property is bordered on the north by Carriage Lane; and across the street is Lot 5, Block A, which is owned by Mr. and Mrs. Raney and zoned ER Estate Residential.
8. Both Raney and Jackson appeared at the Planning Commission hearing to oppose the proposed rezoning.
9. At its meeting on June 11, 2001, the Planning Commission by a vote of 4 to 1 recommended that Council not approve the proposed rezoning because it was inconsistent with the surrounding zoning and not in accordance with the Land Use Plan.

Recommendation:

The Staff joins the Planning Commission in recommending that the proposed rezoning be denied. The applicant wants to extend an existing LUR district into an established Estate Residential subdivision for the sole purpose of creating an additional lot. The Zoning Ordinance would allow a guest house for a relative to be constructed on the Haynes property without rezoning, but the applicant clearly and understandably would like to be able to sell the new house at a later date separate from the existing house. This would not be possible if the second house was developed as a guest house. They would both have to be sold together. A rezoning in this instance would set a bad precedent that could affect other subdivisions in the future, and it would create a situation that would not be consistent with property in the area, other than with the non-conforming lots along Old Stagecoach Road.

JBW/jir

Attachments "A" - "C"

Dwelling, two-family: A detached dwelling designed for, or occupied exclusively by, two families living independently of each other.

Dwelling unit: One or more rooms within a dwelling forming a separate, independent housekeeping establishment for use on a basis involving owner occupancy or rental of a weekly, monthly or longer basis, with provision for cooking, eating and sleeping, and which is physically set apart from any other rooms or dwelling units in the same building.

Elevation, front: The view of a building or group of buildings as seen from directly in front of the structures.

Employee: A full-time employee of a business or industry. For purposes of determining parking requirements where employees work in shifts the required parking space shall be adequate for the number of employees on the maximum shift plus the number of employees on the next to maximum shift in order to accommodate the shift change peak parking requirement.

Family: One or more persons occupying a single dwelling unit, provided that unless all persons are related by blood or marriage, or are lawful wards, no such family shall contain more than two persons.

Flood boundary: The area possibly threatened by a flood, as displayed on the Peachtree City flood boundary and floodway map.

Floor area: The area of a dwelling exclusive of attic, basement, garage, carport, patios, and open porches measured from the exterior face of the exterior walls of a dwelling. Also, the gross leasable floor area for any business or industry based on interior dimensions.

Garage, private: An accessory building or portion of a principal building used only for private storage of permitted motor vehicles.

Garage, public: Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting, or equipping of automobiles or other motor vehicles.

Garage, repair: A public garage intended to be used to make major commercial automobile or other motor vehicle repairs; provided that all body work and painting shall be conducted within fully enclosed buildings, and further provided that there is no open storage of junk, wrecked vehicles, dismantled parts, or supplies visible beyond the premises.

Guest house: Living quarters situated within an attached or detached accessory building located on the same premises as the principal building; such quarters shall be used only by bona fide nonpaying guests or relatives of the owners or occupants of the principal building and shall not be rented or otherwise occupied as a separate dwelling. In certain zoning districts, a guest house may be permitted as the principal building on a zoning lot, but on the same conditions as stated above.

- (h) Minimum front setback depth:
 - VR—50 feet.
 - VR 22—50 feet.
 - VR 12—35 feet.
 - (i) Minimum side setback depth:
 - VR—15 feet.
 - VR 22—15 feet.
 - VR 12—15 feet.
 - (j) Minimum rear setback depth: 30 feet.
 - (k) Maximum building height: 35 feet.
 - (l) Parking: See section 909.
 - (m) Signs: See Peachtree City sign ordinance.
 - (n) Zoning lot must have direct access onto a public street.
(Ord. No. 174(c), 1-25-1979; Ord. No. 259, 5-6-1982; Ord. No. 366, § 19, 5-22-1985)
- Cross reference**—The "sign ordinance" is found in § 66-1 et seq. of the Code.

Sec. 1003. [ER] estate residential district.

(1003.1) *Intent of district:* It is intended that the ER zoning district be reserved and developed for low-density residential purposes where agriculture-type conditional uses would be expected. The regulations which apply to this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on zoning lots having an area of three acres or more with provisions for on-site sewage disposal and limited agricultural activities. These regulations are also intended to discourage encroachment by commercial, industrial or other uses capable of adversely affecting the intended residential character of the district.

(1003.2) *Permitted uses:* The following uses shall be permitted in an ER zoning district:

- (a) One-family dwelling (other than a mobile home), including a guest house facility.
- (b) One-family dwelling (other than a mobile home) using primarily as a guest house or second home.
- (c) Publicly owned building, facility or land.
- (d) Building, facility or land for the distribution of utility services.
- (e) Building, facility or land for noncommercial park, recreation, thoroughfare, or open space purposes.
- (f) Private boat dock, fishing pier, boathouse, and related accessory concession and support facilities.
- (g) Accessory uses: See section 908.

- (e) 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.
- (f) Private school, nursery or day care facility on the following conditions:
- (1) No building is constructed within 75 feet of the property line of any adjoining residential zoning lot.
 - (2) The setback and height requirements for the district are maintained.
 - (3) The zoning lot has direct access onto an arterial or major collector road.

PH-01-04

**Proposed Rezoning, Lot 5, Block B, Shakerag Plantation Sub-
division, 108 Carriage Lane, ER to LUR-9A**

Mr. Saunders opened the public hearing at 7:30 p.m.

