

City Council of Peachtree City
Agenda
May 20, 2004
7:00 p.m.

- I. Prayer
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Recognize Employee of the Month – Jay Hughes
Recognition of Community Action Day Volunteers
Recognize Youth Council Members
- IV. Minutes
April 16-17, 2004, Retreat Minutes
- V. Consent Agenda
 - 1. Alcohol License – Change in Licensee and License Representative –
Peachtree City Texaco
 - 2. Consider DOT LARP Contract
- VI. Old Agenda Items
 - 02-04-07 Kathie Cheney – Request to Address Council Regarding Smoking
in Public Buildings
- VII. New Agenda Items
 - 05-04-09 Public Hearing – Consider Rezoning Request – Sanders/Cash & Hughes
Tracts, Greenwood Lane, ER to R-43
 - 05-04-10 Consider Licensing of Alcohol Servers
 - 05-04-11 Consider Request from John Wieland Homes & Neighborhoods to Lift
Annexation Moratorium
 - 05-04-12 Consider Request from John Wieland Homes & Neighborhoods to Lift
Multi-family Housing Moratorium
 - 05-04-13 Consider Funding for Development Authority Member Training
 - 05-04-14 Consider Marketing Contract with Peachtree City Tourism Association
 - 05-04-15 Consider Kedron Village Expansion Conceptual Site Plan
 - 05-04-16 Consider Changes to CAR 8-3
 - 05-04-17 Consider Agreement between City and Tourism Association for
Distribution of Hotel/Motel Tax
- VIII. Council/Staff Topics
- IX. Executive Session

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

**2004 CITY COUNCIL RETREAT
MINUTES
April 16-17, 2004
Wyndham Peachtree Conference Center**

Friday, April 16, 2004

Mayor Brown called the meeting to order at 8:00 a.m. Other Council Members present were Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

1. Council Discussion/Added Agenda Items

- **Comprehensive Plan Review/Goals and Policies**

1. City Planner David Rast gave a brief overview of the Comprehensive Plan.
2. The plan was last updated seven-eight years ago and would need to be rewritten and updated for formal adoption by February 28, 2007.
3. Rast explained that the Master Plan was comprised of the Comprehensive Plan, Land Use Plan, Transportation Plan, Recreation Plan, Multi-Use Path System Plan, Library Plan, and other functional plans.
4. The elements included housing, commercial, economic development, transportation, recreation, land use, natural resources, community services and facilities, community aesthetics, and planning.
5. The plan helped Council Members and Commission/Authority members make decisions.

2. FY 2004 Finance Review

- Financial Services Director Paul Salvatore said the FY 2003 audit was not complete; however, the cash reserves ended at \$3,766,701, which was \$400,000 more than projected in the 10-year model.
- Salvatore noted that 50% of FY 2004 was complete and 70% of the revenue had been collected. At this point, the revenues collected were 3% above projections.
- Hotel/motel tax and LOST collections were 4.2% above projections for LOST and 9.9% ahead on hotel/motel tax. Building permits were 53% ahead and Occupational Tax collections were 20% ahead.
- There was a shortfall in Court fines. Salvatore attributed the 6.5% shortfall to the change in the fee structure and he hoped it would pick up by the end of the year.
- Interest earnings were 29% less than projected; however, interest earnings were less than half of one percent of total revenues.
- All other revenues were tracking well against the budget and the collections would be \$337,000 ahead by the end of the year.
- There was \$36,763 left in Council Contingency and most of the money (\$63,237) had been reallocated to the temporary management of the Amphitheater and Tennis Center. The Tourism Association would reimburse the City for those expenditures.
- Health insurance was running \$300,000, or 30%, under budget projections. Other insurance expenses were tracking well with the budget.
- Department expenditures in the operating budget were consistent with the percentage of the budget year completed. An overrun in the election line item was due to the runoff.
- The City had met the required GASB 34 mandates and there was still additional time to comply regarding to infrastructure reporting. Funds were allocated for additional services to accomplish compliance.

3. Five-Year Staff Plan

- The plan provided the foundation for development of the budget and the Five-year Public Improvement Program (PIP). The plan included estimates for equipment, facilities, vehicles, and personnel.
- Lease-purchase financing would continue to be used for heavy-duty equipment. Most of the equipment was replacing existing equipment that had gone past its useful life, and some new equipment was needed by Public Works for stormwater.
- The emphasis in facilities was on maintenance and renovation of existing facilities. Feasibility studies were recommended before construction of any new facilities or expansions of existing facilities. A feasibility study supported the construction of the Satellite Auto Shop. Additional fire stations were under consideration.
- Only one new person from each division was included for consideration. Additional staffing requests were moved to future years. The only exception was the Fire Department, which requested 10 new positions.
- Most of the vehicles were replacements of existing vehicles. Staff proposed continuing the take-home policy for police officers that lived within the City limits. Staff also proposed continuing the practice of replacing the police vehicles with the four-year lease-purchase program.

4. Five-Year Public Improvement Program (PIP)

Encl. A – FY2004 Five-Year PIP

- Salvatore explained the PIP priority ranking system. The system was used in developing the FY 2003 budget, although it had not been formally adopted. The major categories were core projects, essential projects, and discretionary projects.
- Core projects were those that must be funded and were critical to remedying or preventing a major safety/health hazard, a legal mandate or contractual obligation, or essential to completing a project phase that began in a prior period.
- Essential projects were those that were essential in order for the City to provide services of most importance. Criteria included a clear demonstration of public support, a positive fiscal impact supported by a cost/benefit analysis, and facilities/equipment maintenance and replacement. Additional determining factors included project interdependence (furniture, fixtures for a new building), the impact of service levels if the project was not included, and whether the project was necessary to implement a specific plan or policy.
- Discretionary projects were included if funds were available after meeting Core & Essential project needs. Discretionary projects included economic development projects that encouraged capital investment, increased the tax base, improved job opportunities, attracted businesses, and met the special needs of a segment of population, such as seniors, youth, and minorities, and the size of group should be considered before the funds were committed. Other Discretionary projects were those that would conserve energy, address automation, improve morale/productivity, and others.
- Staff recommended Council incorporate the ranking system into the budget policy if they agreed with the system.
- Revenue enhancing and expenditure-cutting measures included conducting a three-year comprehensive revenue survey this fiscal year, applying for new grants, and implementing the new Court fee structure.
- An Occupational Tax internal audit yielded additional \$23,000 revenue.
- The recreation and zoning fees were under review.
- The pension system investment structure was revised for more stability in return fluctuations.

- Staff was currently evaluating health insurance network providers for cost savings.
- Moving the Update to the website saved \$30,000.
- Energy-saving measures were implemented City-wide, particularly at recreation facilities

Encl. B – Unfunded Projects List

- A list of projects was compiled that had been proposed, but were not in the PIP. The project ranking criteria would be applied to the projects to determine future funding.

Encl. C – 2005-2009 Street Resurfacing Program

- Leisure Services Director/Interim Public Services Director Gaddo noted that the County would be paving the City's streets again this year.
- Brown said there were a lot of complaints, and he had noticed that the quality of the paving was not good.
- The paving agreement was signed through this year.
- The matter of had been discussed with the County, but County's attitude was that they were helping the City.
- Preliminary work for the paving had begun, but paving would not begin until August or September.

Encl. D – 2005-2009 Cart Path Resurfacing Program

- Gaddo reported that the cart path resurfacing program was rolling along and that the new asphalt grinder saved a lot of time.
- City Manager Bernard McMullen said work was behind on streets and cart paths. Staff was looking at initiatives to help fund the cart path program, such as possible use of the hotel/motel tax and annual golf cart registration.
- Rutherford thanked Gaddo for stepping in and helping out in Public Works. McMullen noted interviews for the Public Services Director began this week.

Encl. E – Construction Projects Update

- City Engineer Troy Besseche gave an update on the following projects:
 1. SR 54 Widening Project – right-of-way certification imminent, construction scheduled to begin this summer, westbound lanes to be built first, part of Huddleston Road would be closed off during bridge construction, looking at park-n-rides and rideshares for industrial park traffic
 2. SR 74 Widening Project – right-of-way acquisition has been funded, meeting with DOT to look at cart paths and culverts
 3. TDK Boulevard –working on options regarding conflict with runway safety, moving golf course holes would increase cost, biggest cost would be funding for land acquisition
 4. Aviation Way (Stallings Road) – working on utility relocation now, paved from Dividend to southern end of runway
 5. Smokerise Traffic Calming Devices
 6. Huddleston/Dividend Realignment – looking at constructing next year, would coordinate with SR 54 widening
 7. Walt Banks/Peachtree Parkway roundabout – design would start next month, would ask for endorsement at next meeting
 8. Rockaway Road realignment – to be pursued regardless of development, asked County to include in County transportation plan

9. Flat Creek Multi-use Bridge
10. 54 East/Carrington Lane – DOT approval received for right-of-way, Rast and Besseche would design
11. LCI projects
12. Kedron Restroom/Concession Stand – in design
13. Wynnmeade Playground – complete, grand opening on April 24 at 11 a.m.
14. Reed Memorial Park
15. Library Expansion – in design, construction to begin in late summer, 12-18 month timeframe
16. Satellite Auto Shop – delayed pending court action on financing, contractor extended bid to July

5. Divisions' Personnel Requirements

- McMullen said that 24 positions had been requested, and the list had been narrowed to 14 full-time positions and two part-time positions.
- The City continued to be “lean and mean” and have a low ratio of personnel to citizens, but there were critical needs. The addition of nine firefighter/paramedic positions and three captains would bring the Fire Department shifts up from 12 to 15. The budget impact would be \$741,207.
- Gaddo noted that staff had been considering a “phased” v. “unphased” approach to the library renovation and expansion. The “unphased” approach meant the library would have to move to another location during the construction, but the construction time would be three to four months less. Once the project was completed, a request would be placed for a part-time library assistant.
- John Dillahunt addressed Council regarding his concern that additional police officers were needed.
- Ron Mundy addressed Council regarding the need for additional Fire Department personnel.
- Administrative Services Director/City Clerk Jane Miller noted that administrative functions such as Human Resources and Finance were impacted by growth in other areas, and although these positions did not bring in revenue, there were critical staffing needs in departments other than public safety.

6. Discuss Senior Issues

Betsy Dodds introduced the members of the Mature Adult Council, which included Dodds, Hilda Bordeau, Bill Chapman, Marshall Dixon, Clara Griffith, Barbara Langlois, “Mac” Ernest Overholt, and Ruth Schlegel. Dodds asked Council to approve the group and allow it to work under the Recreation Department. She said the Mature Adult Council would act as one voice to bring senior issues to the Council.

a. Homestead Exemption for Homeowners over Ages 65 Plus

- Mature Adult Council endorsed the homestead exemption.
- Brown said there were two options – \$2,000 and \$5,000, and Brown favored \$5,000. Other Council Members felt the exemption would have little effect on budget and was a “feel good” measure. Staff directed to research impact on budget.

b. Senior Council/Senior Transportation

- The City was one of the few localities without transportation for senior use.
- A van or bus could be shared with other programs.

- There had been informal talks with the County regarding the use of their vans. An official request should be tried. Additional concerns included a driver and insurance requirements.
- Janet Werner was to join the County's Senior Council.

c. Additional Senior Issues: Storage & Programming Space

- The Gathering Place was crowded and programs could not grow without more meeting and storage space. The Gathering Place was ideally located in the center of the City.

7. Discuss Time Frame & Funding for Non-Profit Organization Requests

- The requests should be received at the same time and made part of budgeting process.
- Organizations should adjust how they ask for funding.
- Consensus was to have an application process for funding with a specified due date.

8. Alcohol Dispensing Permits

- Chief Murray was directed to prepare information for an upcoming Council meeting.
- All employees serving alcohol in the City would be required to have a criminal background check.
- Citations would be given to businesses if employees were not permitted. Businesses would get 60-90 days to comply with the ordinance if it was approved.

9. Discuss Criteria for Consent Agenda Items

- City Clerk Jane Miller was directed to put criteria for consent agenda items in CAR format

10. Discuss City Stationery Usage

- Council Members had a right to use City stationery as City officials
- Council Members should allow the City Attorney and the City Manager to look over letters that addressed legal issues.
- If the subject of the letter was controversial, other Council Members should be provided a copy.

11. Annual Registration of Golf Carts

- Annual registration would create a revenue source to help maintain the path system.
- More accurate information on the number of carts and identity of owners would be available.
- Staff was directed to bring back a proposal on the staffing impact.

12. Briefing on Open Records/Open Meetings/Quasi Judicial & Legislative Issues

- City Attorney Ted Meeker reminded Council that e-mails were subject to Open Records requests.
- Facts and City ordinances should be applied to variance requests and appeals.
- If legal counsel was needed during a hearing, legal questions could be asked of the City Attorney.
- No comments should be made on public hearings prior to the hearing.

13. Update on Progress of Stormwater Utility

- The estimated cost of 41 projects was \$9,268,500 for an accumulation of 25-30 years of problems.
- Not every nuisance could be addressed; sometimes water was supposed to pond in an area.
- City had taken over some issues that should be homeowners' responsibility.

- Priority needs included drainage Capital Improvement Projects, drainage system maintenance, regulatory compliance, water quality management/monitoring, drainage infrastructure assessment and inventory, adequate funding, and public education.
- The current level of service included deferral of capital improvement projects related to drainage improvements and flood control, reactive maintenance program (complaint driven), minimal regulatory compliance considerations, lack of drainage infrastructure data and knowledge, and inadequate public education/awareness of stormwater maintenance program, capital and regulatory issues.
- The proposed level of service included the following:
 - Flood Control/Capital Improvements
 - Detailed assessment of capital project needs and costs
 - Prioritize projects and develop implementation plan
 - Implement Capital Improvement Plan
 - Operations and Maintenance
 - Formulate and implement proactive maintenance program
 - Improve City responsiveness and maintenance capabilities
 - Regulatory Compliance
 - Develop and implement compliance strategy
 - Public Information and Education
 - Formalize program
- The stormwater program was currently funded through multiple City departments, including \$50,000 in the Engineering Department (FY 2004) and \$300,000 in the Public Services Department (FY 2002). Limited funds were budgeted annually for drainage system maintenance activities, drainage Capital Improvement Projects, and regulatory compliance.
- Future City needs included the following:
 - Capital Improvement Projects
 - Current CIP backlog = \$9.2 million
 - \$400,000 per year *for high priority projects*
 - Regulatory Compliance and Monitoring Costs
 - \$7 per capita = \$245,000 per year
 - Drainage System Operations & Maintenance
 - \$284,000 per year (routine, remedial and replacement)
 - Personnel and Enterprise Fund Administrative Cost
 - \$350,000 per year
 - Annual SWMP Cost Projection
 - \$1.1 to \$1.3 million for a comprehensive program
- Funding alternatives included stormwater user fees/utility and General Fund appropriations as primary funding methods. Secondary funding methods included special assessments, special service fees, loans/bonds for Capital Improvements, in-lieu of construction fees, system development charges, impact fees, developer extension/latecomer fees, and federal and state funding.
- A stormwater utility established a legal entity (enterprise fund) to manage and finance a comprehensive stormwater management program, provided a dedicated revenue source to address various stormwater management program issues, distributed costs in a fair and equitable manner, and operated as a user fee based system.

No one would be tax exempt; everybody would get a bill; the City would pay for City property. The user fee paid for the runoff demand that a specific property placed on the City drainage system. Parcels with larger impervious areas paid a higher fee based on greater volume of runoff and increased pollutant discharge

14. County Transportation Plan/County SPLOST (SR 54/75 Intersection)

- Besseche said there were transportation projects throughout the City.
- Thirty percent of the County's proposed SLOST would go to the municipalities and be divided based on population.
- No City projects were on the County's top 10 list.
- Besseche said the state projects would move forward regardless of the County's SPLOST, but he would like to see more local funding.
- Kourajian noted that if the SPLOST passed, people wanted to see improvements County-wide and locally.
- There was a consensus that Council should have unanimous opinion on this issue

15. Comprehensive Plan Update/QLG 2007/Rockaway Road/Annexation/ Multi-Family Moratorium

- The Comprehensive Plan was a vision for the way the City would be in 10 years.
- The plan must be reviewed and approved by the Atlanta Regional Commission and the state's Department of Community Affairs to maintain the City's Qualified Local Government status.
- The City should work with the developer, owner, and Airport Authority on a development plan for 120-acre Stephens tract off Rockaway Road.
- The City was required to look at multi-family housing to ensure City had enough low to moderate-income housing.
- The annexation moratorium affected staff's ability to look at activities outside the boundaries to determine if community would be impacted.
- An easy, standard review process for annexations was needed and a procedure would allow staff to legally work on requests so data could be obtained to make a decision on whether to annex or not.
- Meeker said a process should be implemented so City could get rid of the moratorium.

16. Multi-use Path Master Plan Update

- The plan for the next five years included 12.2 miles of new paths, repair of 5.7 miles of existing paths, widening and repair of 2.2 miles of paths, five new tunnels, and three new bridges.
- The estimated cost was \$7,250,022, with the potential to receive \$3,810,397 in grants.
- Several main trunks needed to be widened to carry the amount of traffic.

