

City Council of Peachtree City

Agenda

June 6, 2013

7:00 p.m.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Announcements, Awards, Special Recognition**
 - Recognize Members of Needs Assessment Committee
 - Recognize April Employee of the Month – Andy Johnson, Police Department
- IV. Public Comment**
- V. Agenda Changes**
- VI. Minutes**
 - May 7, 2013, Workshop Minutes
 - May 9, 2013, Regular Meeting Minutes
- VII. Consent Agenda**
 - 1. Consider 2013 Municipal Election Agreement with Fayette County
 - 2. Consider Acceptance of FY 2012 GEMA Grant for CERT
 - 3. Consider Alcohol Ordinance Amendment – Definition of Growler
 - 4. Consider Municipal Court Ordinance Amendment – Pre-Trial Intervention Program
 - 5. Consider Cancellation of July 4th Meeting
 - 6. Consider Renewal of Mutual Aid Agreement with Fayetteville Police Department
- VIII. Old Agenda Items**
 - 05-13-03 Consider Ordinance Amendments Regarding Blankets and Tarps
 - 04-13-12 Discuss Traffic Conditions on SR 54 West and Consider Traffic Engineering Study on SR 54 West & MacDuff Parkway
- IX. New Agenda Items**
 - 06-13-01 Public Hearing – Consider Step Two Annexation Application, Foot Pain, LLC, Peachtree Professional Center and other tracts (SR 54 East)
 - 06-13-02 Consider Ratification of Hotel/Motel Tax
 - 06-13-03 Presentation on Proposed "Diva Half-Marathon" Event for 2014
- X. Council/Staff Topics**
 - Hot Topics Update
- XI. Executive Session**

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

City Council of Peachtree City
Workshop Meeting Minutes
May 7, 2013

The Mayor and Council of Peachtree City met in workshop session on Tuesday, May 7, 2013. Mayor Haddix called the meeting to order at 6:30 p.m. Other Council Members attending: Vanessa Fleisch, George Dienhart, Kim Learnard, and Eric Imker.

Needs Assessment Committee Survey Presentation

Josh Bloom, one of the co-vice chairs of the Needs Assessment Committee, addressed Council to present the results of the survey and recommend a millage rate (a copy of the presentation is included in the official meeting file). Bloom first recognized the committee's volunteer members: Mayor Don Haddix (Non-Voting Chair), Robert Black (Committee Co-Chair; Chair, Survey Analysis Sub-Committee), Josh Bloom (Committee Co-Chair), Phil Prebor, Allen Baldwin, John Dufresne, Steve Hamlin, Jack Joyner, Paul Lentz, Holly Machemehl, and Terrence Manning. Bloom noted the committee had met more than 20 times since its formation in September of 2012.

The committee had created a survey, basing questions on best practices and review of other community surveys created by professional companies. Invitations were sent to 1,200 randomly selected residential addresses, which was 10% of the total population, with the objective of receiving 400 responses, which would give a $\pm 5\%$ margin of error. Only 209 valid responses were received, giving the survey analysis a margin of error of $\pm 7\%$. Responses were weighted by age based on the population distribution noted by the U.S. Census. Bloom noted that only two responses were received in the age group 29 and under, so those responses were eliminated to normalize the results, based on advice from the professional statistician with whom the committee consulted.

Overall, residents were satisfied with their services and felt expenditures for Police, Fire, Recreation, Library, and Public Works funding should be kept the same. Fifty percent of respondents indicated they would accept an increase of no more than \$50 per year in property taxes in order to increase/improve City services, with another 20% saying they would accept an increase of no more than \$100. Correspondingly, only 30% indicated they wished to see a cut in property taxes of \$50 or \$100 per year with a corresponding cut in services. Nearly 70% of respondents were willing to spend an additional \$20 to \$60 per year to add path connections in the master plan.

Bloom noted that two of the questions, one related to increasing Recreation user fees (65% supported a fee increase) and one related to expanding other sources of revenue (68% supported other revenue, such as hotel/motel or sales tax increases), had been finalized prior to the Mayor and Council taking action in late 2012. At that time, recreation fees were raised and Council increased the hotel/motel tax. He also noted that the question regarding bond funds was somewhat misleading because part of the funding had been used to refinance existing debt.

The committee's final recommendation was that the Mayor and Council consider raising the millage rate by up to 0.5 (one-half) mills, per the findings of the Needs Assessment Survey. Bloom asked the Mayor and Council if there were any questions. Haddix opened up comments to the public first.

Resident Jim Richter said that less than 2% of the population responded and felt that such a small sample could not be extrapolated to the entire city. John Dufresne said the committee

consulted a statistician, who assured the committee that as long as the survey was conducted in a random manner, the results would be valid with a margin of error of 7%. Richter said he had experience in statistics and disputed the results.

Resident Mike King asked, if a response rate of 400 would have given a 5% margin of error, would not receiving half that response increase the margin of error to 10%. Dufresne said no because the deviation was based on a bell curve.

Terrence Manning pointed out that such an endeavor had not been undertaken before. This presentation represented a concerted effort to get some answers. Peachtree City was changing, and this survey had been an effort to see what the citizens wanted. Manning expressed frustration at criticism of the survey methods with no better effort being put forth elsewhere. He felt greater effort should be made to involve citizens overall.

Richter recognized the efforts of the volunteer committee members, but was concerned at the low response representing the entire city. He noted that the two responses for residents aged 29 and under had been eliminated due to the disproportional representation. He said a survey without input for that portion of the population was flawed. Bloom said his concern was that they sent out 1,200 invitations and only received 200 responses.

Learnard asked if the committee met their goals. Bloom said that, in terms of creating the survey and distributing it, along with a recommendation for the tax rate, the answer was yes.

Dienhart and Fleisch thanked the committee for their work and noted Council would consider the results during the budget cycle.

Haddix said the survey was statistically valid, noting that polls and surveys were taken on a regional, state, or national level with lower representation. Haddix said he had accepted all volunteers to serve on the committee, and the committee members did a fantastic job, going far beyond what he asked of them. He was disappointed in the low survey response, but felt the committee had done a fantastic job.

SPLOST Project Discussion

City Manager Jim Pennington then provided Council with a handout on a range of capital projects that could be considered for funding by a proposed Special Purpose Local Options Sales Tax (SPLOST) being proposed at the County level. The focus was streets and cart paths, which had been funded through FY 2013 with a previous SPLOST, but had no identified funding source for FY 2014 and beyond.

Public Services Director Mark Caspar reviewed the list, which included several pending bridge and tunnel projects, along with \$7.5 million for street paving and \$2.5 for path projects. Caspar also provided the current lists ranking the condition of streets and paths, which he proposed addressing on a "worst first" basis with the available funding, but noted the associated cost estimates were for resurfacing only, and did not include any potential milling or full depth reclamation (FDR) that might be required. The combined total was approximately \$10 million of the \$12.6 million in estimated SPLOST revenue, which left an additional \$2.6 million for the associated milling or FDR costs.

Fleisch asked Pennington to elaborate on what the current Local Option Sales Tax (LOST) and SPLOST would garner from the various jurisdictions. Pennington noted they would have that information for continued discussion after the May 9 City Council Meeting.

Haddix said he continued to oppose the SPLOST, but obviously, a plan was necessary if the SPLOST were to be passed. He felt debt reduction would save enough funds to pay for the path maintenance on an ongoing basis. He noted that the survey indicated that residents did not support the level of debt currently held by the City.

Dienhart asked Salvatore to provide information on the City's total debt and annual debt service for the May 9 discussion. Haddix gave an estimate of \$15 million in debt, with an annual debt service of approximately \$3 million.

King cautioned Council that the County did not have a good track record in passing SPLOSTs, and said Council needed to also consider how to move forward if or when the SPLOST failed. Pennington said staff was working on both possible outcomes, noting that there was currently no funding designated for the street and path maintenance. Haddix noted that the budget process would allow all of Council to make their preferred proposals.

The meeting adjourned at 7:16 p.m.

Betsy Tyler, City Clerk

Don Haddix, Mayor

City Council of Peachtree City
Meeting Minutes
May 9, 2013
7:00 p.m.

The Mayor and City Council of the City of Peachtree City met in regular session on Thursday, May 9, 2013. Mayor Haddix called the meeting to order at 7:00 p.m. Other Council Members in attendance: George Dienhart, Vanessa Fleisch, Eric Imker, and Kim Learnard.

Announcements, Awards, Special Recognition

Mayor Haddix proclaimed the week of May 13th as Paint the Town Purple Week in support of the 2013 Relay For Life. Joan Ernst accepted the proclamation for the American Cancer Society. Fire Capt. Ron Mundy was recognized for 30 years of service to the City.

10-Minute Talk

Joan Velsmid, Clothes Less Travelled Thrift Shop, gave an overview of the non-profit thrift shop and its operation. She said there was no business plan in place when the shop started business 15 years ago, just a mission to help people. Over the last 15 years, the thrift shop board had given \$2.4 million, including \$600,000 in 2013. The list of charities continued to grow. Velsmid thanked everyone on City staff that helped the shop do business and keep expenses low. Fleisch thanked Velsmid for the donations the City had received for the Fire Department and for the furnishings for the renovation of the Recreation Administration building into a facility to be used by Fayette Senior Services.

Public Comment

Ann Hayes, a supporter of the proposed backyard hens' pilot program, told Council she had not known if any of them had ever had farm fresh eggs before, and she gave them some fresh eggs she had purchased at the Farmers Market.

Minutes

February 5, 2013, Workshop Minutes

April 18, 2013, Regular Meeting Minutes

Fleisch moved to approve the February 5, 2013, workshop minutes and April 18, 2013, regular meeting minutes as written. Learnard seconded. Motion carried unanimously.

Monthly Reports

Haddix noted there were additional monthly reports on the dais from Administrative Services, Building, and Finance.

Consent Agenda

- 1. Consider Award of Contract for Citywide Phone System – Clear Choice Telephone, Inc.**
- 2. Consider Request to Surplus Trailers**

Haddix noted there was an additional document on the dais – the staff memo for Consent Agenda 1.

Learnard moved to approve Consent Agenda items 1 and 2. Dienhart seconded. Motion carried unanimously.

Old Agenda Items

03-13-02 Public Hearing – Consider Variance to Floodplain Management/Floodplain Protection Ordinance, Somerby Project, Rockaway Road

Planning & Zoning Administrator David Rast addressed Council, noting the Somerby project was required to construct a fire access road around the perimeter of the assisted living and memory component of the development on Rockaway Road. Construction of the fire access road would require 165 cubic yards of fill to be placed within a portion of the 100-year floodplain associated with Flat Creek. The fill would be placed in an old roadbed located on the property that traveled along the floodplain. The applicant submitted a flood impact study, which had indicated no rise in levels due to the fill, and it had been reviewed by the City Engineer.

In addition, the sanitary sewer line for Somerby and Meade Field would need to cross the floodplain on the Somerby tract, requiring the disturbance of an additional 0.16 acres of floodplain to install and cover the line in. No additional fill would be needed. Staff supported the variance request with the following understandings and conditions:

1. *The applicant shall continue to coordinate with City staff to ensure disturbance within the floodplain is kept to a minimum prior to, during and following construction activities.*
2. *The variance shall be limited to the disturbance as identified on the final site plan approved by City staff on August 29, 2012, specifically Sheet C4.0 Grading, as prepared by Eberly and Associates, Inc. (last revised August 28, 2012). There shall be no other disturbance within the floodplain without first securing additional variances.*

The public hearing opened and closed, with no one speaking for or against the variance.

Learnard said she had no problem with the request, asking if it was similar to the situation for the recent variance for Braelinn Kroger. Rast said the situations were similar, but he did not recall the acreage for Kroger. Learnard clarified that 0.16 acres would be impacted. Rast said that was area for the sewer line. Approximately 165 cubic yards of fill would be needed within the old roadbed for the fire access road.

Learnard moved to approve the variance to the Floodplain Protection Ordinance for the Somerby project on Rockaway Road. Fleisch seconded. Motion carried unanimously.

04-13-12 Discuss Traffic Conditions on SR 54 West and Consider Traffic Engineering Study on SR 54 West & MacDuff Parkway

Haddix said public comments would be taken after Council Members Dienhart and Fleisch completed their comments.

Dienhart noted this was a continuation of the April 18 discussion. He continued that two years ago Council had promised there would be no cut-through from any retail developments to Planterra Way. This was an opportunity to restore the public trust that had been lost during the last two to three years. They needed to protect the neighborhoods and honor Council's word. Building a grocery store rather than small shops would add even more traffic to the 1.2-mile stretch with six lights. Council needed to show the citizens they deserved to be in office. Another light was not needed, and definitely no cut-through to the neighborhoods was needed. Dienhart said the developer told him the tract was more valuable as zoned. He was presenting the plan as a favor to a few Council Members who wanted to see something different on the tract. This was the wrong stoplight, the wrong development, and the wrong action for Council to take.

Fleisch said she was appalled the situation had gotten to this point. She referred to a proposal to add a traffic light to the development agreement on January 7, 2010, and it had been voted

down, adding they had all campaigned against the additional light. The development agreement for the Special Use Permit excluded gas stations and drive-through fast food restaurants. During the four years after that vote, the land had gone into foreclosure, and the City had even considered buying it at one time, but the bank wanted too much money. Council had looked at every alternative.

Fleisch continued that, on April 18, Dienhart had advocated closing the median at Line Creek Drive. The discussion had been based on Dienhart's opinion, not the facts. Fleisch noted that a 2008 traffic study had said closing the median would make the traffic worse, which was a significant fact that had been omitted from the April 18 discussion. Fleisch said the problems on SR 54 predated this Council, adding the problems really started at Flat Creek and went down to MacDuff Parkway. There had been no studies performed on the entire corridor, which Fleisch found amazing. Fleisch asked the City Engineer Dave Borkowski to look at a traffic study and its possible cost.

Borkowski gave a brief presentation on the history of the corridor, saying the widening had been completed in 2006. Since that time, the functionality of the corridor had steadily decreased. The traffic issues started at Lake Peachtree and went through the MacDuff Parkway intersection. There were seven signals in the corridor. The Georgia Department of Transportation (GDOT) had spent \$35,000 trying to synchronize the lights in the corridor. There had been several studies done, but none were as comprehensive as the study Fleisch proposed. Alternatives to alleviate the traffic problems included the grade separation at SR 54/SR 74, which was too expensive and would greatly impact the businesses in the area; and the extension of MacDuff Parkway to the north Kedron Drive area.

Borkowski explained that a development impact study's only focus was to determine the impact of that development on the existing conditions. He continued that the 2008 study looked at the intersections of SR 54 with Line Creek, Planterra Way, and MacDuff Parkway, and what would happen if a light was installed at Line Creek or whether the median should be blocked. According to the study, the signal would have had the least impact and would not have negatively impacted the other intersections. The DOT had issued a permit for the signal at Line Creek, but the development never moved forward, so the light was never installed.

A development impact study was very specific, according to Borkowski, and every time the square footage changed, all the parameters changed. The 2011 study looked at a signal, closing the median at Line Creek, and adding a frontage road with access to Planterra. Borkowski said that staff had commented on the study, but the plan never made to the approval stage. The study specified that frontage roads to MacDuff Parkway or Planterra Way would not make those intersections worse, unless the median at Line Creek was also closed.

Dienhart asked who paid for the studies. Borkowski said the developer had paid for them. The 2011 study had been reviewed by staff and a third party that was hired by the City. Dienhart said he had not used those studies because they were paid for by the developer.

Borkowski said the current level of service on the highway was bad. It had been bad in 2011. When those traffic counts were done, the levels of service at the intersections were either a D, E, or F, and it was worse now. Borkowski said there were three options:

1. Status quo – notify DOT of issues
2. Formally request DOT to study the corridor and come up with alternatives
 - DOT would request engineering funding in their budget and establish a project

- Could take "years" to complete
- 3. City could commission its own corridor study with alternatives
 - Cost \$39,000 for a comprehensive study of the whole corridor
 - Alternatives
 - o Timing modifications
 - o Intersection lane configurations/storage length
 - o Access roads
 - o Alternate intersection controls (u-turns/superstreet)
 - o Widening
 - o Continuous flow intersection
 - Includes looking at any Line Creek development impacts

The pros for Option 1 included no cost, and the cons were there were no alternatives, and there would be minimal impact on congestion. Option 2 was also no cost to the City, but the cons included the study taking a long time, and there were no short term answers on what would really work. Option 3 would be a relatively quick comprehensive study on what would and would not work, but the con was the cost to the City.

Borkowski reminded everyone a traffic study did not include any relevant construction drawings. If an improvement was selected, the City would have to pay to have it designed and completed. No funding was allocated. The process would start with GDOT and the Atlanta Regional Commission (ARC) for approval, then getting the project on the Transportation Improvement Plan (TIP), then finding funding.

Haddix opened the floor for comments from the public.

Mike Lorber asked what the status was on the MacDuff Parkway extension. Borkowski said the project had been part of the failed 2012 Regional Transportation SPLOST, and the extension was still part of the agreement with the developers. Staff did not know how beneficial the extension would be to the issues on SR 54 West. Lorber asked if the extension had been studied. Borkowski said there was a study, which said the extension would improve traffic on SR 54 West. Lorber asked if the extension of TDK Boulevard into Coweta County was still an option. Borkowski said the project had been cancelled. Lorber asked if the extension of TDK had been studied. Borkowski said he was not aware of any studies on that project.

Haddix said the TDK extension had been cancelled because of the plans for a 2,000-home subdivision and one million square-foot commercial area in Coweta County, so there would be no gain for the City.

Lorber questioned whether there had not been an access road on the plans for SR 54 West. Haddix said there was an access road on the 2001 overlay plan for the area, but the developer had not wanted to build the connection. It was doable since there was property dedicated for it, as well as a space to connect it to Fulton Court. Lorber recalled there had been an issue with the road going through the Line Creek Nature Preserve. Haddix said the developer did not want to do the connection then, but now the developer was willing to do the connection to MacDuff Parkway.

Lorber asked where the proposed grocery store would be located. Dienhart said it would be on top of the cliff currently visible behind the RaceTrac site under development. Lorber asked if the area was zoned for a grocery store. Dienhart said that was one of the arguments, plus the cut-

throughs required by the developer, who had already stated there would be no grocery store if there was no cut-through to Planterra Way.

Lorber asked why the developer wanted a cut-through to Planterra Way, when there could be a connection with MacDuff. Haddix said he was told by the developer that Publix would only build there if there was a connection to Planterra and MacDuff, as well as a light at Line Creek. If any item was missing, there would be no development. Haddix said he had no problem with an access road to MacDuff Parkway. Lorber said it was obvious the traffic impact was either people headed to or leaving from Coweta County. Crosstown/TDK could possibly help. He was not sure sewer was available for a large commercial development in that area of Coweta County.

Dienhart said developing the Line Creek property under the current zoning would have a lower impact on the traffic than the current proposal. Lorber said there were solutions, but the City would have to give up something.

Tim Lydell, a resident of Cardiff Park, reported that, as a general rule, the neighborhood residents were opposed to the current plan. The building would not be recessed into the ground, and would be 15 feet about ground level, which would be a beautiful view of the back of the buildings. They opposed the cut-through to Planterra Way and had opposed it before. The current plan was a negative, not a plus for the area. There was no room for a Publix, especially if it degraded the value of the homes. Lydell said a traffic study done by the City would be objective. Closing the median at Line Creek would not be fair to the businesses located there. Facts were needed to make a good decision and before Council took drastic actions.

Patrick Staples, president of the Cardiff Park homeowners association (HOA), said a cut-through to Planterra Way was a non-starter regardless of what was developed on the property. It would create a ridiculous traffic situation. His concern about another traffic study on SR 54 was whether it would be comprehensive enough, asking if the traffic coming from SR 74 South would be considered. Council needed to make sure the whole question was answered if a study was done. There were also concerns about the buffers, including the elevation, which were not the same concerns as the light and the median. He asked Council not to forget the underlying interests of the residents of Planterra and Cardiff Park.

Haddix said the 2008 traffic study was irrelevant because they could not get the cross connection to MacDuff. This was a request for a second traffic light for that property since they would connect to MacDuff now. The corridor stretched a long way, and every study done to find an alternative in the past had destroyed the commercial space. Closing the median was not an issue to Haddix with access to MacDuff, where u-turns could be made. All of the alternatives for SR 54/SR 74 would wipe out three shopping centers, which was the reason those ideas had been rejected. The entire corridor had to be looked at. It would cost \$2.5 million to remove all the granite, and the developer still had to blast it out for the tanks for the gas station.

Dienhart asked if there was any way to dig down to hide the development from Cardiff Park; he believed the 30-foot cliff would stay there. The developer did not need the connection to Planterra Way or the light since they could connect to the light at MacDuff Parkway. Dienhart added a specialty Publix could be built on the site. He asked Council to consider a traffic study, saying he was asking for a commitment not to allow the curb cut on Planterra Way or the light. If Council ignored that, they were not representing the residents of Planterra or Cardiff Park.

Imker said he did not care for another light, adding he had asked the developer about a right-in and right-out only onto Planterra Way. Everyone seemed to support a connection to the MacDuff Parkway light, so they needed to find a way to make that happen. It seemed like a smart thing to do. There were two basic choices, either to have the developer proceed with the plan as zoned or to build a quality store that desired a traffic light. The question was how much traffic each type of development would bring. The basic questions needed to be understood before a final decision could be made.

Learnard asked Haddix what his vision was for the area. Haddix said it would be an ideal school setting or office area, something quiet with minimal impact on the residential areas. Quality could not be defined by a big box; size did not determine quality.

Learnard said she preferred greenspace, but the property had been zoned commercial since around 1977. Council had voted down the developer's plan in January 2010 because it included a light. She continued that the mistake Council had made was they had not said what they were for. They had always said what they were against, and it was time for Council to say what they were for. The plan brought to Council in 2010 had been worked on among the neighbors and the developer for months. A fast food restaurant and a gas station were negative progress, but was what the area had been zoned for. Another proposal had been submitted. A cohesive plan that worked for the City was needed. She asked Dienhart and Fleisch to meet with the developer and the neighbors, to close the door and come up with something everyone could live with.

Dienhart said he had no problem with Learnard's proposal. The developer had choices A and B, and he could make more money off choice B, even though it would have smaller stores. The developer had been very explicit that Publix would not come without the light, saying their legal department would not sign off on it.

Haddix said he was not against anyone talking, but the developer owned the land, and he could build whatever he wanted as long as it was allowed by the zoning ordinance. He was not saying there was no point in having a discussion, but any plan would have to be something the developer wanted to build. Dienhart added the developer also had to be able to sell it. Haddix noted that Kohl's had never committed to the development, but the developer had asked for the relevant square footage, which brought the special use permit into play.