The property owner, Mr. Thomas Haynes, was in attendance to present the request to rezone this 3.82-acre property at 108 Carriage Lane. It was zoned ER Estate Residential, and he was asking that it be rezoned to LUR-9A Limited Use Residential to allow the subdivision of the property into two parcels. He stated that the reason for the rezoning was to allow their son to build a home next to theirs so he would be close by in case of an emergency.

Mr. Haynes reviewed the rezoning history in the Carriage Lane area. He stated that they were not concerned with the zoning district that would be assigned to their property as long as their son would be allowed to build a home next to theirs.

Mr. Haynes referred to Amendment 14 to the U.S. Constitution which was dated 1868. He highlighted several words used in this amendment and read their definitions from a Webster's Dictionary of 1847. He felt it was safe to assume the intent of this amendment based on these definitions. They felt that a vote that deprived them of the right to build this home would violate their rights under Amendment 14 to the Constitution.

Mr. Haynes noted that the Ordinance would allow them to build a guest house on their property. He said they had considered this but, for financial reasons, would prefer not to.

Mr. Rast explained that this property was located within Shakerag Plantation which was initially recorded in the early 1970's as a 10-lot subdivision with all lots exceeding three acres in size. The Haynes property comprised 3.82 acres and was zoned ER. It conformed to the overall lot sizes in the subdivision as well as the Land Use Plan which called for low-density residential development with individual lots of at least three acres for the area south of GA 54 and east of Robinson Road.

Mr. Rast reviewed the zoning classifications of the surrounding properties and explained that the 31.75-acre tract to the east was recently rezoned to LUR Limited Use Residential to allow a subdivision of 12 single-family detached residential lots. This property had been involved in litigation for many years, and the rezoning proposal was an attempt to resolve the outstanding problems and settle the litigation. He explained that the reason the rezoning was approved was because some of the lots within the subdivision were smaller than the three acres required under ER zoning.

The Mascara property to the west was approximately 0.95 acres in size and had been zoned ER for many years. Access to this property was from Old Stagecoach Road. The

properties to the north and west were 3.68 acres and 3.98 acres in size and within the Shakerag Plantation subdivision. They were zoned ER and conformed to the Land Use Plan.

Mr. Rast stated that Mr. Haynes was proposing an expansion of an existing LUR zoning into an established subdivision of 3+ acre lots. He added that, although Staff sympathized with Mr. Haynes' desire to subdivide the property, the Staff recommendation was that the proposed rezoning be denied because it was not in accordance with the Land Use Plan. It was felt this would set a precedent that could potentially allow similar subdivisions within the ER zoning district.

Mr. Joe Jackson of 106 Carriage Lane lived next door to the Haynes. He noted that Mr. Haynes cited several portions of the Fourteen Amendment to the Constitution to support his request. However, Mr. Jackson stated that for all of those same reasons, he opposed this proposal and wanted the zoning to remain ER. He stated that he had been told that the reason they needed to change the zoning of this property was because they could not have a kitchen in a guest house if the zoning remained ER. His research had indicated that a kitchen would be allowed; in fact, there would be no restrictions if they built a guest house. Consequently, he saw no reason to change the zoning for the property which would negatively impact the quality of life of their neighbors if other lots in the area were also subdivided.

Ms. Kelly Ranes of 109 Carriage Lane was also in attendance to speak in opposition to this rezoning. She stated that she very much disliked having to speak out against the efforts of this very good neighbor but felt an obligation to do so to protect the integrity of their neighborhood. She did not object to the Haynes building a guest house on the property as zoned but opposed the rezoning which she felt would open the door to the subdivision of other properties in their neighborhood.

Mr. Ronnie Ranes of 109 Carriage Lane felt the main reason for the rezoning was so the Haynes would not have to put all of their property at risk because of the mortgage on the new structure. He stated that he also did not object to the house being built but did oppose rezoning the property.

In response to a question from Mr. Haynes, Mr. Lindsey stated that the Zoning Ordinance defined a guest house. It could not be rented out but could be used by relatives and guests. In addition, he stated there was no restriction on having a kitchen.

The public hearing was closed at 8:00 p.m.

Dr. Schumacher thanked Mr. Haynes for his research and felt his legal presentation was "the most refreshing he had heard at a Planning Commission meeting in some time." He

assured Mr. Haynes that the Fourteenth Amendment was also very important to the Commissioners.

Mr. Finney noted that building a guest house seemed like the simplest solution because it would not require rezoning and would also satisfy the desires of all parties involved.

Mr. Saunders pointed out that City Council would make the final decision on this matter.

After discussion, a motion was made by Mr. Ames and seconded by Mr. Finney to forward the proposed rezoning to City Council with a recommendation for denial. The motion passed by a vote of 4 to 1 with Dr. Schumacher voting against it.

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

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

LAND LOT 68 OF THE SEVENTH DISTRICT OF FAYETTE
COUNTY, GEORGIA, AND BEING KNOWN AS LOT 5,
BLOCK "B" OF SHAKERAG PLANTATION.

This property is presently zoned: ER

The proposed zoning classification is: LUR

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

Signature: Thomas C. Haynes, Jr.

Owner: (print) THOMAS C. HAYNES, JR.

(print)

GENEVA C. HAYNES

Agent: (print)

Address: 108 CARRIAGE LANE PEACHTREE CITY, GA. 30269

Phone: 170-487-9962

Date: 4-30-01

This request, along with the required fee (\$10/acre, minimum \$200) and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature: James B. Wilbur

Title: ZONING ADMINISTRATOR

Date: May 11, 2001

Request Number: 2001-04

Date of Planning Commission Public Hearing: June 11, 2001

Date of City Council Public Hearing: July 5, 2001

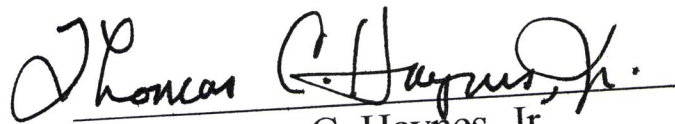
III.