17. Options on Expanding Sports Field Capacity

- The demand for fields growing, but needs varied from association to association
- Some associations wanted to expand beyond normal level of play and attract tournaments.
- Issues were different with each association.
- It was suggested that developers put in fields where houses could not go, such as floodplains.
- Some sports associations were interested in pursuing sponsorships.
- Public did not mean free; user fees were fine as long as they were not outrageous.
- The possibility of joint-use fields should be discussed with the County

18. Discuss County Master Recreation Plan/SPLOST

- The County's Master Recreation Plan covered needs from 2005-2020.
- County had been broken down into four sub areas – City and Tyrone were Area 4.
- Area 4 was not considered for any new facilities.

- The City spent twice as much as the County on recreation, yet the City paid a recreation fee to the County.
- Basketball was being squeezed out of schools as school programs took priority.
- Program participants that were not City residents should pay higher fees.
- City needed to look at private/public partnerships.
- Representatives from various associations addressed Council regarding their concerns.

Saturday, April 17, 2004

Mayor Brown called the meeting to order at 8:00 a.m. Other Council Members present were Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Airport Authority

Members present: Cathy Nelmes, Doug Fisher; Staff present: John Crosby, Airport Manager

Nelmes gave a brief overview of airport history.

- Project Review: Designed taxiway for 24 acres, paved Aviation Way (Stallings Road), replaced roof and painted Aviation Center, completed two privately-funded hangars (one under construction).
- Federal Project Requests: Develop infrastructure for 24 acres, acquire land for Runway 13 runway protection zone, acquire land for Runway 31 runway protection zone (needed for installation of instrument landing system).
- A compatible use needed to be found for area around Rockaway Road.
- The airport broke even operationally; fuel profit was used for maintenance.
- New businesses this year included Aircraft Spruce & Specialty Company, Gardner Aviation Specialist, Inc., SouthEast Piper; Peachtree Flight Center expansion.

Development Authority

Members present: Scott Formel, Bill Bexley, Todd Strickland, Steve Fraas, Steve Savage

- The objectives for 2004 included training and development of members, redefinition of DAPC role, improved image of DAPC, improved communications and relationship with Council, supporting existing industry, and promoting of new industry.
- Tactics to support the objectives included Development Authority certification and training, involvement with Fayette County Chamber of Commerce and Metro Atlanta Chamber of Commerce, partnering with Fayette County Development Authority (FCDA), benchmarking with other Development Authorities, partnering with Airport Authority, developing a strategic plan, and communicating through e-mail and City website.
- Recent activities completed included meeting with Brian Cardoza of the FCDA, representing City on Red Carpet Tour in April, meeting with the Coweta County Development Authority Chairman and Executive Director, attending FCDA meetings, attending Chamber of Commerce Board of Directors meetings, attending Clayton State Advisory Board meetings, and developing preliminary budget for 2004.
- A forum needed to be set up to discuss what Council wanted the DAPC to do and how to do it given the current financial situation.
- The debt was a key issue, and once it was resolved, there would be more room for activities.
- Weed said he would find a way for Council to ensure members received training.
- Council and DAPC should be working together on the debt.
- The focus needed to be on new people, fresh attitudes, and a new direction.

- Building relationships was best thing to do.
- The Authority could become an advocate for existing industry.
- The Authority should look at university programs that created and fostered new technologies.
- Redevelopment opportunities should be explored.
- Needed to look at people who drove to Atlanta to work and look at companies that needed those skills.
- Kourajian said he would work with DAPC to set priorities and establish a plan to reach those goals.
- The City website could be used as a communication forum for commissions and authorities

Water and Sewerage Authority

Members present: John Gronner, Tim Meredith, Jeff Prellberg (alternate); Staff present: Larry Turner

- The plans included increasing capacity at Rockaway, treatment at Line Creek, and abandoning Flat Creek; and to take treated effluent back to Flat Creek to maintain wetlands and discharge point.
- The septic receiving facility was in operation at Rockaway. The rates were scheduled to be set at the May meeting.
- The Wynnmeade trunk sewer line near Wynn's Pond was replaced in the same trench.
- The Fats, Oils, and Grease (FOG) Control Program was instituted as supplemental environmental project to improve water quality.
- They were looking at ordinance changes to curb illegal dumping in the sewer system.
- Future plans included regular inspections at restaurants and attaching information to GIS, incorporating other grease generators in FOG program, working on sewer use ordinance, and public education.

Recreation Commission

Members present: David Ring, George Martin, Rob Learnard, Cindy Plunkett; Youth Council: Shelby Barker; Staff present: Sherry McHugh, Randy Gaddo

- Basic sponsorship standards should be established; everyone should be treated the same.
- The Recreation organizations could piggy-back on the criminal history check used by the Police Department's proposed alcohol server program.
- There were erosion control problems at all facilities.
- The Master Plan update process included data collection, review, update and recommendation of plan, and funding.
- More passive recreation areas were needed and the Recreation Commission would like to be involved as City looked at waterways and greenbelts.
- Pools and usage needed to be addressed.
- The Tourism Association needed to work with the Recreation Commission to look at long-term plans, such as a civic center.
- The Youth Council asked to have funding placed in the City budget; Salvatore volunteered to help the Youth Council with their budget.

Library Commission

Members Present: Chris Clark, Marie Washburn; Staff present: Janice Dukes, Jill Prouty, M.T. Allen, and Randy Gaddo

- The number of users continued to increase and had almost doubled since 2000.

- The library's expanding needs included non-English materials, foreign language classes, internet access, cultural requests, older American needs, large print books, PC classes, books on tape, chess tournaments, poetry readings, and foreign films.
- The library was one of 500 libraries in the nation to receive the 2004 We the People Bookshelf Award from the National Endowment of the Arts.
- One third of the computers had been replaced.
- Rebecca Watts received her librarian certification so there were now three certified librarians on staff.
- Groundbreaking on the expansion/renovation was planned in September.
- Both the phased and unphased approach to the expansion was discussed; the unphased approach would save three to four months in construction time and reduce liability.
- A third party consultant had been hired to look over the expansion/renovation plans to find any conflicts.

Planning Commission

Members Present: Dennis Payton, Wes Saunders; Staff Present: David Rast, Troy Besseche

- Centennial was largest subdivision under construction in the City with 320 lots.
- An additional 263,000 square feet in commercial and industrial space was added.
- Pathway was getting out of architectural review and the Planning Commission would be taking on those duties.
- Westpark's covenants had expired; the new owners wanted to blend in new construction with existing center.
- Weed said he was willing to work on or create an architectural design ordinance.
- Current redevelopment opportunities included demolition of the cinema and phase two of The Avenue (former Donato's location).
- Owners on the north side of 54 West seemed willing to work together on design guidelines; something needed to be put in place.
- The sign program and landscaping ordinance should be brought to Council in four to six weeks for formalization.
- There were many code violations on Huddleston Road; an overlay zone was needed.
- Zoning and covenants were at odds in some areas, which meant cheerleading academies were next to industrial uses. The uses were not compatible.
- The landscape and tree preservation ordinance had been completed and needed to be checked and re-worded; it should be ready for Council in four to six weeks.
- Guidelines were needed for lighting; more intense lighting had been used when it was replaced in commercial areas.
- There needed to be something in place to address architectural guidelines and covenant enforcement.
- A wish list was needed of properties that the City might want to acquire.

Peachtree City Tourism Association

Members Present: Steve Rapson, Murray Weed, Bernard McMullen, Paul Salvatore, David Ring;
Staff Present: Sean Ferreira, Lisa Waslis, Caryl Sumner Black, attorney

- The PCTA filed for and received 501c6 status, which allowed the PCTA to take and allocate the hotel/motel tax.
- The standing committees were Finance, Personnel, and Special Events.

- An independent balanced budget had been created with no hotel/motel tax as revenue.
- The finance, budget, and debt policies would soon receive final approval.
- Another 30-40 days was needed for the personnel policy. The pay and classification study for the venues was underway.
- The PCTA was working with Debbie Britt on a comprehensive marketing strategy.
- The PCTA was working on finalizing the contract with Clayton State.
- Venues would be run like businesses with all profits going back to the facilities
- The hotel/motel tax would be used for tourism.

Retreat adjourned at 4:15 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Assistant City Manager 

FROM: City Clerk 

DATE: May 12, 2004

SUBJECT: Alcohol License – Change in Licensee and License Representative –
KER Enterprises, Inc. dba Peachtree City Texaco
May 20, 2004, Regular Meeting

Recommendation:

Staff recommends Council consider the attached application for a change in Licensee and License Representative.

Discussion:

KER Enterprises, Inc. dba Peachtree City Texaco, 307 N. Highway 74, has submitted an application for a change in Licensee and License Representative. Mr. Richard Lowe has requested he be appointed as the Licensee and as the License Representative. Mr. Lowe has been asked by the property owner to take over the lease for the store when the current lease runs out at the end of May. Mr. Lowe will attend the meeting on Thursday, May 20th, to answer any questions you may have.

Budgetary Impact:

The change in Licensee and License Representative will have no impact on the budget.

JSM:pd

Attachments



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: KER ENTERPRISES INC. dBA Peachtree City TEXACO	Business Location: 307 N. Hwy 74	Peachtree City, GA 30269
Nature of Business: GAS & CONVENIENCE STORE	Mailing Address: 307 N. Hwy 74 Peachtree City, GA 30269	Business Phone Number: 770-632-1655
Name of Licensee: RICHARD LOWE	Home Address: 3025 190 Kingswood Dr. Fayetteville, GA	Home Phone Number: 770-460-1894
Name of License Representative: Richard Lowe	Home Address: Same as above	Home Phone Number:

Please indicate type of licenses applying for:

Retail Consumption Dealer	Retail Package Dealer	Wholesale Dealer
☐ Malt Beverage	☒ Malt Beverage	☐ Malt Beverage
☐ Wine	☒ Wine	☐ Wine
☐ Distilled Spirits	☐ Distilled Spirits	☐ Distilled Spirits

Please complete information below (use separate sheet if necessary)

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
K.E.R. Enterprises INC dBA		
Peachtree City TEXACO		
RICHARD L. LOWE	190 Kingswood Dr Fayetteville GA 30215	770-460-1894
ELLEN D. LOWE	" " " " "	" " "

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



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

I, James V. Murray, Chief of Police, for the City of Peachtree City, do hereby certify that:

Richard Lowe

Name

190 Kingswood Dr. Fayetteville, GA 30215

Address

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

James V. Murray
Signature

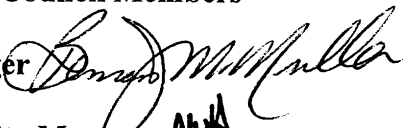
May 11, 2004
Date

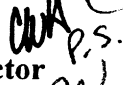
Mayor Mike Duffee
Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager 

FROM: Assistant City Manager 
Financial Services Director 
Assistant Finance Director 

DATE: May 6, 2004

SUBJECT: Local Assistance Road Program (LARP) Contract
May 20, 2004 City Council Agenda

Recommendation:

Staff recommends that the City execute this contract for resurfacing the following street:

LAU 04-S006-00 (337)

<i>STREET</i>	<i>LENGTH (MILES)</i>
Peachtree Parkway – Crosstown Drive to Robinson Road	1.510
<i>Total Miles</i>	<i>1.510</i>

Discussion:

Staff has reviewed the Georgia Department of Transportation (GADOT) Local Assistance Road Program (LARP) contract LAU 04-S006-00 (337) which is a standard GADOT contract. This contract is available for review should Council desire.

The contract amount of **\$119,595.15** is approximate cost of materials only and does not include labor, equipment or delivery costs for the installation of the asphalt paving.

Budget Impact:

This has no budgetary impact on FY 2004 Budget but does enable the City to get this street resurfaced through the GADOT LARP program.

cc: City Engineer



Department of Transportation

HAROLD E. LINNENKOHL
COMMISSIONER
(404) 656-5206

PAUL V. MULLINS
CHIEF ENGINEER
(404) 656-5277

State of Georgia
#2 Capitol Square, S.W.
Atlanta, Georgia 30334-1002

LARRY E. DENT
DEPUTY COMMISSIONER
(404) 656-5212

EARL L. MAHFUZ
TREASURER
(404) 656-5224

Hon. STEVE BROWN, MAYOR
City Hall
Peachtree city, GA 30269

April 30, 2004

LAU04 - S006-00(337)
Fayette County

RE: PEACHTREE PKWY - PLANT MIX RESURFACING

Dear Sir or Madam:

Please find attached three copies of the contract on the above project for execution by your officials.

Approval of this contract requires the original signature of the officials, the signature of a witness, the city IRS number, and the statement signed by the clerk giving place and date of approval.

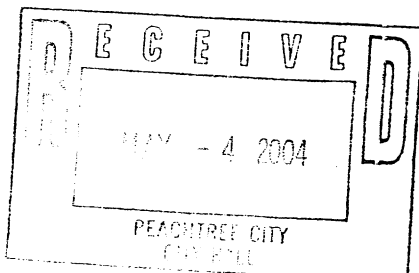
After execution, kindly return all copies to this office for further execution by the Department, after which your copy will be returned to you. You are not authorized to begin construction until these contracts have been executed by the Department and you are so notified by telephone or letter from this office.

****PLEASE DO NOT UNSTAPLE CONTRACT BOOKLET - DOING SO WILL DELAY PROCESSING****

Yours very truly,

Department of Transportation

Gregory T. Mayo, P.E.
State Transportation Office Engineer



Enclosure

District Engineer 3
Terry Gable
General Files

Hon. Mitch Seabaugh

Hon. Valencia Seay

Hon. Mike Crotts

Hon. Lynn Westmoreland

Hon. Bob Holmes

Hon. Sharon Beasley-
Teague

Hon. Joe Heckstall

Hon. Virgil Fludd

Hon. John P. Yates

Hon. John R. Lunsford

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

ORIGINAL

CONTRACT

CITY CONTRACT

DO NOT UNSTAPLE THIS BOOKLET....ENTER ALL REQUIRED INFORMATION
----- EITHER BY HAND OR BY STAMP.

DATE OF OPENING : NONE

CALL ORDER : NONE

CONTRACT ID : C36530-04-000-0

PCN	PROJECTS AND CONTRACT NO.
-----	-----
S006337C10000	LAU04-S006-00(337) C1

COUNTY : FAYETTE

CODE: 5PE090

1. CITY OF PEACHTREE CITY

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

CONTRACT ID : C36530-04-000-0

1.510 MILES OF PLANT MIX RESURFACING ON PEACHTREE PARKWAY
BEGINNING AT CROSSTOWN DRIVE AND ENDING AT ROBINSON ROAD.

SITE	CONTRACT TIME	LIQUIDATED DAMAGES
00 COMPLETE CONTRACT	NONE	

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA
CONTRACT SCHEDULE

DATE : 04/30/04
PAGE : 3

CONTRACT ID: C36530-04-000-0

PROJECT(S) : S006337C10000 LAU04-S006-00(337) C1

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
SECTION 0001 ROADWAY					119,595.15	
0005	402-1811 RECYCLED ASPH CONC LEVELING, INCL BITUM MATL	TN 200.000	23.42000		4,684.00	
0010	402-3139 RECYCLED ASPH CONC 9.5 MM SUPERPAVE, BLEND 1, INCL BITUM MATL	TN 4,995.000	22.36000		111,688.20	
0015	413-1000 BITUM TACK COAT	GL 4,795.000	0.47000		2,253.65	
0020	652-2501 SOLID TRAFFIC STRIPE, 5 IN, WHITE	LM 3.020	165.00000		498.30	
0025	652-2502 SOLID TRAFFIC STRIPE, 5 IN, YELLOW	LM 2.640	162.00000		427.68	
0030	652-3502 SKIP TRAFFIC STRIPE, 5 IN, YELLOW	GLM 0.380	114.00000		43.32	
TOTAL BID					119,595.15	

24 Parkgate Lane
Peachtree City, GA 30269
May 10, 2004

Mayor Steve Brown
Peachtree City Council
Peachtree City Hall
151 Willowbend Road
Peachtree City, GA 30269

Dear Mayor Brown,

Now it is up to us! The next step is May 20th.

People have the right to smoke. Businesses have the right to accommodate smokers. That is not contested.

The problem is HOW smoking is accommodated. Right now some businesses still insist on playing games. They ignore, deny and hide the danger of the damage done to OTHERS when they have smoking in indoor (enclosed) areas. Central air and heating means air is trapped inside to save heating and cooling costs. When you add smoke to trapped air, everyone shares in the damage.

Just have smokers step outside until other safe, honest and effective methods that actually protect others and are cost effective for businesses can be identified. Only this time, those who want to accommodate indoor smoking will first have to show that their alternative methods really protect from the lethal aspects of 2nd hand smoke; the carcinogens that are the seeds of so many different kinds of cancers, the tar and nicotine and other chemicals that clog and block arteries causing (in as little as 30 minutes exposure) totally preventable heart attacks and strokes and more (emphysema, asthma, lung, circulatory and a list of other problems).

Our state legislators say it is up to us to protect ourselves. That is why we are asking you, our local representatives in our local government, to do what our state government won't. Help us protect ourselves and our families by requiring that smoking be accommodated safely, honestly and effectively right now.

We've known (and had the evidence of) the truth of the danger, the damage to others, for over 10 years. The businesses that could and would have already fixed this life-threatening problem. Now it is time to help those who *cannot* or will not fix this needless problem until it is required (just like with drunk driving).

Our PTC signs clearly identify the problem. Now it is time to fix it. Require smokers step outside to smoke NOW. It solves the problem immediately. The next step will be up to the businesses. In the meantime, we will all be safe.

