

**City Council of Peachtree City**  
**Agenda**  
**March 4, 2003**  
**7:00 p.m.**

- I. Prayer
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
  - Remind Attendees to Turn Off Cell Phones
  - National Women's History Month Proclamation
  - Recognize Starr's Mill High School Wrestling Team
  - Swearing-in of Judge Pro Hac
- IV. Minutes
  - February 19, 2004, Regular Meeting Minutes
- V. Monthly Reports
- VI. Consent Agenda
  - 1. Consider Appointment to Ethics Board
- VII. Old Agenda Items
  - 10-03-05 Consider Amendment to Alcohol Ordinance Relative to Distance Requirements from Church, School, Educational, or College Uses
- VIII. New Agenda Items
  - 03-04-01 Report from City Probation Service
  - 03-04-02 Discuss Traffic Calming Devices in Smokerise Subdivision
  - 03-04-03 Consider Addition of Fees to City Schedule (Recreation)
  - 03-04-04 Consider Appeal of Planning Commission Decision on Conceptual Site Plan, Kedron Village Retail Center, Phases 2 and 3, GA 74 and Peachtree Parkway
  - 03-04-05 ESCi Presentation
- IX. Council/Staff Topics
- X. Executive Session

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

**City of Peachtree City  
Minutes of Regular Meeting  
February 19, 2004  
7:00 p.m.**

The City Council of Peachtree City met Thursday, February 19, 2004, 7:05 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Stuart Kourajian, Steve Rapson, and Judi Rutherford. Murray Weed was out of town.

**Announcements, Awards, Special Recognition**

Mayor Brown recognized Jenifer Rowlinson for her assistance during a fire at the Village Park subdivision. Cindy Light and Marilyn DeLoose of Financial Services were recognized as the Employees of the Month for January.

**Minutes**

Rutherford moved to approve the January 15, 2004, regular meeting minutes with the amendments as presented on the dais. Rapson seconded. The motion carried unanimously.

Rutherford moved to approve the February 5, 2004, regular meeting minutes as amended. Kourajian seconded. The motion carried unanimously.

**Consent Agenda**

- 1. Consider Appointment of Judge Pro Hac**
- 2. Adopt Short Term Work Program (STWP)/Capital Improvements Element (CIE) Update**
- 3. Consider Appointment of Development Authority Members**
- 4. Consider Award of Janitorial Contract**

Rapson removed Consent Agenda #3 so he could abstain from that vote. Brown noted there was an additional document on the dais – a letter from the law firm of Stephen D. Ott regarding Consent Agenda #1.

Rutherford moved to approve Consent Agenda #1, #2, and #4. Kourajian seconded. The motion carried unanimously.

Rutherford moved to approve the Development Authority appointments as presented, but to change the terms so they would be more staggered. She noted that three people rolled off in one year and three more people rolled off the next year, which meant six of seven people could change in less than a year. Rutherford recommended leaving Fraas, Strickland, and Miller in 2008. Savage's term would end in 2006, Duffy would stay at 2005, and the two members currently on the Authority would roll off in 2007. Kourajian seconded. The motion carried 3-0-1 (Rapson).

**Old Agenda Items**

**09-03-01      Consider Drainage Issue Update – Creekside Way**

City Engineer Troy Besseche showed Council pictures of the area immediately downstream of Ebenezer Road, where the culvert drained. On the photos, Besseche noted the location of silt fencing put in by Public Works to temporarily mitigate some of the flow. Besseche noted that the leaf matter in the wooded area was mostly intact. He said the signs of stormwater runoff were visible, but that was about all. The water entered the Davis property near a landscaped garden area and eroded some of the groundcover. Besseche said the Davises dug a ditch that channelized the water and that had water in it, which Besseche said he believed was also fed by a spring or groundwater in the area.

Besseche showed photos of an area that he said would be the best location for improvements on the Davis property, but the improvements would cost well over the available \$46,000. Another option was to construct some interim improvements. The consultant suggested piping the section within the right-of-way to the next catch basin and putting in a baffle plate. This option would accommodate about four cubic feet per second, which was a very small amount. Besseche said they asked some contractors and engineers to take a look at the project. The determination was there was no way to construct the option for under \$50,000. The possibility of rock in the location also made it difficult to determine a construction price.

Besseche said they recommended building a rock filter dam to help mitigate the velocity of the water just downstream of the culvert. Besseche said that was really the only thing the City could do for the money. Besseche said a rock filter dam would do nothing more than what the silt fence was currently doing, but would look better.

City Attorney Ted Meeker said he did not want to make the situation worse, which would create a liability. Meeker reiterated that, in his opinion, the City had no liability now. He said Council needed to be mindful of the results of the dam.

Rutherford asked if the silt fence was in the right-of-way or on the Davis property. Besseche said the silt fence was in the right-of-way and the dam would also be in the right-of-way. The silt fence would be taken down when the dam was built.

Rapson said the City would assume no additional liability by putting in a permanent fix rather than a patch. Meeker said that was a fair statement, but the velocity of the water needed to be documented before and after the dam was installed.

Rapson asked Besseche to confirm that they were only talking about affecting 25% of the water that flowed onto the Davis property. Besseche confirmed the statement.

Kourajian asked where the water would go. Besseche said the dam would be about 18 inches high and that was the most accumulation there could be behind the dam. The water would filter through the gaps in the stone and the water would slow down before

going onto the Davis property. Rutherford said they would still get the same amount of water, but there would not be as much damage because there would be less force.

Rutherford asked Meeker if he was comfortable with the liability. Meeker said he was comfortable based on what Besseche said. Meeker added that he would be interested in seeing the results. Rutherford noted that if the velocity was less after the dam was finished, then no harm would have been done. Meeker said that was the theory.

Rutherford moved to approve the rock filter dam, to do a flow study before and after the dam was built, and that the cost not exceed \$2,000. Rapson seconded and asked the Davises what they thought about the plan.

Bobby Davis said he had not known about the rock filter dam. He said it could help the situation, but not as much as piping the water down the road would. Davis continued that, even with the piping and baffle, there might still be a problem. This option might help, but not as much as piping the water down the road. He noted there had not been a heavy rain during the last month, and heavy rain caused the most problems. Davis said their concern was that the problem was still there and the solution was to pipe the water down the road. He said that was what they would like to have done.

Rapson said he wanted to keep Council's commitment to the Davises and that the City would continue to pursue a solution with the stormwater utility. Davis said the dam would mitigate the matter some, but they would rather have the water running away from their property.

Rutherford rescinded the motion. Rapson seconded.

Besseche said a flow study was very complicated and it would be difficult to ascertain the exact amount of water that flowed through the dam. The dam would achieve velocity dissipation and was a best management practice recognized by the state's erosion control manual and by the Georgia Stormwater Management Manual. Rapson said Council would like to be able have documentation to support statements and protect the City's liability. Brown asked if this was a problem that would be handled by the stormwater utility. Besseche said the utility had to focus on issues in the right-of-ways and greenbelts and noted erosion problems near Rockspray Pond. He said the situation would qualify as a problem the utility would handle, but it would take time to do so.

Kourajian asked how Council would know if the dam was helping since there was no real way to measure anything. Besseche said the velocity of flow coming through the pipe would be dissipated once it entered the pool of water behind the filter dam. The water would then either spill over the top of the dam at a much lower rate or filter through the dam. Besseche continued that he could not provide numbers, but could provide research. Kourajian said he was curious to know how the dam would handle the water during a heavy rain. He said he understood the principle behind it and it should work.

Rutherford moved to construct the rock filter dam, not to exceed \$2,000 in costs, and to do a flow study to document the change in the velocity, or to document before and after with photos. Rapson seconded. The motion carried unanimously.

**New Agenda Items**

**02-04-01      Alcohol License – NEW – Sofella's Grill**

Abdelali Zemrani addressed Council. Rutherford moved to accept the recommendation to approve an alcohol license for Sofella's Grill and that Abdelali Zemrani be appointed as the licensee and license representative. Rapson seconded. The motion carried unanimously.

**02-04-05      Consider Ordinance Amendment to Section 54-7 to Permit Alcohol at the Tennis Center Restaurant**

City Manager Bernard McMullen noted that the ordinance permitted alcohol to be served at the Amphitheater and Tennis Center for certain events, but did not specifically allow alcohol to be served at the Tennis Center restaurant. The amendment would allow the restaurant to sell alcohol.

Rutherford moved to approve the proposed amendment to Section 54-7 of the Peachtree City Code of Ordinances to allow alcohol at the Tennis Center restaurant. Kourajian seconded.

Brown asked about the wording of the amendment, which read "city-owned restaurant." He suggested the ordinance read "restaurant at the city-owned Tennis Center." Brown noted that the City did not own the restaurant per se. Rapson said that, technically, the City did own the restaurant. Brown said the City owned the building, but not the restaurant. He noted that the applicant for an alcohol license was usually the person running the business, not the building owner.

Meeker said it was splitting hairs and he felt the wording was fine. Brown clarified that whatever restaurant was in the building that alcohol would be permissible.

The motion carried unanimously.

**02-04-06      Consider Change in Travel Expense CAR 8-2**

Public Information Officer/Deputy City Clerk Betsy Tyler addressed Council and explained that the policy had been written in 1985, at which time the City had adopted the Internal Revenue Service (IRS) reimbursement rate of 25 cents per mile. The change in the policy would allow the City to change its rate as the IRS reimbursement rate changed. She pointed out a minor change in the memo that the reimbursement rate was currently 37.5 cents per mile, not 37 cents per mile. Tyler said the other changes were housekeeping issues that clarified reimbursements.

Rutherford moved to approve the recommended changes to Travel Expense CAR 8-2. Rapson seconded. The motion carried unanimously.

**02-04-07      Kathie Cheney – Request to Address Council Regarding Smoking in Public Buildings**

Brown noted the Cheney had asked to table this item until the March 4 meeting.

**02-04-08      Comments from Volunteer Firefighters**

Robin Lasky, president of the Peachtree City Volunteer Firefighters Association, Gary Half, treasurer of the Peachtree City Volunteer Firefighters Association, and Dr. Martha Shuh, the Fire Department's medical director, addressed Council. Lasky noted that the City contracted with ESCi, a consulting firm, to evaluate the Fire Department and make recommendations in response to a request for additional on-duty personnel. Lasky continued that Emergency Services Consulting, Inc. (ESCi) was to spend time with the Department and prepare a draft report, then come back, review the draft, and make appropriate revisions before preparing the final report to Council. Lasky said that did not happen. She cited several problems with the report including incorrect data, inaccurate conclusions, and references to another fire department. Lasky said attempts to make corrections were futile and the document remained, for the most part, unchanged. In response to the report, the firefighters had drafted a letter about their concerns that Lasky distributed to Council (a copy is included in the official meeting file). Lasky asked Council to consider the letter as they contemplated the recommendations of the report. Half read the body of the letter to Council.

Shuh told Council she was attending the meeting to support the Fire Department and to defend the City's citizens. She said the consultants interviewed her about a year ago and again about 45 days ago. Shuh said it was important to understand automatic aid and who prioritized calls to understand the ramifications of the recommendations and decisions made based on the recommendations.

Shuh noted the report recommended cutting the number of ambulances. She said the paramedics and emergency medical technicians (EMTs) exceeded standards and saved lives every day. She noted that sending fire engines on medical calls cost more money and that the vehicles were not as safe on the streets.

Shuh asked Council to listen to the experts in the City before making any decisions and to respect them as professionals.

Brown pointed out that the Council had not seen the report yet. He asked Shuh to go through the draft and cite specific areas, which would allow for comparisons. Brown said he was concerned there was a lack of quality control in the communications center.

Rapson said Council did not make decisions that affected public safety in a vacuum. He assured the firefighters and Shuh that he did not automatically embrace what a person with the title consultant said. Prioritizing calls and staff levels were decisions Council would make and those decisions had staffing ramifications. He said the more information Council had, the better decision it would make. Rapson said the consultants came because they had some expertise and he expected to find the answers somewhere in the

middle ground. Rapson said there would probably be several workshops before any decisions were made.

McMullen said the reports were in the Council Members' boxes and that ESCi was scheduled to make a presentation to Council at the March 4 meeting. McMullen said he could have the staff memo ready by Friday, February 20, rather than Friday, February 27, to give Council more time to look over the material. Rapson he would rather hold a workshop before the consultants came to give their presentation. Rapson said he would rather both parties came together to look at the areas of disagreement. McMullen said the consultants had already made their airline reservations. McMullen said nothing would be settled at the March 4 meeting. He continued that this was a complicated issue and there was input from both sides.

Rutherford and Kourajian both said to let the consultants make their presentation on March 4. Rutherford said delaying the presentation just pushed the matter further down the road. Brown asked the firefighters to get their information to Council as soon as possible.

**Council/Staff Topics**

There were no Council/Staff topics. Meeker said there was pending and threatened litigation to discuss in executive session.

Rutherford moved to reconvene in executive session for pending and threatened litigation after a short break. Rapson seconded. The motion carried unanimously.

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

Rutherford moved to reconvene in executive session for a personnel matter. Rapson seconded. The motion carried unanimously.

