

City Council of Peachtree City
Agenda
March 15, 2007
7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
- IV. Public Comment
- V. Minutes
March 1, 2007, Regular Meeting Minutes
- VI. Consent Agenda
 - 1. Consider Reimbursement Resolution for Stormwater Projects
 - 2. Consider Appointment to DAPC – Tom Lacy
 - 3. Consider Amendment to Building Ordinance Relative to Foundation Surveys
 - 4. Consider Surplus of PCTA Equipment
- VII. Old Agenda Items
 - 01-07-15 Consider Amendments to Home Occupation Ordinance
 - 03-07-03 Public Hearing – Consider Rezoning, Haynes Tract, Carriage Lane, ER to LUR
- VIII. New Agenda Items
 - 03-07-11 Alcohol License – NEW – Courtside Café & Bakery
 - 03-07-12 Consider Approval of PCTA Reimbursement Agreement – Performance Based Contract
 - 03-07-13 Consider Three New Firefighter Positions Effective April 1
 - 03-07-14 Consider Request from Attorney Regarding Clarification of Issues Regarding Haynes Tract Rezoning
- 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 Council of Peachtree City
Minutes of Meeting
March 1, 2007
7:00 p.m.

The City Council of Peachtree City met Thursday, March 1, 2007, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon read a proclamation for DeMolay Week. David Murphy of Public Works and Chad Matheny from the Fire Department were recognized for 10 years of service.

Public Comment

There was no Public Comment.

Minutes

Plunkett moved to approve the February 6, 2007, workshop minutes and February 15, 2007, regular meeting minutes as written. Kourajian seconded. The motion carried 4-0-1 (Rutherford).

Monthly Reports

There were no comments regarding the Monthly Reports.

Consent Agenda

1. Consider Budget Amendment

Rutherford moved to approve the budget amendment on the Consent Agenda. Kourajian seconded. The motion carried unanimously.

Old Agenda Items

02-07-04 Citizen Request to Address Council Regarding Selection Process for Job Opening

Melvin Ewing addressed Council regarding the stormwater manager position for which he applied, but had not been selected. (A copy of Ewing's packet that he presented to Council is included in the official meeting file.) Ewing noted that the position was nationally advertised for nearly one year and was filled January 8, 2007, by another staff member. He continued that he believed the job selection process for the stormwater management position had been flawed. He questioned why he had not been granted an interview and noted that he was a professional engineer with nearly 30 years of experience, had put together the stormwater management plan for the City of Macon, had provided services for the City on civil engineering projects, had served as the Water and Sewerage Authority chairman, and had served on the City's Stormwater Committee. Ewing continued that he had worked on development projects currently under review by the City. The staff knew him well. He had been paid 100% for all services he had provided the City and, as far as he knew, was in good standing with the City. He said he sincerely believed any statements he had made to be correct and accurate.

Ewing said he challenged the selection process because the candidates interviewed included a former Planning Commission chairman who also served on the Stormwater Committee, a Macon applicant who had not filled out an application, and a City employee with only a high school education. The advertised job qualifications had been disregarded. He met the minimum

requirements. There was no applicant rating system and no paper trail documenting the City's recommendation of the selected applicant. The person selected for the position had not been the most qualified, in his opinion. Ewing said he had been assured by the Public Information Officer that he had received everything he had asked for. He had reviewed the selected applicant's application and questioned how closely the applicant met the specifications in the areas of professional certification and engineering management experience relative to stormwater.

Ewing said that he had asked for the Equal Employment Opportunity Commission (EEOC) reporting survey the City was required to complete every two years. He was told there were 253 full-time employees. In 2005, the City had no black professionals on staff. He believed the process had been unfair and filed a formal protest. He requested the process be re-evaluated. Ewing referred to a City project that he had bid on as a consultant. He was the low bidder and had not been selected. He protested the bid, laid out his reasons, and the decision was reversed. He designed the Wynnmeade connector road that connected Wynnmeade subdivision to MacDuff Parkway, which was in the flood plain and had terrible soils. Ewing reiterated his points as questions, then asked Council to grant him an interview for the hopefully reconsidered position.

Logsdon told Ewing that Council could not take any action that night, but would look at the information he submitted. He asked City Manager Bernard McMullen if staff had any comment. McMullen said no.

Rutherford asked City Attorney Ted Meeker if this discussion should be held in executive session since it was a personnel matter. Meeker said they did not have to. Council had told Ewing staff was satisfied with the sanctity of the hiring process for the position. Council could place the discussion on another agenda since Ewing had made his presentation. Council requested that Ewing's information packet be scanned in and sent to them.

New Agenda Items

03-07-01 Alcohol License – NEW – Johnny's New York Style Pizza

Chris Noah, the applicant, addressed Council. He planned to open April 16 and would have the same menu as other Johnny's in the area. He also owned Johnny's in Sandy Springs and Newnan.

Rutherford moved to approve the alcohol license for Johnny's Pizza. Boone seconded. The motion carried unanimously.

03-07-02 Public Hearing – Consider Rezoning, Newgate Road, GC to LUR

Logsdon noted there was an additional document on the dais – a copy of the draft LUR ordinance with the corrected legal description. Gene Weatherup, Weatherup Construction Company, addressed Council concerning the request to rezone a 5.618-acre tract of land on Newgate Road from GC General Commercial to LUR Limited Use Residential in order to build a 21-unit townhome development. He said he did not have much to add from the previous meeting (November 6, 2006, request to lift multi-family housing moratorium). The homes would be very energy efficient and would meet the green building standards. The only new thing, if approved by the City, would be the use of cistern systems underneath the driveways to collect the rainwater from the roofs and air conditioners. The water would be held in detention tanks and used on the lawns. It would also collect the water during heavy rainstorms and keep it from running into the detention ponds, then into the creeks.

No one spoke for or against the rezoning request.

City Planner David Rast said the plan had been reviewed several times by the Planning Commission. The parcel was located at the end of Newgate Road and was pre-cleared and graded several years ago. There was a fairly substantial growth of second and third growth pines and hardwoods. He said the Planning Commission had fully endorsed what Weatherup planned to do. The site plan had also continued to improve throughout the process. One of the items the Planning Commission really liked was that the amount of guest parking had decreased, and some of the space had been turned into golf cart spaces. There would also be golf cart recharging stations and nice amenity areas.

Rast continued that staff and the Planning Commission had stressed preserving the new trees on the tract, and Weatherup had agreed to do so. The project would not be visible from SR 74. Rast said there was a substantial embankment with the development below it. Weatherup could have added several more units and had a more typical development. The elevations were very nice. The Planning Commission had been concerned that the buildings only had a front façade, and architectural treatments were added on all four sides.

Rast said staff recommended approval with the number of units proposed, and the Planning Commission approved the rezoning unanimously with the seven conditions recommended by staff and listed in the staff position paper. Weatherup was in agreement with the conditions.

Rutherford asked Rast if staff was fine with reusing the stormwater for the lawn. Rast said that Weatherup was trying to do a lot of innovative things with the property. It would be an example that could be used to show what could be done.

Plunkett said she liked the conditions. She asked what would happen if the project did not go through for some reason. Rast said the elevations and the site plan would be codified in the rezoning. The zoning remained with the property. Another developer would have to go back through the rezoning process with any changes. Plunkett asked if another development would have to be substantially similar to the concept or if it could be any 21 townhomes. Rutherford said the LUR was very specific. Rast said they had not looked at floor plans, but had elevations. Plunkett asked how big the townhomes would be. Weatherup said the units would be approximately 3,200 square feet. The townhouses would be basically the same with six different front and rear elevations, which would look like six very large homes. Rutherford said that they wanted to ensure that any other developer could do only what had been approved. Weatherup said he understood another developer would have to go back through staff. He understood the concerns.

Plunkett asked if there could be a condition added on the minimum square footage. Weatherup said the engineer and architect had designed buildings with 24 feet clear on the inside width and 50 feet clear from front to rear, which was approximately 1,200 square feet. The townhomes would be three stories high, with a garage and the option for a garage for golf carts. Council added two more conditions – that each unit be a minimum of 3,000 square feet and that the project be developed in substantial compliance with the conceptual plan.

Rutherford moved to approve the rezoning request subject to the conditions listed and that each unit be a minimum of 3,000 square feet and that the project be developed in substantial compliance with the conceptual plan. Plunkett seconded. The motion carried unanimously.

Rutherford asked Weatherup when the project would start. Weatherup said it would start as soon as possible, possibly the first of June. Construction should take seven months.

03-07-03 Public Hearing – Consider Rezoning, Haynes Tract, Carriage Lane, ER to LUR
Logsdon noted there was an additional document on the dais – a letter from the applicant's attorney dated March 1, 2007, requesting the hearing be postponed for two weeks.

Rutherford moved that Agenda Item 03-07-03 Public Hearing – Consider Rezoning, Haynes Tract, Carriage Lane, ER to LUR, be continued to March 15 at the applicant's request. Boone seconded. The motion carried unanimously.

03-07-04 Consider Approval of a City Flag

Public Information Officer/Deputy City Clerk Betsy Tyler said that Mayor Logsdon had asked staff to research the possibility and cost of a City flag with the logo on it, which would be flown at the City Hall Plaza. Three vendors provided quotes for a five-foot x eight-foot nylon outdoor flag, with the full color logo on a white background. The five-foot x eight-foot size was selected since a larger size would require multiple panels. The quantity of five flags was based on the fact that the City went through two outdoor flags per year for the U.S. and state flags. Atlas Flags provided the lowest price – \$775 for five flags (\$155 each). The flags could also be used as a banner or backdrop. There was funding available in the Public Information budget under the printing and binding line item, which was also used for marketing.

Boone moved to accept the proposal for a City flag, five-feet x eight-feet at the rate of \$155 per flag not to exceed \$775, and the funding would come from the Public Information budget. Kourajian seconded.

Kourajian asked if additional flags could be ordered one at a time, or if it would be better to order at least five. Tyler said it would be better to order five since the cost would go up to order just one. Rutherford asked how much it would cost for 10 flags. Administrative Services Director/City Clerk Jane Miller said the savings was not significant. Tyler said it would have been no more than \$10 per flag.

The motion carried unanimously.

Kourajian asked how long it would take to get the flags. Tyler said she hoped to have them within two weeks, and that they should be up in time for the Tour de Georgia. Rutherford said to make sure a flag went to Savannah for the Georgia Municipal Association training in the summer.

03-07-05 Consider Ordinance Amendment for False Fire Alarm Penalties

Logsdon noted there was an additional item on the dais – a copy of the proposed amendment with more specific wording. Assistant Fire Marshal Dave Williamson said there had been an administrative oversight when the ordinance was adopted. According to the ordinance, a business could be cited if it had more than three false alarms in a calendar year. He noted that one business

had two false alarms at the end of 2006, and more in early 2007, but could not be cited due to the wording. Rutherford clarified that the change covered a 12-month period instead of a calendar year.

Rutherford moved to approve the amendment to the false fire alarm ordinance. Kourajian seconded. The motion carried unanimously.

03-07-06 Consider Website Agreement with Peachtree City Airport Authority

Logsdon noted there was an additional document on the dais – the proposed intergovernmental agreement. Tyler introduced Barry Griffith, the assistant airport director. Tyler said the City website had been redone. It was envisioned that there would be a comprehensive look on the City's component units, so people would know the site was somewhat related to the City, but would allow slight differences among the entities. The homepage from the Police Department website was shown on the screen. Each department maintained their own pages. Tyler continued that staff wanted to make this available to the City's component units, which included the Peachtree City Airport Authority (PCAA). The PCAA currently paid for and maintained its own website, which they had problems updating. There was also a lot of duplicated information. The only real hard cost was the design of the graphic at the top of the page, which would include photos and the entity's logo. The agreement would allow the PCAA to maintain the space, allowed the City to train them, and had the PCAA paying for any hard costs associated with the website.

Rutherford moved to approve the PCAA website agreement. Kourajian seconded. The motion carried unanimously.

03-07-07 Consider MacDuff Parkway Landscaping Bid Recommendation

Rast said 31 contractors had been contacted. Eighteen contractors attended the pre-bid meeting, and 11 bids were received. Eight complied with all the specifications. The recommendation was to award the bid to North Georgia Land Services, Inc., for \$201,101.64. Rast continued that the bid structure required the contractor to maintain the plant material in the median for two full years after the City accepted the project. There was also a guarantee on all median plant materials. Public Works would not be responsible for the maintenance for two years.

Boone asked if the landscaping included perennials or annuals. Rast said no annuals would be planted due to the watering requirements. There would be trees, shrubs, and ground cover in the median and right-of-way.

Plunkett said she wanted the area to look nice, but questioned the cost. Rutherford noted that the cost included the maintenance for two years, which was critical. Rast said the landscaping started at the access drive to the commercial area and extended to the MacDuff/Gatehouse intersection. It also included added plantings to the median area maintained by John Wieland Homes & Neighborhoods.

Plunkett noted that people ran over the median area when pulling out of the apartment complex and the access road. She expressed concern that the plantings needed to work well with the traffic pattern.

The agenda item was put aside so Rast could retrieve a copy of the landscape plan.

03-07-08 Consider Traffic Signal Request SR 74/Wisdom Road

City Engineer Dave Borkowski reported that the DOT's Thomaston District Office informed the City that the intersection met the warrants for a traffic signal. The DOT sent the City the signal request form, which was the first step in the process. The signed form would be sent to Thomaston, then to Atlanta. Once Atlanta approved the request, it would be sent back to the City for design and construction.

Rutherford asked if the City would be paying for the signal. Borkowski said the City would pay for the signal installation and electricity, and the DOT would maintain it.

Kourajian asked if the money budgeted for the signal was still accurate. Borkowski said the budgeted amount should cover the costs. He did not anticipate any additional lane requirements. McMullen added that staff first had to get the signal designed and bid out.