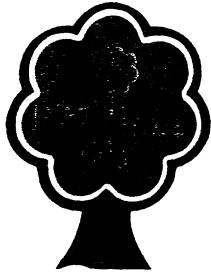
I have asked you, our Peachtree City Council, to address this problem at your next meeting on Thursday, May 20th.

It is your life, your health, your family, our community, *and our responsibility but your power*.
Don't wait until it is too late for someone you love.

Sincerely



Kathie Cheney
770-631-3529



Peachtree City

Georgia

May 11, 2004

Ms. Kathie Cheney
24 Parkgate Lane
Peachtree City, GA 30269

Dear Kathie:

I received your correspondence dated May 6, 2004, regarding support for an ordinance for a public smoking ban. Please know that I appreciate your passionate effort on this issue.

I will offer this suggestion. Find the Georgia cities that have already taken action on this issue, obtain a copy of their ordinances and provide a summary of each. I know that Snellville and Decatur have passed such ordinances. The Georgia Municipal Association (404-686-0472) might also be of service with identifying which cities have participated.

If you can obtain the preceding information, I will assemble a committee to discuss the matter and bring some suggestions forward to the City Council.

Sincerely,

Stephen D. Brown
Mayor

SDB:gr

cc: City Manager
Peachtree City Council

24 Parkgate Lane
Peachtree City, GA 30269
May 6, 2004

Mayor Steve Brown
Peachtree City Council
Peachtree City Hall
151 Willowbend Road
Peachtree City, GA 30269

Dear Mayor Brown,

The May 5, 2004 issue of The Citizen Newspaper has a Free Speech vent that states that business has the right to accommodate smoking, but it is time we require it be done safely and honestly. I agree. We need to just set reasonable boundaries to protect others from needless damage. Limit the damage to just the smoker. Why is this too much to ask?

At the May 20, 2004 City Council meeting I am going to request that the next step (after 6 years) is needed in Peachtree City. I worked to get a broader statewide legislation to make it easier on our local businesses. Your letter of support was gratefully appreciated. However, our own local representative would not support the legislation. The problem has been dumped back on local government to take the next step.

Would you support an ordinance requiring the immediate safe, honest and effective solution of having smokers step outside until another solution (but this time honest and effective) can be found; a solution that would both solve the health problem and also be acceptable to our local business community? It is time to end the game playing that is happening now.

The businesses that could fix the problem already have. Now it is the time to address those businesses that cannot fix it without your help or will not until it is required by law. This legislation should not be necessary, but look around, it is.

Thomas Jefferson, our President and the writer of our Declaration of Independence was caught in a similar bind because of tobacco. He owned a plantation in Virginia and tobacco was the most profitable crop. He enjoyed fine wines and a comfortable life style. He did not like slavery but as long as his competitors used the low cost labor of slaves he could not survive economically without doing the same. This is the same bind our restaurants and bars find themselves in today. Smokers are their profit margin. They cannot solve this problem individually, just like with drunk drivers years ago. They need your help to do what they know is fair.

Jefferson said it was like holding a wolf by the ears. When you want to let go, you can't. You can't afford to. Basically, you need someone else to make it safe to do what you know is right. That is where you come in. You are our elected representatives and we need you to do the next step. As individuals and individual businesses we can't do this by ourselves. For 6 years we have tried. This problem requires your help. Our community needs your involvement, as our elected representatives, to solve this problem that costs people's lives, health, pain and needless medical expense.

Will you help?

Sincerely,



Kathie Cheney
770-631-3529

Dear Mayor Brown:

Was a letter I wrote last year. I hoped we could teach parents and their teens how to recognize what actions need to be seen **BEFORE** handing the keys of ANY vehicle to an unsupervised new driver.

I had hoped this could be a seminar or class offered every year before the beginning of summer when our paths get flooded by unsupervised teen drivers for current and "soon to be" teen drivers. I hope the class I read about recently is this year's version. If possible I would like to sit in and help if needed. My own son learned how other driver's mistakes must be anticipated or pay the price -- even though you have done nothing wrong.

Should we consider requiring 15-year-old golf cart drivers to drive only on carts with working governors that limit speeds to 12 mph? It would solve some of the speeding problems. I like our governor because it reminds me of exactly what is a safe speed for me to be driving at (especially downhill), even as an experienced adult driver.

My previous letter:

Summer is rapidly approaching. School will soon be out and with it unsupervised teens will be flooding our golf cart paths. Parents and teens, both those currently driving unsupervised and those soon to reach 15 need to attend the Golf Cart Seminar to be held at the PTC Police Station on (Tuesday, May 27, 2003).

The driving rules were changed last September. This summer is the test. If teens cause our path system to become too dangerous for our other citizens to utilize, especially vulnerable Senior Citizens, this privilege can be revoked. It is up to our parents and teens to protect this privilege.

Come to this meeting and find out what indicates the proper level of responsibility needed to already be shown by your teen and find out what each teen can do to protect this privilege for themselves and the next set of 15 year olds.

Mr Brown, Thank you and our Council for your time and efforts in making our paths safe while giving our teens the unique opportunity to learn to drive safely and responsibly at 12 mph before they drive on hwy. 74 and 54 at much less forgiving speeds.

Kathie Cheney
24 Parkgate Lane
Peachtree City, GA 30269
770-631-3529

POSITION PAPER

Proposed Rezoning: Sanders/ Cash and Hughes tracts, Greenwood Lane

City Planner/ Zoning Administrator

May 14, 2004

David
Curt
[Signature]

Situation:

Mr. Harry Sanders and Ms. Doris Cash own 11.437 acres of land immediately north of Greenwood Lane. The front portion of their property (7.403 acres) is zoned R-43 Residential. The rear portion of their property (4.034 acres) is zoned ER Estate Residential. Mr. and Mrs. James Hughes own 3.717 acres immediately north of the Sanders/ Cash tract. Their Agent, Mr. Richard Simms, desires to combine these parcels and rezone the overall tract to R-43 Residential. The purpose of the rezoning is to develop a 13-lot subdivision of one-acre lots with access via a public street connection to Greenwood Lane. Because the property is not currently zoned for this type of development, the Applicant is requesting that it be rezoned to an appropriate classification. A copy of the application is included as Attachment "A."

Facts:

1. The front portion of the Sanders/ Cash tract is 7.403 acres in area and was rezoned from AR Agricultural to R-43 on June 17, 1999.
2. The rear portion of the Sanders/ Cash tract is 4.034 acres in area and was annexed into the City on June 17, 1999 and zoned ER Estate Residential.
3. The Hughes tract is 3.717 acres and was annexed into the City on June 17, 1999, and zoned ER Estate Residential.
4. The property adjoins the Stephens tract to the west (zoned AR Agricultural Reserve) and the Care tract to the east (zoned ER Estate Residential). Both of these tracts are within Peachtree City. Additionally, the property adjoins the Braelinn Baptist Church tract, the Chan tract and the Maher tracts in Tyrone.
5. The portion of the Kedron Hills subdivision that is located immediately across Greenwood Lane from the proposed subdivision is zoned R-43 Residential. The proposed subdivision has approximately 680 LF of frontage on Greenwood Lane.
6. The recent update to the Land Use Plan indicates the property should be used for a single-family, low-density use with a minimum lot size of one acre (Attachment "B").

Sanders/ Cash and Hughes tracts, Greenwood Lane

May 14, 2004

Page 2 of 3

7. The Applicant has provided a concept plat for the overall tract, which involves combining the two parcels and developing a 13-lot subdivision. All lots would have access onto an internal public street, which would connect to Greenwood Lane. All of the existing structures on the property would be removed prior to developing the subdivision.
8. All homes within the subdivision would be similar in size to the existing homes within the Kedron Hills/ Kedron Estates subdivision. The Applicant has built many homes within this subdivision and desires to continue building within this area.
9. The Applicant is requesting that the entire Sanders/ Cash tract and the Hughes tract be rezoned to R-43 Residential to accommodate the proposed subdivision.
10. The average lot size within the subdivision would be a minimum of one acre, which is consistent with the lots within this portion of the Kedron Hills subdivision.
11. At their meeting on April 26, 2004, the Planning Commission voted unanimously to forward a recommendation to City Council that the proposed rezoning be approved subject to the understandings and conditions recommended by City Staff (Attachment "C").

Recommendation:

Staff recommends that the proposed rezoning to R-43 Residential be recommended for approval and that the zoning should be subject to the following understandings and conditions:

1. The concept plan is intended only to suggest a concept and shall not be considered the final approved development plan. That plan must be prepared and approved as part of the regular concept plat review process. There shall be no more than 13 single-family residential lots within the overall subdivision.
2. A 30' undisturbed natural buffer should be provided along the rear of all lots within the subdivision. This buffer should be shown on all plats submitted for review and recorded with the final plat for the overall subdivision.

Sanders/ Cash and Hughes tracts, Greenwood Lane

May 14, 2004

Page 3 of 3

3. The Applicant must develop and submit architectural guidelines and restrictive covenants for this subdivision as a part of the plat review process to ensure the homes within the subdivision are consistent with those within the adjoining Kedron Hills subdivision. This document must be reviewed by City Staff and the Planning Commission Representative and must be recorded with the Fayette County Tax Assessor once approved.
4. The developer shall be responsible for paying the Kedron Service Area impact fee in addition to the above additional project costs at the time of final plat approval.

287 Greenwood Lane and 265 Greenwood Lane

R-43 Zoning Request



A ZONING REQUEST FOR THE PROPERTY

OF DORIS CASH AND HARRY SANDERS

287 Greenwood Lane

(4.034 ACRES)

AND REBECCA HUGHES AND JAMES HUGHES

265 Greenwood Lane

(3.717 ACRES)

CONTENTS:

- 1. Applications / Maps / Location**
- 2. Introduction**
- 3. Proposal**
- 4. Analysis**
- 5. Other supporting documents**

Submitted by:

**Doris Cash and Harry Sanders
287 Greenwood Lane, Peachtree City**

**Rebecca Hughes and James Hughes
265 Greenwood Lane, Peachtree City**

Prepared by:

GreenLee Properties, Inc.

Submitted April 2, 2004

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

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

4.034 ACRES - the rear portion of
our property at 287 Greenwood Lane.

This property is presently zoned: ER

The proposed zoning classification is: R-43

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

Signature: X [Signature]

Owner: (print) HARRY SANDERS

Agent: (print) _____

Address: 1208 DAVIS LAKE RD. LOCUST GROVE, GA.

Phone: 770-957-3733 Date: 30268

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

Signature: David E. Rant

Title: City Planner / Zoning Administrator

Date: April 8, 2004

Request Number: 2004-03

Date of Planning Commission Public Hearing: April 26, 2004

Date of City Council Public Hearing: May 20, 2004

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

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

4.034 ACRES - the rear portion of
our property at 287 Greenwood Lane.

This property is presently zoned: ER

The proposed zoning classification is: R-43

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

Signature: X Doris Cash

Owner: (print) DORIS CASH (formerly Doris Sanders)

Agent: (print) _____

Address: 287 Greenwood Lane, PTC 30269

Phone: 770.427.8466

Date: _____

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

Signature: David E. Rant

Title: City Planner / Zoning Administrator

Date: April 8, 2004

Request Number: 2004-03

Date of Planning Commission Public Hearing: April 26, 2004

Date of City Council Public Hearing: May 20, 2004

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

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

3.717 ACRES AT 265 GREENWOOD LANE

This property is presently zoned: ER

The proposed zoning classification is: R. 43

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

Signature: x Rebecca S. Hughes x James D. Hughes

Owner: (print) REBECCA S. HUGHES, JAMES D. HUGHES

Agent: (print) _____

Address: 265 GREENWOOD LANE, PTL 30269

Phone: 770. 487-8087 Date: _____

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

Signature: David E. Fant

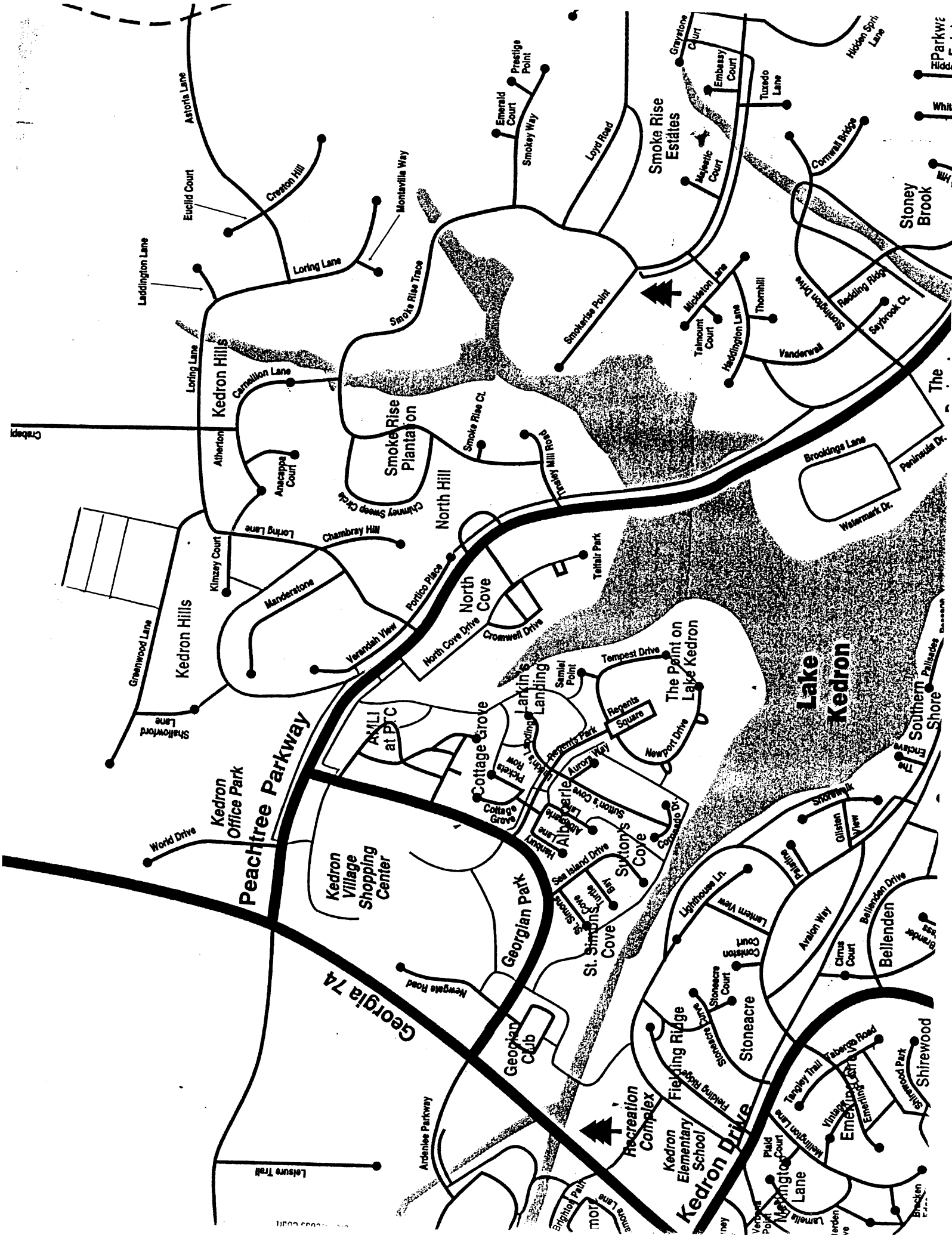
Title: City Planner / Zoning Administrator

Date: April 8, 2004

Request Number: 2004-03

Date of Planning Commission Public Hearing: April 26, 2004

Date of City Council Public Hearing: May 20, 2004



An aerial photograph of a wooded area, possibly a forest or park. The image is in black and white, with high contrast. There are several labels overlaid on the image, indicating different sections or owners. The labels are: 'HUGHES' in the upper left, 'CASH / SANDERS' in the center, and 'Kedron Hills Pool' in the lower right. The terrain is covered with trees and some open areas. A road or path is visible in the lower right corner.

HUGHES

CASH / SANDERS

Kedron Hills Pool

2. INTRODUCTION

Doris Cash and Harry Sanders own 11.437 acres at 287 Greenwood Lane. The front of the property faces Greenwood Lane with approximately 680 feet of frontage. This is adjacent to the Kedron Hills neighborhood.

The front 7.403 acres of the Cash / Sanders property are zoned R-43. The rear 4.034 acres are zoned Estate/Residential.

Rebecca and James Hughes own 3.717 acres at 265 Greenwood Lane, adjoining the rear of the Cash / Sanders property. This property is zoned Estate / Residential. It has no frontage on Greenwood Lane or any other street and can only be accessed by a long easement through the Care property to the right.

All lots in the Kedron Hills subdivision are zoned R-22 with the exception of the lots on Greenwood Lane and Shallowford Lane which are zoned R-43.

3. PROPOSAL

The front of the Cash / Sanders property is zoned R-43. The Kedron Hills lots across the street are zoned R-43. All other Kedron Hills lots are zoned R-22.

This proposal is to zone the rear portion of the Cash / Sanders property, and the Hughes property to the rear to R-43. Richard Simms proposes to purchase the land and develop a residential subdivision with 13 one-acre lots. The houses to be built will be similar to those built in Kedron Estates at the end of Astoria Lane.

R-43 zoning is requested to allow for lot sizes consistent with the Kedron Hills lots across the street, but larger than all other Kedron Hills lots in the neighborhood, which are R-22.