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

There being no further business to discuss, Rutherford moved to adjourn the meeting. Kourajian seconded. The motion carried unanimously. The meeting adjourned at 8:45 p.m.

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Betsy Tyler, Deputy City Clerk

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Stephen D. Brown, Mayor

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Pamela Dufresne, Recording Secretary

## 2004 City Event Calendar

| <u>January</u>                                                                                                                                                                                                                                  | <u>February</u>                                                                                                                                                                                                                                                                                            | <u>March</u>                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                            | 3/4 - City Council Meeting, 7 pm<br>3/18 - City Council Meeting, 7 pm<br><b>3/30 - Youth / Police Trivia Contest, 7 pm at City Hall</b>                                         |
| <u>April</u>                                                                                                                                                                                                                                    | <u>May</u>                                                                                                                                                                                                                                                                                                 | <u>June</u>                                                                                                                                                                     |
| 4/1 – City Council Meeting, 7 pm<br>4/15 – City Council Meeting, 7 pm<br><b>4/16 &amp; 17 – City Council Retreat<br/>8 am – 5 pm at the Wyndham</b><br>4/17 – Touch-A-Truck, 10 am – 1 pm                                                       | <b>5/1 – Community Action Day</b><br>5/6 – City Council Meeting, 7 pm<br>5/7 – Employee Picnic, 11:30 – 1:30<br>Shakerag Knoll Picnic Shelter,<br>McIntosh Trail<br>5/20 – City Council Meeting, 7 pm<br>5/31 – Memorial Day, City Offices<br>Closed;<br>Golf Cart Rally – 7:30 am<br>Celebration at Plaza | 6/3 – City Council Meeting, 7 pm<br>6/17 – City Council Meeting, 7 pm                                                                                                           |
| <u>July</u>                                                                                                                                                                                                                                     | <u>August</u>                                                                                                                                                                                                                                                                                              | <u>September</u>                                                                                                                                                                |
| 7/1 – City Council Meeting, 7 pm<br>7/3 – Independence Day Celebration<br>Parade – 9 am<br>Concert at City Hall – 7 pm<br>Fireworks – 9:30 pm<br>7/5 - City Offices Closed for<br>Independence Day holiday<br>7/15 – City Council Meeting, 7 pm | 8/5 – City Council Meeting, 7 pm<br>8/7 – The Last Fling, 11 am<br>8/19 – City Council Meeting, 7 pm                                                                                                                                                                                                       | 9/2 – City Council Meeting, 7 pm<br>9/6 – Labor Day, City Offices Closed<br>9/16 – City Council Meeting, 7 pm<br>9/18 & 19 – Shakerag Arts & Crafts<br>Festival                 |
| <u>October</u>                                                                                                                                                                                                                                  | <u>November</u>                                                                                                                                                                                                                                                                                            | <u>December</u>                                                                                                                                                                 |
| 10/7 – City Council Meeting, 7 pm<br>10/14 – City Council Meeting, 7 pm<br>10/16 – Peachtree City Classic Road<br>Race, 8:45 am                                                                                                                 | 11/4 – City Council Meeting, 7 pm<br>11/18 – City Council Meeting, 7 pm<br>11/25 & 26 – Thanksgiving Holiday, City<br>Offices Closed                                                                                                                                                                       | 12/2 – City Council Meeting, 7 pm<br>12/16 – City Council Meeting, 7 pm<br>12/23 & 24 – Christmas Holiday, City<br>Offices close at Noon on 12/23 and<br>remain closed on 12/24 |

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

Updated 2/18/04

# BUILDING DEPARTMENT

## MONTHLY REPORT

|                             | OCT<br>2003 | NOV<br>2003 | DEC<br>2003 | JAN<br>2004 | FEB<br>2004 | MAR<br>2004 | APR<br>2004 | MAY<br>2004 | JUN<br>2004 | JUL<br>2004 | AUG<br>2004 | SEPT<br>2004 | TOTAL<br>FYTD | PREVIOUS<br>FYTD |
|-----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|---------------|------------------|
| <b>DEVELOPMENT PERMITS:</b> | 31          | 31          | 29          | 17          |             |             |             |             |             |             |             |              | 108           | 70               |

|                              |    |    |    |    |  |  |  |  |  |  |  |  |     |     |
|------------------------------|----|----|----|----|--|--|--|--|--|--|--|--|-----|-----|
| <b>BUILDING PERMITS:</b>     |    |    |    |    |  |  |  |  |  |  |  |  |     |     |
| Single Family Residential    | 30 | 24 | 37 | 20 |  |  |  |  |  |  |  |  | 111 | 77  |
| Multi-Family Residential     | 0  | 0  | 0  | 0  |  |  |  |  |  |  |  |  | 0   | 5   |
| Misc.-Pools/fences/additions | 73 | 46 | 36 | 42 |  |  |  |  |  |  |  |  | 197 | 190 |
| Commercial/Industrial        | 16 | 7  | 7  | 7  |  |  |  |  |  |  |  |  | 37  | 37  |

**TOTAL INSPECTIONS:** 807 644 772 889

3,112 2,479

### CERTIFICATE OF OCCUPANCY:

|                          |    |    |    |    |  |  |  |  |  |  |  |  |    |    |
|--------------------------|----|----|----|----|--|--|--|--|--|--|--|--|----|----|
| Residential              | 22 | 11 | 24 | 21 |  |  |  |  |  |  |  |  | 78 | 60 |
| Commercial               | 7  | 1  | 4  | 4  |  |  |  |  |  |  |  |  | 16 | 25 |
| Multi-Family Residential | 0  | 1  | 2  | 3  |  |  |  |  |  |  |  |  | 6  | 0  |

### CODE ENFORCEMENT:

|                          |     |     |     |     |  |  |  |  |  |  |  |  |       |     |
|--------------------------|-----|-----|-----|-----|--|--|--|--|--|--|--|--|-------|-----|
| Sign Violations          | 270 | 194 | 75  | 75  |  |  |  |  |  |  |  |  | 614   | 395 |
| Rehab                    | 24  | 5   | 4   | 8   |  |  |  |  |  |  |  |  | 41    | 57  |
| Notice of Violations     | 601 | 210 | 268 | 334 |  |  |  |  |  |  |  |  | 1,413 | 913 |
| Citations                | 6   | 4   | 3   | 1   |  |  |  |  |  |  |  |  | 14    | 9   |
| Stop Work Orders         | 26  | 6   | 13  | 11  |  |  |  |  |  |  |  |  | 56    | 35  |
| Complaints From Citizens | 34  | 9   | 16  | 19  |  |  |  |  |  |  |  |  | 78    | 57  |

**PERMIT FEES COLLECTED:** 66,548 42,691 50,370 49,910

209,519 168,906

**POPULATION:** 34,882 34,907 34,961 35,001

35,001 34,515

Based on 2.05 of completed occupancy

# BUILDING DEPARTMENT

## MONTHLY REPORT

|                      | OCT<br>2002 | NOV<br>2002 | DEC<br>2002 | JAN<br>2003 | FEB<br>2003 | MAR<br>2003 | APR<br>2003 | MAY<br>2003 | JUN<br>2003 | JUL<br>2003 | AUG<br>2003 | SEPT<br>2003 | TOTAL |
|----------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|-------|
| DEVELOPMENT PERMITS: | 21          | 25          | 12          | 12          | 23          | 20          | 14          | 28          | 26          | 15          | 43          | 27           | 266   |

|                              |     |     |     |     |     |     |     |     |     |     |     |     |       |
|------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| BUILDING PERMITS:            |     |     |     |     |     |     |     |     |     |     |     |     |       |
| Single Family Residential    | 21  | 22  | 19  | 15  | 23  | 13  | 18  | 23  | 20  | 19  | 36  | 29  | 258   |
| Multi-Family Residential     | 0   | 5   | 0   | 0   | 5   | 0   | 0   | 5   | 0   | 5   | 0   | 5   | 25    |
| Misc.-Pools/fences/additions | 66  | 51  | 35  | 38  | 55  | 64  | 57  | 64  | 60  | 61  | 62  | 59  | 672   |
| Commercial/Industrial        | 20  | 8   | 7   | 2   | 11  | 0   | 8   | 8   | 10  | 10  | 14  | 10  | 108   |
| TOTAL INSPECTIONS:           | 727 | 521 | 602 | 629 | 513 | 659 | 599 | 612 | 538 | 787 | 708 | 726 | 7,621 |

|                           |    |    |    |    |    |    |    |    |    |    |    |    |     |
|---------------------------|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| CERTIFICATE OF OCCUPANCY: |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Residential               | 12 | 12 | 20 | 16 | 14 | 32 | 16 | 14 | 19 | 24 | 14 | 15 | 208 |
| Commercial                | 7  | 10 | 2  | 6  | 3  | 2  | 5  | 3  | 1  | 3  | 5  | 3  | 50  |
| Multi-Family Residential  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 4  | 1  | 0  | 0  | 1  | 6   |

|                          |     |     |     |     |     |     |     |     |     |     |     |     |       |
|--------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| CODE ENFORCEMENT:        |     |     |     |     |     |     |     |     |     |     |     |     |       |
| Sign Violations          | 106 | 119 | 83  | 87  | 91  | 163 | 83  | 105 | 147 | 139 | 62  | 160 | 1,345 |
| Rehab                    | 10  | 20  | 20  | 7   | 18  | 12  | 25  | 5   | 22  | 19  | 26  | 20  | 204   |
| Notice of Violations     | 297 | 211 | 169 | 236 | 275 | 341 | 783 | 412 | 311 | 410 | 351 | 304 | 4,100 |
| Citations                | 5   | 2   | 2   | 0   | 1   | 4   | 2   | 4   | 5   | 0   | 2   | 6   | 33    |
| Stop Work Orders         | 17  | 2   | 5   | 11  | 8   | 12  | 2   | 1   | 9   | 10  | 3   | 13  | 93    |
| Complaints From Citizens | 16  | 11  | 12  | 18  | 10  | 22  | 25  | 16  | 20  | 14  | 25  | 39  | 228   |
| Assessments              | 2   | 2   | 0   | 1   | 6   | 8   | 10  | 2   | 14  | 8   | 40  | 23  | 116   |

|                        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| PERMIT FEES COLLECTED: | 57,339 | 42,007 | 41,556 | 28,004 | 48,240 | 25,706 | 37,930 | 57,370 | 38,357 | 61,091 | 55,875 | 52,461 | 545,936 |
| POPULATION:            | 34,414 | 34,440 | 34,482 | 34,515 | 34,544 | 34,511 | 34,644 | 34,682 | 34,724 | 34,774 | 34,803 | 34,836 | 34,836  |

Based on 2.09 of completed occupan-

# ADMINISTRATIVE SERVICES MONTHLY REPORT

For Month of: January, 2004

|                                       | <u>January 2004</u> | <u>FY 2004 Year to Date</u> | <u>FY 2003 Year to Date</u> |
|---------------------------------------|---------------------|-----------------------------|-----------------------------|
| <b><u>Human Resources</u></b>         |                     |                             |                             |
| Workers Compensation<br>Claims Filed  | 1                   | 11                          | 13                          |
| City Vehicle / Equipment<br>Accidents | 2                   | 3                           | 9                           |
| Lawsuit Legal Fees                    | \$2,070.02          | \$12,619.91                 | \$33,912.00                 |

## **Municipal Court**

|                   |              |              |              |
|-------------------|--------------|--------------|--------------|
| Fines Collected   | \$103,097.00 | \$334,779.15 | \$301,247.00 |
| Citations Closed  | 750          | 2374         | 2592         |
| Jail Fund Balance | \$2,102.86   | \$7,612.76   | \$8,303.12   |

*A positive Jail Fund Balance reflects a credit with the County based on jail fees paid versus number of prisoners housed)*

## **Public Information**

|                                            |    |     |               |
|--------------------------------------------|----|-----|---------------|
| New Businesses Registered                  | 35 | 99  | not available |
| Public Contacts, Questions<br>& Complaints | 51 | 202 | not available |

*This includes 2 complaints against Comcast Cable Company and 6 Open Records Requests.*