3. A statement as to the reason for the proposed rezoning.

Statement

I, Thomas C. Haynes, Jr., and my wife, Geneva C. Haynes are requesting rezoning of our property so that our son, Gary S. Haynes can build his home nearby.

My wife had a stroke last year, and both of us are under doctor's care. We would feel more secure having our son live nearby, in the event of an emergency.


Thomas C. Haynes, Jr.

House of Representatives, open all the certificates and the votes shall then be counted;-- The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.--The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Amendment 13
(Dec. 18, 1865)

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Amendment 14
(July 28, 1868)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or

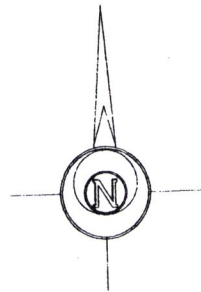
PLAT FOR
FROM E

LOT 5, BL
SHAKERAG F
TOTAL AREA .

N/F
HYDE PROPERTIES, LLC

GLENMONT SUBDIVISION
(PROPOSED)
ZONED LUR

LOT 3
2.000 ACRES



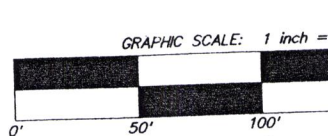
NORTH BASED ON
SUBDIVISION PLAT

LOT 1
1.565 AC.
ZONED LUR

N/F
JOSEPH
ISCARA
VED ER

50' B/L

NOTE:
THIS PLAT IS INTENDED FOR USE
AND IS NOT TO BE RECORDED OR
ANY OTHER PURPOSE.



GRAPHIC SCALE: 1 inch =

OLDINGS L.L.C.

prepared for the exclusive use of the
or entity named hereon. Said plat
to any unamed person, persons
it a recertification by the surveyor
son, persons or entity.

W.D. Gray c
Associates, Y, GA.

DATE: 03-19-01

REV. 04-23-01

REF.

JOB NO. 0102056

Attachment "B"

LOT 10
3,200 ACRES

LOT 9
3,200 ACRES

LOT 8
3,200 ACRES

LOT 7
3,200 ACRES

LOT 6
3,200 ACRES

LOT 5
3,200 ACRES

LOT 4
3,200 ACRES

LOT 3
3,200 ACRES

LOT 2
3,200 ACRES

LOT 1
3,200 ACRES

CARRIAGE LANE

HYDE

MASCARA

JACKSON

OLD STAGE COACH ROAD

DIRT

Block A

Block B

Attachment "C"

LOT 10
3,200 ACRES

LOT 9
3,200 ACRES

LOT 8
3,200 ACRES

LOT 7
3,200 ACRES

LOT 6
3,200 ACRES

LOT 5
3,200 ACRES

LOT 4
3,200 ACRES

LOT 3
3,200 ACRES

LOT 2
3,200 ACRES

LOT 1
3,200 ACRES

CARRIAGE LANE

HYDE

MASCARA

JACKSON

OLD STAGE COACH ROAD

DIRT

Block A

Block B

Attachment "C"

POSITION PAPER
Proposed Rezoning: Penson Tract, GA Highway 74 North
Director of Developmental Services *JBW/gf*
June 28, 2001

Situation:

Ms. Bobby Gray recently purchased the Penson tract on GA Highway 74 North, between Kedron Drive and McWilliams Drive. The property contains a single-family home and has driveway access onto GA 74. Due to changes in the area and the opportunity to combine this property with an adjoining parcel owned by Dr. Faiyaz and zoned OI Office Institutional, Ms. Gray has requested a rezoning so that the overall property can be used for an office development (Attachment "A").

Facts:

1. The Penson tract is 2.99 acres and is zoned AR Agricultural. A private residence has been on the property for many years.
2. The adjoining Faiyaz tract is 1.09 acres in size and is zoned OI Office Institutional.
3. The adjoining Honeysuckle Ridge subdivision is zoned GR-10, and the Beechwood subdivision is zoned GR-6. The property to the south is greenbelt and is owned by the City.
4. The Penson tract is land use planned for office space, and the opportunity to combine this property with an adjoining OI parcel offers more flexibility in site layout and design.
5. The owner has submitted a conceptual site plan identifying three buildings and associated parking. The plan proposes a minimum 30' undisturbed buffer along the rear property line to separate these buildings from the adjoining residential subdivision. The plan meets all setback requirements specified within the OI Office Institutional zoning district (Attachment "B").
6. The existing access from GA 74 will be maintained, along with one access from McWilliams Drive. No other vehicular access points are proposed.
7. At its meeting on June 11, 2001, the Planning Commission unanimously approved a recommendation that Council approve the proposed rezoning with the following conditions:

- a. The combined site plan will be limited to one access drive from GA 74 and one access from McWilliams Drive.
- b. A cart path connection must be provided from the existing path in Honeysuckle Ridge to this development. Additionally, the path along McWilliams Drive should be extended from Beechwood to the entrance off of McWilliams Drive.
- c. The 30' undisturbed buffer along the rear of the property should be designated a tree-save and landscape buffer.
- d. The architectural design of the buildings should be residential in character and must blend in with the surrounding developments.
- e. The rear of all buildings must include architectural detailing and materials similar to the front and sides of the building. Additionally, no wall-packs or other external lighting sources will be permitted on the rear and sides of the building without Staff approval.
- f. All lighting within the parking lots will be limited to 250-watt high-pressure sodium fixtures, and pole heights should be kept to a minimum. Lights must be directed away from the adjoining residential property and placed on a timer.
- g. Additional plant material will be required along the rear property line to enhance the existing buffer adjacent to the residential property. This will be determined once the site is cleared and graded and the building is under construction.
- h. The access drive on GA 74 must include a deceleration lane and be approved by GA DOT prior to final site plan approval.