Richard Simms respectfully suggests that R-43 zoning is an appropriate step-down zoning from the ER or AR zoning of the property behind the Hughes property, to the R-43 zoning of the Kedron Hills lots across the street on Greenwood Lane, to the smaller R-22 zoning of all the other Kedron Hills lots.

4. ANALYSIS

The Property :

The total combined parcel will be 15.15 acres and will have approximately 680 feet of frontage on Greenwood Lane and a depth of approximately 940 feet. It is nearly a rectangle.

The property lends itself very well to one road beginning at the middle of the Greenwood Lane frontage, running through the center of the property and ending in a cul-de-sac at the rear.

The Land :

The land is gently rolling, like Kedron Hills. It is mostly in overgrown pasture, but has some woods of young pines in the right rear corner of the Sanders property, and a number of large oak trees around the existing house. There are no creeks, flood plains or wetlands on the property.

The homes on the property and outbuildings will be removed.

Utilities :

Public water, natural gas and telephone are available to the property. It is undetermined at this time whether the property can be served by the public sewer, or whether the lots will be served by on-site septic systems.

Taxes :

Taxes generated by thirteen new homes will be several times higher than the taxes on the existing parcels.

13 new homes X \$ 550,000 average sales price = \$ 7,150,000

X 40% assessment = \$ 2,860,000 x 5.28 mills = \$ 15,100 Peachtree City Tax

Police / Fire / Emergency :

Emergency services are provided by the Kedron Station on Crabapple Lane which is only one mile from this property.

Public education :

With the addition of only thirteen new homes over a period of approximately two years, this development will have a minimal impact on the Fayette County School System.

Recreation :

With the addition of only thirteen new homes, this development will have a minimal impact on Peachtree City recreational facilities. The Kedron Impact Fee is in place so that these new homes will contribute their share to the Peachtree City recreation programs.

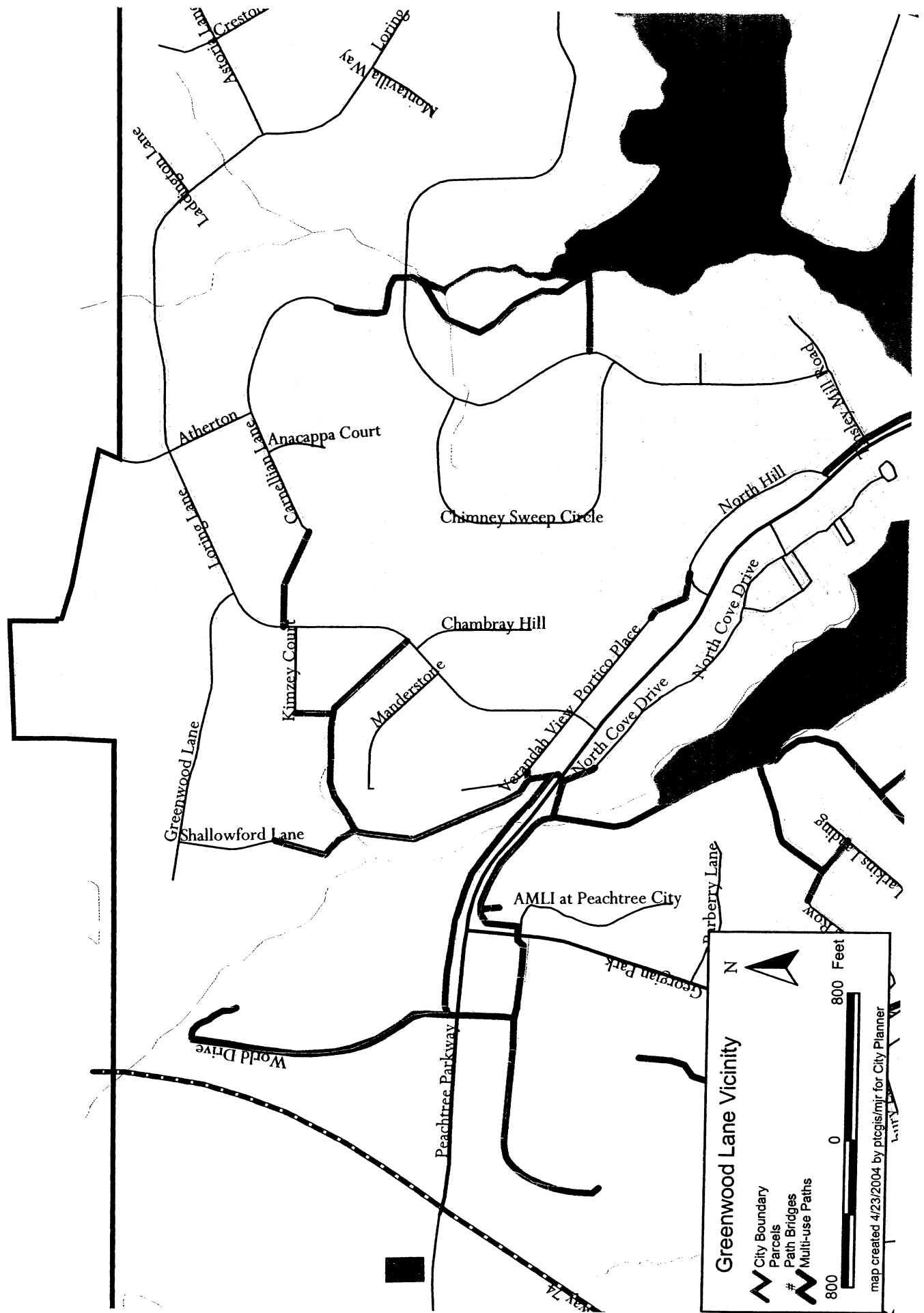
Environmental Protection :

All local and state ordinances relating to erosion control will be complied with. Having built in this immediate neighborhood for five years, and in Peachtree City for fifteen years, we know we are expected to comply with the strict erosion control enforcement policies of the Peachtree City Building Department.

Transportation :

With only thirteen new homes, this new neighborhood will have a negligible effect on existing roads. Residents will exit onto Greenwood Lane and drive on Loring Lane a short distance to Peachtree Parkway. Visibility will be very good at the Greenwood Lane entrance, and Loring Lane has light residential traffic.

There are two close-by cart path connections in Kedron Hills.



Greenwood Lane Vicinity

 City Boundary
 Parcels
 Path Bridges
 Multi-use Paths

800 0 800 Feet

map created 4/23/2004 by ptgis/mjr for City Planner

7-29-6

SPECIMEN TREES

7-29-24

7-29-21

7-29-23

7-29-22

GREENWOOD-LANE

7-29-8-4

7-29-8-2

7-29-8-1

NORTH BASED ON
P.B. 28, PG. 5

**TRACT 1
4.034 ACRES**

**TRACT 2
7.403 ACRES**

JAMES H. & GLORIA STEPMAN

A circular seal for the Georgia State Library. The outer ring contains the text "GEORGIA STATE LIBRARY" at the top and "REGISTERED" at the bottom. Inside the ring, the text "No. 2343" is visible, along with a small star and the text "LIBRARY OF THE STATE OF GEORGIA". A musical staff with several notes is superimposed over the seal.

The field data upon which this survey is based were computed for closure by latitudes and longitudes to a closure precision of one inch in 100,000 feet. The survey was run on a motor mile pin, and is UNADJUSTED. COORDINATE DATA were used to obtain linear and angular measurements.

In my professional opinion, that this plot is a true professional opinion, that this plot has been a representation of the land dimensions and requirements of the minimum area for closure and has been found to be accurate within one foot in 100,000 feet.

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP. Community No.: 130078 0080 D & 130483 0080 D
 Dated: MARCH 18, 1988

GRAPHIC SCALE: 1 inch = 60 feet

[illegible]

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

**W.D. Gray and
Associates, Inc.**

land surveyors - planners

103 WESTPARK DRIVE SUITE C PEACHTREE CITY

GEORGIA 30269
PH. 770-486-7552 FAX 770-486-0496

PREPARED FOR

RICHARD SIMMS HOMES

LAND LOTS: 121 & 122

7th DISTRICT

REF. FAYETTE COUNTY, GA.

SCALE: 1" = 60'

This plot is subject to all easements or restrictions of record and other easements (written or unwritten) not evident from a visual inspection of the property as shown. A Georgia licensed attorney at law should be consulted concerning correct ownership, width and location of easements and other title questions revealed by title examination.

WARRANTY DEED - Form 4 (2/71) (4/76)



STATE OF GEORGIA

CLAYTON

County

THIS INDENTURE, made this 2nd day of February
in the year of our Lord One Thousand Nine Hundred and Eighty TWO
between RICHARD O. PARKS
of the State of Georgia and County of Fayette of the first part
and HARRY CLINTON SANDERS and DOBIE CASH SANDERS
of the State of Georgia and County of FAYETTE of the second part,

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of
TEN & NO/100 (\$10.00) DOLLARS & OTHER VALUABLE CONSIDERATIONS
in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged in 2 parts,
bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said part Y of the second part,
themselves, their heirs and assigns, all that tract or parcel of land
lying and being in Land Lots 121 and 122 of the 7th District, Fayette County, Georgia,
being Part of Property shown on Plat of Curtis R. Barwick Property, as per plat
recorded in Plat Book 5, page 179, Fayette County Records, and being more
particularly described as follows:

BEGINNING at an iron pin on the land lot line dividing Land Lots 121 and 122
a distance of 958 feet west from the intersection of Land Lots 121, 122, 103,
and 104; running thence south 01 degree 00 minutes east a distance of 509 feet
to the center line of Crabapple Lane; running thence south 87 degrees 15 minutes
west along the center line of Crabapple Lane a distance of 300 feet to a point;
running thence north 83 degrees 46 minutes west along the center line of Crabapple
Lane a distance of 100 feet to a point; running thence north 74 degrees 55 minutes
west along the center line of Crabapple Lane a distance of 200 feet to a point;
running thence north 80 degrees 45 minutes west along the center line of Crab-
apple Lane a distance of 87.4 feet to a point; running thence north 03 degrees
15 minutes east a distance of 433.3 feet to an iron pin on the land lot line
dividing Land Lots 121 and 122, said pin being 639 feet west along said land lot
line from the point of beginning; running thence north 03 degrees 15 minutes east
a distance of 282.5 feet to an iron pin; running thence north 89 degrees 00
minutes east a distance of 618 feet to an iron pin; running thence south 01
degree 00 minutes east a distance of 282 feet to an iron pin on the land lot
line dividing Land Lots 121 and 122 and the point of beginning; being improved
property having a house located thereon; as shown on survey prepared by Claude
Eric Lee, Registered Land Surveyor, dated March 17, 1970.

FAYETTE COUNTY, GEORGIA
REAL ESTATE COMMISSION
PAID 10.00
DATE 1-14-82
W. D. Ballard
CLERK OF SUPERIOR COURT

GEORGIA, FAYETTE COUNTY
Filed and Recorded this 14 day
of Jan. 10 82 10:29 A.M.
Book 692 633
W. D. Ballard Clerk

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

And the said part Y of the first part, for himself, his heirs, executors
and administrators will warrant and forever defend the right to the above described property unto the said part ies of the second part,
themselves, their heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said part Y of the first part do hereunto set his hand, and affixed
his seal, the day and year above written.

Signed, sealed and delivered in the
presence of:

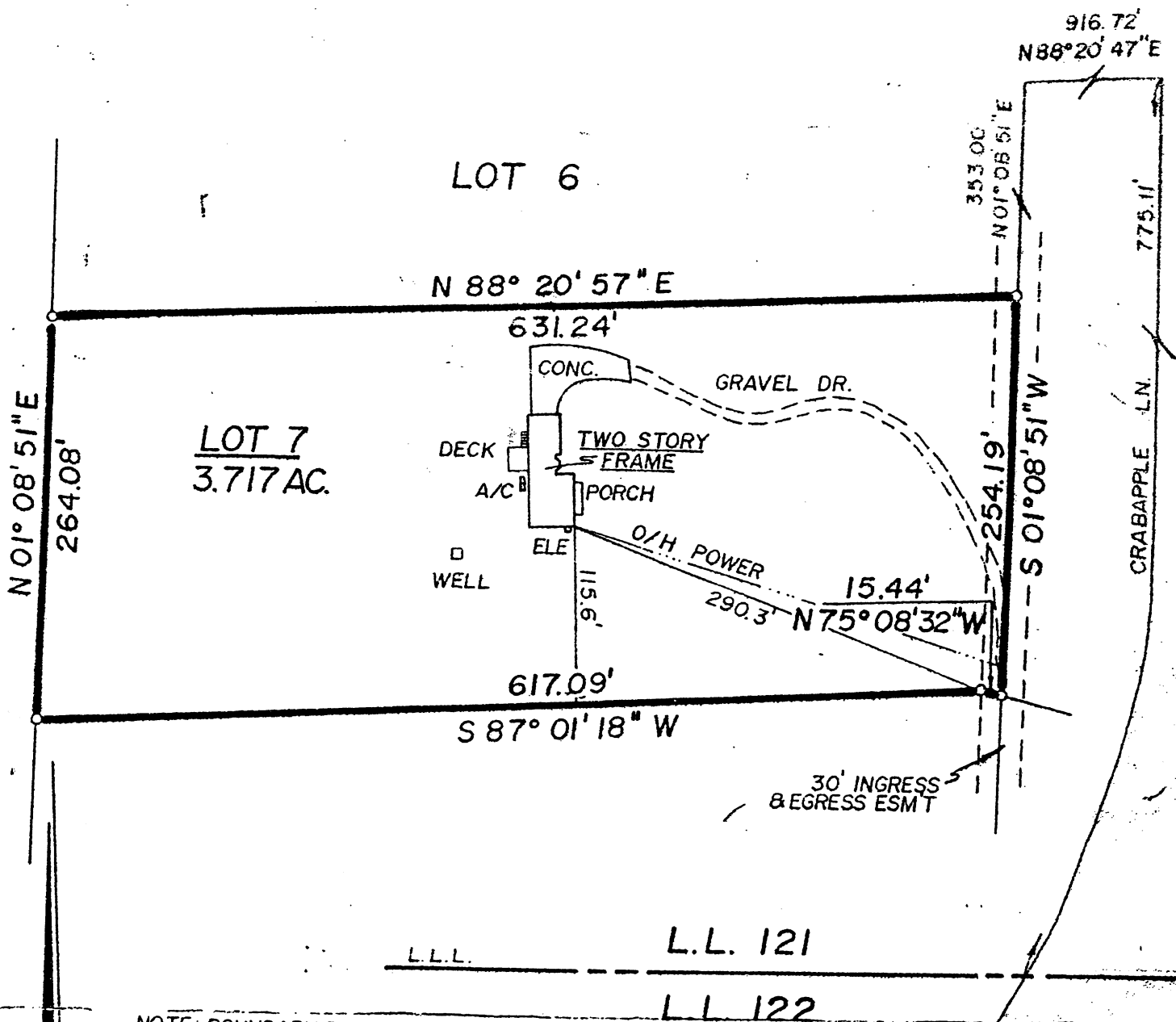
Witness

Richard O. Parks
Notary Public, Georgia State of Large
My Commission Expires 06-15-82

(SEAL)

Richard O. Parks (SEAL)
RICHARD O. PARKS
(SEAL)

BOOK 692 PAGE 633



NOTE: BOUNDARY DATA TAKEN FROM PLAT BY
C.W. WORTHY ASSOC., INC., DATED MAY 16, 1971.

PREPARED FOR
**JAMES D. HUGHES &
 REBECCA S. HUGHES**
 LAND LOT 121 7TH DISTRICT
 FAYETTE COUNTY, GEORGIA
 SCALE 1" = 100' 10/07/80

WARRANTY DEED—FORM 57

STATE OF GEORGIA

FAYETTE

County 217 PAGE 430

THIS INDENTURE, Made this 15th day of February in the year of our Lord
One Thousand, Nine Hundred and Eighty , between

GORDON J. PRICE

of the County of Fayette and State of Georgia of the first part, and
JAMES D. HUGHES AND REBECCA S. HUGHES

of the County of Fayette and State of Georgia , of the second part.