## Financial Services Monthly Report (Unaudited)

| STATUS OF FUNDS AS OF JANUARY 31, 2004       |               |               |                                  |            | Purchasing Monthly Report                     |                                          |              |               |        |
|----------------------------------------------|---------------|---------------|----------------------------------|------------|-----------------------------------------------|------------------------------------------|--------------|---------------|--------|
| Fund                                         | Cash          |               | Total Investment and Investments | Total Cash | YTD Interest                                  | For Fiscal Year                          |              |               |        |
|                                              | Balance       |               |                                  |            |                                               | 2004                                     | 2003         |               |        |
| General Fund                                 | \$ 281,809    | \$10,677,273  | \$ 10,959,081                    | \$ 27,551  |                                               | Purchase Orders / Requisitions Processed |              |               |        |
| Library Sales Tax Fund                       | 11,735        | -             | 11,735                           | -          |                                               | City Store Requisitions Processed        |              |               |        |
| Dare Fund                                    | 2,046         | -             | 30                               | -          |                                               | Sealed Bids Requested                    |              |               |        |
| Hazmat Fund                                  | 3,339         | -             | 3,339                            | -          |                                               | Requests for Proposals                   |              |               |        |
| Youth Council Fund                           | 2,296         | -             | 2,296                            | -          |                                               | Bids Awarded                             |              |               |        |
| Hotel/Motel Tax Fund                         | 244,809       | -             | 244,809                          | -          |                                               | Requests for Proposals Awarded           |              |               |        |
| Public Improvement Fund                      | 1,317         | 1,222,294     | 1,223,611                        | 3,903      |                                               | Contracts Prepared                       |              |               |        |
| Debt Service Fund                            | -             | 12,886        | 12,886                           | -          |                                               | Fixed Assets Purchased                   |              |               |        |
| Municipal Court Fund                         | 48,844        | -             | 48,844                           | -          |                                               |                                          |              |               |        |
| Merchant Services (Court)                    | 27,471        | -             | 27,471                           | -          |                                               |                                          |              |               |        |
| Develop & Impact Fees                        | 486,324       | 25,972        | 512,296                          | 355        |                                               |                                          |              |               |        |
| Neighborhood Parks/Rec.                      | 28,687        | 25,972        | 54,659                           | 6          |                                               |                                          |              |               |        |
| Governor's Greenspace                        | 5,956         | -             | 5,956                            | 4          |                                               |                                          |              |               |        |
| Federal Seizures Police                      | 10,062        | -             | 10,062                           | 6          |                                               |                                          |              |               |        |
| Police Tuition Account                       | 4,750         | -             | 4,750                            | 2          |                                               |                                          |              |               |        |
| Escrow Account                               | 111,554       | -             | 111,554                          | 52         |                                               |                                          |              |               |        |
| Grand Total                                  | \$ 1,270,999  | \$ 11,964,396 | \$ 13,233,380                    | \$ 31,879  |                                               |                                          |              |               |        |
| General Governmental Funds Budget Comparison |               |               |                                  |            | Collateral Analysis as of January 31, 2004    |                                          |              |               |        |
| Revenues - By Major Category                 |               |               |                                  |            | Bank                                          |                                          |              |               |        |
|                                              |               |               |                                  |            | Security Location                             |                                          |              |               |        |
|                                              |               |               |                                  |            | Bank of New York                              |                                          |              |               |        |
|                                              |               |               |                                  |            | Bank of New York                              |                                          |              |               |        |
|                                              |               |               |                                  |            | Federal Res Bk of Boston                      |                                          |              |               |        |
|                                              |               |               |                                  |            | Wachovia                                      |                                          |              |               |        |
|                                              |               |               |                                  |            | Peachtree National                            |                                          |              |               |        |
|                                              |               |               |                                  |            | South Trust                                   |                                          |              |               |        |
|                                              |               |               |                                  |            | \$ 1,187,707                                  |                                          |              |               |        |
|                                              |               |               |                                  |            | 5,355,211                                     |                                          |              |               |        |
|                                              |               |               |                                  |            | 7,178,798                                     |                                          |              |               |        |
|                                              |               |               |                                  |            | \$ 13,721,716                                 |                                          |              |               |        |
| General Governmental Funds Budget Comparison |               |               |                                  |            | General Governmental Funds Budget Comparison  |                                          |              |               |        |
| Expenditures by Division YTD                 |               |               |                                  |            | Expenditures by Division YTD                  |                                          |              |               |        |
| 33.33%                                       |               |               |                                  |            | 33.33%                                        |                                          |              |               |        |
| 2004 Budget                                  |               |               |                                  |            | 2004 Budget                                   |                                          |              |               |        |
| Actual YTD                                   |               |               |                                  |            | Actual YTD                                    |                                          |              |               |        |
| Difference                                   |               |               |                                  |            | Difference                                    |                                          |              |               |        |
| %                                            |               |               |                                  |            | %                                             |                                          |              |               |        |
| Description                                  | 2004 Budget   | Actual YTD    | Difference                       | %          | Description                                   | 2004 Budget                              | Actual YTD   | Difference    | %      |
| General Property Taxes                       | \$ 8,095,421  | \$ 7,174,341  | \$ (921,080)                     | 88.62%     | Administrative                                | \$ 1,449,082                             | \$ 457,534   | \$ 991,548    | 31.57% |
| Franchise Taxes                              | 1,946,534     | 204,633       | (1,741,901)                      | 10.51%     | Developmental                                 | 1,263,499                                | 383,657      | 879,842       | 30.36% |
| Local Option Sales Tax                       | 5,959,129     | 2,049,918     | (3,909,211)                      | 34.40%     | Finance                                       | 702,879                                  | 208,638      | 494,241       | 29.68% |
| Other Sales & Use Taxes                      | 579,872       | 219,243       | (360,629)                        | 37.81%     | Leisure Services                              | 4,220,639                                | 1,202,500    | 3,018,139     | 28.49% |
| Business Taxes                               | 1,648,885     | 1,587,663     | (61,222)                         | 96.29%     | Public Safety                                 | 8,083,156                                | 2,436,246    | 5,646,910     | 30.14% |
| Licenses & Permits                           | 730,550       | 408,903       | (321,627)                        | 55.97%     | Public Works                                  | 4,266,251                                | 1,076,522    | 3,189,729     | 25.23% |
| Grants                                       | 253,398       | 34,644        | (218,754)                        | 13.67%     | Council Contingency                           | 36,763                                   | -            | 36,763        | 0.00%  |
| Charges for Services                         | 889,995       | 277,042       | (612,953)                        | 31.13%     | Non-Profit Organizations                      | 25,000                                   | 2,250        | 22,750        | 9.00%  |
| Fines & Forfeitures                          | 746,025       | 261,285       | (484,740)                        | 35.02%     | Grant Incentive Program                       | 50,000                                   | -            | 50,000        | 0.00%  |
| Investment Income                            | 117,745       | 27,551        | (90,194)                         | 23.40%     | Transfer to Amphitheater Fund                 | 16,515                                   | -            | 16,515        | 0.00%  |
| Supplies Carryover                           | 708,700       | -             | (708,700)                        | 0.00%      | Transfer to Tennis Ctr Fund                   | 41,222                                   | -            | 41,222        | 0.00%  |
| Other Revenue                                | 2,801         | 48,517        | 45,716                           | 1732.13%   | Transfer to PIP                               | 90,094                                   | -            | 90,094        | 0.00%  |
| Other Financing Sources                      | 65,461        | -             | (65,461)                         | 0.00%      | Transfer to Debt Svc                          | 1,750,768                                | 767,638      | 983,130       | 43.85% |
| Total General Fund                           | \$ 21,744,496 | \$ 12,293,740 | \$ (9,450,756)                   | 56.54%     | Liability Insurance                           | 68,678                                   | 42,151       | 26,528        | 61.37% |
| Hotel/Motel Tax                              | 849,514       | 311,525       | (537,989)                        | 36.67%     | Legal Services                                | 50,000                                   | 21,516       | 28,484        | 43.03% |
| Total General & Hotel Funds                  | \$ 22,594,010 | \$ 12,605,265 | \$ (9,988,745)                   | 55.79%     | Gen'l Admin                                   | 154,950                                  | -            | 154,950       | 0.00%  |
|                                              |               |               |                                  |            | Reserve-Insurance                             | 50,000                                   | -            | 50,000        | 0.00%  |
|                                              |               |               |                                  |            | Other                                         | (575,000)                                | -            | (575,000)     | 0.00%  |
|                                              |               |               |                                  |            | Total General Fund                            | \$ 21,744,496                            | \$ 6,598,652 | \$ 15,145,845 | 30.35% |
|                                              |               |               |                                  |            | Tfr to PCDA/PCAA                              | 378,081                                  | 66,715       | 311,366       | 17.65% |
|                                              |               |               |                                  |            | Transfer to General Fund                      | 65,461                                   | -            | 65,461        | 0.00%  |
|                                              |               |               |                                  |            | Transfer to Debt Svc                          | 405,972                                  | -            | 405,972       | 0.00%  |
|                                              |               |               |                                  |            | Total General & Hotel/Motel Funds             | \$ 22,594,010                            | \$ 6,665,367 | \$ 15,928,644 | 29.50% |
|                                              |               |               |                                  |            | Summary of Major Expenditures by City Manager |                                          |              |               |        |
|                                              |               |               |                                  |            | Description                                   | Budget                                   | Award        | Svgs/Short    | Date   |

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

| Fire/Accident Calls              | Oct. 03 | Nov. 03 | Dec. 03 | Jan. 04 | Feb. 04 | Mar. 04 | Apr. 04 | May. 04 | Jun. 04 | Jul. 04 | Aug. 04 | Sept. 04 | 2004 Y-T-D | 2003 Y-T-D |
|----------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|------------|------------|
| <b>Residential</b>               | 3       | 1       | 4       | 1       |         |         |         |         |         |         |         | 9        | 10         |            |
| <b>Business/Industrial</b>       | 3       | 2       | 2       | 0       |         |         |         |         |         |         |         | 7        | 2          |            |
| <b>Other</b>                     | 175     | 169     | 219     | 196     |         |         |         |         |         |         |         | 759      | 715        |            |
| <b>Total Engine Response</b>     | 181     | 172     | 225     | 197     |         |         |         |         |         |         |         | 775      | 727        |            |
| <b>Dispatched Fire Calls</b>     | 52      | 40      | 62      | 43      |         |         |         |         |         |         |         | 197      | 184        |            |
| <b>Response Time Fire</b>        | 4:38    | 3:26    | 3:53    | 5:50    |         |         |         |         |         |         |         | 4:16     | 4:56       |            |
| <b>Rescue/EMS</b>                |         |         |         |         |         |         |         |         |         |         |         |          |            |            |
| <b>Trauma</b>                    | 45      | 22      | 41      | 52      |         |         |         |         |         |         |         | 160      | 239        |            |
| <b>Medical</b>                   | 38      | 36      | 65      | 106     |         |         |         |         |         |         |         | 245      | 303        |            |
| <b>Total # Patients</b>          | 83      | 58      | 106     | 158     |         |         |         |         |         |         |         | 405      | 542        |            |
| <b>Patients Transported</b>      | 37      | 23      | 50      | 91      |         |         |         |         |         |         |         | 201      | 252        |            |
| <b>Dispatched EMS Calls</b>      | 135     | 134     | 167     | 155     |         |         |         |         |         |         |         | 591      | 544        |            |
| <b>Total Medic Response</b>      | 83      | 58      | 106     | 176     |         |         |         |         |         |         |         | 423      | 542        |            |
| <b>Dispatched Fire/EMS Total</b> | 187     | 174     | 229     | 198     |         |         |         |         |         |         |         | 788      | 728        |            |
| <b>Response Time EMS</b>         | 4:20    | 4:17    | 4:31    | 4:22    |         |         |         |         |         |         |         | 4:22     | 4:23       |            |
| <b>EMS BILLING</b>               |         |         |         |         |         |         |         |         |         |         |         |          |            |            |
| <b>Patients Billed</b>           | 63      | 80      | 89      | 99      |         |         |         |         |         |         |         | 331      | 277        |            |
| <b>Revenue Generated</b>         | 24,060  | 30,380  | 34,541  | 36,903  |         |         |         |         |         |         |         | 125,884  | 96,990     |            |
| <b>*Total Revenue Received</b>   | 24,643  | 20,297  | 21,276  | 20,603  |         |         |         |         |         |         |         | 86,819   | 72,648     |            |

\*Revenue Received on All Outstanding Accounts

 **LEISURE SERVICES**  
**Monthly Report**

**For the Month of January 2004**

**Library:** The number of books circulated (63,494 compared to 55,617 last year this time) is remaining above average, due in part to a more streamlined system of getting materials processed through the Flint River system. In addition, added children's programs draw more families in to check out books; 1,778 have participated in baby/story time this year so far, compared with 1,130 last year. In addition, 311 new library cards were issued in January, for a total number of 21,593 cardholders. Internet usage remains very high, 8,557 compared with 6,699 last year, and again is a service that is limited by space, particularly during high traffic times. This will be addressed in the renovation plan.

**Recreation**

*Leisure Programs:*

**Adult Athletics:** There were 7 adult athletic programs active through December, with 1,437 participants. For the first time, we fielded an adult winter flag football league. There have been requests for this in the past, and athletic coordinator Jim O'Connell fielded several teams. The weather has prevented playing about one-third of the games, but teams are enjoying it and the season should wrap up this month. We will evaluate success to determine if we will try it again next year.

**Classes & Programs:** For the year we show programs and participants slightly up but revenues down due to the loss early last year of an instructor with a large following (dance) due to personal reasons. This was a significant revenue program, and revenues been slow while we replace it with similar programs, and as existing programs grow to fill the void. However, we are beginning to see the trends turn back in the positive direction, thanks to offerings of new classes and activities. To date we are only about \$3,000 behind last year in revenue from this source. We have more participants in program so far this year than last, at 13,450 versus 11,208. With new summer programming and expanded sign up opportunities such as a "Super Saturday" sign up and evening signups in March, we anticipate coming back in line with revenues this summer.