Rutherford asked what would happen if the City chose not to proceed with the signal. McMullen said City had to proceed if the signal was permitted. Rutherford asked if the light had to go in now that the intersection met the warrants. Meeker said that Council had asked the question, so the answer was that there would be an issue with liability if the City chose not to proceed with the signal.

Kourajian noted there were several businesses that would benefit from the signal and asked if any would be contributing to the cost. Borkowski said he believed there was some developer funding. McMullen said the approval of the Delta Credit Union included paying for an additional traffic analysis, but not for the signal. McMullen continued that, to his knowledge, the businesses had not agreed to contribute to a signal. Plunkett said there was always a first time. Rutherford noted the signal was on the SPLOST list.

Boone moved to go ahead with the request for the signal on SR 74 and Wisdom Road and to authorize the Mayor to sign the paperwork. Kourajian seconded.

Plunkett asked if Target participated in the cost of the signals at Georgian Park and Peachtree Parkway. Meeker said that paying for the signals had been part of the site plan approval for the Target Center and the original area.

The motion carried unanimously.

03-07-09 Consider Surplus of Two Pick-up Trucks and Sale to Airport Authority

Public Services Director Tom Corbett asked Council to declare as surplus two pick-up trucks currently used by Public Works and to allow the PCAA to purchase the surplus trucks. He continued that during the bid process for the next agenda item, 03-07-10 Consider Truck Bids, they had also asked for trade-in values. The highest trade-in values were \$1,800 for one truck and \$2,000 for the second truck. The PCAA had asked to purchase the vehicles for \$3,800, the maximum amount offered by the bidders for trade-in. Corbett said the City already had an agreement in place to maintain vehicles for the PCAA, so the City would continue to maintain the two trucks.

Rutherford asked if putting the trucks on the government auction site had been considered. Corbett said he did not know. Rutherford said she had no problem with selling the trucks to the PCAA, but preferred that any item surplus be placed on the website in the future in an attempt to get the best return possible. Meeker said the concept of putting the vehicles on the government site had been considered, but the request had come in from the PCAA.

Rutherford moved to declare surplus the two pick-up trucks currently used Public Works and allow the PCAA to purchase the two vehicles, the 1997 Ford and the 1995 Ford, for \$3,800 total. Boone seconded. The motion carried unanimously.

03-07-10 Consider Truck Bids

Corbett noted that the truck bid included two replacement F-250s for Public Works, one F-250 for Recreation, and one F-350 dump truck for the Stormwater Utility. Funds were available.

Rutherford asked why there were only two bids. Assistant Finance Director Janet Camburn said that many Ford dealers were solicited, but they did not always get a good response. Corbett said there were eight dealers that had responded to past bids, and they had been sent notice of the bid.

Rutherford moved to accept the four low bids for the four vehicles described in the memo, and that the low bid for each vehicle be taken. The funds were budgeted. Finance Director Paul Salvatore noted that there had been a change. The City would pay cash for the vehicles, rather than financing them. Plunkett seconded.

Kourajian asked why there was a difference in the truck prices for the three F-250s. Corbett said if there had been separate bids, all three F-350s would have had slightly different specifications and prices.

The motion carried unanimously.

03-07-07 Consider MacDuff Parkway Landscaping Bid Recommendation

Rast showed Council the landscape plan, which started 200 feet from SR 54. Everything from the access road to SR 54 was to be landscaped by the commercial developer. The median would be a continuation of the street trees, and most of the intersections would have curbs and guttering. He continued that there was no good soil in the median. They had asked the contractors to bid on removing the top six inches of soil and molding and crowning the medians. The plan included augmenting the shrubs in the median in the Wieland area. The noticeable difference would be in the Gatehouse/Wynnmeade area. The understory trees would be two-inch caliper. There would be close to 300 trees and several hundred shrubs planted, which was fairly significant. The portion of the median maintained by Wieland had been sodded and had held up well.

Brian Lowery, A Abby Lawncare, asked if the only criterion was the pure bottom line. He noted they were a local company. Rast said that, essentially, the lowest responsive bidder was selected, and references were checked. The recommendation was the lowest bidder if the references checked out. Plunkett added that the City had to take the lowest bidder unless there was a valid reason not to. McMullen said they also had to have bid bonds.

Mike Leedy, also of A Abby Lawncare, asked Council to seriously consider the 60-day time limit on the bid. He noted the traffic on MacDuff Parkway, and said the roads were not wide enough for the workers and the traffic. The quicker the job was done, the better. Rast said most of the calls they had gotten were about the time frame. Initially, the bid had 45 days. Rast said he would have preferred a local contractor had the job. There were several bids that were within a few thousand dollars of each other. There would be more opportunities to bid on other landscaping jobs. Lowery asked, if the requirements changed due to the intersection issues, if the project would then have to go out to bid again. Rast said they would probably amend the drawings. McMullen said it could also be taken care of with a change order.

Rutherford moved to award the bid for the MacDuff Parkway landscaping not to exceed \$201,101.64 with North Georgia Land Services. Kourajian seconded. The motion carried unanimously.

Plunkett asked when the project would start. Rast said it would be a week or two after the bid was accepted. The company was ready to go.

Council/Staff Topics

Update on Great American Clean-up

Corbett noted that the Great American Clean-up was an annual event sponsored by Keep America Beautiful. It was a free-form event, and the City had a period of three months in which to hold its event. He continued that Tyler was to send out 150 letters to community organizations. The April 7 date was selected since the Tour de Georgia was the following week. Participating groups would have a number of projects to choose from. Litter clean-up would be encouraged and information would be posted on the website. If the April 7 date was inconvenient for any group, they could do something another day, keep records of the activity, and could still be part of the event. Rutherford suggested that letters also be sent to the schools, since an ecology class or science class might want to participate, as well as a school group that might clean up the school area. Logsdon said he would like to see all 90 miles of cart path adopted and hoped the campaign would work toward that end. Rutherford said it might be an opportunity to tie some of the groups into a longer term than just that day. She added that she had received several e-mails from people concerned about the litter problem, and she asked that they also receive information. She noted that the City had a very high volunteer spirit, and events like this appealed to everyone, especially schools, scout groups and home schoolers. Different people could get involved.

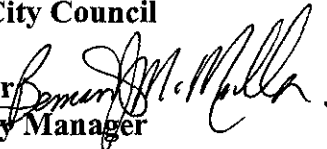
Plunkett asked for an update on the CSX multi-use bridge. Borkowski said they had gotten the topo from the consultant, which needed to be reviewed and adjusted. He was not happy with the layout. Rast added they were still waiting for the categorical exclusion, which was an environmental approval. Rutherford said she was concerned that, when everything was installed, the path dumped the cart traffic right out in the area of the entrance to Best Buy. The cars would not be able to see the carts due to the bridge construction. It appeared to be a huge safety issue. Rast said staff would look at that. Plunkett asked if there was anything Council could do to speed up the process. Rast said it was not just a problem for the City, but all across the metro area. The way the guidelines were written, nothing could be done without DOT approval.

Boone asked if there was an update on Huddleston Pond. McMullen said the Retreat would be a good format for that discussion, and it would be added to the agenda.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Assistant City Manager

FROM: Financial Services Director 

DATE: March 9, 2007

SUBJECT: Stormwater Bond Reimbursement Resolution

March 15, 2006 City Council Meeting

Recommendation:

Staff recommends that Council approve the attached resolution declaring the City's official intent to finance numerous capital projects through the issuance of a Stormwater Revenue Bond.

Discussion:

When the city adopted the Stormwater ordinance, a budget was presented that included debt service payments for a Stormwater Utility bond that would fund numerous capital projects within the utility. Although the bonds have not yet been issued, work has begun on several of these projects for which we seek reimbursement from bond proceeds. Before this can be done, the City must first adopt an Official Intent Resolution declaring the city's intent to reimburse the City coffers for these expenses through the issuance of bonds.

Budgetary Impact:

N/A

**STATE OF GEORGIA
FAYETTE COUNTY**

CITY CLERK'S CERTIFICATE

I, _____, City Clerk of Peachtree City, **DO HEREBY CERTIFY** that the foregoing page constitutes a true and correct copy of an official intent resolution adopted by the Council of Peachtree City (the "Governing Body") at an open public meeting duly called and lawfully assembled at _____ p.m., on the ____ day of _____ 2007, the original of such resolution being duly recorded in the Minute Book of the Governing Body, which Minute Book is in my custody and control.

I do hereby further certify that the following members of the Governing Body were present at such meeting:

and that the following members were absent:

and that such resolution was duly adopted by a vote of:

Aye _____ Nay _____.

WITNESS my hand and the official seal of Peachtree City, this the ____ day of _____ 2007.

(SEAL)

City Clerk

OFFICIAL INTENT RESOLUTION

WHEREAS, Peachtree City (the "City") expects to issue tax-exempt obligations (the "Obligations") in an aggregate principal amount not to exceed \$4,000,000 to reimburse its Stormwater Utility Fund for moneys used to pay expenditures related to the costs of acquiring, designing, constructing, maintaining and installing a storm water drainage system, including, without limitation, expenditures for land acquisition, design and engineering costs, culverts, detention ponds, and storm drainage structures for those Projects identified on Exhibit "A" which is attached hereto and incorporated herein by express reference (collectively the "Project"); and

WHEREAS, the City has used or will use, before the issuance of the Obligations, moneys in its Stormwater Utility Fund to pay expenditures related to the Project and reasonably expects to use proceeds of the Obligations to reimburse its Stormwater Utility Fund for these expenditures; and

WHEREAS, Treasury Regulation Section 1.150-2 requires the City to declare its intent to use proceeds of the Obligations to reimburse its General Fund for moneys used to pay expenditures related to the Project;

NOW, THEREFORE, BE IT RESOLVED by the Council of Peachtree City, and it is hereby resolved by authority of the same, as follows:

1. The City declares its intent pursuant to Treasury Regulation Section 1.150-2 to use proceeds of tax-exempt obligations in an aggregate principal amount not to exceed \$4,000,000 to reimburse its Stormwater Utility Fund for moneys used to pay expenditures related to the costs of acquiring, designing, constructing, and installing a storm water drainage system, including, without limitation, expenditures for land acquisition, culverts, detention ponds, and storm drainage structures for the Project.

2. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this ____ day of _____, 2007.

PEACHTREE CITY

(SEAL)

By: _____
Mayor

Attest:

City Clerk

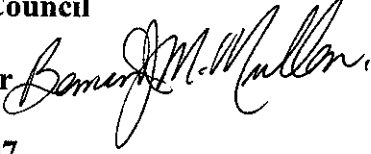
EXHIBIT A

Project List

1. 585 North Fairfield. This project consists of reconstructing an existing detention pond to eliminate flooding in adjacent residences from bypassing stormwater runoff. The design goals of the project seek to lessen flooding both in the adjacent residences as well as impacts to the downstream infrastructure.
2. Huddleston Pond. This project consists of reconstructing an existing earthen dam that is currently experiencing significant seepage and is in danger of failing resulting in a breach of the dam. Additionally, the dam serves as a regional detention facility buffering downstream areas from upstream stormwater runoff impacts.
3. 235 Cedar Drive. This project consists of replacing the existing roadway culvert under Hip Pocket Road to reduce the flood elevations to a point below the finished floor elevation of the residence of 235 Cedar Drive.
4. Peachtree City Tennis Center. This project consists of reconfiguring the drainage system around the Peachtree City Tennis Center to reduce structural flooding of the main building.
5. Drainage System Inventory/Flood Plain Mapping. This project consists of developing a drainage system map of all pipes, inlets, and outlets associated with the City's drainage system. The inventory will also include a condition assessment of sufficient detail to assist the City in meeting its regulatory requirements related to GASB 34 and MNGWPD mapping/assessment needs. Additionally, the City will develop new floodplain maps of sufficient detail to meet the City's regulatory requirements related to MNGWPD build-out floodplain identification.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Manager 
DATE: March 7, 2007
SUBJECT: **CONSIDER APPOINTMENTS OF DEVELOPMENT AUTHORITY MEMBER**
Consent Agenda, March 15, 2007

The Selection Committee, composed of Mayor Harold Logsdon, Council Member Judi Rutherford, and myself, considered three applicants for the vacancy on the Development Authority.

It is the recommendation of the Committee that Mr. Tom Lacy be appointed to a term that would expire on 3/31/2011. We are not making any recommendations for alternate positions.

A copy of his application is attached for your review.

BJM:nv

Attachments

Peachtree City Development Authority Application

Name: Tom Lacy

Address: 207 Independence Lane
Peachtree City, GA 30269

Telephone: (770) 486-8845

Fax: (770) 486-8889

Email: tlacy@lacysnyder.com

/s Tom Lacy

Electronic Signature

2/23/07

Date

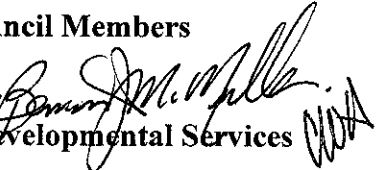
1. How long have you been a resident? 2 years in May
2. Why are you interested in serving on the development authority? I currently serve as the alternate and would like to move to a voting position on the authority. I think the authority can play a major role in the redevelopment of Peachtree City while retaining the unique character of Peachtree City.
3. What qualification and experience do you possess that would benefit the Development Authority? I am an attorney and can provide a legal perspective on certain zoning and public finance options. I also served as a United States Army officer which helps me work with a team to accomplish the team's goals.
4. List major jobs you have held during your working career to include the name of your company and position:
 - a. First Lieutenant, 4/29 FA, 1st Armored Division, United States Army: Platoon Leader, Company Fire Support Officer and Battery Executive Officer
 - b. Associate, Lord, Bissell & Brook: General civil litigation with a focus on insurance coverage litigation
 - c. Associate, Chitwood & Harley: General civil litigation with a focus on Antitrust litigation

- d. Associate, Kilpatrick Stockton LLP: General civil litigation with a focus on insurance coverage litigation
- 5. Do you have any past experience relating to development? If so describe:
 - a. I currently serve as the alternate on the Development Authority
- 6. Have you attended any Development Authority meetings in the past year and, if so, how many?
 - A. Yes, all of them and a training session on development authorities in Albany, GA.
- 7. Are you willing to take continuing education classes? Yes
- 8. Would there be any possible conflict of interest between your employment and you serving on the Development Authority? No
- 9. Describe your community involvement:
 - a. I am currently a member of the Fayette County Bar Association
 - b. I am about to graduate from the Fayette Leadership Program
 - c. I am the immediate past President of the Federal Bar Association
 - d. I currently serve as the alternate on the peachtree City Economic Development Authority

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Director of Developmental Services 

FROM: Building Official 

DATE: March 8, 2007

SUBJECT: Ordinance Requiring Foundation Surveys on Construction Projects
March 15, 2007, City Council Agenda

Recommendation:

Staff is recommending that Council adopt a one-word change to Section 18-10 (c) of the Peachtree City Code of Ordinances that requires a foundation survey on all commercial and industrial construction projects.