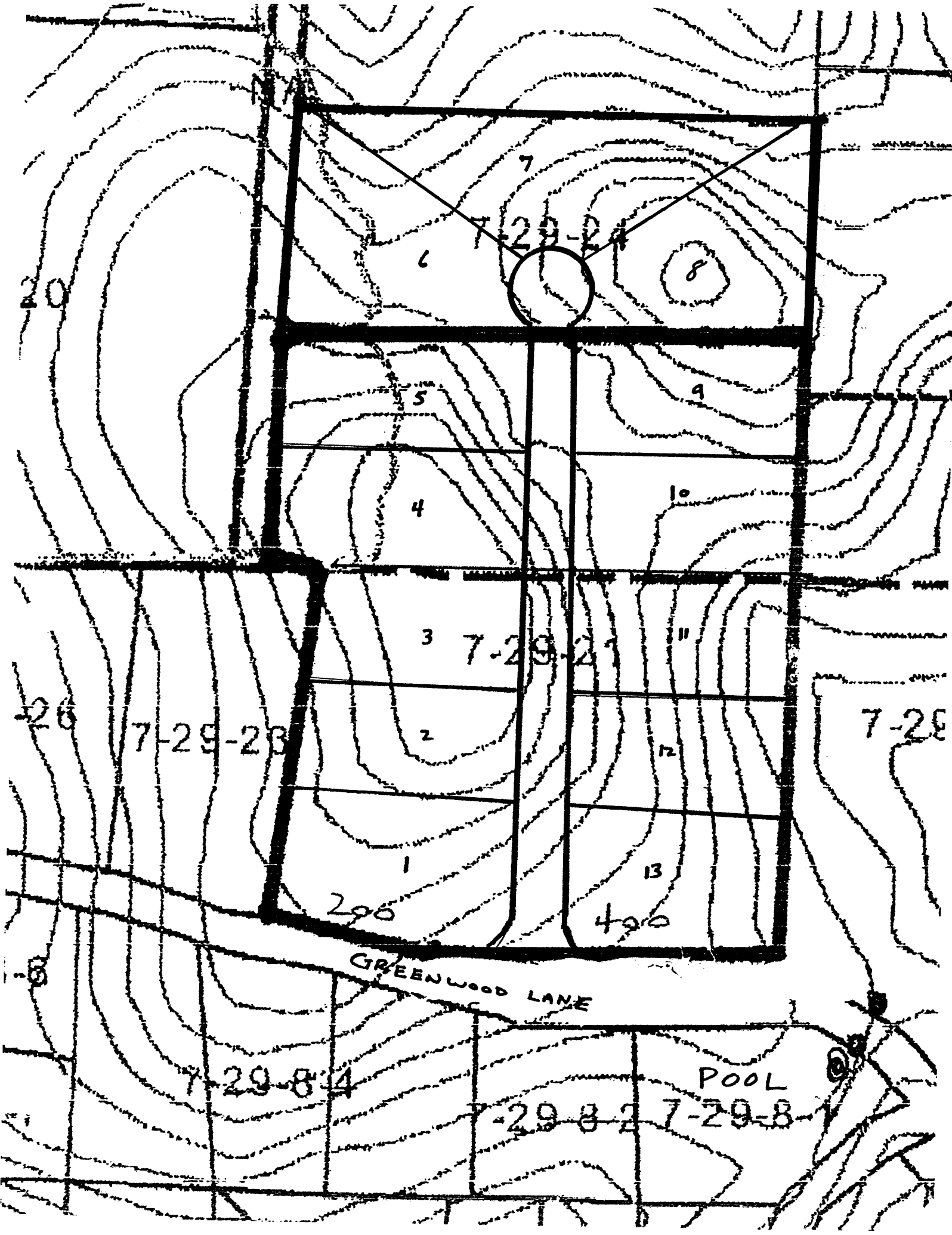
WITNESSETH, That the said party of the first part, for and in consideration of the sum of
other valuable considerations and TEN and no/100-----(\$10.00)----- DOLLARS
in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged,
has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell and convey
unto the said party of the second part, their heirs and assigns, all that tract
or parcel of land lying and being in Land Lot 121 of the 7th Land District, Fayette County,
Georgia, being known as Lot #7, containing 3.717 acres as shown on a plat of
survey entitled Survey for William H. and Sibbie A. Couch by C. W. Worthy,
Registered Land Surveyor No. 1560, dated May 16, 1971, and being more particularly
described as follows:

BEGINNING at a point located in the center of a non-exclusive easement for the
purpose of ingress and egress, as shown on a plat of survey by C. W. Worthy,
Registered Land Surveyor, entitled Survey for William H. and Sibbie A. Couch,
dated May 16, 1971, which point is located as follows: Commence at the point of
intersection of the east Land Lot line of said Land Lot No. 121, and the center
of a public road known as Crabapple Lane; thence proceeding North 0 degrees
19 minutes 13 seconds West along said Land Lot line a distance of 775.11 feet;
thence proceeding South 88 degrees 20 minutes 47 seconds West a distance of
916.72 feet to a point; thence proceeding South 01 degree 08 minutes 51 seconds
West along the center of the aforementioned easement for the purpose of ingress
and egress a distance of 353.00 feet to a point and the true point of beginning;
thence proceeding South 88 degrees 20 minutes 57 seconds West a distance of
631.24 feet to a point; thence proceeding South 01 degree 08 minutes 51 seconds
West a distance of 264.08 feet to a point; thence proceeding North 87 degrees
01 minutes 18 seconds East a distance of 617.09 feet to a point on the west
side of said easement; thence proceeding South 75 degrees 08 minutes 32 seconds
East a distance of 15.44 feet to a point located in the center of said easement;
thence proceeding North 01 degree 08 minutes 51 seconds East a distance of
254.19 feet back to the true point of beginning.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 18.00 Date 2-21-80
Clerk of Superior Court

FILED 2-21-1980
RECORDED 2-21-1980
W. A. Lillard
CLERK SUPERIOR COURT
10 00
Am

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members, and
appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit



20

26

290

GREENWOOD LANE

POOL

1

2

3

4

5

6

7

8

9

10

11

12

13

7-29-21

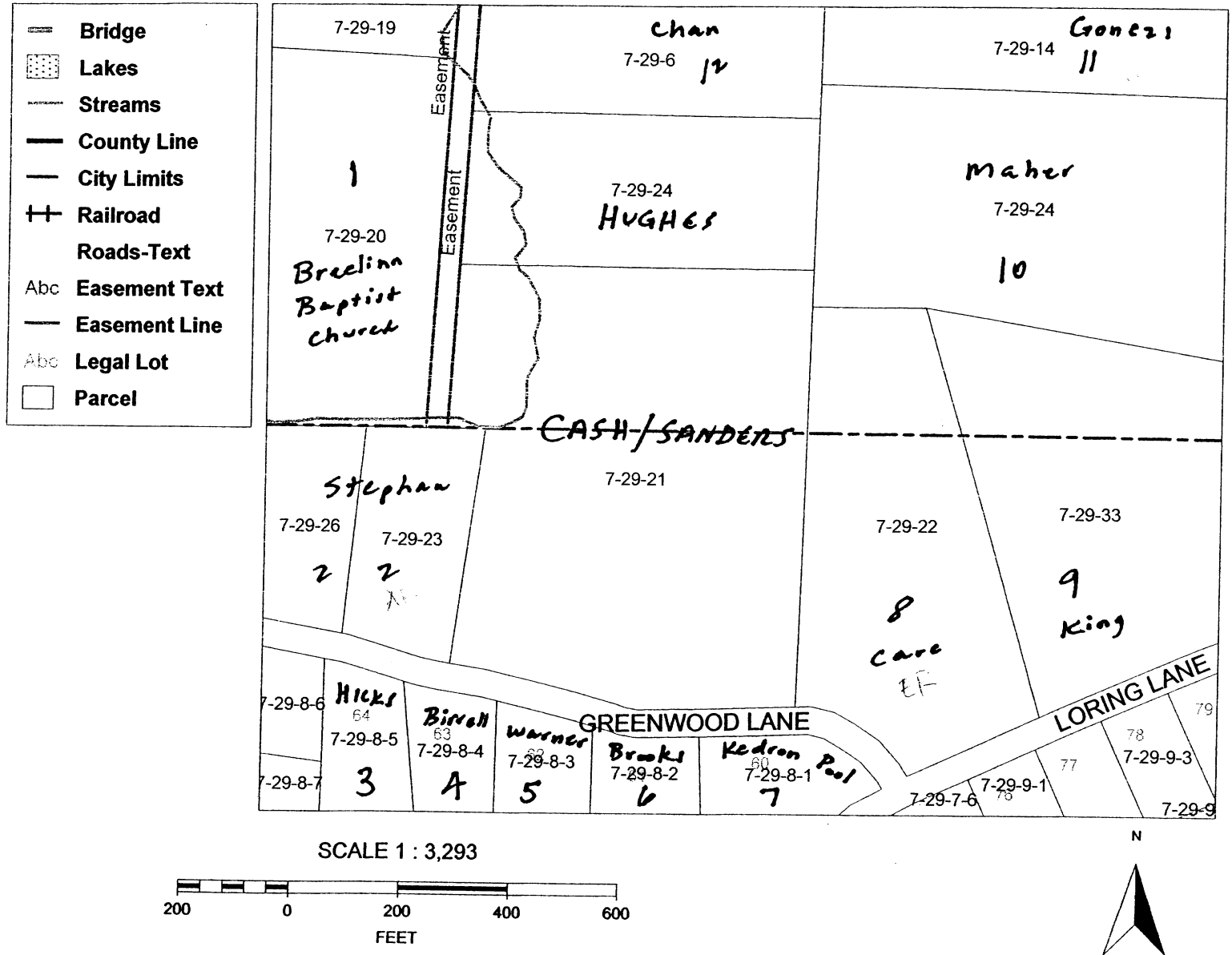
7-29-23

7-29-8-4

7-29-8-2

7-28

Fayette County



Residents within 200 feet of the property boundary :

Map #

1. **Braelinn Baptist Church**
 777 Robinson Rd.
 Peachtree City, Ga. 30269
2. **Jim and Gloria Stephan**
 307 Greenwood Lane
 Peachtree City, Ga. 30269
3. **John and Georgeannn Hicks**
 709 Greenwood Lane
 Peachtree City, Ga. 30269
4. **James Birrell**
 707 Greenwood Lane
 Peachtree City, Ga. 30269
5. **Douglas Warner**
 705 Greenwood Lane
 Peachtree City, Ga. 30269
6. **Adrian and Donna Brooks**
 703 Greenwood Lane
 Peachtree City, Ga. 30269
7. **Kedron Hills Recreation Site** **HOA President:** **Bill Kessler**
 701 Greenwood Lane **903 Annacappa Ct.**
 Peachtree City, Ga. 30269 **Peachtree City, Ga. 30269**
8. **James Care**
 263 Greenwood Lane
 Peachtree City, Ga. 30269
9. **John and Patricia King**
 ~~**101 Greenblade Point**~~ **321 Loring Lane**
 Peachtree City, Ga. 30269 **Dan**
10. **Mary Baker Maher**
 195 Crabapple Lane
 Peachtree City, Ga. 30269
11. **Andrew and Marg Gonczi**
 191 Crabapple Lane
 Peachtree City, Ga. 30269
12. **Yuet Wah and Opal Chan**
 410 Burgess Point
 Peachtree City, Ga. 30269

KEDRON K-VI					PARKWAY EAST NEIGHBORHOOD				
	Tract	Existing Land Use	Proposed Land Use	Existing Zoning	Notes				
1.000	North Peachtree Estates S/D, Phase I	SFL	SFL	R-43					
2.000	Parkway Estates S/D	SFL	SFL	R-43					
3.000	Stoneybrook S/D	SFL	SFL	R-43					
4.000	Stoneybrook Cove	OS	OS	OS					
5.000	Smokerise Cove	OS	OS	OS					
6.000	Smokerise Plantation S/D	SFL	SFL	R-43					
7.000	Smokerise Park	OS	REC	R-43	Adjust Zoning to OS				
8.000	North Hills S/D	SFL	SFL	R-43					
9.000	Kedron Hills S/D:								
9.001	Kedron Hills, Phase I	SFL	SFL	R-43					
9.002	Kedron Hills, Phase II	SFM	SFM	R-22					
10.000	Kedron Office Park:								
10.001	World Airways	OFF	OFF	OI					
10.002	Undeveloped	OFF	OFF	OI					
11.000	East Crabapple Residential Tracts:								
11.001	Thomas	SFL	SFL	AR					
11.002	Drummond	SFL	SFL	AR					
11.003	Sanders, Tract I	SFL	SFL	R-43					
11.004	Sanders, Tract II	SFL	SFL	ER					
11.005	Hughes	SFL	SFL	ER					
11.006	Care	SFL	SFL	ER					
11.007	King	SFL	SFL	ER					
12.000	Braelinn Church Tract	SFL	CS	R-43	Adjust Zoning to OS				

**UNAPPROVED EXCERPT FROM MINUTES
PLANNING COMMISSION MEETING
APRIL 26, 2004**

**PH-04-03 Proposed Rezoning, Sanders/Cash and Hughes Tracts,
Greenwood Lane, ER to R-43.**

Mr. Richard Simms, who had been a home builder in Peachtree City for 15 years, was in attendance to present the rezoning request. He felt this low-density, single-family development would blend in with the adjacent subdivision, Kedron Hills, and noted that the request was consistent with the recent update to the Land Use Plan.

Mr. Simms stated that he had met with the adjacent property owners, and none of them were opposed to the rezoning. He also read a portion of a letter from Mr. Bill Kessler of the Kedron Hills Homeowners Association. In the letter, the homeowners expressed their support for the rezoning request and a commitment Mr. Simms made to adjust the road a few feet to prevent car lights from continually shining into the homes across the street from the proposed development. Based on the description of the plan they had been given and Mr. Simms' commitment to adjust the road, Mr. Kessler stated that the homeowners association was not opposed to this development.

Mr. Rast presented the City's position on this rezoning request.

Mr. Doug Warner, a resident on Greenwood Lane, spoke in favor of the request. He noted that he was one of the homeowners who would be affected by the car lights. He stated that he was not opposed to the rezoning as long as there was a condition that the lights would be focused between the homes at 703 and 705 Greenwood Lane and that the driveways would be on the cul-de-sac rather than Greenwood Lane.

Mr. Adrian Brooks, a neighbor of Mr. Warner's, also spoke in favor of the proposed rezoning. He said he fully endorsed Mr. Simms' request with the two conditions mentioned by Mr. Warner.

Both Mr. Warner and Mr. Brooks said they appreciated Mr. Simms' efforts to be forthcoming with his plans for this property.

No one spoke in opposition to the rezoning request.

Mr. Saunders wondered if this development would be a part of the Kedron Hills Subdivision and specifically wondered about the use of the Kedron Hills amenities. Mr. Simms stated that this would be negotiated at a later time.

It was noted that the alignment of the road and the location of the driveways would be addressed during site plan review.

Mr. Saunders asked whether Mr. Simms was aware that septic tanks would not be permitted on these lots if they were within a certain distance of a sanitary sewer connection. Mr. Simms said he was aware of that requirement. Mr. Rast pointed out that Mr. Simms had already worked with Mr. Robert Kurbes of the Fayette County Health Department on this issue.

Mr. Mullin wondered if Mr. Simms planned to save the oak trees on the site. They both agreed that trees would be an asset to the subdivision. Mr. Simms said he thought he could save most of the oak trees, and it was his intention to do so.

In response to a question from Mr. Saunders, Mr. Rast stated that a letter from the Fayette County Board of Education would be included as part of Staff's recommendation to City Council.

After discussion, a motion was made by Mr. Saunders, seconded by Mr. Green, and unanimously adopted to forward to City Council the proposed rezoning of the Sanders/ Cash and Hughes tracts on Greenwood Lane from ER to R-43 with a recommendation for approval subject to the following understandings and conditions:

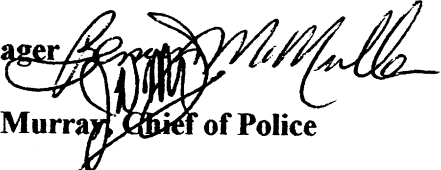
- 1. The concept plan is intended only to suggest a concept and shall not be considered the final approved development plan. That plan must be prepared and approved as part of the regular concept plat review process. There shall be no more than 13 single-family residential lots within the overall subdivision.*
- 2. A 30' undisturbed natural buffer should be provided along the rear of all lots within the subdivision. This buffer should be shown on all plats submitted for review and recorded with the final plat for the overall subdivision.*
- 3. The Applicant must develop and submit architectural guidelines and restrictive covenants for this subdivision as a part of the plat review process to ensure the homes within the subdivision are consistent with those within the adjoining Kedron Hills subdivision. This document must be reviewed by City Staff and the Planning Commission Representative and must be recorded with the Fayette County Tax Assessor once approved.*
- 4. The developer shall be responsible for paying the Kedron Service Area impact fee in addition to the above additional project costs at the time of final plat approval.*

The Applicant agreed to the conditions. Mr. Mullin was designated to be the Planning Commission representative.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: James V. Murray, Chief of Police

DATE: May 11, 2004

SUBJECT: New Ordinance/Alcoholic Beverage Handling Permits
(May 20th, 2004) City Council Agenda

Recommendation:

It is my recommendation that the Mayor and City Council approve the proposed alcoholic beverage handling permit program for the city as outlined in the draft ordinance. This ordinance will assist in mandating responsibility and accountability for licensed establishments, as well as their respective employees. The city attorney has approved this draft ordinance.

Discussion:

Currently, many cities throughout the metro-area have adopted a permit process that ensures workers, who serve alcoholic beverages, pass a background check and meet specific pre-established standards. Our failure to have a permit process has allowed individuals with criminal backgrounds, who would not be eligible for a handling permit in another city, to come to Peachtree City to gain employment. The police department has arrested numerous individuals who work in the alcohol service industry and commit crimes while employed in our city. Some of these crimes include drug possession and sales, internal thefts, burglary, alcohol offenses, credit card theft, identity fraud and other related offenses. In many cases, the offender is not a resident of Peachtree City and their only tie to our community is their work. Many of these individuals seem to drift from job to job, occasionally placing our citizens and business owners in a precarious situation to become their next crime victim.

There are seventy-five licensed alcohol beverage establishments currently operating within our jurisdiction. While gathering information and surveying many of these establishments, it was determined that a number of them employ 20-40 workers each, who are directly responsible for handling alcoholic beverages. As a result of the survey, it is estimated that nine hundred to twelve hundred workers would be immediately affected by the proposed ordinance and an additional two hundred as a result of retention and seasonal work.