Learnard said the developers had compromised with the neighbors before, and she asked if the neighborhoods were willing to try again. Lydell said a sea of concrete had been proposed in January 2007. It included two big boxes, and people had been opposed. The development also had not looked like Peachtree City. Twenty-five to 30 people had worked on that, not just Planterra or Cardiff Park residents. The developer had worked and argued with them, and the residents realized the property was commercial. The issues were to get something acceptable to the City and to take care of the neighbors. The special use permit process had been used effectively to get a development that had looked pretty good. The ordinance for the special use permit included 24 specific items that were not usually negotiable. Jim Lowe was the common thread in that plan and the current one. Unless they tried to talk, they would not know if the developer was willing to talk. It had been well worth the time it took to get good solid talks going on in the past. It would also be good to have a good traffic study. Good decisions could not be made without all the facts.

Haddix said the plan that had been presented at that time was not something the rest of the City had wanted. Learnard said she believed in Jim Lowe and Tim Lydell, and she believed they

could come up with a solution the City could live with; but nobody was going to like it 100%. Solutions called for compromise.

Learnard presented the following list as the overarching vision for the developer/citizens group:

- Commercial tract will have commercial establishments on it;
- Development that is in the spirit and intent of Peachtree City;
- A cohesive, comprehensive plan for the site;
- Good aesthetics overall;
- High end architecture, lighting, landscaping;
- Include golf cart paths and connectivity;
- Minimize negative impact on already problematic traffic areas;
- Protect the neighbors visually with elevation, berms, screening, landscaping;
- Protect the neighbors regarding truck traffic and noise;
- Protect the neighbors with lighting strategies;
- Keep Peachtree City green;
- Partner with Southern Conservation Trust and optimize the site plan with respect to the Line Creek Nature Center;
- Minimize cost to the City regarding the roads, as Line Creek Drive and Line Creek Circle are in need of paving and upgrades;
- Minimize cost to the City regarding the dam and pond at the Line Creek Nature Area;
- Attract high quality tenants as they evidence low turnover rates; and
- Get the best possible economic development return to Peachtree City.

Imker liked Learnard's list, adding that the City had a great bargaining chip in the Line Creek Nature Area since the developer wanted to use the pond in the preserve for detention rather than constructing a detention pond. The City could use that as an enticement to get the developer to work on a connection to the MacDuff light. Traffic would get worse regardless of what was built; the challenge was to minimize the effect of the development.

Haddix said the pond was discussed in the past, and he could not remember the specific reasons why, but the end result was the developer would have to build their own detention pond. Fleisch said that could be worked out later.

Fleisch reiterated a need for a look at the big picture, saying the City needed to do its own traffic study. All the studies had been paid for by developers. If the City did its own, it would not be tainted in any way. She continued that she had the accident reports on SR 54 West pulled, and the top three and four areas of high traffic incidents were along the corridor. Learnard said if the developer/citizens group decided a traffic study was warranted, she would support it.

Haddix noted the study at SR 54/SR 74 had been done by the DOT and ARC, working with the County and City. Fleisch said she would like to vote on the study, since it would take at least two months for the study to be done. Dienhart said they needed an actual price before voting. Meeker said the agenda item said "discuss," so staff would come back with a contract and a firm price. Staff had an idea of what needed to be included in the study due to this discussion.

Haddix asked if they proceeded with the study, whether Council could end up having to vote on the traffic light while the study was in progress. Dienhart agreed. He asked what the developer's deadlines were, saying Council needed a big picture of the developer's situation, too.

Fleisch said she had been concerned about that too, and she had asked staff to contact the developer. Rast reported that an e-mail had been sent, but as of the meeting time, there had been no reply.

Imker said he would rather not vote on a traffic study until the group had met. He wanted a traffic study to include the option of the completion of MacDuff Parkway. Consensus for the study was it should include the entire area along SR 54, from MacDuff Parkway to the Wyndham Peachtree Conference Center, and all the side streets.

There was a question on whether to call the developer/citizen group a committee or not. The decision was to not call it a committee. The consensus was to not move forward on anything until Council heard from the group.

New Agenda Items

05-13-01 Public Hearing – Consider Variance from Watershed Protection Buffer Ordinance, 323 Watermark Drive

Rast said the applicants, Richard and Caroline Burnett, applied for the variance in order to construct a swimming pool at the rear of their home, which had 466 feet of frontage on Lake Kedron. One of the adjacent properties was owned by the Peninsula subdivision HOA, and the lot on the other side was undeveloped. The tract was 1.49 acres, but after taking out the buffers and setbacks only a small buildable area was left, which was where the home was located. The 100-foot undisturbed buffer around the lake would not be impacted by the pool. They were asking for a six-foot variance into the 50-foot no impervious buffer in one area and eight feet in another. Rast noted there had been an error in the memo, and it only included the six-foot encroachment.

Looking at the variance criteria, Rast noted that 82% of the lot could not be developed. The City Engineer had also looked at the application and agreed the pool would have minimal impact on the no impervious buffer based on the way the retaining wall and pool would be constructed. The water would be able to infiltrate into the ground. Staff recommended approval with the following understandings and conditions:

1. *The applicant shall continue to coordinate with City staff to ensure disturbance within the floodplain is kept to a minimum prior to, during, and following construction activities.*
2. *The variance shall be limited to an encroachment as shown on the "Backyard Pool for the Burnett Residence" landscape plan as prepared by Mike Lorber, ASLA. There shall be no other encroachments permitted without first securing additional variances.*
3. *Evergreen plant material shall be installed at the base of the wall to assist in screening views of the wall from properties across the lake.*
4. *Following completion of construction and prior to issuance of the Certificate of Occupancy, the Applicant shall provide a revised Foundation Survey identifying the location of the new construction. The purpose of this survey is to ensure the new construction does not encroach any further into the impervious setback than permitted by this variance.*

Haddix opened the public hearing.

Mike Lorber, the landscape architect for the Burnetts, assured Council that the applicants understood protecting Lake Kedron. The encroachment would provide enough room for people to walk around the pool. Lorber noted that guidelines for pools were to locate the pool

10 – 12 feet from a house. The pool would be enclosed in a pervious system, which eliminated the impact on the lake.

Richard Burnett said the pool could be built abutting the side of the home, but there would be no access to the pool from the home, and they did not want to compromise the safety of anyone using the pool that might need help. He said the HOA had approved the plans pending Council's approval.

No one else spoke. The public hearing closed.

Haddix said not having written approval from an HOA was a concern for him. Burnett said they had recently moved to the City from Washington, D.C., adding the HOA had required approval from his neighbors for the fence. When he explained that he would need to go two lots over on each side, the HOA representative said it would not be necessary since HOA property was on one side and an undeveloped lot on the other. Dienhart asked Council if they were willing to approve the variance pending written notification from the HOA.

Learnard said she was not aware HOA approval was required for a variance. City Attorney Ted Meeker said HOA approval was a matter of course for variance requests. From a legal standpoint, it was two separate sets of requirements, for some reason. Most of the time, the applicants had gone before their HOA before coming to Council.

Imker said he had no problem with the variance, but he was not going to vote on it without HOA approval, which would set the City up for problems with the HOA. Haddix said there had been at least a few times when Council had approved a variance without HOA approval, and the HOAs had been very upset. He wanted to see it in writing. Burnett said they had written approval pending Council approval; however, he had not sent it to Rast. He added he would e-mail it to Rast that night. Imker offered his computer for Burnett to log into his e-mail and look for the letter.

Haddix asked Rast to go over the buffers and what they meant. Rast explained the watershed protection buffer included a 100-foot natural buffer from normal pool elevation, designed to filter out sediment from the drinking water reservoirs, and the 50-foot no impervious buffer was an additional buffer that allowed residents to use the yard. Some things were allowed in the no impervious buffer as long as the water could still percolate. Pavers were pervious if they were on a sand or gravel base.

Imker reported to Council that he had seen the e-mail from the HOA with its approval pending Council approval of the variance request. Burnett was sending him the e-mail, then Imker would forward it to everyone else.

Learnard asked if the pumps could be moved to the side of the home if there was any possibility at all. She felt that was an appropriate measure to take.

Learnard moved to approve the variance request from the Watershed Protection Ordinance for 323 Watermark Drive based on the conditions outlined in the staff report. Dienhart seconded. Motion carried unanimously.

**05-13-02 Consider Amendments to Chapter 66, Signs, Specifically Related to
Temporary Signs**

Rast noted that, when the ordinance was amended in 2006 – 2007, language was added to allow temporary signs on residential and non-residential property. One temporary sign was allowed for an extended period of time, with basically no limit to the time the sign could be on display. Some businesses were using the temporary signs to their advantage by having more signs than were permitted by ordinance. The proposed amendments would provide a mechanism for enforcement by setting time limits. The size of the signs would not change, but the date the sign was posted must on the sign, and the signs could not be displayed more than 30 consecutive days at any one time, provided no more than six temporary signs were located on the property during a calendar year, and there be no less than 30 days between the displays of the signs. Staff hoped the amendments would help reduce clutter on primarily commercial properties.

Learnard moved to approve the amendments to Chapter 66, Signs, specifically related to temporary signs. Fleisch seconded. Motion carried unanimously.

05-13-03 Consider Ordinance Amendments Regarding Blankets and Tarps

City Manager Jim Pennington reported that Public Information Officer/City Clerk Betsy Tyler and Meeker, along with several other staff members, had worked on the proposed amendments, noting they addressed a difficult situation. People were either for or against putting blankets and tarps out early for the Fourth of July events. There was no middle ground.

Tyler recalled the blanket and tarp frenzy that had started five days prior to the Fourth of July last year. The City's streets and parks were lined with blankets, tarps, and other items placed to reserve seating. Council had asked for a recommendation on what to do about the issue. Tyler continued that she and Meeker had worked with Recreation, Planning, Fire, Police, Code Enforcement, and Public Works, finding two sections of the Code of Ordinances needed to be addressed – Parks and Streets and Right-of-Ways.

The proposed amendments would allow staff to remove any blankets or tarps left unattended for 60 minutes or more, which would keep them from going up days prior to an event. Tyler noted there might not be enough employees available to tag the blankets and tarps and then go back and get them on July 4th. The Police Department followed state law regarding vehicles that appeared to be abandoned on roads, which included placing a tag on the vehicle for a certain amount of time before removing it. The ordinances had previously not included anything for parks.

Learnard noted that runners often left vehicles and items at the boat launch on Battery Way, then would go on a long run that lasted two hours. Meeker said a separate set of rules applied to abandoned vehicles. A sticker had to be placed on vehicles, and they had to be in place for 24 hours before they could be moved. Police Chief H.C. "Skip" Clark added it usually took some time before the vehicles were noticed and reported.

Imker said he was not comfortable with the 60-minute requirement. Changing the time to midnight the day before an event would give City residents first choice on locations. Tyler reminded Council that there were other events where there were issues. The proposed amendments did not specifically address July 4th.

Fleisch said the safety aspects of stakes were still a problem, even with the time change to midnight. Tyler said there would be even fewer staff than normal at that time, adding canopies could block the view of motorists.

Imker said he did not want to see any citizen confrontations because of a one-hour rule. Dienhart said July 4th was the City's showcase event, and he had no problem with an hour.

Haddix said, if the time were changed to midnight, he had visions of thousands of flashlights in the dark as people tried to find a space. Imker suggested 6:00 a.m. be considered rather than midnight. Learnard said that would address the issue of putting them out days in advance. Imker said it was not about restricting people from doing it, just how early they went out.

Clark said it was Council's choice. The Police Department would not be able to monitor how long tarps and blankets were out on July 4th. They had many obligations that day. He wanted to make sure there were no safety issues.

Pennington said the problem was having the blankets and tarps out four to five days beforehand. The City did not have the personnel to monitor it, but putting them out six days beforehand was ridiculous. Clark said there would be a mad rush of people getting their spots with the time restricted. Haddix suggested keeping the amendments inline with the rules for the parks, which used the wording "dusk to dawn." Dienhart felt that was too subjective.

The Council consensus was to allow the blankets and tarps beginning at dawn the morning of an event. Meeker said the amendments would need to be re-written, and they could be ready for the June meeting.

05-13-04 Consider Budget Amendment for Crosstown Road

Pennington said there had been many presentations on the roads, and Crosstown was at the top of the list. The road was declining rapidly, and staff believed the full-depth reclamation (FDR) used on Dividend Drive should be used for Crosstown Road. The problem was the \$261,000 grant the City had received had a time limit, and there was only \$134,000 left in the Special Purpose Local Option Sales Tax (SPLOST) fund for roads. Another \$305,000 needed to be transfer from the cash reserves, which would total \$700,000 for the project. Pennington said the City needed to move ahead with the project, but he wanted Council to understand there would be no funds left in the SPLOST fund for roads. The remaining SPLOST money was for cart paths.

Financial Services Director Paul Salvatore said there would be approximately \$331,000 left in the SPLOST fund for cart paths. All the money could come from the SPLOST fund without the requested budget adjustment, but then there would no money for cart paths and staff would be requesting the adjustment for those projects.

Pennington reiterated the \$261,000 grant had to be spent by June.

Learnard moved to approve the budget adjustment in the amount of \$305,000 from General Fund reserves for the completion of an FDR for Crosstown Drive. Imker seconded. Motion carried unanimously.

A short break was called at 9:23 p.m., with the meeting reconvening at 9:28 p.m.

Council/Staff Topics

Hot Topics Update

Pennington noted the City's Employee Picnic would be held the next day, May 10, at Shakerag Knoll.

Pennington said staff was proceeding with work on the Comprehensive Plan, at least on the SR 54 East area. A great deal of data had been collected. Staff was looking at the near term and long term.

Pennington said there had been some discussion on a name for the Recreation Administration building since it had been renovated for use by Fayette Senior Services. Several names had been discussed, and in looking at the entire area, staff recommended calling it McIntosh Place. It would be nice to put a placard up with the name. Council consensus was that was fine.

Imker discussed the potential SPLOST that would be on ballot in November. Imker talked with County Administrator Steve Rapson, asking him when the County needed the City's list of projects so the wording for the question could be done. Imker said Rapson wanted something from the City by May 28. Imker told Rapson that would not happen. Imker wanted to lay out some possible options that could be discussed, saying the two-year penny tax would generate \$12.8 million for the City.

Imker suggested the funds could be used for a millage rate reduction, street/cart path maintenance, new cart paths/streets, debt payoff, paying cash instead of leasing equipment each year, a new fire station, any other ideas that might come up, or any combination of those ideas. If the SPLOST were approved, the items could be moved around if worded properly. He continued that, in one year, the SPLOST would yield approximately \$6,430,000, which was the equivalent of 3.76 mills of property tax for City residents based on the net digest value that one mill was equivalent to \$1,710,000. The average homeowner would pay \$368 in additional property taxes each of the two years a 3.76 mill tax was in place based on the fair market value of the average \$245,000 home. The equivalent cost for each household paying the 1% extra sales tax for two years was about \$180 per year to achieve the same \$12.8 million in revenue.

Imker continued that, in order for each household to generate \$368 in SPLOST tax for the City, they would have to ring up \$123,000 in sales in Fayette County that were subject to the 1% SPLOST. The five-year 2006 SPLOST yielded only \$10,130,000 for the City or \$2,025,000 each year.

Imker continued that Public Services Director Mark Caspar had presented a list at the May 7 workshop, recommending \$7.5 million be used for roads, \$2.5 million on cart paths, and \$2.6 million on cart path bridges and tunnels. As for the streets, \$5 million could be spent on 185 streets of the streets in the City that rated 77 out of 100 or below (with the worst street, Crosstown Drive from SR 74 to Peachtree Parkway, rated at 49). The \$5 million cost did not include milling, patching, or FDR if that was needed, so Imker said they really did not know how many streets would be covered by \$5 million or \$7.5 million. There were 606 cart paths in the City, and \$2.5 million would address the worst 91 cart paths.

Dienhart said this was the perfect timing since the 2006 SPLOST funds were running out. Imker asked if a generalized statement was all that was needed. Haddix said there had been specific projects in the 2006 SPLOST. Meeker said there were projects listed, as well as a catch-all statement for cart paths. Imker proposed including all the projects so the City could pick and choose, saying the money should clearly be used for street and cart path maintenance in his opinion, but the others on Council might feel differently. He wanted to know how to get started. Meeker said there would also be an intergovernmental agreement that would have a listing of how the funds could be used by each jurisdiction. Meeker noted the County could put forward a SPLOST referendum on its own, but had asked for an agreement to be put in place. They were now working on formulating an agreement, so it could all be done at one time.

Haddix said he supported debt repayment. The money from the last SPLOST was running out. If this SPLOST passed, the City would be in the same position when the funds ran out. He wanted something more permanent, to get rid of the debt and have the ongoing savings that could be used every year for the roads, cart paths, or other issues.

Dienhart asked Salvatore if he had the figures regarding the debt currently held by the City. Salvatore said the City had approximately \$15 million in debt. Every year, some of the debt rolled off. One year's worth of debt payment was approximately \$2.7 million. Dienhart said that money could go back in the budget to pay for streets and cart paths.

Imker said anytime there was an infusion of \$12 million there had to be a success somewhere, whether it was debt reduction or spending it on street and cart path maintenance. Currently, the City had 13 line items of debt, and four were revolving, and those four accumulated anywhere from \$500,000 to \$1 million. The rest of the \$2 million would be paid off in four years, which would free up that \$2 million after four years. There was merit to both approaches. He wanted the discussion to focus on which route the City wanted to take and how it would get there, not to debate the merits of one or the other. Learnard said staff must have a scenario of what they wanted to see.

Fleisch noted that businesses in the City contributed approximately \$8 million annually to sales taxes in the County. Fayetteville contributed approximately \$7 million, and the County contributed \$3 million. With the proposed SPLOST, the County would get \$20 million. Peachtree City would have contributed \$16 million, and would get back \$12 million. Fayetteville would contribute \$14 million, getting back \$5 million. Salvatore said the method of distribution was not based on how much sales taxes each entity's businesses collected. There were other services involved. Fleisch said the residents needed that information. Haddix said that was an argument to vote down the SPLOST and to go with a Municipal Option Sales Tax (MOST).

Pennington said it was logical that the revenue from a sales tax would come from the entities with businesses that sold goods. The commercial centers in the County were in Peachtree City and Fayetteville. There was minimal commercial activity in the County proper, and the cities were also part of the County.

Dienhart said the City would come out in a more favorable position with the proposed SPLOST than it had with past SPLOSTs. Fleisch said City residents were already paying for stormwater. She was not saying it was double taxation, but the residents should be aware of that when they went to the ballot. Dienhart said that was why it was called a core infrastructure SPLOST. Stormwater was the way some entities would use the money. Haddix agreed with Fleisch that the citizens deserved to know what was going on. Dienhart said, in the interests of full disclosure, they needed to know there was not a Plan B to replace the expired SPLOST money. Haddix said the City was contributing more than they would get back.

Imker clarified that only the City of Atlanta could legally have a MOST. Haddix said he thought that had changed. Meeker said that, unless something had changed, the City could not do a MOST, but he would research it. Learnard suggested getting a recommendation from staff. The City was out of money for cart paths and streets, and the proposed SPLOST was the most sensible way to go about it. Imker said he also wanted staff to come back with an approach for debt reduction.

Pennington said Council had asked for reports on the walking sign and food truck ordinances passed the previous year. There had been no problems with either. There had been no complaints at City Hall.

Learnard moved to convene in executive session for pending and threatened litigation at 10:01p.m. Dienhart seconded. Motion carried unanimously.

Imker moved to reconvene in regular session at 10:14 p.m. Dienhart seconded. Motion carried unanimously.

Dienhart moved to deny the claims of Ed Eiswerth as such claims were presented, and to authorize the City Attorney to file the counterclaims discussed in executive session if a lawsuit is filed. Learnard seconded. Motion carried unanimously.

There being no further business to discuss, Dienhart moved to adjourn the meeting. Imker seconded. Motion carried unanimously. The meeting adjourned at 10:16 p.m.

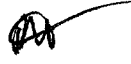
Pamela Dufresne, Deputy City Clerk

Don Haddix, Mayor

CITY OF PEACHTREE CITY
INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: Public Information Officer/ City Clerk 

DATE: May 16, 2013

SUBJECT: Consider Intergovernmental Agreement for 2013 Municipal Election
June 6, 2013, City Council Meeting

Recommendation:

That Council approve and authorize the Mayor to sign the attached agreement with Fayette County for conducting the 2013 municipal election.

Discussion:

The City contracts with Fayette County for the County Board of Elections to conduct each municipal election. Fayette County owns the voting equipment and conducts annual elections, helping to ensure that Peachtree City's municipal elections are held in accordance with State and Federal law.

The attached agreement gives the Fayette County Board of Elections the authority to conduct the November 5 Municipal Election and any necessary Run-off Election in December. This includes transportation and setup of voting equipment, issuing absentee ballots, staffing the polls, and training and paying poll workers.

The City will reimburse the County for all expenses incurred in managing the election, and City Staff will continue to qualify candidates and notify the State of candidates who must file campaign reports.

The City Attorney has reviewed the agreement and approved the language from a legal standpoint.

Budget Impact:

The proposed FY 2014 Budget will include funding for the November 8 Election and a runoff-election, which will be required for any seat in which no candidate receives 50% plus one of the votes cast.

STATE OF GEORGIA

COUNTY OF FAYETTE

**INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL
ELECTIONS**

This Agreement entered into between the CITY OF PEACHTREE CITY, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as "The City" and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as "The County".

WITNESSETH:

WHEREAS, the City in the performance of its governmental functions will hold the election hereinafter described; and

WHEREAS, under the provisions of the Georgia Election Code, particularly O.C.G.A. §21-2-45 of the Official Code of Georgia Annotated, the City may, by ordinance, authorize the County to conduct such election and the City has heretofore adopted such an ordinance; and

WHEREAS, the County has staff and equipment to conduct such election; and

WHEREAS, the County desires to assist said City in the conduct of its municipal election.

NOW THEREFORE, for and in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This Agreement shall govern the conduct of the City of Peachtree City general election to be held on November 5, 2013, and any and all run-offs which may be necessary and any special elections that may occur within 12 months of this Agreement.

2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned election and shall perform any and all functions of the City or any of the City's officials in connection with the conduct of such election with the exception of duties pertaining to the qualification of candidates and pertaining to the responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance.

3.

A City official shall operate as the Superintendent with respect to the qualifications of candidates. Such official shall perform any and all functions of the City or any of its officials in connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C)(2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

The County shall supply all of the necessary manpower and transportation to pick up, deliver, set up, store and return to the County all of the voting equipment used in the election along with all ancillary equipment and necessary supplies.

5.

All the voting equipment shall be programmed by the Center for Elections located at Kennesaw State University.

6.

All absentee ballots shall be ordered, issued, mailed, and accounted for by the County.

7.

Staffing of the polling locations and training of the staff shall be provided by the County.

8.

All expenses and charges incurred in the performance of said election (except for the actual cost of the State-owned voting system and State-owned ancillary equipment) shall be the responsibility of the City. Said expenses and charges shall include but not be limited to the following: all costs of training and providing personnel for the election, costs of printing, mailing and processing absentee ballots, the costs of expendable supplies, and a pro-rated maintenance cost for the voting equipment. An invoice for the costs and expenses of the election shall be submitted to the City and the City shall remit payment of the invoice to Fayette County within 30 days of receipt of the invoice.

