

City Council of Peachtree City
Agenda
May 6, 2004
7:00 p.m.

- I. Prayer
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognitions
 - Remind Attendees to Turn Off Cell Phones
 - Proclamation for 50th Anniversary of Brown v. Board of Education Decision
 - Proclamation for Older Americans Month
 - Recognize Library – We the People Bookshelf Award 2004
 - Recognize Supervisor of the Quarter – David McDaniel
 - Recognize “World Series” Winners – 10 & under Georgia Seminoles and 13 & under Georgia Tigers
- IV. Minutes
 - April 15, 2004, Regular Meeting Minutes
- V. Monthly Reports
- VI. Consent Agenda
 - 1. Consider Resolution – Stormwater Notice of Intent
 - 2. Alcohol License – Change in Licensee and License Representative – Arnie’s Fine Wine, Liquor and Beer
 - 3. Alcohol License – Change in License Representative – Big Kmart
 - 4. Consider Natural Gas Provider
 - 5. Consider Budget Amendments
- VII. Old Agenda Items
 - 03-04-03 Consider Addition of Fees to City Schedule (Recreation)
- VIII. New Agenda Items
 - 05-04-01 Consider Amendments to the Soil Erosion & Sedimentation Ordinance
 - 05-04-02 Public Hearing – Consider Rezoning Request – V-R Villa Residential to R-22 Residential
 - 05-04-03 Public Hearing – Consider Variance Request – 310/312 Peachtree Parkway North
 - 05-04-04 Public Hearing – Consider Amendment to Zoning Ordinance – LUC-16 Limited Use Commercial Zoning District
 - 05-04-05 Consider Authorization to Use BOE Agreement for Copiers
 - 05-04-06 Consider Stormwater Data Development Services
 - 05-04-07 Citizen Request – Discuss Kedron Center Settlement/Entrance Location
 - 05-04-08 Consider Annual Contract for Traffic Engineering Services
- IX. Council/Staff Topics
- X. Executive Session

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

City of Peachtree City
Minutes of Regular Meeting
April 15, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, April 15, 2004, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown read a proclamation for National Library Week. Brown welcomed back Police Corporal Mike Howell to work upon his return from Iraq.

Brown announced that the Council's annual Retreat would be held Friday-Saturday, April 16-17, at the Wyndham in the Fayette A and B room. The Spring Clean-up would be held Saturday-Sunday, May 1-2. May 1 was Community Action Day.

Minutes

Rutherford moved to approve the March 26, 2004, Special Called Meeting minutes as presented. Kourajian seconded. The motion carried 4-0-1 (Rapson).

Rutherford moved to approve the April 1, 2004, Regular Meeting Minutes as amended. Rapson seconded. The motion carried unanimously.

Old Agenda Items

03-04-02 Discuss Traffic Calming Devices in Smokerise Subdivision

Cele Eifert, a resident of Smokerise, addressed Council and asked them to postpone any action on the installation of speed humps on Smokerise Trace due to inadequate public comment. Eifert said the only comments came from 2/3 of Smokerise Plantation homeowners association, which only represented 112 residents. The other two subdivisions made up for more than one-half of the residents, but did not have homeowners associations. She said she used Smokerise Trace at least four times daily.

Eifert continued that she conducted her own study asking what the problem was and had gotten a wide range of views and possible solutions. They ranged from "put speed bumps every five feet" to "no problem." Eifert said she believed another traffic study was needed. She noted that the last traffic study was done in May 2000. Eifert said a public hearing with more advertising was needed. She requested that Council entertain a motion to suspend the construction of the speed humps. She said Council needed more information and she felt there was a better use for the City funds.

Kourajian said that he understood the homeowners association had surveyed the subdivisions. Eifert said the homeowners association had surveyed only the residents of their subdivision, Smokerise Plantation. She said her subdivision did not have a homeowners association and no one had asked her. Kourajian asked if she had received any notification that the homeowners association was pursuing traffic-calming devices.

Eifert said she did not, but that the homeowners association had no obligation to notify her other than out of courtesy because she lived in Smokerise Crossing, not Smokerise Plantation.

City Engineer Troy Besseche told Council the project had been bid out; however, only one bid was turned in and that bid had been considerably over budget. The project had to be re-bid and was approximately two weeks behind schedule. The project had been scheduled to begin in June.

Kourajian asked if the traffic study had incurred any cost for the City. Besseche said no. Rapson asked about the protocol procedures and if they had been followed. He noted that one of the warrants was that 66% of the residents had to be in agreement and asked if the other 130 homes in Smokerise should be contacted. Besseche said that was staff's original contention with David Cree, the homeowner association president, that staff did not feel Smokerise Trace met the warrants. The homeowners association used the ballot system for the vote and two-thirds of ballots returned were in favor of the devices, which in reality did not meet the protocol. Besseche said they polled just Smokerise Plantation, not the entire service area. The homeowners association included the people who lived on Smokerise Trace. The homes on Smokerise Point used Smokerise Trace and those residents were not polled. Besseche said he considered the residents on Smokerise Point as part of the service area.

Rapson said that the intent of the protocol was to include everyone in the service area. Rapson said staff needed to define the service area. Weed agreed that it seemed that Council had abandoned the warrants.

Brown said there was a homeowners association meeting and 70% of the residents who attended voted in favor of the traffic-calming devices. He continued that any traffic study beyond 2000 would be worse since there were more homes and more traffic in the area. The matter was discussed at a public meeting and notice was in all the newspapers. People were given adequate notice. As for unnecessary expense, Brown said the devices were considered public safety issues.

Eifert noted that the articles said the matter would be "discussed." She said that Council typically did not vote on items they were to discuss. The word "consider" on an agenda usually meant there would be a vote. She researched the minutes and said the Smokerise traffic calming devices were not listed as a specific item on any other agenda, but the matter had been discussed in conjunction with Golf View and other areas. Eifert continued that she was not sure what the traffic calming devices were supposed to solve. Most of the speeders were people who lived in the area and teenagers. She said Council based their decision on four-year old information, and a lot had changed, for both good and bad.

Christy Dunkelberger, a resident of Smokerise Plantation and the attorney for the homeowners association, said the traffic calming devices were not a new issue and that

the matter had been on the homeowners' agenda for many years. She said the people should not be surprised. As for notification, Dunkelberger said they had talked among the homeowner's association members, which were the only people they could legally discuss the matter with and ask to vote. The other subdivisions in Smokerise were not part of the Smokerise Plantation homeowners association or part of the subdivision.

Brown said the matter had also been discussed at the last Council Retreat.

Kourajian said he wanted to do the right thing. If they had to wait a few weeks to install the devices, then that was fine. He moved to table the matter until Council had better information. There was no second.

Besseche said he had intended to look at the warrants and policy again to present to Council at a May or June meeting. Besseche said he could do another traffic study, and that some of the work had been done by the Police Department. He wanted to get current numbers on volumes and speeds. Staff would also look at accident data. Besseche said the only problematic element from the May 2000 traffic study would be the cut-through information. He said the study had been cumbersome and had taken a great amount of staff time.

Brown said the warrants should be re-examined and that Golf View also had problems with meeting the warrants. He noted that the warrant was 50% cut-through traffic. He said when that stage was reached, the problem had become a crisis. Brown said the service area also needed to be defined.

Rapson said it was easier to define the service area in Smokerise. If the only way to get to a house was to use Smokerise Trace, then it was in the service area. If the service area as defined encompassed all the people, then those additional 130 homes needed to be contacted. The warrant might change, or might not. Rapson was not sure all the right people had been talked to. He said the traffic study did not need to be redone.

Dunkelberger said she was not sure all of the homes off Sumner Road and Smokerise Point were part of the service areas since the access to and from those homes should be from Highway 54. Rapson said those were easier questions to answer and a consensus could be reached. A resident who lived on a dead end road off Smokerise Trace should be part of the service area. Dunkelberger said two homes past the stop sign by the tennis courts were part of the homeowners association. The people who lived up the hill were not part of the survey or part of the homeowners association.

Brown said they also had to consider impacted subdivision vs. those not impacted. The cut-through area was definitely impacted. The cul-de-sacs were shoots off the main road and were not impacted because only the people who lived there drove down the streets. Kourajian added those people were not impacted unless that was their only way in and out.

Kourajian moved to postpone the construction of the traffic-calming devices in Smokerise Plantation pending further study by staff. Rapson seconded.

Rapson asked what was meant by postpone. He said staff should have a month and a half to get the information. Rapson asked staff to get with Smokerise Plantation, Smokerise Crossings, and Smokerise Estates and reach an agreement on the service area. Rapson said the speed humps were tied to public safety and a lower response time for services. When 60% of the people agreed to the traffic-calming devices, they were also agreeing to settle for lower response times. He said that was a key factor making the determination.

Kourajian said the problem did not need to be solved at the meeting. He continued that he would pull the motion if staff gave Council more information. He wanted to do the right thing for the right reason with up-to-date information.

City Manager Bernard McMullen said staff could go back and look at the criteria and see what needed to be revised and what was realistic to be revised. Staff would have to bring the contract for the construction of the devices to Council for approval so Council did not have to approve the contract until they got the information. McMullen said staff would not be able to get a consensus between the subdivisions. Kourajian said he preferred staff come up with some criteria based on what Council could, or should, do.

McMullen said staff would collect the information and bring it back with a recommendation. He noted that staff still had to go through the advertising process again for the bids. Weed said that was fine as long as collecting the information did not interfere with the advertising process. Rapson said if the decision was there were 50 new homes that should be contacted, then the homes should be contacted. If there were 25 responses, then there were 25 people who cared enough to say they cared enough for the speed humps. Rapson said staff had to decide what to do with the people who did not respond. Kourajian withdrew his motion. Rapson withdrew his second.

Police Chief James Murray noted that another consideration was that Smokerise Trace would become a cut-through for Target traffic from Highway 54 to Peachtree Parkway. He said the traffic would increase dramatically, and he wanted to discourage the cut-through traffic.

Brown said Council would look at the protocols and that no action was necessary until the bids were back. Rapson said they would not slow down the project by asking for the information.

03-04-08 Consider Special Events Policy

Brown noted there was an additional document on the dais – an e-mail from the City Manager to Mayor and Council that requested the agenda item be continued.

Rutherford moved to table the Special Events Policy until staff was ready to present it again. Rapson seconded. The motion carried unanimously.

New Agenda Items

04-04-03 Alcohol License – NEW – W.K. Café Braelinn

Applicant Keith Johnston addressed Council. Weed noted that all the paperwork was in order and moved to approve the alcohol beverage license for W.K. Café Braelinn, with Keith Johnston as Licensee and License Representative. Kourajian seconded. The motion carried unanimously.

**04-04-04 Consider Intergovernmental Agreement with Development Authority
for Funding**

McMullen told Council that the Development Authority had requested that the City loan the Authority enough money to pay the premium for its officers and directors liability insurance due on April 30. He reminded Council that the Development Authority no longer received the hotel/motel tax and had no other revenue source to pay for this type of item. Rather than issue a loan because of the unknown status of the debt, staff recommended that the insurance premium be paid directly by the City based on discussions with the City Attorney. McMullen continued that the Development Authority needed funding for administrative and legal support and recommended that Council meet with the Development Authority to work on a new intergovernmental agreement. Brown added that the issue might be discussed during the Council Retreat.

Weed moved to have staff pay the insurance premium due for the Development Authority's directors' liability insurance per the attached request and record same as an additional receivable. Rutherford seconded. Weed noted that the exact amount of the premium was \$4,596. The motion carried 4-01 (Rapson).

04-04-05 Award Contract for Quint Fire Truck

Fire Chief Stony Lohr addressed Council. He said the Fire Service Committee's recommendation was to award the bid to Southern Emergency Products (Central States Fire Apparatus) to replace a 16 year-old apparatus (17 by the time the new engine would arrive) with a new apparatus for \$464,420. The Fire Service Committee included Mayor Brown, Council Member Rutherford, McMullen, Finance Director Paul Salvatore, and Lohr. Lohr added that the recent fire service consultant's report also recommended replacing the apparatus. The bids were received on January 15 and had been extended twice. The recommended bid would expire on May 15.

Weed commended staff and noted that the low bid included 14 additional features that the higher bid did not have.

Rutherford asked if the bid met all the specifications and Lohr said it did. She asked if there were additional things that would be added when the engine arrived or were those items included in the bid. Lohr said more money would be spent, but those funds were part of the budgeted amount.

Rutherford moved to approve the purchase of the Quint for \$464,420 from Southern Emergency Products, and on arrival of the chassis, to make the requested payment to save

\$6,500 and to save \$1,700 when the ladders arrived. Weed seconded. The motion carried unanimously.

04-04-06 Award Contract for Ambulance

Lohr told Council that staff recommended that the bid for a replacement ambulance be awarded to Peach State Ambulance in Tyrone for \$89,500. The Fire Service Committee reviewed the issue and recommended by consensus that Council approve the action. The bids were submitted on January 15 and had been extended twice. Lohr noted that the recommended bids for the replacement ambulance expired on April 25.

Lohr continued that the Fire Department's ambulance committee also recommended the bid. The ambulance would be the same as the three other primary ambulances in the fleet and would save money over its life cycle.

Rutherford noted that the lowest bid met all the specifications. Rutherford moved to purchase the replacement ambulance from Peach State Ambulance for \$89,500. Rapson seconded. The motion carried unanimously.

Council/Staff Topics

Lohr briefed Council on two upcoming mutual aid events. The first event was the Free Trade of the Americas Area (FTAA) site visit in Atlanta on Thursday, May 20, and possibly Friday, May 21. The Georgia Mutual Aid Group (GMAG) was asked to help. One piece of apparatus was needed and would probably be Tower 8. Lohr said he believed the Department could handle the cost of one day with existing resources. Lohr said he would need help with funding if a second day was needed. The estimated cost was \$1,400 a day.

The second event was the G-8 summit scheduled Sunday through Saturday, June 6-12, in the Savannah area. The Georgia Emergency Management Agency (GEMA) had asked GMAG to support the event. One engine and a crew would be needed. Another 40 pieces of apparatus and 441 firefighters were needed to support the event. The total requirement was 75 pieces apparatus and 600 firefighters. The estimated cost was \$6,300, and Lohr said he would need Council support for this event.

Lohr continued that both events were international in scope and were highly visible. If successful, the FTAA site visit could result in the relocation of FTAA headquarters to the Atlanta area with an economic impact of \$5 billion. The G-8 was the world economic conference that would be attended by President Bush and 40 other world leaders. The Fire Department was a member of GMAG, a statewide organization, and Lohr said he served as secretary on the GMAG board. He added that over the last several years the City had received five grants for various pieces of equipment totaling over \$500,000 from GMAG.

Rapson noted that the City Manager could move \$10,000 in funds around at his discretion and Rapson was in favor of funding both events. Rapson said he supported funding the entire \$7,500. Lohr clarified that most of the cost was in manpower and overtime. Lohr said most members of the fire service felt the G-8 coverage should have been funded in the planning stages and more funding could be available later. The Council Members questioned whether the funding should be placed on an agenda. McMullen said he had the ability to do it, but they wanted to inform Council.

McMullen announced that the Pro Shop at the Tennis Center was open. He continued that the Tourism Association had also received word that the 501(c)6 status had been granted, which made the Tourism Association eligible to spend the hotel/motel tax and allowed them to work with the Airport Authority so it could receive the hotel/motel tax.

Rapson noted that Governor Perdue would be in the City on Thursday, April 22, to sign the golf cart legislation. Rapson asked staff to notify McIntosh High School so they would be aware the 15 year-olds would be driving golf carts to school again. Brown said he had spoken to several Board of Education members about the Resource Officers holding a class on the rules of the cart path that was required in order for students to get a parking permit. Chief Murray said his department was already working on the class.

City Attorney Ted Meeker said there was pending and threatened litigation to discuss in executive session. Weed moved to reconvene in executive session to discuss pending and threatened litigation. Rutherford seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Weed seconded. The motion carried unanimously.

McMullen told Council that the state alcohol board had conducted a sting in the City looking for underage drinkers. Fifty businesses were involved and three had violations – Peachtree City Texaco, Pit Stop, and Kedron Wines & Liquor.

There being no further business to discuss, Weed moved to adjourn the meeting. Rutherford seconded. The motion carried unanimously. The meeting adjourned at 8:08 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

2004 City Event Calendar

	<u>May</u>	<u>June</u>
	5/1 – Community Action Day 5/1 & 2 – Spring Cleanup (Recycling Center, 8:30 – 4) 5/6 – City Council Meeting, 7 pm 5/7 – Employee Picnic, 11:30 – 1:30 Shakerag Knoll Picnic Shelter, McIntosh Trail 5/20 – City Council Meeting, 7 pm 5/31 – Memorial Day, City Offices Closed; Golf Cart Rally – 7:15 am Celebration at Plaza	6/3 – City Council Meeting, 7 pm 6/17 – City Council Meeting, 7 pm
<u>July</u>	<u>August</u>	<u>September</u>
7/1 – City Council Meeting, 7 pm 7/3 – Independence Day Celebration Parade – 9 am Concert at City Hall – 7 pm Fireworks – 9:30 pm 7/5 - City Offices Closed for Independence Day holiday 7/15 – City Council Meeting, 7 pm	8/5 – City Council Meeting, 7 pm 8/7 – The Last Fling, 11 am 8/19 – City Council Meeting, 7 pm	9/2 – City Council Meeting, 7 pm 9/6 – Labor Day, City Offices Closed 9/16 – City Council Meeting, 7 pm 9/18 & 19 – Shakerag Arts & Crafts Festival
<u>October</u>	<u>November</u>	<u>December</u>
10/7 – City Council Meeting, 7 pm 10/9 & 10 – Great Georgia Air Show 10/14 – City Council Meeting, 7 pm 10/16 – Peachtree City Classic Road Race, 8:45 am 10/31 – Halloween	11/4 – City Council Meeting, 7 pm 11/18 – City Council Meeting, 7 pm 11/25 & 26 – Thanksgiving Holiday, City Offices Closed	12/2 – City Council Meeting, 7 pm 12/16 – City Council Meeting, 7 pm 12/23 & 24 – Christmas Holiday, City Offices close at Noon on 12/23 and remain closed on 12/24 12/31 – New Years Holiday, City Offices Closed
<u>January</u>	<u>February</u>	<u>March</u>
1/6 – City Council Meeting, 7 pm 1/17 – MLK Day, City Offices Closed 1/20 – City Council Meeting, 7 pm	2/3 – City Council Meeting, 7 pm 2/17 – City Council Meeting, 7 pm	3/3 – City Council Meeting, 7 pm 3/17 – City Council Meeting, 7 pm

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

Updated 4/28/04

ADMINISTRATIVE SERVICES MONTHLY REPORT

For Month of: March, 2004

	<u>March 2004</u>	<u>FY 2004 Year to Date</u>	<u>FY 2003 Year to Date</u>
<u>Human Resources</u>			
Workers Compensation Claims Filed	0	13	17
City Vehicle / Equipment Accidents	2	6	12
Lawsuit Legal Fees	\$12,272.68	\$30,639.84	\$88,230.00
<u>Municipal Court</u>			
Fines Collected	\$151,927.00	\$611,666.00	\$437,369.50
Online Transactions	224	644	0
Citations Closed	984	4022	3696
Jail Fund Balance	\$2,547.96	\$40,731.58	\$14,580.52
<i>A positive Jail Fund Balance reflects a credit with the County based on jail fees paid versus number of prisoners housed)</i>			
<u>Public Information</u>			
New Businesses Registered	38	172	not available
Public Contacts, Questions & Complaints	72	325	not available
<i>This includes 9 complaints against Comcast Cable Company and 6 Open Records Requests.</i>			

BUILDING DEPARTMENT

MONTHLY REPORT

	OCT 2003	NOV 2003	DEC 2003	JAN 2004	FEB 2004	MAR 2004	APR 2004	MAY 2004	JUN 2004	JUL 2004	AUG 2004	SEPT 2004	TOTAL FYTD	PREVIOUS FYTD
DEVELOPMENT PERMITS:	31	31	29	17	43	21							172	113

BUILDING PERMITS:														
Single Family Residential	30	24	37	20	31	17							159	113
Multi-Family Residential	0	0	0	0	0	0							0	10
Misc.-Pools/fences/additions	73	46	36	42	61	85							343	309
Commercial/Industrial	16	7	7	7	6	8							51	48

TOTAL INSPECTIONS:	807	644	772	889	660	972							4,744	3,651
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CERTIFICATE OF OCCUPANCY:														
Residential	22	11	24	21	26	26							130	106
Commercial	7	1	4	4	3	1							20	30
Multi-Family Residential	0	1	2	3	2	1							9	0

CODE ENFORCEMENT:														
Sign Violations	270	194	75	75	124	106							844	649
Rehab	24	5	4	8	14	10							65	87
Notice of Violations	601	210	268	334	313	287							2,013	1,529
Citations	6	4	3	1	4	6							24	14
Stop Work Orders	26	6	13	11	18	15							89	55
Complaints From Citizens	34	9	16	19	12	30							120	89

PERMIT FEES COLLECTED:	66,548	42,691	50,370	49,910	35,988	63,381							308,888	242,852
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POPULATION:	34,882	34,907	34,961	35,001	35,060	35,116							35,116	34,611
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Based on 2.09 of completed occupancy

Financial Services Monthly Report (Unaudited)

STATUS OF FUNDS AS OF MARCH 31, 2004									
Fund	Cash		Total		Total Cash		YTD		
	Balance	Investment	and	Investments	Interest				
General Fund	\$ 95,526	\$ 10,233,562	\$	10,329,088	\$	46,604			
Library Sales Tax Fund	11,735	-		11,735	-	-			
Dare Fund	750	-		750	-	-			
Hazmat Fund	1,939	-		1,939	-	-			
Youth Council Fund	2,296	-		2,296	-	-			
Hotel/Motel Tax Fund	333,574	-		333,574	-	-			
Library Construction Fund	-	4,769,519		4,769,519	323				
Public Improvement Fund	27,114	1,137,294		1,164,408	7,375				
Debt Service Fund	-	12,886		12,886	-	-			
Library Debt Service	-	58,027		58,027	-	-			
Municipal Court Fund	81,577	-		81,577	-	-			
Merchant Services (Court)	71,983	-		71,983	-	-			
Develop & Impact Fees	486,768	26,024		512,792	531				
Neighborhood Parks/Rec.	32,234	-		32,234	12				
Governor's Greenspace	5,958	-		5,958	5				
Federal Seizures Police	1,065	-		1,065	9				
Police Tuition Account	4,702	-		4,702	5				
Escrow Account	111,587	-		111,587	101				
Grand Total	\$ 1,268,807	\$ 16,237,311	\$	17,506,118	\$	54,988			

General Governmental Funds Budget Comparison									
Revenues - By Major Category									
Description	2004 Budget	Actual YTD	Difference	%					
General Property Taxes	\$ 8,095,421	\$ 7,439,832	\$ (655,589)	91.90%	Administrative	\$ 1,449,082	\$ 651,933	\$	
Franchise Taxes	1,946,534	857,494	(1,089,040)	44.05%	Developmental	1,263,499	577,102	797,149	44.99%
Local Option Sales Tax	5,959,129	3,146,177	(2,812,952)	52.80%	Finance	702,879	302,705	686,397	45.67%
Other Sales & Use Taxes	579,872	292,707	(287,165)	50.48%	Leisure Services	4,225,639	1,891,599	400,174	43.07%
Business Taxes	1,648,885	1,670,429	21,544	101.31%	Public Safety	8,083,156	3,654,991	2,334,041	44.76%
Licenses & Permits	730,530	545,766	(184,764)	74.71%	Public Works	4,266,251	1,628,679	4,428,165	45.22%
Grants	253,398	36,278	(217,120)	14.32%	Council Contingency	36,763	-	36,763	0.00%
Charges for Services	889,995	469,783	(420,212)	52.78%	Non-Profit Organizations	20,000	2,250	17,750	11.25%
Fines & Forfeitures	746,025	373,013	(373,012)	50.00%	Grant Incentive Program	50,000	-	50,000	0.00%
Investment Income	117,745	46,604	(71,141)	39.58%	Transfer to Amphitheater Fund	16,515	-	16,515	0.00%
Surplus Carryover	708,700	-	(708,700)	0.00%	Transfer to Tennis Ctr Fund	41,222	-	41,222	0.00%
Other Revenue	2,801	20,003	17,202	714.15%	Transfer to PIP	90,094	-	90,094	0.00%
Other Financing Sources	65,461	-	(65,461)	0.00%	Transfer to Debt Svc	1,750,768	1,075,423	675,345	61.43%
Total General Fund	\$ 21,744,496	\$ 14,898,086	\$ (6,846,410)	68.51%	Liability Insurance	68,678	42,222	26,457	61.48%
Hotel/Motel Tax	849,514	446,580	(402,934)	52.57%	Legal Services	50,000	39,484	10,516	78.97%
					Gen'l Admin	154,950	7,000	147,950	4.52%
					Reserve-Insurance	50,000	-	50,000	0.00%
					Other	(575,000)	-	(575,000)	0.00%
Total General & Hotel Funds	\$ 22,594,010	\$ 15,344,666	\$ (7,249,344)	67.91%	Total General Fund	\$ 21,744,496	\$ 9,963,482	\$ 11,781,014	45.82%
					Tfrt to PCDA/PCAA	378,081	66,715	311,366	17.65%
					Transfer to General Fund	65,461	-	65,461	0.00%
					Transfer to Debt Svc	405,972	-	405,972	0.00%
					Total General & Hotel/Motel Funds	\$ 22,594,010	\$ 10,030,197	\$ 12,563,813	44.39%

Collateral Analysis as of March 31, 2004									
Security Location					Bank				
Bank of New York					Wachovia				
Bank of New York					Peachtree National				
Federal Res Bk of Boston					South Trust				
					Total Held				
					\$ 1,107,599				
					\$ 7,339,830				
					\$ 16,204,831				
					\$ 24,657,259				

General Governmental Funds Budget Comparison									
Expenditures by Division YTD									
50.00%									
Division	2004 Budget	Actual YTD	Difference	%	Description	Budget	Award	Svgs/Short	Date
Administrative	\$ 1,449,082	\$ 651,933	\$						
Developmental	1,263,499	577,102	797,149	44.99%					
Finance	702,879	302,705	400,174	43.07%					
Leisure Services	4,225,639	1,891,599	2,334,041	44.76%					
Public Safety	8,083,156	3,654,991	4,428,165	45.22%					
Public Works	4,266,251	1,628,679	2,637,572	38.18%					
Council Contingency	36,763	-	36,763	0.00%					
Non-Profit Organizations	20,000	2,250	17,750	11.25%					
Grant Incentive Program	50,000	-	50,000	0.00%					
Transfer to Amphitheater Fund	16,515	-	16,515	0.00%					
Transfer to Tennis Ctr Fund	41,222	-	41,222	0.00%					
Transfer to PIP	90,094	-	90,094	0.00%					
Transfer to Debt Svc	1,750,768	1,075,423	675,345	61.43%					
Liability Insurance	68,678	42,222	26,457	61.48%					
Legal Services	50,000	39,484	10,516	78.97%					
Gen'l Admin	154,950	7,000	147,950	4.52%					
Reserve-Insurance	50,000	-	50,000	0.00%					
Other	(575,000)	-	(575,000)	0.00%					
Total General Fund	\$ 21,744,496	\$ 9,963,482	\$ 11,781,014	45.82%					
Tfrt to PCDA/PCAA	378,081	66,715	311,366	17.65%					
Transfer to General Fund	65,461	-	65,461	0.00%					
Transfer to Debt Svc	405,972	-	405,972	0.00%					
Total General & Hotel/Motel Funds	\$ 22,594,010	\$ 10,030,197	\$ 12,563,813	44.39%					

**PEACHTREE CITY FIRE/EMS DEPARTMENT
2004 MONTHLY REPORT**

Fire/Accident Calls	Oct. 03	Nov. 03	Dec. 03	Jan. 04	Feb. 04	Mar. 04	Apr. 04	May. 04	Jun. 04	Jul. 04	Aug. 04	Sept. 04	2004 Y-T-D	2003 Y-T-D
Residential	3	1	4	1	1	1	1						11	15
Business/Industrial	3	2	2	0	0	1							8	3
Other	175	169	219	196	170	174							1103	1077
Total Engine Response	181	172	225	197	171	176							1122	1095
Dispatched Fire Calls	52	40	62	43	44	39							280	259
Response Time Fire	4:38	3:26	3:53	5:50	4:46	5:22							4:39	5:00
Rescue/EMS														
Trauma	45	22	41	52	40	28							228	359
Medical	38	36	65	106	91	49							385	434
Total # Patients	83	58	106	158	131	77							613	793
Patients Transported	37	23	50	92	67	36							305	350
Dispatched EMS Calls	135	134	167	155	128	135							854	836
**Total Medic Response	83	58	106	176	134	144							701	793
Dispatched Fire/EMS Total	187	174	229	198	172	174							1134	1095
Response Time EMS	4:20	4:17	4:31	4:22	4:12	4:34							4:22	4:22
EMS BILLING														
Patients Billed	63	80	89	99	58	80							469	446
Revenue Generated	24,060	30,380	34,541	36,903	22,178	30,852							178,914	155,785
*Total Revenue Received	24,643	20,297	21,276	20,603	27,202	26,700							140,721	103,895

**Includes Miscellaneous Responses to assist patients, gas and water leaks, hazmat spill, etc.

*Revenue Received on All Outstanding Accounts

 LEISURE SERVICES
Monthly Report

For the Month of March 2004

Library: 271 new library cards were issued in March, for a total of 22,155 cardholders, compared with 21,823 last year. The number of books circulated (98,197 compared to 89,251 last year this time) is remaining above average, due in part to a more streamlined system of getting materials processed through the Flint River system. In addition, added children's programs draw more families in to check out books; 2,796 have participated in baby/story time so far this year. Women's History Month was featured in March, highlighted by a seminar March 14th with special guest State School Superintendent Kathy Cox, who spoke about the new curriculum.

Recreation

Leisure Programs:

Adult Athletics: There were 4 adult athletic programs active through March, with 1,899 total participants for the year.

Classes & Programs: For the year we show programs and participants slightly up but revenues still about \$3,000 down due to the loss early last year of an instructor with a large following (dance) due to personal reasons. This was a significant revenue program, and revenues have been slow while we replace it with similar programs, and as existing programs grow to fill the void. However, we are beginning to see the trends turn back in the positive direction, thanks to offerings of new classes and activities. We have more participants in program so far this year than last, at 19,997 versus 17,916. The department held a Super Saturday Signup for camps in March, and extended hours on one Monday, making it easier for people to sign up.

Special Events: These numbers will become more significant as we begin reporting estimated participation in events such as Last Fling, Shakerag and Memorial Day, which we haven't in the past. Will need a full year history to show significance.

Sports and Facilities: March was spent preparing sports fields for the spring seasons. Field prep hours for the year are at 2,958 compared with 2,582 last year. Building maintenance (2,360 hours, up from 1,394 last year at this time) increased as we completed a list of winter maintenance projects. Holding steady on safety inspections by the parks monitor (300 so far), with special attention to playgrounds and other structures used by children. New, safer playground equipment has now been installed at every major park and all older pocket parks in the city.

[illegible][illegible]

ADMINISTRATIVE AVERAGE RESPONSE TIME	5.21	5.03	5.19																5.14	5.32
CALLS ANSWERED	6434	6000	6198																18,632	17,200
TRAFFIC CITATIONS ISSUED	830	917	1041																2788	1511
WARNINGS ISSUED	721	754	751																2226	1595
ACCIDENTS - TOTAL	106	75	102																283	256

TOP 5 ACCIDENT LOCATIONS - MONTH	TOTAL #
1. HWY 54 / HWY 74	5
2. HWY 54 / HUDDLESTON DR	5
3. HWY 54 / MCDUFF PKWY	3
4. HWY 54 / LINE CREEK	3
5. HWY 74 / CROSTOWN DR	3

TOP 5 ACCIDENT LOCATIONS - YEAR	TOTAL #
1. HWY 54 / HWY 74	16
2. HWY 54 / HUDDLESTON DR	10
3. HWY 74 / CROSTOWN DR	10
4. HWY 54 / PLANTERRA DR	10
5. HWY 54 / PEACHTREE PARKWAY	7

PUBLIC SERVICES MONTHLY REPORT

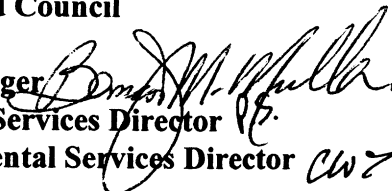
MARCH 2004

		<u>MARCH 2004</u>	<u>YEAR TO DATE FY2004</u>	<u>YEAR TO DATE FY2003</u>
Street Patching	(Hrs.)	714	1,763	274
Street Cracksealing	(Hrs.)	0	411	1,095
Drainage Maintenance	(Hrs.)	153	1,089	999
Street Sweeping	(Hrs.)	0	350	151
Cart Path Paving	(Ft.)	0	8,859	4,675
Cart Path Litter Removal	(Hrs.)	42	458	422
Cart Path Drainage Maint.	(Hrs.)	141	1,194	1,173
R.O.W. Mowing	(Hrs.)	52	442	1,257
R.O.W. Litter Removal	(Hrs.)	359	2,373	1,530
Landscape Maintenance	(Hrs.)	92	676	1,646
Landscape Planting/Mulch	(Hrs.)	1,130	2,153	369
Litter Removal	(Hrs.)	10	40	13
Sub-Division Sign Maint.	(Hrs.)	92	357	340
Traffic Sign Maintenance	(Hrs.)	133	659	990
Vandalism Repairs	(Hrs.)	16	39	989
Citizen Complaints Answered	(Num.)	62	217	176
<u>RECYCLING SITE</u>				
Manhours	(Hrs.)	101	548	537
<u>Participants</u>				
Recycling	(Num.)	980	2,328	2,236
Composting	(Num.)	2,656	6,465	7,875
Mulch Picked-Up	(Num.)	580	1,312	478

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Financial Services Director
Developmental Services Director CWZ

FROM: City Engineer 

DATE: April 26, 2004

SUBJECT: Stormwater Notice of Intent for NPDES Phase II
May 6, 2004 City Council Agenda

Recommendation: Staff recommends that Council adopt the attached resolution authorizing the submittal of the Peachtree City Notice of Intent (to release stormwater) to the Georgia Environmental Protection Division (EPD) for compliance with phase II of the National Pollutant Discharge Elimination System (NPDES).

Discussion: Attached for your review and approval is the revised Notice of Intent document in response to comments from EPD. As you will recall, the second phase of the NPDES program requires six minimum control measures:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management
- Pollution Prevention/Good Housekeeping

City staff had addressed each of the control measures at the minimum level in last year's submittal. However, upon review by EPD staff, a greater level of detail was requested. The attached NOI represents Peachtree City's plan for addressing these measures that achieve the goals specified by the state. City staff and the stormwater consultant have met with EPD to review the proposed measures and are confident of their approval. As you will note, the overall target for full compliance is December 2006. In addition, updates in the form of an annual report will be required as well.

Stormwater Notice of Intent for NPDES Phase II

May 6, 2004 City Council Agenda

April 26, 2004

Page 2

Budget Implications: It is important to note that the proposed stormwater management program represents an increase in our current program in the way of human and financial resources. During the initial stages of implementation, it is thought that the costs for the program can be absorbed into the current funding levels. However, as the future stormwater utility comes online, more of the regulatory compliance burden will be shifted to the appropriate cost center.

Attachment

Resolution

Notice of Intent (revised 4/23/04)

cc: *Interim Public Services Director*
file

RESOLUTION

**A RESOLUTION AUTHORIZING THE TRANSMITTAL
OF THE REVISED *GEORGIA NOTICE OF INTENT*
TO THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION
FOR FINAL REVIEW AND APPROVAL**

WHEREAS, The second phase of the National Pollutant Discharge Elimination System (NPDES) promulgated under the Clean Water Act requires municipal separate storm sewer systems to prepare a *Georgia Notice of Intent* to comply with specific regulatory requirements associated with the discharge of stormwater runoff into waters of the state; and

WHEREAS, Peachtree City, Georgia, has compiled, reviewed and modified a *Georgia Notice of Intent* identifying best management practices in accordance with the requirements set forth in the Georgia Department of Natural Resources Environmental Protection Division (EPD) General NPDES Stormwater Permit No. GAG610000 dated December 9, 2002; and

WHEREAS, Peachtree City, Georgia, in preparing the *Georgia Notice of Intent* has complied with the requirements and minimum standards set forth in the NPDES General Stormwater Permit No. GAG610000, including public participation requirements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Peachtree City that the revised *Georgia Notice of Intent* be transmitted for EPD final review and approval.

Adopted this ____ day of _____, 2004.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest: _____
City Clerk

**STATE OF GEORGIA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

GEORGIA NOTICE OF INTENT (GaNOI)

General NPDES Permit No. GAG610000 for
Small Municipal Separate Storm Sewer Systems (MS4)

I. General Information

A. Ownership Status (Please check one):

- ☒ Municipal Separate Storm Sewer System
☐ Federal Facility
☐ State Facility

B. Name of small MS4: Peachtree City

C. Name of responsible official: Mr. Steve Brown
Title: Mayor

Mailing Address: 151 Willowbend Road

City: Peachtree City State: GA Zip Code: 30269

Telephone Number: (770) 487-7657

D. Designated stormwater management program contact:

Name: Mr. Troy Besseche, P.E.

Title: City Engineer

Mailing Address: 153 Willowbend Road

City: Peachtree City State: GA Zip Code: 30269

Telephone Number: (770) 631-2538

Email Address: troy@peachtree-city.org

II. Sharing Responsibility

A. Has another entity agreed to implement a control measure on your behalf?
Yes _____ No ☒ (If no, skip to Part III)

Control Measure #1:

1. Name of entity:

2. Control measure or component of control measure to be implemented
by entity on your behalf:

Control Measure #2:

1. Name of entity:
 2. Control measure or component of control measure to be implemented by entity on your behalf:
- B. Attach an additional page if necessary to list additional shared responsibilities. **It is mandatory that you submit a copy of a written agreement between your MS4 and the other entity demonstrating written acceptance of responsibility.**

III. For Federal or State-Owned MS4s

(If you are a municipally owned MS4, skip to Part IV)

- A. Location of MS4:
1. Name of Urbanized Area or municipality where your MS4 is located:
 2. Name of your organization:
 3. The latitude and longitude of the approximate center of your MS4:
Latitude _____ Longitude _____

IV. Known or Suspected Water Quality Problems

- A. The name(s) of the receiving waters to which your MS4 discharges (attach a separate list if necessary):

Line Creek
Flat Creek
Camp Creek

- B. Indicate any receiving water stream segments to which your MS4 discharges, which are included on the 303(d) list:

Line Creek-Supporting
Flat Creek-Partially supporting (Dissolved Oxygen)

- C. Describe any known or suspected water quality concerns within your jurisdictional area (e.g. stream siltation, 303(d) listed streams, habitat degradation, elevated levels of pollutants, etc.), including location (attach additional page(s) if necessary):

Suspected water quality concerns within Peachtree City were addressed in the July 2002 Stormwater Program Assessment & Action Plan (SPAAP) for Peachtree City.

Four specific issues have been identified:

- Dissolved oxygen levels in Flat Creek and Camp Creek;
- Fecal coliform and E-coli bacterial contamination at selected locations throughout the City (in particular along the eastern boundary proximate to Robinson Road);
- Biological habitat and diversity in selected stream reaches of the City; and
- Metals contamination (specifically copper) and elevated conductivity levels at selected locations throughout the City.

Dissolved Oxygen Levels

The Georgia EPD has placed Flat Creek on the 303(d) impaired waters list due to low dissolved oxygen levels. Accordingly, the EPD will develop a dissolved oxygen TMDL for Flat Creek. The recent sampling program confirms the historical data for this area. The dissolved oxygen issue also manifests itself in Camp Creek at selected sampling locations. Both Camp Creek and Flat Creek, in the lower reaches, are slow moving backwaters created for the most part by beaver activity. It is also likely that some man-made impact has resulted from embankments and roadways. In either case, the argument could be made that given appropriate documentation, the slow moving backwaters, or swampy areas, are naturally lower in dissolved oxygen levels than a faster moving stream reach. It is the City's understanding that the EPD is currently studying this issue of low dissolved oxygen levels in swampy areas to determine if the state water quality standards are appropriate in these situations.

Bacterial Contamination

Water quality testing results indicate that fecal coliform and E-coli bacteria are found in some areas of the City at levels above EPD and EPA minimum standards. The areas of concern are generally in the Camp Creek watershed and could potentially be from septic tanks. However, other areas are also problematic (i.e., Line Creek as it enters the City from the north). These standards and the bacterium species used to evaluate compliance are not generally considered to be the most appropriate for determining impact to water quality and human health.

Biological Habitat/Diversity

Some areas of the City manifest habitat and diversity impairment as gauged in particular by the EPT index. Historical EPT data, although not as extensive, also indicate that biological impairment has been a concern within the City. The dissolved oxygen issue described previously is likely related to this, particularly in the Flat Creek and Camp Creek lower reaches. In addition, there is concern over biological diversity at one site on Line Creek. There are also some headwater areas where impairment has been documented. Many of the areas sampled had never had this type of sampling performed, so there is no frame of reference for whether areas are degrading or improving.

Copper

Copper levels in surface water appear to be problematic in many areas of the City. There are also relatively high specific conductivity readings in many areas that are also manifested in the historical data. Specific conductivity can be an indicator of metals contamination. Copper does not appear as a problem in the historical data, nor does it appear in recent sediment sampling conducted by the University of Georgia. The recent presence of copper in water quality samples could be due to lowered detection limits now possible in the laboratory. Previous results could not be properly evaluated because detection limits were higher than the EPD standards. The current copper levels could be a natural phenomena but there is not enough data to make this determination. It is the City's understanding that the Peachtree City Water and Sewer Authority (WASA) is preparing activities related to determining a potential source or sources for copper contamination in the City. The results of this investigation should better define what future action the City may want to consider.

V. Minimum Control Measures

- A. Public Education and Outreach – (complete Appendix A)
- B. Public Involvement/Participation – (complete Appendix B)
- C. Illicit Discharge Detection and Elimination – (complete Appendix C)
- D. Construction Site Stormwater Runoff Control – (complete Appendix D)
- E. Post-construction Stormwater Management in New Development and Redevelopment – (complete Appendix E)
- F. Pollution Prevention/Good Housekeeping – (complete Appendix F)

VI. Certification Statement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: _____ Date: _____

Signature: _____ Title: _____

Appendix A

Public Education and Outreach on Stormwater Impacts

40 CFR Part 122.34(b)(1) Requirement: You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

A. Best Management Practice (BMP) #1 – City Newsletter

1. **Target audience:** City Residents
2. **Description of BMP:**
The City currently publishes a monthly newsletter for all city residents identifying city government issues. The City will incorporate stormwater management issues specific to Peachtree City and general public education themes regarding stormwater management. Topics to be addressed include: impacts of storm water discharges on water bodies, steps that the public can take to reduce pollutants in storm water runoff, Xeriscape landscaping, water conservation, hazards associated with discharges and improper disposal of waste, and Peachtree City's stormwater program, etc. The City will include stormwater articles in at least two issues per year. The newsletter is published in the local newspaper that is delivered free of charge to all households (Approx. 12,000 – 13,000) in Peachtree City.
3. **Measurable Goal(s):**
 - a. Publish two articles in the City newsletter on stormwater issues per year
 - b. City newsletter published in the local newspaper that is delivered to 100% of households in Peachtree City
4. **Schedule:**
 - a. Interim Milestone Dates: Jun 2004 – Publish first stormwater article in newsletter
 - b. Implementation Date: Jun 2004
 - c. Frequency of actions: Semi-Annual
 - d. Month/Year of each action: Jun, Dec: 2004, 2005, 2006, 2007

-CONTINUED-

5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
6. Rationale for choosing BMP and setting measurable goal(s):
The City currently publishes the newsletter in the local newspaper on a monthly basis. As such, the implementation of the BMP will require little extra work, but will reach many citizens.