Discussion:

Staff recommends the ordinance be changed to better clarify the requirements for foundation surveys on all commercial or industrial construction projects. This change will ensure that small industrial and commercial project foundations do not encroach by accident into restricted setback areas.

Budget Impact:

There will be no budget impact with this ordinance change.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED, SO AS TO PROVIDE FOR FOUNDATION SURVEY REQUIREMENTS; AND FOR OTHER PURPOSES.

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

Section 1. Section 18-10 of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended as follows:

Sec. 18-10 Foundation Surveys.

- (a) Whenever it is proposed to erect or alter a residential building in the city so that it will extend to within five feet of a required setback line, the building department shall require that the builder provide the department with a survey of the full and complete foundation for that structure.
- (b) The building department may also require a foundation survey in any situation where it is felt a structure has encroached into a setback area, regardless of how it is shown on a proposed site plan.
- (c) Whenever it is proposed to erect or alter a commercial or industrial building foundation in the city, the building department shall require that the builder provide the department with a survey of the full and complete foundation for that structure.
- (d) If a foundation survey is required for a structure, no work may be done on that structure beyond the foundation phase of the project until such time as a foundation survey is submitted to the building department and approved.

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

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

and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

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

This _____ day of _____ 2007.

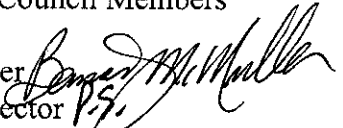
Harold K. Logsdon, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: City Manager 
Finance Director *P.S.*
Purchasing Agent *are*

DATE: March 9, 2007

SUBJECT: Request to Surplus Obsolete Equipment
Council Agenda March 15, 2007

Recommendation:

It is recommended that the Council Members approve the surplus of City-owned kitchen equipment at the Tennis Center which includes an oven and a freezer.

Discussion:

The Tourism Association has brought to my attention the urgent need to dispose to two large pieces of City-owned kitchen equipment. Neither the City nor Tourism has room to store this equipment for a future County auction.

The first is a freezer which has been determined to be more expensive to repair than its worth. This freezer is very old and has been repaired (costs totaling \$400) in the past. The owner of Robert's Refrigeration has told City staff the cost to repair again exceeds its value. No replacement is required at this time.

The second is an oven for which the estimated cost of replacement parts makes it not cost effective to repair. This oven, at minimum, needs six (6) new burners. Robert's Refrigeration has estimated the cost for repair to exceed \$1200.00 (Replacement burners run a little more than \$200.00 each plus labor.) The cost for a comparable new oven is about \$1,500.00.

Staff will research the most economical method of disposal for the City. City Manager will give final approval for disposal.

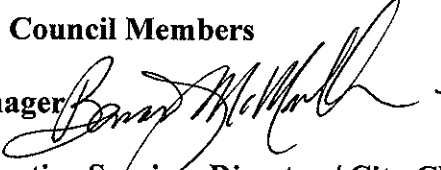
Budget Impact:

Minimal and unknown at this time.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: Administrative Services Director / City Clerk 

DATE: March 8, 2007

SUBJECT: Home Occupation Ordinance – continued discussion
March 15, 2007, City Council Meeting

Recommendation:

That Council continue consideration of this agenda item until April.

Discussion:

At the January 18 meeting, staff presented proposed changes to the Home Occupation Ordinance. A local music teacher raised concerns about one requirement, the limit to two students at a time for in-home instruction, would negatively impact the many local music instructors in the community. Council postponed consideration of the Ordinance Amendment until March 15.

Staff conducted a survey of the home-based instructional businesses. Twenty surveys were sent out, and 14 surveys were returned. Staff is still reviewing the responses and additional comments, and should have a revised proposal by the first meeting in April for Council to formally approve to be forwarded to the Planning Commission for review (required for all Zoning Ordinance amendments).

Budget Impact:

This item will have no budgetary impact.

POSITION PAPER

Proposed Rezoning: Haynes tract, Carriage Lane
City Planner/ Zoning Administrator
February 23, 2007

DM 2/23/07
David

Situation

Mr. Thomas Haynes owns a 3.82-acre tract of land on Carriage Lane. The property is currently zoned ER Estate Residential and contains a single-family residence and a guesthouse, both of which are permitted within the ER zoning district. Mr. Haynes desires to subdivide the property into two parcels, each parcel containing one home. Because the current zoning would not permit this subdivision, the Applicant is requesting the overall tract be rezoned to an appropriate classification. A copy of the application is included as Attachment "A".

Facts

1. The overall tract is 3.82 acres in size and is currently zoned ER Estate Residential.
2. The Land Use Plan designates the area south of GA 54 and east of Robinson Road to be developed for low-density residential purposes with individual lots of at least three acres.
3. Shakerag Plantation was initially recorded in the early 1970's as a 10-lot subdivision with all lots exceeding three acres in size (Attachment "B"). The overall subdivision complies with the current zoning and land use designation.
4. The properties to the north and west are within the Shakerag Plantation subdivision and are 3.68 acres and 3.98 acres in size and are zoned ER Estate Residential.
5. The Mascara property to the west is approximately 0.95 acres in size and has been zoned ER Estate Residential for many years. Access to this tract is off of Stagecoach Road.
6. The 31.75-acre tract to the east was rezoned from ER to LUR Limited Use Residential on July 1, 1999, to allow a subdivision of 12 single-family detached residential lots (Attachment "C"). This property had been involved in litigation for many years and the rezoning proposal was an attempt to resolve the outstanding problems and settle the litigation. The lot immediately adjacent to the Haynes tract is 2.0 acres.
7. The two lots that would be created if this rezoning were approved would be 2.0 and 1.82 acres in size (Attachment "D").
8. The Applicant filed a similar rezoning request in 2001 requesting that he be allowed to subdivide the property into two parcels. The purpose of this request was to allow the construction of an additional home on the newly created parcel. Staff recommended that the rezoning request not be approved (Attachment "E").

Proposed Rezoning: Haynes tract, Carriage Lane

February 23, 2007

Page 2

9. At their meeting on June 11, 2001, the Planning Commission voted to recommend that the rezoning request not be approved (Attachment "F").
10. At their meeting on July 5, 2001, the City Council voted to recommend that the rezoning request be denied (Attachment "G").
11. Following the City Council meeting, the former City Attorney sent a letter to Mr. Haynes notifying him that he could construct a guesthouse on the property as long as certain conditions were met (Attachment "H"). The Applicant applied for and received a Building Permit and constructed a freestanding guesthouse on the property, which meets applicable building setbacks and has been used as a residence for Mr. Haynes' son and his family.
12. Mr. Haynes now desires to subdivide the property into two tracts of land. Because these tracts are less than three acres in size as required within the ER Estate Residential zoning district, the Applicant is requesting that the overall tract be rezoned to LUR-9A Limited Use Residential to accommodate the proposed subdivision.
13. A copy of the ER Estate Residential and the LUR Limited Use Residential zoning classifications are provided as Attachments "I" and "J".
14. At their meeting on February 12, 2007, the Planning Commission voted unanimously to recommend that the rezoning request not be approved (Attachment "K").

Recommendation

City Staff continues to object to the proposed rezoning and recommends that it not be approved. The subject tract is located within an established subdivision of three-acre lots, and the rezoning would allow the expansion of an existing Limited Use Residential zoning district into an established subdivision. The overall 3.82-acre tract includes a single-family residence and a freestanding guesthouse, both of which are permitted and were constructed in accordance with the ER Estate Residential zoning district. Allowing the subdivision of this individual tract of land would set a precedent that could open the door for similar subdivision requests throughout the Estate Residential zoning district.

Attachments

ROSENZWEIG, JONES & MACNABB, P. C.
ATTORNEYS AT LAW
32 SOUTH COURT SQUARE
POST OFFICE BOX 220
NEWNAN, GEORGIA 30264

MELISSA DARDEN GRIFFIS (GA, AL)

January 3, 2007

TELEPHONE (770) 253-3282
FAX (770) 251-7262
e-mail: mgriffis@rjm-pc.com

David E. Rast, ASLA
City Planner
City of Peachtree City Planning Department
153 Willowbend Road
Peachtree City, Georgia 30269

RE: Mr. Thomas C. Haynes, Jr.
Approx. 3.820 Acres Located on Carriage Lane, Peachtree City, Georgia

Dear Mr. Rast:

The applicant in the above-described property ("the Property") in Peachtree City, Georgia, hereby makes this application to rezone the Property from ER to LUR, which provides a suitable environment for extending the current LUR district on Carriage Lane for those uses which benefit from close proximity to each other, consistent with the Peachtree City Zoning Ordinance.

As noted on the "Request for Rezoning for City of Peachtree City, Georgia" Form enclosed herewith, the zoning designation requested is the most appropriate zoning for the Property insofar as it is located adjacent to property currently zoning LUR on the same street. The adoption of the proposed zoning change will facilitate the smart growth and development that is expected in Peachtree City.

For the reasons stated above, Mr. Haynes believes that this application is not only consistent with, but advances the intent of the Peachtree City Zoning Ordinance. Additionally, the proposed zoning designation and use will facilitate provision of LUR zoning in a manner consistent with principles of smart development so highly valued by Peachtree City.

Mr. Haynes has, at attached Tabs (A) through (G), included all materials required per the Application Form and applicable Ordinance provisions. **As always, should you have any questions about the material submitted, or should you require additional information, please do not hesitate to contact me.** Mr. Haynes, as applicant, and George Rosenzweig or myself, as counsel for Mr. Haynes, look forward to working with you and your staff as you review and analyze the enclosed Application.

RECEIVED JAN 5 2007

Attachment "A"

David E. Rast, ASLA
January 3, 2007
Page 2

I look forward to receiving Planner's Recommendation in the near future.

Yours truly,

A handwritten signature in black ink, appearing to read "Melissa Darden Griffis". The signature is fluid and cursive, with the first name "Melissa" being the most prominent.

Melissa Darden Griffis
FOR MR. THOMAS C. HAYNES, JR.

MDG/kr
Enclosures

c: Mr. Thomas Haynes, Jr.

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property:
Land Lot 68 of the Seventh District of Fayette County, Georgia, and being known as
Lot 5, Block "B" of Shakerag Plantation.

This property is presently zoned: ER

The proposed zoning classification is: LUR

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

Signature: Thomas C. Haynes, Jr.

Owner: (print) Thomas C. Haynes, Jr.

Agent: (print) _____

Address: 108 Carriage Lane, Peachtree City, Georgia 30269

Phone: (770) 487-9962

Date: 12/15/2006

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 Council:

Signature: David E. Rant

Title: City Planner / Zoning Administrator

Date: 01-25-07

Request Number: 2007-01

Date of Planning Commission Public Hearing: Feb. 12, 2007

Date of City Council Public Hearing: March 1, 2007

REQUEST FOR REZONING

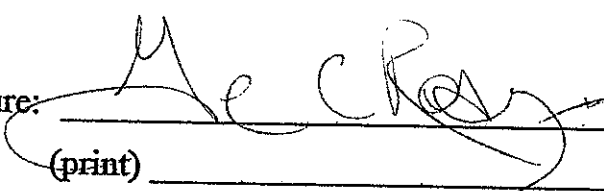
CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property:
Land Lot 68 of the Seventh District of Fayette County, Georgia, and being known as
Lot 5, Block "B" of Shakerag Plantation.

This property is presently zoned: ER

The proposed zoning classification is: LUR

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

Signature: 

Owner: (print) _____

Agent: (print) George C. Rosenzweig, Esq.

Address: 32 South Court Square, Newnan, Georgia 30263

Phone: (770) 253-3282

Date: 1/3/2007

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

Signature: David E. Rant

Title: City Planner / Zoning Administrator

Date: 01-25-07

Request Number: 2007-01

Date of Planning Commission Public Hearing: Feb. 12, 2007

Date of City Council Public Hearing: March 1, 2007

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property:
Land Lot 68 of the Seventh District of Fayette County, Georgia, and being known as
Lot 5, Block "B" of Shakerag Plantation.

This property is presently zoned: ER

The proposed zoning classification is: LUR

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

Signature: Melissa D. Griffis

Owner: (print) _____

Agent: (print) Melissa D. Griffis, Esq.

Address: 32 South Court Square, Newnan, Georgia 30263

Phone: (770) 253-3282

Date: 12/15/2006

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

Signature: David E. Rant

Title: City Planner / Zoning Administrator

Date: 01-25-07

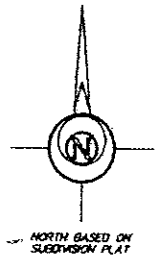
Request Number: 2007-01

Date of Planning Commission Public Hearing: Feb. 12, 2007

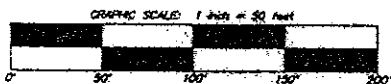
Date of City Council Public Hearing: March 1, 2007

**PLAT FOR REZONING
FROM ER TO LUR**

LOT 5, BLOCK "B"
SHAKERAG PLANTATION
TOTAL AREA 3.820 ACRES



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



LOT 4
BLOCK "B"
ZONED ER
3.7 ACRES

LOT 5
BLOCK "B"
2.000 ACRES

LOT 3
2.000 ACRES
ZONED LUR-S
HYDE PARK S/D

LOT 1
1.565 AC.
ZONED LUR-S
HYDE PARK S/D

N/F
PAUL R. MASCARA
ZONED ER
1.0 ACRE

N/F
PEACHTREE CITY HOLDINGS L.L.C.