Recommendation:

The staff joins the Planning Commission in recommending approval of the proposed rezoning with the above conditions. The proposed rezoning is in accordance with the Land Use Plan and is an extension of an existing zoning district on the adjoining property.

JBW/jir

Attachments "A" – "B"

Mr. Saunders opened the public hearing at 9:28 p.m.

Mr. Don Cobb of Cobb and Associates Architects was in attendance to represent the property owner, Ms. Bobby Gray, and the prospective purchaser of this property. This 2.99-acre tract on GA Highway 74 North between Kedron Drive and McWilliams Drive was zoned AR Agricultural. The adjoining Honeysuckle Ridge and Beechwood subdivisions were zoned GR-10 and GR-6, respectively. The property to the south was City-owned greenbelt.

Due to changes in the area and the opportunity to combine this property with an adjoining 1.09-acre parcel owned by Dr. Faiyaz and zoned OI Office Institutional, Ms. Gray was proposing to rezone this parcel so the overall property could be used for an office development. Mr. Cobb stated there was a private residence on the property as well as driveway access onto GA 74. This access would be improved to commercial standards, and a cut onto McWilliams Drive would be added.

Mr. Cobb explained that the conceptual site plan identified three buildings and associated parking and that they would look residential in nature. Efforts had been made to maintain a generous greenbelt between this development and Honeysuckle Ridge.

Mr. Cobb stated that they agreed with most of the conditions recommended by City Staff. However, in the absence of the property owner, he could not agree to make any additional connections to the golf cart path or to deed the 30-foot undisturbed buffer to the City.

Mr. Rast presented the Staff position. He noted that this tract was land use planned for office space, and the opportunity to combine this property with an adjoining OI parcel offered more flexibility in site layout and design. He noted that there would not be a road connection from this development to Kedron Drive. He pointed out that the site plan was conceptual in nature, and there were some items that would need to be addressed during conceptual site plan review.

Mr. Rast noted that Staff saw this as an opportunity for the Planning Commission to set some architectural standards and enhance the appearance of these buildings. It was also felt that the 30' undisturbed buffer along the rear property line should be maintained to separate these buildings from the adjoining residential subdivisions in an effort to prevent any future problems with lights, dumpsters, etc.

The public hearing was closed at 9:36 p.m.

Mr. Rast stated that the greenbelt could be designated a tree-save and landscape buffer and this would not require that it to be deeded to the City. Plant material could be added

to this area, but nothing could be removed. Mr. Saunders wanted to confirm that the buffer would transfer with the property.

Even though Mr. Cobb did not have the owner's permission to agree to an additional cart path connection, Mr. Ames and Mr. Saunders felt it should be retained as a condition of this approval. If appropriate, it could be further discussed with City Council.

Dr. Schumacher noted that this development was approximately 24,000 SF in size with 91 parking spaces. He thought that combining these properties would be a big improvement and would enhance the development.

Mr. Ames wondered about the exterior lighting and how the lights in the parking lot would affect the adjoining residential properties. Mr. Rast stated that these issues could be addressed by the angle of the lights. He suggested that a photometric site plan be submitted for this and future commercial projects that abut a residential subdivision; Mr. Rast said this might be done as part of the final site plan process.

After discussion, a motion was made by Dr. Schumacher, seconded by Mr. Payton, and unanimously adopted to forward the proposed rezoning to City Council with a recommendation that it be approved with the following conditions:

1. *The combined site plan will be limited to one access drive from GA 74 and one access from McWilliams Drive.*
2. *A cart path connection must be provided from the existing path in Honeysuckle Ridge to this development. Additionally, the path along McWilliams Drive should be extended from Beechwood to the entrance off of McWilliams Drive.*
3. *The 30' undisturbed buffer along the rear of the property should be designated a tree-save and landscape buffer.*
4. *The architectural design of the buildings should be residential in character and must blend in with the surrounding developments.*
5. *The rear of all buildings must include architectural detailing and materials similar to the front and sides of the building. Additionally, no wall-packs or other external lighting sources will be permitted on the rear and sides of the building without Staff approval.*
6. *All lighting within the parking lots will be limited to 250-watt high-pressure sodium fixtures and pole heights should be kept to a minimum. Lights must be directed away from the adjoining residential property and placed on a timer.*
7. *Additional plant material may be required along the rear property line to enhance the existing buffer adjacent to the residential property. This will be determined once the site is cleared and graded and the building is under construction.*
8. *The access drive on GA 74 must include a deceleration lane and be approved by GA DOT prior to final site plan approval.*

REQUEST FOR REZONING
CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property: Property along Northbound Lanes of State Highway 74 between McWilliams Drive and Kedron Drive, lying in land lots 156 and 157 of the 7th District, Fayette County, Georgia. (2.99 ACRES).

This property is presently zoned: Agricultural Reserve (AR)

The proposed zoning classification is: Office Institutional (OI)

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

Signature: Donald Cobb / AGENT

Owner: Ms. Bobbie Gray

Agent: Donald Cobb, Cobb & Associates, Architects, Inc.