-END-

B. Best Management Practice (BMP) #2 – Informational Display

1. Target audience: General Public
2. Description of BMP:

The City's main office (City Hall) and the City Public Library are consolidated into one public facility. Additionally, this facility is located adjacent to a public park and large lake that is a focal point of the community. As such, the City will establish and maintain an informational display in the library and City Hall of various educational materials related to stormwater management and water resources issues. The display will include a board for posting information and photos and an area to distribute information brochures. The city will create a plan for this display and submit it to EPD. The plan will show the design of the display board, arrangement of brochures, and any additional media such as video or hands-on activities. City staff will then research and gather materials to include in the display. Peachtree City will include information on the following subjects: impacts of storm water discharges on water bodies, steps that the public can take to reduce pollutants in storm water runoff, Xeriscape landscaping, water conservation, hazards associated with discharges and improper disposal of waste, and Peachtree City's stormwater program, etc. The City will utilize information available from P2AD, UGA, Clean Water Campaign, etc.
3. Measurable Goal(s):
 - a. Develop a plan/design for display
 - b. Submit plan to EPD
 - c. Gather materials for display
 - d. Create display
 - e. Replenish materials in display
 - f. Review and update materials in display
4. Schedule:
 - a. Interim Milestone Dates:
 - i. Jun 2004 – Design display and submit plan to EPD
 - ii. Dec 2004 – Gather materials for display
 - iii. Jun 2005 – Create display
 - b. Implementation Date: Jun 2005
 - c. Frequency of actions:
 - i. Replenish materials in display – Semi-Annual
 - ii. Review and update materials in display – Annual

-CONTINUED-

- d. Month/Year of each action:
 - i. Jun2004 – Design display and submit plan to EPD
 - ii. Dec 2004 – Gather materials for display
 - iii. Jun 2005 – Create display
 - iv. Dec: 2005, Jun and Dec: 2006, 2007 – Replenish materials in display
 - v. Jun 2006, 2007 – Review and update materials in display
- 5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
- 6. Rationale for choosing BMP and setting measurable goal(s):
The proximity of the public facilities to the park and lake as well as the heavy use of the City Library and City Hall by the public will ensure that the display is heavily visited.

-END-

C. Best Management Practice (BMP) #3 – Website

1. Target audience: General Public

2. Description of BMP:

The City maintains a website for disseminating information to the public and City residents. Included on the City's official website is an Engineering Department page. This page will be expanded to include a stormwater management link that will house information about the City's Stormwater Management Program, tips for lawn and garden activities, water conservation, proper disposal of household wastes, household recycling, septic tank maintenance, hazards of illegal discharge and dumping, and other sources of water quality violations. A citizen complaint contact number(s) will be listed, and a link will also be included so that citizens can report water quality and E&S violations electronically.

The website will be updated on a semi-annual basis to provide new stormwater related information and links. The web page will also include a "hits counter" so that the City will be able to determine how many people visited the site.

3. Measurable Goal(s):

- a. Development of stormwater management web page
- b. Semi-annual update of web page

4. Schedule:

- a. Interim Milestone Dates: Mar 2005 – Development of stormwater management web page
- b. Implementation Date: Mar 2005
- c. Frequency of actions: Update of web page – Semi-Annual
- d. Month/Year of each action:
 - i. Mar 2005 – Development of stormwater management web page
 - ii. Sep 2005, Mar and Sep 2006, 2007 – Update web page

5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)

6. Rationale for choosing BMP and setting measurable goal(s):

The City believes that a high portion of the population either owns or has access to a computer with Internet access. As such, a stormwater page on the City's official web site will provide an easily accessible source of information that residents and others can access without leaving their home.

D. Best Management Practice (BMP) #4 – Stormwater Program Open House

1. Target audience: General Public
2. Description of BMP:
The City will host an open house once per year at which the public will be invited to meet the City staff and discuss the status of the City's stormwater management program. At the open house a report will be distributed on the various accomplishments of the program in the previous year as well as the anticipated activities in the coming year. The report will then be placed on the City's website. The open house will be held for one hour before a City Council meeting to encourage attendance. The City will advertise the Open House in the display and website.
3. Measurable Goal(s):
 - a. Develop annual report for distribution at open house
 - b. Advertise open house
 - c. Hold open house
4. Schedule:
 - a. Interim Milestone Dates:
 - i. Dec 2005 – Develop first annual report
 - ii. Dec 2005, Jan 2006 – Advertise first open house
 - iii. Jan 2006 – Hold first open house
 - b. Implementation Date: Jan 2006
 - c. Frequency of actions:
 - i. Develop annual report – Annual
 - ii. Advertise open house – Annual
 - iii. Hold open house – Annual
 - d. Month/Year of each action:
 - i. Dec 2005, 2006, 2007 – Develop annual report
 - ii. Dec 2005, Jan and Dec: 2006, 2007 – Advertise open house
 - iii. Jan 2006, 2007 – Hold open house
5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
6. Rationale for choosing BMP and setting measurable goal(s):
The higher level of citizen / government interaction in Peachtree City could make this BMP a valuable public education as well as involvement tool for the Stormwater Program.

-END-

Appendix B

Public Involvement / Participation

40 CFR Part 122.34(b)(2) Requirement: You must, at a minimum, comply with State, Tribal, and local public notice requirements when implementing a public involvement / participation program.

A. Best Management Practice (BMP) #1 – Stormwater Advisory Group

1. **Target audience:** Community Stakeholders

2. **Description of BMP:**

In 2002, the City's efforts to revise its development regulations included formulation of various stakeholder groups to discuss and formulate the new regulations. This activity included the development of a stormwater advisory group. The stormwater advisory group includes representatives from the following stakeholders groups:

- Peachtree City Engineering Dept.
- Peachtree City Planning Dept.
- Homeowners' Association
- Industry
- Environmental Advocacy
- Private Development
- Peachtree City Public Works
- Chamber of Commerce
- Peachtree City Planning Commission
- Peachtree City Water and Sewer Authority
- Peachtree City Leisure Services

The City will continue to convene the group on a yearly basis at minimum to review the progress of the stormwater program. Topics to be discussed at the meetings include opportunities for coordination between stakeholders, success of the BMPs, and amendments needed to the BMPs. A summary or minutes of the meeting will be written, distributed to stakeholders, and included in the annual report.

3. **Measurable Goal(s):**

- a. Yearly stakeholders meetings
- b. Develop meeting summary/minutes

-CONTINUED-

4. Schedule:
 - a. Interim Milestone Dates: Feb 2003 – Create Stormwater Advisory Committee
 - b. Implementation Date: Nov 2004
 - c. Frequency of actions:
 - i. Hold meetings of the Stormwater Advisory Committee – Annual
 - ii. Develop a summary/minutes of the meeting and include in annual report – Annual
 - d. Month/Year of each action:
 - i. Nov: 2004, 2005, 2006, 2007 – Meeting of the Stormwater Advisory Committee
 - ii. Dec: 2004, 2005, 2006, 2007 – Develop a summary/minutes of the meeting and include in the annual report
5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
6. Rationale for choosing BMP and setting measurable goal(s):
 The City's historic use of community stakeholder groups combined with the fact that a standing stormwater advisory committee already exists will allow the City to continue to utilize the group as part of its current Stormwater Management Program.

-END-

B. Best Management Practice (BMP) #2 – Adopt-A-Mile, Adopt-A-Path, Adopt-A-Park

1. Target audience: General Public
2. Description of BMP:

Peachtree City currently operates an Adopt-A-Mile, Adopt-A-Path, and Adopt-A-Park program to encourage volunteer groups to pick up trash along major roadways and paths and in parks within the City. Peachtree City will solicit volunteer participation in these programs by advertising in the City newsletter, on the City website, and in the display. Groups are asked to commit to cleaning up their adopted area four times a year. Peachtree City provides the roadside signage, vests and trash bags for volunteer groups. Peachtree City Public Works Department accepts and properly disposes all waste collected by these groups. There are currently 104 Adopt-A-Path and 95 Adopt-A-Mile volunteers operating in Peachtree City operating in Peachtree City.
3. Measurable Goals:
 - a. Include and update information on the recycling program on the stormwater website
 - b. Include information on recycling program in display
 - c. Include information in City Newsletter
 - d. Record number of groups, volunteers, and cleaning events annually and include in annual report
4. Schedule:
 - a. Interim Milestone Dates:
 - i. Jun 2004 – Include information on programs in City Newsletter
 - ii. Dec 2004 – Report number of groups, volunteers, and cleaning events in annual report
 - iii. Mar 2005 – Include information on program on website
 - iv. Jun 2005 – Include information in display
 - b. Implementation Date: Mar 2003
 - c. Frequency of Actions:
 - i. Report number of groups, volunteers, and events – Annually
 - ii. Update information on website – Annually
 - iii. Include information in Newsletter – Annually
 - iv. Update information in display – Annually

-CONTINUED-

- d. Month/Year of each action:
 - i. Dec: 2004, 2005, 2006, 2007 – Report number of groups, volunteers, and cleanup events
 - ii. Mar: 2005, 2006, 2007 – Include/update information on program on website
 - iii. Jun 2004, 2005, 2006, 2007 – Include information in City Newsletter
 - iv. Jun 2005, 2006, 2007 – Include/update information in display
- 5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
- 6. Rationale for choosing BMP and setting measurable goal(s):
Picking up roadside trash and debris will prevent it from entering the MS4. Soliciting and encouraging volunteer participation also allows citizens to become involved in their own water resources protection.

-END-

C. Best Management Practice (BMP) #3 – Citizen Complaint Contact Number

1. Description of BMP:

The City of Peachtree will create a Citizen Compliant Contact Number so citizens can report water quality and erosion and sedimentation violations. The call will be answered by a City staff member who will forward the complaint to the appropriate City department. If necessary, the complaint will be forwarded to the appropriate State or Federal department (if it is not within the City's jurisdiction). The City staff member who takes the original citizen complaint call will be responsible for entering the date, time, location, and nature of the complaint as well as the contact information for the citizen into the electronic Citizen Complaint Database. The database will be developed so that all City departments can access it for updates.

Once the call has been forwarded to the appropriate department, City staff within that department will be responsible for considering all calls, investigating all reasonable calls within five working days, and taking any necessary enforcement actions. Department staff will also be responsible for entering into the same Citizen Complaint Database any action taken by Peachtree City staff based on the complaint.

The Citizen Complaint Contact Number will be publicized through the stormwater management web page, the Peachtree City newsletter, and the display. The Stormwater Management Web Page will eventually contain a link so that citizens can report complaints electronically.

2. Measurable Goal (s):

- a. Creation of the Citizen Complaint Contact Number
- b. Creation of Citizen Complaint Database
- c. Continuous update of database
- d. City staff addresses 100% of calls received
- e. City staff investigates 100% of reasonable calls within five working days
- f. City staff takes appropriate action for 100% of complaints that require it

3. Schedule:

- a. Interim Milestone Dates:
 - i. Dec 2004 – Citizen Complaint Contact Number created, posted on website, and included in display
 - ii. Dec 2004 – Database developed
 - iii. Dec 2004 – Begin investigating complaints
- b. Implementation Date: Dec 2004

-CONTINUED-

- c. Frequency of actions:
 - i. Database update – As calls are received
 - ii. Water quality investigation – As calls are received
- d. Month/Year of each action:
 - i. Dec 2004 – Number creation
 - ii. Dec 2004 – Database creation
 - iii. Dec 2004 – Begin investigating water quality complaints
- 4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
- 5. Rationale for choosing BMP and setting measurable goals:
The Citizen Complaint Contact Number will provide a way for residents of Peachtree City to be an “auxiliary” inspection force ensuring that water quality and erosions and sedimentation violations are being investigated. This BMP is also intended to engage citizens in local water resources protection thereby educating them about the causes and effects of water pollution.

-END-

Appendix C

Illicit Discharge Detection and Elimination

40 CFR Part 122.34(b)(3) Requirement: You must develop, implement and enforce a program to detect and eliminate illicit discharges into your small MS4. You must:

- A) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the State that receive discharges from those outfalls;
- B) Effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
- C) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping to your system; and
- D) Inform public employees, businesses, and the general public of hazards associated with discharges and improper disposal of waste.

A. Storm Sewer Map

1. Does the MS4 have a completed storm sewer map showing the location of all outfalls and the names and location of all waters of the State that receive discharges from those outfalls? Yes _____ No X

If yes, submit the storm sewer system map as an addendum to this form.

2. If the storm sewer system map must be developed, provide a schedule for completion (e.g. 30% of system to be mapped each year):

<u>Task</u>	<u>Interim Date</u>
1. Establish Mapping Implementation Plan	June 1, 2004
2. Complete 33% of Mapping	February 1, 2005
3. Complete 66% of Mapping	December 1, 2005
4. Complete 100% of Mapping	December 1, 2006

Final completion date / date for submittal to EPD (No later than December 9, 2006): December 9, 2006

-END-

B. Ordinance / Regulatory Mechanism Evaluation

1. Does the MS4 have an ordinance or regulatory mechanism that effectively prohibits illicit discharges? Yes X No

If yes, submit a copy as an addendum to this form.

2. If an evaluation of the ordinance / regulatory mechanism must be completed, or the MS4 is aware that the ordinance / regulatory mechanism will require revision, then a schedule for development of the document should be provided:

Task
N/A

Interim Date
N/A

Final completion date / date for submittal to EPD (No later than December 9, 2006): N/A

-END-

C. Best Management Practice (BMP) #1 – Industry Database

1. Description of BMP:

The City will create and maintain a database of industrial and commercial sites that could contribute to stormwater pollution. This database will eventually be migrated to a Geographic Information System (GIS) format. This will then serve to establish potential pollutants to monitor in the City's stream network. Anticipated sources of data will include Source Water Assessments, NPDES Industrial Permits, Peachtree City Water & Sewerage Authority pretreatment program and business licenses.

Information cataloged in the database will include industry/business name, activities that could affect water quality, location, and receiving waters for stormwater runoff. The database will be updated annually. Examples of businesses to be included in the industry database are restaurants, car washes, landscaping operations, pest control, dry cleaners, golf courses, and waste haulers.

The database will be used as a reference tool when an illicit discharge is detected or suspected. If the evidence indicates that the illicit discharge is industrial in nature, City staff can consult the database to find the potential source. A site inspection will then be conducted at the facility (See BMP#4: Source Tracing).

2. Measurable Goal(s):

- a. Creation of industry/business database
- b. Mapping of industry/business database
- c. Annual update of database

3. Schedule:

- a. Interim Milestone Dates:
 - i. Dec 2004 – Establish Industry Database
 - ii. Dec 2004 – Mapping of industry/business database
 - iii. Dec 2005 – Update Database
- b. Implementation Date: Dec 2004
- c. Frequency of actions: Update Database – Annually
- d. Month/Year of each action:
 - i. Dec 2004 – Establish Industry Database
 - ii. Dec 2004 – Mapping of industry/business database
 - iii. Dec: 2005, 2006, 2007 – Update Database

-CONTINUED-

4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goal(s):
The City has a number of industrial facilities within the corporate limits of the community. Additionally, during past water quality sampling efforts, the water quality of some stream segments was noted to be relatively healthy but macroinvertebrate communities were somewhat impaired suggesting that some form of illicit discharge had occurred in the past. Maintaining a database of industries will help the City determine the potential source and type of illicit discharges.

-END-

D. Best Management Practice (BMP) #2 – Water Quality Sampling Program

1. Description of BMP:

The City has developed a water quality sampling program that was implemented in 2002. The program is designed to examine general water quality trends over time. This program consisted of monitoring 34 individual sites around the City for various water quality, insitu and biologic parameters.

Water quality parameters – Fecal coliform, *E. coli*, BOD, TKN, pH, alkalinity, metals

In-situ parameters – Temperature, DO, turbidity, conductivity, and salinity

Biological sampling – Three macroinvertebrate species

Twelve of the 34 sites are sampled annually for all parameters. The other 22 sites are split in to two groups of 11. In any given year one group is sampled for water quality and insitu parameters and the other site is sampled for biologic parameters. The next year the sites are reversed. There are four sampling events at each site, two are wet weather (sample is taken within 24 hours of a rain event greater than 0.1") and two are dry weather (samples are taken after 72 hours with no rain event over 0.1").

The sampling team is composed of City staff and consultants who are trained in water quality sampling techniques. Water quality samples are taken midstream in a sterile bottle. Fecal coliform and BOD samples are taken to the Peachtree City Water and Sewer Authority for analysis within 6 hours of being taken. *E. coli*, TKN, pH, alkalinity and metals samples are analyzed by the University of Georgia. In-situ samples are analyzed by using Hydro-Lab[®] equipment that is calibrated at the beginning of each sampling event. Biological sampling is conducted by taking a grab sample of sediment from the bed of the waterway, sorting through it, and identifying the macro-invertebrates. The results are used to calculate an EPT index that gives an indication of water quality. The invertebrates used to calculate the index are pollution sensitive.

Ultimately, this program will establish whether activities within the watersheds are detrimental to the health of the stream and if illicit discharges are occurring within the streams.

2. Measurable Goal(s):

- a. Twelve sites are sampled for all parameters each year
- b. Eleven sites are sampled for biological parameters each year
- c. Eleven sites are sampled for water quality and insitu samples each year.
- d. Data is analyzed to look for trends and included in the Annual Report

-CONTINUED-

3. Schedule:
 - a. Interim Milestone Dates: N/A
 - b. Implementation Date: Mar 2002
 - c. Frequency of actions: Sampling – Yearly
 - d. Month/Year of each action: 2002, 2003, 2004, 2005, 2006, 2007
4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goal(s):

The City has performed a number of water quality sampling efforts over the past 10 to 12 years. As part of the sampling effort in 2002, the City cataloged the past data into a comprehensive GIS database. This data along with the current water quality sampling effort provide a starting baseline for incorporating further water quality data.

-END-

E. Best Management Practice (BMP) #3 – Dry Weather Screening Program

1. Description of BMP:

In an effort to ameliorate the existing water quality sampling program to meet requirements of the NPDES Phase II MS4 permit, Peachtree will develop a dry weather-screening program that will consist of inspecting outfalls and sampling any dry weather flow to determine if upstream facilities/connections are discharging non-stormwater flows to the drainage system.

City staff will develop procedures to conduct dry weather screening at selected outfalls within Peachtree City. The dry weather screening procedures will include the following information:

- Outfalls to be sampled
 - Outfalls will be chosen based on the following priorities:
 - Results from the water quality sampling that indicate a potential water quality issue
 - Proximity to 303(d) listed waterways
 - Located in industrialized area (based on Industry database and map)
- What constitutes dry weather flow (i.e. any flow after 72 hours without a significant rain event of over 0.1")
- Parameters to be sampled for if dry weather flow is detected
- Acceptable baseline limits for chosen parameters
- Equipment to be used in sampling
- Identify field sampling team
- QA/QC procedures
- Staff training
- Laboratory to be used for fecal coliform testing
- Sampling schedule
- Procedure for reporting a potential illicit discharge

If there is dry weather flow, and if the detected limits of any the sampling parameters are above their acceptable baseline limits, the City will initiate the source tracing and removal program described in Appendix C, BMP#5.

2. Measurable Goal(s):

- a. Develop dry weather screening procedures
- b. Submit procedures to the EPD for approval
- c. Annual sampling of chosen outfall monitoring locations

-CONTINUED-

3. Schedule:
 - a. Interim Milestone Dates:
 - i. Dec 2005 – Develop screening process and procedures
 - ii. Jan 2006 – Submit to EPD for approval
 - iii. Jun 2006 – Begin dry weather screening
 - b. Implementation Date: Jun 2006
 - c. Frequency of actions: Dry weather screening – Annual
 - d. Month/Year of each action:
 - i. Dec 2005 – Develop screening process and procedures
 - ii. Jan 2006 – Submit to EPD for approval
 - iii. Jun 2006 – Begin dry weather screening
4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goal(s):

This BMP will utilize City staff to screen drainage outfalls in Peachtree City to identify prohibited activities. This BMP meets specific requirements of the NPDES Phase II MS4 permit.

-END-

F. Best Management Practice (BMP) #4 – Source Tracing and Removal Procedures

1. Description of BMP:

Once an illicit discharge is detected through the dry weather-screening program, it will be the responsibility of the City to attempt to trace the source and remove the illicit connection. The source-tracing program will involve four elements:

- Visual inspection
- Additional field sampling
- Stormwater inspection
- Dye testing

Upon detection of a potential illicit discharge, City staff will visually inspect upstream of the outfall in question to search for evidence indicating the source of the illicit discharge or illegal dumping. If the upstream search does not provide definitive evidence of the source, then City staff may elect to perform one or all of the following: additional field sampling, dye testing, and/or stormwater inspection.

Additional field sampling may be performed within the conveyance system. Samples will be taken at storm sewer line connections and convergences to determine the source of illicit discharge.

The City may also elect to perform a stormwater site inspection at a facility suspected of having an illicit connection. A standard stormwater inspection checklist will be developed for use during these site inspections. During inspection, dye testing may be performed to determine if there is a tie in. Potential illegal connections, such as floor drains, will be investigated as part of this inspection process.

Dye testing may be performed if the suspected illicit connection is likely to be an illegal sanitary sewer line tie-in, i.e. sampling revealed high levels of fecal coliform, detergent, or high conductivity. In dye testing, non-toxic fluorescent dye is flushed down a toilet or sink, and if the dye appears in the storm sewer system, then an illegal tie in is confirmed.

If the suspected illicit discharge is a sanitary sewer tie in, and all other methods offer no clues, Peachtree City may contract with the Peachtree Water and Sewer Authority or a private contract to perform either line televising or smoke testing.

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Upon identification of a source of illicit discharge, it will be the Peachtree City Code Enforcement Officer's responsibility to enforce the Illicit Discharge Ordinance. These regulations give the City the authority to require parties illegally discharging to the MS4 to remove the illicit connection as well as penalize violators of the ordinance. The procedures to be followed when issuing a violation and/or implementing enforcement actions are included in the Illicit Discharge Ordinance.

2. Measurable Goal(s):
 - a. Stormwater inspection checklist developed
 - b. 100% of suspected illicit discharges investigated
 - c. 100% of identified illicit connections removed
3. Schedule:
 - a. Interim Milestone Dates:
 - i. Dec 2005 – Stormwater inspection checklist developed
 - ii. Jun 2006 – Dry weather screening program begins
 - iii. Jun 2006 – Source tracing and removal program begins
 - b. Implementation Date: Jun 2006
 - c. Frequency of actions: All suspected illicit discharges will be investigated
 - d. Month/Year of each action:
 - i. Dec 2005 – Stormwater inspection checklist developed
 - ii. Jun 2006 – Dry weather screening program begins
 - iii. Jun 2006 – Source tracing and removal program begins
4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goals:

NPDES MS4 Phase II regulations require local governments to trace and eliminate the source of illicit discharge into the MS4. By locating, tracing, and eliminating illicit connections, the City will protect water quality in the MS4 and local waterways into which the MS4 discharges.

-END-

G. Best Management Practice (BMP) #5 – Informational Display

1. Description of BMP:

The City's main office (City Hall) and the City Public Library are consolidated into one public facility. Additionally, this facility is located adjacent to a public park and large lake that is a focal point of the community. As such, the City will establish and maintain an informational display in the library and City Hall of various educational materials related to stormwater management and water resources issues. The display will include a board for posting information and photos and an area to distribute information brochures. The city will create a plan for this display and submit it to EPD. The plan will show the design of the display board, arrangement of brochures, and any additional media such as video or hands-on activities. City staff will then research and gather materials to include in the display. Peachtree City will include information on the following subjects: impacts of storm water discharges on water bodies, steps that the public can take to reduce pollutants in storm water runoff, Xeriscape landscaping, water conservation, hazards associated with discharges and improper disposal of waste, and Peachtree City's stormwater program, etc. The City will utilize information available from P2AD, UGA, Clean Water Campaign, etc.

2. Measurable Goal(s):

- a. Develop a plan/design for display
- b. Submit plan to EPD
- c. Gather materials for display
- d. Create display
- e. Replenish materials in display
- f. Review and update materials in display

3. Schedule:

- a. Interim Milestone Dates:
 - i. Jun 2004 – Design display and submit plan to EPD
 - ii. Dec 2004 – Gather materials for display
 - iii. Jun 2005 – Create display
- b. Implementation Date: Jun 2005
- c. Frequency of actions:
 - i. Replenish materials in display – Semi-Annual
 - ii. Review and update materials in display – Annual

-CONTINUED-

- e. Month/Year of each action:
 - i. Jun 2004 – Design display and submit plan to EPD
 - ii. Dec 2004 – Gather materials for display
 - iii. Jun 2005 – Create display
 - iv. Dec: 2005, Jun and Dec: 2006, 2007 – Replenish materials in display
 - v. Jun 2006, 2007 – Review and update materials in display
- 4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
- 5. Rationale for choosing BMP and setting measurable goal(s):
The proximity of the public facilities to the park and lake as well as the heavy use of the City Library and City Hall by the public will ensure that the display is heavily visited by citizens and City employees.

-END-

H. Best Management Practice (BMP) #6 – Recycling Program

1. Description of BMP:

Peachtree City currently operates a recycling center that accepts the following materials:

- Cardboard (corrugated)
- Magazines
- Newspapers
- Aluminum beverage cans
- Tree trunks - 3" to 12" diameter and 4' maximum length
- Grass clippings & dried leaves

The City will maintain this sites while encouraging residents to dispose of these items in an environmentally sound manner. This BMP will also seek to encourage greater participation through the public outreach and education program. The recycling program will be advertised through the City website, newsletter, and display.

2. Measurable Goal(s):

- a. Record the tonnage or volume of each type of material recycled each year and include in annual report
- b. Include and update information on the recycling program on the stormwater website
- c. Include information on recycling program in display
- d. Include information in City Newsletter

3. Schedule:

- a. Interim Milestone Dates:
 - i. Dec 2004 – Report amount of material recycled in annual report
 - ii. Dec 2004 – Include information in City Newsletter
 - iii. Mar 2005 – Include information on program on website
 - iv. Jun 2005 – Include information in display
- b. Implementation Date: Dec 2004
- c. Frequency of actions:
 - i. Record tonnage or volume of materials recycled – Annually
 - ii. Update information on website – Annually
 - iii. Include information in Newsletter – Annually
 - iv. Update information in display – Annually

-CONTINUED-

- d. Month/Year of each action:
 - i. Dec: 2004, 2005, 2006, 2007 – Report amount of material recycled and number of visitors in annual report
 - ii. Mar: 2005, 2006 – Include/update information on program on website
 - iii. Dec 2004, 2005, 2006, 2007 – Include information in City Newsletter
 - iv. Jun 2005, 2006, 2007 – Include/update information in display
- 4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
- 5. Rationale for choosing BMP and setting measurable goal(s):
Peachtree City currently operates a recycling program for potentially polluting materials that might otherwise end up in the MS4. The City also encourages citizens to recycle.

-END-

Appendix D

Construction Site Storm Water Runoff Control

40 CFR Part 122.34(b)(4) Requirement: You must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Your program must include:

- A) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance;
- B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- D) Procedures for site plan review which incorporate consideration of potential water quality impacts;
- E) Procedures for receipt and consideration of information submitted by the public; and
- F) Procedures for site inspection and enforcement of control measures.

A. Ordinance Evaluation

1. Does the MS4 have an ordinance which is adequate to require erosion and sediment controls at construction sites? Yes _____ No X

If no, see item #3.

2. Does the ordinance include sanctions for failure to comply with erosion and sediment control requirements? Yes _____ No X

If no, see item #3.

-CONTINUED-

3. If an evaluation of the ordinance must be completed, or the MS4 is aware that the ordinance will require revision, then a schedule for development of the document should be provided:

Task

Adopt new Model E&S Ordinance

Interim Date

July 2004

Final completion date / date for submittal to EPD (No later than December 9, 2006): N/A

-END-

B. Best Management Practice (BMP) #1 – Site Plan Review

1. Description of BMP:

Peachtree City is its own Issuing Authority, and remains in compliance with Georgia Erosion and Sediment Control Act (GESA) of 1975 as amended in 2003. Accordingly, all developers are required to comply with the local E&S Ordinance and obtain a land disturbance permit prior to the start of any land disturbing activities (LDA) that will disturb one (1.0) or more acres of land within the City limits.

Erosion Sedimentation and Pollution Control Plans (ESPCP) are submitted to Peachtree City in a LDA Permit application. ESPCP plans are reviewed by a Peachtree City staff member who has received the State sponsored E&S training. Peachtree City has entered into a Memorandum of Agreement with the National Resources Conservation District to review and approve its own ESPCPs. Regulations of GESA and the Peachtree City E&S Ordinance must be met by the ESPCP and include the requirements to control turbidity in the site runoff, control impacts on receiving streams and the implementation of the minimum control measures. Once an ESPCP is approved, the developer is issued a Land Disturbing Activities Permit by Peachtree City and can commence with land disturbing activities.

Peachtree City has adopted the new Model E&S Ordinance. This amended ordinance requires that local developers pay permit fees of \$40.00 per disturbed acre to Peachtree City. Peachtree City has begun to notify developers of this requirement and collect the associated fees.

2. Measurable Goal(s):

- a. 100% of ESPCPs submitted to Peachtree City are reviewed by NRCS for compliance with GESA and the Centerville Erosion and Sedimentation Ordinance
- b. 100% Land Disturbing Activities Permits are granted only after ESPCP is approved

3. Schedule:

- a. Interim Milestone Dates: N/A
- b. Implementation Date: Jan 2004
- c. Frequency of actions:
 - i. Review ESPCP – For each plan submitted
 - ii. Issue Land Disturbing Activities Permits – For all approved ESPCPs

-CONTINUED-

- d. Month/Year of each action:
 - i. Jan 2004 – Begin to collect LDA fees
 - ii. Jul 2004 – Adopt new Model E&S Ordinance
- 4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
- 5. Rationale for choosing BMP and setting measurable goal(s):
The City is performing this effort as part of its responsibility as an Issuing Authority under the State's Erosion and Sedimentation Act.

-END-

C. Best Management Practice (BMP) #2 – Inspection Program

1. Description of BMP:

Peachtree City currently inspects active construction projects within the City limits that maintain Land Disturbance Permits. Sites are inspected for compliance with their approved ESPCP plan. All construction sites will be inspected shortly after land disturbing activities have commenced to ensure that all E&S BMPs are in place. Regular weekly inspections will take place after that based on the following priorities:

- Evidence of erosion or sediment leaving the site
- Size of the project
- History of non-compliance with ESPCP plan and E&S regulations
- Citizen complaints
- Proximity to local waterways

All construction sites will be inspected after construction activity has ceased to ensure that the site has been properly stabilized.

During inspections, Peachtree City staff will check for compliance with the approved ESPSP, Peachtree City's Erosion & Sedimentation Ordinance, and with the "litter" provision of the Water Resources Protection Ordinance that reads, "Trash, garbage, construction materials, construction by-products or other debris shall not be deposited in any part of the drainage system."

A checklist will be developed so that all inspections are uniform, and also to provide the City and the Land Disturbance Permit holder with a written record of the inspection findings. This checklist will be submitted to EPD when complete. A log will be kept by the Peachtree City of all E&S inspection records.

If upon inspection, a site is found to be in non-compliance, the Land Disturbance Permit holder will be notified verbally at the time of inspection (if possible), and in written form thereafter. The contractor will be provided with a copy of the inspection report and will be given a timeline for compliance (not to exceed five days). Peachtree City E&S inspectors will then reinspect the site to ensure that the appropriate measures have been implemented. If, upon the second inspection, a construction site is found to still be out of compliance with the approved ESPCP plan, the site will be considered in violation and the responsible person could be issued a stop-work order and given a citation. Upon the third violation, the responsible person may forfeit their bond.

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2. Measurable Goal(s):
 - a. Create Erosion and Sedimentation Control Checklist and submit to EPD
 - b. 100% of construction sites with LDA permits will be inspected at the start of land disturbing activities
 - c. 100% of construction sites with LDA permits will be inspected at the close of land disturbing activities
 - d. 100% of construction sites found to be in noncompliance with their ESPCP will receive written notification of their violation
 - e. 100% of construction sites that are found to be in noncompliance will be reinspected to ensure that appropriate measures are implemented
 - f. 100% of records from inspections entered into City E&S log
3. Schedule:
 - a. Interim Milestone Dates:
 - i. Jun 2004 – Erosion and sedimentation checklist created and submitted to EPD
 - ii. Jun 2004 – E&S log created
 - iii. Jul 2004 – Inspections begin on schedule described above
 - b. Implementation Date: Jul 2004
 - c. Frequency of actions: Inspections – At least twice per every construction site with a Land Disturbing Activities Permit
 - d. Month/Year of each action:
 - i. Jun 2004 – Erosion and sedimentation checklist created and submitted to EPD
 - ii. Jun 2004 – E&S log created
 - iii. Jul 2004 – Inspections begin on schedule described above
4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goal(s):

The City is performing this effort as part of its responsibility as an Issuing Authority under the State's Erosion and Sedimentation Act.

-END-

D. Best Management Practice (BMP) #3 – Citizen Complaint Contact Number

1. Description of BMP:

The City of Peachtree will create a Citizen Compliant Contact Number so citizens can report water quality and erosion and sedimentation violations. The call will be answered by a City staff member who will forward the complaint to the appropriate City department. If necessary, the complaint will be forwarded to the appropriate State or Federal department (if it is not within the City's jurisdiction). The City staff member who takes the original citizen complaint call will be responsible for entering the date, time, location, and nature of the complaint as well as the contact information for the citizen into the electronic Citizen Complaint Database. The database will be developed so that all City departments can access it for updates.

Once the call has been forwarded to the appropriate department, City staff within that department will be responsible for considering all calls, investigating all reasonable calls within five working days, and taking any necessary enforcement actions in a timely manner. Department staff will also be responsible for entering into the same Citizen Complaint Database any action taken by Peachtree City staff based on the complaint.

The Citizen Complaint Contact Number will be publicized through the stormwater management web page, the Peachtree City newsletter, and the display. The Stormwater Management Web Page will eventually contain a link so that citizens can report complaints electronically.

2. Measurable Goal (s):

- a. Creation of the Citizen Complaint Contact Number
- b. Creation of Citizen Complaint Database
- c. Continuous update of database
- d. City staff addresses 100% of calls received
- e. City staff investigates 100% of reasonable calls within five working days.
- f. City staff takes appropriate action for 100% of complaints that require it

3. Schedule:

- a. Interim Milestone Dates:
 - i. Dec 2004 – Citizen Complaint Contact Number created, posted on website, and included in display
 - ii. Dec 2004 – Database developed
 - iii. Dec 2004 – Begin investigating complaints
- b. Implementation Date: Dec 2004

-CONTINUED-

- c. Frequency of actions:
 - i. Database update – As calls are received
 - ii. Water quality investigation – As calls are received
- d. Month/Year of each action:
 - i. Dec 2004 – Number creation
 - ii. Dec 2004 – Database creation
 - iii. Dec 2004 – Begin investigating water quality complaints
- 4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
- 5. Rationale for choosing BMP and setting measurable goals:
The Citizen Complaint Contact Number will provide a way for residents of Peachtree City to be an “auxiliary” inspection force ensuring that water quality and erosions and sedimentation violations are being investigated. This BMP is also intended to engage citizens in local water resources protection thereby educating them about the causes and effects of water pollution.

-END-

Appendix E

Post-Construction Storm Water Management in New Development and Redevelopment

40 CFR Part 122.34(b)(5) Requirement: You must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. You must:

- A) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community;
- B) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development or redevelopment projects; and
- C) Ensure adequate long-term operation and maintenance of BMPs.

A. Ordinance Evaluation

1. Does the MS4 have an ordinance that effectively controls runoff from new development or redevelopment construction sites?
Yes _____ X _____ No _____

If yes, submit a copy as an addendum to this form.

2. If an evaluation of the ordinance must be completed, or the MS4 is aware that the ordinance will require revision, then a schedule for development of the document should be provided:

Task
N/A

Interim Date
N/A

Final completion date / date for submittal to EPD (No later than December 9, 2006): N/A

Peachtree City's Post-Construction Ordinance references the Georgia Stormwater Management Manual (GSMM) as Peachtree City's comprehensive post-construction control design manual. Adoption of the GSMM enables designers and engineers to have a comprehensive reference tool to utilize while addressing the City's ordinance requirements.

-END-

B. Best Management Practice (BMP) #1 – BMP Mapping

1. Description of BMP:

In order to develop a BMP Inspection and Maintenance program, Peachtree City must first establish the location and ownership of all existing BMPs. The City will develop a GIS database of the location of all BMPs, the type of ownership (residential, commercial, or municipal), and the actual owner. City staff will use GPS equipment during field surveys and developer as-build specifications to establish location, and will use County tax parcel information to establish ownership.

Once all BMPs have been identified, the City will maintain the system with construction of all new BMPs being identified / mapped within the GIS system at the time of issuance of a certificate of occupancy.

2. Measurable Goals:

- a. Database created
- b. 100% of existing BMPs mapped
- c. 100% of new BMPs entered into database

3. Schedule:

a. Interim Milestone Dates:

- i. Jun 2004 – Database created
- ii. Jun 2004 – All new BMPs after this date entered into database
- iii. Jun 2005 – 100% of existing BMPs mapped

b. Implementation Date: Jun 2005

c. Frequency of actions: N/A

d. Month/Year of each action:

- i. Jun 2004 – Database created
- ii. Jun 2004 – All new BMPs after this date entered into database
- iii. Jun 2005 – 100% of existing BMPs mapped

4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)

5. Rationale for choosing BMP and setting measurable goal(s):

In order to develop and implement a BMP Inspection and Maintenance program, the City must first establish the location and ownership of all existing BMPs.

-END-

C. Best Management Practice (BMP) #2 – BMP Inspection Program

1. Description of BMP:

Peachtree City has traditionally required the implementation of flood control facilities such as detention ponds. In addition to these controls, the City has also recently implemented a post-construction water quality component to its code of ordinances requiring implementation of best management practices to control the increase of pollutant loadings resulting from new development and redevelopment. As such, the City will implement a post construction BMP inspection program.

The goal of this BMP will be the successful implementation of a long-term maintenance program for existing and future structural BMPs designed and constructed as part of the City's development guidelines for both public and private developments. Priorities will focus on those structures that have the highest effect on peak flow reduction, water pollution reduction and those structures which could jeopardize the safety of the public.

Implementation and operation of this BMP will include the following:

- Development and adoption of an inspection procedure/checklist
- Establishment of an inspection schedule
- Development of a notification and compliance procedure

The City Engineering Department will inspect all publicly and privately owned BMPs (detention/retention ponds, impoundments, stormwater wetlands, etc.) to determine if they are in proper working condition and if any maintenance is required. If maintenance is needed, the City will address it as follows:

Municipally owned BMP's will be maintained by the City. Maintenance may include removal of debris, litter, and/or sediment; outfall repair; conveyance upgrading or repair, bank stabilization; or weir maintenance. All debris and litter removed will be disposed of at a local landfill.

Privately owned BMPs will remain the responsibility of the private owner. The City will work with the owners of existing privately owned BMPs to help them understand their maintenance responsibilities. When the Engineering Department inspects the BMP and discovers that maintenance is needed, the Engineering Department will notify the private BMP owner about the problem and necessary remedial action.

Where existing privately owned BMP (both commercial and residential) were constructed without any agreements or regulations stipulating owner responsibility for maintenance so that the City has no available method of enforcement, the City will perform maintenance responsibilities on an emergency basis only.

-CONTINUED-

2. Measurable Goal(s):

- a. Develop inspection procedure/checklist
- b. Develop notification and compliance procedure
- c. Develop inspection schedule
- d. Submit procedures and schedule to EPD
- e. Inspect BMPs according to inspection schedule
- f. Maintain 100% of substandard municipal BMPs
- g. Notify 100% of owners of private BMPs of inspection results and if maintenance is needed

3. Schedule:

- a. Interim Milestone Dates:
 - i. Aug 2005 – Develop inspection procedure/checklist
 - ii. Aug 2005 – Develop notification and compliance procedure
 - iii. Oct 2005 – Develop inspection schedule
 - iv. Oct 2005 – Submit procedure/checklist to EPD
 - v. Mar 2006 – Begin inspecting BMPs
 - vi. Mar 2006 – Begin maintaining municipal BMPs
 - vii. Mar 2006 – Begin notifying private BMP owners
- b. Implementation Date: Mar 2006
- c. Frequency of actions:
 - i. Inspections – As per schedule
 - ii. Maintenance – As needed
- d. Month/Year of each action: See Above

4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)5. Rationale for choosing BMP and setting measurable goal(s):

The City anticipates that the number of structural BMPs constructed, as part of the design requirements, will increase substantially. As such, the City proposes to implement this program in an effort to ensure that BMPs are functioning to adequately treat water quality and quantity.

-END-

Appendix F

Pollution Prevention / Good Housekeeping for Municipal Operations

40 CFR Part 122.34(b)(6) Requirement: You must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

A. Best Management Practice (BMP) #1 – Employee Training

1. Target Audience: City Employees
2. Description of BMP:
The City will develop and implement a training program for new and existing employees that will teach proper storage and disposal methods for potentially polluting materials commonly handled by the staff. The training procedure will be developed for all employees that come in contact with materials such as motor oil, solvents, pesticides, etc. along with guidelines for handling, storage, application, and disposal of materials. Resources including P²AD, UGA and the local LEPC will be utilized to develop the training program. The training session will take place annually. The first session will train existing employees and additional sessions will train new employees. If an employee is absent one year, they will be required to attend the session the next year. Employees will be required to reattend the annual training session every three years to refresh their knowledge of proper procedure. The number of employees trained every year will be documented.
3. Measurable Goal(s):
 - a. Develop training program/guidelines
 - b. Conduct training for 85% existing employees
 - c. Conduct annual training for all new employees
 - d. 85% employees reattend training every three years
4. Schedule:
 - a. Interim Milestone Dates:
 - i. Dec 2004 – Develop training program/guidelines
 - ii. Mar 2005 – Hold first training session
 - b. Implementation Date: Feb 2005
 - c. Frequency of actions:
 - i. Training sessions – Annually
 - ii. Employee refresher – Every three years

-CONTINUED-

- d. Month/Year of each action:
 - i. Dec 2004 – Develop training program/guidelines
 - ii. Feb 2005, 2006, 2007 – Training Session
- 5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
- 6. Rationale for choosing BMP and setting measurable goal(s):
The City believes that the staff should have adequate training in the handling of hazardous materials to reduce the potential that these materials will be accidentally discharged into the MS4.

-END-

B. Best Management Practice (BMP) #2 – MS4 Inspection Program

1. Description of BMP:

The City's growth has caused a significant expansion of the City's stormwater management infrastructure. To ensure long-term functionality of this infrastructure, a MS4 inspection and maintenance program will be implemented. This will include developing an inspection procedure / checklist for inspecting the elements of the MS4, including storm sewer lines, catch basins, culverts (BMPs are inspected as part of the BMP Inspection Program, Appendix E, BMP#3). The inspection procedure/checklist will be submitted to EPD for approval. These inspections will include examinations for both structural and water quality concerns.

In order to identify major components of the drainage system, the MS4 will be mapped (See Appendix C, Section A: Storm Sewer Map). As part of this mapping process, all major storm sewer lines, catch basins, culverts will be mapped. As the system is mapped, it will also be inspected. After the major systems have been mapped, a final inspection schedule will be developed and submitted to EPD in the Dec 2006 Annual Report.

From these inspections, proactive maintenance and system cleaning will be performed on an as needed basis to ensure functional operation of the drainage system during future storm events. The City will conduct these inspections on a periodic basis such that routine maintenance can be performed on major drainage systems thereby reducing the potential for significant drainage system failures. Maintenance activities will include removal of debris, litter, and sediment; regrading; upgrading or repairing infrastructure; and repair and abatement of erosion. All debris and litter removed will be disposed of at a local landfill.

2. Measurable Goal(s):

- a. Development of inspection procedure/checklist
- b. Submit procedure/checklist to EPD
- c. Mapping and first inspection of MS4
- d. Development of final schedule of MS4 inspections

-CONTINUED-

3. Schedule:

- a. Interim Milestone Dates:
 - i. Aug 2004 – Development of inspection procedure/checklist
 - ii. Aug 2004 – Submit inspection procedure/checklist to EPD for approval
 - iii. Dec 2006 – Mapping and first inspection of MS4 100% complete
 - iv. Dec 2006 – Development and submittal to EPD of final MS4 inspection schedule
- b. Implementation Date: Dec 2006
- c. Frequency of actions:
 - i. Inspections – One third of major systems each year, the final schedule is TBD
 - ii. Maintenance – As needed
- d. Month/Year of each action: See above

4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)

5. Rationale for choosing BMP and setting measurable goal(s):

This BMP will allow the City to ensure long term maintenance of the City's MS4 as well as identifying potential water quality problems and future CIP projects.