N/F
SHAKERAG PLANTATION
ZONED ER

LOT 5
BLOCK "A"

CARRIAGE LANE

EXISTING
SPLIT-LEVEL
BRICK HOUSE

EXISTING 2 STORY
ROCK & FRAME
WITH BASEMENT

PROPOSED "NEW" LOT
1.820 AC.

NOTE:
BUILDING SETBACKS AS PER PROTECTIVE
COVENANCE FOR SHAKERAG PLANTATION
RECORDED IN O.G. 158, PAGE 255.

METAL
BUILDING

OLD STAGECOACH ROAD

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

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

land surveyors - planners

180 GREENCASTLE ROAD SUITE B TYRONE
GEORGIA 30290
PH 770-486-7552 FAX 770-486-0496

PREPARED FOR:

THOMAS C. HAYNES, JR.

LAND LOT 08	DATE: 03-19-01
7th DISTRICT	REV. 04-23-01 12/01/05
FAYETTE COUNTY, GA.	REF.
SCALE: 1" = 50'	JOB NO. 0102056

STATE OF GEORGIA

FAYETTE

County 174 1A:41

THIS INDENTURE, Made this 23rd day of January in the year of our Lord One Thousand, Nine Hundred and Seventy Eight, between

of the County of Fayette and State of Georgia of the first part, and
CRAFTMARK, INC.
of the County of THOMAS C. HAYNES, JR. AND GENEVA C. HAYNES and State of Georgia, of the second part.
Clayton

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS-----DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell and convey unto the said parties of the second part, themselves/their heirs and assigns, all that tract or parcel of land lying and being in Land Lot 68 of the Seventh District of Fayette County, Georgia, and being known as Lot 5, Block "B" of Shakerag Plantation as shown by plat of survey dated September 25, 1972, prepared by R. A. Oslin, Jr., Registered Surveyor, and recorded in Plat Book 7, Page 75, in the office of the Clerk of the Superior Court of Fayette County, Georgia.

Reference is made to the hereinabove described plat for a more particular description of said lot. Said lot is sold subject to the Restrictive Covenants recorded in Deed Book 158, Page 255, Fayette County Records.

This being the same property as conveyed by Warranty Deed dated January 6, 1977, from Errol A. Brown to Craftmark, Inc., filed for record January 10, 1977, and recorded in Deed Book 158, Page 254, Fayette County Records.

Fayette County, Georgia
State Transfer Tax
69.00 Date 1-25-78
Clerk of Superior Court

This is to certify that this document is a true and certified copy. Any alteration on this copy voids this certification.

H. Wana 10-6-26
City of Peachtree City Date

ORA # 22

FILED 1-25-1978
1-25-78
10:30 AM
CLERK SUPERIOR COURT

Statements as to the Reasons for the Proposed Rezoning:

1. The rezoning proposal provides a suitable environment for extending the current LUR district on Carriage Lane from ER for those uses which benefit from close proximity to each other, consistent with the Peachtree City Zoning Ordinance.
2. The rezoning proposal would not adversely affect the existing use or usability of adjacent or nearby property.
3. The rezoning proposal will not result in a use which will or would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
4. The rezoning proposal will facilitate the principles of smart development so highly valued by Peachtree City, Georgia.

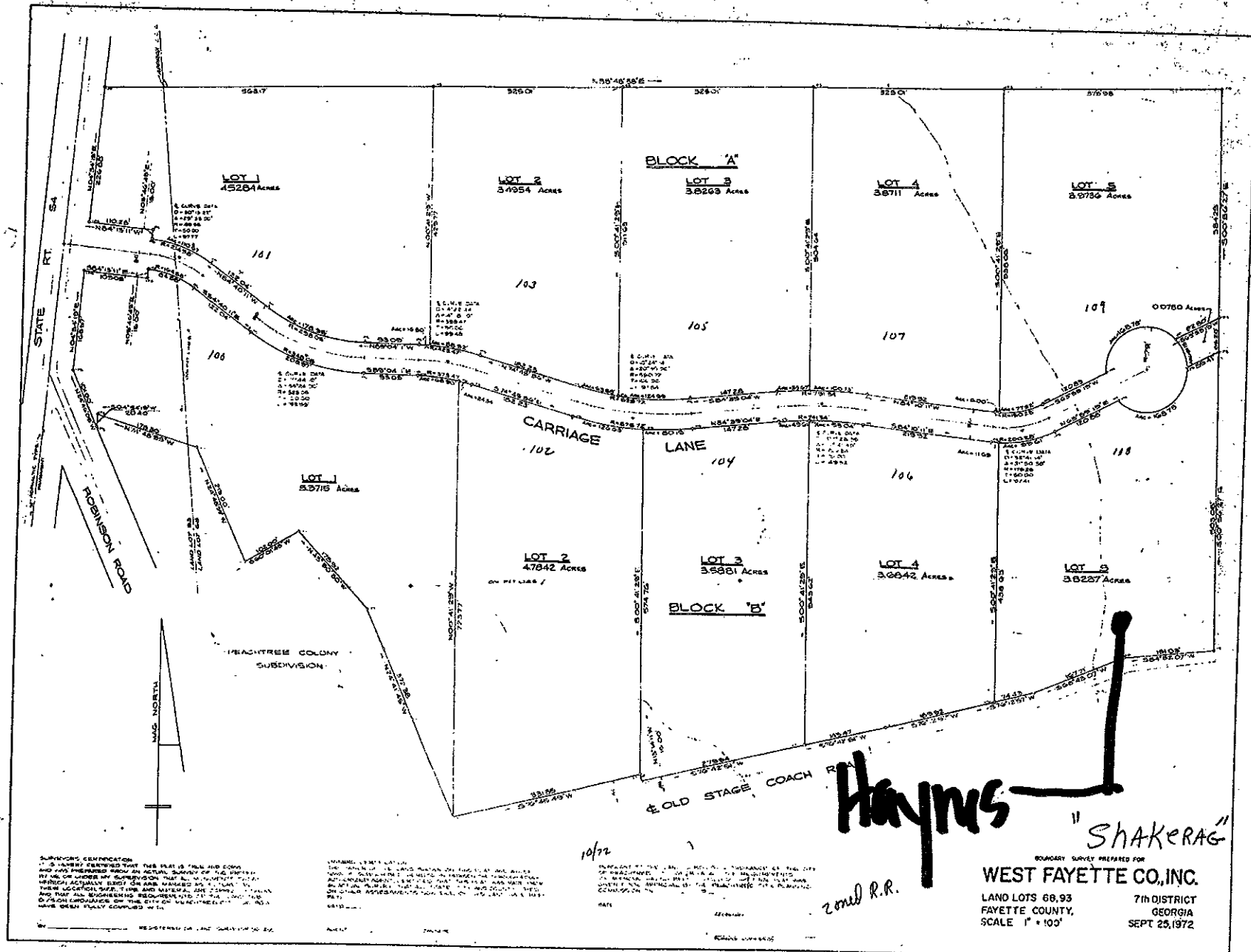
**NAMES AND ADDRESSES OF ALL PROPERTY OWNERS
WITHIN 200 FEET OF THE BOUNDARY OF THE PROPERTY**

Joe Jackson
106 Carriage Lane
Peachtree City, Georgia 30269

Ron Ranes
109 Carriage Lane
Peachtree City, Georgia 30269

Joseph Mascara
301 Stagecoach Road
Peachtree City, Georgia 30269

Hyde Properties, L.L.C.
100 Petrol Point
Peachtree City, Georgia 30269



SURVEYOR'S CERTIFICATION
 I, B. JAMES HAYNES, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey of the above described land, as the same was made by me or under my supervision, and that the same was made in accordance with the provisions of the Act of the General Assembly of the State of Georgia, passed and approved March 1, 1912, and that all engineering requirements of the Act of the General Assembly of the State of Georgia, passed and approved March 1, 1912, have been fully complied with.

WARRANT OF TITLE
 The title of the land shown on this map is as follows: **LAND OF WEST FAYETTE CO., INC.** and the same is shown as being owned by the said West Fayette Co., Inc. and the same is shown as being owned by the said West Fayette Co., Inc. and the same is shown as being owned by the said West Fayette Co., Inc.

PREPARED BY THE B. JAMES HAYNES, Surveyor, of the County of Fayette, State of Georgia, and the same is shown as being owned by the said West Fayette Co., Inc. and the same is shown as being owned by the said West Fayette Co., Inc.

Haynes "SHAKERAG"
 BOUNDARY SURVEY PREPARED FOR
WEST FAYETTE CO., INC.
 LAND LOTS 68, 93
 FAYETTE COUNTY,
 GEORGIA
 SCALE 1" = 100'
 7th DISTRICT
 SEPT 25, 1972

Attachment "B"

PROX. L.L.L. & PEACHTREE CITY CITY LIMITS

N/F
TRAMMELL
ZONED: MHP

LL
69

LL
60

P.O.B.
APPROX. L.L.L.

LL
61

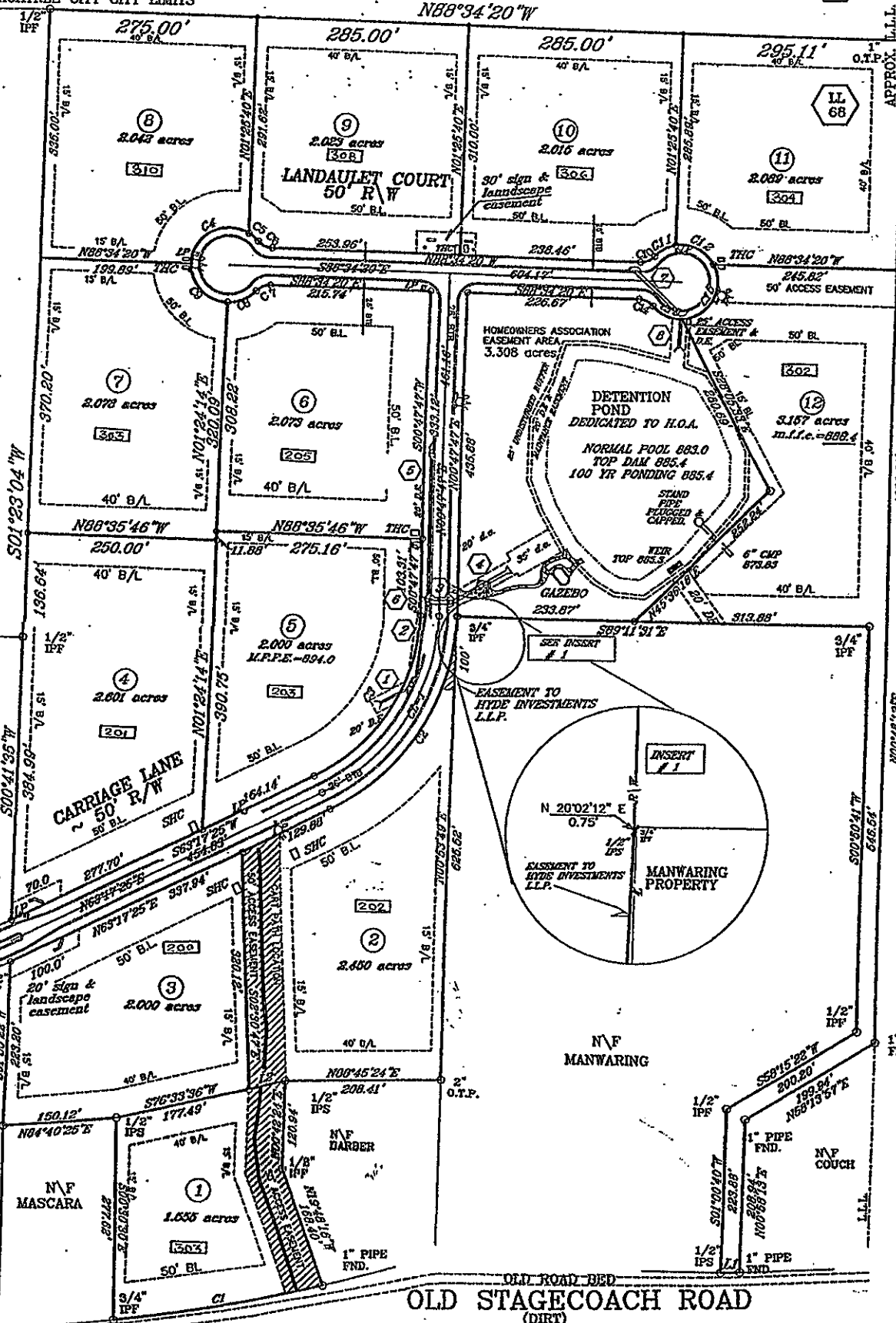
LL
68

N/F
WESTMINSTER
MEMORIAL GARDENS
ZONED: OPEN SPACE

CENTERLINE CURVE DATA
CL-1
R=273.68
L=298.51
Tan=166.05
Delta=62°29'38"

LOT 5 BLK A
SHAKERAG S/D

LOT 5 BLK B
SHAKERAG S/D



N/F
DAVIS

GEORGIA, FAYETTE COUNTY
Filed and Recorded this 6th day of May, 2005 at 2:10 PM
Book 21 Page 4
L. L. Hyde, Jr.
Clerk

UTILITIES PROTECTION CENTER
800-222-2222
24 HOURS
TOLL FREE
WALK WORKING DAYS BEFORE YOU GO

OLD STAGECOACH ROAD
(DIRT)