Address: 401 Highway 74 North

Phone: 770-631-3300

Date: 5/18/2001

This request, along with the required fee and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature: James B. Williams Jr.

Title: Director of Developmental Services

Date: 6-5-01

Request Number: 2001-08

Date of Planning Commission Public Hearing: June 11, 2001

Date of City Council Public Hearing: July 5, 2001

NEW OFFICE COMPLEX

Highway 74 North, Peachtree City, Georgia

REZONING APPLICATION INFORMATION

May 18, 2001

REASON FOR REZONING

The purpose for the rezoning is to allow construction of professional office space.

PUBLIC SERVICES

Public services are presently provided to this site. Fire Service is provided from Satterthwaite Station located on Highway 74 and Crabapple Lane. The site is accessed from both Highway 74 and McWilliams Drive.

DEVELOPMENT FEASIBILITY ANALYSIS

The proposed development will be professional office space. The Architectural character of the development will be Traditional, Face Brick with Architectural shingles. The projected size of the development would be approximately 24,000 sq. ft. within approximately 4 acres, with associated parking. The rear buffer area of the development will remain undisturbed and offer tenants patios for outdoor enjoyment.

CITY IMPACT

Tax Base - The development will pay its share of property taxes, therefore increasing the tax base.

Public Education - The development will not affect schools.

Police and Fire Protection - Fire protection provided by Satterthwaite Fire Station located on Highway 74 and Crabapple Lane approximately one (1) mile from site. Protection provide by Peachtree City Police Department.

Emergency Medical Service - Provided from Satterthwaite Fire Station on Highway 74 and Crabapple Lane approximately one (1) mile from site.

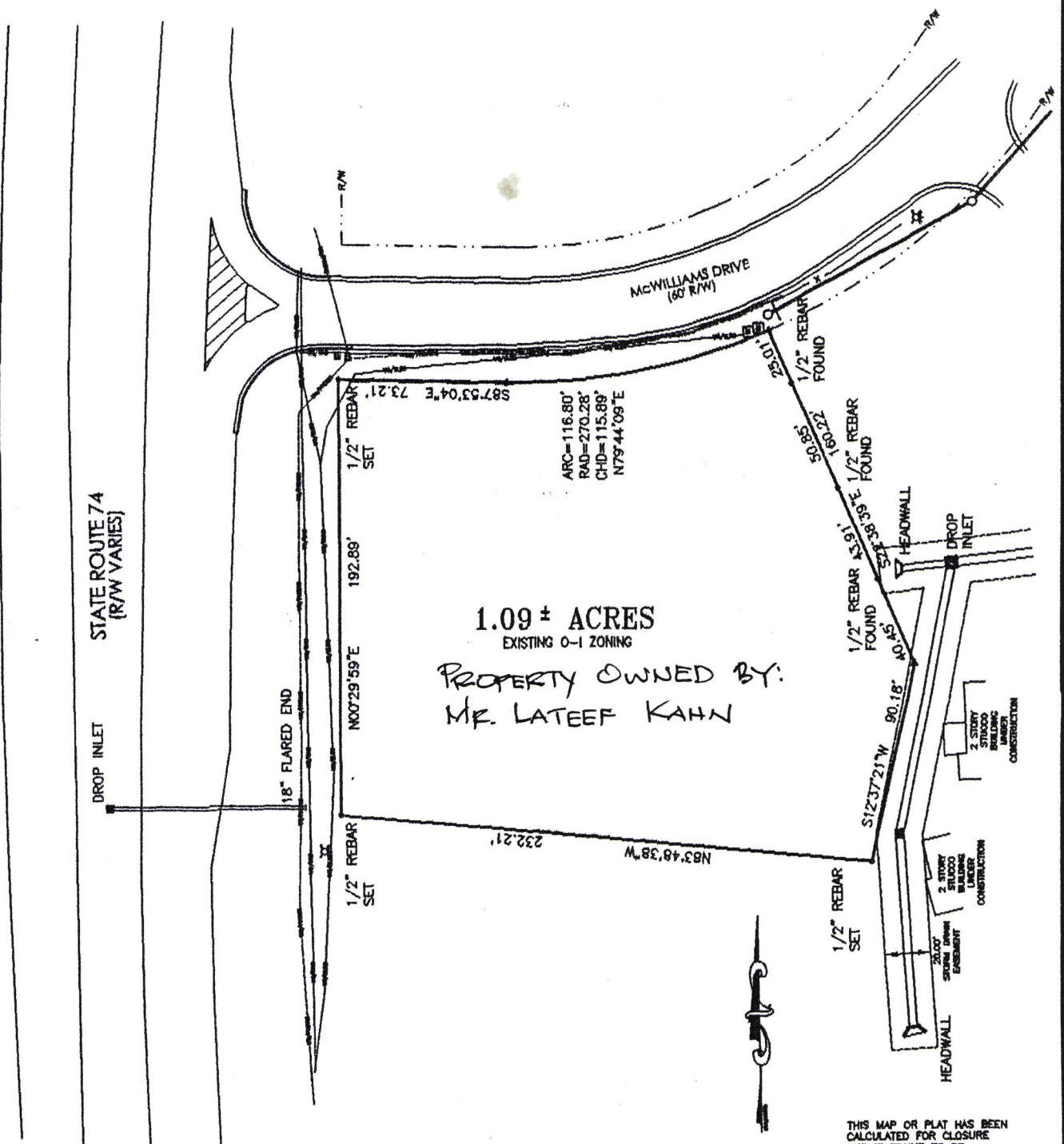
Transportation Facilities - Minimal impact on Highway 74 and McWilliams Drive during normal business hours.