9.

To the extent permitted by law, City shall indemnify, defend and hold harmless the County from any liability and/or litigation expenses to which the County may be subjected as a consequence of or as a result of the election for the City. The City will furthermore, to the extent permitted by law, reimburse the County for any and all necessary legal representation, by counsel chosen by the County, in any action arising from the conduct of City elections. Said reimbursement shall be paid by the City within thirty days of invoice by the County.

10.

This intergovernmental contract is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held

invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

Should it be necessary to comply with any legal requirements, the necessary members of the County's personnel may be temporarily sworn in as officers and employees of the City.

FAYETTE COUNTY, GEORGIA

By: _____
Steve Brown, Chairman
Board of Commissioners

Attest:

CITY OF PEACHTREE CITY

By: _____
Don Haddix, Mayor

Attest:

BOARD OF ELECTIONS & VOTER
REGISTRATION

By: _____
Addison Lester, Chairman

Attest:

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Jim Pennington, City Manager 
Paul Salvatore, Financial Services Director *P.S.*
Beverly Waldrip, Assistant Financial Director *BW*
Angela Egan, Purchasing Agent *AE*

FROM: H.C. "Skip" Clark II, Chief of Police 

DATE: May 13, 2013

SUBJECT: 2012 Citizen Corp Community Emergency Response Team Grant (CERT)
City Council Consent Agenda – June 6, 2013

Recommendation:

The Police Department is requesting to accept a grant from the Georgia Emergency Management Agency in the amount of \$10,600.00.

Discussion:

Under the guidelines for this grant, these funds are for items such as medical supplies, promotional materials, training material, as well as general machinery/equipment maintenance and purchases. As a condition of the grant, the City must furnish expenditure documentation for the money spent. The Police Department has received previous grants that require this documentation and has been very diligent in this reporting requirement. In fact, the Peachtree City's accounting program was given accolades at a recent Citizen Corp Conference. The Peachtree City C.E.R.T. program was established in 2005. As of the date of this request, we have trained over 800 adult and young adults in disaster preparedness. If this grant is approved and received, we should be able to provide training to over 1000 citizens by the August of 2014.

Budget Impact:

This grant will impact the Police Grants Fund by increasing both revenue and expenditures in the Grant Fund by \$10,600. There are no matching funds required on behalf of the City.

HCC/slp

GEORGIA EMERGENCY MANAGEMENT AGENCY
GEORGIA OFFICE OF HOMELAND SECURITY

NATHAN DEAL
GOVERNOR



CHARLEY ENGLISH
DIRECTOR

May 3, 2013

RE: FIPS #113-59724-99
GAN #EMW-2012-SS-00063-S01
Budget Worksheet #3025 SHO12-082
City of Peachtree City Police Department

Honorable Don Haddix
Mayor
City of Peachtree City
350 South Highway 74
Peachtree City, Georgia 30269

Dear Mayor Haddix:

On behalf of Governor Nathan Deal, it is our pleasure to award your agency with a Fiscal Year 2012 Homeland Security Grant Program/State Homeland Security Grant Program from the Department of Homeland Security (DHS). Enclosed is the Grantee-Subgrantee Agreement for funding awarded to you agency by the Georgia Emergency Management Agency (GEMA). This agreement governs the use of funding provided by DHS to help your agency to build and enhance capabilities to prevent, protect against, respond to, and recover from terrorist attacks, major disasters and other emergencies in accordance with the goals and objectives of the State Strategic Plan.

The amount of this agreement is \$10,600.00. You may not exceed in either quantity nor total dollar amount the items expressly approved for you to purchase, as shown on the accompanying detailed budget worksheet(s).

Attached to the Grantee-Subgrantee Agreement are Exhibits A - I. Please review and return signed originals of the Grantee-Subgrantee Agreement, Exhibit C, F, and Exhibit G to the attention of your grants manager **within 14 days of receipt of this letter**. A copy of the fully executed agreement will be returned to you for your files.

If you require further information as to the grantee package, please contact Michael Parker, Grants Manager, at 404-635-7063. Thank you for your work on behalf of the citizens of Georgia.

Sincerely,

A handwritten signature in black ink, appearing to read "Angi Whatley", is written over a circular stamp that says "EMAP Accredited".

Angi Whatley
Public Assistance Division Director

aw/mp
Enclosures
cc: Stan Pye, Captain
City of Peachtree City Police Department



**FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM
GRANTEE-SUBGRANTEE AGREEMENT
State Homeland Security Program**

The United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), approved the application and awarded grant funding from the Fiscal Year (FY) 2012 Homeland Security Grant Program to the Georgia Emergency Management Agency (GEMA) on behalf of the State of Georgia, in accordance with *The Homeland Security Act of 2002, as amended by section 101 of the Implementing Recommendations of the 9/11 Commission Act of 2007*, and *The Consolidated Appropriations Act, 2012, Division D*. The Catalog of Federal Domestic Assistance (CFDA) number for this grant is 97.067.

GEMA will maintain overall responsibility and accountability to the federal government for the duration of the program. GEMA, as Grantee, **has awarded the amount of \$10,600.00 to City of Peachtree City Police Department**, as Subgrantee, in accordance with the **Fiscal Year 2012 Homeland Security Grant Program (HSGP), State Homeland Security Program**.

Under this Agreement, GEMA will execute the interests and responsibilities of the Grantee. The individual designated to represent the State is **Charley English, Authorized Grantee Official**. The State has designated **Micah Hamrick as the Program Manager** of this program. The Subgrantee's Authorized Official has authority to legally bind the Subgrantee and will execute the interests and responsibilities of the Subgrantee. The Subgrantee's Authorized Official is the person whose name appears on page ten (10) of this agreement and whose signature appears on page ten (10) of this agreement.

Purpose: The Subgrantee agrees to use allocated funds only as approved; to comply with the terms, conditions and guidelines, as stated within this agreement, and to request reimbursement only for expenditures made in accordance with the Approved Detailed Budget Worksheet (Exhibit D). Any change to the budget worksheet must be requested in writing by the Subgrantee and must be approved by the Program Manager prior to the execution of that change. After all approved items on the approved budget worksheet have been reimbursed to the Subgrantee, this Subgrantee Agreement shall terminate, and any remaining funds will be thereby forfeited by the Subgrantee and such funds shall be deobligated and reallocated by GEMA. If a detailed Budget Worksheet has not been approved or attached to this agreement, a Budget Worksheet for all funding awarded in this subgrant must be approved by the Program Manager and this agreement must be amended to add the approved Budget Worksheet as Exhibit D before any expenditures may be made by or on behalf of the Subgrantee.

Effective Date: September 1, 2012 to April 30, 2014

The Subgrantee agrees that all purchases and expenditures authorized under this program must be completed by the effective end date.

Exhibits: Exhibits are attached or attainable via the internet and made a part of this agreement:

- Exhibit A United States Department of Homeland Security (DHS), Preparedness Directorate, Office of Grants and Training (G&T), Office of Grant Operations (OGO) Financial Management Guide (Financial Guide), available on the DHS Web site at:
http://www.dhs.gov/xlibrary/assets/Grants_FinancialManagementGuide.pdf
- Exhibit B United States Department of Homeland Security (DHS): Federal Emergency Management Agency (FEMA) Fiscal Year 2012 Homeland Security Grant Program Funding Opportunity Announcement (DHS/FEMA FOA), located on the internet at:
http://www.fema.gov/pdf/government/grant/2012/fy12_hsgp_foa.pdf

GEORGIA EMERGENCY MANAGEMENT AGENCY

(SHADED AREAS ARE FOR GEMA USE ONLY)

[illegible]

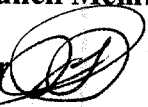
Stannyllysine

TIME:

Captain

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
VIA: City Manager 
FROM: Public Information Officer/City Clerk
DATE: May 30, 2013
SUBJECT: Consider Alcohol Ordinance Amendment – Definition of Growler
June 6, 2013, City Council Meeting

Recommendation:

That Council adopt the attached ordinance amendment for the definition of “growler.”

Discussion:

In 2012, Council amended the Alcoholic Beverage Ordinance to allow for beer tastings under limited circumstances for licensees who sell craft malt beverages in refillable growler containers. This type of business is increasing in popularity, and new technology includes a sealable pouch that differs slightly from the glass or plastic jugs already permitted for this activity. The proposed amendment broadens the definition of “growler” to incorporate this type of adaptation in the growler business.

Containers will continue be limited to the existing range of 12 oz. to 64 oz. in capacity and must be sealable before sale to the customer for consumption off-site. The City Attorney has reviewed the proposed change.

Budget Impact:

This item should have no budgetary impact.

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND CHAPTER SIX, ALCOHOLIC BEVERAGES, OF THE PEACHTREE CITY CODE OF ORDINANCES, AS AMENDED, TO PROVIDE DEFINITIONS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City, that:

Section 1. Chapter Six, Article I, Section 6-2 of the Alcoholic Beverage Ordinance, as amended, be further amended as follows:

Sec. 6-2. - Definitions.

| Growler means glass, ~~or plastic bottle or jug or other type of container~~, not less than twelve (12) ounces or more than sixty-four (64) ounces, used to hold specialty malt beverages such as beer and hard cider, which are dispensed from a tap and sealed airtight before being sold to the customer for off-premise consumption.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its adoption.

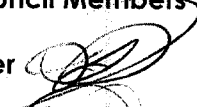
This _____ day of _____ 2013.

Don Haddix, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
VIA: City Manager 
FROM: City Solicitor 
DATE: May 30, 2013
SUBJECT: Consider Ordinance Amendment – Pre Trial Intervention Program
June 6, 2013, City Council Meeting

Recommendation:

That Council adopt the attached amendment to the Municipal Court Ordinance relating to the Pre-Trial Intervention Program.

Discussion:

The Mayor and City Council adopted the current Pre-Trial Intervention Program Ordinance in 2011. The program allows first-time offenders to complete a program and prevent a first offense from being added to their record.

The proposed changes are housekeeping in nature to reflect current state law regulating such programs.

Budget Impact:

This item should have no budgetary impact.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED, SO AS TO PROVIDE FOR A PRE-TRIAL INTERVENTION PROGRAM IN MUNICIPAL COURT; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY, GEORGIA, THAT:

Section 1. Chapter 46, Article II, Section 46-57 of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended as follows:

Sec. 46-57. Pre-trial intervention program.

- (a) A defendant may apply in writing before the commencement of trial for participation in the City's Pre-trial Intervention Program (herein referred to as PTI Program). The prosecutor may consider the circumstances of the case (s) and/or the defendant's criminal history when deciding approval of the defendant's participation in the program. Acceptance ~~therein is in the Court's program discretion~~ and is based on but not limited to the following conditions:
- (1) The defendant has no prior record for the same or similar offense(s).
 - (2) The defendant is willing to tender a guilty plea to the offense(s), pay a fine, and comply with all conditions recommended by the prosecutor ~~imposed by the court.~~
 - (3) The defendant has never been sentenced under the city PTI Program or similar program.
 - (4) The defendant pays an administrative fee of \$50.00.
- (b) Failure of the defendant to comply with conditions will result in adjudication and transmittal of the original sentence. Compliance with all conditions, however, will result in dismissal of the offense(s).
- (c) PTI consideration will not be granted for any offense requiring mandatory suspension of a driver's license pursuant to state law, code enforcement

violations, furnishing alcohol to a minor, alcohol permit violations, state traffic offenses, or offenses for which the city does not have jurisdiction.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _____ day of _____ 2013.

Don Haddix, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
FROM: City Manager 
DATE: May 28, 2013
SUBJECT: Consider Cancellation of July 4, 2013, Regular Council Meeting
June 6, 2013, City Council Meeting

Recommendation:

That Council cancel the July 4, 2013, Regular City Council Meeting.

Discussion:

This year, the first regular council meeting of July falls on Independence Day. Because this is a City holiday, no agenda items have been assigned. In addition to the July 18 regular meeting, there is a budget workshop scheduled for July 8 and a Special Called Meeting tentatively scheduled for July 30 to adopt the FY 2014 budget.

Budget Impact:

This item should have no budgetary impact.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Council and Mayor

VIA: James L. Pennington, City Manager 

FROM: H.C. "Skip" Clark II, Chief of Police 

DATE: May 28, 2013

SUBJECT: Mutual Aid Agreement – Fayetteville Police Department
City Council Agenda – June 6, 2013

Recommendation:

Staff recommends that the Mutual Aid Agreement between Fayetteville Police Department and the Peachtree City Police Department be approved.

Discussion:

We are requesting that the Mutual Aid Agreement between the Fayetteville Police Department and the Peachtree City Police Department be renewed. By renewing this agreement we will ensure that if the Fayetteville Police Department were to call upon assistance by the Peachtree City Police Department they will be familiar with our requirements for mutual aid and available resources. Accordingly, the police department is requesting approval from the Mayor and City Council to enter into the attached mutual aid agreement (Mayor's signature required). Although written agreements are not required by law, they do provide guidelines and special provisions in the event that the Peachtree City Police Department has to call upon another agency for assistance. This agreement also allows both agencies to have a better understanding what is expected when requesting assistance, the resources available from one jurisdiction to the other, and what is needed by the requesting City and/or law enforcement agency.

Budget Impact:

There is no budget impact concerning this agreement.

MUTUAL ASSISTANCE AGREEMENT

Between FAYETTEVILLE POLICE DEPARTMENT and the Peachtree City Police Department.

It is hereby recognized that it is the policy of the undersigned law enforcement agencies to exist in and provide for positive and mutually beneficial public safety services with one another for the benefit of the citizen in our respective jurisdictions.

The undersigned department's further state that they shall provide to one another that assistance (as is available) which may be required in critical and emergency situations to ensure that the requesting agency is capable of performing its public safety function as mandated by law. It is understood that the assisting agency will provide only that manpower and equipment which can be reasonably loaned without endangering its own public safety mission.

The assisting agency shall consider its personnel to be operating in an on-duty capacity and as such shall provide for its employees life and workers compensation insurance as if the employee were on a normal and routine tour of duty.

This Mutual Assistance Agreement shall incorporate the following Georgia Codes; 36-69-4 through 36-69-8.

36-69-4. Whenever the employees of any political subdivision or institution within the University System of Georgia are rendering aid outside their political subdivision or campus, respectively, and pursuant to the authority contained in this chapter, such employees shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision or on the campus of the institution in which they are normally employed.

36-69-5. Unless otherwise provided by contract, the political subdivision or institution within the University System of Georgia which furnishes any equipment pursuant to this chapter shall bear the loss or damage to such equipment and shall pay any expense incurred in the operation and maintenance thereof. Unless otherwise provided by contract, the political subdivision or institution within the University System of Georgia furnishing aid pursuant to this chapter shall compensate its employees during the time of rendering of such aid and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid.

36-69-6. All of the privileges and immunities from liability; exemption from laws, ordinances, and rules; and all pension, insurance, relief, disability, workers' compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such political subdivision or institution within

the University System of Georgia when performing their respective functions within the territorial limits of their respective political subdivisions or campuses shall apply to such officers, agents, or employees to the same degree, manner, and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this chapter relating to mutual aid. The provisions of this Code section shall apply with equal effect to paid, volunteer, and auxiliary employees.

36-69-7. Neither a public safety agency which requests assistance pursuant to Code Section 36-69-3 nor the political subdivision or institution of the University System of Georgia in which the public safety agency is located shall be liable for any acts or omissions of employees of a responding public safety agency rendering assistance extraterritorially under the provisions of this chapter.

36-69-8. (a) The provisions of this chapter shall not be construed as creating a duty on the part of any public safety agency of a local political subdivision or institution within the University System of Georgia to respond to a request from any public safety agency of another local political subdivision or institution of the University System of Georgia as authorized in Code Section 36-69-3. (b) Notwithstanding the provisions of subsection (e) of Code Section 36-69-3, the provisions of this chapter shall not be construed as creating a duty on the part of a public safety agency rendering assistance extraterritorially to stay at the scene of a local emergency for any length of time. Such responding public safety agency may depart the scene of a local emergency at any time at the discretion of the officer in command of the public safety agency rendering assistance extraterritorially at the scene of the local emergency.

The following procedure shall be followed by all personnel authorized to request assistance from agencies entering into this Mutual Aid agreement.

1. The Chief Executive Officer or his/her designee shall be authorized to request assistance or authorized to approve requests for assistance which arise from states of emergency, actual or imminent.
2. The Chief Executive Officer or his/her designee shall be authorized to request assistance or authorized to approve requests for assistance which arise from public occurrences which require rapid response of short duration.

Whenever assistance for public occurrences necessitates assistance for more than one tour of duty, the requesting jurisdiction shall again gain the approval of the Chief Executive Officer or his/her designee, from the assisting jurisdiction. Without such approval after one complete tour of duty, the personnel of the assisting jurisdiction shall cease activity in the requesting jurisdiction.

3. Requests for assistance for public occurrences of short duration and states of emergency shall be made by telephone or the Inter-city or State Band Radio

System. All requests for assistance for states of emergency shall be verified by Teletype Message initiated by the official authorized to make such a request.

4. Whenever possible, jurisdictions party to the Mutual Aid Agreement dated _____, shall alert other jurisdictions of the need to stand-by for possible assistance.
5. The requests for assistance shall include the following:
 - a. The name and position of the official making the request.
 - b. The nature of the emergency or public occurrence, and location.
 - c. The number of personnel requested, and whether specialized personnel are essential to the assistance.
 - d. The type of equipment needed for assistance.
 - e. The name and rank of the officer to which the assisting personnel shall report.
6. The Chief Executive Officer, or his/her designee of the assisting jurisdiction, shall evaluate all requests for assistance and shall promptly advise the requesting jurisdiction of the number of personnel, specialized units and equipment that will be provided.

Deployment of Assisting Personnel

1. Whenever possible, assisting personnel shall be deployed as a unit, with supervision from the members of their command.
2. Assisting personnel shall be deployed as supporting units whenever possible.
3. The assisting personnel shall respond to all lawful directives issued by the ranking officer of the requesting jurisdiction. Such directives, which are contrary to law, or the orders, regulations and rules of the assisting jurisdiction, shall not be recognized.
4. The withdrawal of personnel or equipment shall be with the agreement of the requesting and assisting jurisdiction, if possible. Either the requesting or assisting jurisdiction shall cause the withdrawal of personnel and equipment if agreement is not reached. Notification shall be given upon withdrawal.
5. The requesting agency shall bear the responsibility through whatever means at hand, including the use of state-wide channels for ensuring that every operable unit has the capability for radio communications with a first line supervisor and the central dispatch center in use.

6. Both agencies agree that all fuel expenditures beyond the first tank will be provided by the requesting agency, lodging and meal responsibilities shall be borne by the requesting agency and salary expenses shall be borne by the employee's own department as is reasonable.
7. It shall be the responsibility of the County Sheriff (as is required by law) to operate the necessary detention facilities, be they permanent or temporary, including the need for such services in the event of mass arrests. This responsibility shall include processing of said individuals. The arresting agency shall make every effort to cooperate with the Sheriff and assist where possible and shall provide for the transportation of the arrestees to the detention facility.

Use of Deadly Force

1. Deadly force by personnel of assisting jurisdictions shall be used only when necessary to prevent death or serious bodily harm to any person.
2. Specialized units which are trained for hostage or barricaded situations are uniquely qualified to evaluate the conditions which can only be resolved by the use of deadly force. Therefore, the Incident Commander of the requesting jurisdiction shall not commit such specialized units as a unit to an event unless it is apparent that deadly force may be required. This shall not preclude assisting jurisdictions from deploying individuals who may be assigned to said specialized units independent of said unit. When such units are committed, the supervision of the specialized unit shall be completely controlled by the Commander of the Unit with continuous communications maintained between the Commander of the specialized unit and the Incident Commander of the jurisdiction. The purpose of this communication is to finalize the exercise of deadly force. Conflicts that arise between the Incident Commander and Commander of any specialized unit should be worked out prior to any action being taken by any unit.

GENERAL INFORMATION

- (A) At the time of this signing, the Fayetteville Police Department has at it's disposal 38 sworn personnel, 38 marked patrol vehicle(s), 15 unmarked patrol vehicle(s), 0 SWAT Team(s), 0 Hostage Negotiator(s), 1 Prisoner transport vehicle(s), 0 Dive Team(s), 0 fixed or rotary winged aircraft, 0 motor boat(s), 0 four wheel drive all-terrain vehicle(s), 1 Mobile Command Vehicle(s), 1 Crime Scene Vehicle(s) and 2 Canine Officer(s).
- (B) At the time of this signing, the Peachtree City Police Department has at it's disposal sworn personnel, marked patrol vehicle(s), unmarked patrol vehicle(s), SWAT Team(s), Hostage Negotiator(s), Prisoner transport vehicle(s), Dive Team(s), fixed or rotary winged aircraft, motor boat(s),

four wheel drive all-terrain vehicle(s), ___ Mobile Command Vehicle(s), ___
Crime Scene Vehicle(s) and ___ Canine Officer(s).

It is understood that the undersigned agencies will review and update this agreement on an annual basis. It is further understood that this agreement may be amended at anytime by either party after filing a 30 day written notice or intent with the second party. The agencies agree to abide by all local, state and federal laws as they relate to the privacy and security of personnel and criminal justice records and all regulations relative to non-discrimination practices concerning political affiliation, religion, race, color, sex, physical handicaps, age or national origin.

In witness whereof, said agency's Chief Executive Officers have hereto set their hands and affixed their seals the day and year first written.

DATE: _____

Signed, sealed and
delivered as to agency,

FAYETTEVILLE POLICE
DEPARTMENT

By:

SCOTT PITTS

Title: Chief of Police

Signed, sealed and
delivered as to agency,

PEACHTREE CITY
POLICE DEPARTMENT

By:

H. C. "SKIP" CLARK

Title: Chief of Police

By:

GREG CLIFTON

Title: Mayor

By:

DON HADDIX

Title: Mayor

CITY OF PEACHTREE CITY
INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Public Information Officer/City Clerk 

DATE: May 30, 2013

SUBJECT: Consider Ordinance Amendments Regarding Blankets and Tarps
June 6, 2013, City Council Meeting

Recommendation:

That Council consider the attached amendments to Section 54, Parks and Recreation, and Section 70, Streets, Sidewalks, and Other Public Ways, regarding the placement of tarps, blankets, and other personal property.

Discussion:

At the May 9 meeting, Council reviewed two proposed ordinances that would help to address the practice of reserving space in parks and along roadways days in advance of events such as the July 4th parade and fireworks.

The ordinance amendments on May 9 included language identifying property as abandoned if it was left in these location for more than one hour.

At Council's request, both ordinance amendments have been revised to allow tarps and blankets to be placed out at dawn on the day of a special event. Please note, other items such as tents, stakes, and barricades are still prohibited unless they have been approved as part of a permitted event.

Upon approval, staff is ready to move forward with signage and articles to help educate the community prior to the events of July 4, 2013.