SHEET : 2

N/F
PEACHTREE HOLDINGS

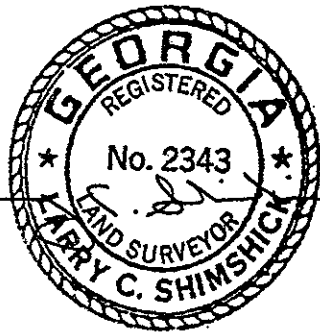
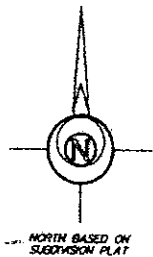
THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSE
ALSO, THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSE
TO BE USED FOR ANY OTHER PURPOSE
STREET ADDRESS

Prepared For HYDE PROPERTIES, L.L.P.		
Subdivision: HYDE PARK		
Lot: N/A	P.B. ~ PG.	
Land Lot: 68	District: 7 TH	
County: FAYETTE, GA.	F.W.P.D. 11/26/04	
Scale: 1" = 100'	Date: 01/26/05	Map No: 04-01655

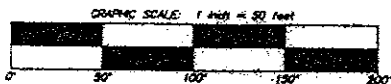
Attachment C

**PLAT FOR REZONING
FROM ER TO LUR**

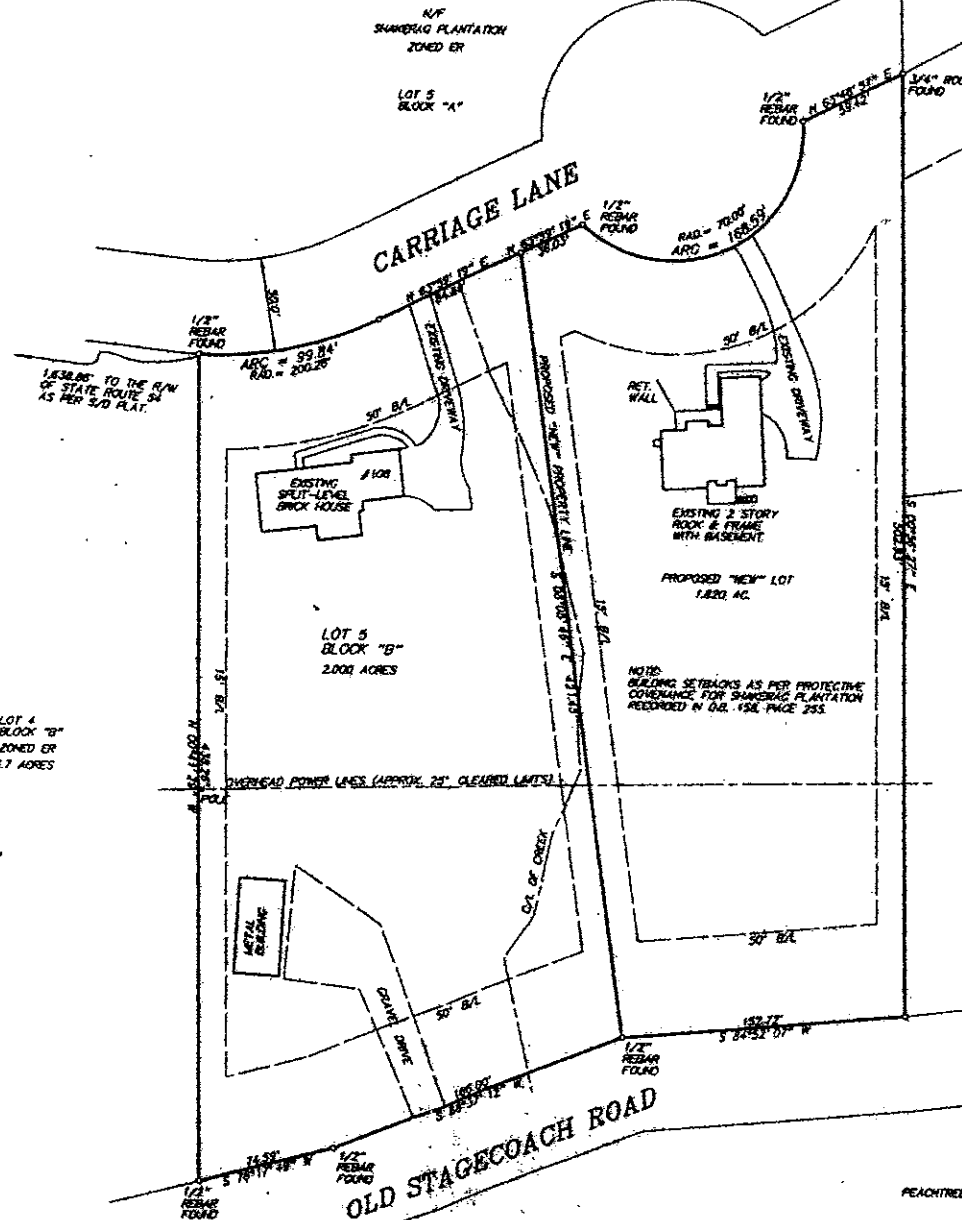
**LOT 5, BLOCK "B"
SHAKERAG PLANTATION
TOTAL AREA 3.820 ACRES**



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



LOT 4
BLOCK "B"
ZONED ER
3.7 ACRES



LOT 3
3.000 ACRES
ZONED LUR-S
HYDE PARK S/D

LOT 1
1.565 AC.
ZONED LUR-9
HYDE PARK S/D

N/F
PAUL R. MASCARA
ZONED ER
1.0 ACRE

N/F
PEACHTREE CITY HOLDINGS L.L.C.

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

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

land surveyors - planners
180 GREENCASTLE ROAD SUITE B TYRONE
GEORGIA 30290
PH. 770-486-7552 FAX 770-486-0496

PREPARED FOR:

THOMAS C. HAYNES, JR.

LAND LOT 08	DATE: 03-19-01
7th DISTRICT	REV. 04-23-01 12/01/06
FAYETTE COUNTY, GA.	REF.
SCALE: 1" = 50'	JOB NO. 0102056

Attachment D

POSITION PAPER
Proposed Rezoning: Haynes property
Lot 5, Block B, Shakerag Plantation subdivision
City Planner
June 8, 2001 David

Situation:

The owner of the property at 108 Carriage Lane has requested that the property be rezoned from ER, Estate Residential to LUR-9A, Limited Use Residential to allow the subdivision of the property into two parcels.

Facts:

1. Shakerag Plantation was initially recorded in the early 1970's as a 10-lot subdivision with all lots exceeding three acres in size.
2. The Haynes property comprises 3.82 acres and is currently zoned ER Estate Residential, which allows one-family dwellings on lots of at least three acres.
3. The Land Use Plan calls for the area south of GA 54 and east of Robinson Road to be developed for low-density residential purposes with individual lots of at least three acres.
4. The 31.75-acre tract to the east was recently rezoned to LUR Limited Use Residential to allow a subdivision of 12 single-family detached residential lots. This property had been involved in litigation for several years, and the rezoning proposal was an attempt to resolve the outstanding problems and settle the litigation.
5. The Mascara property to the west is approximately 0.95 acres in size and has been zoned ER Estate Residential for many years. Access to this property is from Old Stagecoach Road.
6. The properties to the north and west are within the Shakerag Plantation subdivision and are 3.68 acres and 3.98 acres in size and are zoned ER Estate Residential.

Recommendation:

The Staff recommends that the proposed rezoning be denied because it is not in accordance with the Land Use Plan. The Applicant is proposing an expansion of an existing Limited Use Residential into an established subdivision of 3+ acre lots. This would set a precedent that could potentially allow similar subdivisions within the Estate Residential zoning district.

Attachment: Request Brochure

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

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

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

This property is presently zoned: ER

The proposed zoning classification is: LUR

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

Signature: Thomas C. Haynes, Jr.

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

Agent: (print) _____

Address: 108 CARRIAGE LANE PEACHTREE CITY, GA. 302

Phone: 770-487-9962 Date: 4-30-01

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

Signature: James B. Wilbur

Title: ZONING ADMINISTRATOR

Date: May 11, 2001

Request Number: 2001-04

Date of Planning Commission Public Hearing: June 11, 2001

Date of City Council Public Hearing: July 5, 2001

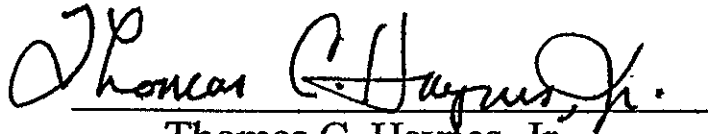
III.

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

Statement

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

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


Thomas C. Haynes, Jr.

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

Amendment 13
(Dec. 18, 1865)

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

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

Amendment 14
(July 28, 1868)

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

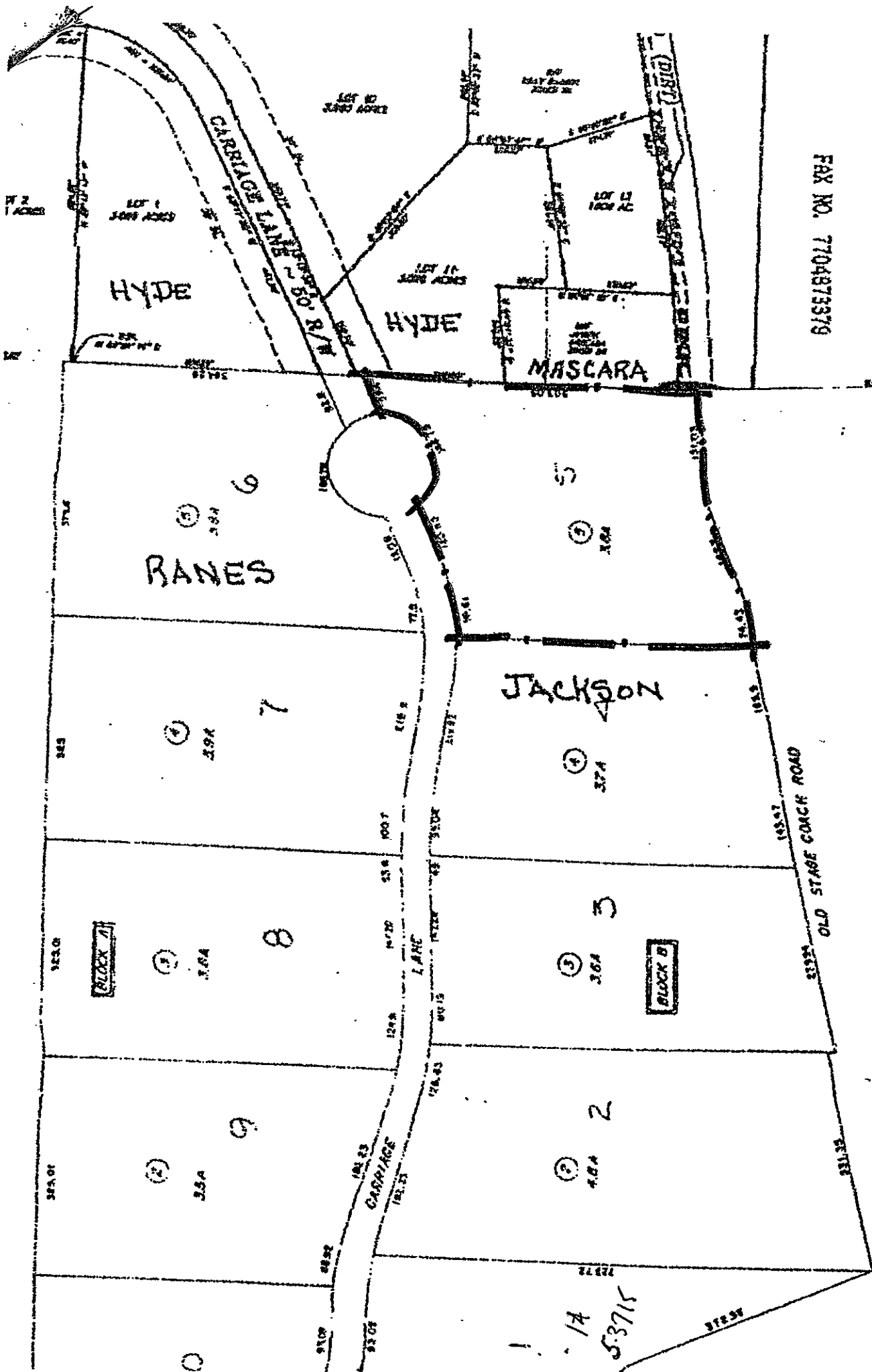
Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the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

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

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

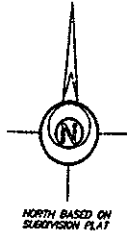
<http://www.gonhome.com/usconstitution/amendments.asp>