There is an immense responsibility that rest with those who work in a capacity to handle, sell, serve, deliver, dispense or take orders for alcoholic beverages. By adopting this particular ordinance, it will provide an enhanced system of checks and balances and will ensure a higher level of compliance with alcoholic beverage ordinances and other laws that already exist. The permit program encourages the individual employee to take a personal, as well as a vested interest, in compliance requirements. The permit program will also afford the business owner the opportunity to have a criminal background check conducted on each prospective employee prior to placing them in a position to handle alcoholic beverages.

Budget Impact:

The initial budgetary impact to implement the proposed alcoholic beverage handling permit program is estimated at twenty-six thousand dollars. This figure includes the immediate purchase of equipment and supplies; however, it does not incorporate approximations for personnel costs or man-hours. Once implementation of the program has been realized, the potential for revenue for the city should fall within a range of twenty-two thousand (\$22,000) to thirty thousand (\$30,000) dollars annually. Naturally, this will depend on the number of alcoholic beverage licenses issued each year and a healthy economy.

AN ORDINANCE TO AMEND THE PEACHTREE CITY ALCOHOL ORDINANCE TO PROVIDE FOR ALCOHOLIC BEVERAGE HANDLING PERMITS, TO ESTABLISH REVOCATION PROCEEDINGS, 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 Article II, Section 6 of the Peachtree City Code of Ordinances be amended as follows:

Sec. 6-51 Alcoholic Beverage Handling Permits.

(a) Any person, manager, or employee, who is responsible to sell, serve, deliver, dispense, or take orders for alcoholic beverages in restaurants, hotels, conference centers, lounges, stores, or any other business entity, or who handles alcoholic beverages in package stores, or who works as a security employee in any on premise consumption or package store, whether or not such person is contracted or an employee of such package store or on premise consumption location, shall apply to the police department for an Alcoholic Beverage Handling Permit.

(b) It shall be unlawful for any licensed establishment to hire any person, or to permit any person to work or assist in any capacity to sell, serve, deliver, dispense or take orders for alcoholic beverages until such person has procured a Peachtree City Alcoholic Beverage Handling Permit.

(c) Alcoholic Beverage Handling Permits shall not be issued to any person who has pled guilty to, or has been convicted of a violation of the provisions of this chapter, or any similar provisions from any other jurisdiction, or convicted of a violation of any offense relating to the manufacture or sale of alcoholic beverages within the preceding two years. For the purpose of this section an indictment, plea of guilty, or a plea of *nolo contendere* shall constitute a violation.

(d) Alcoholic Beverage Handling Permits shall not be issued to any person who has pled guilty to or been convicted of, or entered a plea of *nolo contendere* to any misdemeanor or felony relating to illegal gambling, soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, illegal drugs/narcotics, theft, crimes of violence, sexual offenses, or any other crime opposed to the decency, morality, or public welfare (including identity and credit card fraud) within the preceding five years from the date of their application for a handling permit. Additionally, Alcoholic Beverage Handling Permits will not be issued to any person who is serving probation for a felony sentence involving any felony described above.

(e) Peachtree City Alcoholic Beverage Handling Permits will be issued from the chief of police of the Peachtree City Police Department.

(f) It shall be unlawful for any licensed establishment employee to sell, serve, deliver, dispense or take orders for alcoholic beverages within the city limits of Peachtree City without having been issued a valid Alcoholic Beverage Handling Permit from the chief of police of the Peachtree City Police Department.

- (1) Prior to selling, serving, delivering, dispensing or taking orders for alcoholic beverages, employees who work for a licensed establishment shall be fingerprinted, photographed and cleared through a background investigation by the police department. The employees shall make themselves available for photographing, fingerprinting and such other investigation as may be required by the police department in accordance with state law and local ordinance.
- (2) Once cleared, a permit shall be issued to the employee indicating that such person is eligible to sell, serve, deliver, dispense or take orders for alcoholic beverages for the purpose of on premises or off premises consumption.

- (3) The Alcoholic Beverage Handling Permit may be used at multiple locations if requested by the applicant; however, when applying for a handling permit the applicant must list all applicable city locations for which the employee works. Proof of employment will be required for each location.
- (4) All Alcoholic Beverage Handling Permits are the sole and exclusive property of the City of Peachtree City. Destruction, theft, defacement, or detriment of identification shall be punishable as a felony under state law.
- (5) It shall be unlawful for a person to alter, deface, or fraudulently produce a Peachtree City Alcoholic Beverage Handling Permit.
- (6) The permit issued under this section shall be issued only to eligible persons who are at least 18 years of age.

(g) No permit shall be issued until such time as a signed application has been filed with the chief of police and a background check has been completed. The applicant will submit an annual administrative processing fee of \$25.00 to be included upon receipt of their application. In the event the applicant does not meet the eligibility requirements, the fee is non-refundable. Such application shall include but not be limited to the name, social security number, date of birth and prior arrest record (if any) of the applicant. The fact of an arrest record shall be used for investigative purposes only and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order.

- (1) If there is no record of a violation of this article and the employee is determined eligible, the chief of police shall issue an Alcoholic Beverage Handling Permit. If it is found that the employee cannot be cleared, the chief of police shall notify the employee that they do not meet the eligibility requirements.
- (2) Permits will be renewed annually prior to the expiration date indicated on the handling permit.
- (3) For those applicants who, within the past five-year period, have resided or currently reside in a state other than Georgia, the applicant must furnish to the chief of police a certified copy of a driver's history and criminal background history from the state or states in which he or she has resided or resides.
- (4) All permits issued through administrative error or through an error in the completion of a background investigation may be terminated by the chief of police.
- (5) An employee excluded from being granted or maintaining a permit under these terms shall have the right to appeal such exclusion to the chief of police.

(h) It shall be the duty of all individuals holding alcoholic beverage licenses or their license representatives to file with the chief of police the names of all employees authorized to handle, sell, serve, deliver, dispense or take orders for alcoholic beverages, to include security personnel. The information will consist of the name of the establishment, the permit number, the employee's name, home address and home telephone number. Such list shall be filed upon obtaining the initial alcoholic beverage license or, for those businesses that are not open on the date the license is issued, upon the date the licensee's premises opened to the public. An updated list of employees shall be filed with the chief of police on an annual basis, before January 31.

(i) It shall be the responsibility of the licensee or license representative to acquaint all employees engaged in the sell or service of alcoholic beverages with the requirements of this chapter and state law regulating the handling, selling, serving, delivering, dispensing or taking orders for alcoholic beverages.

(j) This section shall not be construed to require a permit of those employees whose duties are limited solely to those of busboy, stock clerk (see exception regarding package stores in paragraph (a.)), cook or dishwasher, or any other employee whose duties do not include handling alcoholic beverage.

(k) While on duty in any licensed establishment, every person required to possess an Alcoholic Beverage Handling Permit shall have their handling permit on their person at all times. All permits issued under this section shall be made available for inspection upon the demand of any law enforcement officer employed by Peachtree City Police Department.

(l) All licensed establishments will be in compliance within ninety days (90) from the approval of this ordinance by City Council.

(m) The penalty for violating any of the provisions of this section are established in Section 6-169. Penalties., of this chapter.

Sec. 6-76 Alcoholic Beverage Handling Permit Revocation Proceedings.

(a) The omission or falsification of any material information in an application for a permit shall be a violation of this section and grounds for the denial, suspension or revocation of any such permit

(b) The service or selling of alcoholic beverage to any person that the employee or agent knew or should have known to be in a state of intoxication is grounds for suspension or revocation of any such permit.

(c) The service or selling of alcoholic beverage to any person without requiring proof of age identification as required in this chapter is grounds for suspension or revocation of any such permit.

(d) The violation of any law, ordinance or regulation governing the operation of an establishment licensed to sell alcoholic beverages or which is reasonably related to the operation of such establishments is grounds for suspension or revocation of any such permit.

(e) An employee excluded from being granted or maintaining a permit under these terms, or whose permit is revoked or suspended, shall have the right to appeal such decision as provided in Sec. 6-73.

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

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

Mayor

City Clerk

City Council

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: City Planner/ Zoning Administrator *David*

VIA: City Manager *Bernard McCall*
Developmental Services Director *AS*

DATE: May 14, 2004

SUBJECT: Appeal of annexation moratorium
May 20, 2004 City Council Agenda

Recommendation:

Based on the appeal procedures outlined in Section 1404 of the City's Zoning Ordinance (Attachment "A"), Staff is providing Council a variety of information for consideration of a request to lift the moratorium on annexations for a piece of property within unincorporated Fayette County. As this ordinance is currently written, Staff is not authorized to make a recommendation to Council on the application to lift the moratorium.

Discussion:

John Wieland Homes and Neighborhoods submitted a letter to the Mayor and Council on April 15, 2005 (Attachment "B") requesting that you consider lifting the annexation moratorium in order for them to pursue the potential of annexing approximately 364.8 acres of land currently located within unincorporated Fayette County into the city limits of Peachtree City.

The subject parcel is currently zoned R-70 Single-family Residential which requires a minimum lot size of two acres (Attachment "C"). The County's Land Use Map designates the subject tract as low density residential, and recommends one dwelling units on lots no less than two acres in size.

Section 704 of the City's Zoning Ordinance (Attachment "D") identifies the protocol for annexing property into the city limits. As you are aware, City Council recently reaffirmed the moratorium on annexation, which prohibits Staff from discussing this issue with property owners or developers. The Applicant is requesting that the moratorium be lifted so that they can work with City Staff and a designated Advisory Committee to develop a master plan for the property and to determine if annexing the subject property would be beneficial to the residents of Peachtree City. The attached composite plat identifies all of the parcels on the west side of the city within the unincorporated County in relation to the subject parcel (Attachment "E").

Appeal of annexation moratorium

May 14, 2004

Page 2

Budget impact:

Budget impacts would need to be carefully analyzed to determine the positive and negative attributes of annexing this property. These impacts would be incorporated into the overall analysis conducted by Staff and the Applicant prior to forwarding a recommendation to the Planning Commission and City Council.

Attachments

Sec. 1404. Appeals.

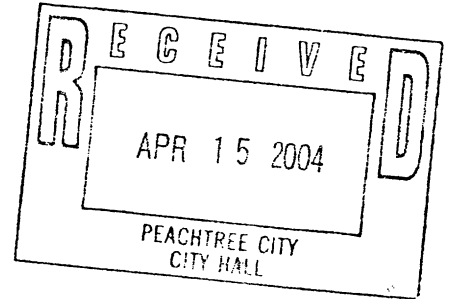
Any party with an ownership interest in property in the city that believes said property owner is severely prejudiced by this moratorium may file an application with the city planner requesting that the mayor and council remove the moratorium as it applies to the property.

- (a) The application shall be accepted by the city planner and placed on the council agenda after being properly advertised, and then, considered by the mayor and council.
- (b) City staff shall only provide council with current land use and zoning information regarding the subject property and its surrounding properties and shall not make a recommendation to council on the application to lift the moratorium.
- (c) In the event council lifts the moratorium, the property owner may then submit the request for rezoning following established procedures.
- (d) In the event council declines to lift the moratorium, the property owner shall have the same rights and follow the same procedures as those connected with the denial of a rezoning request.

John Wieland
JOHN WIELAND HOMES
AND NEIGHBORHOODS

VIA EMAIL AND U.S. MAIL

April 14, 2004



Mayor and City Council of Peachtree City
c/o The Honorable Steve Brown
151 Willowbend Road
Peachtree City, Georgia 30269

Re: Annexation of approximately 350 acres located between Highway 74 and Line Creek ("Property")

Dear Mayor and Council:

I'm writing to formally follow up on the Mayor's request from several weeks ago that John Wieland Homes and Neighborhoods consider annexing Property into Peachtree City for the purpose of providing Peachtree City with additional infrastructure. We respectfully request that the Peachtree City Mayor and Council consider lifting the annexation and multi-family moratorium at the next City Council meeting for the purpose of discussing the annexation of this Property.

Should you decide to lift the moratoriums, John Wieland Homes and Neighborhoods would like to host a land planning charette. This meeting, designed to encourage citizen input throughout the city, will bring together the staff, annexation committee, churches, citizens, seniors, realtors, adjacent property owners, land planning specialists and other interested parties in an effort to collaborate on the future of this area of Peachtree City. Cooperation between the staff and our professional team will allow us to develop a clear understanding of the annexation proposal, the goals and limitations, and how these might fit the City's desires. This community's input will be critical in developing a realistic, creative proposal while at the same time be economically feasible. Working with a creative team of professionals who can bring ideas to a tangible design quickly will benefit Peachtree City and the community at large.

Over the years, we have enjoyed our relationship with Peachtree City and are proud to be in Peachtree City. We would appreciate your consideration of this request. Please don't hesitate to call me if you, or any of the Council members, have any questions.

Respectfully,

Dan Fields
Vice President

Attachment "B"

6-8. R-70 Single-Family Residential District.

- B. Description of District. This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the polluting effects of excessive densities and development and those uses incompatible with a protected watershed area.
- C. Permitted Uses. The following Permitted Uses shall be allowed in the R-70 Zoning District:
1. Single-family dwelling;
 2. Accessory buildings and uses; and
 3. Growing crops, gardens.
- D. Conditional Uses. The following Conditional Uses shall be allowed in the R-70 Zoning District provided that all conditions specified in Section 7-1 herein are met:
1. Church, Temple, or Place of Worship;
 2. Developed Residential Recreational/Amenity Areas;
 3. Home Occupation;
 4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and
 5. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.
- E. Dimensional Requirements. The minimum dimensional requirements in the R-70 Zoning District shall be as follows:
1. Lot area per dwelling unit: 87,120 square feet (two [2] acres)
 2. Lot width:
 - a. Major thoroughfare:
 - (1) Arterial: 175 feet

- (2) Collector: 175 feet
 - b. Minor thoroughfare: 150 feet
- 3. Floor area: 1,500 square feet
- 4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: seventy-five (75) feet
 - (2) Collector: seventy-five (75) feet
 - b. Minor thoroughfare: fifty (50) feet
- 5. Rear yard setback: fifty (50) feet
- 6. Side yard setback: twenty-five (25) feet
- 7. Height limit: thirty-five (35) feet

Sec. 704. Annexation.

These regulations are designed to set forth the principles which shall apply to annexation of property into the city limits of the city. The following principles shall apply:

- (a) Support and enhance the existing economic value and environmental control of property within the city limits.
- (b) Primary consideration will be given to complementary zoning within the current land use plan of the city and contiguous jurisdictions.

(704.1) Priority will be given to raw land that can be developed consistent with current city standards. Secondary considerations will be given to harmoniously adjacent developed parcels.

(704.2) The city shall provide written notification to the appropriate governmental jurisdiction as soon as practicable following the initiation of any annexation.

(704.3) It is desirable, but not essential, that all property have natural boundaries, but in no instance create unnatural division for convenience sake.

(704.4) Each of the following factors will be reviewed on each area to be annexed according to economic and service feasibility on its own merit within the framework of existing plan for the entire city:

- a. Water/sewer
- b. Road/street access
- c. Police/fire protection
- d. Zoning compliance

(704.5) Whenever the owner of a piece of property outside the city limits wishes to request that the property be annexed into Peachtree City, the procedure for filing an application, holding public hearings, reapplying for consideration, and changing the zoning map shall be consistent with the procedure for amending the zoning ordinance, as specified in article XIII of the zoning ordinance.

(Ord. No. 464, 6-2-1988; Ord. No. 512, 10-19-1989)

Note: Ord. No. 726, adopted on Nov. 4, 1999, amended section 704 as follows:

"(a) At its October 10, 1991, meeting, the council passed a resolution placing a moratorium on annexation. At its November 4, 1999, meeting, the council reaffirmed the annexation moratorium and directed that the moratorium be reflected in the City Code of Ordinances. The council further directed that city staff shall not accept or discuss an annexation application until the moratorium is lifted by council."



Broward Davis
& Assoc., Inc.

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WESTSIDE
VILLAGE
COMPOSITE
PLAT

MENT

JOHN WIELAND
HOMES, INC.

ENGINEER / SURVEYOR

AND LOT(S)
155-158, 164-168
183-186

ITY

COUNTY(S)
FAYETTE & COWETA

SHORRA, T.