Budgetary Impact:

The budgetary impact has not been determined, but additional storage receptacles and dumpsters would be needed to store and/or throw away the items removed. The cost of the additional care needed to restore the grass would no longer be necessary.

AN ORDINANCE TO AMEND ARTICLE I, OF CHAPTER 54, PARKS AND RECREATION, OF THE PEACHTREE CITY CODE OF ORDINANCES, AS AMENDED, TO PROVIDE FOR THE REMOVAL OF ABANDONED OR UNATTENDED PROPERTY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City, that:

Section 1. Chapter 54, Article I, of the Parks and Recreation Ordinance, as amended, be further amended by adding Section 54-14 as follows:

Sec. 54-14. – Abandoned or unattended property

- (a) No person shall abandon a vehicle other than a motor vehicle or trailer attached thereto, boat, equipment, or other personal property at any park facility or nature area. Abandoned property may be removed, impounded, sold in conformance to city ordinances or state laws, or disposed of as trash. As used in this section 54-14, such property shall be considered abandoned if it is left unattended overnight .
- (b) No person shall leave unpermitted barricade, tent, canopy, tarp, blanket, stakes, or other personal property unattended at any public park, facility or nature area overnight or place such items prior to dawn on the day of a special event. . Such property may be removed to a safe place, impounded, sold in conformance to city ordinances or state laws, or disposed of as trash.
- (c) Security deposits, if posted, will apply toward cost of removal.
- (d) All issues pertaining to abandoned vehicles shall be handled in accordance with State law.
- (e) This Section 54-14 shall not apply to tents, canopies, tarps, or other items of personal property which are located on city property pursuant to a contract with the City or to vendors which are permitted to locate such items on city property in connection with an event.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City

Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its adoption.

This _____ day of _____ 2013.

Don Haddix, Mayor

Attest: _____
City Clerk

AN ORDINANCE TO AMEND ARTICLE I, OF CHAPTER 70, STREETS, SIDEWALKS AND OTHER PUBLIC WAYS, OF THE PEACHTREE CITY CODE OF ORDINANCES, AS AMENDED, TO PROVIDE FOR THE REMOVAL OF ABANDONED OR UNATTENDED PROPERTY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City, that:

Section 1. Chapter 70, Article I, of the Streets, sidewalks and other public ways Ordinance, as amended, be further amended by adding Section 70-3 as follows:

Sec. 70-3. – Use of rights-of-way, removal of unattended property

- (a) No person shall leave a vehicle other than a motor vehicle or trailer attached thereto, boat, equipment, or other personal property unattended upon the public sidewalks, paths, streets, alleys, walkways, parks, parking lots, rights-of-way, or other public lands of the city or upon state rights-of-way without obtaining an encroachment permit or event permit. Unattended property may be removed, impounded, sold in conformance to city ordinances or state laws, or disposed of as trash. As used in this section 70-3, such property shall be considered abandoned if it is left unattended overnight.
- (b) No person shall erect any unpermitted structure, tent, or barricade, or install stakes or other hazardous items or items that block driver or pedestrian visibility in or upon the public sidewalks, paths, streets, alleys, walkways, parks, parking lots, rights-of-way, or other public lands of the city or upon state rights-of-way within the city limits. No person shall place blankets, tarps, or other personal property in or upon the public sidewalks, paths, streets, alleys, walkways, parks, parking lots, rights-of-way, or other public lands of the city or upon state rights-of-way within the city limits overnight or place such items prior to dawn on the day of a special event. Any such items may be removed, impounded, sold in conformance to city ordinances or state laws, or disposed of as trash.
- (c) This article shall not apply to signs placed in conformance with Chapter 66 of the Peachtree City Code of Ordinances.
- (d) All issues pertaining to abandoned vehicles shall be handled in accordance with State law.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its adoption.

This _____ day of _____ 2013.

Don Haddix, Mayor

Attest: _____
City Clerk

POSITION PAPER

Annexation and rezoning request
Foot Pain, LLC tracts

Planning and Zoning Administrator
May 30, 2013

David

Situation:

Foot Pain, LLC ("Applicant") has assembled the 4.36-acre Peachtree Professional Center tract, the 1.05-acre Paper Rose Studio tract, the 0.98-acre Peachtree City Chiropractic tract, and the 0.97-acre Paletta Group tract on SR 54 E within unincorporated Fayette County. The parcels are contiguous with one another and adjoin the city limits.

The Peachtree Professional Center, Paper Rose Studio and Peachtree City Chiropractic tracts are zoned C-C Community Commercial and are designated as OFF Office on the Fayette County Future Land Use Plan. The Paletta Group tract is zoned O-I Office Institutional and is designated as OFF Office on the Fayette County Future Land Use Plan.

The Applicant desires to annex the property into the city limits and change the zoning to OI Office Institutional and the Land Use Designation to OFF Office.

The Applicant has complied with the submittal requirements stipulated within the city's Step One and Step Two annexation process.

A copy of the application and supporting documentation is included as Attachment "A".

Facts:

1. Summary of existing conditions and the proposed zoning and land use designations for the subject tracts:

Parcel	Acreage	Building size	Current use	Zoning		Land Use	
				existing	proposed	existing	proposed
Peachtree Professional Center	4.36	45,000 SF	multi-tenant medical	C-C	OI	COM	OFF
Paper Rose Studio	1.05	2,355 SF	retail	C-C	OI	COM	OFF
Peachtree City Chiropractic	0.98	2,262 SF	medical	C-C	OI	COM	OFF
The Paletta Group	0.97	2,002 SF	office	O-I	OI	OFF	OFF

Foot Pain, LLC tracts (SR 54 E)

May 30, 2013

Page 2

2. Summary of existing development, location, zoning and land use of the parcels adjoining the subject tracts:

Parcel	Direction	Current use	Jurisdiction	Zoning	Land Use
Jaz Properties	north	Office/ retail	Unincorporated Fayette County	C-C	COM
Sumner Road	West	Scenic road	Peachtree City		
James tract	West	Residential	Peachtree City	AR	SFL
Atkinson tract	West	Residential	Peachtree City	R-43	SFL
Butler tract	West	Residential	Peachtree City	R-43	SFL
Chase Bank (undeveloped)	West	Residential	Peachtree City	R-43	SFL
Trammel tract	West	Undeveloped	Unincorporated Fayette County		
SR 54 E	East	State highway	Unincorporated Fayette County		

3. The subject tracts are located within unincorporated Fayette County and have frontage on both SR 54 and Sumner Road.
4. Sumner Road is designated as a scenic road on the city's Transportation Plan.
5. The right-of-way of Sumner Road serves as the city limits separating Peachtree City from unincorporated Fayette County.
6. On June 24, 1999, the Fayette County Board of Commissioners rezoned the former Foot Pain (now Peachtree Professional Center) tract from R-40 Residential to C-C Conditional subject to the following conditions (Attachment "B"):
- (a) Prior to the issuance of a building permit for the 4.48-acre office development, a final plat combining the 0.874 acres with the adjacent 3.564 acres must be submitted, approved and recorded.
 - (b) No vehicular access shall be provided to Sumner Road.
 - (c) The subject property shall be restricted to the office and personal service use designations as permitted uses in the C-C District.
 - (d) Any source of exterior illumination shall not be directly visible from neighboring residential properties.
 - (e) An upgraded buffer measuring at least twenty-five (25) feet in depth, with supplemental evergreen plantings shall be required along the right-of-way of Sumner Road.
 - (f) All impervious surfaces shall be located at least (50) feet from the right-of-way of Sumner Road.
7. On April 4, 2013, City Council approved the Applicant's Step One annexation application which authorized Staff to work with them on the annexation request.

Foot Pain, LLC tracts (SR 54 E)

May 30, 2013

Page 3

8. On April 19, 2013, the Applicant submitted their Step Two annexation application.
9. On April 26, 2013, Staff notified the Fayette County Board of Commissioners that the request for annexation and rezoning had been received.
10. At their meeting on May 13, 2013, the Planning Commission voted unanimously to forward the proposed annexation and rezoning request to City Council with a recommendation that it be approved, subject to the understandings and conditions recommended by City Staff and amended during the Planning Commission meeting (Attachment "C").
11. At their meeting on May 23, 2013, the Fayette County Board of Commissioners voted unanimously not to object to the annexation and zoning as proposed (Attachment "D").
12. The Peachtree City Fire Department has determined the proposed annexation would have no significant impact on their current operations. They have identified the closest fire station is 1.6 miles from the proposed annexation area, and they would assume responsibilities for 3 fire hydrants currently located within unincorporated Fayette County should the annexation be approved.

They have also identified the fact that Piedmont Physicians moved their facility from 1000 Commerce Drive to the Peachtree Professional building. Over the past five years, EMS has run 59 calls to the Commerce Drive location at an average of 12 calls per year. They anticipate the proposed annexation would make the EMS collections revenue neutral as opposed to the slight loss they anticipate with the closing of the Commerce Drive location.

Consistency with Comprehensive Plan:

The Community Assessment portion of the 2007 Comprehensive Plan Update summarizes the city's evaluation of development patterns, issues and opportunities, and level of compliance with the Department of Community Affairs' Quality Community Objectives. A portion of this document examined issues and opportunities as they relate to traditional planning elements including, but not limited to, population, economic development, housing, natural and cultural resources, and land use.

The following is an excerpt from the land use assessment:

1.7 Land uses

(a) Development patterns

Major trend: Peachtree City was developed utilizing the village concept, where each "village" would contain a village retail center, office space, a mixture of residential options, churches, schools, open space and recreation, each of which would be interconnected by the city's multi-use path system.

Foot Pain, LLC tracts (SR 54 E)

May 30, 2013

Page 4

Issues:

- The overall density of the city is much less than originally anticipated. Early population projections called for 75-80,000 residents at build-out. Current projections call for no more than 38,500 residents.
- The city is reaching build-out of the land designated for residential development, and will soon reach build-out of its land designated for retail and commercial development.
- The current infrastructure, recreation facilities, and staffing supports the projected population.

Opportunities:

- Land designated as open space should be preserved and protected from development.
- Changes to the Land Use Plan should be carefully analyzed before changing existing land use designations to accommodate higher density retail, commercial or residential development.
- **The city should identify definitive "growth boundaries" and maintain these limits as annexation requests are considered.**

The Comprehensive Plan Advisory Board (CPAB) felt the city should be proactive in identifying tracts of land for potential annexations and should determine which zoning classification would be compatible with existing land use patterns in the area.

The Community Assessment also examined intergovernmental coordination:

1.9 Intergovernmental coordination

Major trend: Effective coordination between the City of Peachtree City and other local, county and State governments and agencies is necessary to ensure proper regional planning and service delivery. The city enjoys benefits from coordination with other local jurisdictions in order to manage economic opportunities, public facilities and environmentally sensitive areas.

Options:

- Coordination with local jurisdictions to ensure there is no duplication of services.
- Maintain open dialogue with Fayette County, ARC, and DCA to promote input on regional issues.
- Encourage staff involvement with planning and other state required initiatives.

Opportunities:

- **Coordinate with County Planning Department to identify Growth Boundaries for Peachtree City and incorporate into Land Use Plan.**
- Coordinate with County Engineering Department in meeting state and federal stormwater management requirements.
- Actively participate in county and regional planning, transportation and other innovative efforts to promote dialogue.

The Community Assessment further identified and examined areas of disinvestment, needing redevelopment, or needing improvements to aesthetics or attractiveness, including existing retail centers, residential areas and transportation corridors. The document evaluated transportation corridors:

Foot Pain, LLC tracts (SR 54 E)

May 30, 2013

Page 5

2.11 Transportation corridors

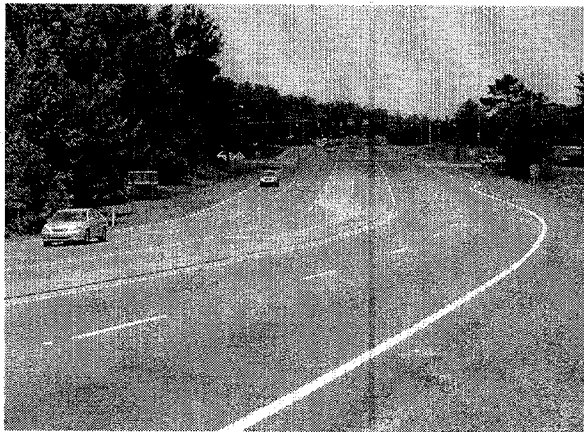
Finally, the city's major transportation corridors will continue to play an important role in setting the initial impression of the community and to provide a pleasing experience for the traveling public. One of the recommendations of the 1995 Land Use Plan update was the establishment of buffer standards along the city's major thoroughfares. The city adopted its Buffer Ordinance in 1997 to assist in protecting these corridors.

The city has also written and strengthened ordinances addressing the site plan review process, tree save and vegetation protection, signage, lighting, landscape and tree replacement requirements, watershed protection, and established minimum design standards for retail, commercial and industrial developments.

The city must be proactive and develop and adopt corridor overlay districts and/ or specific design standards for each of the major transportation corridors. It should be noted the city has already established the SR 54 West Corridor Overlay District as a part of the Livable Centers Initiative study of this emerging transportation corridor, which has played an integral role in the development of this corridor.

And specifically, included an overview of SR 54 East:

SR 54 East



The character of SR 54 East has emerged as Peachtree City has developed. Once a 2-lane highway connecting Newnan and Fayetteville, the corridor has emerged into a 4-lane divided highway carrying an estimated 26,000 vehicles per day. Many of the buildings adjacent to the highway are original or remodeled structures. A significant amount of the property adjacent to SR 54 was dedicated to the city as greenbelt and is maintained in its natural state, providing a natural buffer between many of the buildings and the highway.

Recommendation:

City Staff recommends that the proposed annexation and rezoning of the 4.36-acre Peachtree Professional Center tract, the 1.05-acre Paper Rose Studio tract, the 0.98-acre Peachtree City Chiropractic tract, and the 0.97-acre Paletta Group tract on SR 54 E within unincorporated Fayette County be approved subject to the following understandings and conditions:

1. The applicable conditions adopted on June 24, 1999 by the Fayette County Board of Commissioners for the 4.84-acre and 0.87-acre tract of land shall be incorporated into the zoning of these tracts of land, and reworded as follows:

Foot Pain, LLC tracts (SR 54 E)

May 30, 2013

Page 6

- (a) There shall be no vehicular access from these tracts of land provided to or from Sumner Road.
 - (b) Site lighting and/ or lighting mounted on the building exterior shall comply with the city's Lighting Ordinance.
 - (c) An undisturbed buffer of no less than 25' in width as measured from the right-of-way of Sumner Road shall be preserved on each tract of land and shall be designated on the plat of the overall property. Other than perpendicular utility crossings, clearing, grading or the removal of any vegetation from these buffers shall not be permitted. In those areas void of vegetation, the buffer shall be re-established with evergreen plant material (minimum 6' in height from finish grade) planted in staggered rows at no less than 8' on center.
 - (d) All impervious surfaces, including stormwater detention facilities, shall be located no less than fifty (50) feet from the right-of-way of Sumner Road.
2. The Applicant shall coordinate with City Staff to identify a location for an at-grade multi-use path crossing on Sumner Road and shall then be responsible for constructing a multi-use path from the SR 54/ Sumner Road intersection to the northernmost property line of the Peachtree Professional Center tract. A detailed plan shall be prepared in accordance with city standards and submitted to City staff for review prior to construction. The Applicant shall be solely responsible for design and construction of this connection at no cost to the city. It is understood the multi-use path shall not impact the existing buffer adjacent to Sumner Road.
3. The Applicant shall prepare a detailed analysis of landscaping requirements as they relate to Fayette County in comparison to those required by Peachtree City. Should additional plant material be required to satisfy the city's tree replacement requirements, the Applicant shall prepare a landscape plan identifying how the existing landscaping will be enhanced to comply with Peachtree City requirements.
- It is understood this requirement shall apply to the Peachtree Professional building tract only. Landscaping requirements on the remaining tracts will be analyzed as these tracts are either expanded or redeveloped in the future.
4. Upon approval of the annexation, existing conditions on each tract of land, to include parking design, landscaping, signage, lighting, etc. that do not comply with current city ordinances shall be considered as legally non-conforming. Should these improvements be modified and/ or if the property is redeveloped, these items shall be brought into conformance with city ordinances to the greatest extent practicable.
5. The zoning of the parcels shall be OI Office Institutional.

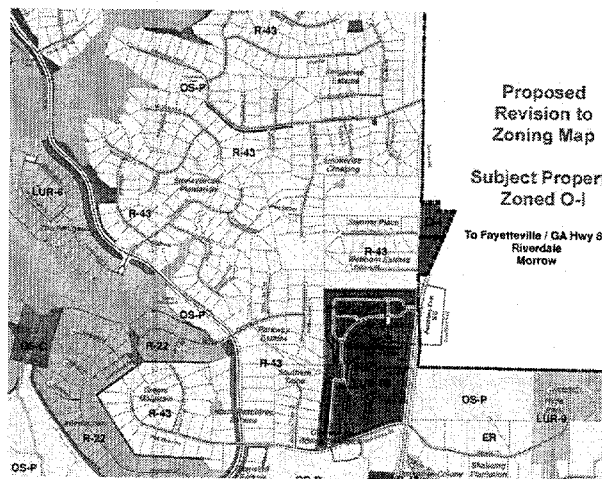
Foot Pain, LLC tracts (SR 54 E)

May 30, 2013

Page 7

6. The Land Use Designation of the parcels shall be OFF Office.

Annexation and Rezoning Request for Peachtree City, Georgia



**Presented by Chuck Ogletree
7.34 Acres, Fayetteville, GA**

Peachtree City Annexation and Rezoning Request

INTRODUCTION

Our intent is to annex into the City four tracts, totaling 7.36 acres with an O-I Office Institutional zoning classification. The properties are currently in Fayette County and have C-C Community Commercial and O-I Office Institutional zoning designation.

Property 1: 4.36 acres

Property 2: 1 acre

Property 3: 1 acre

Property 4: 1 acre

The reason for this rezoning request is to provide Peachtree City residents with a class A medical facility (Property 1). This project, with its aesthetically pleasing features, has set the bar for future development on the City's border. It provides an attractive buffer from the existing commercial development, currently located in the County, and the City's residential neighborhoods along Sumner Rd. Peachtree Professional Center (PPC) compliments the comprehensive land use plan and lays the ground work for future development in this area.

By annexing into the City, our desire is to access the sewer system located in this area. While our development is currently accessing sewage disposal through our private septic system, we feel that public sewer is a long term benefit that is worth pursuing by enhancing environmental protection to the surrounding areas.

Being a medical office facility, many of the current patients and employees have expressed interest in accessing the development through the cart path system, which gives an alternative to the existing traffic congestion on Hwy 54. By annexing into the City, we would like to explore the option of cart path connection.

While this property is a known entity and cannot be expanded beyond its current capacity, the City can have a clear vision of what type of development they are annexing into the city limits. Along with adding to the current tax base for Peachtree City, it does not add significant strain to the City's current public services.

We've included three additional properties to the South of Property 1 to make the city limit boarder more logical. Annexing these four properties into the City will give the City full control of the type and size of development as well as the buffer adjoining high end residential neighboring properties.

Thank you for your time and efforts towards the annexation of this project. We look forward to this positive addition to the community.

Peachtree City Annexation and Rezoning Request

CONTACT INFORMATION

Owner of property 1: Foot Pain LLC
Mailing address: 1100 Commerce Drive, Suite A
City, State, Zip: Peachtree City, GA 30269
Telephone: 770-487-4978
Fax: 770-631-6685
E-mail address: chuck@south-tree.com

Owner of property 2: Paper Rose Studio Inc.
Mailing Address: 101 Lantern View
City, State, Zip: Peachtree City, GA 30269
Telephone:
Fax:
E-mail address:

Owner of property 3: Bost H. Cliff Jr.
Mailing Address: 1999 Hwy 54 West
City, State, Zip: Fayetteville, GA 30214
Telephone: 770-631-3822
Fax: 770-486-3515
E-mail address:

Owner of property 4: The Paletta Group, LLC
Mailing address: 156 East Peachtree Center 230
City, State, Zip: Peachtree City, GA 30269
Telephone: 678-364-1140
Fax: 678-364-1150
E-mail address:

Agent(s) for owner(s): Chuck Ogletree
Mailing address: 1100 Commerce Drive, Suite A
City, State, Zip: Peachtree City, GA 30269
Telephone: 770-487-4978
Fax: 770-631-6685
E-mail address: chuck@south-tree.com

Peachtree City Annexation and Rezoning Request

PROJECT INFORMATION

Gross acreage: 4 Tracts totaling 7.36 acres

Acreage of lakes, floodplain, wetland, streams and associated buffers: 0 acres

Net developed acreage: Approximately 6.4 acres

Current zoning classification: C-C Community Commercial and O-I Office Institutional

Current Land Use designation: Medical, Office, and Commercial

Location of property:
Property 1: 1975 Highway 54 West, Fayetteville, GA 30215
Property 2: 1991 Highway 54 West, Fayetteville, GA 30215
Property 3: 1999 Highway 54 West, Fayetteville, GA 30215
Property 4: 2011 Highway 54 West, Fayetteville, GA 30215

Brief description of the project:

Property 1 is a 45,000 square foot multi-tenant medical facility. Phase 1 of the project, the 25,000 square foot northern side of the facility was completed in 2011. The second phase, a 20,000 square foot addition, was completed on April 1, 2013. Existing tenants include Ankle & Foot Centers of Georgia, Southern Vein Care a Piedmont Physician Service, Southern Spine and Pain Care, Medical Management, Physical Therapy Centers of Georgia, and Piedmont Physicians Peachtree City. The architecture of the project is an aesthetically pleasing style, in keeping with the City's high standards while also complementing the existing businesses and homes.

Property 2 is Linda's Playhouse, a children's museum which receives substantial amount of support from the community. Property 2 houses a 2,355 square foot, 1½ -story building built in 1983.

Property 3 is Cliff Bost's Chiropractic Clinic, Peachtree City Chiropractic. Dr. Bost's practice has served the community for a number of years. This site contains a 2,262 square foot, 1-story building built in 1982.

Property 4 is the office of The Paletta Group, a commercial and residential real estate firm. This site contains a 2,002 square foot, 1-story building built in 1973.

Peachtree City Annexation and Rezoning Request

PROPERTY 1 LEGAL DESCRIPTION

RECORD DESCRIPTION PER SCHEDULE C OF THE ABOVE REFERENCED TITLE COMMITMENT:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 69 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING THE REVISED FINAL PLAT OF GIOVINCO CORNERS, CONTAINING 4.398 ACRES, MORE OR LESS, AS SHOWN ON THAT CERTAIN PLAT OF SAID PROPERTY RECORDED IN PLAT BOOK 46, PAGES 1-2, FAYETTE COUNTY, GEORGIA RECORDS.