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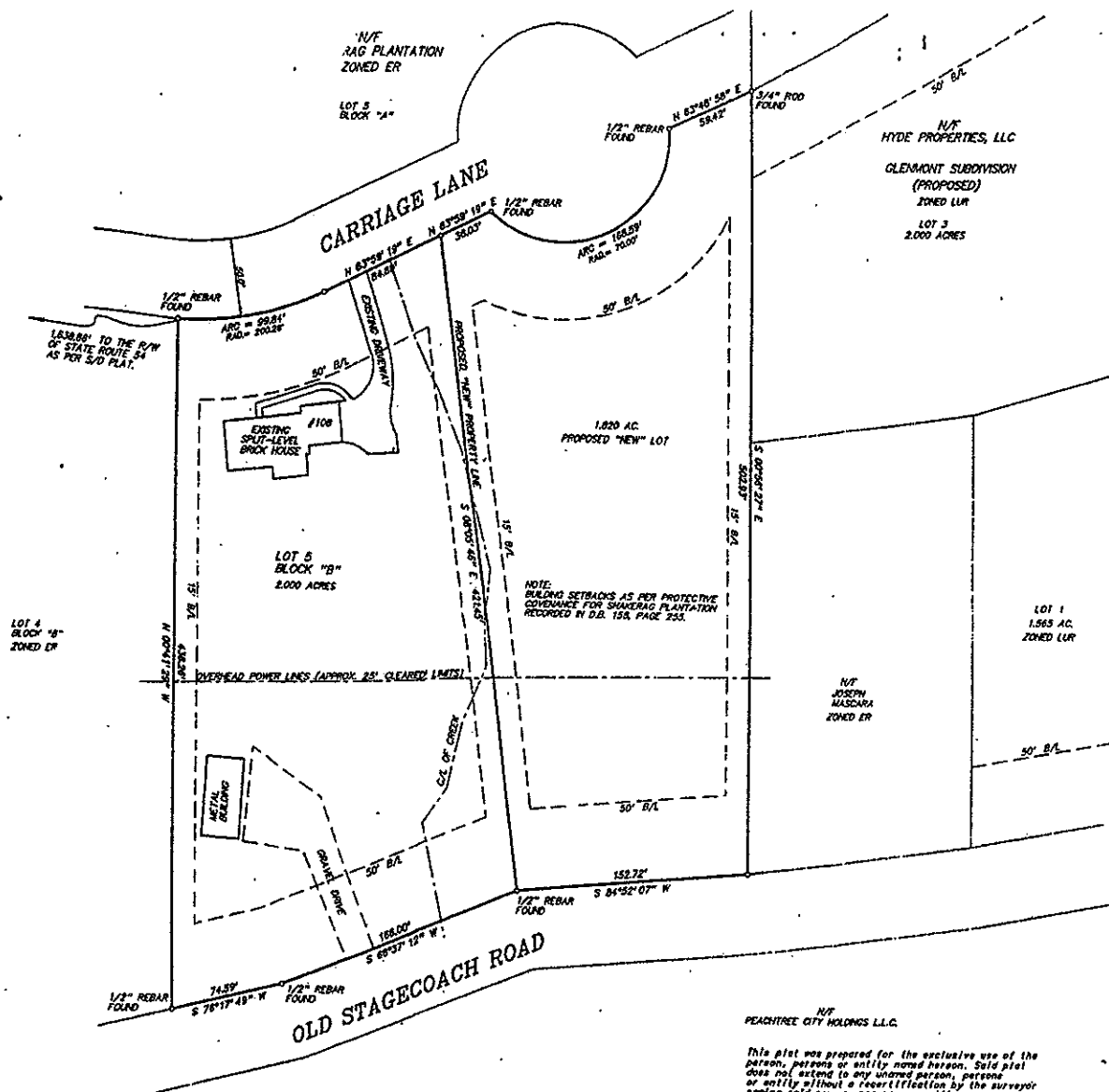
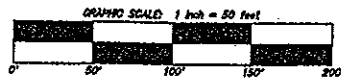


PLAT FOR REZONING
FROM ER TO LUR

LOT 5, BLOCK "B"
SHAKERAG PLANTATION
TOTAL AREA 3.820 ACRES



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



W.D. Gray and
Associates, Inc.

land surveyors -- planners
103 WESTPARK DRIVE SUITE F PEACHTREE CITY
GEORGIA 30269
PH. 770-486-7552 FAX 770-486-0496

PREPARED FOR:

THOMAS C. HAYNES, JR.

LAND LOT 88	DATE: 03-19-01
7th DISTRICT	REV. 04-23-01
FAYETTE COUNTY, GA.	REF.
SCALE: 1" = 50'	JOB NO. 0102056

Attachment "B"

**EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION
June 11, 2001 meeting**

**PH-01-04 Proposed Rezoning, Lot 5, Block B, Shakerag Plantation Sub-division,
108 Carriage Lane, ER to LUR-9A**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dr. Schumacher thanked Mr. Haynes for his research and felt his legal presentation was "the most refreshing he had heard at a Planning Commission meeting in some time." He assured Mr. Haynes that the Fourteenth Amendment was also very important to the Commissioners.

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

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

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

**EXCERPT FROM APPROVED MINUTES
CITY COUNCIL MEETING
July 5, 2001**

07-01-01 Rezoning Request – Haynes Property – 108 Carriage Lane

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

Property owner Thomas Haynes addressed Council regarding his request to rezone the 3.82-acre property at 108 Carriage Lane. Haynes told Council he had lived in Peachtree City for 30 years, 25 years on Carriage Lane. Haynes told Council that $\frac{3}{4}$ of his lot had never been used and that his youngest son wanted a home on Carriage Lane. Haynes said he would like to rezone the parcel from ER (Estate Residential) to LUR-9A (Limited Use Residential) so he could subdivide the tract into two parcels. Haynes told Council he knew he could build a guest house according to City Code, but preferred to subdivide the property so his son could have his own home. Haynes referred to the rezoning of a 30-acre tract adjoining his property from ER to LUR. He said he thought by these rezonings he should have an equal right to a rezoning. He said when Carriage Lane was developed it had 10 tracts. He showed Council a plat of Carriage Lane which showed an 11th lot of only 1.42 acres. He asked if that was a computer error. Williams told Council the lot could be subdivided if the Council or the Planning Commission subdivided it, but that staff didn't consider that lot subdivided and that if someone tried to sell the 11th lot they could be prosecuted. Haynes said a creek ran down the middle of his property. If subdivided, the additional lot would be a two-acre plat.

Kelly Ranes, Phyllis Aquayo, Joe Jackson, Ronnie Ranes, and Larry Manwaring spoke in opposition to the rezoning. They were concerned that subdividing the lot could set precedence for others to do the same.

Williams told Council that staff and Planning Commission had recommended denial of the rezoning request. He added that Haynes had a perfect solution by building a guest house. He pointed out that guest houses could not be rented or used for income, and were intended only for guests and/or family and could not be sold separately.

McMenamin said that while she had a lot of empathy for Haynes, she could not approve the rezoning. Fritz agreed and added that opening the door for one rezoning opened the door for everybody else. Lenox said the precedence issue also worried him the most. He added that some people would subdivide their ER lots just for the money.

Haynes told Council he would proceed to build a guest house and asked if he needed anything in writing that said it was permitted for him to do so. Lenox said Council would forward a letter stating that he had that right.

McMenamin moved to deny the rezoning. Fritz seconded the motion. The motion carried 4-0. Tennant abstained due to a prior business relationship with Haynes.

WEBB, LINDSEY, COLLINS, JONES & WADE, LLC
Attorneys-At-Law

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H. Clay Collins
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Jonathan J. Wade

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Other licenses
* Florida
† Illinois
†† Texas

July 9, 2001

Mr. Thomas Haynes
108 Carriage Lane
Peachtree City, Georgia 30269

Dear Tom:

This letter is being sent to you pursuant to your request made of the City Council on July 5, 2001. As you know, your home is located in the estate residential zoning district (hereinafter "ER"). The permitted uses in the ER zoning district according to Section 1003.2(a) and (b) are "one-family dwelling (other than a mobile home), including a guest house facility" and "one-family dwelling (other than a mobile home) used primarily as a guest house or second home." The definition of "guest house" found in Article VI of the Zoning Code is defined as follows:

Living quarters situated within an attached or detached accessory building located on the same premises as the principal building; such quarters shall be used only by bonafide non-paying guests or relatives of the owners or occupants of the principal building and shall not be rented or otherwise occupied as a separate dwelling.

Thus, according to the definition of guest house and the requirements for the ER zoning district, you may construct a guest house on your property for your son, Gary. Of course, you will have to comply with the remaining provisions of the zoning ordinances, building code, etc. For your convenience, I have included a copy of the Estate Residential Zoning Ordinance.

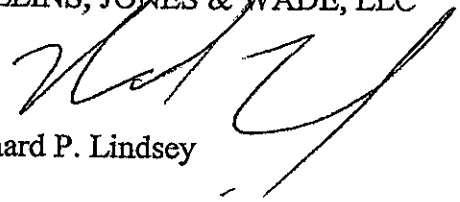
July 9, 2001

Page 2

Best regards.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC



Richard P. Lindsey

RPL:jmf

Enclosure

cc: Mr. Jim Williams, ✓
City of Peachtree City

Sec. 1003. [ER] estate residential district.

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

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

- (a) One-family dwelling (other than a mobile home), including a guest house facility.
- (b) One-family dwelling (other than a mobile home) using primarily as a guest house or second home.
- (c) Publicly owned building, facility or land.
- (d) Building, facility or land for the distribution of utility services.
- (e) Building, facility or land for noncommercial park, recreation, thoroughfare, or open space purposes.
- (f) Private boat dock, fishing pier, boathouse, and related accessory concession and support facilities.
- (g) Accessory uses: See section 908.
- (h) Customary home occupation: See section 907.

(1003.3) *Conditional uses:* The following uses shall be permitted in any ER residential zoning district on a conditional basis:

- (a) Noncommercial horticulture or agriculture on the following conditions:
 - (1) No poultry or livestock shall be maintained within 100 feet of the property line of any adjoining street or residential zoning lot; except when it abuts an AR or ER zoning lot, it may be no closer than ten feet.
 - (2) No building used for animals shall be constructed within 200 feet of any property line; except when it abuts an AR or ER zoning lot, it may be no closer than 50 feet.
 - (3) At least 5,000 square feet of fenced area shall be provided for each animal, not including household pets, to be maintained on the zoning lot.
- (b) On-site sewage disposal system on the following conditions:
 - (1) A permit for the system is obtained from the county health department prior to its installation.
- (c) Cemetery on the following conditions:
 - (1) The zoning lot is not less than ten acres in area.

- (2) There is no crematorium or dwelling, other than a one-family dwelling for a caretaker, on the lot.
 - (3) The lot has direct access onto an arterial road.
 - (4) No building is constructed less than 100 feet from any property line.
 - (5) All gravesites shall be at least 50 feet from any property line.
 - (6) No identification sign is installed other than one nonilluminated sign not greater than 24 square feet in area for each panel of a double-sided structure.
- (d) Riding stable on the following conditions:
- (1) The zoning lot is not less than ten acres in area.
 - (2) No building is constructed within 200 feet from any property line.
 - (3) Animals are not maintained within 100 feet of the property line of any adjoining residential zoning lot.
 - (4) The building height requirements for the district are maintained.
 - (5) The zoning lot has direct access onto an arterial or major collector road.
 - (6) No activities, other than normal maintenance, will be conducted within 100 feet of the property line of any adjoining residential zoning lot.
 - (7) No automobile parking will be permitted within 100 feet of any property line.
 - (8) No identification sign is installed other than one, nonilluminated sign not greater than 24 square feet in the area for each panel of a double-sided structure.
- (e) Church or other legitimate place of worship, including a one-family dwelling for a minister, on the following conditions:
- (1) Notwithstanding any other requirements in this ordinance the following conditions shall apply to all churches regardless of zoning district.
 - (2) Minimum zoning lot area is three acres.
 - (3) Minimum lot width: 100 feet.
 - (4) Minimum setback area, front:
 - (a) Building: 40 feet.
 - (b) Parking: 20 feet.
 - (5) Minimum setback area, side: 15 feet. If adjoining a residential lot, the building setback shall be 75 feet.
 - (6) Minimum setback area, rear: 30 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
 - (7) Maximum building height: As approved by the fire department.

- (8) All zoning lots shall have direct access onto an arterial, major collector road or have access to an arterial, major collector or industrial/commercial road via a minor collector.
 - (9) No parking shall be permitted within 20 feet of the property line of any adjoining residential zoning lot.
 - (10) Parking and/or service areas shall be separated from adjoining residential lots by a suitable fence or wall six feet in height or a suitable planting screen six feet in height at time of planting. The required fence, wall, or screen must provide for a reasonable visual separation between properties. No fence or wall in excess of four feet may be placed in a setback area adjoining a public street.
 - (11) One nonilluminated sign not greater than 32 square feet in area for each panel of a double-sided structure is permitted.
 - (12) Parking: See section 909.
 - (13) Lighting: See section (1005A.4)(n).
 - (14) Any existing church in any zoning district may comply with either the requirement existing prior to enactment of this ordinance or they may comply with the conditions of this section. They shall not be permitted to comply with various sections of both requirements.
- (f) Private school, nursery or day care facility on the following conditions:
- (1) No building is constructed within 75 feet of the property line of any adjoining residential zoning lot.
 - (2) The setback and height requirements for the district are maintained.
 - (3) The zoning lot has direct access onto an arterial or major collector road.
 - (4) No automobile parking will be permitted within the front setback depth or within 30 feet of the property line of any adjoining residential zoning lot.
 - (5) Parking, service and/or play areas are separated from adjoining residential zoning lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above required screen, fence or wall must provide for a reasonable visual separation between the properties.
 - (6) Plans for the facilities must receive the written approval of the state regulatory agencies and the fire department prior to any construction or occupancy.
 - (7) No identification sign is installed other than one nonilluminated sign no greater than 24 square feet in area for each panel of a double-sided structure.

(Ord. No. 268, § 1(C)(3), 6-3-1982; Ord. No. 408, 8-21-1986)

(1003.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in ER residential zoning districts shall conform to the following standards:

- (a) Minimum floor area per dwelling unit: 1,600 square feet.
- (b) Minimum zoning lot area: Three acres.
- (c) Minimum land area per dwelling unit: Three acres.
- (d) Minimum lot width: 250 feet.
- (e) Minimum front setback depth: 100 feet.
- (f) Minimum side setback depth: 15 feet.
- (g) Minimum rear setback depth: 30 feet.
- (h) Maximum building height: 35 feet.
- (i) Parking: See section 909.
- (j) Signs: See Peachtree City sign ordinance.

(Ord. No. 366, § 19, 5-22-1985)

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

Sec. 1013. LUR limited-use residential.

(1013.1) *Intent of district.* It is intended that the LUR zoning district be established and reserved for restricted residential development allowing flexibility in design. The regulations which apply to this district are designed to encourage the formation and continuance of a stable, healthy environment while allowing for a uniqueness in design.

(1013.2) *Permitted uses.* Any one or more of the following uses may be permitted in any LUR district (the specific use and design must be delineated in the zoning request). The property will be rezoned for one or more specific uses only to the exclusion of all other listed permitted uses.