DATE 12-14-98

95-148

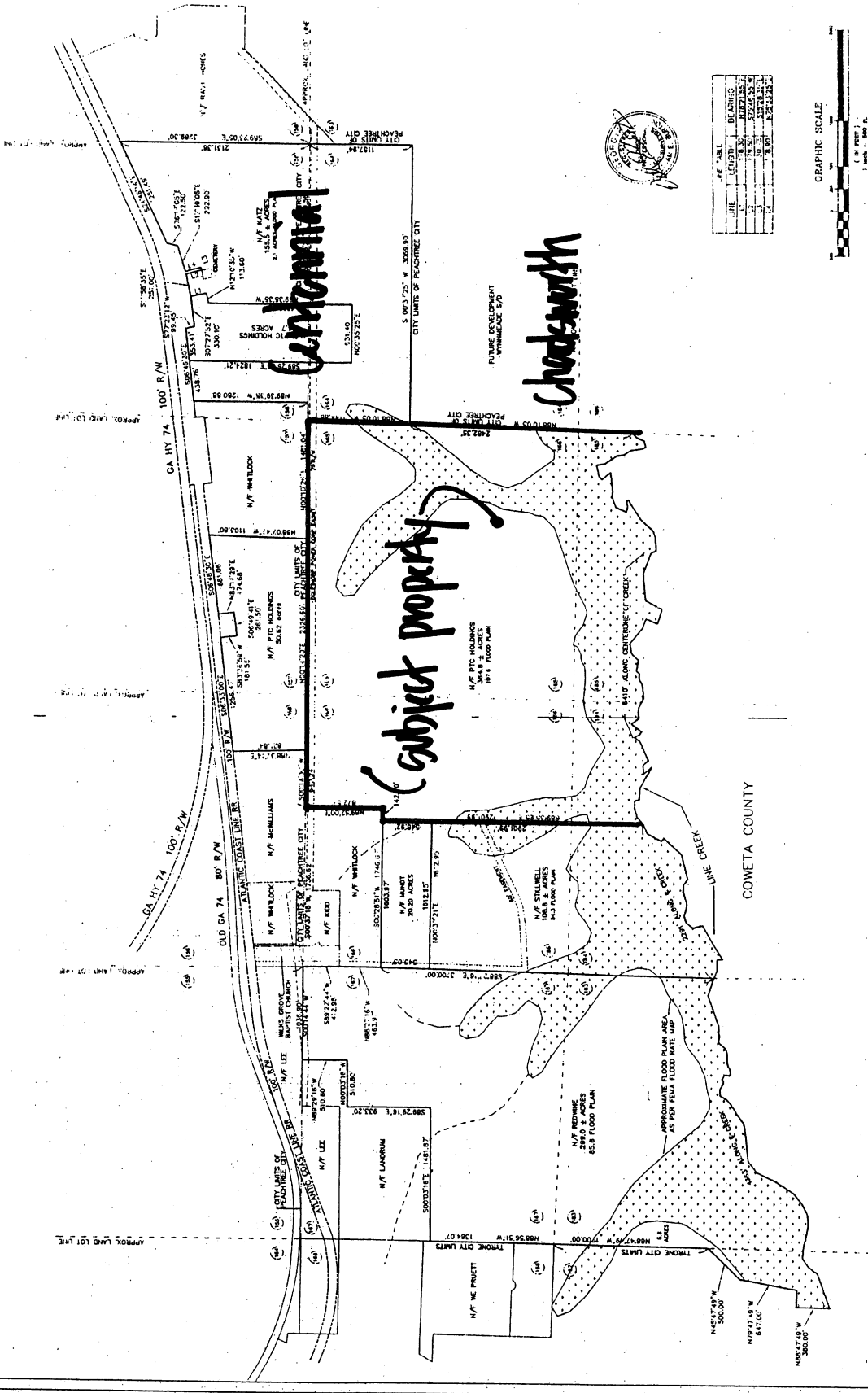
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Attachment "E"



DISTRICT 7
FAYETTE COUNTY, GEORGIA

TOTAL ACRES = 1025.6 ±
TOTAL ACRES IN FLOOD HAZARD = 249.6 ±

COWETA COUNTY

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: City Planner/ Zoning Administrator *David*

VIA: City Manager *Benny M. Fuller*
Developmental Services Director *CWS*

DATE: May 14, 2004

SUBJECT: Appeal of multi-family moratorium
May 20, 2004 City Council Agenda

Recommendation:

Based on the appeal procedures outlined in Section 1404 of the Multi-Family Rezoning Moratorium (Attachment "A"), Staff is not authorized to make a recommendation to Council on the application to lift the moratorium.

Discussion:

John Wieland Homes and Neighborhoods submitted a letter to the Mayor and Council on April 15, 2005 (Attachment "B") requesting that you consider lifting the multi-family moratorium in order for them to pursue the potential of including a multi-family component within a master plan they are developing for property they currently own within unincorporated Fayette County. Under separate application, the Applicant is requesting that the annexation moratorium be lifted in order to study the proposed project and determine if it would be beneficial to consider annexing this property into Peachtree City.

The subject parcel is currently zoned R-70 Single-family Residential which requires a minimum lot size of two acres. The County's Land Use Map designates the subject tract as low density residential, and recommends one dwelling units on lots no less than two acres in size.

As a part of this development, the Applicant desires to pursue the possibility of including a townhome or senior living component, which falls under the existing moratorium on multi-family housing. It is our understanding the Applicant does not have any plans or desire to include apartments within the proposed master plan.

Staff and the Applicant will be available at Thursday's meeting to answer any questions that arise from this request.

Appeal of multi-family moratorium

May 14, 2004

Page 2

Budget impact:

Budget impacts would need to be carefully analyzed to determine the positive and negative attributes of annexing this property. These impacts would be incorporated into the overall analysis conducted by Staff and the Applicant prior to forwarding a recommendation to the Planning Commission and City Council.

Attachments

ARTICLE XIV. MULTI-FAMILY--REZONING MORATORIUM*

**Editor's note: Ord. No. 727, adopted Nov. 4, 1999, renumbered art. XIV, §§ 1401--1404 to art. XV, §§ 1501--1504 and added a new art. XIV, §§ 1401--1404 as herein set out.*

Sec. 1401. Purpose.

In order to protect the health, safety, and welfare of its citizens, the city has determined that a moratorium on the zoning or rezoning of property for development of multifamily housing needs to be adopted and enforced for all property in the City of Peachtree City not currently zoned for use as multifamily.

This moratorium is intended to promote: the orderly development of property in the city; maintain the high quality of police services now provided; maintain the high quality of emergency and fire services now provided; maintain the quality of education now provided; maintain the high quality of life now existing; help reduce traffic congestion; and ameliorate air quality standards.

(Ord. No. 727, 11-4-99)

Sec. 1402. Findings.

The mayor and council have made the following findings of fact in consideration of this moratorium:

- (a) The development of additional multifamily housing would create a significant burden on the police department and emergency and fire departments for the city;
- (b) The development of additional multi-family housing would overburden area schools
- (c) The development of additional multi-family housing would exhaust available resources, thus reducing the quality of life now existing; and
- (d) The development of additional multi-family housing would increase traffic congestion, which also reduces air quality.

(Ord. No. 727, 11-4-99)

Sec. 1403. Moratorium.

The Mayor and Council of the City of Peachtree City hereby directs its staff to accept no applications seeking to zone or rezone property to any designation that would allow the development of the property as multi-family.

- (a) Multi-family shall include apartments, townhouses, duplexes, condominiums and assisted living facilities.
- (b) This moratorium shall be in effect for a period of one year and shall automatically expire if not reviewed by the mayor and council and if deemed necessary, renewed.
- (c) This moratorium shall not apply to property already zoned for use as multifamily,

(Ord. No. 727, 11-4-99)

Sec. 1404. Appeals.

Any party with an ownership interest in property in the city that believes said property owner is severely prejudiced by this moratorium may file an application with the city planner requesting that the mayor and council remove the moratorium as it applies to the property.

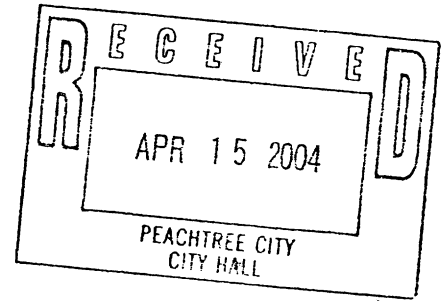
- (a) The application shall be accepted by the city planner and placed on the council agenda after being properly advertised, and then, considered by the mayor and council.
- (b) City staff shall only provide council with current land use and zoning information regarding the subject property and its surrounding properties and shall not make a recommendation to council on the application to lift the moratorium.
- (c) In the event council lifts the moratorium, the property owner may then submit the request for rezoning following established procedures.
- (d) In the event council declines to lift the moratorium, the property owner shall have the same rights and follow the same procedures as those connected with the denial of a rezoning request.

(Ord. No. 727, 11-4-99)

John Wieland
JOHN WIELAND HOMES
AND NEIGHBORHOODS

VIA EMAIL AND U.S. MAIL

April 14, 2004



Mayor and City Council of Peachtree City
c/o The Honorable Steve Brown
151 Willowbend Road
Peachtree City, Georgia 30269

Re: Annexation of approximately 350 acres located between Highway 74 and Line Creek ("Property")

Dear Mayor and Council:

I'm writing to formally follow up on the Mayor's request from several weeks ago that John Wieland Homes and Neighborhoods consider annexing Property into Peachtree City for the purpose of providing Peachtree City with additional infrastructure. We respectfully request that the Peachtree City Mayor and Council consider lifting the annexation and multi-family moratorium at the next City Council meeting for the purpose of discussing the annexation of this Property.

Should you decide to lift the moratoriums, John Wieland Homes and Neighborhoods would like to host a land planning charette. This meeting, designed to encourage citizen input throughout the city, will bring together the staff, annexation committee, churches, citizens, seniors, realtors, adjacent property owners, land planning specialists and other interested parties in an effort to collaborate on the future of this area of Peachtree City. Cooperation between the staff and our professional team will allow us to develop a clear understanding of the annexation proposal, the goals and limitations, and how these might fit the City's desires. This community's input will be critical in developing a realistic, creative proposal while at the same time be economically feasible. Working with a creative team of professionals who can bring ideas to a tangible design quickly will benefit Peachtree City and the community at large.

Over the years, we have enjoyed our relationship with Peachtree City and are proud to be in Peachtree City. We would appreciate your consideration of this request. Please don't hesitate to call me if you, or any of the Council members, have any questions.

Respectfully,

Dan Fields

Dan Fields
Vice President

Attachment "B"

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
FROM: City Manager
DATE: May 14, 2004
SUBJECT: Peachtree City Development Authority 2004 Budget Request
May 20, 2004 Council Agenda Item

Recommendation:

Approve the attached request from the Development Authority for funding for all of fiscal year 2004 and authorize City staff to pay invoices for the requested budgeted services out of Council Contingency.

Discussion:

As you know, the Development Authority no longer has any revenue stream but does continue to have expenses. Attached is a budget request from the Development Authority in the amount of \$14,255. The funding will be used to pay for administrative and legal expenses along with memberships, authority member training and development initiatives with the Fayette County Development Authority. Due to the financial situation of the Authority, City staff will directly pay invoices rather than transferring funds to the Development Authority.

Budget Impact:

The budget impact will be \$14,255.

BJM/jsm

Attachment

To: City Council

From: Scott Formel
President DAPC

Subject: Request for funds for 2004

Development Authority of Peachtree City 2004 Budget Request

General and Administrative

Fayette County Chamber of Commerce Membership	\$ 255.00
Development Authority Training/Certification	\$ 1,000.00
(1) Administrative	\$ 100.00/month*12
(2) Legal	\$ 500.00/month*12
Sub total	\$ 8,455.00

Joint Efforts with Fayette County Development Authority

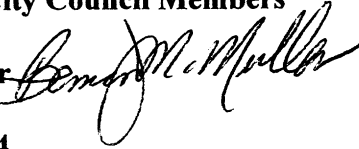
Developer Day Lunch (entertain Project Managers from Industry Tourism and Trade)	\$ 200/quarter*4
Holiday Luncheon with Industry Tourism and Trade (Historically DAPC has co-sponsored this with FCDA)	\$ 5,000.00
Sub total	\$ 5,800.00
Grand total	\$ 14,255.00

- 1 – Administrative cost is a monthly estimate and would include things like the recording secretary time and associated materials
- 2 – Legal expense is also an estimate but would include expenses incurred only in 2004. Examples of these expenses include legal representation at DAPC meetings, compliance with open record requests and preparation of official letters.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council Members

FROM: City Manager 

DATE: May 13, 2004

SUBJECT: Merchandizing Contract
May 20, 2004 City Council Agenda

Recommendation:

Staff recommends that City Council approve the Merchandizing Contract between the Peachtree Tourism Association and the City of Peachtree City. This Contract will be on the May 19, 2004 Tourism Association meeting agenda for approval.

Discussion:

Attached is a draft copy of a Merchandizing Contract between The City of Peachtree City and the Peachtree City Tourism Association, Inc. for the development, purchasing, and sale of Peachtree City merchandizing material with the City's logo and slogan. This contract is on Thursday Council Agenda. The City Attorney is reviewing the draft contract. A final copy of the contract will be placed on the dais Thursday night. This contract grants the Tourism Association use of the City's logo and slogan on specific retail merchandise. The Peachtree City Marketing Committee will recommend the merchandise to be sold. The City will sell merchandise at the following locations: City Hall, Library, Gathering Place, Recreation Administration Building, and Kedron Fieldhouse. The Tourism Association will sell merchandise at the Frederick Brown Jr. Amphitheater and other sponsored Tourism events.

Budget Impact:

The contract requires the Tourism Association to pay the City 15% of gross sales from the sale of all merchandise.

Merchandizing Contract

THIS Merchandizing Contract (this "Contract") is made as of the _____ day of _____, 20__, by and between the City of Peachtree City, a municipal corporation chartered and existing under the laws of the State of Georgia (hereinafter referred to as "City") and Peachtree City Tourism Association, Inc. (hereinafter referred to as "PCTA").

WHEREAS, PCTA desires to contract with the City to promote tourism and commerce within the City of Peachtree City;

WHEREAS, name recognition and pride in the City of Peachtree City can be fostered by name recognition of the City of Peachtree City;

NOW THEREFORE, the City and PCTA hereby agree to enter into the following Contract for the purchase and sale of merchandise bearing the City logo and slogan, subject to the following terms:

1. GRANT OF NON-EXCLUSIVE LICENSE

The City hereby grants to PCTA the following non-exclusive license for use of the City Logo Icon and Slogan, until revoked by the City by a written notification:

PCTA may use the City's Logo Icon and Slogan (hereinafter referred to as the "Logo") on specific retail merchandise. Said merchandise will be recommended by the Peachtree City Marketing Committee.

PCTA acknowledges and agrees by using the Logo that: (a) the Logo shall be used solely for merchandise as specified in writing by the City Manager for the City of Peachtree City and for no other purpose without the City's prior written approval; (b) the Logo is owned by the City of Peachtree City and PCTA will not contest the City's title to the Logo or the validity of the permission granted to it; (c) PCTA will use the Logo only in the form and manner prescribed and will not modify color, design, or format, or use any other trademark, service mark, word or device in combination with the Logo without the prior written consent of the City Manager for the City of Peachtree City; (d) neither this authorization nor any other City consent may be assigned to any other entity or party, (including by operation of law) without the prior written approval of the City Manager for the City of Peachtree City; (e) PCTA will notify, indemnify and hold the City harmless of any claims, and pay any liability, costs or expenses which arise out of PCTA's unauthorized use of the Logo; (f) nothing herein confers any right, title or interest in any other trademark, service mark, copyright or patent of the City, registered or unregistered; and (g) PCTA will comply with all future instructions from the City regarding the use of the Logo for retail merchandise.

PCTA agrees and understands that any violation of this License will be enforced by use of federal trademark and copyright law in a federal or local court of law. The Logo may

not be used in conjunction with any other event or promotion not sanctioned by the City unless the proper license has been issued by the City. All forms of use must be approved in writing by the City Manager prior to the production of materials via physical samples or proofs.

2. RESPONSIBILITIES OF EACH RESPECTIVE PARTY: PURCHASE AND SALE OF MERCHANDISE

- (a) By and through the Peachtree City Marketing Committee, the City shall recommend the various types of merchandise and sales prices therefore to be marketed by PCTA on behalf of the City. The purchase of all merchandise bearing the City Logo shall occur only as authorized in writing by the City Manager as further described in Paragraph 1 of this Contract.
- (b) Upon receipt of authorization by the City Manager PCTA shall order and purchase said merchandise.
- (c) Upon receipt of said merchandise, PCTA shall distribute said merchandise to the following City points of sale: City Hall, the City Library, the Gathering Place, the Recreation Administration Building and Kedron Field House. PCTA shall maintain inventory control of said merchandise at all times, ensuring that adequate stock is maintained of approved items.
- (d) Merchandise delivered to the stated points of sale in Paragraph 2 of this Contract shall be sold by City employees.
- (e) City shall maintain, at its expense all fire insurance and other appropriate types of coverage for premises of the points of sale in Paragraph 2 of this Contract, excluding merchandise contents insurance.
- (f) PCTA shall distribute merchandise to the Frederick Brown, Jr. Amphitheater for sale at Amphitheater events by PCTA employees.
- (g) PCTA shall maintain, at its expense all fire insurance and other appropriate types of coverage for the Amphitheater. PCTA shall maintain merchandise contents insurance for stock and inventory maintained before distribution.
- (h) PCTA shall contact each point of sale location Monday of each week to determine the necessity for distribution and/or ordering of additional merchandise.
- (i) Each point of sale location will maintain a sales log and sales tax record and submit to PCTA the log and record along with the total tabulated amount of sales of all merchandise by the fifth (5th) day of the month following the sale of merchandise.
- (j) PCTA shall tabulate on a monthly basis the total gross sales of merchandise from all points of sale and shall remit a check to the City in the amount of fifteen percent (15%) of gross sales by the fifteenth (15th) day of the month following the sale of merchandise.

For purposes of this Contract "gross sales" means all revenues and receipts generated as a result of providing the services during the term of this Contract; provided however, in no event will Gross Sales include (i) federal, state or local excise, sales or use taxes collected directly from patrons or included as part of the sales price for any goods or service; or (ii) normal and customary credit card service charges. All items sold, whether at retail or wholesale, and

- whether for cash or credit, regardless of whether such credit accounts or a portion of such accounts are collected, shall be included in Gross Sales.
- (k) PCTA shall be responsible for collecting and submitting all sales tax revenues and applicable paperwork to the State of Georgia Department of Revenue.
 - (l) PCTA shall cause to be kept complete and accurate records of all revenues and receipts. PCTA grants the City the right, at reasonable times and at the City's expense, to inspect and audit all of PCTA's books and records of revenues and receipts. PCTA agrees to cooperate with the City with respect to any such inspection or audit and to make such books and records readily available to the City upon request. Prompt adjustment shall be made by the proper party to compensate for errors or omissions disclosed by such examination. Such books of account shall be maintained and preserved for the term of this Contract and for a period of three (3) years after the termination of this Contract.