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

**Sports and Facilities:** Time is being spent now in obtaining materials and preparing equipment necessary to get sports fields in shape for the spring season. Building maintenance (1,448 hours, up from 510 last year at this time) increases as we complete a list of winter maintenance projects. Increased safety inspections by the parks monitor continues, with special attention to playgrounds and other structures used by children. New, safer playground equipment has now been installed at every major park and all older pocket parks in the city.

 **LEISURE SERVICES**  
**Monthly Report**

**For the Month of December 2003**

Library: Items to note: The number of books circulated (45,648 compared to 43,329 last year this time) is remaining above average, due in part to a more streamlined system of getting materials processed through the Flint River system. We are also doing a better job of ordering books of interest to patrons, especially in the children's area. Internet usage remains very high, 6,480 compared with 4,622 last year, and again is a service that is limited by space, particularly during high traffic times. This will be addressed in the renovation plan.

**Recreation**

Leisure Programs:

**Adult Athletics:** There were six adult athletic programs active in through December, with 1,287 participants, slightly up from last year. For the first time, we fielded an adult winter flag football league. There have been requests for this in the past, and athletic coordinator Jim O'Connell fielded several teams. The weather has not been cooperating, but the season is going well thus far. We will evaluate success to determine if we will try it again next year.

**Classes & Programs:** For the year we show programs and participants slightly up but revenues down due to the loss last year of an instructor with a large following (dance) due to personal reasons. This was a significant revenue program, and revenues will slow until we replace it with similar programs, and as existing programs grow to fill the void. However, we are beginning to see the trends turn back in the positive direction, thanks to offerings of new classes and activities. To date we are only about \$3,000 behind last year in revenue from this source. With new summer programming and expanded sign up opportunities such as a "Super Saturday" sign up and evening signups in March, we anticipate coming back on line this summer.

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

**Sports and Facilities:** Mowing of sports fields continues (874 hours) as most youth sports wind down for the winter; however, field preparation (1,093 hours, up from 830) increases as we work fields, especially baseball in-fields, to repair damage caused by routine use. Building maintenance (1,140 hours, up from 195 last year at this time) increases as we begin to execute a list of winter maintenance projects. Increasing our safety inspections by the parks monitor (150 year-to-date this year, 100 last year), with special attention to playgrounds and other structures used by children.

[illegible][illegible]

|                                                     |      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |      |      |
|-----------------------------------------------------|------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|------|------|
| <b>ADMINISTRATIVE<br/>AVERAGE RESPONSE<br/>TIME</b> | 5.21 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 5.21 | 5.02 |
| <b>CALLS ANSWERED</b>                               | 6434 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 6434 | 6175 |
| <b>TRAFFIC<br/>CITATIONS ISSUED</b>                 | 830  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 830  | 552  |
| <b>WARNINGS ISSUED</b>                              | 721  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 721  | 584  |
| <b>ACCIDENTS - TOTAL</b>                            | 106  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 106  | 85   |
|                                                     |      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |      |      |

|                                         |                |
|-----------------------------------------|----------------|
| <b>TOP 5 ACCIDENT LOCATIONS - MONTH</b> | <b>TOTAL #</b> |
| 1. HWY 54 / PLANTERRA DR                | 6              |
| 2. HWY 54 / ROBINSON RD                 | 5              |
| 3. HWY 54 / HWY 74                      | 4              |
| 4. HWY 74 / CROSSTOWN DR                | 4              |
| 5. HWY 54 / COMMERCE DR                 | 3              |

|                                        |                |
|----------------------------------------|----------------|
| <b>TOP 5 ACCIDENT LOCATIONS - YEAR</b> | <b>TOTAL #</b> |
| 1. HWY 54 / PLANTERRA DR               | 6              |
| 2. HWY 54 / ROBINSON RD                | 5              |
| 3. HWY 54 / HWY 74                     | 4              |
| 4. HWY 74 / CROSSTOWN DR               | 4              |
| 5. HWY 54 / COMMERCE DR                | 3              |

**PUBLIC SERVICES MONTHLY REPORT**

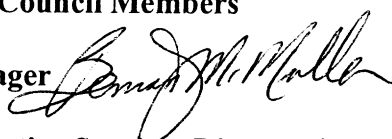
**JANUARY 2004**

|                              |        | <u><b>JANUARY<br/>2004</b></u> | <u><b>YEAR TO DATE<br/>FY2004</b></u> | <u><b>YEAR TO DATE<br/>FY2003</b></u> |
|------------------------------|--------|--------------------------------|---------------------------------------|---------------------------------------|
| Street Patching              | (Hrs.) | 35                             | 1,024                                 | 254                                   |
| Street Cracksealing          | (Hrs.) | 49                             | 379                                   | 510                                   |
| Drainage Maintenance         | (Hrs.) | 87                             | 717                                   | 674                                   |
| Street Sweeping              | (Hrs.) | 36                             | 180                                   | 61                                    |
| <br>                         |        |                                |                                       |                                       |
| Cart Path Paving             | (Ft.)  | 0                              | 8,859                                 | 4,675                                 |
| Cart Path Litter Removal     | (Hrs.) | 105                            | 323                                   | 264                                   |
| Cart Path Drainage Maint.    | (Hrs.) | 233                            | 691                                   | 625                                   |
| <br>                         |        |                                |                                       |                                       |
| R.O.W. Mowing                | (Hrs.) | 0                              | 390                                   | 1,017                                 |
| R.O.W. Litter Removal        | (Hrs.) | 405                            | 1,524                                 | 908                                   |
| <br>                         |        |                                |                                       |                                       |
| Landscape Maintenance        | (Hrs.) | 502                            | 2,269                                 | 2,521                                 |
| Landscape Planting           | (Hrs.) | 0                              | 134                                   | 889                                   |
| Litter Removal               | (Hrs.) | 0                              | 30                                    | 5                                     |
| <br>                         |        |                                |                                       |                                       |
| Sub-Division Sign Maint.     | (Hrs.) | 50                             | 210                                   | 259                                   |
| Traffic Sign Maintenance     | (Hrs.) | 138                            | 423                                   | 625                                   |
| <br>                         |        |                                |                                       |                                       |
| Vandalism Repairs            | (Hrs.) | 13                             | 21                                    | 169                                   |
| Citizen Complaints Answered  | (Num.) | 30                             | 115                                   | 100                                   |
| <br>                         |        |                                |                                       |                                       |
| <u><b>RECYCLING SITE</b></u> |        |                                |                                       |                                       |
| Manhours                     | (Hrs.) | 185                            | 377                                   | 388                                   |
| <br>                         |        |                                |                                       |                                       |
| <u><b>Participants</b></u>   |        |                                |                                       |                                       |
| Recycling                    | (Num.) | 310                            | 1,020                                 | 1,498                                 |
| Composting                   | (Num.) | 511                            | 3,127                                 | 5,347                                 |
| Mulch Picked-Up              | (Num.) | 226                            | 532                                   | 297                                   |

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

---

**TO:** Mayor & Council Members  
**VIA:** City Manager   
**FROM:** Administrative Services Director / City Clerk   
**DATE:** February 27, 2004  
**SUBJECT:** Appointment to Ethics Board  
March 4, 2004 Council Meeting

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**Recommendation:**

Appoint Ms. Marcia Brown as a member of the Ethics Board to replace Mr. Steven Fraas.

**Discussion:**

Councilmember Rapson has nominated Ms. Brown to replace Mr. Steven Fraas. Mr. Fraas has served on the Ethics Board for the past two years. He was recently appointed to the Peachtree City Development Authority so he can no longer serve on the Ethics Board. The City has not yet completed her background check but would ask that Council approve her appointment contingent upon a satisfactory criminal background check.

**Budget Impact:**

None

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

---

**TO:** Mayor & Council Members

**VIA:** City Manager 

**FROM:** Administrative Services Director / City Clerk 

**DATE:** February 26, 2004

**SUBJECT:** Amendment to Alcohol Ordinance Relative to Distance Requirements from Church, School, Educational or College Uses  
March 4, 2004 Council Agenda

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### Recommendation:

Consider adoption of the proposed ordinance (attachment2) that would minimize the impact of churches leasing space in a shopping center that contained stores that had alcohol licenses.

### Discussion:

Several weeks ago, staff received a call from a local church that was interested in leasing space in a shopping center for classroom use and youth programs. The shopping center owner expressed concern about leasing them space because of the City's alcohol ordinance that prohibits alcohol licenses within 100 yards of a church building. The owner was concerned about the potential negative impact should the church lease space and then a restaurant want to open in the shopping center within a 100 yards of the leased church space. Staff spoke with the City Attorney and he advised that by having a narrow definition of a church, this concern of the shopping center owner could be addressed and the church would be able to lease space. The original proposal is attached as attachment 1. Council expressed some concerns about the definition, so attachment 2 approaches the problem differently and is what is being recommended. The City Attorney has reviewed the ordinance and has indicated it is legal, but could still preclude a restaurant from obtaining an alcohol license, depending on distance from a church-related space.

### Budget Impact:

None

Attachments

ORDINANCE # \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 6-39 OF THE PEACHTREE CITY CODE OF ORDINANCES TO PROVIDE REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 6-39 of the Peachtree City Code of Ordinances be amended as follows:

**Section 6-39. No licenses issued within prohibited distances.**

- (a) No licenses shall be issued pursuant to this article for the sale of any alcoholic beverages on premises located:
  - (1) Within 100 yards of a church building or an alcoholic treatment center building. As used herein, the term "church building" shall only include those buildings wherein a church maintains a permanent place of public religious worship and shall further only include those church-owned properties upon which such activities take place.
  - (2) Within 200 yards of any school building, educational building, school grounds, college building, or college campus. The school buildings or educational buildings referred to in this subsection shall apply only to state, county, city or church school buildings and to such buildings at other such schools in which subjects are taught which are commonly taught in the common schools and colleges of this state.
- (b) The distances referred to in subsection (a)(1) and (2) of this section shall be measured by the shortest straight line.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed in their entirety. Done, Ratified, and Passed this \_\_\_\_\_ day of October, 2003.

\_\_\_\_\_  
Mayor

\_\_\_\_\_

\_\_\_\_\_

**AN ORDINANCE TO AMEND SECTION 6-39 OF THE PEACHTREE CITY CODE  
OF ORDINANCES TO PROVIDE REGULATIONS FOR THE SALE OF  
ALCOHOLIC BEVERAGES WITHIN THE CITY; TO REPEAL CONFLICTING  
ORDINANCES; AND FOR OTHER PURPOSES.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 6-39 of the  
Peachtree City Code of Ordinances be amended as follows:

**Section 6-39. No licenses issued within prohibited distances.**

- (a) No licenses shall be issued pursuant to this article for the sale of any alcoholic  
beverages on premises located:
- (1) Within 100 yards of a permanent church building or church owned property  
or a leased building dedicated solely for church functions.
  - (2) Within 200 yards of any school building, educational building, school  
grounds, college building, or college campus. The school buildings or  
educational buildings referred to in this subsection shall apply only to state,  
county, city or ~~church~~ private school buildings and to such buildings at  
other such schools in which subjects are taught which are commonly taught  
in the common schools and colleges of this state.
  - (3) Within 50 feet of any tenant/lease property located within a shopping center  
used for church functions or any school, educational or college uses.  
School or education uses referred to in this sub-section shall apply only to  
state, county, city or private school uses in which subjects are taught which  
are commonly taught in the common schools and colleges of this state.
- (b) The distances referred to in subsection (a)(1), (2) and (3) of this section shall be  
measured by the shortest straight line.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed in their  
entirety. Done, Ratified, and Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

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**TO:** Mayor and Councilmembers

**VIA:** City Manager *Bernard J. Muller*

**FROM:** Administrative Services Director/City Clerk *Ju*

**DATE:** February 26, 2004

**SUBJECT:** Report from City Probation Service  
March 4, 2004 Council Agenda

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Ms. Jenny Nichols from the City's probation services provider, Maximum, Inc. will attend the March 4, 2004 Council meeting to provide a short briefing on the attached annual report for 2003.

/jsm

Attachment

MAXIMUS, INCORPORATED  
PROBATION STATISTICS  
FOR THE  
PEACHTREE CITY MUNICIPAL COURT  
JANUARY 2003 – DECEMBER 2003

| MONTH     | TOTAL COLLECTED | ACTIVE CASES | AVERAGE COLLECTED PER CASE |
|-----------|-----------------|--------------|----------------------------|
| JANUARY   | \$19,413.00     | 165          | \$117.65                   |
| FEBRUARY  | \$25,825.00     | 154          | \$167.69                   |
| MARCH     | \$25,558.50     | 144          | \$177.48                   |
| APRIL     | \$22,762.00     | 151          | \$150.74                   |
| MAY       | \$18,687.00     | 156          | \$119.78                   |
| JUNE      | \$19,764.00     | 155          | \$127.50                   |
| JULY      | \$25,568.00     | 160          | \$159.80                   |
| AUGUST    | \$25,276.00     | 180          | \$140.42                   |
| SEPTEMBER | \$18,118.50     | 157          | \$115.40                   |
| OCTOBER   | \$23,421.50     | 169          | \$138.58                   |
| NOVEMBER  | \$19,617.00     | 163          | \$120.34                   |
| DECEMBER  | \$22,868.00     | 172          | \$132.95                   |

TOTAL COLLECTED FOR THE YEAR OF 2003: \$266,878.50

AVERAGE COLLECTED PER MONTH PER CLIENT: \$139.03

AVERAGE ACTIVE CASE LOAD FOR THE YEAR: 161

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

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**TO:** Mayor and City Council

**VIA:** City Manager   
Developmental Services Director

**FROM:** City Engineer 

**DATE:** February 26, 2004

**SUBJECT:** Consider Request - Traffic Calming on Smokerise Trace  
*City Council Meeting Agenda – March 4, 2004*

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**Recommendation:** After consideration of the emergency response repercussions, lack of engineering data to support the request, and the resulting legal liability of unsubstantiated traffic calming applications, staff cannot recommend the installation of raised traffic calming measures on Smokerise Trace.