- (a) Single-family detached;
- (b) Single-family attached;
- (c) Townhouse;
- (d) Condominium;
- (e) Cluster housing subdivision;
- (f) Accessory use.

(1013.3) *Other requirements.* Unless otherwise specified in this ordinance, uses permitted in LUR zoning districts shall conform to the following standards:

- (a) Minimum total zoning lot area: five acres.
- (b) Minimum floor area per dwelling unit: 1,000 square feet.
- (c) Minimum side setback depth: 30 feet from project boundary; 20 feet between detached buildings.
- (d) Minimum rear setback depth: 40 feet when rear setback depth of lot adjoins the project boundary.

(Ord. No. 456, 3-17-1988)

UNAPPROVED EXCERPT OF MINUTES
OF PLANNING COMMISSION MEETING OF 02/12/07

PH-07-02

Proposed Rezoning: Haynes tract, Carriage Lane (ER to LUR).

Melissa Griffis, Esq., of Rosenzweig, Jones & MacNabb, P.C., was in attendance to present Mr. Thomas Haynes' request to rezone a 3.82-acre tract of land he owned on Carriage Lane in Shakerag Plantation from ER Estate Residential to LUR Limited Use Residential. Mr. Haynes was in the audience.

Ms. Griffis stated that there had been a previous request to rezone this property. She said this request had been modified because the City recommended that, instead of rezoning the property, Mr. Haynes build a guest house which was what he did. She noted that it met all applicable setbacks and building codes and had been permitted.

Ms. Griffis explained that the property was currently zoned ER and contained a single-family residence and a guesthouse, both of which were permitted within the ER zoning district. She explained that Mr. Haynes desired to subdivide the property into two parcels, each parcel containing one home.

Ms. Griffis stated that Mrs. Haynes had passed away and, due to his age and medical condition, Mr. Haynes needed to sell his home and move to a smaller home on one level. It had been on the market for over a year and had not sold. She stated that because both homes had to be sold together, there was no market for them. Consequently, they felt the property had no economic value or use as it was currently zoned. Ms. Griffis felt this property was unique in that it was the only lot in the subdivision where the house was not built in the middle of the parcel. A creek flowing in the middle of the parcel could naturally divide it.

Ms. Griffis stated that rezoning this property would have limited applicability to other ER lots. However, they thought this was an unusual lot and property; and due to the special circumstances and Mr. Haynes' situation, they were asking that the Planning Commission recommend that City Council approve the rezoning. She requested that she be reserved some time to respond to anyone opposing their request.

Ms. Griffis further stated that the LUR zoning was consistent with other properties in this area. Over 30 acres to the east had been rezoned to LUR for the Hyde Park Subdivision, and most of the lots in that subdivision were two acres, some of them less than two acres. She added that the .95-acre Mascara property was zoned ER, and the property directly east of it was also less than two acres. Rezoning the property to LUR would allow Mr. Haynes to divide his property into two lots, one of two acres and one of 1.82 acres.

Ms. Griffis acknowledged that the ER zoning required that lots be a minimum of three acres in size but noted that there were other parcels in that area that were less than three acres. She also pointed out that the property was unique in that the house was not built in the middle of the lot

Unapproved Excerpt - Planning Commission meeting

February 12, 2007

Page 2

because of a spring that ran through the middle of the parcel. Therefore, it was thought that would be a natural place to divide the property. Due to the special circumstances of the lot and Mr. Haynes' health, they asked that the rezoning be approved.

Mr. Staples questioned Ms. Griffis about her statement that there was no economic use for the property. He wondered if she meant there was "diminished" economic use. She said that they were contending that there was no economic value because the house had been on the market for over a year and there had been no offers to purchase it. He assumed the property had been listed at multiple values and had been substantially reduced. Ms. Griffis said it did not matter what the price, no one was interested in purchasing two homes.

In response to a request from Mr. Staples to describe the two homes on the property, Ms. Griffis stated that the home where Mr. Haynes had lived for 30 years was a brick home; a portion of it was one story but the bedrooms, bathrooms, and kitchen were on two floors and required Mr. Haynes to go up and down stairs which was becoming difficult for him. The guest house was a newer, vinyl-sided two-story where Mr. Haynes' son and his family resided.

No one else spoke in favor of the proposed rezoning.

Ms. Phyllis Aquayo of Stonington Drive stated that this was a difficult situation in that her heart went out to Mr. Haynes. However, the obligation was to determine what was best for the City. She stated that she was at the meeting when the previous request to rezone this property was made. She recalled that at that time, both the Planning Commission and City Council had the concern that allowing this rezoning would have a domino effect that would require approval to subdivide properties in other areas of the City as well.

Ms. Aguayo further stated that there had been an effort to keep the ER zoning in this area for many years. As a result, the family was permitted to build the guest house to accommodate their son. One of the concerns with the rezoning request that was specifically mentioned by the Planning Commission and City Council was that the property would eventually be sold as two separate lots, and they wanted to avoid that happening. She noted that now that they had built the extra house, they were saying that the property had less value. However, by building the guest house, the City was able to accommodate their original request. She felt that to allow the rezoning at this point would lead to requests elsewhere.

Mr. Randy Hough of Spear Road had lived at this address for 22 years and stated that he regretted Mr. Haynes' situation but emphasized that the property was zoned ER. He had stood in opposition to rezonings in this area many times in the past. He stated that when they purchased their ER lots, they understood that the integrity of the zoning would be maintained. He stated that somehow he was not aware of the fact that the Hyde property had been rezoned to LUR-9 in July 1999 but his concern now was what would happen next. He said there were rumors that offers had been made to three property owners on Robinson Road near the Methodist Church and

Unapproved Excerpt - Planning Commission meeting

February 12, 2007

Page 3

Spear Road. If the rezoning of the Haynes' property went through, his understanding was that the developer intended to raze those three houses and erect higher density housing in that area.

Mr. Hough appealed to the integrity of the Planning Commission and urged them to uphold the zoning of this property. The residents in this area had made their land purchases based on a promise that was implied by the zoning. That promise was that, whenever possible, the zoning would be maintained.

Mr. Ronald Ranes, who also lived on Carriage Lane, stated that he also had been in Council Chambers multiple times for issues like this where people wanted to spot zone for their own benefit. He was at the meeting where the original rezoning request was denied. It was stated during those deliberations that the reason they wanted to build a second house was so that Mr. Haynes' son Gary could live next door to his parents. However, ER zoning allowed a guest house to be built on the property. The real reason they wanted to split the property was so that Mr. Haynes' house, which was almost paid off, would not put be at risk because of the mortgage on his son's house.

Mr. Ranes said he was truly sympathetic with the Haynes' situation. However, he thought that instead of rezoning the property, the current home could be remodeled so that it was on one level. He noted that the Haynes had been trying to sell the property on their own and had not hired a realtor. If they really wanted to sell the house and were having trouble doing so, he thought it would be a good idea to hire a professional to sell it. He also noted that the "For Sale" sign was actually in front of the guest house even though they said they were trying to sell Mr. Haynes' house. Mr. Ranes pointed out that the Haynes knew before they built the guest house that it could not be spot zoned, but they built it anyway.

Mr. Ranes further stated that the 32 acres that had been rezoned to LUR in 1999 which reduced the number of homes that could be constructed from 23 to 11. He noted that his home was also not built in the middle of his property so if the rezoning was approved, he could spot zone his property as well which was not the intent of the ER zoning. If approved, he felt the rezoning would produce a domino effect. He also clarified that the City had not recommended that the Haynes build the guest house; the City Attorney had only told them what they were permitted to do.

Mr. Joe Jackson, who lived next door to the property proposed for rezoning, sympathized with Mr. Haynes. He said he had discussed the situation with the Haynes prior to and after the initial rezoning request and had told them he thought it was a bad idea. He had invested in ER property and would like to keep it ER property.

Ms. Kelly Ranes of Carriage Lane Subdivision said that she lived across the street from the Haynes and felt as if they had been fighting a battle to keep from being closed in from both ends of their street ever since they bought their house. She said that she also had attended multiple

Unapproved Excerpt - Planning Commission meeting

February 12, 2007

Page 4

meetings opposing rezoning requests in this area. Although rezoning the Hyde property to LUR had been mentioned as a precedent and therefore a justification to rezone the Haynes property, she personally felt the zoning should have remained ER. She pointed out, however, that the LUR zoning considerably reduced the number of homes that could be built on the property and also provided a pond, a park, greenspace, and open space, amenities which somewhat made up for the fact that the lots were a little smaller than the ER zoning required. She stated that this would not be the case with this property.

Ms. Ranes also noted that she had spoken with another neighbor, Mr. Grutt, who also was very much against the rezoning. She pointed out that there were only six or seven families in this neighborhood and 50 percent of them were in attendance at this meeting.

No one else spoke in opposition to the proposed rezoning.

Mr. Rast gave a brief overview and history of the property to give some perspective as to where the lot was located and how it fit into the area. He stated that the lot abutted a 2-acre lot in Hyde Park and the .95-acre Mascara lot which had been zoned ER for many years even though it was also less than the three-acre minimum. He also noted that the Hyde Park rezoning was the result of a lengthy litigation process.

Mr. Rast further explained that after the previous rezoning request was denied, the City Attorney sent a letter to the Applicant telling him that they could be accommodated by designing the second house as a guest house. He noted that the guest house was constructed and Mr. and Mrs. Haynes' son and his family had lived on the property since then.

Mr. Rast stated that the Land Use Plan designated the property south of Highway 54 and east of Robinson Road as Single-Family Low Density Residential. He added that the homes in this area of the City were primarily on septic systems.

Based on the fact that the rezoning was not consistent with the Land Use Plan, Staff's recommendation was that the rezoning request not be approved. Rezoning a lot that was within a platted subdivision would set a bad precedent.

In response to the comments that had been made, Ms. Griffis noted that Mr. Haynes was a licensed realtor. She reiterated that the property had no economic value with two houses on it, that it would divide naturally on the creek, and that other lots in the area were less than the three-acre minimum required by ER zoning. She asked that the Commission keep these points in mind when considering their recommendation.

Several neighbors asked whether the property had ever been listed on the Multiple Listing Service (MLS). Mr. Haynes acknowledged that it had not.

Unapproved Excerpt - Planning Commission meeting

February 12, 2007

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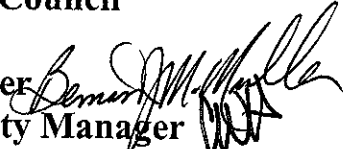
Mr. McCann noted that the property was zoned ER; Mr. Roach stated that it was contrary to the Land Use Plan; and Mr. Staples stated that although the Commission was sympathetic to the circumstances, it was not necessary to set a precedent.

After discussion, a motion was made by Mr. Staples, seconded by Mr. McCann, and unanimously adopted to forward the proposed rezoning to City Council with a recommendation that it not be approved.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Assistant City Manager 

FROM: City Clerk 

DATE: March 9, 2007

SUBJECT: Alcohol License – NEW – Courtside Café & Bakery
March 15, 2007, Regular Meeting

Recommendation:

Staff recommends Council consider the attached application for a new alcohol license.

Discussion:

Courtside Café & Bakery, a restaurant to be located at 10 Planterra Way, has submitted a request for a new alcohol license. Ms. Kathy Nestlehutt has requested she be appointed as the Licensee and the License Representative. She will attend the meeting on Thursday, March 15th, to answer any questions you may have.

Budgetary Impact:

The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for beer and wine (\$1,350), plus \$500 for Sunday Sales.

JSM:pd

Attachments

Application For Alcoholic Beverage License

Business Name: Courtside Café & Bakery	Business Location: PTC Tennis Center	
Nature of Business: restaurant	Mailing Address: 10 Planterra Way Peachtree City, GA 30269	Business Phone Number:
Name of Licensee: Kathy Nestlehutt	Home Address: 8820 Watkins Rd Palmetto, GA 30268	Home Phone Number: 770-463-4635
Name of License Representative: Kathy Nestlehutt	Home Address: Same	Home Phone Number: Same

Please indicate type of licenses applying for:

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

Please complete information below (use separate sheet if necessary):

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
Kathy Nestlehutt	8820 Watkins Rd. Palmetto, GA 30268	770-463-4635
Rachel Davis	107 Circle H. Rd. Sharpsburg, GA 30277	770-843-0233

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

If YES, Please Provide Name of Employee: _____

State of Georgia

City of Peachtree City:

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

Kathy Nestlehutt

Name

8820 Watkins Road Palmetto, GA 30268

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 narcotics or drugs within five (5) years prior to the date of the application for this license.

Megan R.M. Duker
Witness

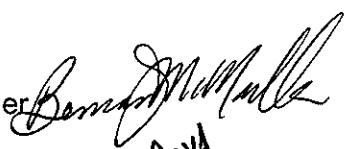
James V. Murray
Signature

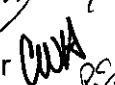
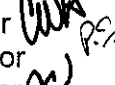
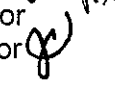
March 8, 2007
Date

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

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 
Angela R. Egan, Purchasing Agent 

DATE: March 9, 2007

SUBJECT: Agreement with the Peachtree City Tourism Association
March 15, 2007 City Council Agenda

Recommendation:

That City Council approve the attached agreement with the Peachtree City Tourism Association, Inc., that provides for the Association to reimburse the City \$17,850.93 annually for the Association's portion of debt service associated with certain improvements being made to the Tennis Center and Amphitheater under the recent agreement that the City entered into with Trane for energy cost saving upgrades at City facilities.

Discussion:

The City recently entered into an agreement with Trane, a division of American Standard to provide certain equipment and related services to enable the City to obtain cost savings on utilities, such as electric, gas, water, and sewer costs. Included in this agreement with Trane were improvements to both the Tennis Center and Amphitheater. This agreement with the Tourism Association will allow the City to recover the energy savings, expected to be recognized by the Association, to off-set the City's debt service costs associated with funds borrowed to provide these improvements.