NEW LEGAL DESCRIPTION:

A NEW LEGAL DESCRIPTION WAS PREPARED TO REFLECT THE RIGHT-OF-WAY TAKEN FROM THIS PARCEL RECORDED IN DEED BOOK 3560, PAGE 661. (REFERENCE B4)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 69 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF GEORGIA STATE HIGHWAY NO. 54 AND THE NORTH LINE OF LAND LOT 69, THENCE SOUTHWESTERLY ALONG THE WESTERLY RIGHT-OF-WAY 610.74 FEET TO A 1/2" REBAR FOUND; THENCE SOUTH 89 DEGREES 47 MINUTES 02 SECONDS WEST A DISTANCE OF 6.65 FEET TO A 1/2" REBAR SET ON THE R/W OF GEORGIA STATE HIGHWAY NO. 54 AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 23 DEGREES 01 MINUTES 42 SECONDS WEST A DISTANCE OF 178.99 FEET TO A 1/2" REBAR SET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY SOUTH 67 DEGREES 24 MINUTES 14 SECONDS EAST A DISTANCE OF 7.48 FEET TO A 1/2" REBAR SET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY SOUTH 22 DEGREES 35 MINUTES 46 SECONDS WEST A DISTANCE OF 72.08 FEET TO A POINT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY SOUTH 23 DEGREES 47 MINUTES 09 SECONDS WEST A DISTANCE OF 45.00 FEET TO A 1/2" REBAR SET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY NORTH 66 DEGREES 16 MINUTES 53 SECONDS WEST A DISTANCE OF 9.09 FEET TO A 1/2" REBAR SET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY SOUTH 23 DEGREES 03 MINUTES 04 SECONDS WEST A DISTANCE OF 15.95 FEET TO A 1/2" REBAR SET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY SOUTH 68 DEGREES 02 MINUTES 56 SECONDS EAST A DISTANCE OF 8.93 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT FOUND; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY SOUTH 22 DEGREES 33 MINUTES 06 SECONDS WEST A DISTANCE OF 108.27 FEET TO A 5/8" REBAR FOUND; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 88 DEGREES 37 MINUTES 57 SECONDS WEST A DISTANCE OF 325.98 FEET TO A 1/2" REBAR SET ON THE WEST LAND LOT LINE OF LAND LOT 69 AND THE EASTERLY RIGHT-OF-WAY LINE OF SUMNER ROAD (50' RIGHT-OF-WAY), SAID LAND LOT LINE AND RIGHT-OF-WAY LINE ALSO BEING THE DIVIDING LINE BETWEEN FAYETTE COUNTY AND THE CITY OF PEACHTREE CITY; THENCE ALONG SAID LAND LOT LINE AND RIGHT-OF-WAY NORTH 01 DEGREES 09 MINUTES 46 SECONDS EAST A DISTANCE OF 380.31 FEET TO A 1/2" REBAR SET; THENCE CONTINUE ALONG SAID LAND LOT LINE AND RIGHT-OF-WAY LINE NORTH 00 DEGREES 15 MINUTES 53 SECONDS EAST A DISTANCE OF 149.98 FEET TO A 1/2" REBAR FOUND; THENCE LEAVING SAID LAND LOT LINE AND RIGHT-OF-WAY LINE NORTH 89 DEGREES 50 MINUTES 01 SECONDS EAST A DISTANCE OF 239.31 FEET TO A 1/2" REBAR FOUND; THENCE SOUTH 00 DEGREES 07 MINUTES 24 SECONDS EAST A DISTANCE OF 149.90 FEET TO A 1/2" REBAR FOUND; THENCE NORTH 89 DEGREES 47 MINUTES 02 SECONDS EAST A DISTANCE OF 234.61 FEET TO A 1/2" REBAR SET ON THE WESTERLY RIGHT-OF-WAY OF GEORGIA STATE HIGHWAY NO. 54 AND THE TRUE POINT OF BEGINNING; SAID TRACT CONTAINING 4.36 ACRES MORE OR LESS AND BEING SHOWN ON AN ALTA/ACSM LAND TITLE SURVEY PREPARED FOR FOOT PAIN LLC, UNITED COMMUNITY BANK, AND CHICAGO TITLE INSURANCE COMPANY BY W.D. GRAY AND ASSOCIATES, INC. DATED SEPTEMBER 6, 2012.

Peachtree City Annexation and Rezoning Request

PROPERTY 2 LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 69 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE WEST LINE OF LAND LOT 69, WHICH POINT IS LOCATED 1958.7 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LAND LOT, AS MEASURED ALONG SAID LAND LOT LINE; RUNNING THENCE NORTH 00 DEGREES 14 MINUTES EAST 144.6 FEET TO A POINT; RUNNING THENCE SOUTH 89 DEGREES 54 MINUTES EAST 346.4 FEET TO A POINT LOCATED ON THE EXISTING RIGHT OF WAY OF GEORGIA STATE HIGHWAY NO. 54 (HAVING AN 80 FOOT RIGHT OF WAY AT THE TIME OF PREPARATION OF SAID SURVEY); RUNNING THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY 156.1 FEET TO A POINT; RUNNING THENCE NORTH 89 DEGREES 54 MINUTES WEST 288.3 FEET TO THE POINT OF BEGINNING; SAID PARCEL HAVING A TWO STORY FRAME RESIDENTIAL DWELLING LOCATED THEREON; AS PER PLAT OF SURVEY PREPARED BY KOONS WOOD & ASSOCIATES FOR MCCURDY, WILCOX & REEVES, DATED MAY 21, 1986, REVISED NOVEMBER 25, 1987, JOB NO. 86579.

THERE IS EXCEPTED FROM THE AFORE-DESCRIBED PARCEL THAT PORTION OF THE SAID PROPERTY LYING WITHIN THE BOUNDS AND LIMITS OF GEORGIA STATE HIGHWAY NO. 54.

Peachtree City Annexation and Rezoning Request

PROPERTY 3 LEGAL DESCRIPTION

All that certain tract or parcel of land situate, lying and being in Land Lot 69 of the 7th Land District of Fayette County, Georgia, being more particularly described as follows:

To locate the true point of beginning, commence at the point of intersection of Land Lot 68, Land Lot 69, Land Lot 92, and Land Lot 93 of the 7th Land District; thence run in a northerly direction along the common land lot line of Land Lot 69 and Land Lot 92 a distance of 1,777.7 feet to a point; said point being the TRUE POINT OF BEGINNING.

FROM THE TRUE POINT OF BEGINNING, thence run along said common land lot line North 0 degrees 40 minutes 04 seconds East a distance of 181 feet to a point; thence leaving said common land lot line run South 89 degrees 53 minutes 45 seconds East a distance of 286.4 feet, more or less, to the westerly right-of-way of Highway 54 (80 foot right-of-way); thence run along said right-of-way South 22 degrees 14 minutes 34 seconds West a distance of 201 feet to a point; thence leaving said right-of-way run North 88 degrees 24 minutes 19 seconds West a distance of 212.5 feet, more or less, to a point located on the common land lot line of Land Lot 69 and Land Lot 92, said point being the TRUE POINT OF BEGINNING.

Peachtree City Annexation and Rezoning Request

PROPERTY 4 LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 69 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

Beginning at a point located at the intersection of the Northerly right-of-way of Sumner Road with the Northwestern right-of-way of State Highway #54; thence turning Northeasterly along the Northwestern right-of-way of State Highway #54 a distance of 88.60 feet to an iron pin set and The True Point of Beginning; thence running South 88 degrees 41 minutes 22 seconds west a distance of 75.95 feet to a point located on the Westerly right-of-way of Sumner Road; thence running North 00 degrees 38 minutes 38 seconds west along the said Westerly right-of-way of Sumner Road a distance of 30.79 feet to a R/W monument found; thence running North 01 degrees 08 minutes 08 seconds East along the said Westerly right-of-way of Sumner Road a distance of 284.22 feet to an iron pin found; thence departing said right-of-way and running South 88 degrees 24 minutes 19 seconds East a distance of 200.55 feet to an iron pin set on the Northwestern right-of-way of State Highway #54; thence running South 24 degrees 14 minutes 46 seconds West along the said Northwestern right-of-way of State Highway #54 a distance of 131.49 feet to a R/W monument found; thence running South 24 degrees 14 minutes 45 seconds West along the said Northwestern right-of-way of State Highway #54 a distance of 138.14 feet to a R/W monument found; thence running South 17 degrees 12 minutes 06 seconds West along the said Northwestern right-of-way of State Highway #54 a distance of 64.69 feet to an iron pin set and The True Point of Beginning; said tract containing 0.969 acres.

Peachtree City Annexation and Rezoning Request

REQUEST FOR ANNEXATION FORM

The following information is required in order to prepare a detailed analysis of the proposed annexation, a schematic master plan of the proposed development, and a more informed recommendation that will ultimately be considered by other governmental agencies, the Planning Commission and City Council.

A formal request is hereby being made to annex the following described property into the city limits of Peachtree City:

Peachtree Professional Center, 1975 GA Highway 54 West

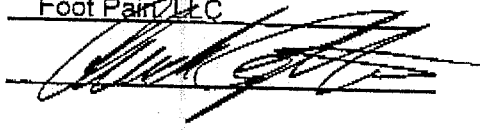
I certify that I am the owner, or duly authorized agent of the owner, of the property described above, and that I have submitted all information and documents required to properly evaluate this request:

Owner (print):

Foot Pair LLC

Date: _____

Owner (signature):



Agent (print):

Date: _____

Agent (signature):

.....
To be completed by the City of Peachtree City:

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

Date of acceptance: 05-02-13

Request number: 2013-04-MAP

City Planner:

David E. Rant

Date:

05-02-2013

^{Deputy}
City Clerk:

Pamela P. DeFresne

Date:

5-2-2013

Public Hearing – Planning Commission:

Date:

05-13-13

Public Hearing – City Council:

Date:

06-06-13

Peachtree City Annexation and Rezoning Request

REQUEST FOR ANNEXATION FORM

The following information is required in order to prepare a detailed analysis of the proposed annexation, a schematic master plan of the proposed development, and a more informed recommendation that will ultimately be considered by other governmental agencies, the Planning Commission and City Council.

A formal request is hereby being made to annex the following described property into the city limits of Peachtree City:

Property 2: 1991 GA Highway 54 West

I certify that I am the owner, or duly authorized agent of the owner, of the property described above, and that I have submitted all information and documents required to properly evaluate this request:

Owner (print): Paper Rose Studio Inc.

Date: April 25, 2013

Owner (signature): Christine Goodale

Agent (print): _____

Date: _____

Agent (signature): _____

..... To be completed by the City of Peachtree City:

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

Date of acceptance: 05-02-13

Request number: 2013-03-MAP

City Planner: David E. Rant

Date: 05-02-13

Deputy
City Clerk: Patricia P. Whelan

Date: 5-2-13

Public Hearing – Planning Commission: U

Date: 05-13-13

Public Hearing – City Council:

Date: 06-06-13

Peachtree City Annexation and Rezoning Request

REQUEST FOR ANNEXATION FORM

The following information is required in order to prepare a detailed analysis of the proposed annexation, a schematic master plan of the proposed development, and a more informed recommendation that will ultimately be considered by other governmental agencies, the Planning Commission and City Council.

A formal request is hereby being made to annex the following described property into the city limits of Peachtree City:

Property 3: 1999 GA Highway 54 West

I certify that I am the owner, or duly authorized agent of the owner, of the property described above, and that I have submitted all information and documents required to properly evaluate this request:

Owner (print): Bost H. Cliff Jr., DC

Date: April 29, 2013

Owner (signature): [Signature]

Agent (print): _____

Date: _____

Agent (signature): _____

..... To be completed by the City of Peachtree City:

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

Date of acceptance: 05-02-13

Request number: 2013-03-MAP

City Planner: David E. Bart

Date: 05-02-13

City Clerk: Pamela P. DeFusse

Date: 5-2-13

Public Hearing - Planning Commission:

Date: 05-03-13

Public Hearing - City Council:

Date: 06-06-13

Peachtree City Annexation and Rezoning Request

REQUEST FOR ANNEXATION FORM

The following information is required in order to prepare a detailed analysis of the proposed annexation, a schematic master plan of the proposed development, and a more informed recommendation that will ultimately be considered by other governmental agencies, the Planning Commission and City Council.

A formal request is hereby being made to annex the following described property into the city limits of Peachtree City:

Property 4: 2011 GA Highway 54 West

I certify that I am the owner, or duly authorized agent of the owner, of the property described above, and that I have submitted all information and documents required to properly evaluate this request:

Owner (print): The Paletta Group, LLC

Date: 4/24/13

Owner (signature): [Signature]

Agent (print): _____

Date: _____

Agent (signature): _____

.....
To be completed by the City of Peachtree City:

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

Date of acceptance: 05-02-13

Request number: 2013-03-MAP

City Planner: David E. Rant

Date: 06-02-13

Deputy City Clerk: Pamela P. DeFusse

Date: 5-2-13

Public Hearing - Planning Commission:

Date: 05-13-13

Public Hearing - City Council:

Date: 06-06-13

Peachtree City Annexation and Rezoning Request

EVIDENCE PROPERTY IS ELIGIBLE FOR ANNEXATION / METHOD OF ANNEXATION

We feel we are eligible for annexation because these four properties are contiguous to the existing city limits.

CERTIFICATION OF FAMILIARITY WITH THE CITY'S CODES, PLANS, AND POLICIES

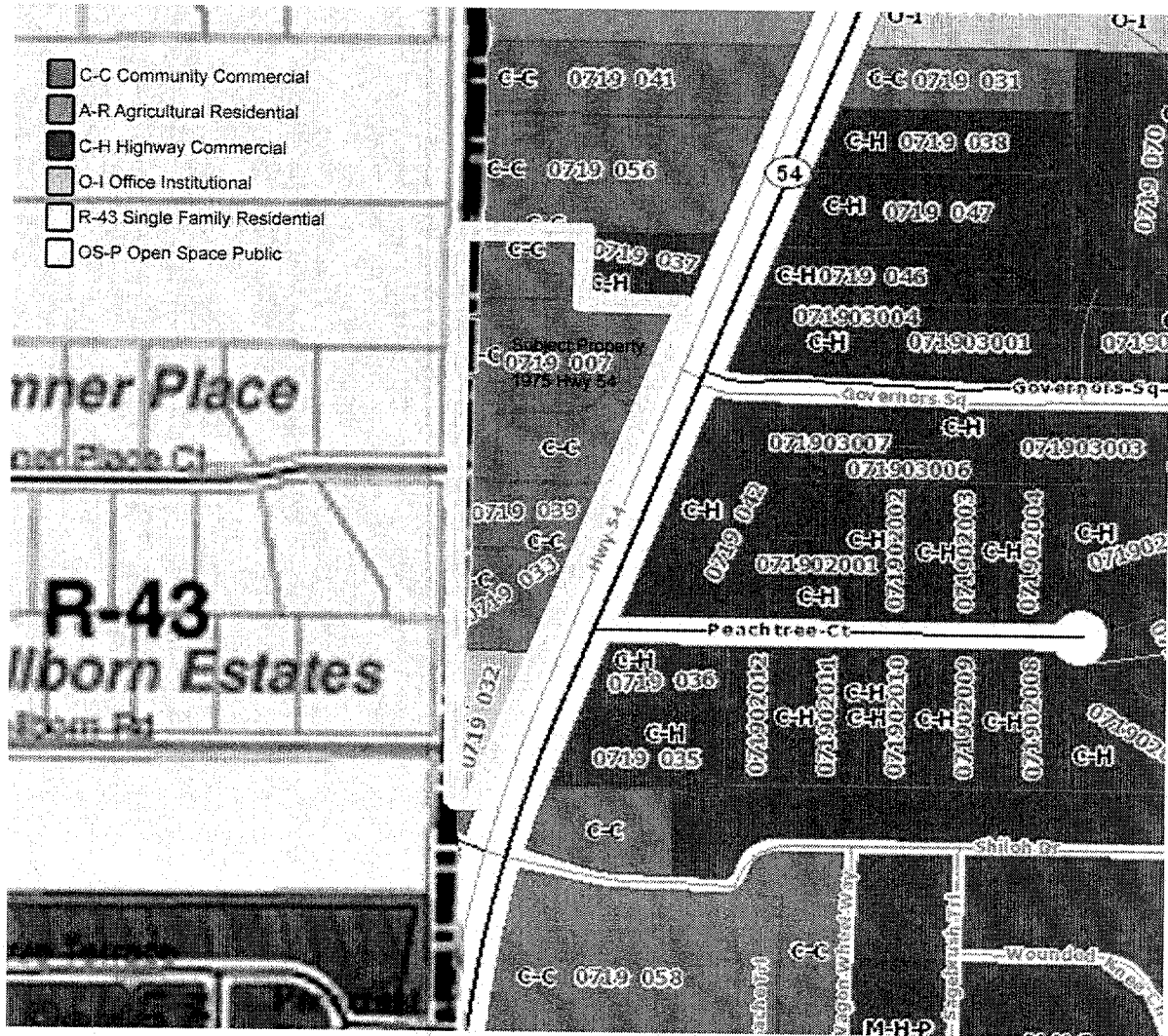
As agent, Chuck Ogletree, Foot Pain, LLC and its ownership group certifies that it is familiar with the Peachtree City Land Use Plan; the Annexation Policy; and all relevant codes and ordinances of the City, especially those pertaining to zoning, land development, site planning, landscaping, and signs.

Please find enclosed copies of the certified boundary survey of the property and legal description.

Peachtree City Annexation and Rezoning Request

ZONING CLASSIFICATIONS THAT EXIST ON / ADJACENT TO THE PROPERTY

The subject property is currently zoned C-C Community Commercial and O-I Office Institutional. The property is surrounded predominantly by C-C Community Commercial, C-H Highway Commercial, and R-43 Single Family Residential. Other properties in a 1-mile area are zoned A-R Agricultural Residential, O-I Office Institutional, and OS-P Open Space Public.



Peachtree City Annexation and Rezoning Request

PROPERTY OWNERS WITHIN 200' BOUNDARY OF THE PROPERTY

- 1** Parcel ID: 0719 056
Property Address: 1967 Highway 54 W
Owner: Rsc Peachtree LLC C/O Royal Senior Care LLC
Owner Address: 1660 N E Miami Gardens Drive - Suite #1, Miami, FL33179
- 2** Parcel ID: 0719 037
Property Address: 1971 Highway 54
Owner: Jaz Properties LLC
Owner Address: 1971 Hwy 54 West, Peachtree City, GA 30269
- 3** Parcel ID: 0719 046
Property Address: 1968 Highway 54 W
Owner: Ravin Homes Inc Profit Sharing Plan
Owner Address: P O Box 2394, Peachtree City, GA 30269
- 4** Parcel ID: 071903001
Property Address: Governors Sq
Owner: Mirome LLC
Owner Address: 135 Governors Square Pwy, Fayetteville, GA 30215
- 5** Parcel ID: 0719 042
Property Address: 1992 Highway 54 W
Owner: Governors Corner LLC
Owner Address: 440 Birkdale Drive, Fayetteville, GA 30215
- 6** Parcel ID: 0719 036
Property Address: 2006 Highway 54 W
Owner: Miles Charles B
Owner Address: 2006 Hwy 54 West, Fayetteville, GA 30215
- 7** Parcel ID: 0719 035
Property Address: 2008 Highway 54 W
Owner: Miles Charles & Reid Hutchings
Owner Address: 2006 Hwy 54 West, Fayetteville, GA 30215
- 8** Parcel ID: 0719 027
Property Address: 319 Sumner Rd
Owner: Mathis Judith M
Owner Address: 319 Sumner Road, Peachtree City, GA 30269
- 9** Parcel ID: 071915001
Property Address: 307 Sumner Rd
Owner: Jpmorgan Chase Bank Na
Owner Address: 3415 Vision Drive, Columbus, OH 43219
- 10** Parcel ID: 071903001
Property Address: 101 Sumner Place Ct
Owner: Butler Mathew David
Owner Address: 110 Beaverdam Road, Fayetteville, GA 30214

Peachtree City Annexation and Rezoning Request

11 Parcel ID: 071923017
Property Address: 100 Sumner Place Ct
Owner: Atkinson Bobby R Carol
Owner Address: 100 Sumner Place Court, Peachtree City, GA 30269

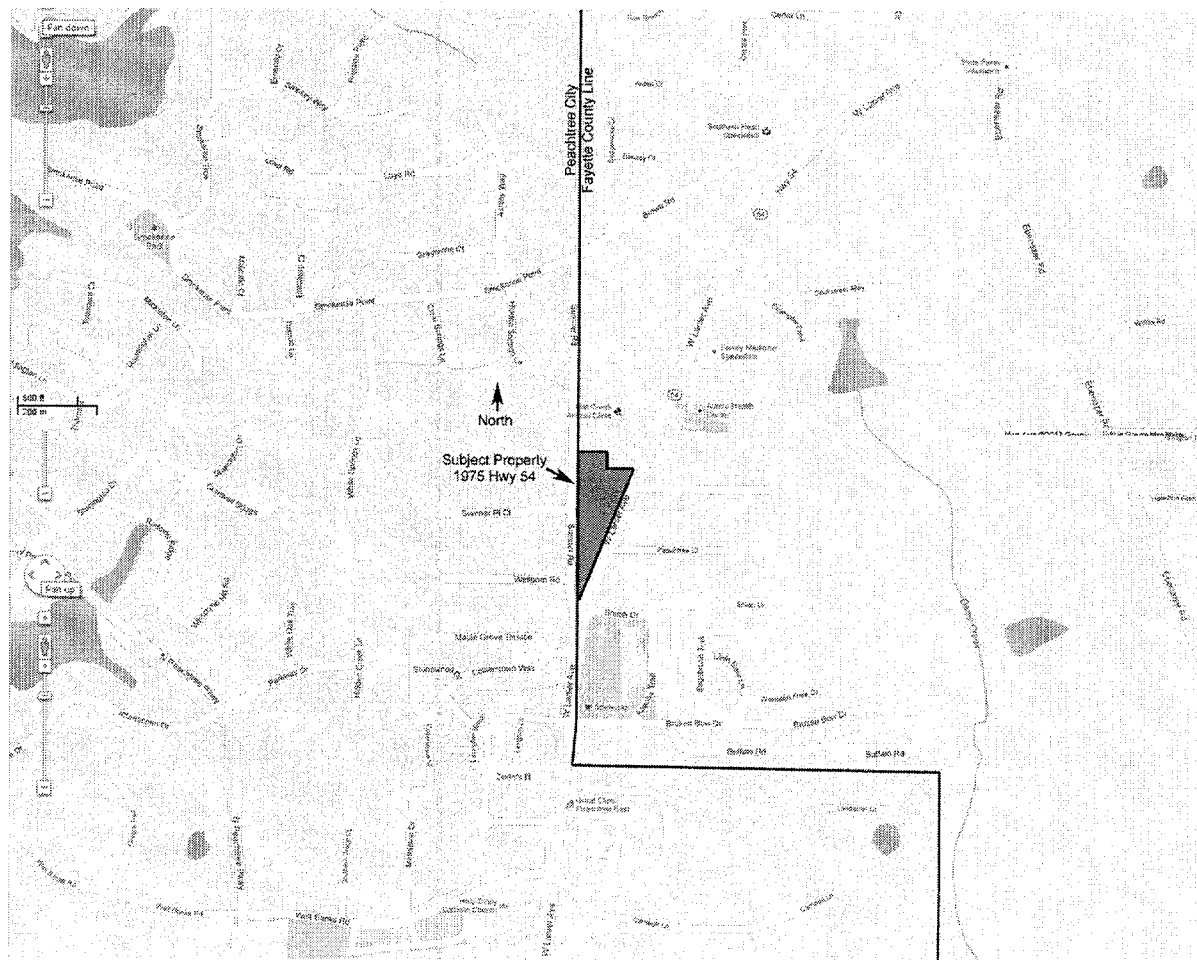
12 Parcel ID: 0719 023
Property Address: 273 Sumner Rd
Owner: James John C Lee L Snedeker Family Trust
Owner Address: 255 Sumner Road, Peachtree City, GA 30269