**Discussion:**

**BACKGROUND.** In May of 2000, the Engineering Department released a report entitled, "Neighborhood Traffic Study: Through-Traffic Survey" (Attachment A), which was the result of an extensive in-house effort to determine the amount of cut-through traffic on Smokerise Trace and Smokerise Point. These two roads form a continuous connection from SR-54 to Peachtree Parkway just north of Lake Kedron and were the subject of repeated complaints from the Smokerise Plantation Homeowners Association (HOA) president. The study determined the traffic volume to be 1,391 vehicles with up to 9% of the vehicles to be cut-through trips.

Subsequently, similar calls by the public for traffic calming measures led to the development of a Neighborhood Traffic Calming Program presented at the March 2002 City Council Retreat (Attachment B). The program as outlined in the retreat proposed a policy on program implementation in a much more proactive manner than previously applied. The Engineering proposal included criteria for evaluating requests on the basis of:

- Public support from 67% of those residents of a defined *Service Area* of the subject location
- Funding Distribution between the homeowners and City (1/3-City; 2/3-Residents)
- Warrants or technical requirements (local warrants)

## **Consider Request - Traffic Calming on Smokerise Trace**

Page 2

February 26, 2004

At the retreat, City Council directed staff to prepare a pilot program for the Golfview neighborhood. From May 2002 to May 2003, traffic calming measures consisting of speed humps and stop signs were installed in various configurations and locations along the road in separate phases of implementation. The program generated no small controversy from the surrounding neighborhoods impacted by the installation. The area has since achieved a state of tense equilibrium.

**SMOKERISE REQUEST.** Upon completion of the Golfview program, Mr. David Cree, the Smokerise HOA president, began inquiring about future traffic calming initiatives and specifically those targeting Smokerise. Mr. Cree requested multiple locations be considered for speed hump or raised crosswalk installations after having pursued the subject with his constituency at their annual meeting. Mr. Cree and the residents of Smokerise Plantation are requesting Council action on this request. After much analysis and internal discussion, there are a number of issues that preclude city staff from supporting the request at this time.

**FUNDING.** First, there are no funds currently budgeted for the traffic calming program. Thus, a city match of the 33% could not be provided. Attempts were made at creating a reimbursement agreement, but the City Attorney determined this to be very cumbersome and legally problematic.

**FIRE AND RESCUE RESPONSE TIME.** The Fire Chief has also provided documentation (Attachment C) as to the impact speed humps in Smokerise would have on response times and emergency care. The Chief cites a response goal of five minutes for 80% of the calls being rooted in serious medical conditions that demand care within five minutes. Fires also achieve flashover in as little as two minutes and structural failure in five. For these substantial reasons, the Department has established goals that will result in the greatest coverage and efficiency. See map (Attachment D) for comparison of station coverage.

The Department also responds to traffic accidents on Smokerise Trace and Smokerise Point as is outlined in the Chief's memo. The Department has had to respond to two traffic accidents in the last five years, compared to 87 medical and fire calls in the same time period. Therefore, traffic calming measures should be evaluated with a proportionate awareness of the impacts to medical care and response times. These accidents, it should also be noted, would not have been prevented by traffic calming devices.

**ENGINEERING DATA.** Finally, the Smokerise request was evaluated against the four local warrants or technical standards based on known traffic conditions. These warrants were developed as a part of the May 2002 Retreat presentation on traffic calming as a result of significant research into other traffic calming programs around the country. At this time, the Federal Highway Administration (FHWA) has not established nationwide warrants in the Manual for Uniform Traffic Control Devices (MUTCD) for traffic calming measures.

## **Consider Request - Traffic Calming on Smokerise Trace**

Page 3

February 26, 2004

The first warrant requires a minimum 24-hour volume of 1,250 vehicles per day (vpd) for this classification of road, a neighborhood collector. Based upon the May 2000 study and subsequent traffic data, staff believes the volume warrant can be met (see Attachment E).

The second warrant for cut-through traffic was also evaluated based on the May 2000 study results of 9% of the traffic being non-local. The minimum for consideration is 50% according to the local warrant.

The third warrant addresses speed with an evaluation of the 85<sup>th</sup> percentile speed. The 85<sup>th</sup> percentile speed is the most frequently used measure of operating speed and provides a good picture of traffic movement along a roadway. Recent data collected by the Police Department shows an 85<sup>th</sup> percentile speed of 30 mph, short of the local warrant of 10 mph above the speed limit (30).

The Police Department has confirmed that there have been fewer than five accidents per year in the last five years (12 since 1998). Attachment F summarizes the reports provided to the Engineering Department. Of the 12 accidents, only six can be determined to be within the scope of this analysis (i.e., within the travel lanes of Smokerise Trace)<sup>1</sup>. Of these six accidents, none appear to be able to be solved with the proposed speed humps. Therefore, due simply to the number of accidents, Smokerise Trace cannot meet the fourth warrant for vertical traffic calming measures. Nevertheless, the Police Chief is in support of the traffic calming program in Smokerise as requested by the residents.

**Budget Analysis:** As proposed by the HOA, to fund the upfront capital costs of installation, there would be no direct cost to the City. However, since the HOA had asked staff to design the raised crosswalks and manage their construction, there would be about \$1,750 of indirect costs due to staff time for design and project management. Future maintenance and repair costs would have to be determined later for the labor and equipment necessary to prep the road for resurfacing.

*Attachment A - Smokerise Neighborhood Traffic Study*

*Attachment B - 2002 Retreat Neighborhood Traffic Calming Program*

*Attachment C - Memo - Fire Chief*

*Attachment D - Map*

*Attachment E - Warrant Analysis*

*Attachment F - Accident Data*

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<sup>1</sup> Location and cause determined from Officer's remarks and diagram for each accident report.



# SMOKERISE NEIGHBORHOOD TRAFFIC STUDY

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## THROUGH-TRAFFIC SURVEY

May 15, 2000

Peachtree City Engineering Department

# SMOKERISE NEIGHBORHOOD TRAFFIC STUDY

## THROUGH-TRAFFIC SURVEY

Troy Besseche, City Engineer

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### INTRODUCTION

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Over the past several months, the Smokerise homeowners have expressed some concern over the volume of traffic using the Smokerise Trace and Smokerise Point. As with most large neighborhoods, these two roads carry large volumes due to a combination of factors including the number of lots accessing them as well as their connection to arterial and collector roads. The homeowners also suspected that many of the vehicles using neighborhood streets were cut-through traffic. In response to the requests from the Homeowners' Association representative, a study was conducted to ascertain the source of the traffic volume. This report will attempt to outline the results of that study.

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### METHODOLOGY

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Survey stations were established at either end of the neighborhood and were manned by a combination of City employees and neighborhood representatives. One station was at the intersection of Tinsley Mill Road and Smokerise Trace on the east end of the route, and one was also established at the west end of the route at Sumner Road and Smokerise Point. No ingress/egress is available except at these two points. Five vehicle characteristics were documented for each passing vehicle during peak periods of the day. Surveys were conducted during the AM peak from 7 to 9, during the midday hours of 11AM to 1PM, and during the PM peak from 4 to 6. As each vehicle would pass, the time, direction, color, make, and model were recorded. Since the volumes were expected to be high, digital images of the vehicles were also captured as a back up to the written record.

Data was collected on Tuesday, April 25<sup>th</sup>, under overcast and warm weather conditions. Upon completion of the data collection, the results were evaluated based on a travel time through the route. The baseline for travel time through the neighborhood was 5 minutes, 30 seconds. The baseline was established experimentally by a test vehicle traveling at the speed limit and making all regulatory stops.

The analysis of the data started with making a comparison of the lists of vehicles from each survey station. Once a match was identified by color, make, model, and direction, the duration of travel was evaluated against the baseline. For times at or very near five-and-a-half minutes, the vehicle was considered a through vehicle for study purposes. While other vehicles did indeed travel from one station to the other, the durations precluded consideration as a cut-through vehicle, as the motorist must have made a stop at a local destination along the way.

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## DATA SUMMARY

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FOR A DETAILED LIST OF RAW DATA, see appendix A.

### AM PEAK

| LOCATION            | LOCAL | THROUGH | % THROUGH |
|---------------------|-------|---------|-----------|
| East - Sumner Road  | 125   | 7       | 5.3%      |
| West - Tinsley Mill | 170   | 7       | 3.9%      |
| Overall / Average   |       |         | 4.6%      |

### MIDDAY

| LOCATION            | LOCAL | THROUGH | % THROUGH |
|---------------------|-------|---------|-----------|
| East - Sumner Road  | 123   | 5       | 3.9%      |
| West - Tinsley Mill | 102   | 5       | 4.7%      |
| Overall / Average   |       |         | 4.3%      |

### PM PEAK

| LOCATION            | LOCAL | THROUGH | % THROUGH |
|---------------------|-------|---------|-----------|
| East - Sumner Road  | 184   | 19      | 9.4%      |
| West - Tinsley Mill | 183   | 18      | 9.0%      |
| Overall / Average   |       |         | 9.2%      |

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## CONCLUSION

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The results of this study cannot substantiate the claim that cut-through traffic is a significant contributor to the volumes in the Smokerise neighborhood. Traffic counts were conducted in 1999 and yielded a raw non-directional 24-hour volume of 1391 cars. All of the Smokerise neighborhoods (Plantation, Estates, Crossing) contribute 235 residential lots directly accessing either Smokerise Point or Trace. It is reasonable to infer that those 235 lots would produce 695 trips per day. That works out to a little less than three trips per residence. Considering the lifestyles of the residents of the Smokerise neighborhoods, trips to the grocery store, soccer practice, schools, and the workplace would readily account for the traffic volume seen.

Furthermore, the cut-through volumes documented in this neighborhood do not meet any published warrants for traffic calming measures, typically 25% to 50%. Therefore, no further study is recommended at this time.

# NEIGHBORHOOD TRAFFIC CALMING PROGRAM

2002 City Council Retreat

## Introduction

Speed and volume of traffic moving through neighborhoods are the two primary elements of all traffic complaints received. Complaints based on speed are routed to the Police Department for enforcement, while those based on volume are routed to the Engineering Department for handling. Public Works is typically involved in implementation of conventional traffic control projects to address some of these complaints.

## Neighborhood Traffic Complaint Resolution Policy

In order to better handle these types of complaints and provide a coordinated response, staff prepared a Neighborhood Traffic Complaint Resolution Policy to be considered by Council at their retreat in 2000. The policy authorized staff to address complaints only to the extent of multi-way stops and textured pavement. Nothing beyond these two traffic control or calming devices were approved.

However, research into the use of 14' speed humps was conducted over the last two years and included the off-system use of two portable humps purchased by the Public Works Department. The results of the research have been rather inconclusive as it has been difficult to obtain objective data as to speeds and volumes at off-system venues like our recreation facilities. Most of the public comment on the temporary installation has been positive, though.

## Neighborhood Traffic Calming Program

Traffic Calming. Due to the successful implementation of the minimized Neighborhood Traffic Complaint Resolution policy, staff is recommending that Council consider an expansion to include traffic calming. Traffic Calming can be best described as an assortment of methods to accomplish one or more of the following objectives:

- Reduce overall traffic speeds
- Reduce cut-through traffic
- Increase pedestrian safety
- Discourage truck traffic

The idea is to combine the use of design, enforcement, and education to accomplish one or more of these objectives to 'calm' traffic in neighborhoods.

The network of roads in Peachtree City serves two purposes, access to property and travel mobility. In the case of what we designate *neighborhood collectors* and *a few residential streets*, the function is split between access and mobility. Therefore, a balance must be achieved between the two functions. A Neighborhood Traffic Calming Program would be created to deal with situations where these two purposes are in conflict in order to bring about consensus on a solution.

Conventional Methods. Some of the conventional tools commonly used are enforcement, education, additional signs, multi-way stops, and turning movement restrictions. These are many of the same solutions we have used in the past; some with success. Many of these tools require continual maintenance and sap the resources of the City to maintain. Furthermore, proliferation of regulatory and warning signs tend to reduce their effectiveness. The Federal Highway Administration's Manual on Uniform Traffic Control Devices states that, "STOP signs should not be used for speed control." For these reasons, many of the attempts made in the past to curb speeding or to cut down on through traffic have not achieved their objective due to adjustments in behavior patterns of drivers.