-END-

C. Best Management Practice (BMP) #3 – Flood Management (CIP) Water Quality Analysis Program

1. Description of BMP:

Capital Improvement Projects (CIP) or new flood management projects and existing flood management projects will be examined for existing levels of water quality impact and then reviewed to see if water quality enhancements are achievable within the context of the project. The City will develop a design review procedure/checklist for use by City staff regarding the feasibility of incorporating water quality enhancements into the design of future flood management projects. This checklist/procedure will be submitted for EPD review in the 2004 Annual Report. The checklist will also be used to analyze existing municipal flood management control BMPs (including detention ponds) in 303(d) listed watersheds to ascertain if there is a potential to retrofit the existing BMP to better address water quality. The City will attempt to incorporate water quality enhancements to existing and future BMPs provided that it can be accomplished in a cost effective manner.

2. Measurable Goal(s):

- a. Develop review procedure checklist
- b. Submit checklist to EPD
- c. Use checklist on 100% of future BMP/CIP designs
- d. Use checklist to review one existing BMP per year for a retrofit to address water quality

3. Schedule:

- a. Interim Milestone Dates:
 - i. Dec 2004 – Develop water quality checklist/procedure
 - ii. Dec 2004 – Submit checklist/procedure for EPD review
 - iii. Mar 2005 – Analyze all future CIPs for water quality enhancements
 - iv. Dec 2005 – Analyze first existing BMP for retrofit potential
- b. Implementation Date: Dec 2005
- c. Frequency of actions:
 - i. Analyze all future CIPs – As necessary
 - ii. Analyze one existing BMP – Annually
- d. Month/Year of each action:
 - i. Dec 2004 – Develop water quality checklist/procedure
 - ii. Dec 2004 – Submit for EPD review
 - iii. Mar 2005 – Analyze all future CIPs for water quality enhancement
 - iv. Dec 2005, 2006, 2007 – Analyze one existing BMP for retrofit potential

4. Person (position) responsible for overall management and implementation of the BMP: Mike Brumfield (Director of Utilities)
5. Rationale for choosing BMP and setting measurable goal(s):
The City anticipates that a number of CIP projects will be undertaken through the ongoing SPLOST program. As such, this BMP will allow the City numerous opportunities to incorporate water quality considerations into the ongoing CIP design work.

-END-

D. Best Management Practice (BMP) #4 – Street Sweeping

1. Description of BMP:
The Peachtree City Public Works Department will sweep all major intersections (arterials and commercial roads) with curb and gutter on a monthly basis in an effort to remove pollutants from the road before they enter the MS4. Peachtree has prioritized these intersections because of the high traffic volume and the tendency for litter and debris to collect. The City will also sweep all municipal parking lots monthly. All debris and litter removed will be disposed of at a local landfill.
2. Measurable Goals:
 - a. Sweep 100% of arterial and commercial intersections with curb and gutter on a monthly basis
 - b. Sweep 100% of municipal parking lots on a monthly basis
3. Schedule:
 - a. Interim Milestone Dates: Dec 2006 – Begin quarterly street sweeping
 - b. Implementation Date: Dec 2006
 - c. Frequency of Action: Street sweeping – Quarterly
 - d. Month/year of each action: Dec 2006, Mar, Jun, Sep, Dec 2007 – Street sweeping
4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goal(s):
It is always easier and more cost effective to remove potential pollutants at the source rather than try to mitigate their effect on the MS4 after they enter the system. With this in mind, Peachtree City has elected to begin a scheduled street sweeping program to remove pollutants on the street before they are washed into the MS4.

-END-

E. Best Management Practices (BMP) #5 – Roadside Litter Pickup

1. Description of BMP:
The City Maintenance crew will continue to pick up roadside trash and debris along City owned right-of-ways on arterial and commercial roads within the City limits. The maintenance crew picks up right-of-ways before mowing them. The right-of-ways are cleared of litter on a weekly basis during the growing season (Apr – Oct), and on a monthly basis throughout the rest of the year. All trash and debris removed will be disposed of at a local landfill.
2. Measurable Goal(s):
 - a. Monthly right-of-way trash and debris pickups Nov – Mar
 - b. Weekly right-of-way trash and debris pickups
 - c. 90% of right-of-ways along commercial and arterial roads will be picked up
3. Schedule:
 - a. Interim Milestone Dates: Mar 2005 – Begin monthly schedule of pickups
 - b. Implementation Date: Mar 2005
 - c. Frequency of actions: Pickups of medians along arterials and commercial roadways picked up – Monthly
 - d. Month/Year of each action: Monthly: 2005, 2006, 2007
4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goal(s):
Picking up roadside trash and debris will prevent it from entering the MS4.

-END-

F. Best Management Practice (BMP) #6 – Recycling Program

1. Description of BMP:

Peachtree City currently operates a recycling center that accepts the following materials:

- Cardboard (corrugated)
- Magazines
- Newspapers
- Aluminum beverage cans
- Tree trunks - 3" to 12" diameter and 4' maximum length
- Grass clippings & dried leaves

The City will maintain this sites while encouraging residents to dispose of these items in an environmentally sound manner. This BMP will also seek to encourage greater participation through the public outreach and education program. The recycling program will be advertised through the City website, newsletter, and display.

2. Measurable Goal(s):

- a. Record the tonnage or volume of each type of material recycled each year and include in annual report
- b. Include and update information on the recycling program on the stormwater website
- c. Include information on recycling program in display
- d. Include information in City Newsletter

3. Schedule:

- a. Interim Milestone Dates:
 - i. Dec 2004 – Report amount of material recycled in annual report
 - ii. Dec 2004 – Include information in City Newsletter
 - iii. Mar 2005 – Include information on program on website
 - iv. Jun 2005 – Include information in display
- b. Implementation Date: Dec 2004
- c. Frequency of actions:
 - i. Record tonnage or volume of materials recycled – Annually
 - ii. Update information on website – Annually
 - iii. Include information in Newsletter – Annually
 - iv. Update information in display – Annually

-CONTINUED-

- d. Month/Year of each action:
 - i. Dec: 2004, 2005, 2006, 2007 – Report amount of material recycled and number of visitors in annual report
 - ii. Mar: 2005, 2006 – Include/update information on program on website
 - iii. Dec 2004, 2005, 2006, 2007 – Include information in City Newsletter
 - iv. Jun 2005, 2006, 2007 – Include/update information in display
- 4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
- 5. Rationale for choosing BMP and setting measurable goal(s):
Peachtree City currently operates a recycling program for potentially polluting materials that might otherwise end up in the MS4. The City also encourages citizens to recycle.

-END-

G. Best Management Practice (BMP) #7 – Adopt-A-Mile, Adopt-A-Path, Adopt-A-Park

1. Description of BMP:

Peachtree City currently operates an Adopt-A-Mile, Adopt-A-Path, and Adopt-A-Park program to encourage volunteer groups to pick up trash along major roadways and paths and in parks within the City. Peachtree City will solicit volunteer participation in these programs by advertising in the City newsletter, on the City website, and in the Display. Groups are asked to commit to cleaning up their adopted area four times a year. Peachtree City provides the roadside signage, vests and trash bags for volunteer groups. There are currently 104 Adopt-A-Path and 95 Adopt-A-Mile volunteers operating in Peachtree City.

2. Measurable Goals:

- a. Include and update information on the recycling program on the stormwater website
- b. Include information on recycling program in display
- c. Include information in City Newsletter
- d. Record number of groups, volunteers, and cleaning events and include in annual report

3. Schedule:

a. Interim Milestone Dates:

- i. Jun 2004 – Include information on programs in City Newsletter
- ii. Dec 2004 – Report number of groups, volunteers, and number of cleaning events in annual report
- iii. Mar 2005 – Include information on program on website
- iv. Jun 2005 – Include information in display

b. Implementation Date: Mar 2003

c. Frequency of Actions:

- i. Report number of groups, volunteers and events – Annually
- ii. Update information on website – Annually
- iii. Include information in Newsletter – Annually
- iv. Update information in display – Annually

d. Month/Year of each action:

- i. Dec: 2004, 2005, 2006, 2007 – Report number of groups, volunteers, and cleanup events
- ii. Mar: 2005, 2006 – Include/update information on program on website
- iii. June 2004, 2005, 2006, 2007 – Include information in City Newsletter
- iv. Jun 2005, 2006, 2007 – Include/update information in display

4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goal(s):
Picking up roadside trash and debris will prevent it from entering the MS4. Soliciting and encouraging volunteer participation also allows citizens to become involved in their own water resources protection.

-END-

H. Best Management Practice (BMP) #8 – Waste Disposal Program for BMP Wastes

1. Description of BMP:

Peachtree City will properly dispose of all waste generated during municipal operations including all debris, litter, and sediment removed during the MS4 Maintenance Program, the BMP Inspection and Maintenance Program, street sweeping and litter pickup. Whenever possible items will be recycled. Material that cannot be recycled will be disposed of in a landfill in accordance with the rules and regulations of that facility. If necessary material will be disposed of as hazardous waste. Peachtree City will also evaluate and publish a list of approved disposal sites for various waste generated by new BMPs (such as oil / grit separators, filtration devices, etc.). This list will be published on the City's website so that City employees and outside entities will have proper disposal options for removal of BMP wastes.

2. Measurable Goal(s):

- a. Properly dispose of 100% of waste generated by municipal operations
- b. Identify companies that accept waste materials from BMPs
- c. Post list on City Website
- d. Update list annually

3. Schedule:

- a. Interim Milestone Dates:
 - i. Mar 2004 – Dispose of municipal waste properly
 - ii. Dec 2004 – Identify companies that accept BMP waste
 - iii. Mar 2005 – Post companies on website
- b. Implementation Date: Mar 2005
- c. Frequency of actions: Update list on website – Annual
- d. Month/Year of each action:
 - i. Mar 2004 – Dispose of municipal waste properly
 - ii. Dec 2004 – Identify companies that accept BMP waste
 - iii. Mar 2005, 2006, 2007 – Post/update companies on website

4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)

5. Rationale for choosing BMP and setting measurable goal(s):

The purpose of this BMP will be to ensure that options are available for proper disposal of BMP waste materials and limit the potential for illicit discharges.

-END-

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Assistant City Manager 

FROM: Deputy City Clerk 

DATE: April 26, 2004

SUBJECT: Alcohol License – Change in Licensee and License Representative –
Arnie's Fine Wine, Liquor and Beer, SS Lee Enterprises, Inc.
May 6, 2004, Regular Meeting

Recommendation:

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

Discussion:

Arnie's Fine Wine, Liquor and Beer, Libby, Inc., 1115 Crosstown Court, has submitted an application for a change in Licensee and License Representative. Mr. Sung C. Lee has requested he be appointed as the Licensee and as the License Representative. Mr. Lee is purchasing the business from Arnie Geiger. Mr. Lee will attend the meeting on Thursday, May 6th, to answer any questions you may have.

Budgetary Impact:

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

BT:pd

Attachments



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

Rec.# 24401

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: d1bla Arnie	S.S. Lee Enterprises, INC.	Business Location: 1115 Crosstown Court	
Nature of Business: Liquor Store		Mailing Address: 8588 Spring Breeze Terrace Suwanee, GA 30024	Business Phone Number: 770-487-8068
Name of Licensee: Sung C Lee		Home Address: 8588 Spring Breeze Suwanee, GA 30024 Ter.	Home Phone Number: 678-475-1220
Name of License Representative: Same as Above		Home Address:	Home Phone Number:

PLEASE INDICATE TYPE OF LICENSES APPLICABLE TO:

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:
S.S. Lee Enterprises, Inc.	8588 Spring Breeze Terrace Suwanee, GA 30024	678 475 1220 404 509 1220

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:

Sung C. Lee
Name

8588 Spring Breeze Terrace Suwanee, GA 30024
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.

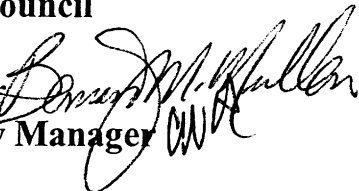
James V. Murray
Signature
April 23, 2004
Date

Major R.M. Duder
Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Assistant City Manager 

FROM: City Clerk 

DATE: April 23, 2004

SUBJECT: Alcohol License – Change in License Representative – Big Kmart
May 6, 2004, Regular Meeting

Recommendation:

Staff recommends Council consider the attached application for the change in License Representative for Big Kmart.

Discussion:

Big Kmart, Kmart Corporation, 499 Crosstown Road, has submitted an application for a change in License Representative. Mr. C. Keith Fuller has requested he be appointed as the License Representative. Mr. Fuller will attend the meeting on Thursday, May 6th, to answer any questions you may have.

Budgetary Impact:

The change in 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: K-mart Corporation	Business Location: 400 Crossstown Rd. Peachtree City, GA 30269	
Nature of Business: Retail merchant	Mailing Address: 400 Crossstown Rd. Peachtree City, GA 30269	Business Phone Number: (770) 487-2295
Name of Licensee: William Charles Saad	Home Address: 14630 Lakeshore Dr Sterling Heights, MI 48313	Home Phone Number: 248-637-1265
Name of License Representative: C. Keith Fuller	Home Address: 1799 Latour Dr. Marietta, GA 30066	Home Phone Number: (770) 928-6276

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

Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.

ADDRESS

Please provide Home Addresses for the individuals listed:

PHONE NUMBERS

Please provide Home and Business Phone Numbers for individuals listed:

Kmart Corporation	3100 W. Big Beaver Rd Troy, MI 48064	248-637-1265
Erin Maizahn	300 W. Big Beaver Rd Troy, MI 48064	248-637-1265

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:

Charles Keith Fuller

Name

1799 Latour Drive Marietta, GA 30066

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

April 22, 2004
Date

Major R.M. Duder
Witness

CITY OF PEACHTREE CITY

MEMO TO: Mayor and City Council Members

VIA: Bernard J. McMullen, City Manager

FROM: Colin W. Halterman, Assistant City Manager
Paul J. Salvatore, Financial Services Director
Janet I. Camburn, Assistant Finance Director

DATE: April 29, 2004

SUBJECT: Natural Gas Provider
May 6, 2004 City Council Agenda

Recommendation:

That Peachtree City enter into a one-year agreement with Coweta-Fayette EMC Natural Gas to provide natural gas to City facilities effective June 1, 2004.

Discussion:

On April 9, 2004, the City requested proposals from ten (10) natural gas providers for the purpose of entering into a one-year contract for natural gas services. Included was a price proposal request for both natural gas and compressed natural gas for the City.

On April 28, the City received four (4) proposals from the following vendors:

- Shell Energy Services
- PS Energy Group
- Coweta-Fayette EMC Natural Gas
- Infinite Energy

A committee made up of the City Manager, the Assistant City Manager, and the Assistant Finance Director reviewed all of the proposals. It was first determined that Infinite Energy had failed to provide a fixed rate per therm as required in the request. Of the three remaining, Shell Energy submitted the highest price per therm and failed to provide a price proposal for compressed natural gas.

PS Energy Group and Coweta-Fayette EMC Natural Gas provided nearly identical price proposals. Coweta-Fayette offered an alternative that the committee has determined would provide the best option for the City for natural gas services. Coweta-Fayette has suggested that the City enter into a one-year fixed cost per therm agreement, but review the commodity rates within the first three months of the agreement. Should the overall

therm rate drop during that time, the City would be able to lock in that lower rate. If the therm rate were to increase, the City would remain with the one-year fixed cost agreement as quoted in the proposal.

Coweta-Fayette EMC Natural Gas is a local based utility, with the corporate natural gas office located in Newnan and a district office located in Peachtree City. Most of the City electricity accounts are with Coweta-Fayette.

Staff recommends that the City enter into a one-year agreement with Coweta-Fayette EMC Natural Gas for natural gas services and to further review the current agreement the City has with Southern Company Gas for the compressed natural gas. A recommendation is expected to be made at a later date for the compressed natural gas.

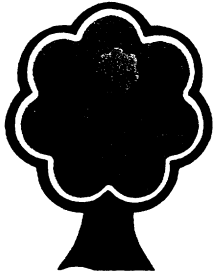
Budget Impact:

Based on current natural gas consumption, it is expected that an agreement with Coweta-Fayette will result in lower expenditures, since the therm rate is lower than the City is currently paying Shell Energy for natural gas. However, since the total cost of natural gas is also based on consumption, the actual budget impact cannot be predicted.

Attachments

NATURAL GAS SERVICE ANALYSIS

Provider	Cost Therm	DDDC	DDDC		Transportation Charge Monthly	Charge Yearly	Meter Charge		Dth Annual Totals	Total	Cost/Therm
			Monthly Capacity Charge	Monthly			Monthly	Yearly			
Shell Energy Services	0.854	133.8740	8.51	All Inclusive			5.95	1,071.00	61,458.32	62,529.32	\$0.87
	0.699	133.8740	8.51		1,139.27	13,671.21	5.95	1,071.00	50,303.71	65,045.92	\$0.90
PS Energy Group	0.834			Included in Base Rate			5.95	1,071.00	60,019.02	61,090.02	\$0.85
Coweta-Fayette Electric	0.687	133.8740	7.35		983.97	11,807.69			49,440.13	61,247.81	\$0.85
Infinite Energy	Variable	133.8740	7.54				5.00				



Peachtree City

Georgia

April 9, 2004

Ladies and Gentlemen:

The City of Peachtree City, Georgia is accepting proposals (three copies) at the office of the Purchasing Department, 151 Willowbend Road, Peachtree City, Georgia 30269, **until 5:00 p.m. local time on Tuesday, April 27, 2004 for the purpose of entering into a one-year contract for natural gas services.**

Proposals are to be submitted in a sealed envelope, with the name of the service (**Natural Gas**) clearly marked on the front, along with the name of the company submitting the proposal. Items to be included in the proposal package are:

- List of commercial customers in Georgia that your company has supplied natural gas. If the list is voluminous, a partial listing is acceptable.
- A sample invoice that includes all of the items for which the City would be charged.
- The pricing sheet.
- A separate attachment to the pricing sheet titled "Additional Charges" that enumerates all of the additional charges other than the term price that would appear on the invoices for natural gas. The "Additional Charges" attachment for natural gas shall enumerate the aforementioned charges with the following headings in the following order:
 - All Atlanta Gas Light Charges. Either the amount of the charge or the formula for calculating the charge shall be given.
 - Billing and ancillary charges.
 - Sur charges and riders
 - All other invoice charges not previously listed.

Note: If any of the aforementioned charges will not apply, please indicate N/A in the space for the same. **DO NOT leave off any charges that will appear on the invoice.**

- Information listed in Appendix B.

No proposals may be withdrawn for a period of sixty (60) days after the scheduled time to receive the proposals. Any request for clarification must be submitted in writing (hand delivery, fax, or regular mail) to the Assistant Finance Director, by the close of business, at least five business days prior to the time of submission of proposals. Any clarification issued will be in the form of an addendum to the specifications and will be issued to all potential proposers at least seventy-two (72) hours prior to the time of submission of proposals. Any addendums will also be placed on the City's web site at www.peachtree-city.org.

The City reserves the right to award the contract on the individual elements it deems to be in the City's best interest.

Proposals will be evaluated based on the following criteria:

1. The company has the status of certified natural gas marketer by the Georgia Public Service Commission.
2. Price per therm and all other related charges as requested in this request for proposal.
3. History of providing satisfactory natural gas service to customers.
4. Adequate financial resources to perform the required services listed in this request for proposal for the entire contract period.
5. Review of requests and questions in Appendix B.

The City reserves the right to accept the best, responsible, or responsive proposal. The City will exercise its discretion in awarding a contract to the company that best satisfies the needs of the City. Any contract entered into by the City will be reviewed and approved by the City Attorney. The City reserves the right to negotiate with the company awarded the contract, after the contract is signed. The City also reserves the right to reject any and all proposals and to waive any and all irregularities.

Proposals will not be accepted from any person, firm, or corporation who is in arrears in any debt or obligation to the City of Peachtree City.

Questions regarding the scope of services may be directed to Assistant Finance Director Camburn at 770-653-4279.

Sincerely,



Janet I. Camburn
Assistant Finance Director

Attachments:

- Appendix A – Usage for the last twelve (12) months.
- Appendix B – Additional requested information.
- Pricing Sheet.

APPENDIX A

(1 month)

APPENDIX B

As part of the proposal process, please provide information for the following:

Corporate Structure/Experience

1. Provide a definition of your corporate structure to include all owners, holding companies, alliance partners, etc.
2. How many years of experience do you or your affiliates have selling natural gas?
3. Do you have an office in Georgia? If so, how many employees work from your Georgia location(s)? What experience does the management team have in the natural gas industry?
4. Describe any other partnerships or alliances in marketing natural gas service in Georgia. How many of these relationships have been with local governments or local utilities?

Financial/Regulatory Information

1. Provide a copy of your most recent annual report or 10K.
2. Provide a copy of your certification as a gas marketer in Georgia by the Public Service Commission.

Other Issues

1. Provide a consolidated/summary billing for governmentally owned facilities.
2. Provide individual meter monthly usage.
3. Who will be the main point of contact with your company?
4. What differentiating factors should be taken into consideration in evaluating a potential relationship with your company?

PRICING SHEET

Natural Gas \$ _____ per therm *

Compressed Natural Gas \$ _____ per therm *

* The price per therm shall include the price of fuel and the interstate transportation charges. This price shall equal the burner tip price.

The price per therm shall be fixed for the contract period of May 2004 through April 2005.

Note: As detailed elsewhere in the request for proposal, there shall be separate attachments to this pricing sheet that include all additional charges other than therm price for natural gas.

COMPANY NAME

AUTHORIZED REPRESENTATIVE

(Print or Type)

AUTHORIZED REPRESENTATIVE

(Signature)

TITLE

MAILING ADDRESS

PHONE NUMBER

FAX NUMBER

E-MAIL ADDRESS (if available)

DATE



**Coweta-Fayette
Natural Gas**

Dated: April 27, 2004

NATURAL GAS SALES AGREEMENT

Buyer: The City of Peachtree City
151 Willowbend Rd.
Peachtree City, Georgia 30269
Federal Tax #:

Seller: Coweta-Fayette EMC Natural Gas
P.O. Box 488
Newnan, GA 30264
Federal Tax #: 06-1646541

AGLC ACCT#: See Attachment
Attn: Janet Camburn, CMA
Assistant Finance Director
Telephone: 770/632-4279
Fax: 770/631-2505

Attn: Jimmy Adams
Coweta-Fayette EMC Natural Gas
Telephone: 770/502-0226 Ext. 4781
Fax: 770/251-9788
Cellular: 770/316-2960
Pager: 770/782-4682

Invoice Address:

Payment Address:

Coweta-Fayette EMC
SEDC
P.O. Box 530812
Atlanta, Georgia 30353-0812

Check & Complete One of the following:

- ☐ Exemption from Sales/Use Tax; Exemption No. _____
☐ Buyer is not an End-User
☐ Buyer will pay Sales/Use Tax; Permit No. _____
☐ Seller will pay Sales/Use Tax to the State of _____
In care of: Taxpayer Identification No. _____

Provisions:

- Term: Beginning June 1, 2004 through May 31, 2005.
- ~~Price: Fixed rate that consists of \$0.6870 per therm and a Delivery Charge of \$7.35 per assigned DDDC per month.~~ The basis price is guaranteed throughout the term. In addition, Coweta-Fayette EMC Natural Gas agrees to offer a Variable Rate pricing option for the first three months of the contract term. The City of Peachtree City will be offered the lower of a Variable Rate consisting of the previous month's NYMEX closing price and an adder of \$0.2152 per therm or the above Fixed Rate. The basis price is inclusive of marketer related customer service charges, all pipeline related costs to the AGLC city gate and intra-state loss., with the exception of the Atlanta Gas Light Company (AGLC) Base Charges and any applicable taxes. This contract will establish Coweta-Fayette EMC Natural Gas as the chosen marketer to supply the total firm natural gas requirements to all current, planned and acquired locations of the City of Peachtree City located on the AGLC distribution system for the term of this contract.
- This agreement will continue on a monthly basis after the initial term with either party able to terminate with 30 days written notice. Price to be determined at time of rollover.
- Coweta-Fayette EMC Natural Gas' "TERMS OF SERVICE", which can be found on www.cfemcnaturalgas.com, is incorporated herein.
- Coweta-Fayette EMC Natural Gas agrees to provide a consolidated natural gas bill to the City of Peachtree City for all locations covered by this agreement.
- The City of Peachtree City will not be assessed any deposits to establish firm natural gas accounts with Coweta-Fayette EMC Natural Gas.

I ACKNOWLEDGE THAT THIS, THE TERMS AND CONDITIONS ON THE FORMAL PROPOSAL HEREOF, AND ANY DOCUMENTS REFERENCED IN PROVISIONS, REPRESENT THE FULL AGREEMENT REACHED BETWEEN THE BUYER AND SELLER.

(Buyer's Signature) _____

(Seller's Signature) _____

Daniel N. Hart
Chief Operating Officer

(Title) _____

(Date) _____

(Date) _____

Attachment

Listing of Atlanta Gas Light Account Numbers:

8507607185
6202097136
4253428352
3720313523
3058697487
3745132266
0077275515
3875983166
8972409286
2904819419
2911894563
3715827449
3351396152
2179860481
2988490340

(

Coweta-Fayette
Electric Membership Corporation
Post Office Box 488
Newnan, Georgia 30264

Telephone 770-502-0226
Facsimile 770-251-9788
<http://www.utility.org>

April 27, 2004



Janet Camburn, CMA
Assistant Finance Director
The City of Peachtree City
151 Willowbend Road
Peachtree City GA 30269

Dear Ms. Camburn,

On behalf of Coweta-Fayette EMC Natural Gas I would like to thank you and the City of Peachtree City for the opportunity to submit this proposal for your natural gas needs. Also, I would like to thank you for taking the time to meet with Dan Hart and myself to discuss this procedure.

Attached is our proposal and the supporting documentation that you requested. We have strived to establish a pricing plan that we believe will be the most advantageous for Peachtree City. Our desire is to become the natural gas provider of choice for the city and to continue this relationship over the long term. Because of this desire, we offer to Peachtree City a low bid guarantee. Should you receive a lower qualified pricing plan than ours as a result of this Request for Proposal, Coweta-Fayette EMC Natural Gas will reduce our proposed rate to a level of 5% lower than the competing qualified rate.

Also, we would like to offer a level of pricing protection for Peachtree City as related to the current natural gas wholesale market. Currently our Variable Rates are lower than our Fixed Rates due to the speculative nature of the gas market during this time of the year. We propose to offer the city the flexibility during the first three months of an agreement to benefit from possible lower Variable Rates. Should a Variable Rate, which would be based upon the wholesale market and an established adder based upon your historical usage, be lower than the contractual Fixed Rate, we would bill for consumption at the Variable Rate. Should the Variable Rate increase, you would be billed at the agreed Fixed Rate. This offers the city an opportunity to take advantage of lower costs in the short run with no risk because of the Fixed Rate ceiling.

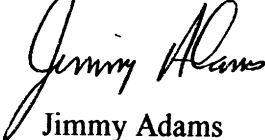
Hopefully, you will find this proposal and supporting documentation helpful in your natural gas marketer selection process. If I can provide further information or if you would like to discuss our pricing options, please feel free to contact me at

Coweta-Fayette
Electric Membership Corporation
Post Office Box 488
Newnan, Georgia 30264

Telephone 770-502-0226
Facsimile 770-251-9788
<http://www.utility.org>

(770) 502-0226 ext. 4781. Thanks again for the opportunity to submit this proposal and I look forward to working with you in the future.

Sincerely,



Jimmy Adams
Major Account Coordinator

Coweta-Fayette EMC Natural Gas

Business References

City of Savannah
P.O. Box 1027
Savannah GA 31402
Contact: Joy M. Kerkhoff
(912) 651-6425
Initial Service Date: August 2003
Number of Accounts Served: 55

Cobb County Board of Commissioners
100 Cherokee St. Suite 410
Marietta GA 30090
Contact: Chuck Hunt, Energy Manager
(770) 528-2100
Initial Service Date: July 2003
Number of Accounts Served: 98

DeKalb County Government
1300 Commerce Dr. Room 202
Decatur GA 30030
Contact: Nathan Knight, Contract Manager
(404) 297-4460
Initial Service Date: January 2004
Number of Accounts Served: 135

Emory University
638 Asbury Circle
Atlanta GA 30322
Contact: Keith Curtis, Energy Management Engineer
(404) 727-8018
Initial Service Date: April 2003
Number of Accounts Served: 98

Fayette County Board of Education
P.O. Box 879
Fayetteville GA 30214
Contact: Fred Phillips, Purchasing and Inventory Management Agent
(770) 460-3535 ext. 129
Initial Service Date: September 2003
Number of Accounts Served: 28

**Business References
(cont.)**

**Publix Super Markets, Inc.
P.O. Box 95777
Lakeland FL 33804
Contact: Patrick Paris, Energy Manager
(863) 686-8754 ext. 34409
Initial Service Date: July 2003
Number of Accounts Served: 125**



Coweta-Fayette
Natural Gas

COWETA-FAYETTE EMC

Newman Office
390 Hwy 29 North
Newman, Ga

WWW.UTILITY.ORG
Mailing Address
P. O. Box 488
Newman, Ga 30264

Fayette District Office
103 Sumner Rd
Fayetteville, Ga



Security Resources

Phone 770-502-0226

Office Hours 8:00am to 5:00pm - Call Center Hours 8:00am to 5:00pm - Monday - Friday

ACCOUNT NUMBER	ACCOUNT NAME	RATE	CLASS	TELEPHONE	LOCATION NUMBER			METER NUMBER		
33099999901	CITY OF PEACHTREE CITY	FIXED	6	(000) 000-0000	4000004451			1040001511253		
SERVICE		NO DAYS	READING		CCF	THERMAL FACTOR	DDDC	Therms	Price Per Therm	CHARGES
FROM	TO		PREVIOUS	PRESENT						
06/01/04	06/30/04	30	93199	94391	1192	1.030000	67.139	1228.000	0.687000	
COMMODITY CHARGE (1228 therms @ \$0.6870)										843.64
DELIVERY CHARGE (DDDC OF 67.139 x \$7.35)										493.47
AGL BASE CHARGE FOR JUNE										697.36
SALES TAX										0.00

SAMPLE BILLING

CYCLE	331	READ SEQ	1	SERVICE ADDRESS	202 Kedron Dr.
COMPARISONS	DAYS SERVICE	Total CCF	AVG. CCF/DAY	COST PER DAY	TOTAL DUE \$
CURRENT BILLING PERIOD	0	0	0	0.0000	DUE DATE 09/02/03
PREVIOUS BILLING PERIOD	0	0	0	0.00	BILL IS DELINQUENT AFTER DUE DATE
SAME PERIOD LAST YEAR	0	0	0	0	AGL ACCOUNT NUMBER 8507607185
					BILL TYPE 0

ELECTRIC SUMMER RATES BEGIN JUNE 1 - OCTOBER 31. IF THIS ACCOUNT IS INCORRECT PLEASE CONTACT OUR AUDITORS. HODGES, JOHNSON & ALLEN, P. O. BOX 988, AMERICUS, GEORGIA 31709

BILL TYPE

0 NORMAL
1 ESTIMATED
2 MINIMUM ESTIMATED

3 MINIMUM
4 FINAL
5 PRORATED

6 PRORATED MINIMUM
7 LEVELIZED BILL
8 CONTRACT

Important Information

*Any account with a previous amount due is subject to disconnection.

*Service charges will be added to balances not paid by the Due Date. Balances on electric usage incur a 5% service charge, gas balances incur a 1.5% or \$10.00 service charge, whichever is greater.

RETURN CHECK Your account will be charged a \$25.00 fee if your check is returned from the bank unpaid

TO REPORT A GAS LEAK

Emergency Call
(770)907-4231
or Toll Free
1-877-421-4321

ASK ABOUT THESE SERVICES

*BILL payment by bank draft
*Levelized Billing
*Surge Protection
*Security System
*Bill payment by MCA/Visa/Disc/AmEx
*Equipment Rebates
*Loans for heating & cooling
*Internet Bill Pay
*Natural Gas

KEEP THIS STATEMENT FOR YOUR RECORDS

PLEASE DETACH AND RETURN THIS PORTION WITH PAYMENT



Coweta-Fayette
Natural Gas

P. O. BOX 488 NEWMAN GA 30264-0488
770-502-0226 ADDRESS
SERVICE REQUESTED

ACCOUNT NUMBER	RATE	DUE DATE	AMOUNT DUE
33099999901		07/21/04	\$2,034.47
BILLING DATE	AGL ACCOUNT NUMBER	SERVICE ADDRESS	
06/30/04	8507607185	202 Kedron Dr.	

CITY OF PEACHTREE CITY
ACCOUNTS PAYABLE
151 WILLOWBEND RD.
PEACHTREE CITY GA 30269

COWETA FAYETTE ELECTRIC MEMBERSHIP CORPORATION
P. O. BOX 488
NEWMAN, GA 30264-0488

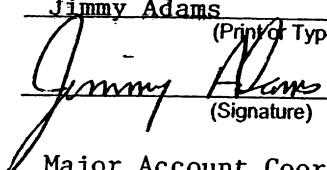
PRICING SHEET

Natural Gas	\$0.6870 per therm \$ <u>7.35</u> per DDDC per therm *
Compressed Natural Gas	\$0.6870 per therm \$ <u>7.35</u> per DDDC per therm *

* The price per therm shall include the price of fuel and the interstate transportation charges. This price shall equal the burner tip price.

The price per therm shall be fixed for the contract period of May 2004 through April 2005.

Note: As detailed elsewhere in the request for proposal, there shall be separate attachments to this pricing sheet that include all additional charges other than therm price for natural gas.

COMPANY NAME	<u>Coweta-Fayette EMC Natural Gas</u>
AUTHORIZED REPRESENTATIVE	<u>Jimmy Adams</u> (Print or Type)
AUTHORIZED REPRESENTATIVE	<u></u> (Signature)
TITLE	<u>Major Account Coordinator</u>
MAILING ADDRESS	<u>P.O. Box 488</u> <u>Newnan GA 30264</u>
PHONE NUMBER	<u>(770) 502-0226 ext. 4781</u>
FAX NUMBER	<u>(770) 251-9788</u>
E-MAIL ADDRESS (if available)	<u>jadams@utility.org</u>
DATE	<u>4/26/04</u>

Additional Charges

Atlanta Gas Light Co. Base Charge Bill Calculation
202 Kedron Dr. Peachtree City 30269

DDDC Factor:

Peaking Pool Group

Base Charges for the Month and Year of:

Pricing Plan

Therms for Selected Month

67.139
Yes
April 2004
0.687
1228

Charge Name	Rate	Charge
1 Customer Charge	\$ 40.7800	Per Customer \$ 40.78
2 Design Day Capacity Charge	\$ 7.5400	Multipplied by the DDDC Factor
3 Meter Reading Charge	\$ 0.7100	Per Customer \$ 0.71
4 Peaking Charge	\$ 0.9400	Multipplied by the DDDC Factor
5 Franchise Recovery Fee	\$ 0.4534	Multipplied by the DDDC Factor
6 Social Responsibility Charge	\$ -	Per Customer
7 Customer Education Charge	\$ -	Per Customer
8 Environmental Response Costs Charge	\$ 0.8183	Multipplied by the DDDC Factor
9 Pipeline Replacement Program	\$ 1.1500	Per Customer \$ 1.15

Total AGLC Base Charges	\$ 697.36
Natural Gas Charge	\$ 843.64
Delivery Charge	\$ 493.47
Customer Service Charge	\$ -
Total	\$ 2,034.47

<u>Charge</u>	<u>Description</u>
1 Customer Charge	This charge covers the fixed costs that are unique to an individual customer. (For example, the meter, regulator, and the service lines.)
2 Design Day Capacity Charge	This charge recovers all common costs of providing delivery service based on a customer's demand on Atlanta Gas Light Company's system on the coldest day of the year.
3 Meter Reading	This cost will recover the costs of reading the customer's meter.
4 Peaking Service	This charge recovers the cost of operating liquefied natural gas and propane. The charge is only applicable to certain areas of the state.
5 Franchise Recovery Cost	This amount is added to the customer's bill each month to recover fees that Atlanta Gas Light Company pays to cities for the right to use public rights-of-way for the company's gas lines and other facilities.
6 Social Responsibility Cost Rider	The Social Responsibility Cost covers the cost of providing a senior citizens discount to eligible customers. The rider is charged to all residential customers who are not receiving the senior citizens discount.
7 Customer Education	This charge covers the cost of providing customer education regarding deregulation. Program ended as of April 1, 2001.
8 Environmental Recovery Cost	This charge recovers costs associated with the environmental clean-up of Manufactured Gas Plants.
9 Pipeline Replacement Program	This charge covers the cost of replacing aging gas mains and services within Atlanta Gas Light Company's pipes system.

Coweta-Fayette EMC Natural Gas began marketing natural gas to Georgia consumers in November of 2002 and is currently meeting the natural gas needs of approximately 11,000 residential and commercial customers. The parent company, Coweta-Fayette Electric Membership Corporation, provides electricity to over 60,000 customers in Coweta, Fayette, Fulton, Clayton, Meriwether, and Heard counties. Coweta-Fayette EMC Natural Gas has developed a Key Accounts Program designed to meet the needs of its 15 largest natural gas customers. Some of the organizations included in this Key Accounts program are:

Berry College
City of Savannah
Crawford Long Hospital
Cobb County Government
DeKalb County Government
Emory University
Fayette County Board of Education
Oglethorpe University
Publix Super Markets Inc.
Spelman College

The City of Peachtree City would be included in the Key Accounts Program and assigned a full time representative to handle any situations that might arise. This representative will be responsible for providing a single point of contact for the City of Peachtree City and for maintaining the level of customer service offered to other customers of Coweta-Fayette EMC Natural Gas.

Coweta-Fayette EMC Natural Gas' corporate office is located in Newnan and a District Office located in Peachtree City. Both have a fully staffed Customer Service Center. Office hours are 8:00 a.m. to 5:00 p.m. on weekdays, with emergency staffing on site after normal business hours. The City of Peachtree City will be assigned a full time representative that can be reached 24 hours per day via pager and cell phone. All customer service representatives are experienced in the area of natural gas and are familiar with Atlanta Gas Light Company external and internal systems, as well as the deregulated marketplace in Georgia. The management of Coweta-Fayette EMC Natural Gas actively participates in numerous sessions and hearings conducted by the Georgia Public Service Commission.

Payment terms and conditions are detailed in the attached Customer Handbook. Monthly billing can include all accounts consolidated into a single document and will be verified by the Key Account Coordinator to ensure accuracy. The City of Peachtree City will not be required to remit a deposit to establish new accounts, or assessed a customer service charge for each account. The only additional charges that will apply are applicable Atlanta Gas Light Company pass through charges and relevant sales tax (i.e. Motor Fuel Tax).



Atlanta Gas Light Company

P.O. Box 4569

Atlanta, Georgia 30302-4569

Telephone (404) 584-4000

December 03, 2002

David N. Hart
Chief Operating Officer
Coweta-Fayette EMC Natural Gas
P.O. Box 488
Newnan, GA 30264

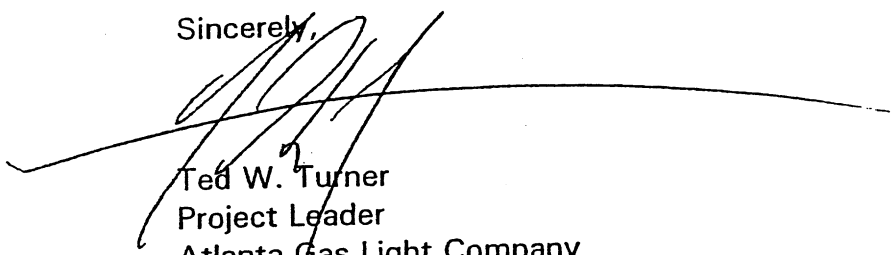
Dear Mr. Hart:

Congratulations on you Marketer certification. Atlanta Gas Light Company is looking forward to working with your organization as you enter the Georgia natural gas market.

As we discussed, enclosed please find a CD consisting of Atlanta Gas Light Company's Customer Listing and File Specifications.

Please forward all questions to my attention.

Sincerely,



Ted W. Turner
Project Leader
Atlanta Gas Light Company
(404) 584 - 3996

cc: Bart Gobeil, Atlanta Gas Light Company
Michelle Thebert, Georgia Public Service Commission
Bolin Killings, Georgia Public Service Commission

Differentiating Factors

Coweta-Fayette EMC Natural Gas believes strongly in our ability to provide a combination of the best natural gas pricing and the highest level of customer service for Peachtree City. Over the last two years, we have formed successful working relationships with many large organizations by taking steps to assist them with their energy needs. As a result, we have been able to retain these organizations as customers and renew subsequent contracts each time an original contract expired. We greatly desire becoming the natural gas marketer of choice for Peachtree City and wish to build upon a relationship established over the last few decades.

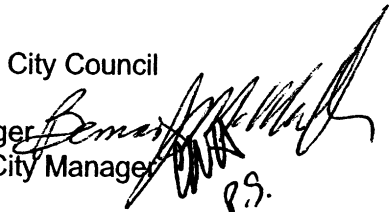
Coweta-Fayette EMC Natural Gas is in a position to offer a level of service not equaled by other natural gas marketers due to our proximity to Peachtree City. You will have unlimited access to customer service only minutes away to assist you in any needs that may arise with your natural gas service. We will act as an energy manager for your accounts if desired and will continue to search for ways to lower operating costs throughout the term of a contract, not only at the time of renewal.

Coweta-Fayette EMC Natural Gas believes so strongly in our ability to provide the lowest operating costs for Peachtree City that we will offer a qualified pricing guarantee. In the event that we are not the lowest cost natural gas provider among the respondents to your Request for Proposal, we agree to match any qualified pricing proposal from competing marketers and reduce the price by an additional 5%. We believe that this guarantee as well as the service advantages listed provides a win-win situation for both Peachtree City and Coweta-Fayette EMC Natural Gas.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: City Manager 
Assistant City Manager

FROM: Financial Services Director 
Assistant Finance Director

DATE: April 27, 2004

SUBJECT: Budget Amendments
May 6, 2004 City Council Consent Agenda

Recommendation:

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

Discussion:

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

Budget Amendment 04-018

This budget amendment increases the DARE Fund budgeted revenues and expenditures by \$2,750 based on a recent donation by the Kiwanis Club. This donation will cover the costs associated with materials for the spring semester.

Budget Amendment 04-019

This budget amendment increases both the General Fund revenues and expenditures by \$500. These funds are from a donation from K-Mart last fiscal year for the 2004 Memorial Day program. The \$500 amount had been set-up as a reserve of the fund balance in the General Fund at September 30, 2003.

Budget Amendment 04-020

This budget amendment increases the Neighborhood Parks Fund revenues with an increase in donations of \$21,055 and an increase in Surplus Carryover by \$9,415. The donations have been received this fiscal year. The surplus carryover is from donations received last fiscal year that exceeded the original estimate for the 2004 budget. Corresponding increases are also made to expenditures totaling \$30,470 for playground equipment for All Children's

Playground. These amendments, along with the \$10,000 transfer from the PIP Fund that Council previously approved and a transfer from the budgeted line item for operating supplies in the Neighborhood Parks Fund will provide funding for the installation of additional playground equipment at All Children's Playground.

Budget Amendment 04-021

This budget amendment increases the grant revenues and capital expenditures in the Fire/EMS Grant Fund by \$33,776 to recognize the receipt of a GEMA grant for decontamination equipment.

Budget Impact:

The impact on the DARE Fund budget is an increase in both budgeted revenues and expenditures of \$2,750, bringing the fiscal year 2004 DARE Fund budget to \$4,796. The impact on the General Fund budget is an increase in both budgeted revenues and expenditures of \$500, bringing the fiscal year 2004 General Fund to \$21,744,996. The impact on the Neighborhood Parks Fund budget is an increase in both revenues and expenditures of \$30,470, bringing the fiscal year 2004 Neighborhood Parks Fund budget to \$55,797. The impact on the Fire/EMS Grant Fund budget is an increase in both revenues and expenditures of \$33,776, bringing the fiscal year 2004 Fire/EMS Grant Fund budget to \$196,679.

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

Thank you for your attention to this matter.