13 Parcel Number: 0719 002
Property Address: 255 Sumner Rd
Owner: James John C Lee L Snedeker Family Trust
Owner Address: 273 Sumner Rd, Peachtree City, GA 30269



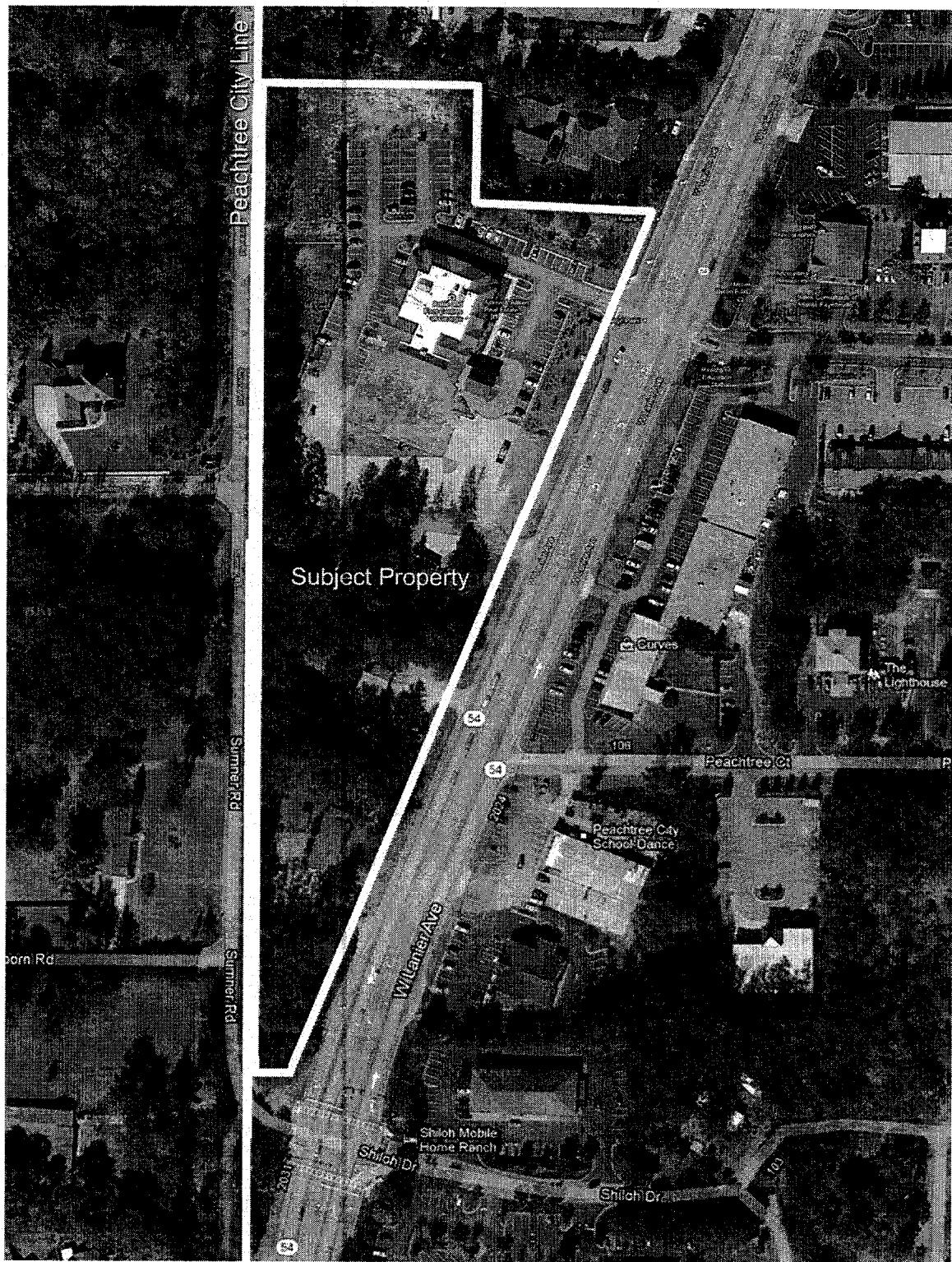
Peachtree City Annexation and Rezoning Request

LOCATION MAP SHOWING THE PROPERTY IN RELATION TO THE CITY



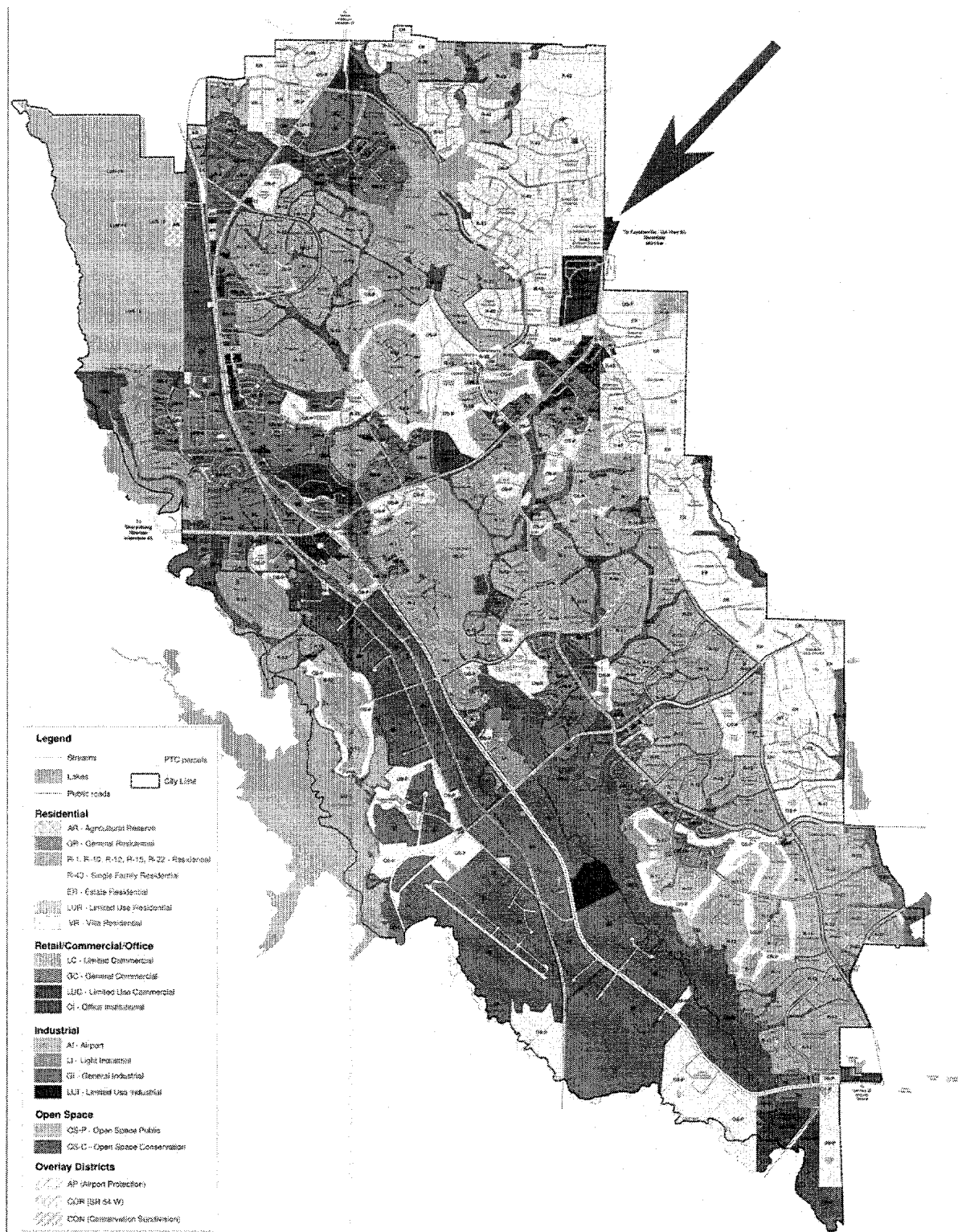
Peachtree City Annexation and Rezoning Request

AERIAL OF SUBJECT PROPERTY IN RELATION TO THE CITY



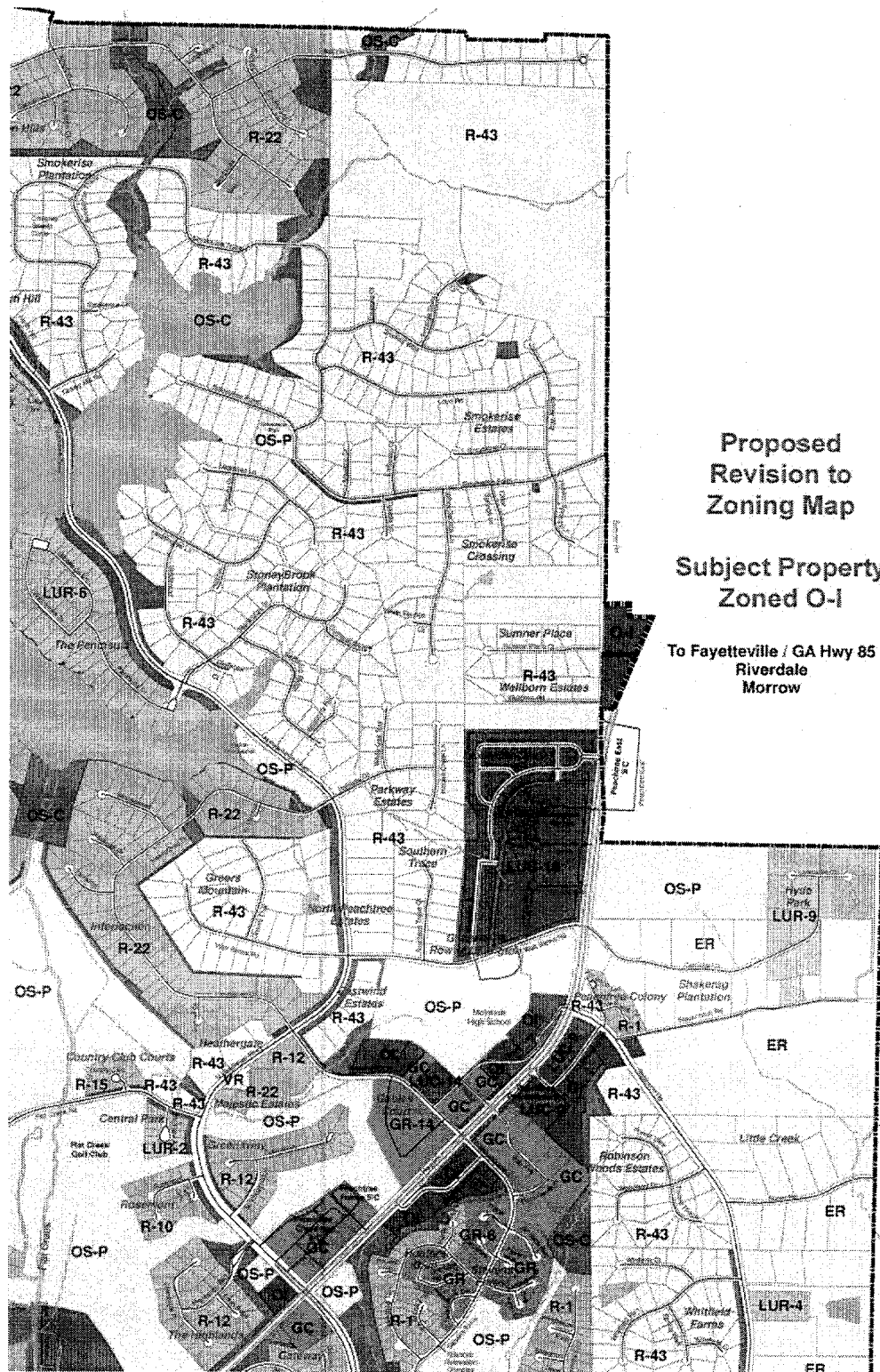
Peachtree City Annexation and Rezoning Request

MAP OF PROPOSED NEW CITY ZONING DISTRICTS



Peachtree City Annexation and Rezoning Request

CLOSE-UP MAP OF PROPOSED NEW CITY ZONING DISTRICTS



Peachtree City Annexation and Rezoning Request

PUBLIC SERVICES AVAILABLE TO THE PROPERTY

PTC Police Department	
PTC Fire and EMS	
Electricity	Coweta/Fayette EMC
Gas	Coweta/Fayette EMC
Telephone	AT&T and Comcast
Television/Cable	Comcast
Sanitation	Waste Management

ACREAGE, PROPOSED DENSITY, AND PROJECTED POPULATION

Property 1 is a 45,000 square foot, 2-story medical office building on a 4.36 acre site. The project was completed April 1, 2013. The building currently houses approximately 88 employees and at full capacity will house as many as 150 employees. There will be no permanent residents.

Property 2 is Linda's Playhouse, a children's museum which receives substantial amount of support from the community. This 1 acre property houses a 2,355 square foot, 1½ -story building built in 1983. Linda's playhouse has several employees and no permanent residents.

Property 3 is Cliff Bost's Chiropractic Clinic, Peachtree City Chiropractic. Dr. Bost's practice has served the community for a number of years. This 1 acre site contains a 2,262 square foot, 1-story building built in 1982. Dr. Bost has several employees and no permanent residents.

Property 4 is the office of The Paletta Group, a commercial and residential real estate firm. This site contains a 2,002 square foot, 1-story building built in 1973. The Paletta Group has numerous agents and employees and no permanent residents.

No future development is currently planned on the four tracts.

HOW TIED INTO CITY'S THOROUGHFARE SYSTEM AND CART PATH SYSTEM

We intend to pursue tying into the existing cart path system located at Sumner Road and GA Highway 54. Location of cart path access has not been determined at this time. The property currently has one curb cut onto GA Highway 54.

HOW THE PROPERTY WILL RELATE TO / COMPLEMENT THE CITY'S LAND USE PLAN

We are requesting the four properties be given the O-I Office Institutional zoning designation which provides a buffer between the residential and commercial properties. The property is currently located in unincorporated Fayette County and zoned as C-C Community Commercial and O-I Office Institutional. The current land use plan at this border of Peachtree City (the West side of this property) is SFL - Single-family Low, however the property to the North, East, and South of the subject property have commercial land uses. We are proposing a land use of OFF - Office for this development which we feel will create a nice buffer between the residential and commercial areas.

Peachtree City Annexation and Rezoning Request

Property 1 (PPC) has followed the village concept adopted by the city. PPC also provides adequate buffers and screening between different land uses by utilizing natural features and defined landscaping buffers. Additionally, PPC will maintain compliance with the ordinances to ensure preservation of environmentally sensitive areas.

HOW THE PROPOSED ANNEXATION WILL AFFECT THE CITY

Tax Base: The proposed annexation would provide for a tax revenue increase for the City of Peachtree City. Based upon the projected assessed value of \$3,120,000 for the new improvements of Property 1 and the combined assessed value of \$337,356 for properties 2, 3 and 4, we estimate the final tax assessed to be approximately \$3,458,000.

Public Education: The proposed annexation, as O-I, will have no direct impact on public education, but will contribute due to the additional property taxes paid to the City.

Police and Fire Protection: The proposed annexation would require basic police services. There will be no adverse effect on employment of police personnel. There will be no adverse effect on law enforcement response time and that time is estimated slightly over 5 minutes. Subject property is 5 miles east of the Peachtree City Police Department and 4.6 miles north of the Peachtree City Fire Department.

The building on Property 1 is outfitted with an automatic fire alarm and sprinkler system. The fire alarm is monitored 24/7 by Saturn Systems, Inc. The building construction meets all code with regards to fire rated demising walls, doors, glass, etc.

Emergency Medical Services: The proposed annexation should not require additional emergency medical services over the current requirements. In the event that an individual requires more than basic medical services, subject property is only 3.5 miles west of Piedmont Fayette Hospital.

Transportation Facilities: The proposed annexation would not require any additional transportation facilities. However, we intend to provide for a multi-use cart path connection.

Environmental Protection: The property (Property 1) has its own storm water management system in place. Moreover, the landscape design, in compliance with the city's ordinance, has been a definite environmental enhancement.

Please refer to the enclosed Landscaping Plan.

Recreation Program: The proposed annexation is an O-I development and will have no impact on the recreation programs of the city.

Implementation of the overall development plan:

The request for the proposed annexation PPC will be a positive factor in the city's efforts to implement its overall comprehensive plan and further establish the City's natural growth boundaries. The annexation will also help to establish design and development standards for the adjacent property owners.

Peachtree City Annexation and Rezoning Request

Land use: This proposed annexation and zoning request are consistent with the long-range land use designation. Property 1's landscape plan has been designed by professional landscape engineers, in keeping with the City's requirements and with a focus on species selection and placement. This same company is contracted out by the ownership group to provide weekly landscape maintenance and seasonal plantings. There will be no permanent dwelling units on the property. The height of the 45,000 facility is 36' 8".

Please refer to the enclosed Landscaping Plan.

Community Design: Our development (Property 1) upholds the City's principles and standards of community design by fitting into the village concept and meeting all parking, site design requirements of the city as set forth in the city's comprehensive plan.

On property 1, the building's architectural design, signage, landscaping, lighting, and retention of natural vegetation along roadways and property boundaries is in keeping with the City's standards, as well as a great improvement over the site's previous condition.

Economic Development: The proposed use is of several existing county-based business including a podiatry practice, Ankle & Foot Centers of GA; a physical therapy group, Georgia Physical Therapy; a vascular care practice, Southern Vein Care; a pain management practice, Southern Spine and Pain Care, an ambulatory surgical center, a medical book keeping company, Medical Management; a Piedmont Physicians Group internal medicine practice; a children's museum, Linda's Playhouse; and a chiropractic clinic, Dr. Cliff Bost.

Potable Water: Fayette County Water currently provides water to the site.

Sewer: The proposed annexation intends to connect Property 1 to the Peachtree City Water and Sewer Authority system. The four buildings are currently using underground septic systems. Properties 2, 3 and 4 will convert to sanitary sewer at a later date. All other utilities are currently available to the development.

Thank you for your time and efforts towards the annexation of these properties. We look forward to this positive addition to the community.

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION
NO. 1023-99

WHEREAS, Greg Alvarez, Owner and Don Cobb, Agent, having come before the Board of Commissioners on the 24th Day of June 1999, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request being as follows: To rezone 0.874 acres from R-40 to C-C Conditional fronting on Sumner Road in Land Lot 69 of the 7th District, Fayette County, from R-40 to C-C Conditional to develop office parking; and

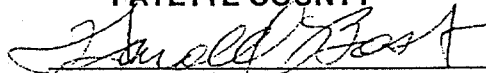
WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request;

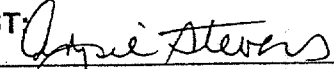
BE IT RESOLVED the decision of the Fayette County Board of Commissioners on June 24, 1999 was that the rezoning approved with conditions as follows:

1. Prior to the issuance of a building permit for the 4.48 acre office development, a final plat combining the 0.874 acres with the adjacent 3.564 acres must be submitted, approved and recorded.
2. No vehicular access shall be provided to Sumner Road.
3. The subject property shall be restricted to the office and personal service uses designated as permitted uses in the C-C District.
4. Any source of exterior illumination shall not be directly visible from neighboring residential properties.
5. An upgraded buffer measuring at least twenty-five (25) feet in depth, with supplemented evergreen plantings shall be required along the right-of-way of Sumner Road.
6. All impervious surfaces shall be located at least (50) feet from the right-of-way of Sumner Road.

SO RESOLVED, this 27th day of May, 1999.

BOARD OF COMMISSIONERS
OF
FAYETTE COUNTY


HAROLD BOST, CHAIRMAN

ATTEST: 
Angie Stevens, Deputy Clerk

**Planning Commission meeting minutes
(to be provided next week)**



BOARD OF COMMISSIONERS

Steve Brown, Chairman
Charles Oddo, Vice Chairman
David Barlow
Allen McCarty
Randy Ognio



STAFF

Steve Rapson, County Administrator
Dennis Davenport, Interim County Attorney
Floyd Jones, County Clerk



MEETING LOCATION
Public Meeting Room
Administrative Complex
140 Stonewall Avenue
Fayetteville, GA 30214



MEETING TIMES
2nd and 4th Thursday each month 7:00 pm



COMMISSION OFFICE
Administrative Complex
Suite 100
140 Stonewall Avenue
Fayetteville, GA 30214
Phone: 770.305.5200
Fax: 770.305.5210



WEB SITE
www.fayettecountyga.gov



E-MAIL
administration@fayettecountyga.gov

Agenda

Board of Commissioners
May 23, 2013
7:00 P.M.

Call to Order, Invocation, Pledge of Allegiance

Acceptance of Agenda

PRESENTATION / RECOGNITION:

PUBLIC HEARING:

PUBLIC COMMENT:

CONSENT AGENDA:

1. Approval of the Water Committee's recommendation to approve an increase of \$200,000.00 in the Fiscal Year 2013 budget for line extensions.
2. Approval of the May 9, 2013 Board of Commissioners Minutes and the May 13, 2013 Board of Commissioners Budget Presentation Minutes.

OLD BUSINESS:

3. Discussion of a draft Ethics Ordinance prepared by Interim County Attorney Dennis Davenport.

NEW BUSINESS:

4. Consideration of Commissioner McCarty's recommendation to appoint Reverend John Culbreath to the McIntosh Trail Community Service Board for a term to begin immediately and to expire on June 30, 2014, in order to fill the unexpired term resigned by Ms. Terri Willis.
5. Consideration of Commissioner McCarty's recommendation to appoint Ms. Linda Lane to the McIntosh Trail Community Service Board for a three-year term to begin immediately and to expire on May 23, 2016, in order to fill a new position on the Board.
6. Consideration of Chairman Brown's recommendation to appoint Ms. Letitia "Tish" Naghise, County Administrator Steve Rapson, and Commissioner Randy Ognio to serve on Fayette County's Public Facilities Authority for one-year terms and with said terms beginning immediately.