Traffic Calming Measures. However, traffic calming devices force compliance under penalty of vehicle damage or worse. Many of the new tools being implemented in other traffic calming programs involve horizontal shifts, vertical deflections, and road closures.

## NEIGHBORHOOD TRAFFIC CALMING PROGRAM

2002 City Council Retreat

Horizontal alignment changes include such measures as:

1. Neckdowns
2. Chokers / Bulbouts / Chicanes
3. Traffic Circles
4. Roundabouts

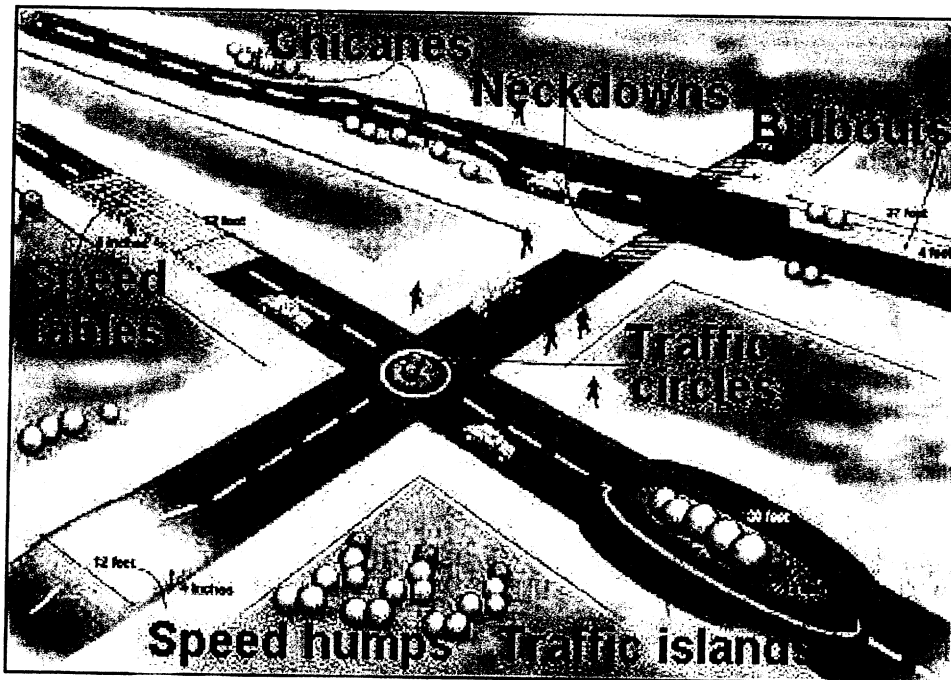
Vertical deflections can include:

1. Speed Humps / Tables
2. Raised Crosswalks
3. Raised Intersections

Some of the other measures include:

1. Medians
2. Diagonal Diverters
3. Street Closures

Some examples are pictured here:



Traffic calming measures are intrinsically self-enforcing. Each measure must regulate speed or control movements without constant external enforcement. Some, obviously, need diligent enforcement in the initial stages of implementation to ensure compliance.

**Disadvantages.** Concern has been expressed in the past that LARP funding would be in jeopardy if speed humps were used on city streets. This was confirmed with GDOT in 2000, although attitudes toward traffic calming are more favorable at the Department now. It has been the policy of the state to turn down requests for resurfacing funds for roads with speed humps. The reason is that the routes with speed humps are, from GDOT's perspective, in a lower functional classification and should not be considered for the LARP program. Therefore, if the City chooses to pursue humps or other vertical measures, it is unlikely that GDOT would authorize LARP funding on those roads.

Some of the other concerns that Council needs to consider are handicap accessibility, bicycle accessibility, emergency response, emergency care, and liability. Many of the traffic calming measures will have to be considered

## NEIGHBORHOOD TRAFFIC CALMING PROGRAM

2002 City Council Retreat

on the basis of each of these concerns. Handicap accessibility and bicycle accessibility are usually a concern with vertical deflections of some kind and can usually be handled with some design accommodations.

Candidates. Any Traffic Calming Program would also have to consider limitations on which streets it would consider. Certainly, at the very least, a priority of streets would have to be established. First for consideration would have to be those neighborhood collector and residential streets where through volumes and speeds are high. We have a good idea of where to start, based upon complaints and a visual inspection of the road network. Those streets are:

- |                        |                          |
|------------------------|--------------------------|
| 1. Bluesmoke Trail     | 8. Planterra Way         |
| 2. Bridlepath Lane     | 9. Smokerise Trace/Point |
| 3. Crabapple Lane West | 10. Sumner Road          |
| 4. Golfview Drive      | 11. Terrane Ridge        |
| 5. Hip Pocket Road     | 12. Willow Road          |
| 6. Kelly Green         | 13. Walnut Grove Road    |
| 7. Pinegate Road       | 14. Wynnmeade Parkway    |

Staff would recommend that these streets identified above be considered first for traffic calming measures. To begin, an engineering study should be completed, which would examine speed, volume, and provide an estimate of access only traffic. A set of minimum standards for 85<sup>th</sup> percentile speed, volume, and percentage of cut-through traffic would be established for both neighborhood collectors and residential streets. These warrants would determine the threshold for further consideration of traffic calming measures. Once a street is deemed eligible, the results of the engineering study would then be used to select an appropriate traffic calming measure to apply. Staff would propose the following warrants:

### 1. Conventional Measures (2 out of 4):

| Warrant                 | Residential       | Neighborhood Collectors  |
|-------------------------|-------------------|--------------------------|
| 1 Minimum Volume        | >750 vpd / 75 vph | >1000 vpd / 100 vpd      |
| 2 Cut-through traffic   | 25%               | 50%                      |
| 3 85th percentile speed | >speed limit      | 10+ mph over speed limit |
| 4 Accidents per year    | 3                 | 5                        |

### 2. Horizontal Changes (3 out of 4):

| Warrant                 | Residential       | Neighborhood Collectors  |
|-------------------------|-------------------|--------------------------|
| 1 Minimum Volume        | >750 vpd / 75 vph | >1000 vpd / 100 vpd      |
| 2 Cut-through traffic   | 25%               | 50%                      |
| 3 85th percentile speed | >speed limit      | 10+ mph over speed limit |
| 4 Accidents per year    | 3                 | 5                        |

### 3. Vertical Deflections (3 out of 4):

| Warrant                 | Residential            | Neighborhood Collectors  |
|-------------------------|------------------------|--------------------------|
| 1 Minimum Volume        | >850 vpd / 85 vph      | >1250 vpd / 125 vpd      |
| 2 Cut-through traffic   | 35%                    | 50%                      |
| 3 85th percentile speed | 5 mph over speed limit | 10+ mph over speed limit |
| 4 Accidents per year    | 3                      | 5                        |

# NEIGHBORHOOD TRAFFIC CALMING PROGRAM

2002 City Council Retreat

## 4. Street Closures / Diverters (3 out of 4):

| Warrant                 | Residential             | Neighborhood Collectors |
|-------------------------|-------------------------|-------------------------|
| 1 Minimum Volume        | >1000 vpd / 100 vph     | >1500 vpd / 150 vpd     |
| 2 Cut-through traffic   | 50%                     | 50%                     |
| 3 85th percentile speed | 10 mph over speed limit | 10 mph over speed limit |
| 4 Accidents per year    | 3                       | 5                       |

**Public Involvement.** Once a proposed solution has been found, public support should be obtained from the affected residents on the street in question. We have established a procedure in the previous policy on complaints, which requires 67% support in the service area of an intersection before the installation can proceed. This expanded program should require the same standard of support.

Adequate time must be spent in research, study, and design of these measures and locations to ensure the success of implementation. Inter-department coordination is also essential for successful program implementation and would need to be emphasized. Support from the Police and Fire Departments would obviously be essential in development of a traffic calming plan for a neighborhood.

**Funding.** The funding for a Traffic Calming Program would also need to be considered. In many programs around the country, the costs for installation are shared between the municipality and the neighborhood. Cities like Portland, Oregon, on the cutting edge of traffic calming, share the cost with residents. Boulder, Colorado, funds its share of the cost with an *Improvement District*. An advantage to resident participation in the funding is a sense of ownership and brings a comprehensive awareness of the factors involved in finding the right solution. Therefore, staff would support a cost allocation of thirds. The city would fund one-third of the cost of the measure, with residents on the affected street funding the other two-thirds.

Installation costs for traffic calming devices vary according to the size, location and quantity of units. However estimated costs have been compiled from programs around the country:

| Traffic Calming Measure     | Installed Cost                                            |
|-----------------------------|-----------------------------------------------------------|
|                             | <i>(varies according to size, location, and quantity)</i> |
| Neckdown                    | \$5,000 to \$7,500                                        |
| Choker / Bulbout / Chicanes | \$7,500 to \$10,000                                       |
| Traffic Circle              | \$5,000 to \$10,000                                       |
| Roundabout                  | \$50,000 to \$250,000                                     |
| Speed Hump / Table          | \$2,500 to \$5,000                                        |
| Raised Crosswalk            | \$1,500                                                   |
| Raised Intersection         | \$70,000                                                  |
| Medians                     | \$15,000 per 100 linear feet                              |
| Entrance Barriers           | \$15,000 to \$30,000 for landscaped barrier               |
| Diagonal Diverters          | \$10,000 to \$25,000                                      |
| Street Closures             | \$15,000 to \$30,000 for landscaped                       |

## Recommendation

The engineering department is prepared to recommend that City Council endorse the concept of a traffic calming program as described. Staff will then engage a consultant to collect data for the 14 streets in question, collect public input, and prepare a more detailed program description with capital improvements. The program and capital improvements would then be delivered to Council for formal adoption with the FY2003 budget. This schedule will enable staff to prepare the proper documentation, applications, and informational brochures for proper program implementation. Staff further requests that \$10,500 be allocated for the initial study immediately and that the 2003 Public Improvement Program incorporate a line item for traffic calming, which would address the actual installation of the traffic calming measures.

# CITY OF PEACHTREE CITY

## INTER-OFFICE MEMORANDUM

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TO: Mayor Brown and Members of Council

VIA: City Manager, ATTN: Mr. Bernie McMullen  
Assistant City Manager, ATTN: Mr. Colin Halterman  
Director of Developmental Services, ATTN: Clyde Strickland  
City Engineer, ATTN: Troy Besseche

FROM: Stony Lohr  
Fire Chief

DATE: January 22, 2004

SUBJECT: Smokerise Traffic Calming Devices

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General. I previously expressed Fire Department concerns with traffic calming devices, and speed bumps in particular, during Council Retreat in March 2002. We continue to have those concerns. They are similar to at least fifteen other fire departments around the country where speed-calming devices have been emplaced. The general concerns remain as increased extended response times, increased probability of damage to apparatus, ambulances and equipment, increased probability of pain and injury to medical patients, and increased probability of injury to fire-medics, especially those attending to patients. These concerns have materialized on the speed bumps in Golf View, and would have a high probability of happening in Smokerise if speed bumps are emplaced there.

Response Goals. Our initial response time goal is 5 minutes Total Response Time at least 80% of the time. This is the time from time of receipt of a call at the 9-1-1 Center until arrival on the scene by the first unit. It corresponds to the 1.5-mile travel distance used by Insurance Services Office (ISO) for their evaluation. Our goal is not arbitrary. For serious medical calls, such as Sudden Cardiac Arrest, biological death occurs within 4 to 6 minutes from the time the heart stops. Other similarly serious medical conditions include stroke, respiratory distress, allergic reactions, choking, Heart Attack, and aortic aneurism. For fires, time from the start of a fire until flashover (non-survivable environment) can be as little as two minutes, and time of structural collapse of modern lightweight wood trusses and silent floors can be as little as 5 minutes. Homes in Smokerise have this type of construction. The percentage was based on a minimum recommendation at an Accreditation seminar several years ago, and is the lowest percentage commonly used by business, industry and professions for setting standards. It is less than the 90% now included in current national standards for firefighting and EMS operations.