Utilities - Site is served by Peachtree City Sewer and Fayette County Water. Power available from EMC and Gas from Atlanta Gas Light.

Environmental Protection - Water retention will be provided on site. This development will have no detrimental environmental impact.

Recreation Programs - No change will be required due to this project.

Implementation - The project will be built in its entirety initially.



THIS SURVEY WAS PERFORMED
USING TOPCON CTS2 TOTAL
STATION EQUIPMENT AND TDS
DATA COLLECTION SOFTWARE.

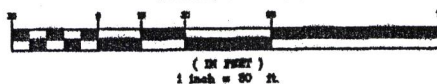
THIS SURVEY IS BASED UPON MONUMENTATION
FOUND ON SITE AND REFERENCE INFORMATION
OBTAINED FROM THE RECORDS OF FAYETTE
COUNTY AND OTHER SOURCES. NO TITLE
SEARCH WAS CONDUCTED AND ALL MATTERS
OF TITLE ARE EXCEPTED.

SURVEY REFERENCES

* DB 1426 P 553, DB 1485 P 516, DB 413 P 50, DB 158 P
292, SITE DEVELOPMENT PLANS FOR BEECHWOOD SUBDIVISION
BY SOUTHEASTERN ENGINEERS, DATED 05/14/98.

ELEVATIONS SHOWN BASED UPON DATUM
TAKEN FROM SITE DEVELOPMENT PLANS
FOR BEECHWOOD SUBDIVISION BY
SOUTHEASTERN ENGINEERS, DATED
05/14/98.

GRAPHIC SCALE



THIS MAP OR PLAT HAS BEEN
CALCULATED FOR CLOSURE
AND IS FOUND TO BE
ACCURATE WITHIN ONE FOOT IN
220,995 FEET.

THIS DRAWING ORIGINALLY ISSUED AND SEALED
BY CHRISTOPHER P. WEHRLE L.S.# 2494
ON 6/18/00. THIS MEDIA SHOULD NOT BE
CONSIDERED A CERTIFIED DOCUMENT.
AUTHORITY O.C.G.A. 43-15-22

THE FIELD DATA UPON WHICH
THIS MAP OR PLAT IS BASED
HAS A CLOSURE PRECISION OF
ONE FOOT IN 83,637 FEET
AND AN ANGULAR ERROR OF
01" PER ANGLE POINT, AND
WAS ADJUSTED USING
COMPASS RULE.

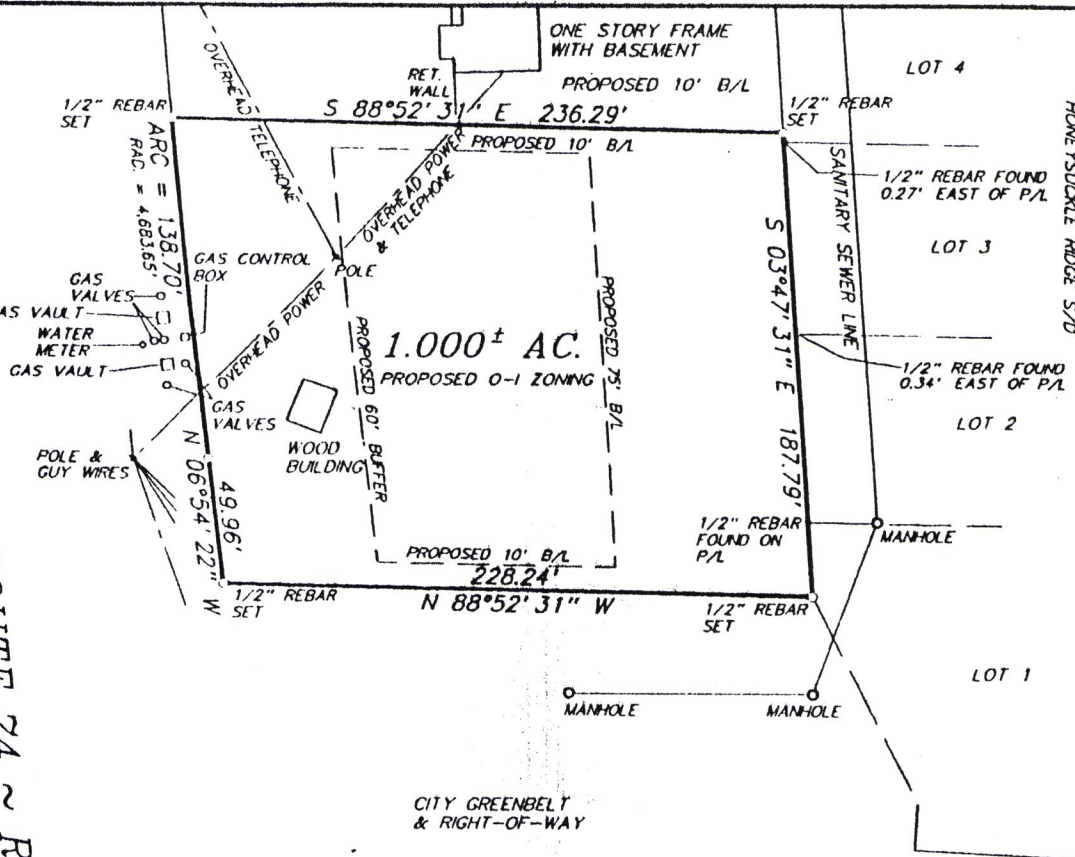
BOUNDARY SURVEY

LAND LOT 156, 7th DISTRICT
FAYETTE COUNTY, GEORGIA

**DUE WEST
SURVEYING INC**
4041 DUE WEST RD.
MARIETTA, GA. 30064
(770) 423-0611

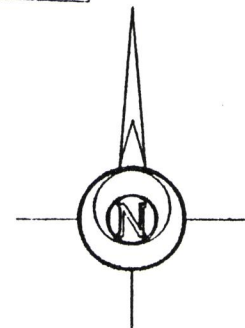
DRAWN BY: GDS
CHECKED BY: CPW
JOB NO.: FA15607A
DATE: 06/13/00
SHEET: 1 OF 1

GEORGIA STATE ROUTE 74 ~ R/W VARIES



CITY GREENBELT & RIGHT-OF-WAY

KEDRON DRIVE



In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements by law.