TERM The term of this Contract shall commence with the execution and delivery hereof and shall continue in force through the City's fiscal year ending September 30, 2004. Thereinafter, this agreement shall renew automatically for a one year term beginning October 1, 2004, and each year thereafter unless a party hereto shall give written notice to the other party of non-renewal at least 90 days prior to the renewal date.

3.
4.

TERMINATION

- (a) **Default.** If PCTA shall fail to perform any term, condition, or other obligation of this Contract, and such failure continues for thirty (30) days after written notice from the City (except that such thirty (30) day period shall be automatically extended for such additional period of time as is reasonably necessary to cure such default, if such default cannot be cured within such period), the City shall have the right to terminate this Contract upon written notice to PCTA. Upon PCTA's receipt of such notice from the City, PCTA shall remove its property from the premises of the above points of sale and this Contract shall cease and expire.
- (b) It is understood and agreed by and between the City and PCTA that, on account of breach or default by either party of any of their obligations hereunder, it shall become necessary for the other party to employ and/or consult with an attorney to give advice, or to enforce or demand any of either party's rights or remedies hereunder, then, and in any such event, the defaulting or breaching party shall pay all attorney fees, court costs and other expenses occasioned by such default[s] or breach[es].
- (c) Either party to this Contract may terminate the Contract on provision of thirty (30) days written notice to the other.

5. **INDEMNITY** The parties hereby indemnify and hold each other harmless to the extent permitted by law for all claims, losses or damages (including costs and attorney's fees) for personal injury and property damage that may arise from or be related to errors, omissions, or negligent acts of themselves, or of their employees.

6. **PARTIES ARE INDEPENDENT** It is understood and agreed that the relationship of the parties hereto is strictly that of City and PCTA and that PCTA has no ownership in the City's enterprise and this Contract shall not be construed as a joint venture or partnership. PCTA is not and shall not be deemed to be an agent or representative of the City.

7. **MISCELLANEOUS PROVISIONS**

- (a) All covenants, conditions and Licenses and undertakings contained in this Contract shall extend to and be binding on the respective heirs, successors and assigns of the respective parties hereto the same as if they were in every case named and expressed.
- (b) All notices from the City to PCTA shall be served on or sent to PCTA at the following address:
Peachtree City Tourism Association, Inc.
Attn: Colin W. Halterman
151 Willowbend Road
Peachtree City, GA 30269

All notices from PCTA to the City shall be served on or sent to the City at the following address:

The City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

- All notices to be given under this Contract shall be in writing and shall be served personally or sent by United States certified or registered mail.
- (c) This Contract contains all of the Licenses, terms and conditions made between the parties hereto and may not be modified orally or in any other manner other than by Contract in writing signed by all parties hereto or their respective successors in interest.
 - (d) If any section, paragraph, sentence or portion of this Contract or the application thereof to any party or circumstance shall, to any extent, be or become invalid or illegal, such provision is and shall be null and void; however, to the extent that said null and void provision[s] do not materially change the overall Contract and intent of this entire Contract, the remainder of this Contract shall not be affected thereby and each remaining provision of this Contract shall be valid and enforceable to the fullest extent provided by law.
 - (e) This Contract and any exhibits attached hereto constitute the entire Contract and understanding among the parties hereto and supersede and revoke any prior Contract or understanding relating to the subject matter of this Contract. No change, amendment, termination or attempted waiver of any of the provisions hereof shall be binding upon the other parties unless reduced to writing and signed by all parties hereto.

- (f) This Contract shall be governed by and construed in accordance with the laws of the State of Georgia.
- (g) Neither the exercise nor failure to exercise any right, option or privilege under this Contract by The City or PCTA shall exclude The City or PCTA from exercising any and all other rights, options or privileges under this Contract, nor shall such exercise or non-exercise relieve the City or PCTA from the City's or PCTA's obligation to perform each and every covenant and condition to be performed by the City or PCTA under this Contract, or for damages or other remedy for failure to perform or meet the obligations of this Contract.

8. DISPUTE RESOLUTION

- (a) In the event a dispute arises hereunder (a "Disputed Matter"), the Disputed Matter shall be first referred jointly to the Mayor on behalf of the City and the Chairman of the Association's Board of Directors on behalf of PCTA. If such persons do not agree upon a decision within 10 days after referral of the matter to them, the parties shall proceed to the next stage of the dispute resolution procedure.
- (b) Either party may, upon written notice and within 10 days after the conclusion of internal mediation, elect to utilize a non-binding resolution procedure whereby each presents its case at a hearing (the "Hearing") before a panel consisting of a senior executive of each of the parties and a mutually acceptable neutral adviser. If a party elects to utilize outside mediation the other party agrees to participate. The Hearing will occur no more than 10 days after a party serves written notice to use outside mediation. Each party may be represented at the Hearing by lawyers. If the matter cannot be resolved at such Hearing by the senior executives, the neutral adviser may be asked to assist the senior executives in evaluating the strengths and weaknesses of each party's position on the merits of the Disputed Matter. Thereafter, the senior executives shall meet and try again to resolve the matter. If the matter cannot be resolved at such meeting, the parties' only recourse is binding arbitration as provided for in subsection C. of this Article V and the outside mediation proceedings will have been without prejudice to the legal position of either party. No arbitration may commence concerning the Disputed Matter until 10 days have elapsed from the first day of the Hearing. The parties shall each bear their respective costs incurred in connection with this procedure, except that they shall share equally the fees and expenses of the neutral adviser and the costs of the facility for the Hearing.
- (c) If the Disputed Matter is not submitted to outside mediation and cannot be resolved within 10 days of referral to inside mediation, or, if submitted, cannot be resolved within 10 days of the Hearing, then either party may within 7 days after the completion of inside or outside mediation, as appropriate, upon written notice, submit the Disputed Matter to formal binding arbitration in Atlanta, Georgia by one arbiter in accordance with the Commercial Arbitration Rules of the American Arbitration Association.

WITNESSETH the signatures of the parties, this the ____ day of _____,
20__.

PEACHTREE CITY TOURISM ASSOCIATION, INC. (PCTA)

Title: [SEAL]

Witness:
Title:

THE CITY OF PEACHTREE CITY (the City)

Title: [SEAL]

Witness:
Title:

CITY OF PEACHTREE CITY
INTEROFFICE MEMORANDUM

TO: Mayor and Council members

VIA: City Manager
FROM: Developmental Service Director *WJ*

DATE: May 14, 2004

SUBJECT: Kedron Village Shopping Center Phases II, III (Faison/ Target)
May 20, 2004 - City Council Agenda Item

Recommendation: As per the consent agreement Staff is recommending approval subject to a number of conditions.

Discussion: As per the March 29 Superior Court Consent Order, City Staff has received the Conceptual Site Plan and has routed it for review and comment. Comments are due Friday (5/14/04) and are subject to review by the City Attorney. An approved packet of material including the staff recommendations and necessary conditions for approval will be available on Monday (5/17/04) at city hall.

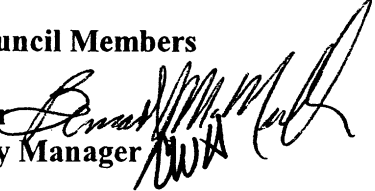
Budget Implication: None

Cc: City Planner
Police chief
Interim Public Service Director
File

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Assistant City Manager 

FROM: Administrative Services Director / City Clerk 

DATE: May 14, 2004

SUBJECT: Consider Changes to CAR 8-3 – Funding for Non-Profit Organizations
May 20, 2004 Council Agenda

Recommendation:

Adopt the changes indicated in CAR 8-3 to clarify method of distribution of funds to non-profit organizations in Fayette County as discussed at Council Retreat and approve the attached Funding Request form.

Discussion:

At Retreat, Council indicated that funding for non-profit organizations should be based on total budget of the organization and then the amount the organization is eligible for would be calculated on the percentage of Peachtree City residents served. The funding would then be the lesser of the amount stipulated in the CAR or the percent of the total budget used to serve Peachtree City residents. The CAR has been amended to clarify this matter.

Budget Impact:

There will be no additional budget impact as this is just a clarification.

/jsm

Attachment

**CAR 8-3 City Council Funding for Non-Profit
Organizations in Fayette County**

CAR 8-3

**OPR: City Hall
4/00 (Amended 5/04)**

Purpose	Section	I
Policy		II

I. Purpose

The Purpose of this regulation is to establish a policy for consistent response to requests for donations on behalf of non-profit organizations, including public schools, in Fayette County.

II. Policy

While the City of Peachtree City has no financial responsibility to assist non-profit organizations, including public schools, with funding or providing labor, there have been requests in the past for this assistance, and it is anticipated that there may be requests in the future. In an effort to ensure consistency and fairness, the following guidelines have been established:

- A. Council will budget no more than \$25,000 annually for all non-profit funding.
- B. The City would assume no liability for any project for which the City provides funding and/or labor.
- C. Services provided to Peachtree City residents by a non-profit organization shall be addressed in a contract between the City of Peachtree City and the organization.
- D. Non-Profit Organizations

1. Basic Needs

As a general rule, funding for non-profit organizations serving Fayette County should be provided by the Fayette County Commission to ensure that Peachtree City residents are not subject to double payment through their municipal and County taxes. However, Council reserves the right to make contributions to non-profit organizations that provide services that meet the basic needs (food, shelter, protection) of Peachtree City residents based upon the merit of the request. Requests for funding for non-profit organizations that provide basic needs shall not require matching funds but ~~shall be limited to \$7,500.00.~~ Such requests shall then be prorated based upon **the total annual budget of the organization and** the percentage of Peachtree City residents served by the organization in comparison to the total number of people they serve. **The amount of funding provided shall be the lesser of the amount requested, the amount of the annual budget used to serve Peachtree City residents based on the percentage of Peachtree City residents served, or \$7,500.00. The percentage of Peachtree City residents served** Such data will be based on the total number of residents and non-residents served for the 12-month period ending with the month prior to the month in which the request is made. These funds, once identified, will be budgeted for annually, upon written request by the organization that would be subject to prorated allocation as noted above.

2. General Needs

Should Council approve a funding request for an organization that provides for general needs (other than food, shelter and protection), a dollar for dollar match up to a limit of \$5,000 in funding/labor may be provided as a match to any non-government funding provided to the organization. If the organization serves people other than Peachtree City residents, ~~the maximum request of \$5,000 request~~ shall then be prorated based upon the percentage of Peachtree City residents served in comparison to the total population served. **The amount of funding provided shall be the lesser of the actual amount requested, the amount of the annual budget used to serve Peachtree City residents based on the percentage of Peachtree City residents served, or \$5,000.00. The percentage of Peachtree City residents served** Such data will be based on the total number of residents and non-residents served for the 12-month period ending with the month prior to the month in which the request is made. Requests from a non-profit organization in the General Needs category will be considered no more often than every five years.

3. Public Schools

- a. Each request for funding/labor will be considered by the Peachtree City Recreation Commission, who will forward a recommendation to the City Council for final decision.
 - b. Council will evaluate each request and make a decision based on the merit of the request.
 - c. No more than one request, per school, will be considered in any five consecutive year period.
 - d. Only Fayette County public schools whose attendance boundaries include Peachtree City will be eligible for consideration.
 - e. Requests for funding/labor must be for enhancements to playgrounds and playing fields only. Any playground/playing field for which the City makes a contribution must be made available for use by City residents when not being used by the school. A formal agreement with the School Board would be required.
 - f. Should Council approve a funding request, a dollar for dollar match up to a limit of \$5,000 in funding/labor may be provided as a match to any funding provided by the school or any school organization (i.e. booster club). All funding requests must be submitted by June 1.
- E. **All requests for funding must be made using the attached form. 501c3 non-profit organizations should include a copy of the previous calendar year form 990. Other non-profits should attach a copy of their current fiscal year budget.**
- F. The City Council will have final approval on all funding requests. All funding requests must be submitted by June 1 **for consideration for funding in the next fiscal year budget.**

APPROVED:
Mayor and Councilmembers



**Funding Request
For Non-Profit Organizations**

Organization Information:

Organization Name: _____

Address: _____

Phone #: _____ Fax #: _____

Contact Person: _____

Title: _____

Financial Information:

Total Annual Budget: _____

Total Clients Served Annually: _____

Peachtree City Residents Served Annually: _____

Funding Request Information:

Funding Amount Requested: _____

Funding Use(s): _____

Additional Information on Organization/Services: _____

REQUIRED ATTACHMENTS: 501c3 non-profit organizations must provide a copy of the previous calendar year form 990. Other non-profits must provide a current fiscal year budget.

Date
Submitted: _____

Council
Approval Date: _____

Amount
Approved: _____

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Manager 

DATE: May 14, 2004

SUBJECT: AGREEMENT BETWEEN CITY OF PEACHTREE CITY AND
PEACHTREE CITY TOURISM ASSOCIATION (PCTA) FOR
DISTRIBUTION OF HOTEL/MOTEL TAX
May 20, 2004, City Council Agenda

Recommendation:

Request that Mayor and Council approve the attached agreement between the City and the Tourism Association, which will transfer Hotel/Motel taxes to the Association in accordance with State Law.

Discussion:

The Peachtree City Tourism Association has obtained IRS 501-C-6 status. This enables the City to distribute 2/3 of the Hotel/Motel tax that the City currently receives in revenue to the PCTA. A separate agreement will be entered into between the PCTA and the Peachtree City Airport Authority to provide funding to the Authority in an amount equal to the previous agreement between the Authority and the City. The remainder of the Hotel/Motel tax provided to the Tourism Association will be used to promote tourism, conventions and trade shows as defined in O.C.G.A. §48-13-50.2.

Budget Impact:

This action will have no overall impact on the budget, but will require budget adjustments to redistribute general fund and Hotel/Motel tax dollars that will be brought forward as a separate action.

BJM:gr

Attachment

STATE OF GEORGIA
COUNTY OF FAYETTE

**AGREEMENT FOR A CERTAIN PORTION OF THE HOTEL / MOTEL TAX
TO BE EXPENDED TO THE PEACHTREE CITY TOURISM ASSOCIATION
FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS AND
TRADE SHOWS**

THIS AGREEMENT entered into this _____ day of _____, 2004 between THE CITY OF PEACHTREE CITY (hereinafter referred to as "City") and the PEACHTREE CITY TOURISM ASSOCIATION (hereinafter referred to as "Association").

WITNESSETH:

WHEREAS, the Association was created by the City on the 10th day of November, 2003; and

WHEREAS, the Association is organized pursuant to the Georgia Non-Profit Corporation Code and has further qualified as a non-profit corporation under Section 501(c)(6) of the United States Internal Revenue Code; and

WHEREAS, the Association was created to serve the needs and interest of tourism, including the promotion of tourism, conventions and trade shows within the City as defined in O.C.G.A. § 48-13-50.2; and,

WHEREAS, the City is willing to dedicate a certain portion of the hotel/motel tax revenues collected or other City funds as the City may deem necessary or appropriate by the City for the purpose of promoting tourism, conventions, and trade shows as defined in O.C.G.A. § 48-13-50.2.

NOW, THEREFORE, in consideration of the mutual covenants provided herein, the City and the Association agree to enter into this Agreement to provide a steady stream of income for the Association to promote tourism, conventions and trade shows as defined in O.C.G.A. § 48-13-50.2, which, in turn, benefit all citizens of the City by improving the local tax base as follows:

- (1) The City shall dedicate and expend a portion of the hotel/motel tax revenues to the Association based upon percentages of the tax revenue collected pursuant to the provisions of O.C.G.A. § 48-13-51(a)(3.4), which amount shall not be less than two-thirds (2/3) of the total hotel/motel tax revenues received by the City, which

amount shall be forwarded to the Association by the City on a monthly basis.

- (2) The Association shall utilize the funds it receives from the City's hotel/motel tax revenues to promote tourism, conventions and trade shows, as defined in O.C.G.A. § 48-13-50.2, and for the benefit of the citizens of the City.
- (3) This Agreement shall continue and shall be in force from the effective date of this Agreement through and including December 31, 2004. Thereafter, this agreement shall renew automatically for a one year term beginning January 1 and expiring on December 31 of each year thereafter unless a party hereto shall give written notice to the other party of non-renewal at least sixty (60) days prior to the renewal date; provided, however, that this agreement may terminate before September 30, 2004, if the agreement between the City and the Association for the operation, management and support of the Tennis Center and Amphitheater is terminated prior to such date.
- (4) Both the City and the Association have agreed, through their respective representatives to enter into this Agreement and have given the Mayor and Chairman of the Association the power to sign on behalf of each.
- (5) The Association shall continue to operate, manage and support the Tennis Center, Amphitheater and other agreed upon city events and services to promote tourism, conventions and trade shows, as defined in O.C.G.A. § 48-13-50.2.

This Agreement entered into as of the date first above-written.

CITY OF PEACHTREE CITY

TOURISM ASSOCIATION

BY: _____
Steve Brown, Mayor

BY: _____
Steve Rapson, Chairman
Peachtree City Tourism
Association, Inc.

ATTEST:

Jane Miller, City Clerk