The Fire Department has the following concerns specifically for the Smokerise area:

a. Coverage. Satterthwaite Fire Station #84 on Crabapple Lane, and Neely Fire Station #82 at 105 Peachtree Parkway, North primarily serve the Smokerise area. The closest ambulance to Smokerise is at Station 82. Station #84 would normally access Smokerise by its west entrance at Peachtree Parkway, North and Tinsley Mill Road. This is the shortest distance to all locations in Smokerise except a portion of Sumner Road, Wellborn Road and Sumner Place Court. Station #82 (and Station #81 and Station #83) would access Smokerise by either the west entrance at Peachtree Parkway, or the east entrance at Highway 54 and Sumner Road, depending upon the location of the incident. The west entrance provides the shortest distance to all locations west of the second bridge on Smokerise Trace (245/246 Smokerise Trace and lower). The east entrance provides the shortest distance to all locations east of that same bridge.

| Location                                                            | Station 82                                 | Station 84                                 |
|---------------------------------------------------------------------|--------------------------------------------|--------------------------------------------|
| Distance to west entrance (Peachtree Parkway/Tinsley Mill)          | 2.2 miles                                  | 1.0 miles                                  |
| 1.5 mile point via west entrance (Highway 54/Sumner Road)           | Peachtree Parkway/Peninsula/Stoney Brook   | Smokerise Trace/Chimney Sweep              |
| Distance to East entrance                                           | 1.45 miles                                 | 3.3 miles                                  |
| 1.5 mile point via east entrance                                    | Sumner Road/Wellborn Road                  | North of Peachtree Parkway and Peninsula   |
| Halfway point for Station 82                                        | 3.2 miles (east bridge on Smokerise Trace) | N/A                                        |
| Halfway Point for Station 84                                        | N/A                                        | 3.5 miles (Sumner Road/Sumner Place Court) |
| Halfway point between Station 84 from west and Station 82 from east | 2.6 miles (Smokerise Trace/Majestic)       | 2.6 miles (Smokerise Trace/Majestic)       |

The Smokerise area in terms of emergency services includes 21 streets and 254 homes. More than 85% of the Smokerise area that is not within our emergency service time goals because its response distance exceeds 1.5 miles and is as great as 3.5 miles. Every traffic-calming device, including stop signs, speed bumps, and speed humps) results in response time being worse. Every second really does count, especially for those areas that are beyond our response goal. Seconds are sufficiently important that one of our publications from the National Safety Council is named "Every Second Counts". The importance of time is clearly demonstrated by the death of 100 people in less than 3 minutes in a recent fire in Rhode Island, and by recent articles

including "Every Second Counts when It comes to Treating Stroke", and Six minutes to Live or Die: The price of just a Few Seconds: People Die" in USA Today.

b. Call History. The Fire Department has no record of responding to the Smokerise area to a Motor Vehicle Accident (MVA) due to speed. We responded to an MVA in 2000 that resulted from an acutely intoxicated Smokerise resident. We responded to one in 2003 when a newspaper delivery person injured his leg in the door of the delivery vehicle.

| Year | Medical | Fire | Motor Vehicle Accident |
|------|---------|------|------------------------|
| 2000 | 12      | 11   | 1 <sup>*1</sup>        |
| 2001 | 11      | 12   | 0                      |
| 2002 | 16      | 11   | 0                      |
| 2003 | 10      | 4    | 1 <sup>*2</sup>        |

1. Intoxicated Smokerise resident.
2. Newspaper delivery person caught leg in door

c. Other Effects. There are additional areas that are important considerations:

1. Institute of Traffic Engineers (ITE). ITE guidelines include a specification that speed humps not be placed on primary emergency response routes or bus routes.

2. Pollution. A scientific study showed that a measured 1-mile course with six speed bumps:

- (a) increased nitrogen oxide by a factor of 10
- (b) increased carbon monoxide by a factor of 3.
- (c) increased carbon dioxide by 25% and
- (d) increased fuel consumption from 7.9 to 10 liters per 100 kilometers

3. Impact on disabled persons (ADA)

- (a) speed bumps typically produce vertical deflections forces of about 0.69G

- (b) wheel chair persons need to stay below vertical deflection forces of 0.3G (high max)

- (c) vertical deflection forces exceeding 0.69G cause discomfort to persons who do not have physical disabilities.

4. Legal Aspects. The Mississippi Supreme Court has ruled that speed bumps constitute an inherent danger to motorists (Vicksburg vs. Harrellton). The Connecticut Courts declared them to be a public nuisance based on their impact on emergency vehicles. 1998 Florida Case law (Windom vs. City of Sarasota) determined that speed humps and speed tables are traffic control devices not recognized by the Manual of Uniform Traffic Control Devices (MUTCD) and hence were illegal. This was based upon the fact that Florida had adopted the MUTCD as its official guide for traffic control devices and a supporting letter from the Florida State Transportation Engineer. Georgia law also requires local governments to install all traffic control devices in accordance with the MUTCD.

5. Effectiveness. W. Martin Bretherton Jr., P.E., Chief Engineer, Traffic Studies Section, Gwinnett County, conducted a study on multi-way stop signs that is "the most comprehensive found on multi-way stop signs." He found overwhelmingly that unwarranted stop signs do not control speed, and that they often result in increased

speed to make up for lost time at their location. This would appear to also apply to speed bumps.

7 Encl

1. Smokerise Area map.
2. "Every Second Counts When it Comes to Treating Stroke"
3. "Six Minutes to Live or Die: The Price of Just a Few Seconds: People Die"
4. Institute of Traffic Engineers (ITE) Speed Hump Guidelines.
5. Excerpt, ITE Traffic Calming: State of the Practice.
6. "Multi-way Stops – The Research Shows the MUTCD is Correct".
7. Traffic Calming Device Recommendations, Masters Thesis, Leslie W. Bunte, Jr.

— SPEED HUMP

SMOKERISE  
TRAFFIC CALMING

PLANNED BY  
ENGINEERING DEPT.

3/2002  
PEACHTREE CITY

TC9.1

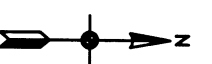
% GRADES

0 - 3 %

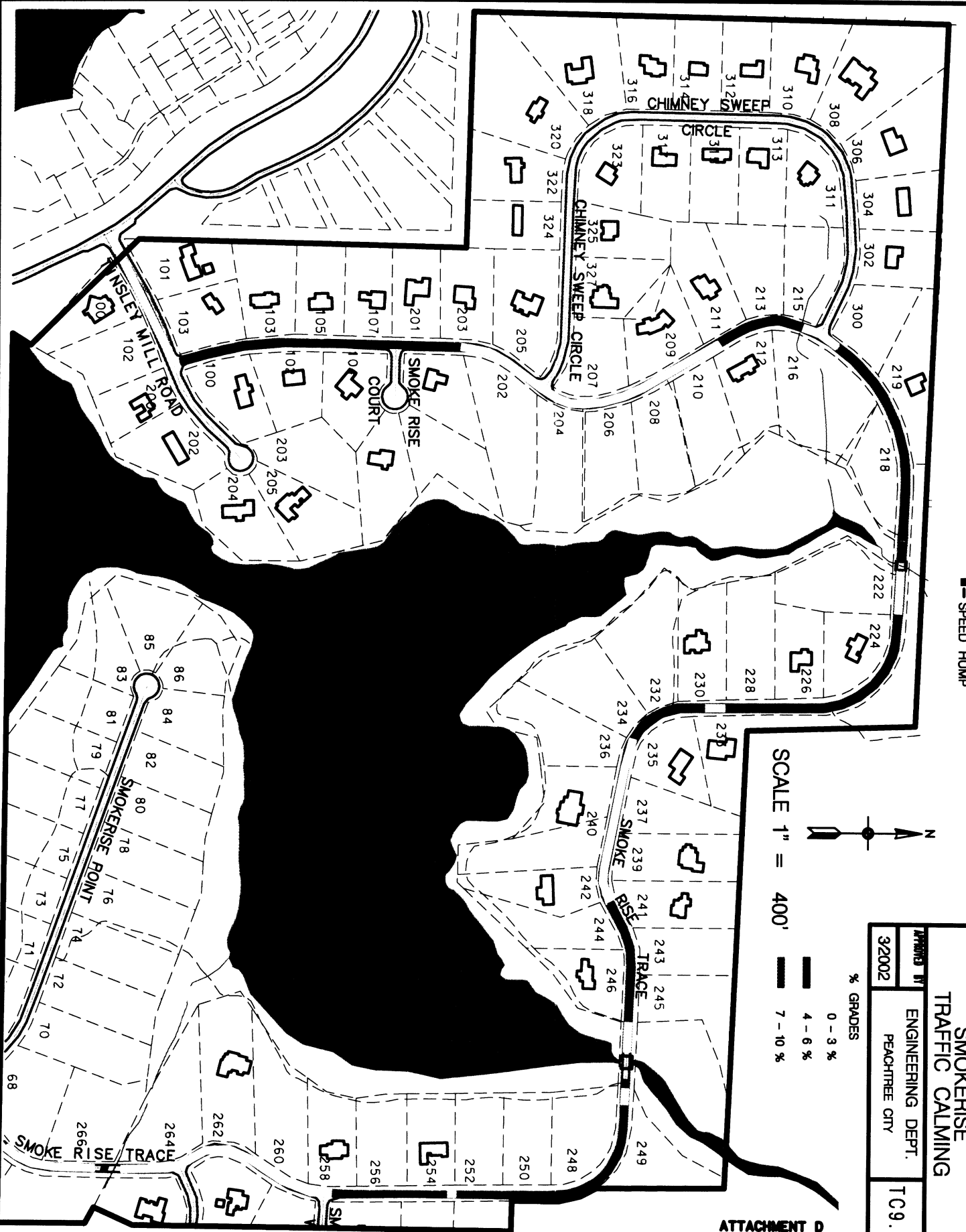
4 - 6 %

7 - 10 %

SCALE 1" = 400'



ATTACHMENT D



# Smokerise Plantation Traffic Calming Program Warrant Analysis

|                                      |                 | Neighborhood Collector Classification |                                        |                                      |                                |
|--------------------------------------|-----------------|---------------------------------------|----------------------------------------|--------------------------------------|--------------------------------|
| Warrant                              | Smokerise Trace | Conventional Measures<br>(2 out of 4) | Horizontal Deflections<br>(3 out of 4) | Vertical Deflections<br>(3 out of 4) | Street Closure<br>(3 out of 4) |
| 1 Minimum 24HR Volume <sup>1</sup>   | 1,778           | >1250 vpd / 125 vph                   | >1250 vpd / 125 vph                    | >1250 vpd / 125 vph                  | >1500 vpd / 125 vph            |
| 2 Cut-through traffic <sup>2</sup>   | 9%              | 50%                                   | 50%                                    | 50%                                  | 50%                            |
| 3 85th percentile speed <sup>3</sup> | 30              | 10+ mph over speed limit              | 10+ mph over speed limit               | 10+ mph over speed limit             | 10+ mph over speed limit       |
| 4 Accidents per year <sup>4</sup>    | 2.4             | 5                                     | 5                                      | 5                                    | 5                              |

|                                      |                 | Simple Residential Classification     |                                        |                                      |                                |  |
|--------------------------------------|-----------------|---------------------------------------|----------------------------------------|--------------------------------------|--------------------------------|--|
| Warrant                              | Smokerise Trace | Conventional Measures<br>(2 out of 4) | Horizontal Deflections<br>(3 out of 4) | Vertical Deflections<br>(3 out of 4) | Street Closure<br>(3 out of 4) |  |
| 1 Minimum 24HR Volume <sup>1</sup>   | 1,778           | >750 vpd / 75 vph                     | >750 vpd / 75 vph                      | > 850 vpd / 85 vph                   | >1000 vpd / 100 vph            |  |
| 2 Cut-through traffic <sup>2</sup>   | 9%              | 25%                                   | 25%                                    | 35%                                  | 50%                            |  |
| 3 85th percentile speed <sup>3</sup> | 30              | > speed limit                         | > speed limit                          | 5+ mph over speed limit              | 10+ mph over speed limit       |  |
| 4 Accidents per year <sup>4</sup>    | 2.4             | 3                                     | 3                                      | 3                                    | 3                              |  |

| Conventional Measures | Horizontal Deflections | Vertical Deflections | Street Closure      |
|-----------------------|------------------------|----------------------|---------------------|
| Speed Enforcement     | Medians                | Speed Hump           | Partial Closures    |
| Signs                 | Neckdowns              | Speed Table          | One Way Restriction |
| Education             | Chokers                | Raised Crosswalk     | Full Closures       |
| All Way Stops         | Traffic Circles        | Raised Intersection  |                     |
| Turn Restrictions     |                        | Chicanes             |                     |
| Medians               |                        |                      |                     |

<sup>1</sup> Smart Radar Survey, Peachtree City Police Department, February 2, 2004 (945 vehicles in one direction in 25.5 hours = 1,778 vpd)  
<sup>2</sup> Source: Smokerise Neighborhood Traffic Study-Through Traffic Survey, May 15, 2000  
<sup>3</sup> Smart Radar Survey, Peachtree City Police Department, February 2, 2004  
<sup>4</sup> Peachtree City Police Department Accident Reports, January, 16, 1998 - 2003