The Tourism Association has approved and signed the agreement and City Attorney Ted Meeker has reviewed the agreement.

City Staff recommends that Council approve the attached agreement with the Peachtree City Tourism Association, Inc., for an annual payment to the City of \$17,850.93.

Budget Impact:

There is no impact on the 2007 budget, as this agreement has been taken into consideration in budgeting for the debt service payments associated with the lease/purchase agreement entered into by the City with All Points Capital for the financing of these improvements.

City of Peachtree City: Preliminary Pro Forma 10 - Year Finance Option

Input		Output	
Interest	4.050% *	# of payments	120 monthly
# of years	10	Monthly Payment	(\$1,487.58)
PV	\$ 146,584.00	Annual Payment	(\$17,850.93)
FV	0	Simple Payback	7.61 years
Pmt (in arrears)	0	Cumulative Savings	\$253,014.33
Energy Esc	5.5%		
Operational Esc	3.0%		
Energy Savings	\$ 19,257.00		
Operational Savings	\$ 0.00		

Year	Energy Savings**	Operational Savings ***	Total Annual Savings	Annual Lease Payment	Annual Net Cash Flow	Cumulative Cash Flow
1	\$ 19,257.00	\$ 0.00	\$ 19,257.00	(\$17,850.93)	\$1,406.07	\$1,406.07
2	\$ 20,316.14	\$ 0.00	\$ 20,316.14	(\$17,850.93)	\$2,465.21	\$3,871.28
3	\$ 21,433.52	\$ 0.00	\$ 21,433.52	(\$17,850.93)	\$3,582.59	\$7,453.87
4	\$ 22,612.37	\$ 0.00	\$ 22,612.37	(\$17,850.93)	\$4,761.44	\$12,215.30
5	\$ 23,856.05	\$ 0.00	\$ 23,856.05	(\$17,850.93)	\$6,005.12	\$18,220.42
6	\$ 25,168.13	\$ 0.00	\$ 25,168.13	(\$17,850.93)	\$7,317.20	\$25,537.62
7	\$ 26,552.38	\$ 0.00	\$ 26,552.38	(\$17,850.93)	\$8,701.45	\$34,239.07
8	\$ 28,012.76	\$ 0.00	\$ 28,012.76	(\$17,850.93)	\$10,161.83	\$44,400.89
9	\$ 29,553.46	\$ 0.00	\$ 29,553.46	(\$17,850.93)	\$11,702.53	\$56,103.42
10	\$ 31,178.90	\$ 0.00	\$ 31,178.90	(\$17,850.93)	\$13,327.97	\$69,431.39
11	\$ 32,893.74	\$ 0.00	\$ 32,893.74	\$0.00	\$32,893.74	\$102,325.13
12	\$ 34,702.89	\$ 0.00	\$ 34,702.89	\$0.00	\$34,702.89	\$137,028.02
13	\$ 36,611.55	\$ 0.00	\$ 36,611.55	\$0.00	\$36,611.55	\$173,639.57
14	\$ 38,625.19	\$ 0.00	\$ 38,625.19	\$0.00	\$38,625.19	\$212,264.76
15	\$ 40,749.57	\$ 0.00	\$ 40,749.57	\$0.00	\$40,749.57	\$253,014.33
Total	\$ 431,523.63	\$ 0.00	\$ 431,523.63	(\$178,509.30)	\$253,014.33	\$253,014.33

* Interest Rate based on current rates and may change slightly.

** *First year savings are expected to be 10% higher based on projected utility increases.*

*** There is a budgeted **cost avoidance of \$171,000** (not shown) for money planned to contribute to the City Hall Renovation.

Agreement

This Agreement entered into this 26th day of January, 2007 by and between The City of Peachtree City, Georgia, a body politic acting by and through the City Council of the City of Peachtree City (hereinafter the "City"), and the Peachtree City Tourism Association, a non-profit Corporation under the laws of the State of Georgia (hereinafter the "Association").

WITNESSETH:

WHEREAS, the City entered into an agreement with Trane, a division of American Standard, Inc. (hereinafter "Trane") for the provision of services and materials and equipment to the City; and

WHEREAS, pursuant to the terms of the agreement between Trane and the City, Trane is to provide certain equipment and related services so as to enable the City to obtain cost savings as it pertains to the utility, including but not limited to electric, gas, water, and sewer costs at City facilities and structures (hereinafter the "Trane Agreement"); and

WHEREAS, in connection with the agreement between Trane and the City, the City is going to enter into certain lease-purchase financing under which it will obtain the necessary funding to pay for the equipment and services provided by Trane; and

WHEREAS, the agreement between Trane and the City include certain facilities leased by the Association from the City, specifically the Peachtree City Tennis Center and Frederick W. Brown, Jr. Amphitheater (hereinafter "Association venues"); and

WHEREAS, the City seeks to have the Association pay its portion of the costs associated with the services and equipment provided by Trane at the Association venues as it will be realizing the benefits of the anticipated cost savings; and

NOW THEREFORE, the parties hereto do hereby agree as follows:

A. Scope of Work.

The City agrees to ensure that Trane fulfills all of its obligations under the terms of the agreement between the City and Trane dated November 16th, 2006. Specifically, the City agrees to make those improvements listed at the Association venues to include the following improvements and related costs:

Improvement:**Cost:**

Tennis Court Outdoor Lights	\$ 70,030.00
Tennis Center Lighting	\$ 44,861.25
Amphitheater Lights	\$ 14,766.25
Amphitheater Water Conservation	\$ 16,926.25

The specifications for the equipment, materials and services to be provided by Trane at the Association venues are as set forth in the Trane Agreement, a copy of which is on file with the City Clerk of Peachtree City, which specifications are incorporated into this Agreement by express reference as is set forth herein verbatim.

B. Financing.

The City agrees to provide the necessary financing and/or pay the necessary sums to Trane under the terms of the Trane Agreement.

C. Reimbursement of expenses and financing costs.

The Association agrees to make an annual payment to the City for the amount of debt service attributable to the services, materials and equipment utilized at the Association venues under the terms of the Trane Agreement. Such annual payment will be in the amount of \$17,850.93, and shall be paid on or before September 30 of each year for a period of ten (10) years from the date of this Agreement. The first payment will be due on September 30, 2007.

D. Savings Guarantee.

1. The City guarantees that, as a result of the Services Trane shall furnish under the terms of the Trane Agreement, the Association will realize the total annual savings as set forth on Exhibit "B" which is attached hereto and incorporated herein by express reference.
2. The period of the guarantee set forth in Paragraph (D)(1) above shall begin on the date of Final Completion of the Trane Agreement, and shall expire on the date that the Association makes the last payment to the City under the terms of this Agreement. The City shall provide written notification of such date to the Association.
3. The Association acknowledges that it has an integral role in achieving savings and agrees to perform the following responsibilities:
 - a. Properly maintain, repair, and replace all energy consuming equipment with equipment of equal or better energy and operational efficiencies and promptly notify the City and Trane in writing of the repair and /or replacement, but no later than within fourteen (14) calendar days from the commencement thereof;

- b. Make available to the City and Trane upon its request copies of maintenance records and procedures regarding maintenance of the Association Venues;
 - c. Promptly provide the City and Trane with written notice of system and building alterations at the Association Venues that impact energy consumption, including but not limited to: energy management systems, automatic door operation, structural, occupancy sensors, photocell/timer control of exterior lighting and heat recovery systems;
 - d. Log any utility meters and the operation of any energy consuming devices or equipment as directed by Trane and furnish copies of such logs to the City and Trane within thirty (30) calendar days after preparation of the logs;
 - e. Make available to the City and Trane upon its request true, accurate and complete copies of all energy related bills within ten (10) calendar days after a request by either the City or Trane;
 - f. Make available to the City or Trane upon its request true, accurate and complete copies of any utility rate schedules or tariffs promptly upon the request of the City or Trane;
 - g. Maintain in effect and fully perform its obligations under the Maintenance exhibit to this Agreement throughout the duration of the Guarantee; and
 - h. During the Term of the Agreement, permit only Trane authorized personnel to repair, adjust or program equipment, systems, and/or controls covered by this Agreement or affecting equipment, systems, and/or controls covered by this Agreement, except in the event of an emergency, in which event Association shall immediately notify the City and Trane of the existence of the emergency no later than within twenty-four (24) hours of the commencement of the emergency condition.
4. The City shall not be responsible for any of the following:
- a. Any shortfalls in Guaranteed Energy Savings or Operational Savings, failure to satisfy the Guarantee, or for loss, damage or malfunction to equipment, systems, controls or building(s) structures resulting from non-Trane personnel examining, adjusting or repairing equipment, systems, or controls;
 - b. Any damage or malfunction resulting from improper water treatment, freezing, corrosion or erosion on the water side of the equipment or caused by scale or sludge on equipment;
 - c. Problems or damages caused by utility service or damage sustained by equipment or systems;

- d. Furnishing any items of equipment, material, or labor, or performing tests recommended or required by insurance companies or federal, state, or local governments; and
- e. Failure or inadequacy of any structure or foundation supporting or surrounding equipment or work or any portion thereof.

E. Term.

This agreement shall begin on the date that it has been executed by both parties and remain in effect for a term that is concurrent with the term of that Lease Agreement between the City and the Association dated January 5, 2004.

F. Agreement supplemental to other agreements.

This Agreement shall be supplemental to any other agreements between the City and the Association. In the event that such other agreements are terminated, this Agreement shall automatically terminate; provided, however, that the termination of this Agreement shall not affect the status of such other agreements.

Signed this _____ day of _____ 2007.

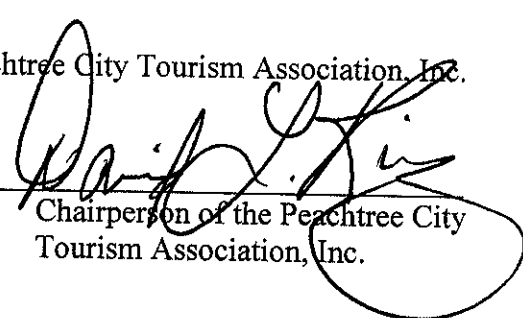
City of Peachtree City, Georgia

By _____
Mayor

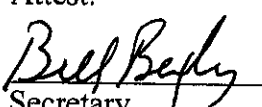
Attest:

City Clerk (SEAL)

Peachtree City Tourism Association, Inc.

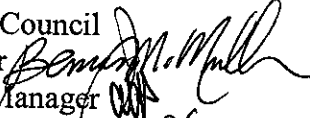
By  _____
Chairperson of the Peachtree City
Tourism Association, Inc.

Attest:

 _____
Secretary (SEAL)

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor Logsdon and Members of Council
VIA: Bernard McMullen, City Manager 
Colin Halterman, Assistant City Manager 
Paul Salvatore, Director of Financial Services 
Fire Chief Stony Lohr 

FROM: Assistant Chief Eiswerth, Operations 

DATE: March 7, 2007

SUBJECT: Firefighter Hiring
(Council Agenda, March 15, 2007)

Recommendation: Staff recommends that Council authorize the hiring of three additional firefighters (one per shift; bringing the on duty total to 15 per shift) effective 1 April 2007.

Discussion: An application was submitted on June 28, 2006 to The Department of Homeland Security (DHS) for a Staffing For Adequate Fire and Emergency Response (SAFER) grant to hire six (6) firefighters.

On November 8, 2006, we received notification from The Department of Homeland Security that our grant request could not be funded at this time.

We are currently authorized to have 14 firefighters on duty for each shift to cover four stations around the city and provide emergency fire and medical services for Peachtree City.

If the new personnel are hired they will man Station 83, which at present has only 3 firefighters for both Medic 83 and Quint 83. The addition of three firefighters will give the Department enough personnel to place two firefighters on Quint 83 and two on Medic 83.

Budget Impact: The FY2007 budget included \$120,116.00 earmarked for use as matching funds for the SAFER grant request. Line Item # 100-3510-57-9100.

Available Funds:		Needed Funds 6 months/3 FF/Paramedics
Local Share of Salaries & Benefits	\$101,930	\$89,870
Uniforms	7,965	7,965
Supplies	1,821	900
Equipment	8,400	8,400
Needed P/T Fill-in		8,000
Total	\$120,116	\$115,135

This funding earmarked for firefighter grant matching funds would be sufficient to hire three firefighters for the last six months of FY2007.

ROSENZWEIG, JONES & MACNABB, P. C.
ATTORNEYS AT LAW
32 SOUTH COURT SQUARE
POST OFFICE BOX 220
NEWNAN, GEORGIA 30264

MELISSA DARDEN GRIFFIS (GA. AT)

TELEPHONE (770) 253-0262
FAX (770) 251-7262
e-mail: mrgdfls@rjm-pc.com

March 9, 2007

VIA FACSIMILE (770) 631-2552

AND FIRST CLASS MAIL

City of Peachtree City, Georgia
Attn: Ms. Jane Miller, City Clerk
151 Willowbend Road
Peachtree City, Georgia 30269

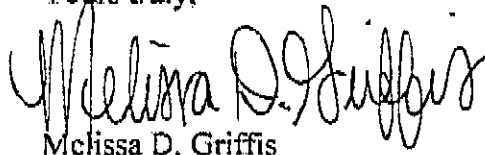
RE: Rezoning Request of Mr. Thomas C. Haynes, Jr.
Approx. 3.820± Acres located on Carriage Lane, Peachtree City, Georgia

Dear Ladies and Gentlemen:

The March 1, 2007 hearing before the City Council in the above-referenced matter was postponed in an effort to address numerous issues. We would like to request that this matter be placed on the Thursday, March 15, 2007 agenda for clarification of a few outstanding issues so that we might proceed forward with a rezoning of this property.

Should you have any questions or desire to discuss this matter, please feel free to contact me, at your convenience.

Yours truly,



Melissa D. Griffis

MDG/kr

c: Mr. Theodore P. Meeker, III, City Attorney
Mr. Bernard McMullen, City Manager