Attachments

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-018

DATE April 27, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
202-00-37-1000	Donations	2,750	
202-3210-53-1175	Operating Supplies	2,750	

TOTAL \$ 5,500 \$ -

To increase DARE Fund budget for donation received from Kiwanis and for corresponding expenditure.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-019

DATE April 27, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-00-38-9000	Other Revenue	500	
100-6110-52-1330	Non-Supportable Recreation Programs	500	
TOTAL		\$ 1,000	\$ -

To increase Other Revenue and Non-Supportable Recreation Programs for donation received last fiscal year from Wal-Mart for the Memorial Day program. This amount of \$500 has been set up as a reserve of Fund Balance at 9/30/03.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-020

DATE April 27, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
200-00-37-1010	Donations - All Children's Playground	21,055	
200-6220-54-2070	Playground Equipment	21,055	
200-00-38-9025	Surplus Carryover	9,415	
200-6220-54-2070	Playground Equipment	9,415	

TOTAL \$ 60,940 \$ -

To increase Donations - All Children's' Playground for funds already received in FY 2004 and increase Playground Equipment by a corresponding amount to use these donated funds, Also, to increase Surplus Carryover by amounts that exceed what was expected during the 2004 budget process and increase playground equipment by a corresponding amount. These adjustments, along with the \$10,000 appropriated from PIP Contingency and amounts previously budgeted in the Neighborhood Parks Fund will provide funding for the new playground equipment.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 04-021

DATE April 27, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
208-00-33-1310	DECON Grant	33,776	
208-3510-54-2050	Machinery & Equipment	33,776	
TOTAL		\$ 67,552	\$ -

To increase grant revenue and machinery and equipment expenditures for GEMA grant associated with the purchase of decontamination equipment.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager *Bonny M. Muller*
Director of Financial Services *P.S.*

FROM: Director of Leisure Services *[Signature]*

DATE: April 15, 2004

SUBJECT: *Recreation Fee Review, Recommendations
May 6, 2004, City Council Agenda*

Recommendation:

We have completed a comprehensive review of the Recreation fee schedule, and following are our recommendations. Request that the Council approve the recommended fees, effective immediately. The Recreation Department will begin implementing the fees in each category in consonance with needs of that particular category. For instance, fees for youth sports would not be implemented in the middle of the current season, but would coincide with registration for the next season.

Discussion:

This memo will first propose consideration of fees on several services for which fees were not previously charged. We then provide a chart listing fees currently charged for services, and proposed increases. Finally, we will discuss administrative updates to the fee schedule that need to be made during this process as well. These recommendations have been reviewed with the City Manager, Assistant City Manager, the Finance Director, the Recreation Commission in two public forums and youth sports association presidents and officers.

New Fees For Consideration

I. July 4th:

(A) Charge a fee to anyone outside Peachtree City to register for the July 4th parade (beginning with next year's parade).

Justification: The parade was historically a city event, with small entries, mostly golf carts and mostly residents. Over the years more out of city and even out of county entries have been allowed, along with increased commercial participation. This has made the parade inordinately long and more dangerous due to the larger entries (we are limiting the size of vehicles now). We have received many comments from citizens about the parade not having that hometown feel anymore.

Under this recommendation, Peachtree City residents and commercial entries would not have to pay a fee, and would be allowed to register at least one week earlier than others; Fayette County (not PTC) residents and commercial entries would be charged a small fee. We propose not allowing out of county residents or commercial entries into the parade, other than politicians whose political district includes Peachtree City or any candidates who have announced their candidacy for such posts. This fee is justified to help offset staffing and material costs to put on the parade. We have an average of about 165 entries in the parade. About half represent commercial or civic group entities, and half are private families. Seventy percent are from PTC; 17 percent are from Fayette County outside of PTC. **Revenue would be minimal (about \$2000)**, but the parade would be more localized and potentially safer. Due to the timing this year, we would want to wait until next year to implement this portion of the recommendation.

Proposed July 4th Parade Fees:

<u>PTC resident/family</u>	<u>PTC commercial</u>	<u>FayCty (notPTC) Res</u>	<u>Commer</u>
\$0	\$0	\$25	\$50

(B) Allow a vendor's permit to sell food, drinks and items such as the glow rings in pre-determined locations. Charge vendors a fee for the privilege.

Justification: These fees would be justified to help defray costs of the fire works show, which costs \$26,000 (not including staff time/costs). We could identify appropriate spaces for 20 vendors, 10 in City Hall Plaza and 10 at Picnic Park, for example, at \$400 per space, **to realize \$8,000 revenue**. (We would also charge a \$50 refundable clean up deposit) Of course, the more spaces we can make available, the more revenue we would obtain. We believe this would be attractive to vendors, who stand to make significant profit; it would make available to fireworks observers food, drink (non-alcoholic) and appropriate July 4 items; and it would help defray costs. We would be cautious not to duplicate vendor goods in the same location.

We would need to ensure that a staff member is present to monitor vendors and ensure they breakdown and clean up after the show.

II. Additions to Athletic Fees

Youth Sports:

Propose we charge sports associations a \$5/person/season (Fayette County resident) and \$10/person/season (out of county resident) facility maintenance fee.

Justification: Currently, we don't charge any of the associations any fees for field or facility use. We do, however, have agreements with each association in which they spell out what sort of in-kind contributions they will make to field or facility upkeep. However, smaller user groups generate less revenue, and cannot contribute a significant amount to assist with their facility's upkeep. This fee would ensure that all associations are proportionately contributing equally. All associations would still be expected to provide additional funding or in-kind items commensurate with the annual agreements.

In 2003 we had a total of approximately 7,177 youth participate in two seasons of sports supported by city fields or facilities. If we add a \$5/person/season fee for in county residents and \$10/person/season for out of county participants, that **would equal more than \$41,000 per year** to help offset costs to support these sports. This is based on having an average of about 85% PTC/Fayette County residency across all sports. It is assumed the associations would defray this in the registration fees.

This revenue will be posted to a special revenue account, which can only be expended for improvements to the Recreation fields or facilities that support each sport. It can be placed in separate association accounts and expended only for the facility that supports each association. These funds can roll over from year to year if not expended. This, along with the annual agreements with the city for additional maintenance assistance from associations, will ensure that the city's recreation budget can remain at a reasonable rate. In effect, this "pay to play" method ensures that general taxpayers aren't disproportionately supporting activities from which they don't directly benefit.

BMX Association: Because BMX is handled differently than other youth sports, we needed to devise a different fee system. Other youth sports register by season, so the above fee structure works. However, The BMX Association registers at each weekly event. They have about 26 of these events per year. The Association decided to charge **\$1/rider/race category/event**. A rider may enter more than one race category per race day. This money will also be posted to the special revenue account for BMX, to be expended to make improvements to the BMX facility. We do not have an estimated revenue projection at this time. After a full year of data, we will.

III. Recreation Classes:

(A) We propose a facility maintenance fee of \$1 per participant/class for all classes offered through the recreation department.

Justification: Annually, we have about 33,355 people taking classes (includes people who take multiple classes, multiple sessions). Justification would be to help offset costs of operating and maintaining facilities where classes are held (Kedron, Gathering Place, Glenloch). We should impose this as a facility maintenance fee to help defray costs and add it to the class fee. **A \$1 service fee would derive approx. \$33,355 in revenue.** This fee would come back 100 percent to the city, as do late fees and out-of-county fees. Again, this "pay to play" fee directly charges the person using the service/facility and not the general population.

(B) We propose raising out of county fees for classes to 50% more than resident fees.

Justification: In 2003 we had 668 out of county users in our classes, at an approximate average class costing \$30. Presently, we charge a flat \$5 additional fee for out of county users. If we increase the out of county by 50% over what is charged for county residents, we could obtain **about \$7,000 in additional revenue.** This is justified by increased operating costs, and the fact that out of county patrons pay no tax to help support programs and facilities.

IV. Shakerag Fee:

Increasing the fee to vendors for reserving a space without electricity from \$50 to \$75; for sites with electricity an additional \$30 ($75 + 30 = 105$); and double sites from \$100 to \$150.

Justification: We haven't raised the cost to vendors in many years, so this is justified, especially considering the improvements made to the Shakerag Knoll over the past few years (i.e. picnic pavilion, new cart path system, expanded electrical outlets, etc). **Based on the number and type of sites for the 2003 Shakerag event, this would generate about \$4,000 in additional revenue.**

V. Kedron Fieldhouse and Aquatic Center

Note: June 1, 2003, per person fee for Southern Crescent Aquatic Swim Team (SCAT) was increased from \$4 per person per month to \$5; also, effective Oct. 1, 2002, fees for High School teams were increased from \$2 per person per month to \$3.

A. Increase open swim pool fees:

Current open swim fees are \$1 for seniors and children and \$2 for adults: propose we increase those fees to \$2 for seniors and children and \$3 for adults.

Justification: This level of fee would put us in line with what surrounding communities charge: Gwinnett County, seniors \$2, child \$3, adult \$4; Fulton County, no senior discount, child \$1, Adult \$3; Dekalb, \$3/person all, and \$1 on holidays; Cobb, senior \$1.10, child \$2.10, adult \$3.15; City of Atlanta, no senior discount, child \$1, adult \$2; Lagrange, no senior discount, child \$2, adult \$3. This can also be justified to help offset the 6.5 percent increase in Kedron operating costs for FY 2004. **This increase would net \$30,787 additional revenue each year.** Depending on the final approval date of these recommendations, implementing the fee increase will wait until the beginning of a new swim season.

B. Increase pool pass rates:

Individual passes from \$50 to \$60; Family (2) from \$100 to \$120, (3) from \$125 to \$155, (4 or more) from \$150 to \$190. **This increase would net \$7,500 additional revenue annually.**

Justification: Again, this is to offset the increase in operating costs. Implementation date will depend on approval date of these recommendations.

D. Increase Room Rental Fees by \$10:

Justification: We have not raised fees for room rentals in more than three years. This increase would help offset rising maintenance costs, but would still keep us at a reasonable rate that is at or below what is being charged elsewhere for similar space. This would **generate \$3,150 additional revenue** annually.

VI. Administrative Updates in the Recreation Fee Schedule

In the process of reviewing Recreation fees, we discovered that some long-standing portions of our fee structure needed updating. The staff was in some cases not previously aware that some areas required Council approval, and in some cases determined that we did not have documented approvals. Details follow below:

A. Camp McIntosh Summer Camp fees: the camp comes in four 2-week sessions, with a maximum capacity of 50 campers each session. Cost per camper depends on the number and destinations of field trips or programs, cost of transportation, crafts, snacks, and a comparison to fees of other camps being offered in the local area. Since camps need to be advertised, supplies need to be order and reservations have to be made well ahead of the camp start date, we normally set the price at or occasionally slightly above that of the last year's price. In the past five years, we have only raised the fee twice, and that was because we offered more day trips and programs.

In addition, this year we offered an early bird discount to encourage early signups and assure full sessions. Each individual camper who signed up for multiple camp sessions received a discount, offered only for a two-day special signup period. The maximum discount was \$75 total for all four sessions. We had 57 register for Camp McIntosh on those two special sign up days this year, and 16 registrants took

advantage of the discount. Next year, to encourage a greater number of people to sign up earlier, we intend to offer a 10 percent/camper/session. This strategy enables us to compete with the numerous other camps in the local area.

Request that Council approve the fee structure for Camp McIntosh, and authorize us to continue the discount program.

(B) Recreation classes using contract instructors: In reviewing fees, staff determined that there was not on record a council approval for the general method used to charge fees for classes offered through the Recreation Department by means of contracted instructors. While this approval was no doubt issued in the past, there is no record of it. Staff felt it would be an appropriate opportunity to obtain that recorded approval.

Currently, each contracted instructor assesses the class value and sets cost in coordination with and approval of the Recreation staff. This is documented in a written agreement. The fee is then broken into an 80-20 % split, with 80% going to the instructor and 20% going to the city to cover expenses. Our instructional programs are planned to be self-supporting in this way.

Staff requests approval of this system, which has been used successfully for several years.

C. Activities fees (Gathering Place): There are also scheduled special activities at the Gathering Place that require nominal fees to ensure viability. These events include monthly dances, special group programs and day trips. We determine the cost of putting on the activity based on expenses such as materials, food or entertainment, and add 10 percent to cover unanticipated expenses. Then, depending on the activity, we can determine the per person cost:

- Trips normally require a minimum number of registrations to reserve a bus. So, the per person fee would be based on that minimum number. Once that amount is achieved, the remaining registrations are revenue.
- Monthly dance admission fees are designed to help offset costs of the DJ and refreshments.
- Special group programs, such as Red Hat teas, are designed to be self-supporting. Fees are designed to cover refreshments, speakers, decorations, advertising, etc.

Staff requests that Council approve the fee structure for these activities.

D. Adult Sports: Our adult athletics programs (softball, flag football, basketball, volleyball) must be competitive with the communities surrounding us in order to maintain an acceptable level of participation and competition. Our basic formula for setting the fees for these programs is to determine first the expenses of putting on the league (equipment, officials, supplies, awards, t-shirts, etc.) and adding 10 percent to cover expenses and allow for increased costs or unexpected expenses. Again, these are self-supporting programs. This is another example of a successfully working system for which we have no Council approval on record. Request that Council approve this fee structure method for adult athletics.

Budget Impact:

The total revenue increase to the city's general fund if these measures are approved is estimated to be \$136,792. The \$41,000 estimated to go back into youth sports associations' special revenue funds would, however, go directly back into improvements at city facilities. So the net impact would be \$95,792. This total does not include added (undetermined) revenue that can be generated by raising the cost of some rentals as shown on the accompanying table, or the proposed BMX fee.

2004 PARK & FACILITY RENTAL FEES

Effective Date: May 2004

FACILITY	PEACHTREE CITY & FAYETTE RESIDENTS	PTC & FAY CTY COMMERCIAL	OUT OF COUNTY RES/COMMERCIAL	*DEPOSIT REQUIRED
Basketball (outdoor)	10.00/hr	20.00/hr	25.00/hr (40)	50.00
BMX Track	150.00/day	250.00/day	375.00/day	50.00
<u>FIELDS:</u>				
Athletic Fields (L)	65.00/game	130.00/game	175.00/game	50.00
Athletic Fields	50.00 /game	100.00/game	150.00/game	50.00
<u>GAZEBOS:</u>	10.00/hr (20)	20.00/hr (30)	35.00/hr (65)	50.00
<u>PAVILIONS:</u>				
Pavilions	15.00/hr (25)	30.00/hr (50)	40.00/hr (75)	50.00
MP Court-PP	25.00/hr	50.00/hr	75.00/hr	50.00
<u>PARKS:</u>				
Drake Field	15.00/hr (25)	30.00/hr (40)	40.00/hr (60)	50.00
Huddleston Park	15.00/hr (25)	30.00/hr (40)	40.00/hr (80)	50.00
Picnic Park & Pav.	30.00/hr (40)	60.00/hr (80)	80.00/hr (100)	50.00
<u>POOLS:</u>				
Clover Reach	30.00/hr	60.00/hr	75.00/hr (90)	75.00
Glenloch	40.00/hr	80.00/hr	100.00/hr (120)	75.00
Kedron Lap(s)	50.00/hr	100.00/hr	125.00/hr (120)	75.00
Kedron Lap(w)	60.00/hr	120.00/hr	150.00/hr	75.00
Ked. 2 pools (s)	75.00/hr	150.00/hr	185.00/hr	75.00
Ked. 2 Pools-(w)	100.00/hr	200.00/hr	250.00/hr (300)	75.00
Pebblepocket	40.00/hr	80.00/hr	100.00/hr (120)	75.00
<u>ROOMS:</u>				
G. Pl.- Sm Room	25.00/hr (35)	60.00/hr (70)	75.00/hr (85)	100.00
G. Pl.- Lg. Room	40.00/hr (50)	100.00/hr (110)	125.00/hr (135)	100.00
Kedron Room 2	50.00/hr (60)	100.00/hr (110)	125.00/hr (135)	75.00
Kedron Room 3	30.00/hr (40)	60.00/hr (70)	75.00/hr (95)	75.00
Gym ½ Court	40.00/hr (50)	80.00/hr (90)	100.00/hr (140)	75.00
Gym Full Court	70.00/hr (80)	140.00/hr	175.00/hr (180)	75.00
Full Gym- 2 Courts	120.00/hr (130)	240.00/hr	300.00/hr	75.00
<u>TENNIS COURTS:</u>				
Courts/Lights	15.00/hr (25)	30.00/hr (50)	40.00/hr (75)	50.00
Courts/Unlighted	10.00/hr (20)	20.00/hr (35)	25.00/hr (55)	50.00

Note: amounts in Red are proposed new fees

* Deposits are refundable so long as facility or park is undamaged and cleaned up after use

= lighted

= summer

w =winter

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager *Benny M. Maller*
Developmental Services Director *4/29*

FROM: City Engineer *EB*

DATE: April 28, 2004

SUBJECT: Erosion & Sedimentation Control Ordinance Changes
May 6, 2004 City Council Agenda

Recommendation: Staff recommends adoption of the attached model ordinance.

Discussion: Attached is a copy of the proposed erosion and sedimentation control ordinance from the Georgia Environmental Protection Division. Staff has carefully reviewed the proposed changes and has tailored the document to Peachtree City's unique environmental and organizational features within the overall boundaries of the ordinance.

Budget Impact: The ordinance requires another level of permitting (fees) for land disturbing activities, which are redundant to the Georgia NPDES Construction Activity permitting program requirements. This ordinance simply codifies the process. Additional revenues from the second tier of permitting will be used to provide for additional inspection and enforcement tools, measures, and tracking.

Attachments

*cc: Building Official
Code Enforcement Officer
Development Inspector
file*

Model Soil Erosion And Sedimentation Control Ordinance

Sec. 1005. Soil erosion and sedimentation control.

1005.1 Title.

This ordinance will be known as "PEACHTREE CITY Soil Erosion and Sedimentation Control Ordinance."

1005.2 Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

- (1) **Best Management Practices (BMP's):** A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. ~~for all rainfall events up to and including a 25-year, 24-hour rainfall event.~~ The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
- (2) **Board:** The Board of Natural Resources.
- (3) **Buffer:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
- (4) **Commission:** The State Soil & Water Conservation Commission.
- (5) **Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.
- (6) **Department:** The Department of Natural Resources.
- (7) **Director:** The Director of the Environmental Protection Division of the Department of Natural Resources.
- (8) **District:** The Towaliga Soil and Water Conservation District.
- (9) **Division:** The Environmental Protection Division of the Department of Natural Resources.
- (10) **Drainage Structure:** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.
- (11) **Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.
- (12) **Erosion and Sedimentation Control Plan:** A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. Also known as the "plan."

- (13) **Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground.
- (14) **Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
- (15) **Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
- (16) **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.

Issuing Authority: ~~The governing authority of any county or municipality which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an Issuing Authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or the Division in those instances where an application for a permit is submitted to the Division.~~

- (17) **Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 1005.3, Paragraph 5.
- (18) **Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; a piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
- (19) **Local Issuing Authority:** Peachtree City or the governing authority designated by the Division and certified pursuant to subsection (a) O.C.G.A. 12-7-8.
- (20) **Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
- (21) **Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.
- (22) **Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

- (23) **Operator:** The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or to comply with other permit conditions.
- (24) **Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
- (25) **Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.
- (26) **Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.
- (27) **Qualified Personnel:** Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19 as determined by the Peachtree City Building Department.
- (28) **Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
- (29) **Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.
- (30) **Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
- (31) **Soil and Water Conservation District Approved Plan:** An erosion and sedimentation control plan approved in writing by the Towaliga soil and water conservation district.
- (32) **Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
- (33) **State General Permit:** The National Pollution Discharge Elimination System general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

- (34) **State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
- (35) **Structural Erosion and Sedimentation Control Practices:** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
- (36) **Trout Streams:** All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et. seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.
- (37) **Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
 - b. Temporary seeding, producing short-term vegetative cover; or
 - c. Sodding, covering areas with a turf of perennial sod-forming grass.
- Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
- (38) **Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
- (39) **Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

1005.3 Exemptions.

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

A.

- (1) Surface mining, as the same is defined in O.C.G.A. 12-4-72, "Mineral Resources and Caves Act";
- (2) Granite quarrying and land clearing for such quarrying;
- (3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
- (4) The construction of single-family residences, when such are ~~constructed by or under contract with the owner for his or her own occupancy, or the construction of single-family residences~~ construction disturbs less than one acre and is not a part of a ~~platted subdivision, a planned community, or an association of other residential lots consisting of more than two lots~~ larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in Section 1005.4 of this ordinance and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet; and no variance to a smaller buffer shall be granted. The minimum requirements of Section 1005.4 of this ordinance and the buffer zones provided by this section shall be enforced by the local issuing authority;
- (5) Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua

culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

- (6) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section 1005.4 C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
- (7) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
- (8) Any project involving ~~one and one-tenth acres or less~~ than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year round; provided, however, that any person responsible for a project which involves ~~one and one-tenth acres or less~~ less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
- (9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, ~~that such projects shall conform to the minimum requirements set forth in Section IV B. & C. of this ordinance;~~ provided further that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb five one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; and; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

- (10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, ~~provided that any such land-disturbing activity shall conform to the minimum requirements set forth in Section IV B. & C. any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and~~
- (11) Any public water system reservoir.

~~B. Where this section requires compliance with the minimum requirements set forth in Section IV B. & C. of this ordinance, Issuing Authorities shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.~~

1005.4 Minimum requirements for erosion and sedimentation control using best management practices.

- (a) General Provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Section 1005.4 B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.
- (b) Minimum requirements / BMPs.
- (1) Best management practices as set forth in Section 1005.4 B. & C. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any

other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act." As used in this subsection the terms "proper design" and "properly designed" mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year, 24-hour rainfall event in accordance with the hydraulic design specifications contained in the *Manual for Erosion and Sediment Control in Georgia* specified in O.C.G.A. 12-7-6 subsection (b).

- (2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or of any state general permit for construction activities issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
- (3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or by the Division or of any state general permit for construction activities issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act," for each day on which such failure occurs.
- (4) The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
- (c) The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
 - (1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 - (2) Cut-fill operations must be kept to a minimum;

- (3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
- (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (6) Disturbed soil shall be stabilized as quickly as practicable;
- (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- (9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- (11) Cuts and fills may not endanger adjoining property;
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (14) Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 1005.4 B. 2. of this ordinance;
- (15) Except as provided in paragraph (16) of this subsection, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act," shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

(16) There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to

protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.
- (d) Nothing contained in this chapter shall prevent an any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 1005.4 B. & C. of this ordinance.
- (e) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

1005.5 Application/Permit Process

- (a) General. The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the Local Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the ~~property owner~~ operator is the only party who may obtain a permit.
- (b) Application Requirements
 1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of PEACHTREE CITY without first obtaining a permit from the Building Department to perform such activity.
 2. The application for a permit shall be submitted to the Building Department and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 1005.5 C. of this ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of Section 1005.4 B. & C. of this ordinance. Applications for a permit will not be accepted unless accompanied by three (3) full-size printed copies and one (1) 8-1/2" x 11" reduced copy of the applicant's soil erosion and sedimentation control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the board.
 3. A fee, in the amount of \$100 (One Hundred Dollars) shall be charged for each acre in the project area, then a fraction thereafter (\$100 min.).

4. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8, half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
5. Upon receipt of an application and plan for a permit, the Local Issuing Authority shall approve or disapprove a plan within 15 days of receipt. Failure of the Local Issuing Authority to act within 15 days shall be considered an approval of the pending plan. No permit will be issued unless the plan has been approved by the Local Issuing Authority, and any variances required by Section 1005.4 C. 15. & 16. and bonding, if required as per Section 1005.5 B.5. (b), have been obtained.
6. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Local Issuing Authority may deny the permit application.
7. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

(c) Plan Requirements.

1. Plans must be prepared to meet the minimum requirements as contained in Section 1005.4 B. & C. of this ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia*, published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil

types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and State laws.

2. Data Required for Site Plan

- a. Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
- b. Description of existing land use at project site and description of proposed project.
- c. Name, address, and phone number of the property owner.
- d. Name and phone number of 24-hour local contact who is responsible for erosion and sedimentation controls.
- e. Size of project, or phase under construction, in acres.
- f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in **bold letters** that "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities."
- g. Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
- h. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
- i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the *Manual for Erosion and Sediment Control in Georgia*.
- j. Maintenance statement - "Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source." ~~Additional erosion and sedimentation control measures and practices will be installed if deemed necessary by onsite inspection."~~

3. Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and

training certification requirements as developed by the commission pursuant to C.O.G.A. 12-7-20. The certified plans shall contain:

- a. Graphic scale and north point or arrow indicating magnetic north.
- b. Vicinity maps showing location of project and existing streets.
- c. Boundary line survey.
- d. Delineation of disturbed areas within project boundary.
- e. Existing and planned contours, with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval, ft.
1 inch = 100 ft. or larger scale	Flat 0-2% Rolling 2-8% Steep 8% +	0.5 or 1 1 or 2 2, 5 or 10

- f. Adjacent areas and feature areas such as streams, lakes, residential areas, etc., which might be affected should be indicated on the plan.
 - g. Proposed structures or additions to existing structures and paved areas.
 - h. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.
 - i. Delineate the specified horizontal buffer along designated trout streams, where applicable.
 - j. Location of erosion and sedimentation control measures and practices using coding symbols from the *Manual for Erosion and Sediment Control in Georgia*, Chapter 6.
4. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.
- (d) Permits.
1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary.
 2. No permit shall be issued by the Local Issuing Authority authorized by section 1005.5(d)2 unless it has affirmatively determined that the plan is in compliance with this ordinance; any variances required by Section 1005.4 C. 15. & 16. are obtained; bonding requirements, if necessary, as per Section 1005.5 B. 5. (b) are met; and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local

Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
4. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
5. ~~No permit shall be issued unless the applicant provides a statement by the certifying (11) that all ad valorem taxes levied against the property and due and owing have been paid.~~

1005.6 Inspection and enforcement.

- (a) The Building Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- (b) The Building Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- (c) No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

- (d) The Districts or the Commission or both shall periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The Districts or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- (e) The Local Issuing Authority shall take the necessary corrective action to retain certification by the Division. If Peachtree City does not take necessary corrective action within 30 days after notification by the division, the division may revoke the certification of the City as an a Local Issuing Authority.

1005.7 Penalties and incentives.

- (a) **FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY**
If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.
- (b) **STOP-WORK ORDERS**
 - 1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have not more than five days to correct the violation. If the violation is not corrected within the number of days specified in the notice, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
 - 2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and
 - 3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
 - 4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such

stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

- (c) **BOND FORFEITURE.** If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 1005.5 B. 5. (b). The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- (d) **MONETARY PENALTIES.** ~~Except as provided in paragraph (2) of this subsection, any~~ Any person who violates any provisions of this ordinance, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.
- ~~1. The following penalties shall apply to land disturbing activities performed in violation of any provision of this ordinance, any rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this ordinance;~~
- ~~a. There shall be a minimum penalty of \$250.00 per day for each violation involving the construction of a single family dwelling by or under contract with the owner for his or her own occupancy; and;~~
- ~~b. There shall be a minimum penalty of \$1,000.00 per day for each violation involving land disturbing activities other than as provided in subsection (A) of this paragraph.~~

1005.8 Education and certification.

After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of

involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

1005.89 Administrative Appeal/Judicial Review

- (a) **ADMINISTRATIVE REMEDIES.** The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the City Council within (30) thirty days after receipt by the Local Issuing Authority of written notice of appeal.
- (b) **JUDICIAL REVIEW.** Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal by Writ of Certiorari to the Superior Court of Fayette County.

1005.10 Effectivity, validity, and liability.

- (a) **Effectivity.** This ordinance shall become effective on the 1st day of July, 2004.
- (b) **Validity.** If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.
- (c) **Liability.**
 - 1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
 - 2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
 - 3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

ATTEST:

(20)
Signature

(21)
Signature

POSITION PAPER

Proposed Rezoning: Peachtree City Holdings tract, Peachtree Parkway North

City Planner/ Zoning Administrator *David J. G.*

April 28, 2004

Situation:

Pathway Communities owns a 1.97-acre tract of land on Peachtree Parkway North that is located between the TDK guesthouse and the Flat Creek golf course. Mr. Nicholas S. Fouts has a contingent contract on the property and desires to rezone the overall tract from its current designation of VR Villa Residential to R-22 Residential. The purpose of the rezoning is to allow the subdivision of the property into no more than two parcels. Mr. and Mrs. Fouts plan to construct a home on one of the parcels for their family and another home on the second parcel for their in-laws. A shared driveway from Peachtree Parkway would provide access to both parcels, and the Applicant has submitted a separate variance application for this request. 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 tract is 1.97 acres in area and is currently zoned VR Villa Residential (Attachment "B"). This parcel and the adjoining TDK guesthouse property are currently the only parcels within the City with this zoning classification.
2. The property adjoins the TDK guest house to the north (VR Villa Residential), the undeveloped Stout tract to the east (R-43 Residential), the Flat Creek golf course to the south (OS Open Space) and Peachtree Parkway to the west. The property across Peachtree Parkway from the subject parcel is zoned R-43 Residential. The subject parcel has approximately 154 linear feet of frontage on Peachtree Parkway.
3. The recent update to the Land Use Plan recommends the property should be used for a single-family cluster development with the potential of being rezoned to an LUR, Limited Use Residential category. This zoning was contingent on the property being combined with the adjoining TDK guesthouse and Stout tracts to create a larger parcel for development (Attachment "C").
4. The Applicant has provided a schematic layout of the proposed development, which identifies the property being subdivided into no more than two parcels. A private, shared driveway is proposed to provide access to the homes from Peachtree Parkway. The Land Development Ordinance states "*residential*

Peachtree City Holdings tract, Peachtree Parkway North

April 28, 2004

Page 2 of 3

driveways shall not serve more than two single-family residential lots” which would allow the driveway as proposed. However, Section 803(a)(6) states “No direct residential access (drive cuts) onto arterials and collector thoroughfares shall be allowed unless a variance is first granted by the City Council of Peachtree City.” Pursuant to the requirements of this ordinance the Applicant has submitted a separate variance application for this request.

5. Peachtree Parkway North is classified as a community collector, and the City’s Buffer Ordinance requires the dedication of a continuous 50-foot-wide (minimum) city-owned greenbelt parallel to the right-of-way for residential developments.
6. Because of the fact that the overall tract, before the reduction of the acreage within the required 50’ wide greenbelt, is slightly under two acres in size, the Applicant is requesting that the entire tract be rezoned to R-22 Residential to accommodate the proposed subdivision. The Applicant has indicated his willingness to develop the property to R-43 Residential standards so that the overall subdivision is similar to Eastwind Estates, North Peachtree Estates, Heathergate, and other residential developments along Peachtree Parkway.
7. Staff and the Applicant met with representatives from Canongate Golf Clubs on April 7 to discuss the possibility of re-platting the common property line between these tracts so that the centerline of the creek would become the new property line. This would allow the overall acreage within the proposed subdivision to meet the minimum one-acre lot size requirements specified within the R-43 Residential zoning ordinance. The request was received favorably, and the Applicant is pursuing re-platting this property line. Due to the timing involved and the anticipated approval process with the Mortgage Company for the golf course, the Applicant has asked that the rezoning request move forward as originally submitted.
8. At their meeting on April 12, 2004, the Planning Commission recommended that the proposed rezoning be approved (Attachment “D”) with the conditions recommended by City Staff.

Recommendation:

Staff recommends that the proposed rezoning of the 1.97-acre Peachtree City Holdings tract on Peachtree Parkway North to R-22 Residential be approved subject to the following understandings and conditions:

Peachtree City Holdings tract, Peachtree Parkway North

April 28, 2004

Page 3 of 3

1. There shall be no more than two (2) residential lots within the overall subdivision. Development of both lots shall conform to the setback and buffer requirements specified within the R-43 zoning ordinance.
2. The Applicant shall dedicate a continuous 50' wide (minimum) greenbelt that is parallel to the right-of-way of Peachtree Parkway to the City at no cost.
3. The schematic site plan is intended only to suggest a concept and shall not be considered the final approved development plan for the subdivision. That plan must be prepared and approved as part of the regular concept plat review process.
4. The Applicant shall make separate application to City Council seeking a variance to allow the proposed curb cut onto Peachtree Parkway. This variance must be secured prior to subdividing the property.
5. The Applicant shall agree to continue working with City Staff and the owners of the adjoining golf course property to determine if the common property line that separates the two parcels can be relocated to the centerline of the existing creek. Should this be possible, the Applicant shall agree to modify his rezoning application so that the property can be rezoned to the R-43 Residential zoning district.
6. The Applicant shall be responsible for paying the Glenloch Service Area impact fee for both lots in addition to the above-mentioned costs at the time of final plat approval.

Attachments

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

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

1.97 ± ACRE PARCEL IMMEDIATELY N.E. OF INTERSECTION OF
PEACHTREE PARKWAY AND FLAT CREEK RD.

This property is presently zoned: VILLA RESIDENTIAL

The proposed zoning classification is: R-22

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

Signature: Nicholas S. Fouts
Owner: (print) PEACHTREE CITY HOLDINGS, LLC
Agent: (print) Nicholas S. Fouts
Address: 2135 Brook Pond Court, Alpharetta, GA 30005
Phone: 404.597.8665 Date: 3/19/04

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

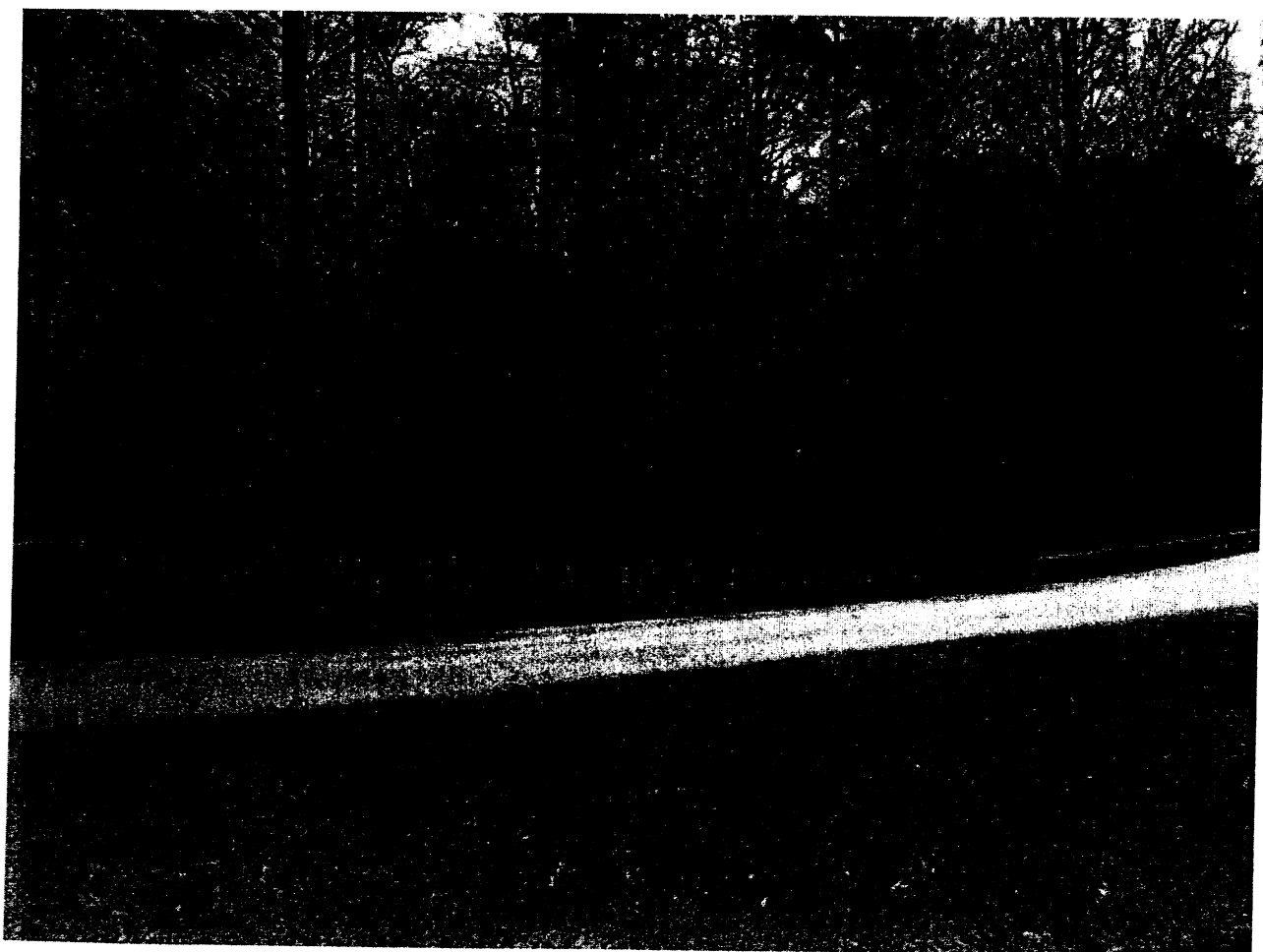
Signature: David E. Rost
Title: City Planner/Zoning Administrator
Date: 03-19-04
Request Number: 2004-1
Date of Planning Commission Public Hearing: April 12, 2004
Date of City Council Public Hearing: May 6, 2004

07/01/01

Attachment "A"

1.97-Acre Parcel on Peachtree Parkway

R-22 Zoning Request



**A ZONING REQUEST FOR 1.97-ACRE PARCEL ON
PEACHTREE PARKWAY**

PEACHTREE CITY, GEORGIA

CONTENTS:

1. INTRODUCTION
2. PROPOSAL
3. ANALYSIS
4. SUMMARY

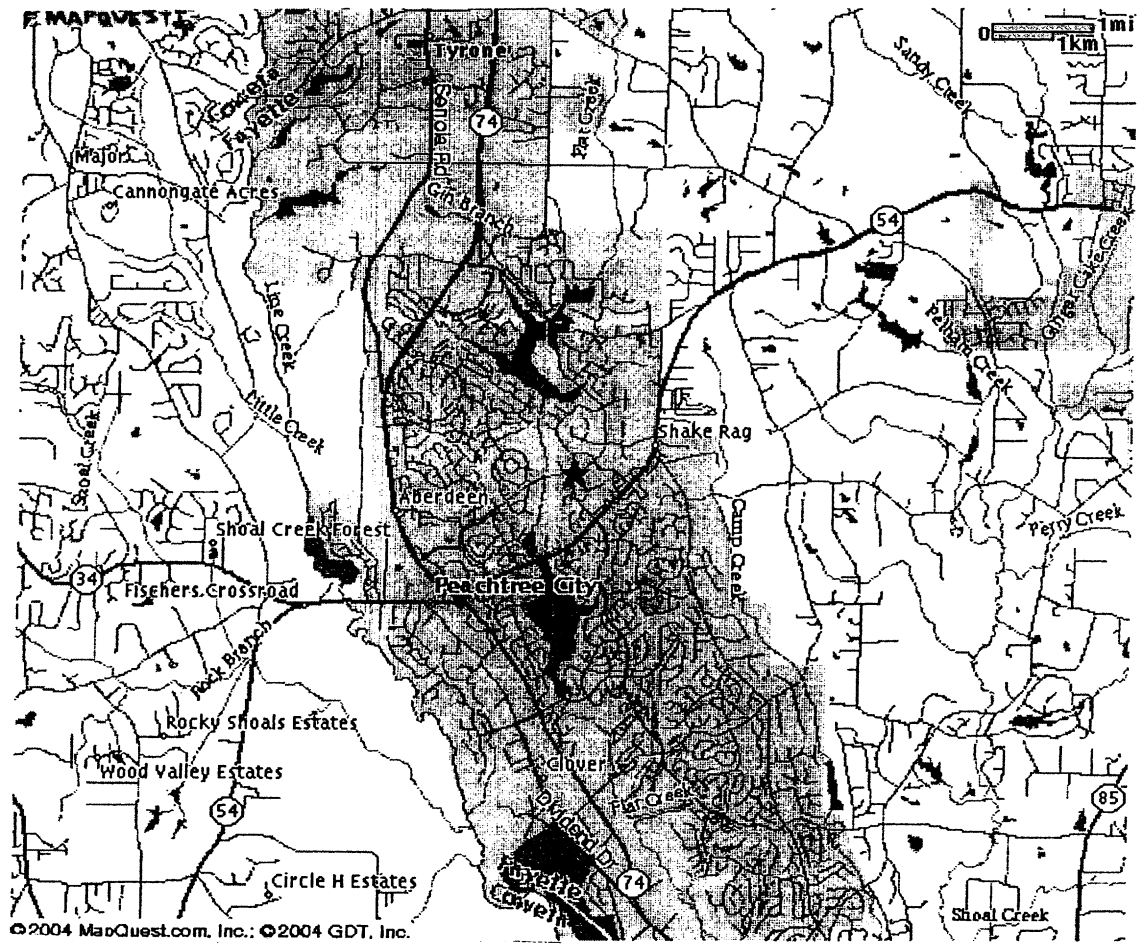
Prepared and Submitted by:

Nicholas S. Fouts, P.E.
2135 Brook Pond Court
Alpharetta, Georgia 30005

March 19, 2003

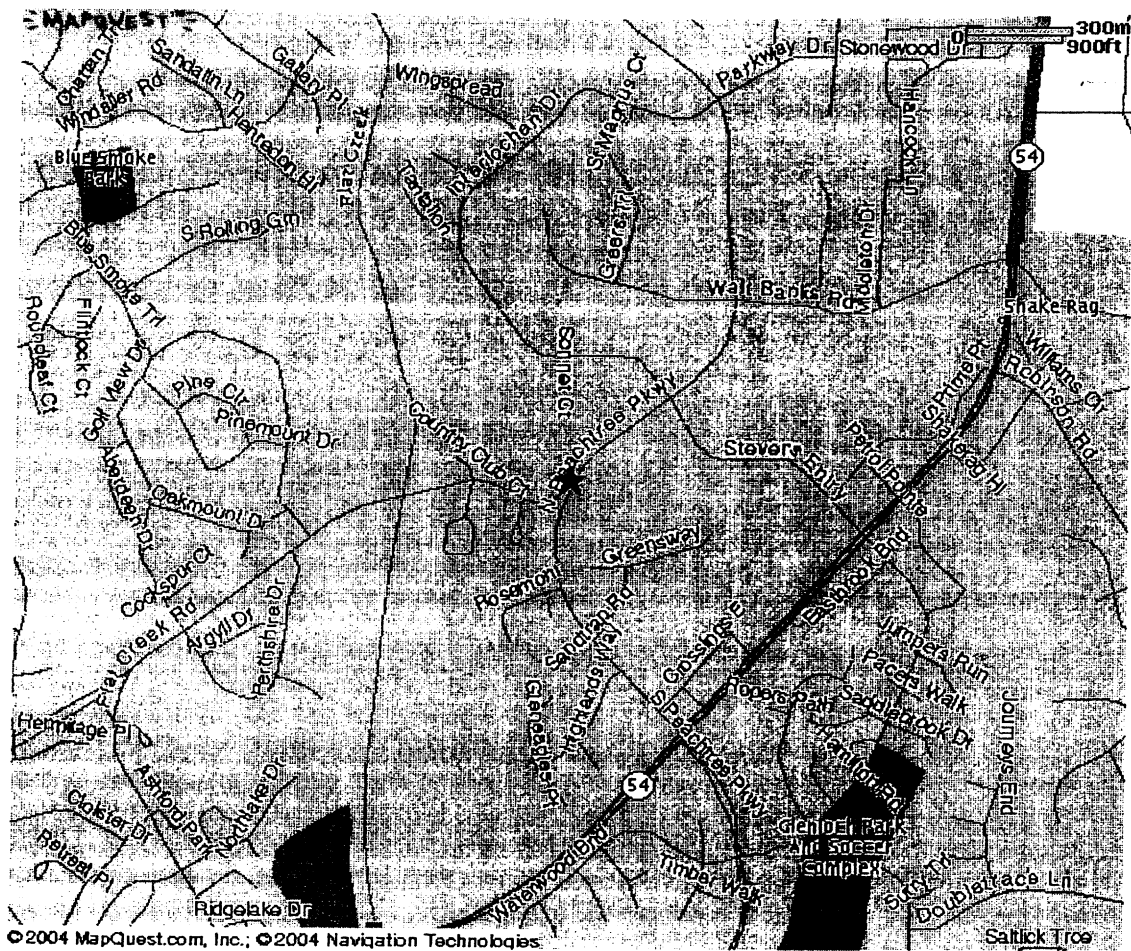
LOCATION MAP

Peachtree City



LOCATION MAP

Peachtree Parkway



1. INTRODUCTION

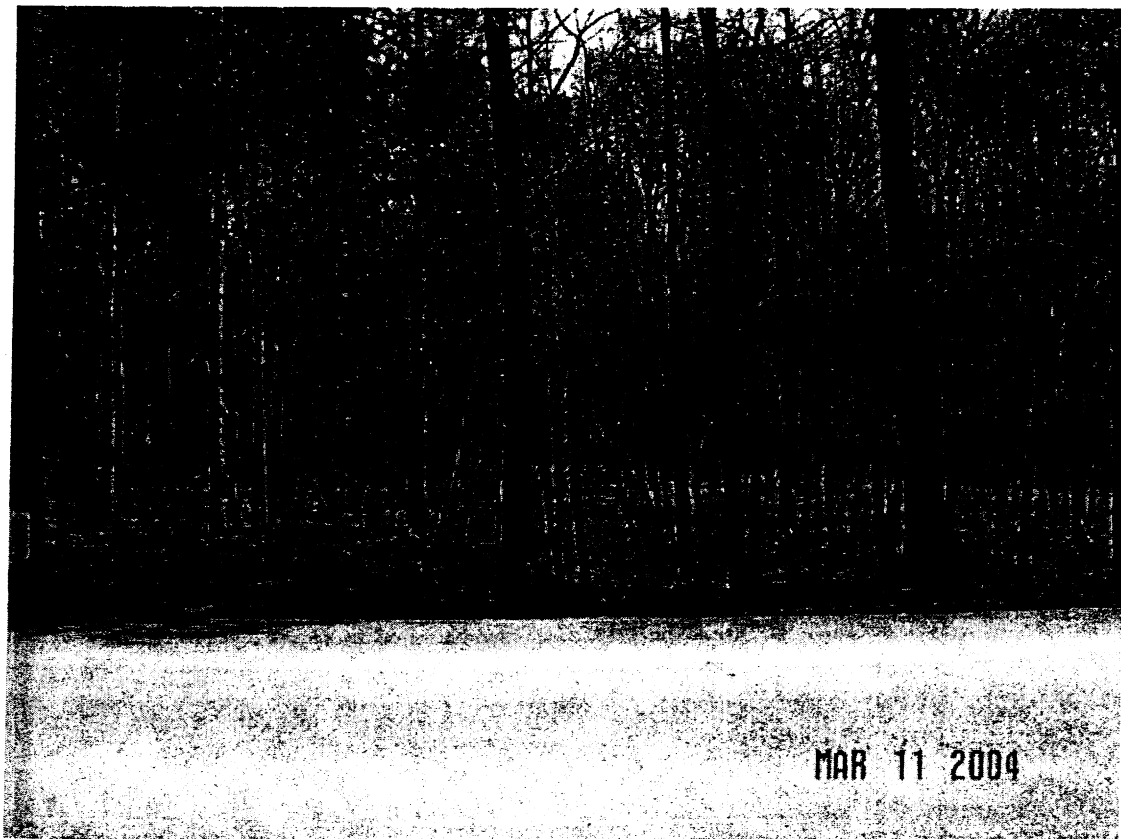
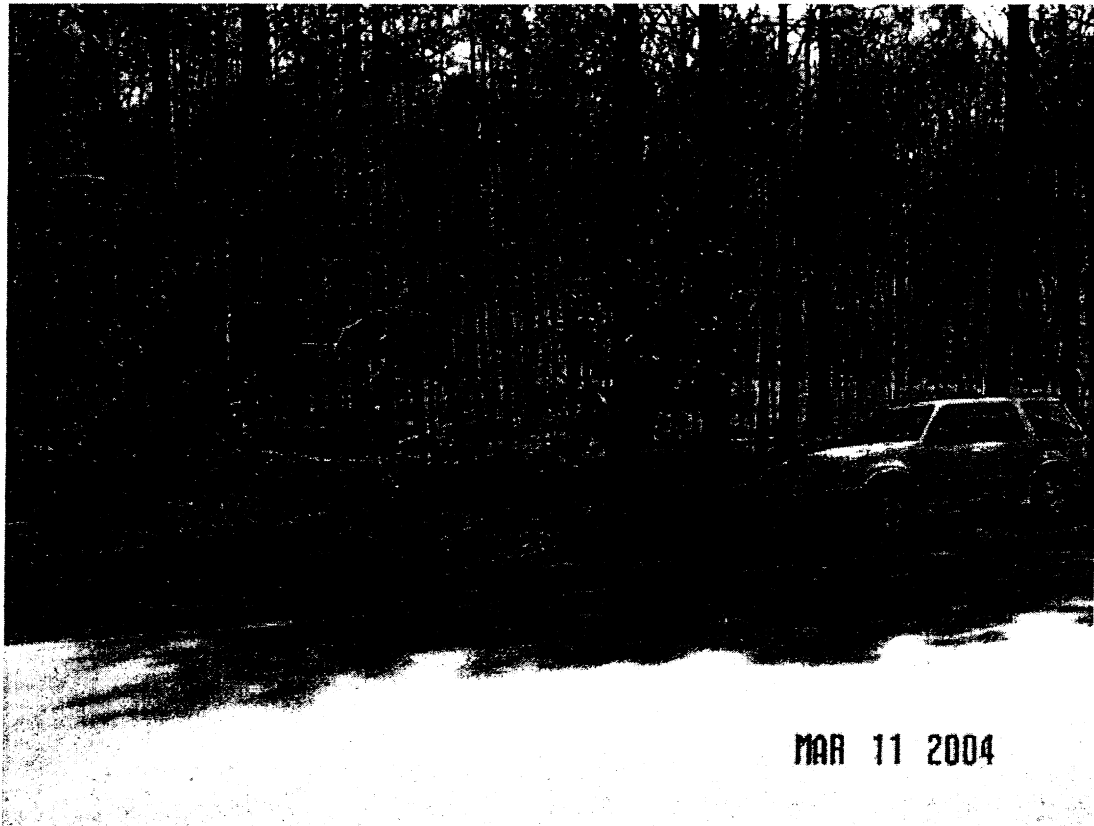
This area of Peachtree Parkway is an established, residential section with single-family homes, the Flat Creek Golf Club, churches and schools. The 1.97-acre parcel immediately northeast of the three-way stop at Flat Creek Road and Peachtree Parkway is one of very few remaining undeveloped lots along the northern side of Peachtree Parkway and the only one currently zoned "Villa Residential".