7. Consideration of the City of Peachtree City's request to annex four (4) properties totaling 7.398 acres located between State Route 54 West and Sumner Road, and to rezone said properties from C-C Conditional (Community-Commercial) and O-I (Office-Institutional) to O-I (Office-Institutional).
8. Discussion of square-footage limitations for accessory structures in residential zonings.
9. Discussion of Fayette County's height restrictions on uninhabitable building structures such as church steeples and high-frame roofs.
10. Discussion of Conditional Use Requirements for churches and existing residential structures that do not meet the Conditional Use Requirements.
11. Consideration of staff's recommendation to adopt Ordinance 2013-03 amending Fayette County Code, Chapter 19, Article IV, Stormwater Management, and changing the Stormwater Utility Credit Technical Manual.
12. Consideration of the Interim County Attorney's recommendation to enter into an Intergovernmental Agreement between Fayette County, Georgia and the Town of Woolsey, Georgia regarding the Town of Woolsey's Soil Erosion, Sedimentation, and Pollution Control Ordinance.
13. Consideration of staff's request to approve the Bid for Kenwood Road Bridge at Morning Creek (SPLOST Project No. B-3) to the low-bidder, McCarthy Improvement Company, in the amount of \$1,390,422.50, for the construction of a new bridge on Kenwood Road over Morning Creek, and authorization for the Chairman to sign the contract and related documents.
14. Approval of staff's recommendation to award Proposal P869- Dam Engineering Services, to Walden, Ashworth & Associates, Inc. for Margaret Phillips Lake Dam, in an amount not to exceed \$34,000, and authorization for the County Administrator to sign the contract and related documents.
15. Discussion of the Kozisek Dam and Emerald Lake Dam.
16. Consideration of the Telecommuting Committee's recommendation to approve both the Teleworking Policy 448.20 and the Fayette County Teleworking Agreement; officially allowing the county to begin the process of implementing a Teleworking pilot program.
17. Approval of a reduction in force for the Marshal's Department, per Separation of Employment and Policy 452.01
18. Update: 2013 Board of Commissioners' Changes in Transparency.
19. Emergency Procurement for Professional Services Contract for the Fayette County Water System's Taste and Odor Project. A copy of the contract will be provided on the dais.

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

ADJOURNMENT:

To: Board of Commissioners

From: Pete Frisina

Date: May 9, 2013

Re: Peachtree City Annexation Request for 1975 SR 54 West, 1191 SR 54 West, 1999 SR 54 West and 2011 SR 54 West

[REDACTED]

Peachtree City has received a request for annexation of the above-referenced properties totaling 7.398 acres located between SR 54 West and Sumner Road. The annexation notice from Peachtree City indicates the intent to annex and rezone the subject properties to O-I (Office-Institutional). The subject properties are currently zoned C-C Conditional (Community-Commercial) and O-I Conditional (Office-Institutional) in Fayette County and contain a multi-tenant medical office building and three (3) single-tenant office buildings.

Rezoning History

1975 SR 54 West

Petition No. 571-86 to rezone 3.72 acres from R-40 to C-C was approved C-C Conditional by the Board of Commissioners on March 27, 1986. See attached Resolution 86-571 for the Conditions.

Petition No. 718-89 to rezone 3.72 acres from C-C Conditional to C-H was approved C-C Conditional by the Board of Commissioners on July 27, 1989. See attached Resolution 89-718 for the Conditions.

Petition No. 1020-99 to rezone 3.564 acres from C-C Conditional to C-C Conditional was approved C-C Conditional by the Board of Commissioners on April 22, 1999. See attached Resolution 1020-99 for the Conditions.

1991 SR 54 West

Petition No. 669-88 to rezone 1.1 acres from A-R to C-C was approved C-C Conditional by the Board of Commissioners on May 26, 1988. See attached Resolution 669-88 for the Conditions.

1999 SR 54 West

Petition No. 651-87 to rezone 1.0 acre from A-R to C-C was approved C-C Conditional by the Board of Commissioners on October 22, 1987. See attached Resolution 651-87 for the Conditions.

2011 SR 54 West

Petition No. 733-89 to rezone 1.0 acre from A-R to C-C was approved O-I Conditional by the Board of Commissioners on October 26, 1989. See attached Resolution 733-89 for the Conditions.

Petition No. 871-95 to rezone 1.0 acre from O-I Conditional to O-I was approved O-I Conditional by the Board of Commissioners on January 26, 1995. See attached Resolution 871-95 for the Conditions.

General Description

The subject properties are located at 1975 SR 54 West, 1991 SR 54 West, 1999 SR 54 West and 2011 SR 54 West. The proposed annexation would not create an island. The subject properties abut the following:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	1.00 3.50	C-H C-C	Commercial Building Nursing Home	Office Office
East (across SR 54)	2.80 2.71 1.00 1.20	C-H C-H C-H C-H	Office Building Retail Retail Retail	Commercial Commercial Commercial Commercial
West (across Sumner Road in PTC)	10.0 1.37 1.06 1.83	R-43 (PTC) R-43 (PTC) R-43 (PTC) R-43 (PTC)	Single-Family Residential Single-Family Residential Single-Family Residential Single-Family Residential	SFL-Single-family Low (PTC) SFL-Single-family Low (PTC) SFL-Single-family Low (PTC) SFL-Single-family Low (PTC)

Current County Land Use

The subject properties are designated as Office on the Fayette County Future Land Use Plan map.

DEPARTMENTAL COMMENTS

Planning and Zoning: As the subject properties are currently zoned C-C Conditional and O-I Conditional with existing office uses and will be zoned O-I in Peachtree City there is no change in zoning or land use that will result in a substantial change in the intensity of the allowable use of the properties or a change to a significantly different allowable use (see State Law below).

Fire/EMS: The Fire Marshal office Opposes the Annexation of the property's located at 1975 Hwy 54, 1991 Hwy 54, 1999 Hwy 54 and 2011 Hwy 54, due to the loss of Fire Tax Revenues. According to the Fayette County Tax statements the estimated amount is \$5,992.33 for all four parcels.

Water System: Water service remains the same.

Public Works/Engineering: Public Works/Engineering has no comments on the proposed annexation noted below. I understand the total area is 7.398 acres and each of the four parcels has existing driveways onto State Route 54. If the parcels remained in the County, we would promote inter parcel connectivity where feasible.

Building Permits and Inspections:

What conditions, over and above the regulations, would you place on this property if it were being developed in the county? **None**

What fees/taxes, if any, will the county lose if this property is annexed? Estimate amount. **None**

Additional comments and/or any other factors to be considered: **None**

Stormwater Management:

What regulations would your Department apply to this property if it were being developed in the county? **Properties met all development regulations required by department during development. Property owner of Peachtree Professional is required to submit an annual Stormwater Inspection Report as required by the Fayette County Post Development Stormwater Management for New Development and Redevelopment ordinance.**

What conditions, over and above the regulations, would you place on this property if it were being developed in the county? **None.**

What fees/taxes, if any, will the county lose if this property is annexed? Estimate amount.
The annual stormwater fees lost would be \$546.00

Additional comments and/or any other factors to be considered: **none.**

Sheriff's Office: No issues.

STATE LAW

**TITLE 36. LOCAL GOVERNMENT
PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY
CHAPTER 36. ANNEXATION OF TERRITORY
ARTICLE 7. PROCEDURE FOR RESOLVING ANNEXATION DISPUTES**

36-36-113. Objection to annexation; grounds and procedures

- (a) The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:

- (1) The proposed change in zoning or land use;
 - (2) Proposed increase in density; and
 - (3) Infrastructure demands related to the proposed change in zoning or land use.
- (b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.
- (c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in Code Section 36-36-111.
- (d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:
- (1) Result in:
 - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
 - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
 - (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

36-36-114. Arbitration panel; composition and membership

- (a) Not later than the fifteenth calendar day following the date the municipal corporation received the first objection provided for in Code Section 36-36-113, an arbitration panel shall be appointed as provided in this Code section.
- (b) The arbitration panel shall be composed of five members to be selected as provided in this subsection. The Department of Community Affairs shall develop three pools of arbitrators, one pool which consists of persons who are currently or within the previous six years have been municipal elected officials, one pool which consists of persons who are currently or within the previous six years have been county elected officials, and one

pool which consists of persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government. The pool shall be sufficiently large to ensure as nearly as practicable that no person shall be required to serve on more than two panels in any one calendar year and serve on no more than one panel in any given county in any one calendar year. The department is authorized to coordinate with the Georgia Municipal Association, the Association County Commissioners of Georgia, the Council of Local Governments, and similar organizations in developing and maintaining such pools.

- (c) Upon receiving notice of a disputed annexation, the department shall choose at random four names from the pool of municipal officials, four names from the pool of county officials, and three names from the pool of academics; provided, however, that none of such selections shall include a person who is a resident of the county which has interposed the objection or any municipal corporation located wholly or partially in such county. The municipal corporation shall be permitted to strike or excuse two of the names chosen from the county officials pool; the county shall be permitted to strike or excuse two of the names chosen from the municipal officials pool; and the county and municipal corporation shall each be permitted to strike or excuse one of the names chosen from the academic pool.
- (d) Prior to being eligible to serve on any of the three pools, persons interested in serving on such panels shall receive joint training in alternative dispute resolution together with zoning and land use training, which may be designed and overseen by the Carl Vinson Institute of Government in conjunction with the Association County Commissioners of Georgia and the Georgia Municipal Association, provided such training is available.
- (e) At the time any person is selected to serve on a panel for any particular annexation dispute, he or she shall sign the following oath: "I do solemnly swear or affirm that I will faithfully perform my duties as an arbitrator in a fair and impartial manner without favor or affection to any party, and that I have not and will not have any ex parte communication regarding the facts and circumstances of the matters to be determined, other than communications with my fellow arbitrators, and will only consider, in making my determination, those matters which may lawfully come before me."

36-36-115. Meetings of arbitration panel; duties; findings and recommendations; compensation

- (a) (1) The arbitration panel appointed pursuant to Code Section 36-36-114 shall meet as soon after appointment as practicable and shall receive evidence and argument from the municipal corporation, the county, and the applicant or property owner and shall by majority vote render a decision which shall be binding on all parties to the dispute as provided for in this article not later than the sixtieth day following such appointment. The meetings of the panel in which evidence is submitted or arguments of the parties are made shall be open to the public pursuant to Chapter 14 of Title 50. The panel shall first determine the validity of the grounds for objection as specified in the objection. If an

objection involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, the panel shall quantify such impact in terms of cost. As to any objection which the panel has determined to be valid, the panel, in its findings, may establish reasonable zoning, land use, or density conditions applicable to the annexation and propose any reasonable mitigating measures as to an objection pertaining to infrastructure demands.

(2) In arriving at its determination, the panel shall consider:

- (A) The existing comprehensive land use plans of both the county and city;
 - (B) The existing land use patterns in the area of the subject property;
 - (C) The existing zoning patterns in the area of the subject property;
 - (D) Each jurisdiction's provision of infrastructure to the area of the subject property;
 - (E) Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county;
 - (F) Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection; and
 - (G) Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.
- (3) The county shall provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property.
- (4) The county shall bear at least 75 percent of the cost of the arbitration. The panel shall apportion the remaining 25 percent of the cost of the arbitration equitably between the city and the county as the facts of the appeal warrant; provided, however, that if the panel determines that any party has advanced a position that is substantially frivolous, the costs shall be borne by the party that has advanced such position.
- (5) The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned under paragraph (4) of this subsection.
- (6) The panel shall deliver its findings and recommendations to the parties by certified mail or statutory overnight delivery.
- (b) If the decision of the panel contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the deed records of the county

with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.

- (c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and recommendations but may be reconvened as provided in Code Section 36-36-116.
- (d) The members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.
- (e) If the panel so agrees, any one or more additional annexation disputes which may arise between the parties prior to the panel's initial meeting may be consolidated for the purpose of judicial economy if there are similar issues of location or similar objections raised to such other annexations or the property to be annexed in such other annexations is within 2,500 feet of the subject property.

36-36-116. Appeal

The municipal or county governing authority or an applicant for annexation may appeal the decision of the arbitration panel by filing an action in the superior court of the county within ten calendar days from receipt of the panel's findings and recommendations. The sole grounds for appeal shall be to correct errors of fact or of law, the bias or misconduct of an arbitrator, or the panel's abuse of discretion. The superior court shall schedule an expedited appeal and shall render a decision within 20 days from the date of filing. If the court finds that an error of fact or law has been made, that an arbitrator was biased or engaged in misconduct, or that the panel has abused its discretion, the court shall issue such orders governing the proposed annexation as the circumstances may require, including remand to the panel. Any unappealed order shall be binding upon the parties. The appeal shall be assigned to a judge who is not a judge in the circuit in which the county is located.

36-36-117. Annexation after conclusion of procedures; remedies for violations of conditions

If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the municipal corporation shall not change the zoning, land use, or density of the annexed property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. Following the conclusion of the dispute resolution process outlined in this article, the municipal corporation and an applicant for annexation may either accept the recommendations of the arbitration panel and proceed with the remaining annexation process or abandon the annexation proceeding. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such conditions have expired as provided in this Code section.

36-36-118. Abandonment of proposed annexation; remedies for violations of conditions

If at any time during the proceedings the municipal corporation or applicant abandons the proposed annexation, the county shall not change the zoning, land use, or density affecting the property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such period has expired. After final resolution of any objection, whether by agreement of the parties, act of the panel, or any appeal from the panel's decision, the terms of such decision shall remain valid for the one-year period and such annexation may proceed at any time during the one year without any further action or without any further right of objection by the county.

Summary

As the subject properties are currently zoned C-C Conditional and O-I Conditional with existing office uses and will be zoned O-I in Peachtree City there is no change in zoning or land use that will result in a substantial change in the intensity of the allowable use of the properties or a change to a significantly different allowable use.

Ordinance Number _____

**AN ORDINANCE TO AMEND APPENDIX C. ANNEXATIONS,
OF THE PEACHTREE CITY CODE OF ORDINANCES ADDRESSING THE
ANNEXATION OF THE 4.36-ACRE PEACHTREE PROFESSIONAL CENTER TRACT,
THE 1.05-ACRE PAPER ROSE STUDIO TRACT, THE 0.98-ACRE PEACHTREE CITY
CHIROPRACTIC TRACT, AND THE 0.97-ACRE PALETTA GROUP TRACT
LOCATED WITHIN UNINCORPORATED FAYETTE COUNTY AND BORDERED BY
SR 54 TO THE EAST, UNINCORPORATED FAYETTE COUNTY TO THE NORTH AND
SOUTH, AND THE CITY OF PEACHTREE CITY TO THE WEST,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 106 be added to the Peachtree City Code of Ordinances to read as follows:

Sec. 108. Annexation of the Foot Pain, LLC tracts.

Pursuant to O.C.G.A. § 36-36-22 and a vote of our City Council, all of the following described property, known to us as the Foot Pain, LLC tracts, shall be de-annexed from unincorporated Fayette County and annexed into the city limits of Peachtree City:

Tract 1 – Peachtree Professional tract

INSERT LEGAL DESCRIPTION

Tract 2 – Paper Rose Studio tract

INSERT LEGAL DESCRIPTION

Tract 3 – Peachtree City Chiropractic tract

INSERT LEGAL DESCRIPTION

Tract 2 – Paletta Group tract

INSERT LEGAL DESCRIPTION

The above tracts are depicted on the attached Exhibit "A".

The effective date of said annexation shall be as set forth in O.C.G.A. §§ 36-36-2 and 36-36-22.

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

Done, Ratified, and Passed this _____ day of _____ 2013.

Donnie O. Haddix, Mayor

Attest:

City Clerk

**AN ORDINANCE TO AMEND THE
PEACHTREE CITY ZONING ORDINANCE TO REZONE THE 4.36-ACRE
PEACHTREE PROFESSIONAL CENTER TRACT, THE 1.05-ACRE PAPER ROSE
STUDIO TRACT, THE 0.98-ACRE PEACHTREE CITY CHIROPRACTIC TRACT, AND
THE 0.97-ACRE PALETTA GROUP TRACT OF LAND ON SR 54 EAST
FOR PROFESSIONAL OFFICE USE,
AND FOR OTHER PURPOSES**

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same that:

Section 1. Article X, Requirements by District, Section 1005B Property rezoned to OI, of the Peachtree City Zoning Ordinance, be amended to add Section 1005B.6 as follows:

(Section 1005B.6) Foot Pain, LLC tracts.

- (a) Four tracts of land as described below shall be rezoned from their current zoning classification of C-C Community Commercial and O-I Office Institutional (unincorporated Fayette County) to OI Office Institutional (Peachtree City). Said parcels are more particularly described as follows:

Tract 1 – Peachtree Professional tract

INSERT LEGAL DESCRIPTION

Tract 2 – Paper Rose Studio tract

INSERT LEGAL DESCRIPTION

Tract 3 – Peachtree City Chiropractic tract

INSERT LEGAL DESCRIPTION

Tract 2 – Paletta Group tract

INSERT LEGAL DESCRIPTION

- (b) These tracts are illustrated on the Boundary and Topography Survey prepared by ~~Integrated Science and Engineering (last revised August 20, 2012)~~, a copy of which is attached hereto as Exhibit "A" and incorporated herein by express reference.

It is intended that the OI zoning district be established specifically for medical and/ or professional office buildings and associated ancillary uses as identified herein, and that future buildings be developed substantially in accordance with the following express conditions:

(1005B.6.1) *Permitted uses.*

1. Business and professional offices, including medical, dental, legal, financial, architectural, engineering, real estate, insurance and manufacturer representatives, provided no goods are offered for sale on the premises.
2. Business involving the rendering of a personal service on the premises in establishments having a size of 6,000 square feet or less.
3. Non-commercial club or lodges.
4. Funeral home.
5. Publicly owned building, facility or land.
6. Building, facility or land for the distribution of utility services.
7. Research/ testing facilities and professional laboratories.
8. Banks and financial institutions with drive-thru or automated teller machines.
9. Educational institutions, including colleges and universities, business schools, trade schools, professional schools and technical schools.
10. Accessory uses (see Section 908).

(1005B.6.2) *Conditional uses.*

No conditional uses shall be permitted.

(1005B.6.3) *Other requirements.*

- (a) Multiple frontage lot: Because the subject tracts abut both SR 54 and Sumner Road, they are considered multiple frontage lots and, therefore, front building and parking setbacks shall be established adjoining the right-of-way of both public streets.
- (b) Setbacks: All impervious surfaces, including buildings, parking, stormwater detention facilities, etc., shall be located no less than forty (40) feet from the right-of-way of SR 54 and no less than fifty (50) feet from the right-of-way of Sumner Road.

The minimum side building setbacks shall be no less than ten (10) feet.

The minimum rear building setback shall be no less than twenty (20) feet.

- (c) Maximum building height: The maximum building height shall not exceed two (2) stories in height or 35 feet in height from finish grade to the ridge line of the roof.
- (d) Parking: Parking shall be provided as set forth in Section 909. No automobile parking shall be permitted within the established front building setbacks.
- (e) Curb cuts: There shall be no vehicular access from these tracts of land to or from Sumner Road.
- (f) Architectural detailing: All sides of the buildings and associated structures shall include similar architectural detailing, building materials and color selections.
- (g) Storage: No storage shall be permitted on the zoning lot outside of a fully enclosed building.
- (h) Dumpsters, loading and service areas shall not be located within any building setback and shall be properly screened from view in accordance with current city ordinances.
- (i) Site lighting: All site lighting, including all fixtures mounted on the exterior of the buildings, shall comply with the city's Lighting Ordinance.
- (j) Sumner Road undisturbed buffer: An undisturbed buffer of no less than 25' in width as measured from the right-of-way of Sumner Road shall be preserved on each tract of land and shall be designated on the plat of the overall property. Other than perpendicular utility crossings, clearing, grading or the removal of any vegetation from these buffers shall not be permitted. In those areas void of vegetation, the buffer shall be re-established with evergreen plant material (minimum 6' in height from finish grade) planted in staggered rows at no less than 8' on center.
- (k) Multi-use path connection: The Applicant shall coordinate with City Staff to identify a location for an at-grade multi-use path crossing on Sumner Road and shall then be responsible for constructing a multi-use path from the SR 54/ Sumner Road intersection to the northernmost property line of the Peachtree Professional Center tract. A detailed plan shall be prepared in accordance with city standards and submitted to City staff for review prior to construction. The Applicant shall be solely responsible for design and construction of this connection at no cost to the city. It is understood the multi-use path shall not impact the existing buffer adjacent to Sumner Road.
- (l) Landscaping enhancements: The Applicant shall prepare a detailed analysis of landscaping requirements as they relate to Fayette County in comparison to those required by Peachtree City. Should additional plant

material be required to satisfy the city's tree replacement requirements, the Applicant shall prepare a landscape plan identifying how the existing landscaping will be enhanced to comply with Peachtree City requirements.

It is understood this requirement shall apply to the Peachtree Professional building tract only. Landscaping requirements on the remaining tracts will be analyzed as these tracts are either expanded or redeveloped in the future.

- (m) Non-conforming issues: Upon approval of the annexation, existing conditions on each tract of land, to include parking design, landscaping, signage, lighting, etc., that do not comply with current city ordinances shall be considered legally non-conforming. Should these improvements be modified and/ or if the property is redeveloped, these items shall be brought into conformance with city ordinances to the greatest extent practicable.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

Done, Ratified, and Passed this _____ day of _____ 2013.

Donnie O. Haddix, Mayor

Attest:

City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
FROM: City Manager 
DATE: May 30, 2013
SUBJECT: Consider Ratification of Hotel/Motel Tax Amendment
June 6, 2013, City Council Meeting

Recommendation:

That Council ratify Ordinance 1053, establishing the Hotel/Motel Tax at 8% as of August 1, 2013.

Discussion:

In December of 2012, Council adopted by majority vote an ordinance establishing Peachtree City's Lodging (or Hotel/Motel) tax at 8% and approved revised agreements with the Peachtree City Convention and Visitors Bureau and the Peachtree City Airport Authority for the distribution of the taxes collected.

The tax rate required state legislation to be enacted. During the 2013 Legislative Session, the Georgia General Assembly approved a local act (HB 528) that was signed into law on May 7, 2013. This act authorized the City of Peachtree City to impose the 8% Hotel/Motel Tax as approved in December.

Per the City Attorney, a final vote ratifying the 8% Hotel/Motel Tax will authorize the City to begin imposition of the new tax as of August 1, 2013. State law requires that the change cannot take effect until the first day of the second month following final ratification.

Budget Impact:

This item should have a positive budgetary impact for both the City of Peachtree City and the Peachtree City CVB through the additional lodging taxes collected.

RATIFICATION OF ORDINANCE NO. 1053

AN ORDINANCE TO LEVY THE HOTEL/MOTEL TAX AT THE RATE OF EIGHT PERCENT (8%); TO REPEAL PRIOR LEVIES; TO AMEND PROVISIONS CONSONANT WITH STATE LAW; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

BE IT ORDAINED by the Mayor and Council of the City of Peachtree City, Georgia, and by the authority thereof that:

Section 1. Section 74-162 of the Code of Ordinances of the City of Peachtree City, as amended, is further amended by deleting the definition of the term "Permanent Resident" set forth therein and inserting a new definition for such term to read and to be codified as follows:

"(8) Permanent resident. Any occupant as of a given date who has or shall have occupied, or has or shall have the right of occupancy, of any guest room in a hotel or motel for at least thirty (30) consecutive days next preceding the given date; provided that state and local government officials and employees traveling on official governmental business shall be considered permanent residents pursuant to O.C.G.A. § 48-13-51 (g) (3)."