This plat was prepared for the exclusive use of the person, persons or entity named hereon. Said plat does not extend to any unnamed person, persons or entity without a recertification by the surveyor naming said person, persons or entity.

In my opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP Community No.: 130078 0060 D Dated: MARCH 18, 1996

PREPARED FOR:

BOBBIE GRAY

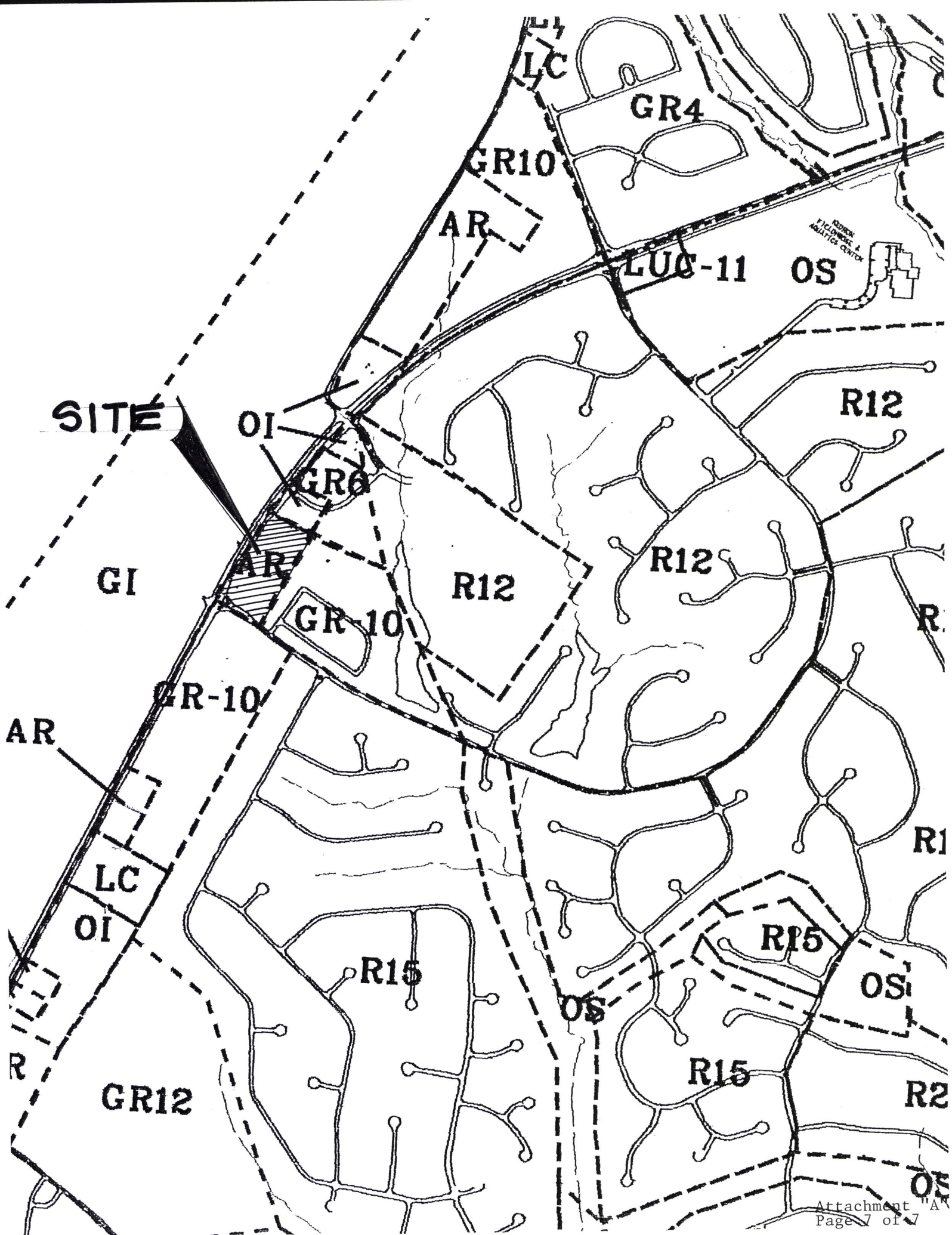
SUBDIVISION:

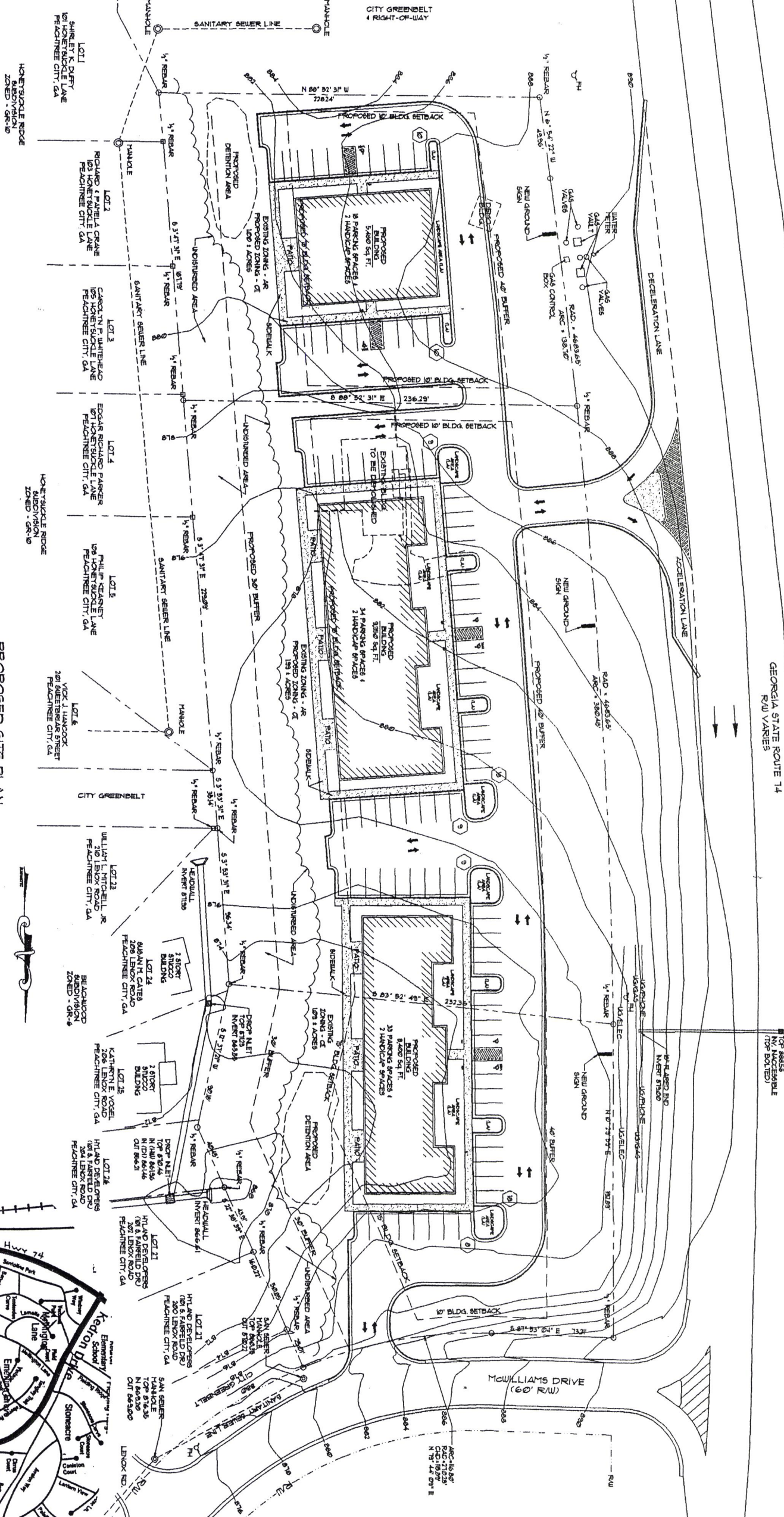
LOT	LAND LOT: 157	DATE: 01-22-01
BLOCK	7th DISTRICT	REV:
SCALE: 1" = 60'	FAYETTE COUNTY, GA.	JOB No. 0101037A

W.D. Gray and Associates, Inc.

land surveyors - planners

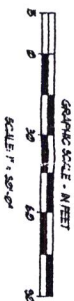
103 WESTPARK DRIVE SUITE F PEACHTREE CITY, GA. 30269
PH. 770-486-7552 FAX 770-486-0496



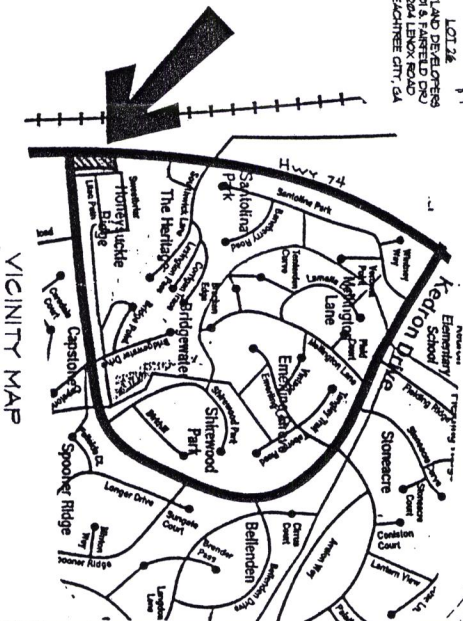


PROPOSED SITE PLAN

SCALE: 1"=30'-0"



SITE LOCATION: ZONING: EXISTING ZONED AR AND C1
PEACHTREE CITY, GA
PROPOSED ZONING: C1
THE PROPOSED SITE PLAN IS A PRELIMINARY
PLAN AND IS NOT TO BE USED FOR ANY
OTHER PURPOSES WITHOUT THE WRITTEN
CONSENT OF COBB & ASSOCIATES, INC.
DATED: MARCH 8, 1996



REZONING FOR
New Office Complex
PEACHTREE CITY, GEORGIA

Cobb & Associates
ARCHITECTS, INC.
Member of the American Institute of Architects

1235 Robinson Road, Suite A
Peachtree City, Georgia 30086
Ph. (770) 487-1072
Fax (770) 487-0596

Printed	Date	By
Revisions	Date	By