This request is to re-zone the property from Villa Residential to R-22, for two single-family residences which is more consistent with the surrounding properties.

I am submitting the zoning request for benefit of my father-in-law and mother-in-law, Richard and Debra Bair, and my wife, Lori Fouts, and me. We four, the Bairs and Fouts, are the future owners of this property. In presenting this request, I am acting as agent for Peachtree City Holdings, LLC (current property owner), which does business as Pathway Communities.

On March 8, 2004, Mr. Bair and I entered into a Lot Purchase Agreement with Peachtree City Holdings, LLC (Owner). As part of this Agreement, the Owner has granted permission to us to pursue the re-zoning of this property. Upon successful re-zoning, Mr. Bair and I will split and re-plat the existing lot into two approximately 0.985-acre lots upon which we will construct our principal residences.

Following on the next two pages are photographs of the existing property from Peachtree Parkway.





2. PROPOSAL

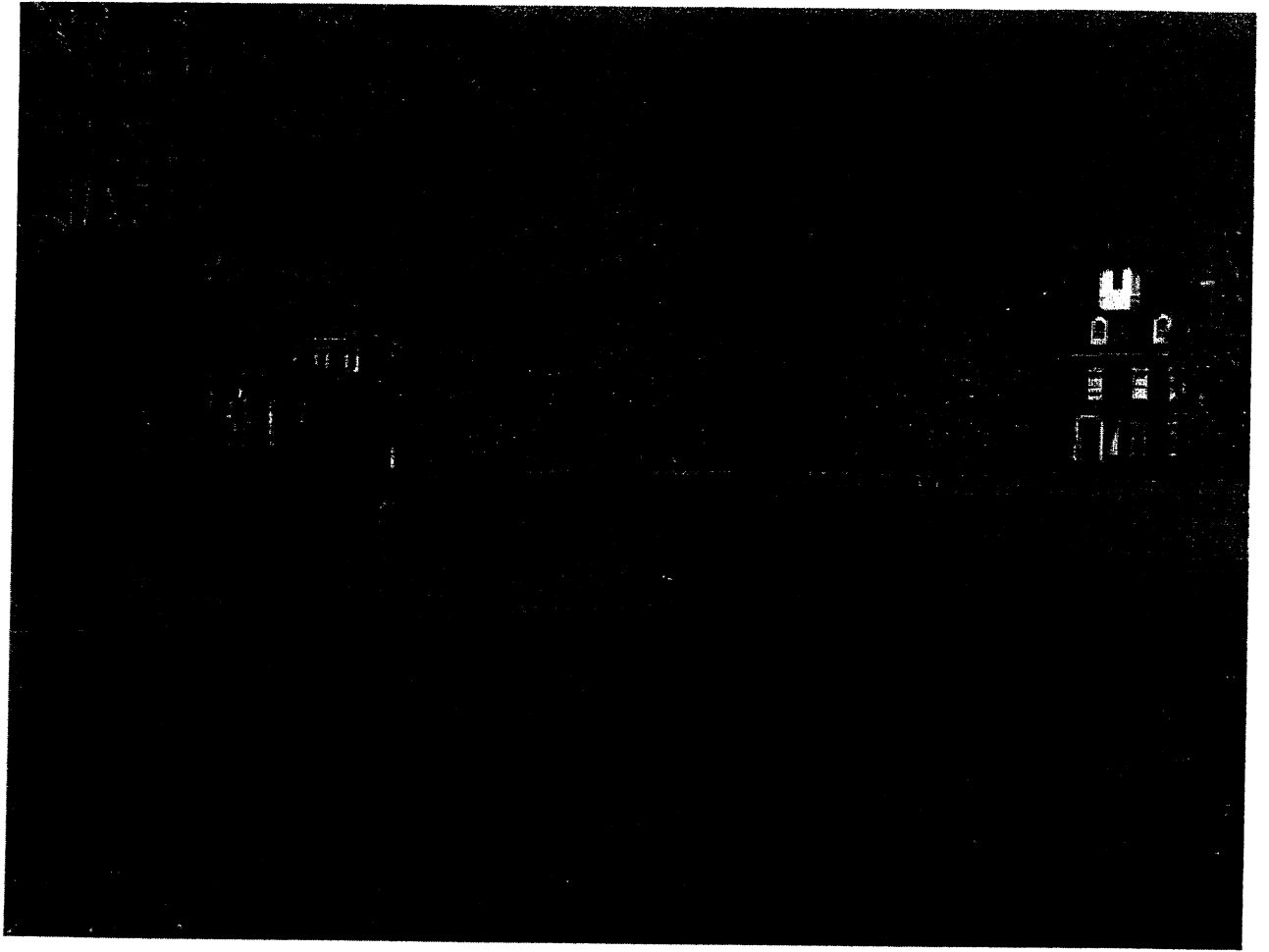
This proposal is to re-zone the 1.97-acre parcel immediately northeast of the three-way stop at Flat Creek Road and Peachtree Parkway from "Villa Residential" to R-22. The parcel lies on Land Lots 99 & 100 in the 7th district of Peachtree City, Fayette County, Georgia. The land immediately north is owned by the TDK Corporation and has a house constructed on it. The land immediately south is the Flat Creek Golf Club golf course. The land immediately east is a 4-acre tract owned by Mr. Stroud. The subject property has a 25' wide possible prescriptive easement along the east boundary for possible future access to Mr. Stroud's property. Across Peachtree Parkway to the west are large, single-family homes.

The proposed plan illustrates subdividing the parcel into two lots of approximately 0.985 acres each. My wife, children and I (the Fouts) and my wife's parents (the Bairs) plan to purchase the property, subdivide it into two lots and each build a principal residence. The homes will be served by a common driveway off Peachtree Parkway, thereby creating an effect of a "family compound". The look will be very similar to the three homes directly across the street that are all served by one common driveway off Peachtree Parkway.

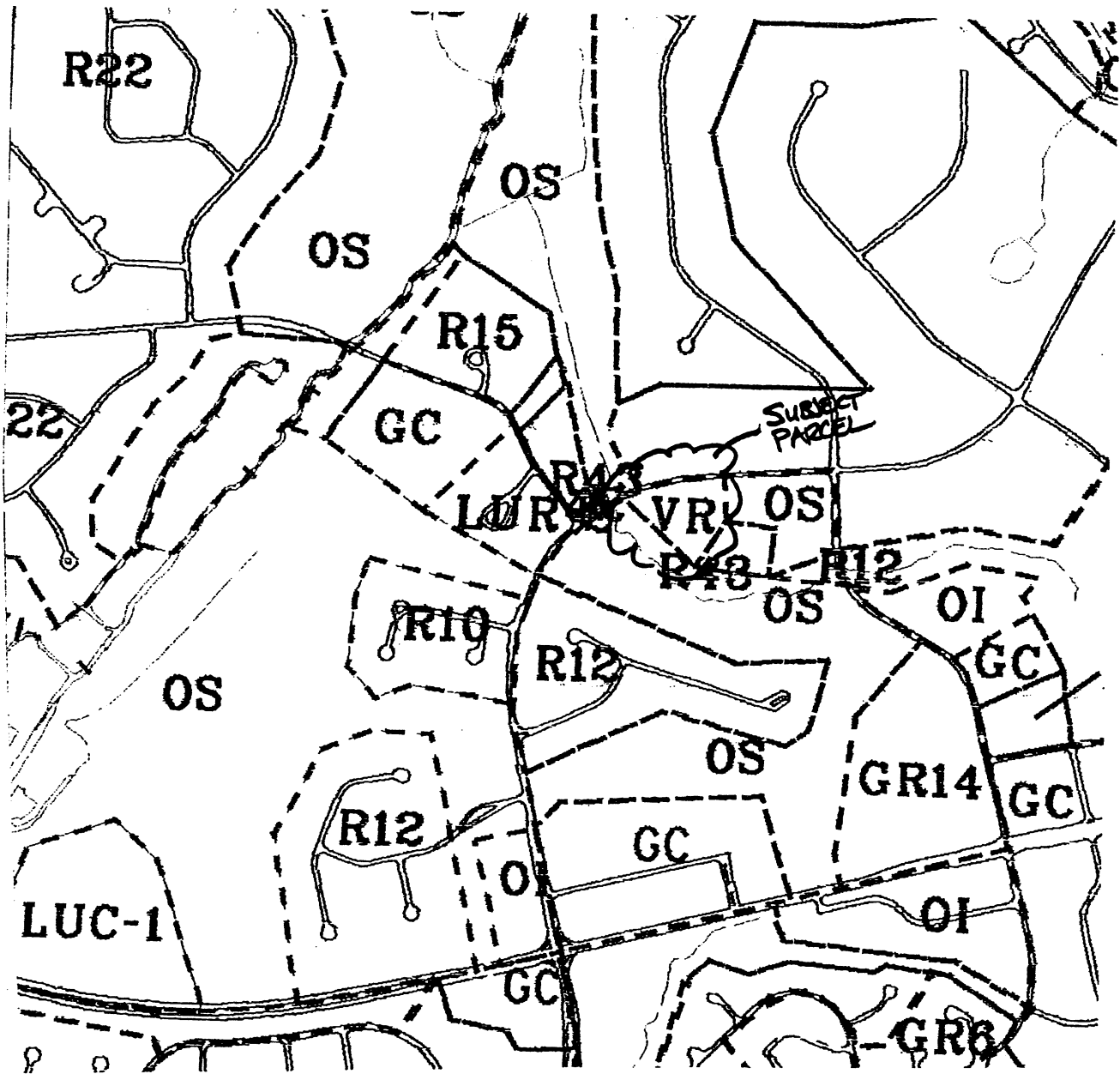
While other surrounding residential property is generally zoned R-43 with one-acre lot minimums, this parcel falls 0.03 acres short of qualifying for that zoning. Instead, we propose a zoning of R-22 with a 22,000 square foot lot minimum, but where each lot will be approximately 42,993 sf. This zoning of R-22, with almost one-acre lots, is much closer to complementing the existing homes than would be a zoning of Villa Residential.

R-22 zoning is appropriate for this parcel of land in order to relate to the surrounding activities and land use. This plan will provide a more attractive and pleasing use of the land to surrounding property owners than a much larger number of smaller dwellings which could occur with the Villa Residential zoning.

On the following page is a photograph of the adjacent property after which this will be modeled.

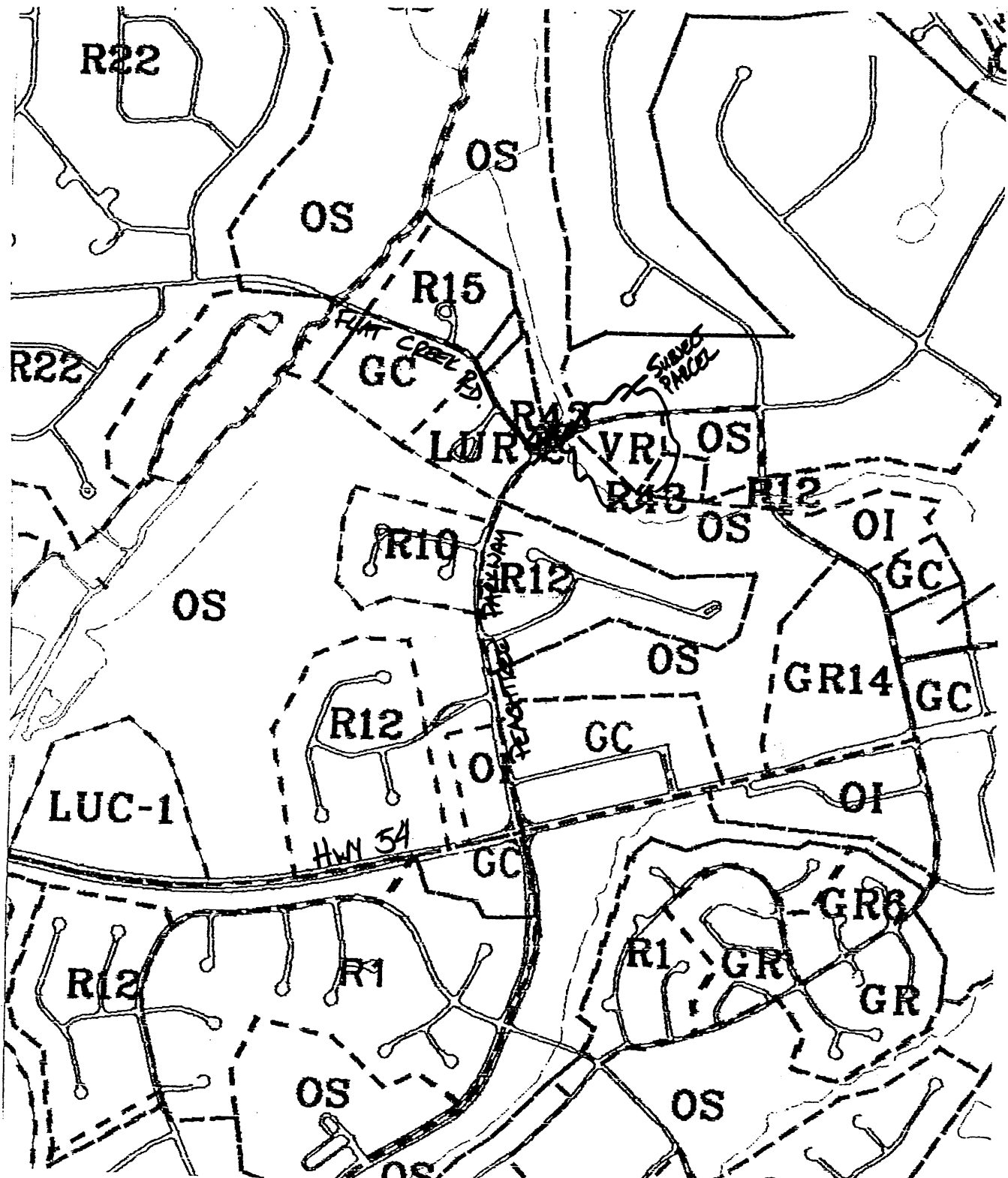


CONCEPT PLAN FOR ZONING

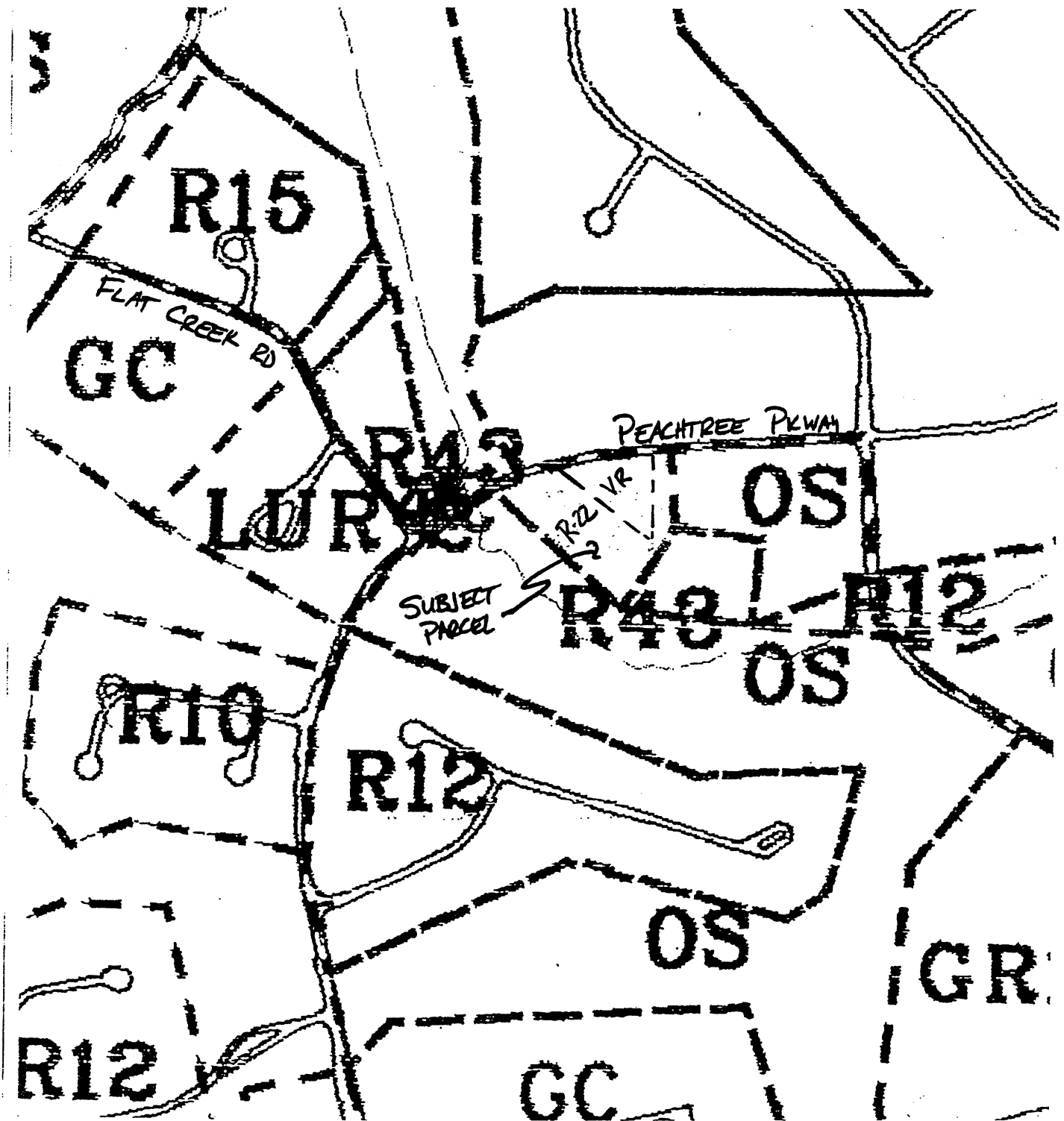


Map showing proposed new City zoning districts at a scale of 1"=800'

EXISTING ZONING MAP



PROPOSED ZONING MAP



3. ANALYSIS

The 1.97-acre parcel on Peachtree Parkway has approximately 154' of frontage on Peachtree Parkway and 386' of depth.

The Land:

The topography shows the parcel sloping from northeast to southwest across the property as it goes toward the branch of Flat Creek. Overall fall across the property is approximately 10' excluding the creek bed which is approximately 4' below the surrounding land.

Utilities:

All utilities, with the exception of sewer, are in place to serve the site. The two proposed homes will be served by on-site septic systems. The homes will be connected to the public water system.

Tax:

The taxes generated from two new homes will be more than the undeveloped land is today. For example: 2 homes at \$400,000 avg. x 40% assessed x 5.28 mils = \$1,690 PTC tax.

Police/Fire/Emergency:

Emergency services are provided by Neely Fire Station which is approximately 2,000' south from the property on Peachtree Parkway at Georgia Highway 54.

Public Education:

Two new homes will have minimal impact on the Fayette County School System. Children presently in this area are served by Peachtree City Elementary School, Booth Middle School and McIntosh High School. All of these schools are readily accessible from this location. The Fouts will have two children attend the school system in 2005 and three children attend the school system by 2008.

Recreation Program:

Two new homes will have minimal impact on the Peachtree City recreation programs.

Environmental Protection:

Two new homes will provide minimal impact to the environment. A common driveway off Peachtree Parkway to the two homes is proposed, instead of separate drives, which will also minimize the environmental impact. The only construction will be the homes themselves, the common driveway, the septic systems, and possibly an accessory structure and/or pool on one parcel. Erosion control and sedimentation will be addressed as design for the homes progresses.

Transportation:

Two new homes will have no impact on the existing road system. Both homes will access Peachtree Parkway by a common driveway. Visibility is good in both directions.

Access to Peachtree Parkway will be safe because traffic will be slowed in both directions (either approaching the 3-way stop from the north or leaving the 3-way stop from the south). Cart paths are already in place.

Other:

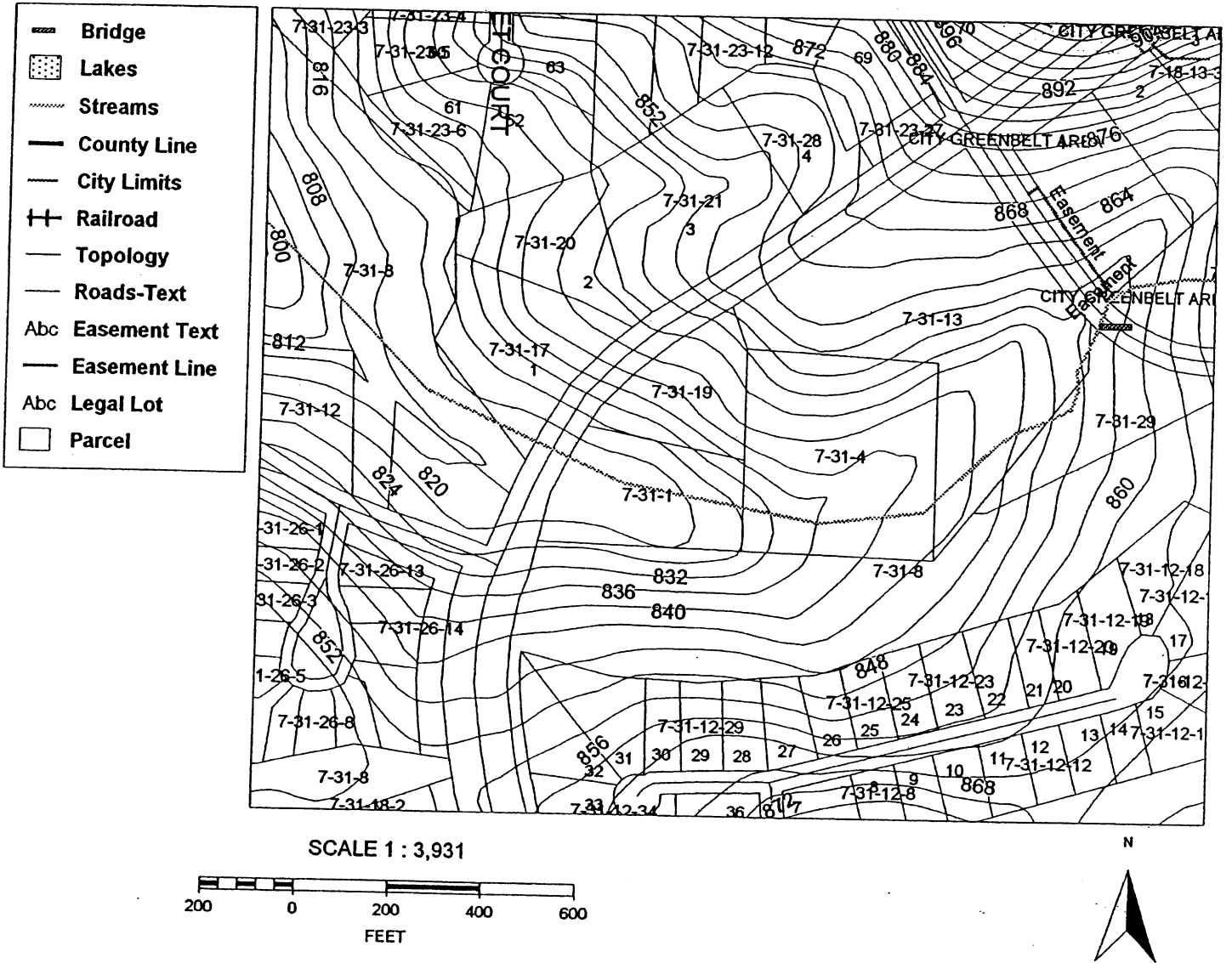
No major natural, geographic or cultural features presently exist on or near the property.

No public facilities are presently on or near the property, or are proposed to be built on or near the property.

This is a topographic map of a golf course area. The map features contour lines with elevations such as 800, 860, 900, and 953. A railway line, labeled 'RAILWAY' and 'FLAT CREEK RD', runs diagonally across the map. A 'SUBJECT AREA' is highlighted with a dark, irregular shape. Other labels include 'Golf Course', 'BM 837', 'GA. 54', and 'x 88'. A north arrow is located in the bottom left corner. The map also shows various buildings, roads, and vegetation.

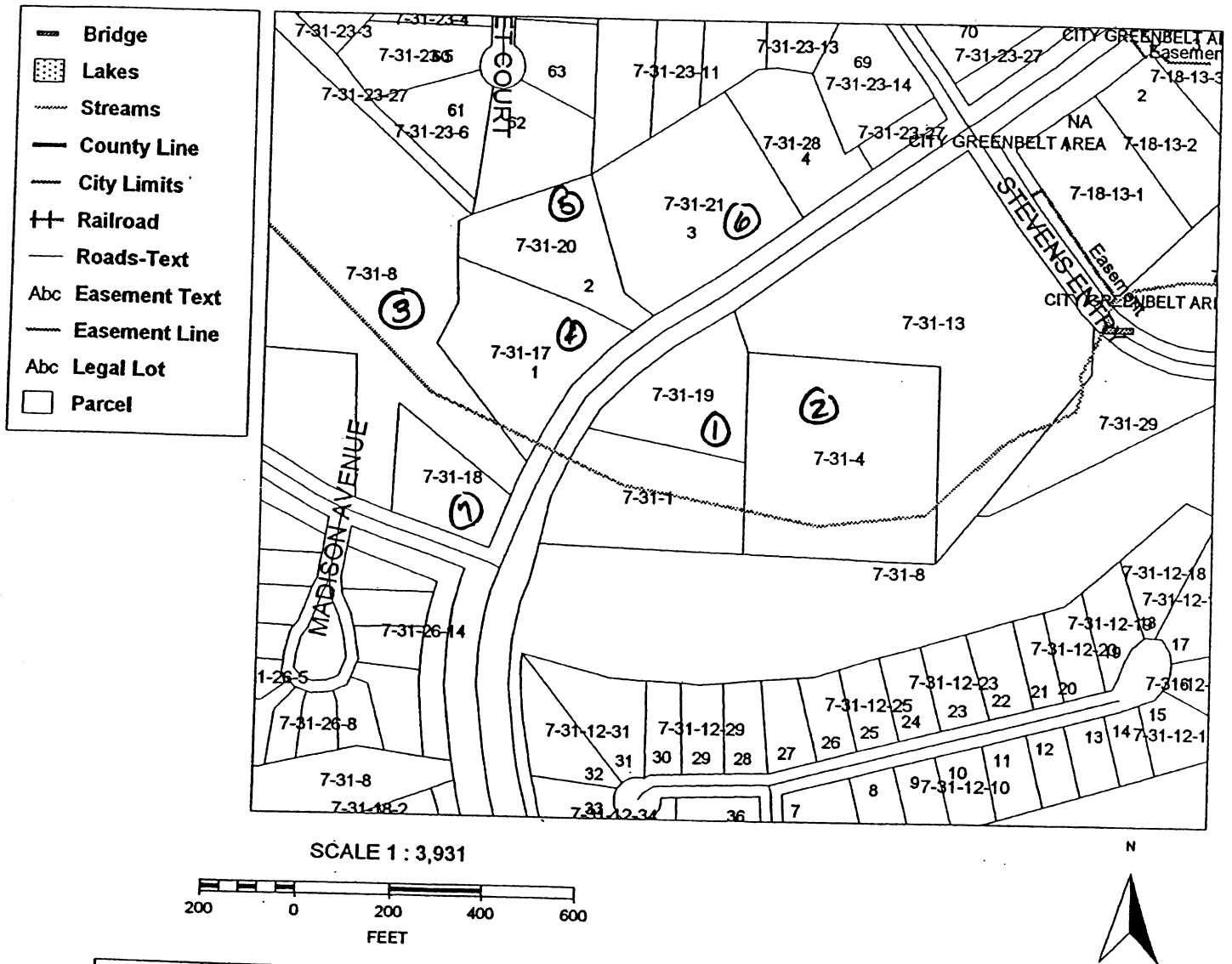
USGS Topographic Map 1965, Photorevised 1982
1" = 1000'
Contour Interval = 20'

TOPOGRAPHIC MAP



Fayette County Maps
Contour Interval = 2'

Fouts rezoning request



ID No.	Parcel No.	Listed Property Owner
1	0731-019-01	TDK Electronics Corporation
2	0731-004-01	STX Corporation
3	0731-008-01	Patten Seed Company
4	0731-017-01	Elaine Yarbrough
5	0731-020-01	Jay S. Berger, MD
6	0731-021-01	Rebecca A. Aggrey
7	0731-018-01	Donald R. Jenkins

Legal Description

ALL THAT TRACT or parcel of land lying and being in Land Lots 99 and 100 of the 7th Land District, Peachtree City, Fayette County, Georgia and being more particularly described as follows:

BEGIN at an iron pin found on the boundary line common to Land Lots 99 and 100, which point lies westerly a distance of 735 feet as measured along said boundary line from the southeast corner of Land Lot 100, and run thence along said boundary line south 89 degrees 12 minutes 9 seconds west a distance of 25 feet to an iron pin found; run thence south 26 degrees 18 minutes 56 seconds west a distance of 99.94 feet to an iron pin found; run thence north 63 degrees 42 minutes 24 seconds west a distance of 386.93 feet to an iron pin found on the southeasterly right-of-way line of Peachtree Parkway (80' r/w); run thence in a northeasterly direction along said right-of-way line along the arc of a curve to the right a distance of 154.26 feet to an iron pin found, said arc being subtended by a chord bearing north 34 degrees 14 minutes 58 seconds east a distance of 154.13 feet and having a radius of 1,075.62 feet; run thence south 85 degrees 11 minutes 2 seconds east a distance of 302.19 feet to an iron pin found; run thence north 1 degree 2 minutes 20 seconds west a distance of 216.60 feet to an iron pin set; run thence north 54 degrees 33 minutes 3 seconds east a distance of 30.50 feet to an iron pin found; run thence south 1 degree 0 minutes 59 seconds east a distance of 417.81 feet to the Point of Beginning as established above; being shown and described as 1.97 acres, more or less, containing 85,987 square feet on that certain boundary survey prepared for Peachtree City Holdings, LLC, by Mark R. Welborn, Georgia Registered Land Surveyor No. 2711, dated January 8, 2002.

WITHIN 500' OF THE SITE.

C1
R=1076.62'
Δ=08°13'02"
L=104.28'
T=77.26'
Ch=164.13'
N 34°14'58" E

L.L. 99

L.L. 100

APPROXIMATE LAND LOT LINE

FLAT CREEK GOLF COURSE

AREA: 1.97 +/- ACRES
(85,987 SQ. FT.)

N/F
TDK CORP.

PS 1/2"
RE-BAR

S 01°00'59" E

N/F
S.W. GREER
DB 40 PG 249

GRAPHIC
1" = 50'

L.L. 100

L.L. 99

APPROXIMATE LAND LOT LINE & PROPERTY LINE
735.00' TO SE CORNER OF LAND LOT 100

which this survey is based
measured by lotitudes and

4. SUMMARY

Approval of this zoning request will ensure that this parcel on Peachtree Parkway maintains the existing feel and tradition of the surrounding homes and land use. While "Villa Residential" can allow multiple, small units to be constructed on this parcel, the proposed zoning of R-22 will allow two, single-family homes to be constructed on this land that will maintain the character of this section of Peachtree Parkway, while providing minimal impact to the City.

PROPOSED SITE PLAN

(attached)

[illegible]

Sec. 1002A. [VR] villa residential.

(1002A.1) *Intent of district:* It is intended that the VR zoning district be reserved and developed for low-density guest villa residential purposes. The regulations which apply to this district are designed to encourage the formation of a healthy, stable environment for guest village dwellings situated on zoning lots having an area of one acre or more, with provisions for on-site sewage disposal, [on] 22,000 or 12,000 square foot lots are permitted provided sewer lines are in place. These regulations are also intended to discourage encroachment by commercial, industrial, or other uses capable of adversely affecting the intended residential character of the district.

(1002A.2) *Permitted uses:* The following uses shall be permitted in any VR zoning district:

- (a) Guest villa.
- (b) Publicly owned building, facility or land.
- (c) Building, facility or land for the distribution of utility services.
- (d) Building, facility or land for noncommercial park, recreation, thoroughfare, or open space purposes.
- (e) Private boat dock, fishing pier, boathouse, and related accessory concession and support facilities.
- (f) Accessory uses: See section 908.
- (g) Customary home occupation: See section 907.

(1002A.3) *Conditional uses:* The following uses shall be permitted in any VR zoning district on a conditional basis:

- (a) On-site sewage disposal system on the following conditions:
 - (1) The zoning lot is at least one acre in area.
 - (2) A permit for the system is obtained from the county health department prior to its installation.
- (b) Church or other legitimate place of worship, including a one-family dwelling for a minister, on the following conditions:
 - (1) Notwithstanding any other requirements in this ordinance the following conditions shall apply to all churches regardless of zoning district.
 - (2) Minimum zoning lot area is three acres.
 - (3) Minimum lot width: 100 feet.
 - (4) Minimum setback area, front:
 - (a) Building: 40 feet.
 - (b) Parking: 20 feet.

- (5) Minimum setback area, side: 15 feet. If adjoining a residential lot, the building setback shall be 75 feet.
- (6) Minimum setback area, rear: 30 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
- (7) Maximum building height: As approved by the fire department.
- (8) All zoning lots shall have direct access onto an arterial, major collector road or have access to an arterial, major collector or industrial/commercial road via a minor collector.
- (9) No parking shall be permitted within 20 feet of the property line of any adjoining residential zoning lot.
- (10) Parking and/or service areas shall be separated from adjoining residential lots by a suitable fence or wall six feet in height or a suitable planting screen six feet in height at time of planting. The required fence, wall, or screen must provide for a reasonable visual separation between properties. No fence or wall in excess of four feet may be placed in a setback area adjoining a public street.
- (11) One nonilluminated sign not greater than 32 square feet in area for each panel of a double-sided structure is permitted.
- (12) Parking: See section 909.
- (13) Lighting: See section (1005A.4)(n).
- (14) Any existing church in any zoning district may comply with either the requirement existing prior to enactment of this ordinance or they may comply with the conditions of this section. They shall not be permitted to comply with various sections of both requirements.

(1002A.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in VR zoning districts shall conform to the following standards:

- (a) Guest villas shall be operated only as an amenity and not made available to the general public.
- (b) Dwelling shall have exterior appearance of single-family dwelling.
- (c) Minimum floor area per dwelling unit:
 - VR--2,400 square feet.
 - VR 22--1,600 square feet.
 - VR 12--1,400 square feet.
- (d) Minimum zoning lot area:
 - VR--1 acre.
 - VR 22--22,000 square feet.

- VR 12--12,000 square feet.
- (e) Minimum land area per dwelling unit:
VR--1 acre.
VR 22--22,000 square feet.
VR 12--12,000 square feet.
- (f) Maximum dwelling units per net acre:
VR--1 unit.
VR 22--1.98.
VR 12--3.63.
- (g) Minimum lot width:
VR--150 feet.
VR 22--150 feet.
VR 12--85 feet.
- (h) Minimum front setback depth:
VR--50 feet.
VR 22--50 feet.
VR 12--35 feet.
- (i) Minimum side setback depth:
VR--15 feet.
VR 22--15 feet.
VR 12--15 feet.
- (j) Minimum rear setback depth: 30 feet.
- (k) Maximum building height: 35 feet.
- (l) Parking: See section 909.
- (m) Signs: See Peachtree City sign ordinance.
- (n) Zoning lot must have direct access onto a public street.

(Ord. No. 174(c), 1-25-1979; Ord. No. 259, 5-6-1982; Ord. No. 366, § 19, 5-22-1985)

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

GLENLOCH G-II

NORTH STEVENS ENTRY NEIGHBORHOOD

Tract		Existing Land Use	Proposed Land Use	Existing Zoning	Notes
1.000	Gables Court Apartments	MF	MF	GR-14	
2.000	Flat Creek Golf Course	OS	OS	OS	
3.000	Episcopal Church Tract:				
3.001	Church Building	CS	CS	OS	
3.002	Undeveloped Tract	SFC	CS	R-12	Adjust Zoning to OS
4.000	Stout Tract, Undeveloped	SFC	SFC	R-43	Limited Use Potential, Residential
5.000	TDK Guest House	SFC	SFC	VR	Limited Use Potential, Residential
6.000	Pathway Tract, Undeveloped	SFC	SFC	VR	Limited Use Potential, Residential
7.000	Eastwind Estates S/D	SFL	SFL	R-43	
8.000	Parkside Office S/D:				
8.001	Brooks Office Bldg.	OFF	OFF	OI	
8.002	Office Park Complex	OFF	OFF	OI	
9.000	Day Care Center	OFF	OFF	GC	
10.000	Ashley Glen Assisted Living	COM	MF	LUC-14	
11.000	Prime Point Commercial S/D:				
11.001	Car Wash	COM	COM	GC	
11.002	BP Station	COM	COM	GC	
11.003	Huddle House Bldg.	COM	COM	GC	
11.004	Perlman Office Bldg.	COM	COM	GC	
11.005	Strickland Office Bldg.	COM	COM	GC	
11.006	Dairy Queen	COM	COM	GC	
11.007	Medical Office Bldg.	OFF	OFF	OI	
11.008	Undeveloped, Proffitt	OFF	OFF	OI	
11.009	Steinberg Office Bldg.	OFF	OFF	OI	
11.010	Davis Office Bldg.	OFF	OFF	OI	
11.011	Wright Office Complex	OFF	OFF	OI	
11.012	Undeveloped, Wright	OFF	OFF	OI	
11.013	Medical Office Bldg.	OFF	OFF	OI	

PH-04-01 Proposed Rezoning, Peachtree City Holdings Tract on Peachtree Parkway North, VR Villa Residential to R-22 Residential.

Mr. Nick Fouts of Brook Pond Court in Alpharetta was in attendance to present the proposed rezoning for the Peachtree City Holdings Tract on Peachtree Parkway North.

Mr. Fouts stated that he would like to buy the property, subdivide it into two lots and build two single-family dwellings. The R-22 zoning was being requested because the lots would be .03 acres short of the one-acre minimum required for R-43 zoning. He intended to develop the property so that it looked like the surrounding homes in the area. There was no opposition to this rezoning.