Section 2. Section 74-163 of the Code of Ordinances is repealed in its entirety and the following section inserted in lieu thereof:

"Section 74-163. Imposition and rate of tax.

(a) There is hereby levied and imposed an excise tax on any person or legal entity licensed by or required to pay a business or occupation tax to the City of Peachtree City for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value at a tax at the rate of eight percent (8%) of the lodging charges actually collected from the hotel or motel guest and who receives a room, lodging, or accommodation that is subject to the tax. The City's prior levy of a six percent (6%) occupancy tax is hereby repealed as of July 31, 2013; provided that such repeal shall not affect any existing liability for amounts still due and owing by operators and the City retains the rights to full payment of those outstanding obligations along with any applicable interest and penalties.

(b) The proceeds of this tax shall be used and applied in accordance with O.C.G.A. § 48-13-51 (b). Specifically, the allocations of the eight percent (8%) levy shall be as follows: 3% for general City operations; 2% for the purpose of promoting tourism, conventions and trade shows; 2% through a contract with a destination marketing organization for the purpose of promoting tourism, trade shows, and conventions; and 1% for capital projects and operating costs for tourism product development, such amount to be divided through the annual budget and allocated among the City and the Peachtree City Convention & Visitors Bureau, Inc. Sums devoted to promoting tourism, conventions and trade shows shall be administered through the Peachtree City Convention & Visitors Bureau, Inc. pursuant to its contract with the City of Peachtree City

and in accordance with the budget established by Peachtree City Convention & Visitors Bureau and approved by the City in its annual budget process."

Section 3. Section 74-171 of said Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof a new Section 74-171 to read and to be codified as follows:

"Section 74-171. Violations; collections.

(a) Any person responsible for reporting, return or payment of the taxes levied pursuant to this Article shall be subject to punishment as provided in O.C.G.A. § 48-13-58.1 through § 48-13-63. In the event any such person is in violation of any of the provisions of this Article that are not otherwise covered by state law then, upon conviction, such person shall be deemed guilty of an offense and shall be punished in Municipal Court to the extent of that Court's authority."

(b) Such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Article is committed, continued, or permitted by that person, and shall be punished accordingly. Any operator or any other person who fails to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the City, or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof shall be punished as aforesaid."

(a) At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable, and at any time within three (3) years after the delinquency of any tax or any amount of tax required to be collected under this Article, the City may bring an action in a court of competent jurisdiction to collect the amount delinquent, together with the interest, court fees, filing fees, attorneys' fees and other legal fees incident thereto."

Section 4. This Ordinance establishing the tax rate of eight percent (8%) was originally adopted by the Peachtree City Mayor and City Council on December 6, 2012.

Section 5. Pursuant to State Law, a Local Act (HB 528) of the Georgia General Assembly during its 2013 Legislative Session, signed into law by the Governor on May 7, 2013, authorized imposition of a Hotel/Motel Tax by the City of Peachtree City at the rate of eight percent (8%).

Section 6. Upon ratification by the Mayor and City Council of Peachtree City to levy the tax at the rate of eight percent (8%), then such eight percent (8%) levy shall be effective as of August 1, 2013, and shall continue from year to year thereafter.

Section 7. All taxes imposed by the City of Peachtree City pursuant to the six percent (6%) levy last amended by Ordinance # 849, adopted June 16, 2005, shall remain valid obligations payable to the City. Nothing in this Ordinance shall relieve the operator of any hotel

or motel in this City from complying with the six percent (6%) levy and making return and full payment thereof.

SO ORDAINED this ____ day of _____, 2013.

DON HADDIX, Mayor

BETSY TYLER, City Clerk

Attest

City Council

APPROVED AS TO FORM:

THEODORE P. MEEKER, III
City Attorney



Date: May 30, 2013

To: City Council

From: Peachtree City Convention & Visitors Bureau Board of Directors
Executive Director

RE: Women's Diva Half Marathon

Request:

Staff of the Peachtree City Convention & Visitors Bureau is asking that Peachtree City consider allowing the CVB and Continental Sports Management to host the 2014 Women's Diva Half Marathon Race.

Summary:

The Divas Half Marathons Series with its 7 destination events is one of the premiere women's races in the US as ranked by Running USA in its 2010 Annual report. The Divas Half Marathon Series are hosted by a diverse range of cities. The 2013 season includes the following: N. Myrtle Beach, San Francisco Bay, DC Wine Country, Long Island, St. Augustine Fl., San Francisco, Puerto Rico and Southern California.

The event is produced and managed by Continental Event & Sports Management Group, LLC. With 17 years of race and event production experience, including founding the ING Miami Marathon as well as producing events for The Biggest Loser, USA Track & Field(Olympic Trials) Continental is well known and respected in the industry.

The typical half marathon race draws approximately 5,000 participants. A 5K race is typically offered along with the marathon and averages approximately 1,000 participants. The race weekend also includes a Health and Fitness Boutique and a Post-Race Dance Party event the evening of the race. Because the race is built as a weekend event, hotels and the local economy all benefit tremendously from the economic impact. The 2012 Half Marathon recently held in Myrtle Beach generated a direct economic impact of \$4,368,601 with an indirect impact of \$6,552,901.

While many cities are currently vying for the opportunity to host a Diva Half Marathon, the Continental Event organizers agree that Peachtree City, with its unique lifestyle and ties to the Drop Dead Diva program make it a perfect choice to host the event.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Council

VIA: City Manager 
Community Services Director

FROM: Planning and Zoning Administrator *David*

DATE: June 5, 2013

Re: Foot Pain, LLC - annexation and zoning request
Additional information

Attached is additional information related to the proposed annexation and zoning request for the Foot Pain, LLC tracts:

Sanitary sewer availability

In an e-mail dated June 3, 2013, Mr. Stephen Hogan of the Peachtree City Water and Sewerage Authority indicated the following:

- There will be no significant impact to our system.
- PCWASA has treatment capacity available.
- Developer will pay cost of infrastructure improvements for the parcel. A lift station and force main is required.
- PCWASA will incur additional operational expense of the lift station, but will be offset by revenue generated from the new customer.

Peachtree City Police Department (Attachment "A")

In a memo to the City Manager (dated June 4, 2013), the Chief of Police analyzed the proposed annexation and determined that *"Based on available data, it does not appear the annexation, as presented, would have any appreciable impact on the Police Department's resources."*

Impact to Public Services

In an e-mail dated May 30, 2013, Mr. Mark Caspar (Public Services Director) indicated *"any path addition would impose minimal impact to our maintenance ability provided that it is constructed to our current cross-section and safety standards."*

Financial Impact Analysis (Attachment "B")

The purpose of the Financial Impact Analysis was to determine if the proposed annexation would provide a "net positive" or "net negative" financial impact to the city. The analysis was prepared using information from the Fayette County Tax

Foot Pain, LLC - annexation and zoning request

June 5, 2013

Page 2

Assessor's website, financial information within the adopted FY13 budget, current staffing levels and levels of service.

The project assumptions took into account the fact that each tract is fully developed, which results in no "one time" fees such as impact fees or permit fees. There are also no new streets, street lights or rights-of-way to maintain.

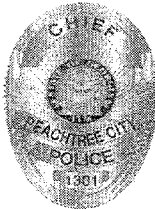
The document shows there would be a negligible expense associated with maintaining the proposed multi-use path (\$1,320 per year).

Based on the 2012 millage rate and the fair market value of each tract of land as identified on the Tax Assessor's website (note the fair market value for the Foot Pain tract does not include the recent 20,000 SF addition), the four tracts of land will generate in excess of \$46,192 in annual property taxes.

Minutes – Planning Commission meeting of May 13, 2013 (Attachment "C")

Attached is the motion that was unanimously adopted by the Planning Commission on May 13, 2013 to forward the annexation and zoning request to City Council with a recommendation that it be approved.

Attachments



POLICE DEPARTMENT

350 South Highway 74 | Peachtree City, GA 30269 | 770-487-8866 | Fax: 770-631-2512
www.peachtree-city.org/police



H.C. "Skip" Clark II
Chief of Police

To: James Pennington, City Manager

Via: Jon Rorie, Community Service Director

From: H.C. "Skip" Clark II, Chief of Police *H.C. Clark II*

Date: June 4, 2013

Subject: Proposed Annexation; 1900 Block of Hwy 54 – Impact on Police Resources

The Community Services Department requested a projection of any potential impact on police resources if the 7.34 acres was annexed into the City of Peachtree City. The acreage is currently developed and occupied by Office, Medical and Commercial businesses. To provide as close as possible estimate related to their request the Police Department analyzed current calls for service as reported by the Fayette County 911 Center.

The period queried for calls-for-service was for calendar years 2010, 2011, 2012 and current to date 2013.

Calls for Service Analysis

Through the 3 ½ year period queried there were seventy incidents of police/fire service. The majority of the police calls were intrusion alarms (40%). The call for service breakdown is as follows:

Peachtree Professional Center - Proposed Annexation							
CAD Report provided by Fayette County 911 Center							
		2010	2011	2012	2013	Total	
Domestic			1			1	1%
Fire Alarm			6		2	8	11%
Intrusion Alarm		6	10	5	7	28	40%
Medical Call			1	5	1	7	10%
Ordinance Viol			1			1	1%
Service To Citizen		1	2	4	2	9	13%
Self Initiated		1	1			2	3%
Susp. Person/Vehicle			1	6		7	10%
Theft		1		1		2	3%
Traffic Stop		1	1		1	3	4%
Vehicle Accident			2			2	3%
		10	26	21	13	70	

Based on the proposed annexation there should be a minimal affect on police resources.

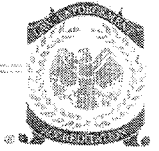
*An Internationally Accredited Agency
A State Certified Agency*

Attachment "A"



POLICE DEPARTMENT

350 South Highway 74 | Peachtree City, GA 30269 | 770-487-8866 | Fax: 770-631-2512
www.peachtree-city.org/police



H.C. "Skip" Clark II
Chief of Police

Response Time

The proposed annexation area is located contiguous to the current city boundary; therefore, there should be negligible affect on the "response time" by the district officer already assigned to the area.

Cost Analysis

Based on the following assumptions:

Two (2) patrols of the area per day using an average time of 20 minutes per patrol, which includes the security check of the businesses - \$15.00 / day or \$5,475 / year.

Anticipate twenty (20) calls for service per year – \$.70 / day or \$255.25 / year.

The annual cost to provide the above services, accounting for \$3.55 per gallon for fuel, average. 9.5 miles per gallon, average Officer's salary \$21.878 / hour, combined patrol of the area with the security check of the businesses and the average time to handle the call volume, equates to approximately \$15.70 per day or \$5,730.50 per year.

Conclusion

Based on available data, it does not appear the annexation, as presented, would have any appreciable impact on the Police Department's resources.

PROJECT ASSUMPTIONS

Residential	
Avg. Unit Price	sq ft
Avg. Unit Sq Ft	units
Number of Units	people
People per Unit	AC
Single Family Acreage	years
Est. Build Out	units/year
Units Built per Year	

Office	
Total Office Value	\$3,329,840.00
Total Office Sq Ft	25,000 sq ft
Cost per Office Sq Ft	\$133.19 per sq ft
Number of Employees	100.00 people
Office Acreage	7.38 AC
Est. Build Out	0.00 years
Number of units	1.00 units

Impervious Surface			
Development	Miles of Streets	Miles of Multi-use Path	Building Pads
Subtotal	0		30,000
Miles to Feet	0		30,000,000
Est. Lane Width (ft)	0		
Est. sq ft of Pavement	0	120,000	
Total Impervious Surface			150,000

Property Tax (2012)	
State	0.2
County & E911	5.852
School & Bond	21.45
City & Bond	7.178
Total	34.68

Impact Fees	
Residential (per dwelling)	\$1.05
Office (per sq ft)	

Acreage Summary	
Single Family Area (AC):	0
Office Area (AC):	7.38
OS/Buffers (AC):	0
Amenity Areas (AC):	0
Roads/Paths (AC):	0
Total Acreage:	7.38
Total Buildings:	4.00
Total People:	0
Total Disturbed Area:	7.38
Project Gross Density:	0.54201
Acre Density:	1.845

fair market value	
Peachtree Prof. Bldg.	2,376,080.00
Paper Rose	344,000
Bost	287,600
Paletta	322,160
TOTAL	3,329,840.00

Financial Impact Analysis - FOOT PAIN, LLC

FEES

Licenses, Permits, Fees (One Time Fees)

Fee Name	Calculation	Residential	Office	Total
Annexation Fees:	(\$600 + \$50\ac)		\$	969.00
Residential Plan Review Fees:				
Conceptual Plat	(\$250 + \$4\lot)		\$	-
Preliminary Plat	(\$250 + \$4\lot)		\$	-
Construction Plans	(\$300)		\$	-
Final Plat	(\$250 + \$10\lot)		\$	-
Commercial Plan Review Fees:				
Conceptual Site Plan	(\$250 + \$10\ac)	\$	-	\$
Final Site Plan	(\$250 + \$10\lot)	\$	-	\$
Landscape Plan	(\$150)	\$	150.00	\$
City NPDES Fees:	(\$40\disturbed ac)		\$	-
Land Disturbance Fee:	(\$200 + \$10\ac)		\$	-
Subtotal			\$	1,119.00
Construction Fees:				
Building Permits: (based on valuation - see fee schedule)		\$	-	\$
Plan Review Fee: (Residential: \$150\unit)	(Commercial: 50% permit fee)	\$	-	\$
Plumbing Permits†	(\$80 min)	\$	-	\$
Electrical Permits†	(\$80 min)	\$	-	\$
HVAC Permits†	(\$80 min)	\$	-	\$
Soil Erosion Permits	(\$100\ac)	\$	-	\$
Certification of Occupancy	(\$50)	\$	-	\$
Subtotal			\$	-
30% City share			\$	-
70% SAFEbuilt share			\$	-
Connection Fees:				
Sewer Connections: (Residential: \$1750\unit)	(Commercial: \$2250\bldg)	\$0	\$2,250.00	\$9,000
Water Connection: (Residential: \$1300\unit)	(Commercial: \$2100\bldg)	\$0	\$0.00	\$0
Subtotal				\$9,000
TOTAL				\$10,119
† Assumes minimal permit fee				

Impact Fees

2012 City Impact Fees	\$	-	\$	-	\$	-
Subtotal						
* Table assumes office development is "general office" as outlined in the PTC impact fee methodology						

Annual Fees

*Sewer Usage:	\$	-	\$	4,027.24	\$	4,027.24
**Water Usage:	\$	-	\$	2,307.82	\$	2,307.82
Stormwater Fee:	(\$3.95\4,600 sqft impervious surface)					\$
Subtotal					\$	7,880.72
Annual fee table for sewer and water assumes minimum 17.94 gpd\person usage						
*Sewer Usage: (Residential: \$26\month + \$4.65\1000 gal), (Commercial: \$26\month @ \$6.15\1000 gal)						
**Water Usage: (Residential: \$18.48\month for first 2000 gal), (Commercial: \$18.48\month for first 2000 gal, \$3.23\1000 gal thereafter)						

Other Revenues

Charges for Services:	2012 Budget	Cost per Person	Increase from Development
Ambulance Fees	\$502,988	\$ 13.88	\$ -
Plan Review	\$163,569	\$ 4.51	\$ -
Recreation Program Fees	\$527,927	\$ 14.57	\$ -
Fines & Forfeitures:			
Municipal Court fines	\$1,105,629	\$ 30.51	\$ -
Miscellaneous Court	\$107,683	\$ 2.97	\$ -
Library Fines	\$38,758	\$ 1.07	\$ -
Subtotal	\$ 2,446,554.00	\$ 67.61	\$ -

Financial Impact Analysis - FOOT PAIN, LLC

TAXES

Residential Property Tax

Entity	Avg Sales Price	40% Assessed Value	Avg Homestead Exemption	Assessed Value	Millage	Annual Taxes	Increase from Development
PTC	\$0.00	\$0.00	\$0.00	\$0.00	7.178	\$0.00	\$0.00
County	\$0.00	\$0.00	\$0.00	\$0.00	5.852	\$0.00	\$0.00
School	\$0.00	\$0.00	\$0.00	\$0.00	21.45	\$0.00	\$0.00
State	\$0.00	\$0.00	\$0.00	\$0.00	0.2	\$0.00	\$0.00
Subtotal					34.68	\$0.00	\$0.00

Office Property Tax

Entity	Avg Sales Price	40% Assessed Value	Millage	Annual Taxes
PTC	\$3,329,840.00	\$1,331,936.00	7.178	\$9,560.64
County	\$3,329,840.00	\$1,331,936.00	5.852	\$7,794.49
School	\$3,329,840.00	\$1,331,936.00	21.45	\$28,570.03
State	\$3,329,840.00	\$1,331,936.00	0.2	\$266.39
Subtotal			34.68	\$46,191.54

Other Taxes

	2012 Budget	Cost per Person	Increase from Development
Motor Vehicle Taxes:	\$653,749	\$ 18.04	\$ -
Franchise Taxes:			
Georgia Power	\$945,259	\$ 26.08	\$ -
Atlanta Gas	\$261,031	\$ 7.20	\$ -
Bell South	\$36,000	\$ 0.99	\$ -
Coweta Fayette EMC	\$892,389	\$ 24.62	\$ -
Comcast	\$274,584	\$ 7.58	\$ -
Newnan Utilities	\$5,849	\$ 0.16	\$ -
Selective Sales & Use Taxes:			
Alcoholic Beverage Tax	\$627,300	\$ 17.31	\$ -
Mixed Drink Tax	\$77,250	\$ 2.13	\$ -
Real Estate Transfer Tax:	\$21,000	\$ 0.58	\$ -
Local Option Tax:	\$6,520,000	\$ 179.90	\$ -
Subtotal	\$10,912,411	\$285	\$0

COSTS

Incremental Operation Costs

City Divisions	2012 Budget	2012 Population	2012 City Personnel			Cost per Population	Personnel per Population	Foot Pain, LLC annexation		
			Full Time	Part Time*	Total			Population Increase	Incremental Increase in Budget	Incremental Increase in Staff
City Council & City Manager	\$452,542	36,242	3	5	5.5	\$12.49	0.00015	0	\$0.00	0.000
Administrative Services	\$1,239,019	36,242	10	0	10	\$34.19	0.00028	0	\$0.00	0.000
Financial Services Division	\$1,166,805	36,242	11	0	11	\$32.19	0.00030	0	\$0.00	0.000
Police/Communications Division	\$7,148,427	36,242	73	12	79	\$197.24	0.00218	0	\$0.00	0.000
Fire/Emergency Services Division	\$6,619,326	36,242	66	24	78	\$182.64	0.00215	0	\$0.00	0.000
Public Works Division	\$4,422,090	36,242	40	2	41.25	\$122.02	0.00114	0	\$0.00	0.000
Community Services Division	\$4,094,248	36,242	25	39	44.7	\$112.97	0.00123	0	\$0.00	0.000
Total	\$25,142,457	36,242	228	82	269	\$694	0.0074	0.0	\$	0.000

*Part-time Employees are counted as half full time employees

**Table assumes the current level of service is sufficient, so increases in staff & budgets will be needed to serve the new population

Utility Costs

City Street Light Bill:	
Number of street lights in development:	\$23,703 monthly bill per 2,005 street lights within the city =
Total Annual Utility Cost	1 street light per 300 linear feet of road = \$11.82 per street light 0 street lights \$0.00

*Table assumes similar lighting technology is used within the development as the rest of the City (no LED).

Maintenance Costs

City Street Paving Cost:	
Miles of roads & paths in development:	\$19.55 per foot every 20 years, or
Total Annual Street Maintenance Cost	\$0.98 per foot/yr 1,350,000 feet \$13,950.00

* Table assumes that there is a annual cost to maintain roads in order to show incremental infrastructure cost. However, street repaving is not budgeted annually.

**UNAPPROVED EXCERPT OF MINUTES
PLANNING COMMISSION MEETING
May 13, 2013**

PUBLIC HEARING

**PH-13-03 Consider annexation and zoning request for Peachtree
Professional Center tract and other tracts on SR 54 East.**

After discussion, a motion was made by Mr. Napoli, seconded by Ms. Wojcik, and unanimously adopted that the proposed annexation and zoning for the Peachtree Professional Center tract and other tracts on SR 54 East be forwarded to City Council with a recommendation that it be approved with the following understandings and conditions:

1. The applicable conditions adopted on June 24, 1999 by the Fayette County Board of Commissioners for the 4.84-acre and 0.87-acre tract of land shall be incorporated into the zoning of these tracts of land, and reworded as follows:
 - (a) There shall be no vehicular access from these tracts of land provided to or from Sumner Road.
 - (b) Site lighting and/ or lighting mounted on the building exterior shall comply with the city's Lighting Ordinance.
 - (c) An undisturbed buffer of no less than 25' in width as measured from the right-of-way of Sumner Road shall be preserved on each tract of land and shall be designated on the plat of the overall property. Other than perpendicular utility crossings, clearing, grading or the removal of any vegetation from these buffers shall not be permitted. In those areas void of vegetation, the buffer shall be re-established with evergreen plant material (minimum 6' in height from finish grade) planted in staggered rows at no less than 8' on center.
 - (d) All impervious surfaces, including stormwater detention facilities, shall be located no less than fifty (50) feet from the right-of-way of Sumner Road.
2. The Applicant shall coordinate with City Staff to identify a location for an at-grade multi-use path crossing on Sumner Road and shall then be responsible for constructing a multi-use path from the SR 54/ Sumner Road intersection to the northernmost property line of the Peachtree Professional Center tract. A detailed plan shall be prepared in accordance with city standards and submitted to City staff for review prior to construction. The Applicant shall be solely responsible for design and construction of this connection at no cost to the city.
3. The Applicant shall prepare a detailed analysis of landscaping requirements as they relate to Fayette County in comparison to those required by Peachtree City. Should additional plant material be required to satisfy the city's tree replacement requirements, the Applicant shall prepare a landscape plan

identifying how the existing landscaping will be enhanced to comply with Peachtree City requirements.

It is understood this requirement shall apply to the Peachtree Professional building tract only. Landscaping requirements on the remaining tracts will be analyzed as these tracts are either expanded or redeveloped in the future.

4. Upon approval of the annexation, existing conditions on each tract of land, to include parking design, landscaping, signage, lighting, etc. that do not comply with current city ordinances shall be considered as legally non-conforming. Should these improvements be modified and/ or if the property is redeveloped, these items shall be brought into conformance with city ordinances to the greatest extent practicable.
5. The zoning of the parcels shall be OI Office Institutional.
6. The Land Use Designation of the parcels shall be OFF Office.