After discussion, a motion was made by Mr. Saunders, seconded by Mr. Green, and unanimously approved that the proposed rezoning of the Peachtree City Holdings Tract on Peachtree Parkway North from VR Villa Residential to R-22 Residential be forwarded to City Council with a recommendation for approval subject to the following understandings and conditions:

- 1. There shall be no more than two (2) residential lots within the overall subdivision. Development of both lots shall conform to the setback and buffer requirements within the R-43 zoning ordinance.*
- 2. The Applicant shall dedicate a continuous 50' wide (minimum) greenbelt that is parallel to the right-of-way of Peachtree Parkway to the City at no cost.*
- 3. The schematic site 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.*
- 4. The Applicant shall make separate application to City Council seeking a variance to allow the proposed curb cut onto Peachtree Parkway. This variance must be secured prior to subdividing the property.*
- 5. The Applicant shall agree to continue working with City Staff and the owners of the adjoining golf course to determine if the common property line that adjoins the Flat Creek golf course can be relocated to the centerline of the existing creek. Should this be possible, the Applicant shall agree to modify his rezoning application so that the property can be rezoned to the R-43 Residential zoning district.*
- 6. The Applicant shall be responsible for paying the Glenloch Service Area impact fee for both lots in addition to the above-mentioned costs at the time of final plat approval.*

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: City Planner/ Zoning Administrator *David Ige*

VIA: City Manager *Bernard M. Muller*
Developmental Services Director *Wesley*

DATE: April 28, 2004

SUBJECT: Fouts driveway request, 310/ 312 Peachtree Parkway North
May 6, 2004 City Council agenda

Recommendation:

Staff recommends approval of the request as proposed subject to the following understandings and conditions:

- 1. The Applicant shall continue to coordinate with City Staff to ensure sight distance issues are adequately addressed prior to identifying the actual location of the driveway cut.*
- 2. The driveway shall be limited to no more than twelve (12) feet in width through the greenbelt area.*
- 3. There shall be no disturbance to any vegetation within the greenbelt except for that required to construct the proposed driveway.*

Discussion:

Mr. Nicholas S. Fouts has a contingent contract on a 1.97-acre tract of land on Peachtree Parkway North. The Applicant has requested that the property be rezoned from VR Villa Residential to R-22 Residential to allow the subdivision of the overall tract into no more than two single-family residential lots. The subject parcel has approximately 154 linear feet of frontage on Peachtree Parkway. The Applicant has also submitted a variance application requesting that he be allowed to install a driveway cut onto Peachtree Parkway (Attachment "A").

The lot as currently platted does not have direct access onto Peachtree Parkway. Instead, it was platted with an access easement at the north end of the adjoining TDK parcel that would allow access to a narrow strip of land separating the TDK property from the adjoining Stout property (Attachment "B"). Neither Mr. Fouts nor the owners of the adjoining TDK parcel wish to have

Fouts driveway request, 310/ 312 Peachtree Parkway North

May 6, 2004 City Council agenda

April 28, 2004

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the platted access easement used to provide access to the subject parcel. Therefore, Mr. Fouts is requesting that he be granted direct access to Peachtree Parkway through the front of his property.

A number of years ago, City Council established a policy that no more driveways should be opened onto Peachtree Parkway for individual building lots. This policy was later refined in ordinance format, and Section 803(a)(6) of the City's Land Development Ordinance was modified to state: *"No direct residential access (drive cuts) onto arterials and collector thoroughfares shall be allowed unless a variance is first granted by the City Council of Peachtree City."*

The Planning Commission discussed the proposed driveway as a part of their review of the rezoning application for the subject parcel. Although there was some concern pertaining to sight distance issues, the proposed driveway cut was generally supported and recommended for approval as a part of the rezoning application. Essentially, it was felt that the City Engineer could address the sight distance issues and a logical location for the driveway could be established should the property be subdivided. A condition specifically requiring the Applicant to seek a variance from City Council for the proposed driveway cut was included within their conditions of approval (Attachment "C").

Budget impact:

There are no budget impacts associated with this request.

Attachments

2004-02

REQUEST FOR VARIANCE
LAND DEVELOPMENT ORDINANCE, CITY OF PEACHTREE CITY

This is a request for a variance from the requirements of the Peachtree City Land Development Ordinance for the property located at:

311/ 312 N. Peachtree Parkway (northeast of 3-way stop with Flat Creek Rd)

The reason this variance is being requested is as follows: to allow direct access to the 2 proposed residences on this parcel. Direct driveway access (common drive) will be safer, less confusing, and more aesthetically pleasing than an alternative access to the 2 proposed homes.

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

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

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

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

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

Name: (Please type or Print) Nicholas S. Fouts

Address: 2135 Brook Pond Ct., Alpharetta, GA 30005

Phone: 404. 597. 8665

Signature: Nicholas S. Fouts

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

Signature: David E. Rant

Title: City Planner / Zoning Administrator

Date of Acceptance: April 19, 2004

Date of Public Hearing: May 6, 2004

April 16, 2004

Mr. David Rast, Planning Department
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

Subject: Request for Variance for Ingress/Egress onto Peachtree Parkway North
1.97± acre Parcel Northeast of Intersection of Peachtree Parkway and Flat Creek Road

Dear Mr. Rast:

As you are aware, I have submitted an application for re-zoning of the 1.97± acre parcel immediately northeast of the three-way intersection at Peachtree Parkway and Flat Creek Road. The initial request to rezone the property from Villa Residential (VR) to R-22 was heard and accepted by the Planning Commission during their meeting on Monday, April 12, 2004. This request will be heard by the City Council on the meeting of May 6, 2004. The overall purpose of this request is to build two single-family residences on this parcel for my family and my wife's parents.

As discussed during the Planning Commission meeting and stated in your Position Paper dated April 9, 2004, the existing City Ordinances Section 803(a)(6) states "*No direct residential access (drive cuts) onto arterials and collector thoroughfares shall be allowed unless a variance is first granted by the City Council of Peachtree City.*" The Planning Commission agreed with your recommendation that the proposed driveway to access this parcel from Peachtree Parkway (as shown on the attached sketch) is the best means of access, but that City Council would have to approve the variance.

Therefore, I am attaching this letter to a Request for Variance, Land Development Ordinance, City of Peachtree City, to more clearly describe the perceived need for a direct driveway access onto Peachtree Parkway from this parcel. I would like for the City Council to consider this request jointly with the re-zoning request

This parcel of property is ideally suited for the plan proposed, which includes two single-family dwellings served by a common driveway off Peachtree Parkway. Factors I would like for the City Council to consider when evaluating this Request for Variance include the following:

1. The addresses for the two residences we propose to construct on this parcel will most likely be 310 and 312 Peachtree Parkway North, respectively from south to north. The TDK guest house immediately north of the property has an address of 314 Peachtree Parkway North. It seems logical for this property which will have a Peachtree Parkway address to come off Peachtree Parkway in the area in front of the property.
2. One undesirable option is to construct the driveway to the property north of the TDK guest house along the access easement and possible prescriptive easement north and east of the TDK property. The reasons for this option being undesirable include:

- a. Emergency vehicle drivers enroute to either 310 or 312 Peachtree Parkway could easily be confused if the driveway to these properties was between 314 (TDK) and 316 (St. Andrews-in-the-Pines) Peachtree Parkway North, north of the actual residences. The consequences of such confusion and loss of time could be severe.
- b. The purpose behind the access easement and possible prescriptive easement is for future access to the remaining 4-acre parcel owned by the Stout family, east of the 1.97-acre parcel. The 4-acre Stout parcel is land-locked and has no accessibility by vehicle other than through these easements. In future years, if this property is developed and these easements are utilized, the access to the two residences proposed herein would be from the rear and the safety issues associated with item 2 (a) above would still exist.
3. Engineering feasibility and safety for the proposed driveway onto Peachtree Parkway was discussed during the Planning Commission meeting. Because this property is immediately north of the 3-way stop at Peachtree Parkway and Flat Creek Road, traffic in front of this parcel will be slowing from the north as it approaches the stop and traffic from the south will only be beginning to accelerate away from the stop. I will work with the City Engineer to properly locate the driveway along the parcel's frontage on Peachtree Parkway to ensure that it is constructed in the safest location possible.
4. The final consideration is one of aesthetics. The visual appeal of a common drive to the two residences as it winds through the trees will only enhance the designation of North Peachtree Parkway as a "Scenic Road". It will complement the three-residence compound immediately across Peachtree Parkway which is served by a common driveway.

It is my and my family's intent to positively impact the neighborhood and construct two residences which reflect and complement the character of the surrounding homes. For the reasons listed above, we believe that this request for variance should be considered and approved.

Please contact me if you have any questions or concerns. You may reach me at (404) 597.8665 or via email at nfouts@tpdesignbuild.com or thefouts@bellsouth.net.

Sincerely,



Nicholas S. Fouts
2135 Brook Pond Court
Alpharetta, Georgia 30005

[illegible]

TIERNAN & PATRYLO DESIGN GROUP
engineers • architects *P. 254925*

665 Highway 74 South, Suite 100 telephone: (770) 632-0828
Peachtree City, GA 30269-1001 fax: (770) 632-0804
extensive: (770) 632-0804

PH-04-01 Proposed Rezoning, Peachtree City Holdings Tract on Peachtree Parkway North, VR Villa Residential to R-22 Residential.

Mr. Nick Fouts of Brook Pond Court in Alpharetta was in attendance to present the proposed rezoning for the Peachtree City Holdings Tract on Peachtree Parkway North.

Mr. Fouts stated that he would like to buy the property, subdivide it into two lots and build two single-family dwellings. The R-22 zoning was being requested because the lots would be .03 acres short of the one-acre minimum required for R-43 zoning. He intended to develop the property so that it looked like the surrounding homes in the area. There was no opposition to this rezoning.

After discussion, a motion was made by Mr. Saunders, seconded by Mr. Green, and unanimously approved that the proposed rezoning of the Peachtree City Holdings Tract on Peachtree Parkway North from VR Villa Residential to R-22 Residential be forwarded to City Council with a recommendation for approval subject to the following understandings and conditions:

- 1. There shall be no more than two (2) residential lots within the overall subdivision. Development of both lots shall conform to the setback and buffer requirements within the R-43 zoning ordinance.*
- 2. The Applicant shall dedicate a continuous 50' wide (minimum) greenbelt that is parallel to the right-of-way of Peachtree Parkway to the City at no cost.*
- 3. The schematic site 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.*
- 4. The Applicant shall make separate application to City Council seeking a variance to allow the proposed curb cut onto Peachtree Parkway. This variance must be secured prior to subdividing the property.*
- 5. The Applicant shall agree to continue working with City Staff and the owners of the adjoining golf course to determine if the common property line that adjoins the Flat Creek golf course can be relocated to the centerline of the existing creek. Should this be possible, the Applicant shall agree to modify his rezoning application so that the property can be rezoned to the R-43 Residential zoning district.*
- 6. The Applicant shall be responsible for paying the Glenloch Service Area impact fee for both lots in addition to the above-mentioned costs at the time of final plat approval.*

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: City Planner/ Zoning Administrator *David*

VIA: City Manager *Ernest M. McCall*
Developmental Services Director *COZ*

DATE: April 29, 2004

SUBJECT: Amendment to Section 1006B.16 Limited-use commercial district no. 16
May 6, 2004 City Council Agenda

Recommendation:

Staff recommends that Council adopt the attached amendments (Attachment "H") to Section 1006B.16 Limited-use commercial district no. 16 changing the permitted uses from "multi-family residences in second floor loft apartments" to fee simple townhome units and eliminating specific commercial square footages within the overall development.

Discussion:

City Staff and the Lexington Circle Architectural Review Board (ARB) have been working diligently with the various property owners within the Lexington Circle mixed-use development to ensure the overall project is developed in accordance with the approved zoning for this property (Attachment "A"), the approved master plan (Attachment "B") and the approved Design Guidelines (Attachment "C"). Throughout the years, a variety of developers have prepared plans and suggested changes to the approved zoning, most to include a higher density of multi-family residential units or a higher density of commercial development.

The existing ordinance identifies "multi-family residences in second floor loft apartments" as a permitted use, and limits the total number of multi-family residential units to no more than eighty (80) units. This ordinance also stipulates minimum and maximum floor areas for general retail, restaurants and offices, and identifies a maximum commercial area of 300,000 square feet for general retail, restaurants and office space.

MetroGroup Development purchased 13.63 acres within the overall development from Bob Adams Homes in order to develop a portion of the commercial component of Lexington Circle. To date, MetroGroup has sold and/ or developed approximately 5.07 acres, including the Buckhead Brewery restaurant, CVS Drugs and Bruster's Ice Cream. Additionally, a 1.4-acre outparcel has been sold but not yet developed (Attachment "D"). As a part of this initial development, MetroGroup constructed a portion of the internal road system and installed all utilities to serve these properties.

Amendment to Section 1006B.16 Limited-use commercial district no. 16

April 29, 2004

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The internal access road (Lexington Circle) is located between the remaining parcels on the MetroGroup tract. Tract One measures 5.03 acres and Tract 5 measures 2.13 acres in size, and a schematic site plan has been prepared for both parcels (Attachment "E"). The proposed retail and commercial development on Tract 5 appears to conform to the approved master plan and the Design Guidelines for the overall Lexington Circle development (Attachment "F").

The proposed development on Tract 1 would include 42 fee-simple townhome units, as opposed to 36,000 SF of general retail, 11,000 SF of second floor loft apartments and associated parking as shown on the approved master plan for Lexington Circle. Because the existing ordinance specifically restricts multi-family housing to second-floor loft apartments, MetroGroup is requesting that the ordinance be amended to include fee-simple townhome units as opposed to second floor loft apartments.

The Applicant is **NOT** requesting that the total number of multi-family units within the overall development be increased, as he and the owner of the adjoining property (Palm Beach Development) have agreed that the total number of multi-family units within the project will not exceed 80 units as originally approved. Additionally, the Applicant is **NOT** requesting that the maximum square footage of retail space allowed within the overall development (300,000 SF) be increased or decreased. The Applicant has agreed to eliminate the language within the ordinance stating: *"the third largest tenant shall have a floor area of less than 32,000 square feet."*

Essentially, what MetroGroup is requesting is that the City amend the existing ordinance to allow fee-simple townhome units as opposed to second floor loft apartments within the Lexington Circle mixed-use development. If the ordinance were amended, both the townhome development and the commercial development would follow the Staff review process, the Lexington Circle ARB review process and would ultimately be reviewed by the Planning Commission. **The schematic site plan submitted as a part of this application is NOT the approved site plan for the townhome development.**

Staff has requested that MetroGroup secure written endorsement from the adjoining Lexington Park Homeowner's Association prior to Thursday's meeting. It is our understanding the Applicant has already initiated several conversations with representatives from the HOA and the HOA does not oppose the proposed development or the proposed amendments to the existing zoning ordinance.

One of the concerns of developing commercial property adjoining to and following the completion of a residential subdivision is the unknown of what type of retail or commercial development might take place. While the Design Guidelines were structured in such a manner to assist with this transition, the concern of light infiltration, noise from service courts and dumpster areas and the large parking areas associated with retail and commercial developments merit consideration of amending the master plan and zoning for the overall development. Staff feels

Amendment to Section 1006B.16 Limited-use commercial district no. 16

April 29, 2004

Page 3

the proposed townhome development will provide a more suitable transition between the single-family detached residential portion of the overall development and the more intense commercial properties located between Lexington Circle and GA 54.

At their meeting on April 12, the Planning Commission recommended that the proposed amendments be forwarded to City Council with a recommendation that they be adopted (Attachment "G"). Although there was some concern expressed about the pattern of development thus far within Lexington Circle, it was felt that the proposed townhome development could be developed in such a way as to create the "main street" feel envisioned when the original master plan was developed. Staff and the Planning Commission Representative for this project have already met with MetroGroup to begin discussions as to how the proposed townhome and retail development might be designed to enhance the overall development.

Budget Impact:

There are no budget impacts associated with this request other than costs for codification. Impact fees for the residential portion of this development have been defined within the Development Agreement for Lexington Circle.

Attachments

(1006B.16) *Limited-use commercial district no. 16.*

(1006B.16.1) *Effect on other zoning districts.*

The LUC-16 zoning district created by this section replaces the following existing zoning classifications:

- (a) LUC-7 Palm Beach property,
- (b) LUR-8 Lallande property,
- (c) LUR-9 Lallande/Scott property, and
- (d) R-43 Heard property.

(1006B.16.2) *Conformance with master plan.*

Development shall take place in conformance with the Ozell Stankus master plan dated December 2, 1999. Any substantive change to this plan or any of the conditions and requirements of this section will require a new rezoning action.

(1006B.16.3) *Permitted Uses.*

- (a) Single-Family Detached Residences.
- (b) Multi-Family Residences in Second-Floor Loft Apartments.
- (c) General Retail Commercial.
- (d) Theater and Restaurant Commercial.
- (e) General Office Commercial.

(1006B.16.4) *Conditional uses.*

No conditional uses shall be permitted in this district.

(1006B.16.5) *Other requirements.*

- (a) General Retail: Minimum Floor Area 150,000 square feet
Maximum Floor Area 225,000 square feet
- (b) Restaurants: Minimum Floor Area 15,000 square feet
Maximum Floor Area 40,000 square feet
- (c) Offices: Minimum Floor Area 30,000 square feet
Maximum Floor Area 80,000 square feet
- (d) Maximum Commercial Area:

The overall area of general retail, restaurants, and offices shall not exceed 300,000 square feet.

- (e) Maximum Residential Units:
Single-Family Detached 135 units
Multi-Family Loft Apartments no more than 80 units

(f) Minimum Open Space Area:

At least 20 percent of the tract must be exclusively devoted to permanent green space in the form of park land, greenbelts, and buffers.

(g) Commercial Tenants:

The largest single commercial tenant in the Center shall have a floor area of less than 50,000 square feet; the second largest tenant shall have a floor area of less than 40,000 square feet; and the third largest tenant shall have a floor area of less than 32,000 square feet. No businesses shall be located within the Center if they rely on drive-through traffic for more than 50 percent of their revenue. In addition, all drive-through facilities shall be located away from the main shopping street, the traffic circle, and the secondary access street; and no direct access is provided to these areas.

(h) Single-Family Detached Residential:

There shall be two types of single-family detached residential lots: Type "A" shall have a minimum width of 82 feet and shall be located adjacent to the greenbelt along the west property line of the tract. There shall be at least 22 Type "A" lots. All other lots shall be Type "B," and they shall have a minimum width of 52 feet.

(i) Minimum Residential Lot Area:

Type "A" - 7,800 square feet

Type "B" - 5,600 square feet

Multi-Family - N/A

(j) Minimum Residential Floor Area:

Type "A" - 2,400 square feet

Type "B" - 1,600 square feet

Multi-Family Loft Apartments - 800 square feet

(k) Minimum Front Setback:

Type "A" - 30 feet from back of curb

Type "B" - 15 feet from back of curb

All Other Uses - 10 feet from back of curb

(l) Minimum Side Setback:

Type "A" - 5 feet

Type "B" - 3 feet

All Other Uses - 0 feet

(m) Minimum Rear Setback:

Type "A" - 20 feet

Type "B" - 17 feet

All Other Uses - 0 feet

(n) Building Separation:

If any buildings within the tract are not attached, there must be a minimum separation of 10 feet between them.

(o) Parking: As set forth in section 909.

(p) Signs: As set forth in the sign ordinance and in accordance with a sign program for the tract which shall be approved by the planning commission as a part of the overall design criteria for the tract.

(q) Maximum Building Height:

Three (3) stories plus a basement.

(r) Buffers. The following buffers and greenbelts shall be provided:

- (1) A minimum 35-foot wide city-owned greenbelt along the north property line adjoining the Mathis property;**
- (2) A minimum 50-foot wide city-owned greenbelt along the west property line adjoining the Southern Trace and Parkway Estates subdivisions.**
- (3) A minimum 60-foot wide city-owned greenbelt along the east property line adjacent to GA 54 in all areas where residential lots are platted;**
- (4) A minimum 60-foot wide landscaped buffer along the eastern property line adjacent to GA 54 in all areas where residential lots are not platted;**
- (5) A minimum 50-foot wide landscaped buffer along the southern property line adjacent to Walt Banks Road where residential lots are not platted;**
- (6) A minimum 60-foot wide greenbelt along the southern property line adjacent to Walt Banks Road where residential lots are platted.**

(s) Curb Cuts:

The tract shall be limited to one curb cut on GA 54 and one curb cut on Walt Banks Road to serve the single-family detached lots.

The tract shall be limited to three commercial curb cuts on GA 54 (one at the existing median cut and two other right-in, right-out cuts about equally spaced between the median cut and Walt Banks Road). The tract shall be limited to one commercial curb cut on Walt Banks Road.

(t) Architectural Concept:

The overall tract must be developed in accordance with an architectural concept for the commercial and multi-family residential uses. The architectural concept shall be approved by the planning commission as a part of the overall design criteria for the tract.

(u) Landscape Concept:

In addition to an architectural concept, the overall tract must be developed in accordance with an approved landscape concept that includes islands at each entrance, all medians, and all landscape areas shown on the master plan.

(v) Tree-Save Areas:

In developing the tract, the developer shall make every reasonable effort to provide meaningful tree-save areas in addition to the required greenbelts and buffers.

(w) Watershed Protection:

The developer must take whatever steps are necessary to assure that the quality of stormwater runoff from the tract is properly controlled in accordance with established "best management practices."

(x) Traffic Improvements:

Based on the traffic study that was prepared for this project and a careful analysis of that study, the developer shall be responsible for the implementation of the following traffic system improvements subject to the approval of the city engineer:

- (1) Install a new roundabout at the intersection of Peachtree Parkway and Walt Banks Road; or
- (2) Install a new traffic signal at the intersection along with proper turn lanes in all four directions; and
- (3) Install left-turn lanes and right-turn deceleration lanes at all school driveway intersections, at all church driveway intersections, at Southern Trace, and at all project intersections on Walt Banks Road; and
- (4) Install concrete curb and gutter on all new improvements to Walt Banks Road.

(1006B.16.6) Application of requirements and conditions.

The requirements and conditions specified in this section shall remain in effect unless specifically amended or revoked by subsequent action of city council in accordance with the established procedure for zoning amendments; and, in addition, if it is determined that the property will not be developed in substantially the same manner as depicted on the Ozell Stankus master plan referenced above, and each condition of that plan substantially complied with, the zoning of this property shall automatically revert back to the zoning the property currently holds.

LEXINGTON CIRCLE

Design Guideline



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**I. Intent**

This design guideline is set forth as a reference for all development that will occur in the Lexington Circle Mixed Use Development in Peachtree City, GA. It is intended to foster architectural design that is in keeping with Lexington Circle's conception as a pedestrian-oriented, traditionally styled community. The following pages will establish a framework for the site-planning and architectural character, as well as the approval process. Consistency in this character is what will ensure the success of the development.

II. Approved Uses

Peachtree City approved a Mixed-Use Development Plan with the following uses:

- a) General Office Commercial
- b) Theater and Restaurant Commercial
- c) General Retail Commercial
- d) Multi-Family Residences in Second-Floor Lofts

All commercial uses have floor area limitations (refer to LUC-16, as approved by the City Council on March 16, 2000) and are to occur on designated parcels of the development. The Multi-Family category of residences must occur in Lexington Circle and only on 2nd and 3rd floors. Refer to the planning and architectural regulations for more detailed information.

III. Approval Process

The process for the approval of any building and site design shall be as follows: Not later than ten working days prior to the scheduled meeting a design package including: Site Plan (showing landscape layout), Floor Plans and Elevations shall be submitted to each member of the Architectural Review Board (ARB). Finish material descriptions shall be noted on the plans and samples shall be made available at the ARB meeting. The ARB shall consist of 3 members: 1) an appointed representative of Foley Design Associates; 2) an appointed representative of Peachtree City Department of Development Services; 3) the landowner/developer (submitter). The ARB will meet at City Hall, Peachtree City. Comments on plans submitted will be addressed at the ARB meeting by the members and the meeting will not close until all comments are noted and signed off by each attending member. Corrections, if any, noted at this first ARB meeting shall be addressed by the submitter and corrected plans shall be submitted to the ARB members not later than one week prior to the next scheduled meeting. Approved plans shall be signed off by the members at the first meeting if there are no comments or at the 2nd meeting if comments from the first meeting have been addressed. There will be an application fee of Five Hundred Dollars (\$500.00) for each ARB review payable to Foley Design Associates. Additional fees shall not be assessed unless the submitter's architect has failed to address

the comments from the initial ARB meeting and therefore additional meetings must be scheduled. The ARB reserves the right to interpret this design guideline with respect to a design submittal.

Concurrent to the ARB submittal, a site development plan shall be submitted to Peachtree City. The city review process will take approximately 30 days.

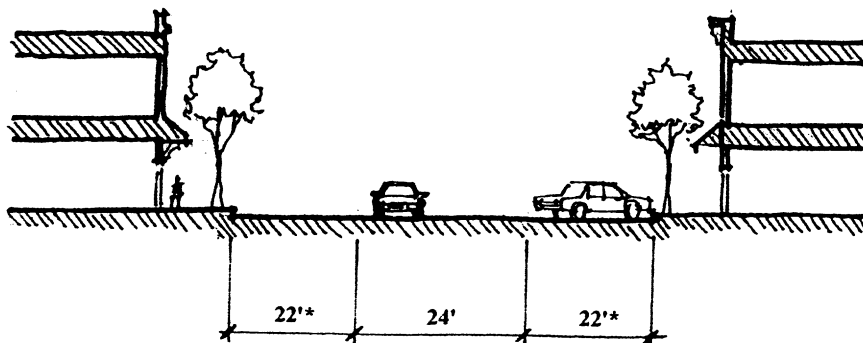
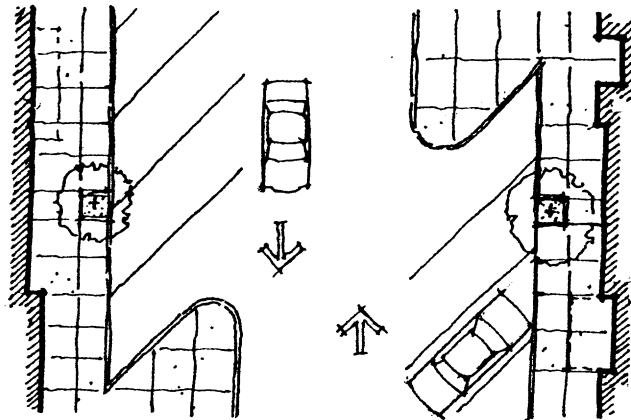
In addition to the provisions of this guideline, all construction is subject to the provisions of the standard building code, the CABO one and two family dwelling code and other applicable state, county or city codes. The ARB is not responsible for design or construction defects or failure of the building to comply with the appropriate codes.

IV. Planning Regulations

A) Streets

The streets of a community are the fabric that ties it together. Their scale and detailing are essential to creating a sense of place. Within the community there is a hierarchy of streets, beginning with "Main Street".

1) Main Street



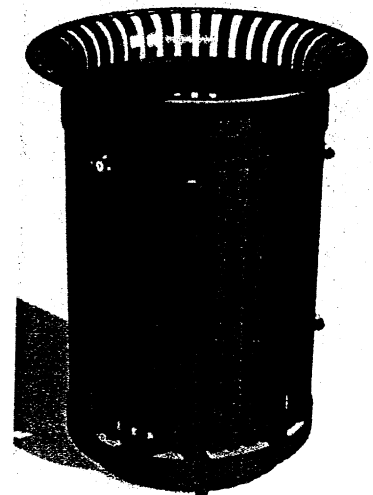
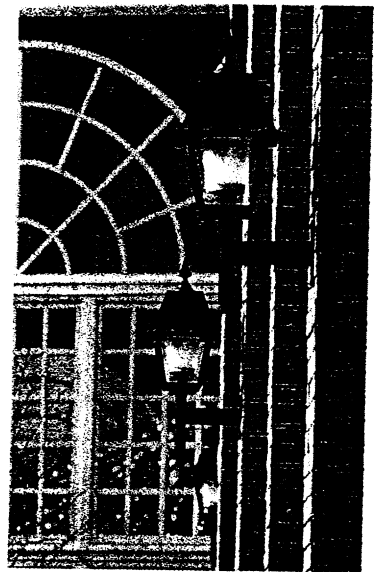
This is the heart of the community, to and from which people walk, drive, or cart.

Some of the common features are:

- a) Parking- Angled parking shall be permitted. All angled parking is to be at 45° to the street. All off-street parking may be conventional, 90°.
- b) Sidewalks- Shall extend from the curb to the face of the building. This is typically 15', minimally 10'. Exceptions are subject to review.
- c) Street Lights- Pedestrian pole lights shall be equal to the "1910 Acorn" fixture by Sternberg, on 12' "Decatur" posts with a black finish (at right). Typical spacing is +/- 50' o.c., with lights placed at most street corners. See section IV - E for other light types.
- d) Street Trees- The selected species shall be Chinese Elm @ 50' o.c. or other canopy/shade tree (all of same type), planted in wells, alternating with the street lights. All trees should be a minimum 3" caliper, and their wells should be covered with the "A.D.A" square tree grate with a black finish by Ironsmith Company.
- e) Signage- See Signage Section (IV-D)
- f) Bike Racks- Shall be provided at each block.
- g) Benches- Shall be equal to the "RB-28", with a black finish, by Victor Stanley (shown below). A minimum of one per block shall be installed.
- h) Trash Cans- Shall be equal to "SD-35", with a black finish by Victor Stanley (shown below). They should be placed at or near all major tenant entries.



street light



2) *Side Streets*

- a) Parking- Parallel parking shall be permitted. All off-street parking may be conventional, 90°.
- b) Sidewalks- Shall extend from the curb to the face of the building. There shall be a minimum of 10'. Exceptions are subject to review.
- c) Street Lights- Pedestrian pole lights shall be equal to the "1910 Acorn" fixture by Sternberg, on a 12' "Decatur" pole. Typical spacing is +/-50' o.c., with lights placed at most street corners. Building mounted fixtures shall be similar or complimentary in style.
- d) Trees- The selected species shall be Chinese Elm @ 50' o.c., planted in wells, alternating with the street lights. All trees should be a minimum 3" caliper, and their wells should be covered with the "A.D.A" square street grate, with a black finish by Ironsmith Company.
- e) Signage- See Signage Section (IV-D)
- f) Bike Racks- one per block
- g) Benches- not required
- h) Trash Cans- at major tenant entries

B) **Setbacks**

No specific lot setbacks exist for commercial development. There are buffers:

- 60' tree save landscape buffer along S.R. 54
- 50' tree save landscape buffer along Walt Banks Rd.
- 50' vegetated buffer between commercial and residential.
- Contiguous buildings are encouraged. When they are detached, there shall be 10' min. building separation

C) **Landscaping**

It is the owner's responsibility to submit a landscape plan along with the building design to the ARB. The plan should illustrate the scope and type of plant material, ground plane treatment, etc. The landscape layout should compliment the architecture. For instance, trees may be placed in front of a large expanse of wall. All utilities, mechanical units, dumpsters shall be screened with dense plant material and/or architectural screening (fence, etc.).

Concurrent to the ARB submittal, the owner should submit full site development plans to Peachtree City.

- 1) The following list outlines several approved plant materials. Other plant materials may be submitted with the landscape plan and are subject to review by the ARB.

Lexington Circle Suggested Plant List

<u>Canopy/Shade Trees</u>	<u>Flowering Trees</u>	<u>Evergreen Trees</u>	<u>Evergreen Shrubs</u>	<u>Deciduous Shrubs</u>	<u>Groundcover</u>
Chinese Elm	Dogwood	Foster Holly	Dwarf Burford Holly	Virginia Sweetspire	'Big Blue' Liriope
Willow Oak	Kousa Dogwood	Nellie Stevens Holly	Recurve Ligustrum	Hydrangea Sp.	Dwarf Mondo
Nuttall Oak	Crape Myrtle	Savannah Holly	Dwarf Yaupon Holly	Nearly Wild Rose	Sargent Juniper
Red Maple	Yoshino Cherry	Japanese Cryptomeria	Helleri Holly	Spirea Japonica	Blue Rug Juniper
Sugar Maple		Tree Form Ligustrum	Azalea	(ornamental grass)	Holly Fern
		Tree Form Burford	Purple Leaf		(annuals &
		Holly	Loropetalum		(perennials)
			Plum Yew		
			Boxwood		

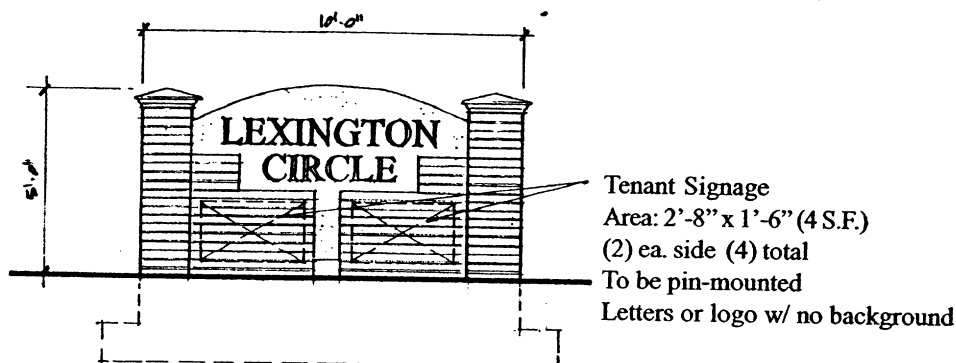
2) Parking lot landscape requirements:

- Must meet Peachtree City requirements outlined in Section 1109 of the Land Development Ordinance.
- The selected species shall be Chinese Elm @ 50' o.c. or other canopy / shade tree listed in section IV-C.

D) Signage

In addition to the requirements of this guideline, all tenant signage must comply with the Peachtree City signage ordinance (sect. 66-1). Each tenant is responsible for obtaining a sign permit.

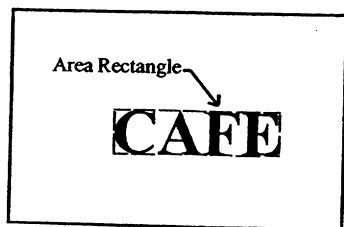
Monumental signage at the property entries shall meet the standards set by Peachtree City and be constructed of the materials listed in Section V.A(4). There shall be four (4) tenant identification positions at each monumental entry sign. The distribution of those four spots will be based on the size of each tenant in close proximity to that entrance. (i.e. the four largest tenants obtain one spot each) It is also possible for a tenant to occupy two spots (one each side).



The following types of signage are allowed for tenant identification in Lexington Circle:

1) **Wall signage** - This refers to any sign or graphic parallel to the facade of a building.

- Wall signage shall not exceed fifteen inches in depth, (projection from the wall).
- Wall signage shall be limited to (1.5) square feet of area per linear foot of building frontage, or a maximum of (150) square feet. Area is determined by the smallest rectangle required to enclose the letters or graphic. Frontage is determined by the primary facade only.
- All wall signage must occur within the facade of a building, preferably within a sign band, and shall not extend above the roof or parapet line.
- All wall signage must be indirectly lighted.



Area diagram.

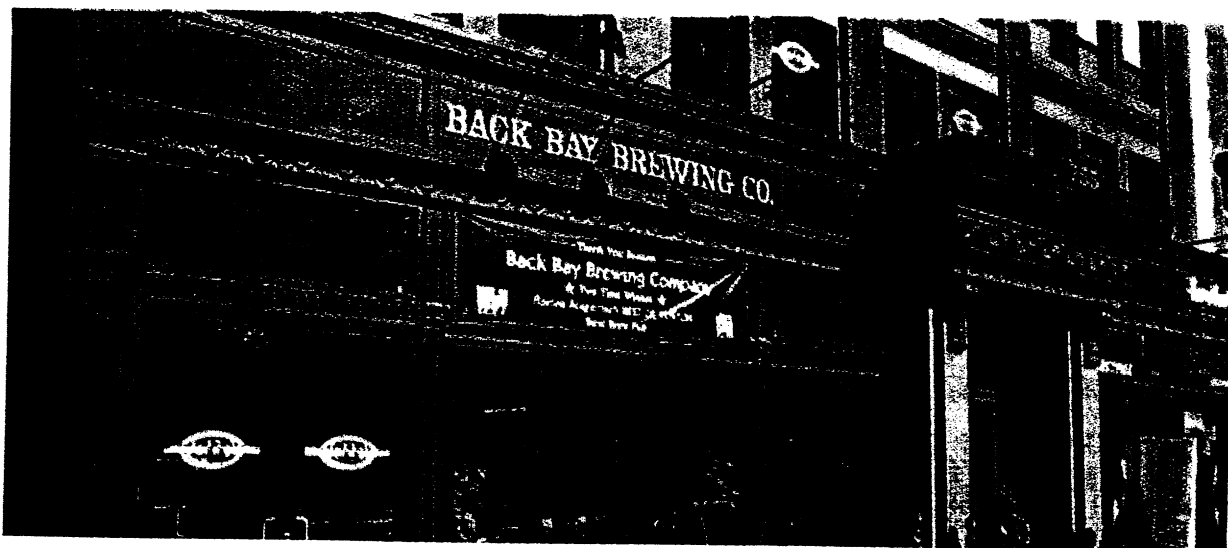
2) **Banner signage** - This refers to any sign or graphic mounted to the facade of a building, projecting perpendicular to the facade.

- Banner signage shall be constructed of either metal or acrylic plaques, mounted on a bracket or banner arms, or fabric awning material mounted on banner arms.
- Banner signage shall be limited to 20 square feet in area.
- Banner signage must occur within the facade of a building, and shall not extend above the roof or parapet line.



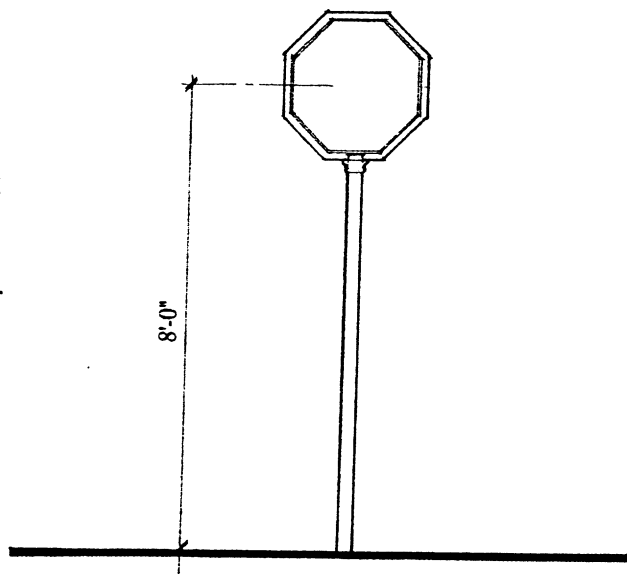
3) **Window signage** - Refers to any sign or graphic applied directly to a storefront window.

- Window signage shall be limited to (10) square feet in area. Area is determined by the smallest rectangle required to enclose the letters or graphic.
- Window signage shall be decal-type, direct-adhesion graphics. No panels, boxes, etc. mounted against the face of a window shall be allowed.
- There shall be no background for window signage which obstructs view through the glass. Opaque signage shall be limited to the letter and/or graphics (i.e. logo) only.



Directional and regulatory signage:

All vehicular and pedestrian way-finding signage shall be mounted on 3" diameter painted metal poles (black). All sign panels shall be top-mounted with a collar bracket. All signage panels shall be mounted at a height of 8 feet.



E) Lighting

In addition to the street light specified (Sternberg 1910 Acorn, 12' Decatur posts), there shall be the following limitations on other light types.

- 1) Allowable fixture types are RLM shades, carriage lamps, globes with frosted glass or other architecturally decorative fixtures with a historic style. It is preferable that the light have a concealed source.
- 2) Parking lot fixtures (for off-street parking) shall be McGraw-Edison GR Galleria Round, with high pressure sodium lamp and arm mount. The level of illumination achieved in these areas should not exceed 3 footcandles.
- 3) Prohibited light styles are: shoe box, wall-pack and cobra type lamps, in addition to any others prohibited by Peachtree City.

V. Architectural Regulations

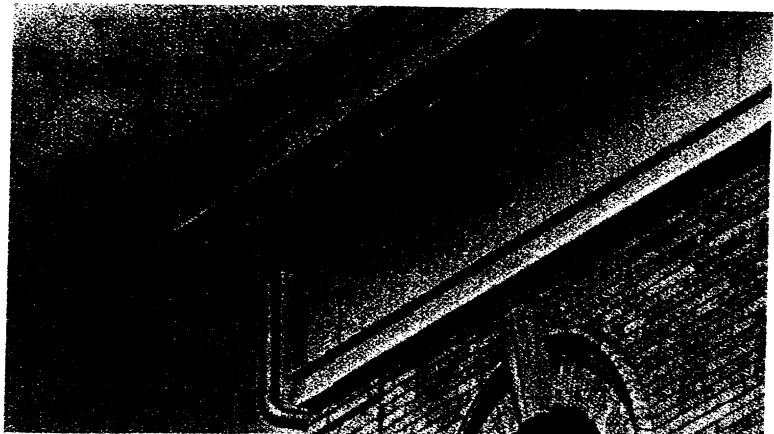
A) Commercial

The character of Lexington Circle is based on the "Main Street" concept of traditional small towns throughout America. This idea is rooted in creating a pedestrian-oriented environment and establishing a vibrant community identity. The architecture should reflect the scale, proportion, materials and details found throughout the true "Main Streets" of early 20th Century America.



Note the surface articulation.

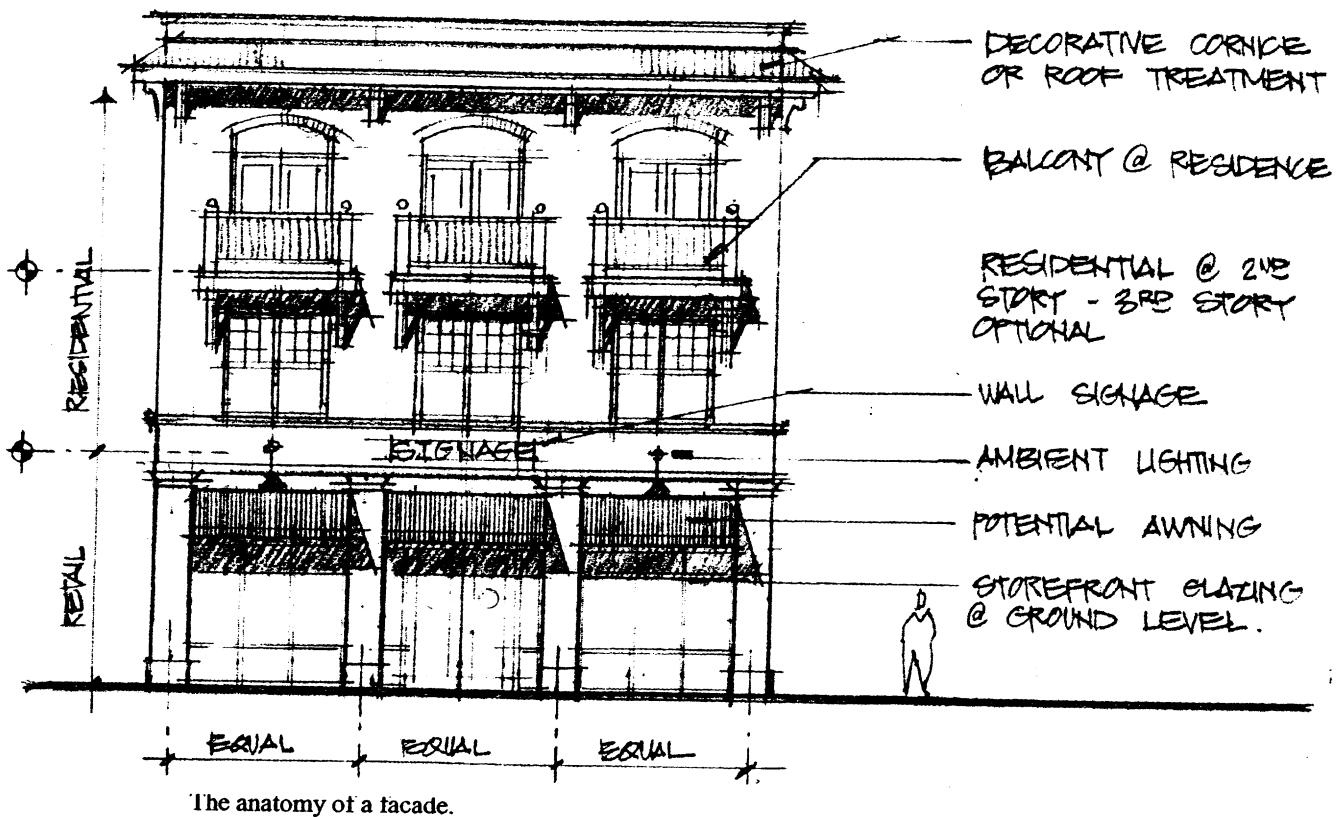
- 1) Key Elements:
 - Storefront window systems at ground level
 - Well detailed eaves or cornices
 - Evenly spaced, vertically proportioned window bays and/or columns.
 - Potential use of awnings, other roof elements



Example of cornice.

2) Massing:

In general, the façade of a commercial design should provide visual interest to the pedestrian. The minimum height for a parapet shall be 16' above grade, with a min. 10' ceiling. When gable or hip roof forms are used, their slope shall be 8:12 to 12:12. Emphasize the verticality of each component to the extent possible. This ranges from an individual window to structural spacing to the entire façade.



The anatomy of a facade.

3) Doors and Windows

- Typical storefront glazing system shall be similar to Kawneer, with an anodized bronze or painted finish. Individual windows should be vertical in proportion.
- Accent windows are encouraged, but are subject to review.
- All hardware to be black or bronze.

4) Materials:

- a) Roofing (For sloped roofs)
 - Standing seam metal
 - Architectural asphalt shingle
 - Awnings, may be 4:12 minimum
- b) Cladding
 - Brick (finish or painted)
 - Cast stone or precast concrete
 - Stucco or EIFS (limited use)
 - Cementitious lap siding
- c) Lintels
 - Brick
 - Cast stone or pre-cast
- d) Cornice, Trim
 - Pre-formed polymer shapes by Fypon or equal
 - Painted wood
 - Painted metal
- e) Gutters/Leaders
 - Copper or painted ogee or half round gutters
 - Copper or painted round leaders
 - Conductor boxes on parapet treatments
- f) Lighting (concealed source; see also section IV - E)
 - Wall mounted carriage lamp (black or bronze)
 - Wall mounted gooseneck and RLM lamps (black, bronze or dark green)
 - No wall packs.
- g) Monument Signs
 - Brick
 - Cast stone or precast concrete
 - Stucco or EIFS

5) Colors: A sample board of the following materials will be on file with the ARB.

- a) Cladding:
 - Brick
 - Finish bricks should have either a tumbled, handmade or molded surface texture. Allowable colors include (by Boral): Old Abbey Antique; Milva; Cameo; Misty Bay; Middle Plantation, or equal.
 - Painted white.
 - EIFS
 - Allowable colors include (by Dryvit): #111 Prairie Clay; #112 Sandalwood Beige; #310 China White; #442 Cotton; #449 Buckskin, or equal.
 - Natural stone
 - Coursed or stacked stone, colors similar to synthetic stone, subject to review.
 - Synthetic stone
 - Allowable colors include (by Cultured Stone): Caramel Drystack

Ledgestone; Cedar Drystack Ledgestone; Austin Cobblefield; Golden Blend European Castle Stone; Cedar Limestone, or equal.

b) Trim

- Facias, Friezes, Surrounds, etc.:
White, (Sherwin Williams) Olympic Range #SW2385, Weathervane #SW2927; Blue Ridge #SW2257; Black Cherry #SW2724, or equal.
- Storefront Windows:
same colors as above or anodized bronze.
- Other windows (clad or painted):
White, same colors as above or manufacturer's clad colors such as Burgundy or Hartford green. Subject to ARB review.

c) Signage (see Section IV-D)

d) Awnings / Canopies

- Solid color fabrics:
Allowable colors include (by Sunbrella): Navy Blue, Forest Green, Burgundy, Black Cherry, Black, or equal.
- Metal Roofs:
Allowable colors include (by Berridge): Aged Bronze, Hartford Green, or Burgundy.

e) Roofs

- Architectural shingles (by GAF):
Cedar blend; Heather blend; Slate blend; Driftwood blend, or equal.
- Metal Roofs:
same as above.

f) Precast stone

- Shall range from white to beige / buff.

B) Multi-Family Residential

Multi-family residential development occurring within Lexington Circle is limited to the upper floors (2nd and 3rd) as loft-style residences. As such the architectural character should be consistent with the commercial buildings of which they are a part.

Many of the same principles will apply to the multi-family residential designs as they do to the commercial designs. For instance:

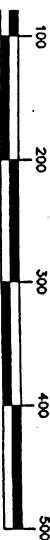
- Vertical rather than horizontal openings
- Well detailed eaves or cornices
- Similar (or complimentary) materials
- Surface articulation (via balconies*, window planters, etc.)
*the use of balconies is subject to approval of the ground floor commercial tenant

The color palette shall be similar to that listed above for commercial development.

Note: all loft residences shall be rear-entry only. That is, no unit shall walk out onto Main Street.

GRAPHIC SCALE

(IN FEET)



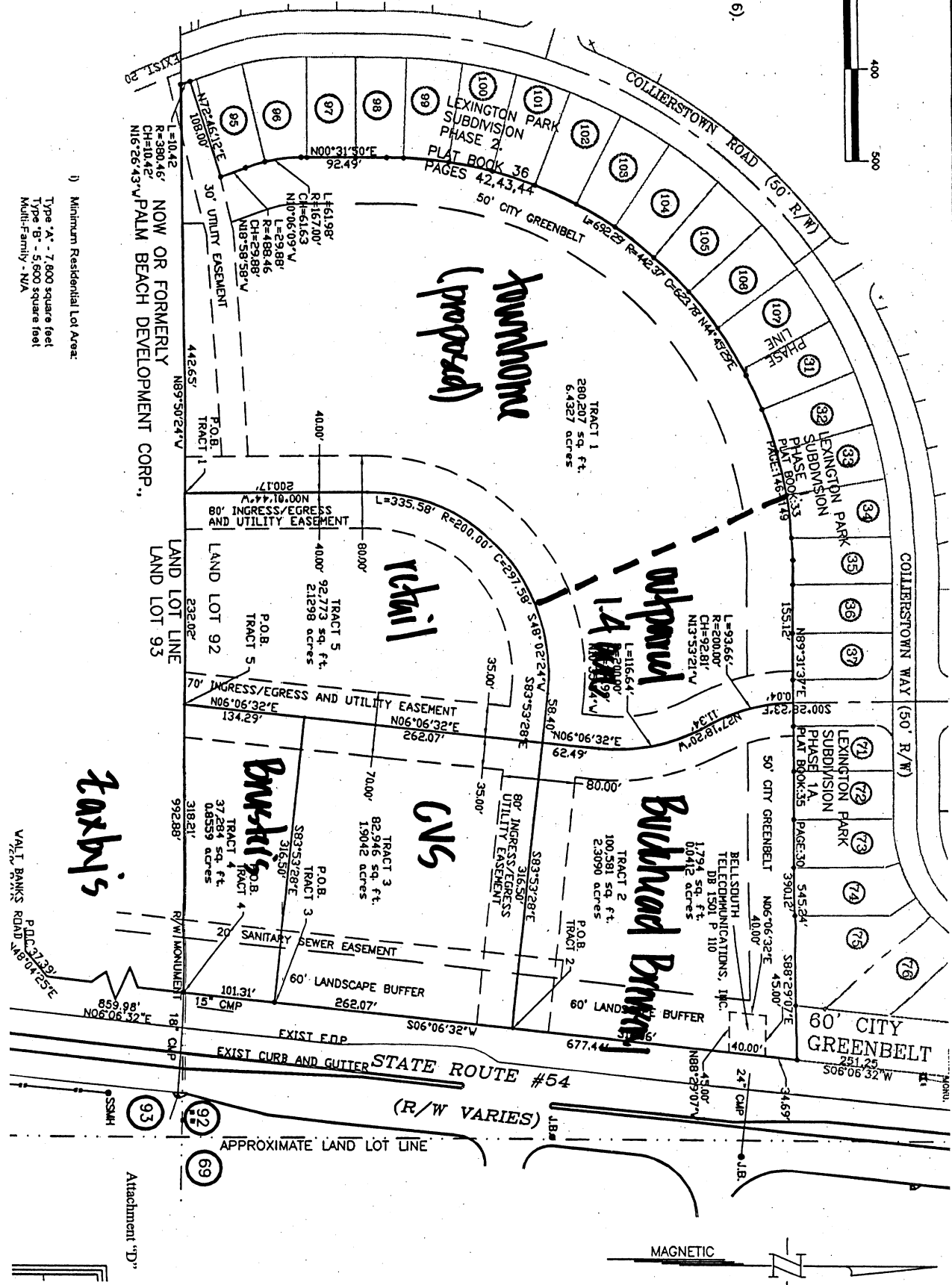
1"=100'

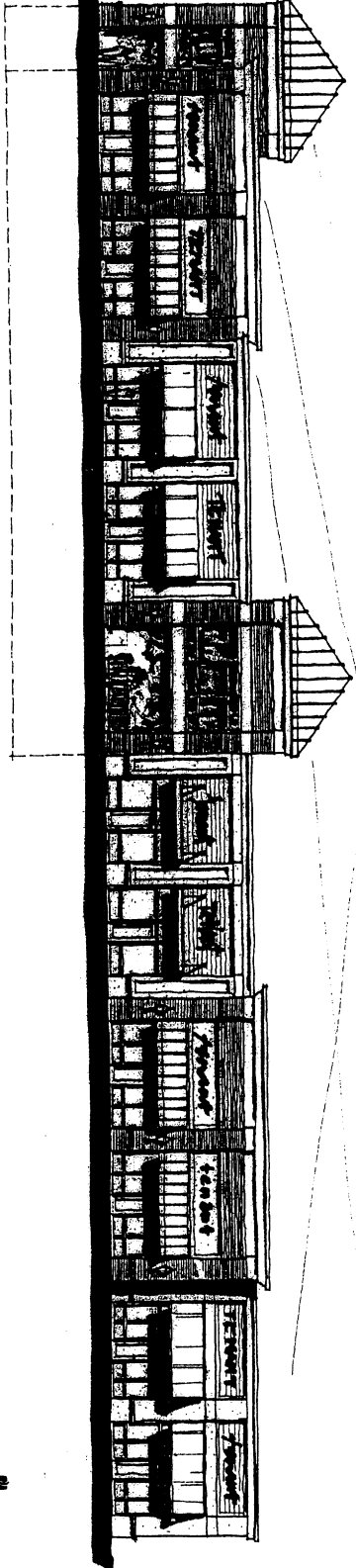
be used for purposes other
as directed by current zoning-
municipal District No. 16 (LUC-16).

- PROPERTY LINE
- EMENT LINE
- CORNER
- NDARY CORNER
- ULATED POINT
- ARE FEET
- IMAGE EASEMENT
- TARY SEWER EASEMENT
- LOT LABEL
- IT OF COMMENCEMENT
- E OF PAVEMENT
- 1 PIN FOUND
- 1 PIN SET
- AP TOP
- TARY SEWER MANHOLE
- TARY SEWER LINE
- TER POLE
- IT OF BEGINNING
- IT OF WAY MONUMENT
- CTH
- US
- RD
- RING
- WIPE
- RUGATED METAL PIPE
- NING REQUIREMENTS

- Residences:
- in Second-Floor Loft Apartments:
- ail:
- Commercial:
- ail:

- ements:
- permitted in this district.

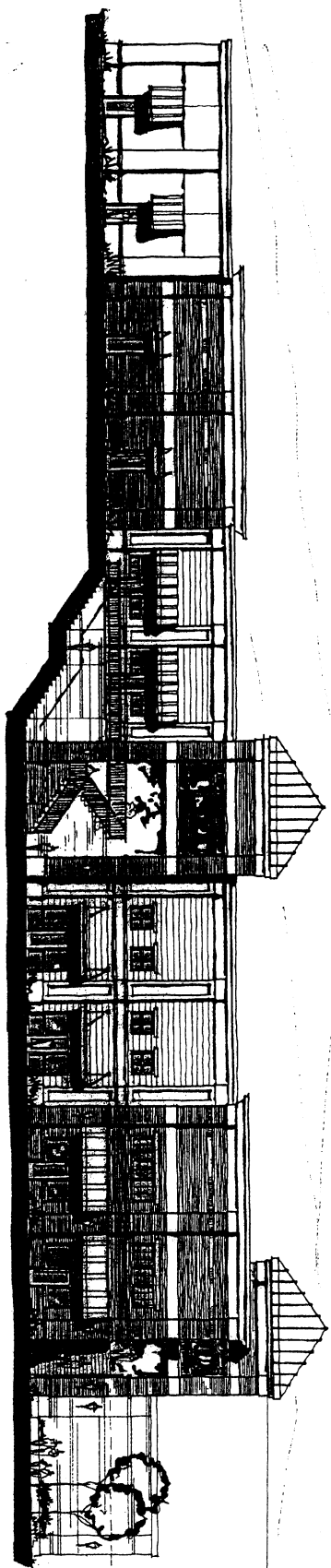




PROPOSED NEW BUILDING - 1st - 4th FLOORS - DEVELOPMENT - PHILLIPS, INC.

2/20/04

PHILLIPS
ARCHITECTS
1000 15th St. N.W.
Washington, D.C. 20004



PHILLIPS

PRELIMINARY LOWER LEVEL OFFICE ELEVATION 1/8" = 1'-0"

NEEDHAMPORT ENVIRONMENT TEACHING CITY, MA

8/24/74

PH-04-02 Proposed Amendment to LUC-16 Limited Use Commercial Zoning Ordinance.

Mr. Peter Corbett of MetroGroup Development was in attendance to present the proposed amendment to the LUC-16 Limited Use Commercial Zoning District.

Mr. Corbett wanted to modify the current zoning to allow fee-simple townhome units as opposed to second floor loft apartments. Forty-two of the 80 units would be developed on property owned by MetroGroup; and the other 38 units would be developed on property owned by the other property owner, Mr. William Lassiter. It was noted that Mr. Lassiter had also agreed to the proposed ordinance change. Mr. Corbett stated that he had met with Mr. Bruce Phillips, the HOA President of Lexington Park, and that he had his support as well as that of several other residents.

There was no opposition to the proposed amendment.

Mr. Mullin stressed that they should study the original Master Plan prior to incorporating the townhomes and retail businesses. He was very concerned about the way this development was progressing. Mr. Corbett said that they would work with staff and the Architectural Review Board (ARB) to maintain the main street feel.

After discussion, a motion was made by Mr. Green, seconded by Mr. Mullin, and unanimously adopted to forward to City Council the proposed amendment to the LUC-16 Limited Use Commercial Zoning Ordinance as modified below.

Following a request by the Applicant, another motion was made by Mr. Green, seconded by Mr. Payton, and unanimously adopted to change the minimum square footage of the townhome units from 2400 to 2000 square feet.

(1006B.16) Limited-use commercial district no. 16.

The LUC-16 zoning district created by this section replaces the following existing zoning classifications:

- (a) LUC-7 Palm Beach property,
- (b) LUR-8 Lallande property,
- (c) LUR-9 Lallande/Scott property, and
- (d) R-43 Heard property.

(1006B.16.1) Conformance with master plan.

Development shall take place in conformance with the Ozell Stankus master plan dated December 2, 1999, as revised May 6, 2004. Any substantive change to this plan or any of the conditions and requirements of this Section will require a new rezoning action.

(1006B.16.2) Permitted uses.

- (a) Single-Family Detached Residences.
- ~~(b) Multi-Family Residences in Second Floor Loft Apartments.~~
- (b) Fee-simple Townhouse Residences.**
- (c) General Retail Commercial.
- (d) Theater and Restaurant Commercial.
- (e) General Office Commercial.

(1006B.16.3) Conditional uses.

No conditional uses shall be permitted in this district.

(1006B.16.4) Other requirements.

- | | | |
|------------------------------|--------------------|---------------------|
| (a) General Retail: | Minimum Floor Area | 150,000 square feet |
| | Maximum Floor Area | 225,000 square feet |
| (b) Restaurants: | Minimum Floor Area | 15,000 square feet |
| | Maximum Floor Area | 40,000 square feet |
| (c) Offices: | Minimum Floor Area | 30,000 square feet |
| | Maximum Floor Area | 80,000 square feet |
| (d) Maximum Commercial Area: | | |

The overall area of General Retail, Restaurants, and Offices shall not exceed 300,000 square feet.

(e) Maximum Residential Units:

Single-Family Detached	135 units
Multi-Family Loft Apartments	no more than 80 units
<u>Fee-simple Townhouse Residences.</u>	<u>no more than 80 units</u>

(f) Minimum Open Space Area:

At least 20 percent of the tract must be exclusively devoted to permanent green space in the form of park land, greenbelts, and buffers.

(g) Commercial Tenants:

*The largest single commercial tenant in the Center shall have a floor area of less than 50,000 square feet; **and** the second largest tenant shall have a floor area of less than 40,000 square feet.; ~~and the third largest tenant shall have a floor area of less than 32,000 square feet.~~ No businesses shall be located within the Center if they rely on drive-thru traffic for more than 50 percent of their revenue. In addition, all drive-thru facilities shall be located away from the main shopping street, the traffic circle, and the secondary access street; and no direct access is provided to these areas.*

(h) Single-Family Detached Residential:

There shall be two types of single-family detached residential lots: Type "A" shall have a minimum width of 82 feet and shall be located adjacent to the greenbelt along the west property line of the tract. There shall be at least 22 Type "A" lots. All other lots shall be Type "B," and they shall have a minimum width of 52 feet.

(i) Minimum Residential Lot Area:

Type "A" - 7,800 square feet

Type "B" - 5,600 square feet

~~MULTI-FAMILY - N/A~~

Fee-simple Townhouse Residences - N/A

(j) Minimum Residential Floor Area:

Type "A" - 2,400 square feet

Type "B" - 1,600 square feet

~~Multi-Family Loft Apartments - 800 square feet~~

Fee-simple Townhouse Residences - 2,400 SF

(k) Minimum Front Setback:

Type "A" - 30 feet from back of curb
Type "B" - 15 feet from back of curb
All Other Uses - 10 feet from back of curb

(l) Minimum Side Setback:

Type "A" - 5 feet
Type "B" - 3 feet
All Other Uses - 0 feet

(m) Minimum Rear Setback:

Type "A" - 20 feet
Type "B" - 17 feet
All Other Uses - 0 feet

(n) Building Separation:

If any buildings within the tract are not attached, there must be a minimum separation of 10 feet between them.

(o) Parking:

As set forth in Section 909.

(p) Signs:

As set forth in the Sign Ordinance and in accordance with a sign program for the tract which shall be approved by the Planning Commission as a part of the overall design criteria for the tract.

(q) Maximum Building Height:

Three (3) stories plus a basement.

(r) Buffers:

The following buffers and greenbelts shall be provided:

- (1) A minimum 35-foot wide City-owned greenbelt along the north property line adjoining the Mathis property;
- (2) A minimum 50-foot wide City-owned greenbelt along the west property line adjoining the Southern Trace and Parkway Estates subdivisions.
- (3) A minimum 60-foot wide City-owned greenbelt along the east property line adjacent to GA 54 in all areas where residential lots are platted;
- (4) A minimum 60-foot wide landscaped buffer along the eastern property line adjacent to GA 54 in all areas where residential lots are not platted;
- (5) A minimum 50-foot wide landscaped buffer along the southern property line adjacent to Walt Banks Road where residential lots are not platted;
- (6) A minimum 60-foot wide greenbelt along the southern property line adjacent to Walt Banks Road where residential lots are platted.

(s) Curb Cuts:

The tract shall be limited to one curb cut on GA 54 and one curb cut on Walt Banks Road to serve the single-family detached lots.

The tract shall be limited to three commercial curb cuts on GA 54 (one at the existing median cut and two other right-in, right-out cuts about equally spaced between the median cut and Walt Banks Road). The tract shall be limited to one commercial curb cut on Walt Banks Road.

(t) Architectural Concept:

The overall tract must be developed in accordance with an architectural concept for the commercial and multi-family residential uses. The architectural concept shall be approved by the Planning Commission as a part of the overall design criteria for the tract.

(u) Landscape Concept:

In addition to an architectural concept, the overall tract must be developed in accordance with an approved landscape concept that includes islands at each entrance, all medians, and all landscape areas shown on the master plan.

(v) Tree-Save Areas:

In developing the tract, the developer shall make every reasonable effort to provide meaningful tree-save areas in addition to the required greenbelts and buffers.

(w) Watershed Protection:

The developer must take whatever steps are necessary to assure that the quality of storm water runoff from the tract is properly controlled in accordance with established "best management practices."

(x) Traffic Improvements:

Based on the traffic study that was prepared for this project and a careful analysis of that study, the developer shall be responsible for the implementation of the following traffic system improvements subject to the approval of the City Engineer:

- (1) Install a new Roundabout at the intersection of Peachtree Parkway and Walt Banks Road; or
- (2) Install a new traffic signal at the intersection along with proper turn lanes in all four directions; and
- (3) Install left-turn lanes and right-turn deceleration lanes at all school driveway intersections, at all church driveway intersections, at Southern Trace, and at all project intersections on Walt Banks Road; and
- (4) Install concrete curb and gutter on all new improvements to Walt Banks Road.

(1006B.16.5) Application of requirements and conditions.

The requirements and conditions specified in this Section shall remain in effect unless specifically amended or revoked by subsequent action of City Council in accordance with the established procedure for zoning amendments; and, in addition, if it is determined that the property will not be developed in substantially the same manner as depicted on the Ozell Stankus master plan as revised May 6, 2004 and referenced above, and each condition of that plan substantially complied with, the zoning of this property shall automatically revert back to the zoning the property currently holds.

The Applicant agreed to the conditions. Mr. Saunders had previously been designated to be the Planning Commission representative. Mr. Mullin was designated to be a second Planning Commission representative for the Lexington Circle development.

**AN ORDINANCE TO AMEND ARTICLE X, SECTION 1006B,
OF THE PEACHTREE CITY ZONING ORDINANCE
TO CHANGE THE PERMITTED USES FROM MULTI-FAMILY RESIDENCES
IN SECOND FLOOR LOFT APARTMENTS
TO FEE SIMPLE TOWNHOME UNITS,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 1006B.16 Limited-use commercial district no. 16 be amended as follows:

(1006B.16) Limited-use commercial district no. 16.

The LUC-16 zoning district created by this section replaces the following existing zoning classifications:

- (a) LUC-7 Palm Beach property,
- (b) LUR-8 Lallande property,
- (c) LUR-9 Lallande/Scott property, and
- (d) R-43 Heard property.

(1006B.16.1) Conformance with master plan.

Development shall take place in conformance with the Ozell Stankus master plan dated December 2, 1999, ***as revised May 6, 2004***. Any substantive change to this plan or any of the conditions and requirements of this Section will require a new rezoning action.

(1006B.16.2) Permitted uses.

- (a) Single-Family Detached Residences.
- ~~(b) Multi-Family Residences in Second Floor Loft Apartments.~~
- (b) Fee-simple Townhome Units.**
- (c) General Retail Commercial.
- (d) Theater and Restaurant Commercial.
- (e) General Office Commercial.

(1006B.16.3) Conditional uses.

No conditional uses shall be permitted in this district.

(1006B.16.4) Other requirements.

- | | | |
|---------------------|--------------------|---------------------|
| (a) General Retail: | Minimum Floor Area | 150,000 square feet |
| | Maximum Floor Area | 225,000 square feet |
| (b) Restaurants: | Minimum Floor Area | 15,000 square feet |
| | Maximum Floor Area | 40,000 square feet |
| (c) Offices: | Minimum Floor Area | 30,000 square feet |
| | Maximum Floor Area | 80,000 square feet |

(d) Maximum Commercial Area:

The overall area of General Retail, Restaurants, and Offices shall not exceed 300,000 square feet.

(e) Maximum Residential Units:

Single-Family Detached	135 units
Multi-Family Loft Apartments	no more than 80 units
<u>Fee-simple Townhome Units</u>	<u>no more than 80 units</u>

(f) Minimum Open Space Area:

At least 20 percent of the tract must be exclusively devoted to permanent green space in the form of parkland, greenbelts, and buffers.

(g) Commercial Tenants:

The largest single commercial tenant in the Center shall have a floor area of less than 50,000 square feet; and the second largest tenant shall have a floor area of less than 40,000 square feet.; ~~and the third largest tenant shall have a floor area of less than 32,000 square feet.~~ No businesses shall be located within the Center if they rely on drive-thru traffic for more than 50 percent of their revenue. In addition, all drive-thru facilities shall be located away from the main shopping street, the traffic circle, and the secondary access street; and no direct access is provided to these areas.

(h) Single-Family Detached Residential:

There shall be two types of single-family detached residential lots: Type "A" shall have a minimum width of 82 feet and shall be located adjacent to the greenbelt along

the west property line of the tract. There shall be at least 22 Type "A" lots. All other lots shall be Type "B," and they shall have a minimum width of 52 feet.

(i) Minimum Residential Lot Area:

Type "A" - 7,800 square feet

Type "B" - 5,600 square feet

~~Multi-Family - N/A~~

Fee-simple Townhome Units - N/A

(j) Minimum Residential Floor Area:

Type "A" - 2,400 square feet

Type "B" - 1,600 square feet

~~Multi-Family Loft Apartments - 800 square feet~~

Fee-simple Townhome Units - 2,000 SF

(k) Minimum Front Setback:

Type "A" - 30 feet from back of curb

Type "B" - 15 feet from back of curb

All Other Uses - 10 feet from back of curb

(l) Minimum Side Setback:

Type "A" - 5 feet

Type "B" - 3 feet

All Other Uses - 0 feet

(m) Minimum Rear Setback:

Type "A" - 20 feet

Type "B" - 17 feet

All Other Uses - 0 feet

(n) Building Separation:

If any buildings within the tract are not attached, there must be a minimum separation of 10 feet between them.

(o) Parking:

As set forth in Section 909.

(p) Signs:

As set forth in the Sign Ordinance and in accordance with a sign program for the tract which shall be approved by the Planning Commission as a part of the overall design criteria for the tract.

(q) Maximum Building Height:

Three (3) stories plus a basement.

(r) Buffers:

The following buffers and greenbelts shall be provided:

- (1) A minimum 35-foot wide City-owned greenbelt along the north property line adjoining the Mathis property;
- (2) A minimum 50-foot wide City-owned greenbelt along the west property line adjoining the Southern Trace and Parkway Estates subdivisions.
- (3) A minimum 60-foot wide City-owned greenbelt along the east property line adjacent to GA 54 in all areas where residential lots are platted;
- (4) A minimum 60-foot wide landscaped buffer along the eastern property line adjacent to GA 54 in all areas where residential lots are not platted;
- (5) A minimum 50-foot wide landscaped buffer along the southern property line adjacent to Walt Banks Road where residential lots are not platted;
- (6) A minimum 60-foot wide greenbelt along the southern property line adjacent to Walt Banks Road where residential lots are platted.

(s) Curb Cuts:

The tract shall be limited to one curb cut on GA 54 and one curb cut on Walt Banks Road to serve the single-family detached lots.

The tract shall be limited to three commercial curb cuts on GA 54 (one at the existing median cut and two other right-in, right-out cuts about equally spaced between the median cut and Walt Banks Road). The tract shall be limited to one commercial curb cut on Walt Banks Road.

(t) Architectural Concept:

The overall tract must be developed in accordance with an architectural concept for the commercial and multi-family residential uses. The architectural concept shall be

approved by the Planning Commission as a part of the overall design criteria for the tract.

(u) Landscape Concept:

In addition to an architectural concept, the overall tract must be developed in accordance with an approved landscape concept that includes islands at each entrance, all medians, and all landscape areas shown on the master plan.

(v) Tree-Save Areas:

In developing the tract, the developer shall make every reasonable effort to provide meaningful tree-save areas in addition to the required greenbelts and buffers.

(w) Watershed Protection:

The developer must take whatever steps are necessary to assure that the quality of storm water runoff from the tract is properly controlled in accordance with established "best management practices."

(x) Traffic Improvements:

Based on the traffic study that was prepared for this project and a careful analysis of that study, the developer shall be responsible for the implementation of the following traffic system improvements subject to the approval of the City Engineer:

- (1) Install a new Roundabout at the intersection of Peachtree Parkway and Walt Banks Road; or
- (2) Install a new traffic signal at the intersection along with proper turn lanes in all four directions; and
- (3) Install left-turn lanes and right-turn deceleration lanes at all school driveway intersections, at all church driveway intersections, at Southern Trace, and at all project intersections on Walt Banks Road; and
- (4) Install concrete curb and gutter on all new improvements to Walt Banks Road.

(1006B.16.5) Application of requirements and conditions.

The requirements and conditions specified in this Section shall remain in effect unless specifically amended or revoked by subsequent action of City Council in accordance with the established procedure for zoning amendments; and, in addition, if it is determined that the property will not be developed in substantially the same manner as depicted on the Ozell Stankus master plan as revised May 6, 2004 and referenced above, and each

condition of that plan substantially complied with, the zoning of this property shall automatically revert back to the zoning the property currently holds.

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

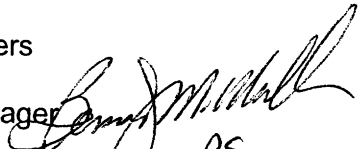
Done, Ratified, and Passed this 6th day of May 2004.

Stephen D. Brown, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

MEMO TO: Mayor and City Council Members

VIA: Bernard J. McMullen, City Manager 

FROM: Paul J. Salvatore, Financial Services Director
Janet I. Camburn, Assistant Finance Director  P.S.

DATE: April 26, 2004

SUBJECT: Copy Machine Leases
May 6, 2004 City Council Consent Agenda

Recommended:

That the City of Peachtree City enter into a master lease agreement with IKON Office Solutions, Inc. for the rental and maintenance of new copy machines at various City facilities, under the same terms as the Fayette County Board of Education. The term of the master lease agreement would be for one year with an option to renew the agreement for four (4) additional years. Individual copy machine lease agreements may vary from three (3) to five (5) years depending on the needs of the individual department.

Discussion:

The City of Peachtree City has several copy machines at various City facilities. Some of these copy machine leases were entered into directly through the Purchasing Department and others were entered into via the Fayette County Board of Education (B.O.E.). Many of the leases have expired and others will expire within the next couple of years. The City is currently leasing many of the machines on a month-to-month basis. Due to the increase in maintenance on the machines, the current vendor (IKON) has indicated that they can no longer honor the month-to-month lease much longer.

Last year, the Fayette County B.O.E. solicited proposals from copy machine vendors. In May 2003, they received responses from nine (9) vendors. After a thorough committee review, the B.O.E. narrowed the list to three (3) vendors and requested additional information and a final price proposal from the three selected. After further review, the committee recommended that the B.O.E. enter into a contract with IKON Office Solutions, Inc. to lease Canon copiers.

Should the City enter into a similar arrangement with IKON, we would avoid considerable time needed to issue a request for proposal, review vendor proposals, and test several different copy machine brands. Several years ago the City "piggy-backed" on to the B.O.E.'s lease with IKON. Although there were some issues with the actual

separate lease agreements regarding charges for additional copies, City staff feels that we can address those issues at this time, as the City enters into a master lease agreement for individual copy machine leases.

Attached is a list of lease options available on individual copiers, that include seven (7) models; three (3) terms; and different monthly rental costs based on the number of copies included in the base price.

Due to time constraints, Staff recommends that the City enter into a master lease agreement with IKON Office Solutions, Inc. for individual copy machine leases.

Budget Impact:

The impact on the 2004 budget will depend on the new machine(s) selected by individual departments and when the new machine is installed. A representative from IKON will assist each of the departments to determine their equipment needs based on previous copier usage. Some departments may require a larger more costly copier, while others may be able to reduce the size of their current copier, thus reducing their monthly costs. Overall, it is expected that costs will increase simply due to the increase in costs over the past several years.

The impact on the 2005 budget will be taken into consideration during the current budget process.

Attachment

**FAYETTE
COUNTY**

BOE

MASTER PRICING

IKON

FCBOE MASTER PRICING

Model	Term	Copies Included	Monthly Investment	Overages	3hole	Deduct Printing	Deduct Stapling
IR2200	36	5000	\$ 241.00	0.015	\$ 49.00	\$ 35.00	\$ 20.00
IR2200	36	10000	\$ 286.00	0.012	\$ 49.00	\$ 35.00	\$ 20.00

Includes Document Feeder, Stapling Finisher, 4 Paper Trays, Printing

IR3300	36	5000	\$ 271.00	0.015	\$ 49.00	\$ 35.00	\$ 20.00
IR3300	36	10000	\$ 316.00	0.012	\$ 49.00	\$ 35.00	\$ 20.00
IR3300	36	15000	\$ 346.00	0.001	\$ 49.00	\$ 35.00	\$ 20.00

Includes Document Feeder, Stapling Finisher, 4 Paper Trays, Printing

IR5000	36	5000	\$ 364.00	0.012	\$ 12.00	\$ 45.00	\$ 40.00
IR5000	36	10000	\$ 394.00	0.009	\$ 12.00	\$ 45.00	\$ 40.00
IR5000	36	15000	\$ 439.00	0.009	\$ 12.00	\$ 45.00	\$ 40.00
IR5000	36	25000	\$ 456.50	0.0061	\$ 12.00	\$ 45.00	\$ 40.00

Includes Document Feeder, Stapling Finisher, Printing

IR6000	36	15000	\$ 470.00	0.009	\$ 12.00	\$ 45.00	\$ 40.00
IR6000	36	25000	\$ 487.50	0.0061	\$ 12.00	\$ 45.00	\$ 40.00
IR6000	36	50000	\$ 570.00	0.0047	\$ 12.00	\$ 45.00	\$ 40.00

Includes Document Feeder, Stapling Finisher, Printing

IR7200	36	25000	\$ 588.50	0.0055	\$ 15.00	\$ 70.00	n/a
IR7200	36	50000	\$ 676.00	0.0045	\$ 15.00	\$ 70.00	n/a
IR7200	36	75000	\$ 773.50	0.0043	\$ 15.00	\$ 70.00	n/a

Includes Document Feeder, Stapling Finisher, Printing

IR8500	36	50000	\$ 942.00	0.0057	\$ 15.00	\$ 70.00	n/a
IR8500	36	75000	\$ 1,062.00	0.0054	\$ 15.00	\$ 70.00	n/a
IR8500	36	100000	\$ 1,157.00	0.005	\$ 15.00	\$ 70.00	n/a
IR8500	36	150000	\$ 1,407.00	0.005	\$ 15.00	\$ 70.00	n/a

Includes Document Feeder, Stapling Finisher, Printing

IR105	36	75000	\$ 1,178.00	0.005	\$ 15.00	\$ 70.00	n/a
IR105	36	100000	\$ 1,293.00	0.0049	\$ 15.00	\$ 70.00	n/a
IR105	36	150000	\$ 1,553.00	0.0049	\$ 15.00	\$ 70.00	n/a

Includes Document Feeder, Stapling Finisher, Printing

Model	Term	Copies Included	Monthly Investment	Overages	3hole	Deduct Printing	Deduct Stapling
IR2200	48	5000	\$ 218.00	0.0157	\$ 41.00	\$ 28.00	\$ 15.00
IR2200	48	10000	\$ 264.00	0.0126	\$ 41.00	\$ 28.00	\$ 15.00

Includes Document Feeder, Stapling Finisher, 4 Paper Trays, Printing

IR3300	48	5000	\$ 244.00	0.0157	\$ 41.00	\$ 28.00	\$ 15.00
IR3300	48	10000	\$ 291.00	0.0126	\$ 41.00	\$ 28.00	\$ 15.00
IR3300	48	15000	\$ 323.00	0.0105	\$ 41.00	\$ 28.00	\$ 15.00

Includes Document Feeder, Stapling Finisher, 4 Paper Trays, Printing

IR5000	48	5000	\$ 319.00	0.0126	\$ 11.00	\$ 36.00	NR
IR5000	48	10000	\$ 351.00	0.0095	\$ 11.00	\$ 36.00	NR
IR5000	48	15000	\$ 399.00	0.0095	\$ 11.00	\$ 36.00	NR
IR5000	48	25000	\$ 419.00	0.0065	\$ 11.00	\$ 36.00	NR

Includes Document Feeder, Stapling Finisher, Printing

IR6000	48	15000	\$ 428.00	0.0095	\$ 11.00	\$ 36.00	NR
IR6000	48	25000	\$ 448.00	0.0065	\$ 11.00	\$ 36.00	NR
IR6000	48	50000	\$ 535.00	0.0500	\$ 11.00	\$ 36.00	NR

Includes Document Feeder, Stapling Finisher, Printing

IR7200	48	25000	\$ 524.00	0.0058	\$ 13.00	\$ 56.00	n/a
IR7200	48	50000	\$ 614.00	0.0047	\$ 13.00	\$ 56.00	n/a
IR7200	48	75000	\$ 717.00	0.0045	\$ 13.00	\$ 56.00	n/a

Includes Document Feeder, Stapling Finisher, Printing

IR8500	48	50000	\$ 855.00	0.006	\$ 13.00	\$ 56.00	n/a
IR8500	48	75000	\$ 983.00	0.0057	\$ 13.00	\$ 56.00	n/a
IR8500	48	100000	\$ 1,085.00	0.0053	\$ 13.00	\$ 56.00	n/a
IR8500	48	150000	\$ 1,350.00	0.0053	\$ 13.00	\$ 56.00	n/a

Includes Document Feeder, Stapling Finisher, Printing

IR105	48	75000	\$ 1,073.00	0.0053	\$ 13.00	\$ 56.00	n/a
IR105	48	100000	\$ 1,185.00	0.0051	\$ 13.00	\$ 56.00	n/a
IR105	48	150000	\$ 1,440.00	0.0051	\$ 13.00	\$ 56.00	n/a

Includes Document Feeder, Stapling Finisher, Printing

Model	Term	Copies Included	Monthly Investment	Overages	3hole	Deduct Printing	Deduct Stapling
IR2200	60	5000	\$ 201.00	0.0165	\$ 39.00	\$ 24.00	\$ 12.00
IR2200	60	10000	\$ 251.00	0.0132	\$ 39.00	\$ 24.00	\$ 12.00

Includes Document Feeder, Stapling Finisher, 4 Paper Trays, Printing

IR3300	60	5000	\$ 223.00	0.0165	\$ 39.00	\$ 24.00	\$ 12.00
IR3300	60	10000	\$ 275.00	0.0132	\$ 39.00	\$ 24.00	\$ 12.00
IR3300	60	15000	\$ 309.00	0.011	\$ 39.00	\$ 24.00	\$ 12.00

Includes Document Feeder, Stapling Finisher, 4 Paper Trays, Printing

IR5000	60	5000	\$ 280.00	0.0132	\$ 10.00	\$ 29.00	NR
IR5000	60	10000	\$ 314.00	0.01	\$ 10.00	\$ 29.00	NR
IR5000	60	15000	\$ 366.00	0.01	\$ 10.00	\$ 29.00	NR
IR5000	60	25000	\$ 385.00	0.0067	\$ 10.00	\$ 29.00	NR

Includes Document Feeder, Stapling Finisher, Printing

IR6000	60	15000	\$ 386.00	0.01	\$ 10.00	\$ 29.00	NR
IR6000	60	25000	\$ 405.00	0.0067	\$ 10.00	\$ 29.00	NR
IR6000	60	50000	\$ 498.00	0.0052	\$ 10.00	\$ 29.00	NR

Includes Document Feeder, Stapling Finisher, Printing

IR7200	60	25000	\$ 465.00	0.006	\$ 12.00	\$ 45.00	n/a
IR7200	60	50000	\$ 566.00	0.005	\$ 12.00	\$ 45.00	n/a
IR7200	60	75000	\$ 669.00	0.0047	\$ 12.00	\$ 45.00	n/a

Includes Document Feeder, Stapling Finisher, Printing

IR8500	60	50000	\$ 787.00	0.0063	\$ 12.00	\$ 45.00	n/a
IR8500	60	75000	\$ 923.00	0.006	\$ 12.00	\$ 45.00	n/a
IR8500	60	100000	\$ 1,022.00	0.0055	\$ 12.00	\$ 45.00	n/a
IR8500	60	150000	\$ 1,299.00	0.0055	\$ 12.00	\$ 45.00	n/a

Includes Document Feeder, Stapling Finisher, Printing

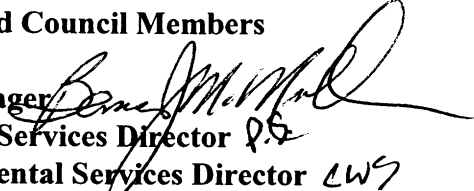
IR105	60	75000	\$ 987.00	0.0055	\$ 12.00	\$ 45.00	n/a
IR105	60	100000	\$ 1,114.00	0.0054	\$ 12.00	\$ 45.00	n/a
IR105	60	150000	\$ 1,384.00	0.0054	\$ 12.00	\$ 45.00	n/a

Includes Document Feeder, Stapling Finisher, Printing

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager 
Financial Services Director 
Developmental Services Director  LW9

FROM: City Engineer 

DATE: April 26, 2004

SUBJECT: Stormwater Utility – Data Development
May 6, 2004 City Council Agenda

Recommendation: Staff recommends that funding be provided from PIP contingency in an amount not to exceed \$120,630 to complete the Data Development phase of the formation of the stormwater utility according to the outline provided in the attached task order from the City's stormwater consultant.

Discussion: Attached is the task order form for work to include additional public education work, a cost of service analysis, a rate structure analysis, a formal delineation of impervious surfaces, and a rate study from the City's stormwater consultant. In the proposal, Integrated Science & Engineering has outlined the steps leading to the implementation of such a utility and the elements within each step. Work completed to date has demonstrated the need for a stable and secure funding mechanism, recommended a user fee system (utility) as the most equitable system, proposed a billing arrangement to achieve the system intent, and gauged the amount of work required to complete the implementation process.

At the recent City Council retreat, staff presented these findings in more detail along with the recommendations from the *Stormwater Advisory Committee* and City staff. The next (3rd) step in the establishment of the utility is for staff to refine the foundational data into its final form and configure it for use in the final phase of billing. This third step is expected to be complete by September of this year; and pending completion of the last step in early 2005, bills could be issued as early as that summer.

Budget Impact: This proposal will result in a one-time cost of \$120,630, funded from PIP contingency and will most likely obligate the City to proceed to the final step in the process. The final step for utility implementation is expected to cost about \$175,000 and will be identified in

Stormwater Utility – Data Development

May 6, 2004 City Council Agenda

April 26, 2004

Page 2

the FY2005 stormwater budget. These costs for study, data, development, and implementation are reimbursable from the future utility entity and will be identified as a receivable on the books.

Attachments

*cc: Interim Public Services Director
Assistant City Manager
file*

**CITY OF PEACHTREE CITY
TASK ORDER FORM #16
STORMWATER UTILITY FORMATION & IMPLEMENTATION
APRIL 26, 2004**

Introduction

Integrated Science & Engineering, Inc. (ISE) has prepared this Task Order Form (TOF) to assist Peachtree City with the formation and implementation of a Stormwater Utility.

Proposed Scope of Services

Formation & Implementation of a Stormwater Utility is typically accomplished in four steps as summarized below. The City has completed Step 1 and Step 2, and now the City desires to move forward with Steps 3 and 4.

Step 1 - Feasibility Study for Development of a Stormwater Utility (Complete March 2004)

- Evaluate local SWMP priorities
- Analyze land use within the City as it relates to impervious surfaces.
- Develop projected costs for the SWMP over the next five years based on SWMP priorities.
- Present an opinion of a preliminary pro forma rate/equivalent runoff unit (ERU)
- Estimate a Stormwater Utility Revenue Projection
- Conduct a Billing and Database Assessment
- Prepare a Summary Report

Step 2 – Stormwater Advisory Committee (Complete April 2004)

- Reconvene the City's Stormwater Advisory Committee
- Conduct a Series of Three Committee Meetings
- Obtain feedback from the Committee and the community regarding the SWMP priorities and the Stormwater Utility funding concept
- Prepare an Advisory Committee Report
- Present the Committee's Position and Recommendations to the City Council

Step 3 – Stormwater Utility Data Development

- Continue Public Education Program through Committee Meetings
- Detailed Cost-of-Service Analysis
- Categorize Parcels
- Delineate Impervious Surfaces
- Perform Rate Structure Analysis
- Rate Structure Development through a Comprehensive Rate Study

Step 4 – Stormwater Utility Implementation

- Creation of the Master Account Files
- Link Required Data into the Future Billing Software System
- Development of a Stormwater Utility Ordinance and Rate Ordinance
- Development of a Credit Manual
- Setup a Customer Service Program
- Issue Stormwater Utility Bills to Customers

SCOPE OF SERVICES

Step 3 – Stormwater Utility Data Development

Task 1.0 – Continue Public Education & Involvement Program: The Project Team will assist the City in continuation of the public education and involvement (PE&I) program and the Stormwater Advisory Committee (the Committee). It is assumed that the City Staff and Project Team members will jointly lead the public outreach effort. The types of information and activities that the Project Team will provide to the City (as requested) will include the following:

- General Information Brochures
- Presentations to City Council
- Stormwater Advisory Committee Meetings
- CIP Evaluation & Prioritization
- Presentations to Local Civic Groups
- Press Packages
- Public Information Meetings with Community Stakeholders
- Bill Stuffers
- Other activities related to PE&I

Task 2.0 – Detailed Cost of Service Analysis: In order to project the SWMP into the future, the current problems, needs and goals will be further investigated and future SWMP priorities will be established. These future priorities will serve as the basis for the projected SWMP costs. We will assess the impacts of SWMP decisions on the current organization, management, and staffing. Future organization and staffing will be projected consistent with SWMP funding policy decisions and the input of the Committee.

The Project Team will develop an estimate of the total cost of stormwater services and facilities (revenue requirements) for the period to be funded by the initial service charge. The costs will be based on policy and program decisions made by the City Council, City Staff and Committee. An examination will be made of which types of costs will be funded from the utility user fee and which can be funded from other sources. A detailed, five-year cost of service analysis will be developed in spreadsheet format to facilitate “what if” analysis and incorporation into a rate model. Several trials and alternates will be developed to facilitate different user fee decisions within the context of development of an effective, building block program.

The following steps will be undertaken in this task:

- Identify and describe existing SWMP activities, organization and responsibilities
- Identify SWMP needs, issues and goals
- Identify future SWMP priorities in each key functional area
- Prioritize and establish budgets for Capital Projects
- Develop SWMP details for a five-year period
- Look at projected manpower and organizational issues
- Estimate SWMP costs
- Place costs into cost of service spreadsheet to facilitate “what if” analysis.

Task 3.0 – Rate Structure Analysis: SWMP funding options will be analyzed and preliminary decisions will be made prior to subjecting them to more detailed analysis during the Rate Study in Task 6.0. City staff and the Project Team will participate in the rate structure funding policy discussion, and the Project Team will utilize past information related to SWMP and utility development. Basic user fee rate methodology (basis for charges), modification factors and secondary funding methods will be explored and recommendations made. We will take the following steps in execution of this task:

- Evaluate basic rate methodologies and make recommendation based on available data and suitable accuracy and equity
- Evaluate alternate funding methods to determine their relationship to the utility and rate structure
- Evaluate secondary funding methods
- Evaluate modifying factors, such as residential flat rates, fixed costs per account, or stormwater credits to provide simplicity and increase equity
- Develop a recommended rate structure to properly reflect the City’s needs and mix of program objectives
- Develop one draft report and a final report

Task 4.0 – Categorize Parcels: The Project Team will obtain from the City in useable form a digital copy of data fields for records in the City’s tax database, will determine which parcels are used as single family residential (SFR) and which parcels are non-single family residential (NSFR). We will categorize each land parcel in Peachtree City as either SFR or NSFR. A database will be established with one record for each land parcel.

The Project Team will obtain from the City and/or Fayette County digital parcel maps for use in establishing impervious area data associated with SFR and NSFR parcels. The format of this data shall be in a GIS ArcView shape file with attached database indicating up to date property owners and other information typically included in a tax assessor’s database. These shape files shall be in a closed polygon format. The Project Team will overlay the NSFR parcels over the Fayette County Aerial Photographs prior to initiating the work associated with Task 5.0 – Delineate and Digitize Impervious Surfaces.

Task 5.0 – Delineate and Digitize Impervious Surfaces: The Project Team will overlay the NSFR polygons and tags on the Aerial Photographs (as described above) and we will visually identify and delineate impervious features. Each of these impervious features, which fall partly or wholly on any NSFR polygon, will be digitized on-screen as a closed polygon. Each of these impervious feature polygons will be tagged with an attribute, which describes the category of impervious feature. The categories of impervious features to be delineated are as follows: buildings, other structures, pavement, sidewalks, decks, swimming pools and other impervious features.

Task 6.0 – Rate Study: The Rate Study will apply the cost of service information to the rate methodology for various classes of ratepayer similar to water rates. A rate algorithm will be developed to calculate the service charges for all properties subject to the initial stormwater service charge and the basic user fee will be calculated. “What if” analysis will be performed on various scenarios. The rate study will also consider how the other funding methods will be used both within and outside the umbrella of a stormwater rate ordinance, and what their impact would be on service charge rates and rate design. This task also facilitates the translation of the cost of service information to the City’s budget format and provides a projection of the cash flow that will result from the implementation of a stormwater service charge. Specifically, the following steps will be taken:

- Develop a cost and rate spreadsheet including cash flow analysis, funding sources, etc.
- Identify and segregate costs which will be borne by the utility and those borne by other revenue sources
- Translate cost of service into a cash flow basis
- Work with City Staff and the Committee to address key policy issues
- Translate the rate information to revenue and place in the cash flow spreadsheet
- Perform “what if” analysis until an adequate rate is found to support the cost of service analysis, iterating between cost decisions and revenue generation decisions
- Translate costs into budget format
- Develop one draft report and a final report

Step 4 – Stormwater Utility Implementation

Task 7.0 – Creation of Master Billing Account Files: This task provides for gathering together the working materials, data, information on support systems, and other resources that will be used in preparation of the Master Billing Account File. The Project Team will prepare the actual master account file structure to be used for the future stormwater service fee charge billing.

The City and Project Team will need to confirm the mechanism to deliver the future stormwater utility bill as the initial step in the process. This effort should be initiated under Step 3 and continue as part of Step 4. The two options currently being considered include: 1) annual Fayette County Tax Bill and/or 2) City operated and maintained billing system. It is assumed that the City operated and maintained system (if selected) would consist of an “Accounts Receivable” type module added to the City’s existing finance software. Since stormwater bills are static (i.e. the amount does not typically change), the need for a more comprehensive billing system and software package is probably not necessary.

Once the preferred billing mechanism is confirmed, the Project Team will then take the data compiled in Step 3 and begin the process of developing the Master Billing Account File. This effort will consist of the following subtasks:

Task 7.1 – Compute and Assign SFR Fees: Using the information compiled from Step 3, a user fee rate will be finalized for all SFR parcels. Based on the research and analysis performed under Step 1, it is assumed at this time that the future SFR stormwater bills for the City will be a flat rate charge. The Project Team will assign the anticipated flat rate charge to all SFR parcels within the City.

Task 7.2 – Compute and Assign NSFR Fees: The Project Team will compute the total impervious area for each NSFR parcel. A database will be developed which will contain each NSFR parcel identification number, and the computed total impervious area on each of these parcels. A specific (integer) number of ERU's will be computed for each NSFR parcel, and using the recommendations of the Rate Study, a monthly stormwater charge will be assigned to each NSFR parcel.

This task provides for the Project Team to assemble and/or generate the actual data to be used in calculating stormwater service charges for individual properties/parcels. Future maintenance of the data after the initial billing will be a City responsibility unless negotiated as part an additional service to this contract. Because of the potential two-phased nature of the effort, the initial work should be accomplished largely by data processing rather than by examining the site conditions on each property. The deliverable product will include rates and charges and basis for all billable properties within the designated City boundaries. The Project Team will check for and correct errors, which occur in the generation and assembly of data prior to the initial stormwater service charge billing.

Task 7.3 – Update NSFR Impervious Data for New Development: At such time that the above tasks are complete and other components of the utility development process are nearly complete, the Project Team will update the impervious areas for newly developed NSFR parcels. This step is necessary because some NSFR parcels will have had new development or demolition occur since the original date of the Fayette County Aerial Photographs from 1999. The update of impervious area will be accomplished by review of building permits issued approximately 6 months prior to the flight date through the current time frame. A list of updated NSFR impervious information and parcel data will be developed. Preliminary research by the Project Team staff indicates that approximately 50 NSFR parcels have been developed since the date of the Fayette County Aerial Photographs.

The Project Team has included approximately \$40,000 within the budget to obtain an updated Color Aerial Photography of the City. It is proposed to have this aerial flown in late 2004 or early 2005 and utilize the information to update the NSFR impervious data as well as confirm information on the Fayette County Aerial Photography. The new aerial photographic data will be suitable for other uses including infrastructure inventory mapping for NPDES Phase II Stormwater Permit compliance and any other uses deemed appropriate by the City. The master billing account files will be updated as necessary to reflect the updated aerial photography.

Task 7.4 – Match Parcels and Impervious Area Data to Property Tax Billing Records: The Project Team will combine the databases developed under Tasks 7.1, 7.2 and 7.3 to create one digital relational database (Master Billing Account File) which houses parcel identification numbers and monthly stormwater fees for each parcel in Peachtree City. We will endeavor to correlate this database 1:1 with the tax database of Peachtree City land parcels, as the tax database existed when it was developed in Step 3.

Task 7.5 – Data Quality Assurance/Quality Control: The Project Team will perform quality control steps on the resulting graphical and non-graphical data before delivery of the master billing account file. Where necessary, the Project Team will prepare field maps for a representative number of the largest stormwater user fee accounts to confirm the impervious area data. It is assumed that the field effort will be performed by a combination of the Project Team personnel and City Staff. The Project Team will review these results and correct the GIS and master billing account file data as necessary. Additional quality control steps will be taken to ensure that applicable data quality objectives are maintained.

Task 7.6 – Billing Assistance & Data Management Processes: The Project Team will develop and execute a procedure to screen the master billing account file for errors and eliminate such errors to the maximum extent practicable when the base master account file for the stormwater service charges is nearing initial completion (recognizing it will always be a dynamic system). This will involve the Project Team and City Staff working together so that the City personnel who will be responsible for the system in the future are familiar with the typical problems that are present. Responsibility for sending the bill will rest with the City.

Maintenance of the data following the initial billing will also be a City responsibility. Procedures will be identified that City employees can follow such that the databases can be maintained and updated on periodic basis. The Project Team will develop a flowchart depicting these procedures.

Task 7.7 – Integration of the Master Billing Account File Data with the Future Utility Billing System: Once the parcel specific work effort has been completed, the Project Team will initiate the process of integrating the SFR and NSFR parcel database information with the City's future Stormwater Utility billing system(s). The Project Team will integrate both the Master Billing Account File and the tax parcel information with the future Stormwater Utility billing system. The final Master Billing Account File will be an Access Database or Excel Spreadsheet file.

Task 8.0 – Prepare Stormwater User Fee Credit Manual: The Project Team will work with City staff in the development of procedures to be used in granting service fee credits under appropriate circumstances and site conditions. For example, on-site detention or other stormwater management BMPs that reduce the impact of stormwater runoff (discharge rate, volume, pollutant, velocity, etc.) should be granted some form of credit against the service fee in recognition of the cost of service reductions realized by the City's stormwater program. This concept is similar to sanitary sewer industrial pre-treatment credits that are commonly applied to wastewater utility rates. The Project Team will prepare a manual that describes the specific criteria to be used in the computation of service charge credits. The manual will be based on the decisions made during the formulation of policy positions established by the City and the

Committee. One meeting with staff to develop the crediting concepts and one meeting to explain the draft manual is budgeted.

Task 9 – Prepare Stormwater Utility Enterprise Fund Ordinance: The Project Team will work with the City attorney's office to develop a draft ordinance for the future Enterprise Fund. The Project Team assumes that the City Attorney will research recent court rulings related to Stormwater Utilities in Georgia such that the draft ordinance is consistent with the most recent case law. It is also assumed that the final Enterprise Fund Ordinance will be prepared by the City attorney's office. The Project Team will perform the following:

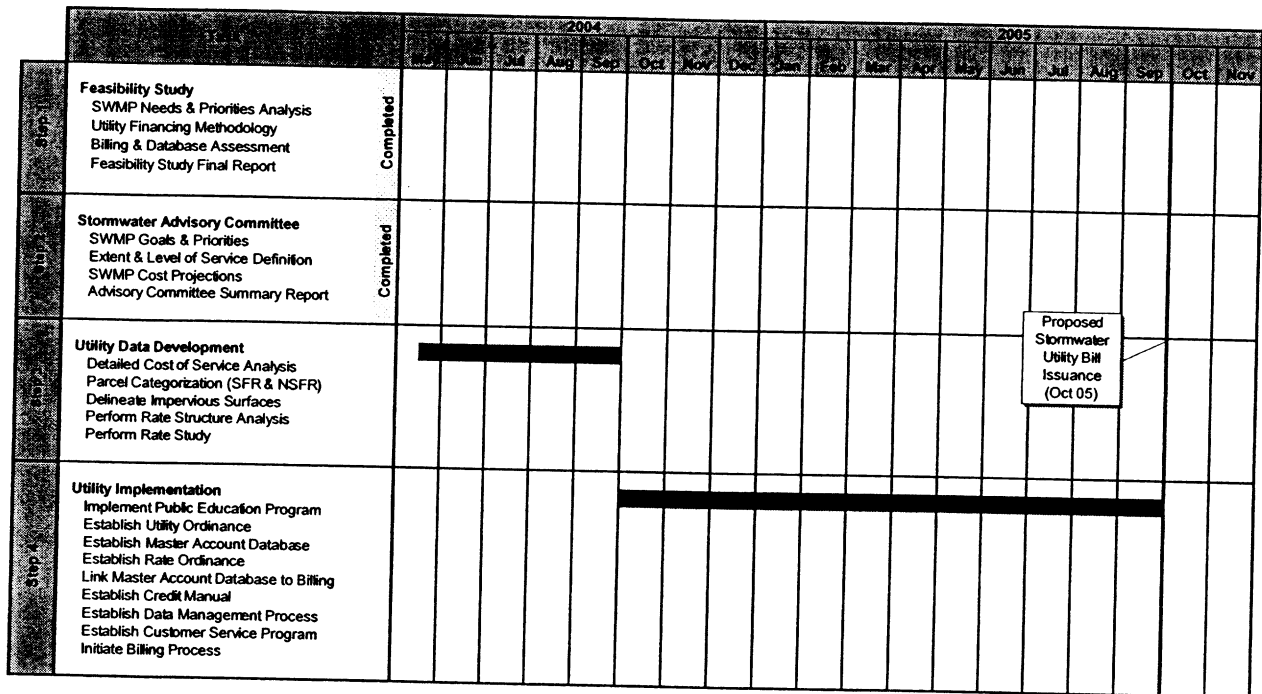
- Prepare a draft ordinance covering the details of establishment of the stormwater utility including such topics as findings, definitions, establishment of the enterprise fund, credits and charges, financing policy, rate structure, severability, etc.
- Discuss the draft ordinance with City Staff and the City Attorney
- Make any necessary changes to the draft ordinance
- Submit the final draft ordinance for City Attorney modification and publication
- Assist City Staff in presentation of the ordinance when considered for adoption

Task 10.0 – Prepare Rate Ordinance: The Project Team will develop a draft rate ordinance consistent with the technical findings of the previous Steps and Tasks. The Project Team will work with the City Attorney to revise and finalize the rate ordinance. We have priced this scope of work based on attending one meeting with staff and legal counsel to explain the draft ordinance and discuss proposed modifications. Once again, the responsibility for preparing the final Rate Ordinance will reside with the City Attorney.

Task 11.0 – Customer Service Program: The Project Team will assist the City in developing inquiry and complaint response measures to handle the initial reaction to the billing. The Project Team will develop processes for customer service staff to follow when customer complaints are logged. The Project Team will develop a customer service manual outlining appropriate complaint response measures and approaches, and provide advice to the City staff in implementing a complaint response program. City Staff and Customer Service Personnel will need to be trained in the various procedures by the Project Team.

Schedule

The proposed schedule for Step 3 and Step 4 is shown in the following figure. In general, Step 3 is anticipated to begin May 15, 2004 and be completed by September 30, 2004. Step 4 is anticipated to begin October 1, 2004 and be completed by September 30, 2005. This schedule would result in the first stormwater utility bill being issued in October 2005.



Fee

The Project Team proposes to implement the scope of work elements associated with Step 3 and Step 4 in accordance with the fee structure outlined below:

Step 3 – Stormwater Utility Data Development

Task 1.0 – Continue PE&I Program	\$15,000 (Hourly)
Task 2.0 – Detailed Cost of Service	\$13,590 (Lump Sum)
Task 3.0 – Rate Structure Analysis	\$ 9,360 (Lump Sum)
Task 4.0 – Categorize Parcels	\$12,300 (Hourly)
Task 5.0 – Delineate Impervious Areas	\$58,000 (Hourly)
Task 6.0 – Rate Study	\$12,380 (Lump Sum)

Step 3 Subtotal: \$120,630

Step 4 – Stormwater Utility Implementation

Task 7.0 – Master Account File	\$94,100 (Hourly)
Task 7.3 – Update NSFR	\$49,200 (Lump Sum) ¹
Task 8.0 – Credit Manual	\$8,600 (Lump Sum)
Task 9.0 – Enterprise Fund Ordinance	\$4,000 (Hourly)
Task 10.0 – Rate Ordinance	\$4,000 (Hourly)
Task 11.0 – Customer Service	\$14,660 (Lump Sum)

Step 4 Subtotal: \$174,560

1 – Budget for Task 7.3 could be reduced if the cost for an updated aerial photography was removed from the Task and the work effort was limited to delineation of impervious areas from historical design plans maintained on file by the City. The Project Team recommends that the City establish impervious area data for all NSFR parcels from a consistent source (i.e. aerial photography) to ensure that future stormwater bills are representative of actual, as-built field conditions.

Authorization

The Scope of Services outlined herein will be performed in accordance with ISE's Master Services Agreement with Peachtree City dated May 1, 2003. As our authorization, please sign in the space provided below.

City of Peachtree City

Integrated Science & Engineering, Inc.

Signature: _____

Signature: _____

Name: _____

Name: _____

Date: _____

Date: _____

COMPLETE

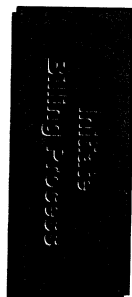
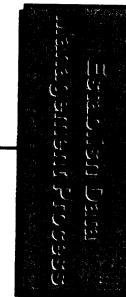
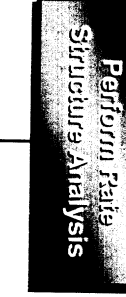
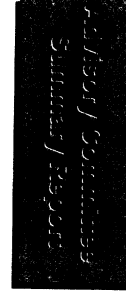
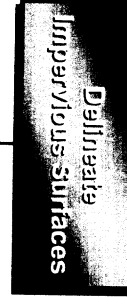
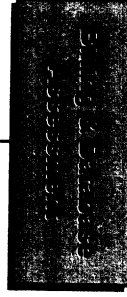
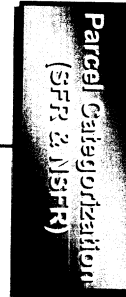
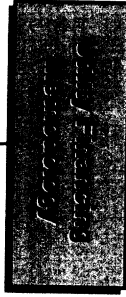
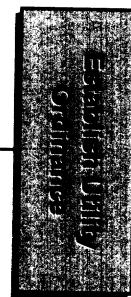
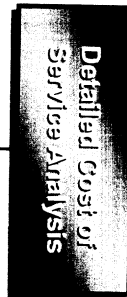
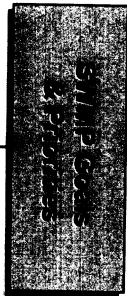
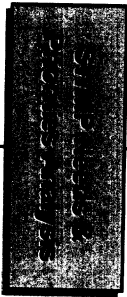
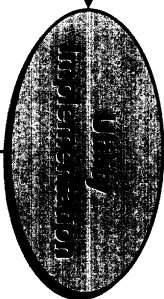
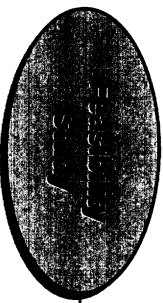
COMPLETE

2004

2005

Step 3

Step 4



\$12,750

\$16,400

\$120,630

\$175,000

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Manager



DATE: April 29, 2004

**SUBJECT: ST. SIMONS COVE RESIDENTS – REQUEST TO ADDRESS COUNCIL
REGARDING PROPOSED INTERSECTION AT GEORGIAN PARK**

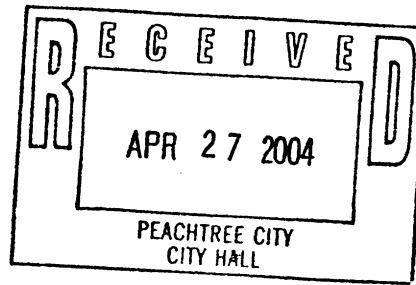
The residents of St. Simon's Cove have requested they be allowed to address Council regarding the decision to locate an intersection near St. Simon's Cove. In addition to the attached letter, letters were also received from the following residents:

Harold & Donna Gabby
Julie Karnokovich
Jeanne and John Brice
Betty Moses
Kathryn Winslett White
Thomas Hart
Linda Sellmer
G. J. Kessler
Antoinette Burk
Elmer Koldoff
Leone Johnston
Richard Charles
Amelia Crowell
Robert Nolan
Therese Ocheltree
Sheila Gilbert

BJM:gr
Attachment

631-3050

Mr. Bernie McMullen
City Manager
153 Willowbend Road
Peachtree City, GA
30269



Friday, April 23, 2004

Dear Mr. McMullen:

I am a resident of the St. Simon's Cove subdivision in Peachtree City. I'm sure you're aware of the concerns my neighbors and I have over the intersection proposed to be located off Georgian Park. It is my desire, and the desire of my neighbors, that we be given the opportunity to discuss various alternatives to this intersection before the City Council. When you schedule the City Council agenda for May, please place us on the agenda to discuss this matter.

There are several reasons why this discussion is necessary even though a previous decision was rendered. The decision to locate an intersection near St. Simon's Cove was made in executive session of the City Council. This decision was made without prior announcement of its consideration and without the opportunity for public comment. Such a process is inappropriate when such a decision has such an obvious impact on our neighborhood. We think it is the civic responsibility of the Council to hear the concerns of the effected citizenry prior to formalizing this decision. If a change in the location or configuration of the intersection is warranted, it's important this change be communicated to the developer in a timely manner.

Another important reason for adding this topic to the Council agenda is that all alternative solutions to traffic flow in and out of the Faison development were not fully explored. The Regents Park neighborhood representatives that were at the executive session have told us our proposed alternatives were never considered. Mr. Clyde Stricklin, Developmental Services Director, has indicated the same thing. Since these alternatives have not been presented and their merits considered, discussion before the City Council is needed.

Thank you for your help with this matter. We look forward to the opportunity to discuss our proposals before the City Council. Likewise, we look forward to receiving your assistance and the help of your city staff in finding a workable solution to our concerns.

Sincerely,

Chris B. Stricklin

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager *Dennis Mitchell*

FROM: Assistant City Manager *CSA*
Developmental Services Director *CSA*
City Engineer *CSA*

DATE: April 27, 2004

SUBJECT: Transportation and Traffic Engineering Annual Contract
Agenda Item: May 6, 2004

Recommendation: Staff recommends awarding QK4 an annual contract to provide transportation planning and traffic engineering services not to exceed \$100,000 per year.

Discussion: Staff sought out Letters of Interest and Statements of Qualifications from many metro-area engineering firms to provide support on transportation projects and traffic design needs associated with these types of capital projects. Rather than initiating the procurement process for each project, staff proposed to establish an annual contract for these professional services. The process is intended to provide the most value based upon the qualifications of each firm, minimizing the indirect and direct costs associated with multiple project procurement.

Staff received ample responses to the advertisement in October and has spent the last several months reviewing each firm's presentation materials, project experience, and references. The Assistant City Manager provided input for the initial cut from twenty to ten, based upon GDOT pre-qualification and overall presentation material. From there, the references provided the next reduction to four.

After the first cut, staff short-listed again to the four firms listed below. This cut was based upon project team credentials, design experience, municipal project experience, GDOT pre-qualification/experience, grant project experience, and references.

1. Integrated Science & Engineering
2. QK4
3. Wilbur Smith Associates
4. Wolverton & Associates

Transportation and Traffic Engineering Annual Contract

Agenda Item: May 6, 2004

April 27, 2004

Page 2

With the list reduced to four, staff sought interviews with representatives and project managers of each firm. A selection committee made up of the City Engineer, Developmental Services Director, and the Assistant City Manager was organized to participate in the review and recommendation. The interviews were conducted over two days during the week of March 29, each interview lasting one hour. The firms were allowed time to present an overview of select projects, the type of which Peachtree City would be looking to complete. This presentation was followed by questions from the selection committee. A packet of information had been sent to each firm prior to the interviews indicating the proposed agenda, the types of projects we anticipated in the future, and some of the work we have recently completed.

After the interviews were completed, the selection committee met to discuss the process, their notes from the meetings, and to generate a consensus recommendation. As was to be expected, all of the firms were well qualified to complete designs on all of the projects discussed. As a result of the questions by the committee, however, we were able to differentiate the firms' suitability for Peachtree City. The selection committee unanimously ranked QK4 to be the best of the four and the best overall according to the selection criteria and communication of their expertise during the interview. Furthermore, staff has very good experience working with this firm on the SR-54 widening project and two LCI projects and believes them to be well qualified for the size and scope of our municipal transportation projects.

A contract has been prepared with input from the City Attorney for this proposal and is attached for your consideration and review.

Budget Impact: There is no immediate budget impact associated with action on this item. The annual procurement for this professional service will save staff time and enable a higher level of customer service in other areas. It is anticipated that this contract will cover these known transportation projects in 2004:

1. Walt Banks / Peachtree Parkway Roundabout Design
2. Peachtree Parkway Turn Lane Analysis
3. Research support for the redevelopment of traffic calming policy
4. Staff support for the update to the thoroughfare plan.

Attachment

cc: *Financial Services Director*
Assistant Finance Director
City Planner
file

PEACHTREE CITY, GEORGIA

Annual Contract for Professional Engineering Services

AGREEMENT

THIS CONTRACT, made and entered into as of the _____ day of _____ 20____
by and between Peachtree City, Georgia, a political subdivision of the State of Georgia
(hereinafter referred to as the "CITY"), and Qk4 (hereinafter referred to as the
"CONSULTANT").

WITNESSETH THAT:

WHEREAS, the CITY desires to engage the CONSULTANT to perform professional
planning and design services relating primarily, but not limited to, the following items:

- **Transportation Planning**
- **Data Base Development**
- **Environmental Documentation**
- **Traffic Engineering**
- **Structural Design for Transportation Structures**
- **Road and Drainage Design**
- **Streetscape and Landscape Architectural Design**
- **Utility Design and Coordination**
- **Assistance in Land Acquisition**
- **Construction Contract Administration**

WHEREAS, the CONSULTANT is fully staffed with professional engineers and technicians and is fully equipped and has facilities to perform such planning and design services.

NOW, THEREFORE, the CITY and the CONSULTANT in consideration of the promises and mutual obligations contained herein, the sufficiency of which is hereby expressly acknowledged, and under the conditions hereinafter set forth, do agree as follows:

SECTION 1

EMPLOYMENT OF CONSULTANT

The CITY hereby engages the CONSULTANT, and the CITY and CONSULTANT hereby agree to perform as hereinafter set forth. Any modifications to this contract shall be in writing and shall be made only with the express written approval of the parties hereto.

SECTION 2

SCOPE OF SERVICES

The CONSULTANT shall perform and carry out services as specified herein in a satisfactory and proper manner and in conformance with the standard practices and procedures of its profession. The times and locations of the services will be on an "as needed" project basis for the life of the contract. The CITY or its representative shall notify the CONSULTANT, in writing, as to the time, location and type of services required for each project. The CONSULTANT will prepare and submit a TASK ORDER FORM (TOF) to be executed between the CITY and the CONSULTANT for each specific work element, project, report,

study, task, etc. (unless directed otherwise by the CITY), which will specify the scope of services, schedule, and fee arrangement. Each TOF will reference this contract and be an amendment to this contract. The CITY has the option to direct the CONSULTANT to utilize an alternative method to the TOF (as warranted by the work task requested) including memo, email or other similar and acceptable documentation method.

SECTION 3

SERVICES PROVIDED BY CONSULTANT

All services shall be performed in accordance with applicable standards and accepted engineering practice; and it is not the intention of the CONSULTANT to provide or offer to provide services inconsistent with or contrary to such practices, nor to make any warranty or guarantee, express or implied.

On any project that involves a Contractor to perform construction, the CONSULTANT shall interpret and decide matters concerning performance of the CITY and the Contractor under requirements of the Construction Contract documents. Decisions of the CONSULTANT shall be consistent with the intent of the Construction Contract documents and shall be made with reasonable promptness. The CONSULTANT shall endeavor to secure faithful performance by both the CITY and Contractor and shall not show partiality to either. The CONSULTANT shall not be liable to either the CITY or the Construction Contractor for results of interpretations or decisions the CONSULTANT has rendered in good faith.

Statements of probable Construction Cost and detailed cost estimates prepared by the CONSULTANT represent his best judgment as an Engineer familiar with the construction industry. It is recognized, however, that the CONSULTANT has no control over the cost of labor, materials or equipment; over Construction Contractor's methods of determining bid prices; or over competitive bidding or market conditions. Accordingly, the CONSULTANT cannot and does not guarantee that bids will not vary from any statement of probable Construction Cost or other estimate prepared by him, and makes no warranty, express or implied, as to the accuracy of such opinions as compared to bid or actual cost.

It is acknowledged by both parties that the CONSULTANT's scope of services does not include any service related to asbestos or hazardous or toxic materials. In the event the CONSULTANT or any other party encounters asbestos or hazardous or toxic materials at the jobsite or should it become known in any way that such materials may be present at the jobsite or any adjacent areas that may affect the performance of the CONSULTANT's services, the CONSULTANT may, at his or her option, without liability for consequential or any other damages, suspend performance of services on the project until the CITY retains appropriate specialist consultant(s) or contractor(s) to identify, abate and/or remove the asbestos or hazardous or toxic materials, and warrant that the jobsite is in full compliance with applicable laws and regulations.

As a condition for entry of this AGREEMENT, the CONSULTANT represents, warrants and covenants that at the time of entry of this AGREEMENT, and during the term thereof, the CONSULTANT shall observe and comply with all applicable laws governing equal employment opportunities, including the employment of persons with disabilities, as defined by the

Americans with Disabilities Act of 1991. Furthermore, the CONSULTANT shall maintain a drug free workplace as required by Georgia law during the term of this AGREEMENT.

CONSULTANT shall designate a person (or persons) to act as CONSULTANT's representative(s) with respect to the services to be rendered under this AGREEMENT. Such person(s) shall have complete authority to transmit instructions, receive information, interpret and define CONSULTANT's policies and decisions with respect to services under this AGREEMENT.

SECTION 4

DUTIES OF THE CITY

It is agreed and understood that the CITY has certain duties it must perform in a timely manner so as not to delay the CONSULTANT unduly in CONSULTANT's performance of said obligations. The aforesaid duties shall include the following:

Provide to the CONSULTANT all task criteria, and full information as to the CITY's requirements for each task order. The CITY shall provide to the CONSULTANT such information as is available to the CITY and the CITY's Consultants and Contractors, and the CONSULTANT shall be entitled to rely upon the accuracy and completeness and sufficiency of such information, either because it is impossible to verify, or because of errors or omissions which may have occurred in assembling the information the CITY is providing.

Give prompt written notice to the CONSULTANT whenever the CITY or its representative observes or otherwise becomes aware of any defect in the project or any changed circumstances which might affect the CONSULTANT's work on any assignment.

Obtain access to work sites and make necessary provisions for the CONSULTANT to enter upon public and private property as required of the CONSULTANT to perform his services under this CONTRACT.

Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by the CONSULTANT; obtain advice of an attorney, insurance counselor and other consultants as the CITY deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of the CONSULTANT.

Provide such accounting, independent cost estimating and insurance counseling services as may be required for the Project, such legal services as the CITY may require, or the CONSULTANT may reasonably request, with regard to legal issues pertaining to the Project, including any that may be raised by Contractors, such auditing service as the CITY may require to ascertain how or for what purpose any Contractor has used the moneys paid to him under a Construction Contract.

Designate a person to act as the CITY's representative with respect to the services to be rendered under this AGREEMENT and provide the Engineer with work, home and fax telephone numbers. Such person shall have complete authority to transmit instructions, receive information, interpret and define the CITY's policies and decisions with respect to the CONSULTANT's services.

Obtain the cooperation and coordination of CITY employees, consultants and contractors with the CONSULTANT's work.

Indemnify and hold the CONSULTANT harmless from any claim, cost (including reasonable attorneys' fees and cost of defense) or liability for injury or loss arising or allegedly arising from the CONSULTANT's service as a claim arbiter on a project involving construction.

In accepting and utilizing any drawings or other data on any form of electronic media generated and provided by the CONSULTANT, the CITY covenants and agrees that all such drawings and data are instruments of service of the CONSULTANT, who shall be deemed the author of the drawings and data, and shall retain all common law, statutory law and other rights, including copyrights.

The CITY further agrees not to use these drawings and data, in whole or in part, for any purpose or project other than the project which is the subject of this AGREEMENT. The CITY agrees to

waive all claims against the CONSULTANT resulting in any way from any unauthorized changes or reuse of the drawings and data for any other project by anyone other than the CONSULTANT. In addition, the CITY agrees, to the fullest extent permitted by law, to indemnify and hold the CONSULTANT harmless from any damage, liability or cost, including reasonable attorney's fees and costs of defense, arising from any changes made by anyone other than the CONSULTANT or from any reuse of the drawings and data without the prior written consent of the CONSULTANT.

The CITY agrees, to the fullest extent permitted by law, to indemnify and hold the CONSULTANT harmless from any loss, claim or cost, including reasonable attorneys' fees and costs of defense, arising or resulting from the performance of construction administration or inspection services by other persons or entities and from any and all claims arising from modifications, clarifications, interpretations, adjustments or changes made to the CONTRACT documents to reflect changed field or other conditions, except for claims arising from the sole negligence or willful misconduct of the CONSULTANT.

SECTION 5

CONTRACT TIME

The contract time for services is to commence immediately upon execution of this CONTRACT by the CITY and shall terminate absolutely and without further obligation on the part of the CITY at the close of this calendar year; however, this CONTRACT shall be automatically renewed for three consecutive calendar years terminating on December 31, 2007, unless the

CITY notifies the CONSULTANT no later than January 31 of any year during this period that the CITY is terminating the CONTRACT, in which case the CONTRACT is terminated upon the delivery of such notice by the CITY. Any request for services to be performed by the CONSULTANT on or before the contract expiration date shall constitute a valid order and the contract time shall be extended accordingly. Except for the obligations created by the CITY for such services rendered by the CONSULTANT, if the CITY delivers notice that it is terminating the CONTRACT, the CONTRACT shall terminate absolutely and without further obligation on the part of the CITY.

Since this CONTRACT is for possible services to be rendered in the future by CONSULTANT upon the request of the CITY and the exact type of services and extent of services cannot be known at this time, it is not possible to state the total obligation of the CITY to CONSULTANT under the CONTRACT. Title to any supplies, materials, equipment, or other personal property shall remain with the CONSULTANT until fully paid for by the CITY.

SECTION 6

COMPENSATION FOR SERVICES

- 1.1 For general consulting services as outlined in this AGREEMENT, CITY shall pay CONSULTANT the fee documented in the project specific TOFs. It is anticipated that professional services will be performed and reimbursed on payment terms agreeable to both parties (i.e. lump sum, hourly, etc.). The proposed unit rates identified for this AGREEMENT are broken out by labor category and are included as Attachment "A". Any unique unit rates or costs related to outside subconsultants contracted to the

CONSULTANT to provide specialized services for specific work tasks will be included in the project-specific TOFs. It will be the responsibility of the CONSULTANT to periodically update the CITY regarding incurred fees for the various projects executed under this AGREEMENT as it relates to an estimated project budget in the event that a budget revision is warranted by the work effort undertaken, or anticipated, by the CONSULTANT and as agreed to by the CITY. CONSULTANT and CITY will also periodically review project progress and schedules to ensure timely completion of work.

- 1.2 The labor category unit rates are included in Attachment "A" and apply to those employees of the CONSULTANT who are engaged in providing professional services under this AGREEMENT. In addition to the customary overhead items, the following costs are specifically defined as an overhead charge and there shall be no additional charge for these costs: telephone charges, computer expenses, use of company vehicles, in-house reproduction, photocopying, and routine expendable/office supplies. Direct expenses (including subconsultants hired by the CONSULTANT) will be invoiced at cost plus 10% to the CITY. The CONSULTANT stipulates that the labor category billing rates may be revised on an annual basis in December of each year that this AGREEMENT is in effect to account for salary adjustments. The CITY reserves the right to review the proposed annual billing rate adjustments for approval prior to implementation by the CONSULTANT.

- 1.3 CONSULTANT shall submit monthly invoices to CITY in a format acceptable by the CITY. CITY shall endeavor to make payment to CONSULTANT within thirty days from receipt of invoice.

SECTION 7

GENERAL CONDITIONS

- a. Indemnification: CONSULTANT agrees to protect, defend, indemnify, and hold harmless the CITY, its Council members, agents and employees for any liabilities, damages, claims, suits, liens, and judgments, for injuries to or death of any person or persons, or damage to the property or other rights of any person or persons caused by the CONSULTANT. CONSULTANT's obligation to protect, defend, indemnify, and hold harmless, shall also extend to any claims for the alleged infringement of any patent, trademark, copyright, or service mark, or any actual or alleged unfair competition, disparagement of product or service, or other business tort, or any actual or alleged violation of trade regulations arising out of the performance of CONSULTANT's duties under this contract.
- b. Outside Bids: The CITY has the right to solicit outside bids or let separate contracts.
- c. Subcontracting: The CONSULTANT shall not subcontract any part of the work covered by this CONTRACT or permit subcontracted work to be further subcontracted without the CITY's prior written approval. The CITY will not approve any subcontractor for

work covered by this CONTRACT that has not been recommended for approval by the CITY.

- d. Audits and Inspections: At any time during normal business hours, and as often as the CITY may deem necessary, the CONSULTANT shall make available for examination to the CITY and/or representatives of the CITY, all of its records with respect to all matters covered by this CONTRACT. It shall also permit the CITY and/or its representatives to audit and examine and make copies, excerpts or transcripts from such records of personnel, conditions of employment and other data relating to all matters covered by this CONTRACT.

The CONSULTANT shall maintain all books, documents, papers, accounting records, and other evidence pertaining to costs incurred on each project and used in support of its project proposal and shall make such material available at all reasonable times during the period of the CONTRACT and for three years from the date of final payment under the CONTRACT, for inspection by the CITY or any reviewing agencies; and copies thereof shall be furnished upon request. The CONSULTANT agrees that this provision shall be included in any agreements it may make with any subcontractor, assignee, or transferee.

- e. Ownership, Publication, Reproduction and Use: All documents and materials prepared pursuant to this CONTRACT are the property of the CITY. The CITY shall have the unrestricted authority to publish, disclose, distribute, and otherwise use, in whole or in part, any reports, data, maps, or other materials prepared under this CONTRACT without according credit of authorship.

- f. Oral Agreements or Conversations: No oral agreement or conversation with any representative of the CITY, either before, during, or after the execution of this CONTRACT, shall affect or modify any of the CONTRACT's terms or general conditions.
- g. Conflict of Interest: The CONSULTANT agrees that it presently has no interest and shall acquire no interest, whether direct or indirect, that would conflict in any material manner with the performance of its services hereunder. The CONSULTANT further agrees that no person having such an interest will be utilized in the performance of this CONTRACT.
- h. Termination of Contract for Cause: If, through any cause, the CONSULTANT shall fail to fulfill in a timely and proper manner its obligations under this CONTRACT, or if the CONSULTANT shall materially violate any of the covenants, agreements or stipulations of this CONTRACT, the CITY shall thereupon have the right to terminate this CONTRACT by giving written notice to the CONSULTANT of such termination, and specifying the effective date thereof, at least five (5) days before the effective date of such termination. Continual failure to maintain the scheduled level of effort as proposed and prescribed shall constitute cause for termination. In such event, all finished or unfinished documents, data, and reports prepared by the CONSULTANT under this CONTRACT shall become the property of the CITY; and the CONSULTANT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such document, as well as for any other satisfactory work performed as of the termination date.

- i. Termination for Convenience of City: The CITY may terminate this CONTRACT for its convenience at any time by a notice in writing to the CONSULTANT. If the CITY terminates the CONTRACT, the CONSULTANT will be paid compensation for those services actually performed. Partially completed tasks will be compensated on the basis of a signed Statement of Completion to be submitted by the CONSULTANT which shall itemize each task element and briefly state what work has been completed and what work remains to be done.

All such expenses shall be properly documented and submitted to the CITY for processing and payment. The City Council shall be the final authority in the event of any disputes over authorized costs.

- j. Cooperation with Other Consultants: If the CITY undertakes or awards other contracts for additional project-related work, the CONSULTANT shall fully cooperate with such other consultants and CITY employees or appointed committee(s) and carefully accommodate its own work to such additional work as may be directed by the CITY. The CONSULTANT shall not commit or permit any act which will materially interfere with the performance of work by any other CONSULTANT or by CITY employees.

- k. Confidentiality: The CONSULTANT agrees that its conclusions and any reports generated pursuant to a project are for the confidential information of the CITY and that it will not disclose its conclusions in whole or in part to any persons whatsoever, other than to submit its written documentation to the CITY, or if the CONSULTANT is

required to disclose such information pursuant to the Georgia Open Records Act, and will only discuss the same with the CITY or its authorized representatives.

Articles, papers, reports, or other materials reporting the results and findings of the work conducted under this AGREEMENT, shall not be presented publicly or published without prior approval in writing by the CITY.

It is further agreed that if any information concerning a project, its conduct, results, or data gathered or processed should be released by the CONSULTANT without prior approval from the CITY, the release of same shall constitute grounds for the termination of this CONTRACT without indemnity to the CONSULTANT. Should any such information be released by the CITY or by the CONSULTANT with prior written approval of the CITY, or if such information is released by the CONSULTANT pursuant to the requirements of the Georgia Open Records Act, the same shall be regarded as public information and no longer subject to the restrictions of this AGREEMENT.

SECTION 8

INSURANCE

Prior to execution of the contract, and at all times that this CONTRACT is in force, the CONSULTANT shall obtain, maintain and furnish to the CITY Certificates of Insurance from licensed companies doing business in the state of Georgia and acceptable to the CITY covering:

a. Statutory Worker's Compensation Insurance:

i. Employer's Liability

Bodily Injury by Accident - \$100,000.00 each accident

Bodily Injury by Disease - \$500,000.00 policy limit

Bodily Injury by Disease - \$100,000.00 each employee

b. Comprehensive General Liability Insurance:

i) \$1,000,000 limit of liability per occurrence for bodily injury and property damage

ii) Owner's and Contractor's Protective

iii) Blanket Contractual Liability

iv) Blanket "X", "C", and "U"

v) Products, Completed Operations Insurance

vi) Broad Form Property Damage

vii) Personal Injury Coverage

viii) Fire Legal Liability

c. Auto Liability:

i. \$1,000,000.00 limit of liability per occurrence for bodily injury and property damage

ii. Comprehensive form covering all owned, non-owned and hired vehicles

d. Umbrella Liability Insurance:

- i. 1,000,000.00 limit of liability
- ii. Coverage at least as broad as primary coverage outlined under Items 1, 2, and 3 above

e. Professional Liability Insurance:

- i. \$1,000,000.00 per occurrence
- f. The CITY shall be shown as an additional insured on General Liability, Auto Liability and Umbrella Liability policies.
- g. The cancellation provision should provide 30 days notice of cancellation.
- h. Certificate Holder should read:
- City Council of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269
- i. Insurance Company must have an A.M. Best Rating of A-9 or Higher.
 - j. Insurance Company must be licensed to do business by the Georgia Secretary of State.

- k. Insurance Company must be authorized to do business in Georgia by the Georgia Insurance Department.

IN WITNESS WHEREOF, the Parties hereto, acting through their duly authorized agents, have signed and sealed this AGREEMENT.

Executed this _____ day of _____ 20_____.

PEACHTREE CITY, GEORGIA

ATTEST: _____

Clerk, Peachtree City

BY: _____

Mayor, Peachtree City

CONSULTANT

ATTEST: _____

Title: _____

BY: _____

Title: _____

Approved as to Form:

By: _____

Staff Attorney

Peachtree City, Georgia

Qk4
HOURLY RATE SCHEDULE
2004

<u>Classification</u>	<u>Rate Per Hour</u>
Principal-In-Charge	\$ 155.00
Senior Consultant	130.00
Senior Registered Professional/Project Manager	115.00
Registered Engineer/Architect/Landscape Architect/ Land Surveyor/Planner	90.00
Engineer/Architect/Landscape Architect/ Land Surveyor/Planner	80.00
CAD Technician	65.00
Clerical	50.00

Notes:

1. Hourly rates for Expert Witness preparation, deposition or testimony is \$275.00/hour for registered staff – support staff is billed at standard rates.
2. Subconsultant fees and direct costs are not included in these hourly rates.