# Smokerise Accident Data 1998-2003

| ID | Date               | # of Vehicles | Description                                                                         | Cause                               | Injuries         | Comments                         |
|----|--------------------|---------------|-------------------------------------------------------------------------------------|-------------------------------------|------------------|----------------------------------|
| 1  | 1/16/98            | 1             | Vehicle Backed into mailbox                                                         | Improper Backing                    | None             |                                  |
| 2  | 5/27/98            | 2             | Vehicles sideswiped each other due to vehicles parked on both sides of street       | Parked Vehicles                     | None             |                                  |
| 3  | <del>7/12/98</del> | 4             | <del>Vehicle lost control on Loyd Road approaching Smokerise Trace.</del>           | <del>Speeding</del>                 | <del>None</del>  | <del>Outside of study area</del> |
| 4  | 9/9/98             | 1             | Vehicle struck mailbox.                                                             | Failure to Maintain Lane            | None             |                                  |
| 5  | 5/27/99            | 2             | <del>Vehicles struck one another in driveway.</del>                                 | <del>N/A</del>                      | <del>None</del>  | <del>Outside of study area</del> |
| 6  | 4/30/00            | 2             | <del>Vehicles struck one another in driveway.</del>                                 | <del>N/A</del>                      | <del>None</del>  | <del>Outside of study area</del> |
| 7  | 7/17/00            | 4             | <del>Vehicle lost control on curve in Smokerise Trace due to excessive speed.</del> | <del>DUI</del>                      | <del>None</del>  | <del>Outside of study area</del> |
| 8  | 8/5/00             | 1             | Vehicle struck mailbox.                                                             | Distracted Driving                  | None             |                                  |
| 9  | 4/6/01             | 1             | Vehicle struck mailbox.                                                             | Unknown                             | None             |                                  |
| 10 | 7/14/01            | 1             | Vehicle struck pedestrian while both were 'playing chicken'.                        | Stupid Behavior                     | None             |                                  |
| 11 | 11/6/04            | 4             | <del>Vehicle struck a deer on Smokerise Point.</del>                                | <del>N/A</del>                      | <del>None</del>  | <del>Outside of study area</del> |
| 12 | 4/4/02             | 4             | <del>Vehicle lost control on Loyd Road approaching Smokerise Trace.</del>           | <del>Failure to Maintain Lane</del> | <del>Minor</del> | <del>Outside of study area</del> |

ATTACHMENT "F"

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

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**TO:** Mayor & Councilmembers

**VIA:** City Manager *Brian J. McMiller*  
Director of Financial Services

**FROM:** Director of Leisure Services *FLD*

**DATE:** Feb. 24, 2004

**SUBJECT:** *Recreation Fee Review, Recommendations  
March 4, 2004, City Council Agenda*

---

### **Recommendation:**

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

### **Discussion:**

This memo will first propose consideration of fees on several services for which fees were not previously charged. We then provide a chart listing fees currently charged for services, and proposed increases. Any recommendations you see here were based on a considerable amount of thought and deliberation to ensure we can justify them. They have been reviewed with the city manager, assistant city manager, the finance director, the Recreation Commission in a public forum and youth sports association presidents and officers.

### **New Fees For Consideration**

#### **I. July 4<sup>th</sup>:**

(A) Charge a fee to anyone outside Peachtree City to register for the July 4th parade.

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

Under this recommendation, Peachtree City residents and commercial entries would not have to pay a fee, and would be allowed to register at least one week earlier than others; Fayette County (not PTC) residents and commercial entries would be charged a fee. We propose not allowing out of county residents or

commercial entries into the parade, other than politicians whose political district includes Peachtree City. This fee is justified to help offset staffing and material costs to put on the parade. We have an average of about 165 entries in the parade. About half represent commercial or civic group entities, and half are private families. Seventy percent are from PTC; 17 percent are from Fayette County outside of PTC. **Revenue would be minimal (about \$2000)**, but the parade would be more localized and potentially safer.

**Proposed July 4<sup>th</sup> Parade Fees:**

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

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

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

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

**II. Additions to Athletic Fees**

Youth Sports:

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

Justification: Currently, we don't charge any of the associations any fees for field or facility use. We do, however, have agreements with each association in which they spell out what sort of in-kind contributions they will make to field or facility upkeep. However, smaller user groups generate less revenue, and cannot contribute a significant amount to assist with their facility's upkeep. The \$5 fee across the board would ensure that all associations are proportionately contributing equally. All associations would still be expected to provide additional funding or in-kind items commensurate with the annual agreements.

In 2003 we had a total of approximately 7,177 youth participate in two seasons of sports supported by city fields or facilities. If we add a \$5/person/season fee for in county residents and \$10/person/season for out of county participants, that **would equal more than \$41,000 per year revenue** to help offset costs to support these sports. This is based on having an average of about 85% PTC/Fayette County residency across all sports. It is assumed the associations would defray this in the registration fees. This revenue will be posted to a special revenue account, which can only be expended for improvements to the Recreation fields or facilities that support the various sports. It can be placed in separate association accounts and expended only for the facility that supports each association. These funds can roll over from year to year if not expended. This, along with the annual agreements with the city for additional maintenance assistance from associations, will ensure that the city's recreation budget can remain at a reasonable rate. In effect, this "pay to play" method ensures that general taxpayers aren't disproportionately supporting activities from which they don't directly benefit.

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

### **III. Recreation Classes:**

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

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

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

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

### **IV. Shakerag Fee:**

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

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

### **V. Kedron Fieldhouse and Aquatic Center**

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

#### A. Increase open swim pool fees:

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

Justification: This level of fee would put us in line with what surrounding communities charge: Gwinnett County, seniors \$2, child \$3, adult \$4; Fulton County, no senior discount, child \$1, Adult \$3; Dekalb,

\$3/person all, and \$1 on holidays; Cobb, senior \$1.10, child \$2.10, adult \$3.15; City of Atlanta, no senior discount, child \$1, adult \$2; Lagrange, no senior discount, child \$2, adult \$3. This can also be justified to help offset the 6.5 percent increase in Kedron operating costs for FY 2004. **This increase would net about \$30,787 additional revenue based on historical attendance.** Depending on the final approval date of these recommendations, implementing the fee increase will wait until the beginning of a new swim season.

**B. Increase pool pass rates:**

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

Justification: Again, this is to offset the increase in operating costs. Implementation date would be April 1, 2004, the day the passes go on sale for Summer 2004.

**D. Increase Room Rental Fees by \$10:**

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

**Budget Impact:**

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

**2004 PARK & FACILITY RENTAL FEES**

Effective Date: March 2004

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

Note: amounts in Red are proposed increases

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

L = lighted

s = summer

w =winter

**SANDERS, HAUGEN, SEARS & MEEKER, P.C.**

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**E-MAIL: [tmeecker2@numail.org](mailto:tmeecker2@numail.org)**

**WALTER D. SANDERS**  
**(1909 - 1989)**

**TO:** Mayor and Council  
City of Peachtree City

**FROM:** Theodore P. Meeker, III   
City Attorney

**DATE:** February 25, 2004

**RE:** Kedron Village Retail Center Phases II and III

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On October 13, 2003, the Planning Commission acted to deny the approval of the Conceptual Site Plan for Kedron Village Retail Center, Phases II and III. The Applicant appealed that decision to the City Council.

Subsequently, the Applicant initiated a lawsuit against the City regarding the denial of the site plan. As a result of initiating that lawsuit, the appeal hearing before the City Council was held in abeyance.

On February 24, 2004, the first hearing was held in the pending litigation. At that hearing, the Court, while retaining jurisdiction of the case, remanded the matter to the City Council so that action could be taken on the Applicant's appeal. As per the Court direction, council action is necessary prior to further legal proceedings.

The recommendation of the City Planner that was presented to the Planning Commission is included for your review, as is a copy of my legal opinion on this matter dated October 9, 2003.

It is my recommendation that the Conceptual Site Plan be denied. The Plan, as submitted, exceeds any vested rights that the Applicant or property owner may have pursuant to the plan that was approved in 1995. As a result, the plan must comply with the requirements of the City's GC zoning district, as amended.

Mayor and Council  
City of Peachtree City  
February 25, 2004  
Page Two

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The Conceptual Site Plan does not comply with the requirements of the GC Zoning District in that it contains a structure that is in excess of 32,000 square feet. Accordingly, the decision of the Planning Commission to deny the approval of the Conceptual Site Plan should be affirmed.

TPM/bjc



# Peachtree City

Georgia

Date: October 10, 2003

To: Planning Commission  
Applicant

From: David E. Rast, ASLA *David*  
City Planner

Re: **Kedron Village retail center, Phases 2 and 3**  
*Conceptual site plan review*

---

## **Project description**

Peachtree City Holdings, LLC (Pathway Communities) owns approximately 47.7 acres of property within the overall Kedron Village retail and commercial center located at the intersection of GA 74 North and Peachtree Parkway. Faison has a contract with Pathway Communities to purchase 33 acres and desires to develop Phases 2 and 3 of the retail center. The subject parcel is zoned GC General Commercial and is identified on the official zoning map and land use map as the commercial and retail center for Kedron Village.

Staff is currently reviewing a conceptual site plan for Phases 2 and 3 of the Kedron Village retail center. Phase 2 would consist of a 124,717 SF freestanding Target store, which would be located adjacent to the existing Kroger grocery store and associated shops. Phase 3 of the overall retail center would be located across a large parking lot from Phases 1 and 2 and would consist of 130,200 SF of retail space and 14,000 SF of second floor office space. The gross floor area for Phase 3 would be 144,200 SF.

Access to the site would be provided by extensions of two internal drives within the existing retail center; an existing access road connection to Georgian Park adjacent to the Kedron Automotive building; and a new access road that would connect to Georgian Park across from the Regents Park intersection.

## **Background information**

- On May 25, 1988, City Council rezoned approximately 1,513 acres of property within the northern section of Peachtree City to form what is known as Kedron Village. The City's official zoning map and land use map were modified at that time to reflect the new zoning classifications and land use designations. The property bordered by GA 74 North, Peachtree Parkway, and what was referred to as a "Future Collector" was rezoned to GC

## **Kedron Village retail center, Phases 2 and 3**

October 10, 2003

Page 2

General Commercial and identified as COM Commercial on the land use map. The subject property was planned and approved as the retail and commercial center of Kedron Village (Attachment "A").

- On September 27, 1993, City Staff and the Planning Commission approved the conceptual site plan for the alignment of the loop/ collector road for the Kedron Village shopping center (Attachment "B"). One of the conditions of approval stipulated that the Applicant was required to conduct a traffic study for the proposed road *"to establish anticipated loads and design standards. That study should take a "worst-case" approach and assume that the residential area to the southeast of the center will be developed to the maximum density allowed by the zoning."*
- On July 20, 1994, Moreland-Altabelli submitted the Transportation Analysis for Kedron Center Loop Road. This study defined the Kedron Center Loop Road (now Georgian Park) as a *"proposed collector road that will serve the proposed Kedron Shopping Center and the Lake Point (now Regents Park) residential developments."* The study also analyzed the anticipated traffic generation from the proposed developments and recommended lane configurations and turn lane storage requirements at proposed intersections. The analysis was based on a 350,000 SF retail center (including outparcels); 90,000 SF within the Georgian Park (Newgate Road) commercial subdivision; and 90,000 SF of outparcels adjacent to Georgian Park. In addition, the study included three scenarios of residential development: 500 single-family dwelling units; a mixture of 300-single-family dwelling units and 700 multi-family dwelling units; or 1,700 multi-family dwelling units. Based on a detailed study of capacity analysis, median spacing, lane configuration and storage requirements, and lane transition from two to four and four to two lanes, the traffic study concluded that the collector road as designed should provide acceptable levels of service and access through project build-out.
- On April 24, 1995, City Staff and the Planning Commission approved the conceptual site plan for the overall Kedron Village retail center. Phase 1 of this development included a 65,685 SF Kroger grocery store and 20,050 SF of associated strip retail space. The plan also identified a potential 21,000 SF expansion of the Kroger store along with a potential 4,620 SF expansion of the strip retail space. Further, the plan included a scenario for the future development of Phase 2 of the overall retail center, which would add approximately 177,000 SF to the overall retail center (Attachment "C").
- As a part of the development of Phase 1 and the anticipated build-out of the entire Kedron Village retail and commercial center (including all outparcels), Peachtree City Development Corporation (now Pathway Communities) widened and reconstructed Peachtree Parkway, including the Kedron multi-use tunnel underneath Peachtree Parkway; reconstructed the GA 74/ Peachtree Parkway intersection, including the installation of associated turn lanes and a traffic signal; designed and constructed Georgian Park, including a multi-use tunnel; completed clearing and grading of Phase 2

## **Kedron Village retail center, Phases 2 and 3**

October 10, 2003

Page 3

of the retail center; and installed and/ or relocated utilities to serve the overall development, including water, sanitary sewer and electrical.

- On July 14, 1999, Greenberg Farrow submitted a conceptual site plan for a freestanding 129,808 SF Home Depot store within the Kedron Village retail center. The initial submittal did not identify any buildings within Phase 2 of the overall development. Subsequently, Greenberg Farrow submitted a revised conceptual site plan on August 17, 2000, which included a total of 184,075 SF of retail space. The main tenant was a freestanding 140,000 SF Home Depot store. Both of these plans went through the Staff review process and comments were forwarded to the Applicant. When the Home Depot and Wal-Mart development was approved on GA 54, Staff notified the Applicant that the project file would be closed.
- On November 2, 2000, City Council approved an amendment to the GC General Commercial zoning ordinance, which placed specific limits on the overall size of retail buildings and the total amount of retail space permitted on any zoning lot within the GC zoning district. The minutes of this meeting (Attachment "D") reflect that Council acknowledged that a conceptual site plan had been submitted for the overall Kedron Village retail center and that the revised ordinance would not apply to this property as long as the site was developed in a similar manner to that shown on the approved conceptual site plan.
- On November 10, 2000, Mayor Lenox sent a letter to Pat Heaberg with Pathway Communities clarifying how the amended GC zoning ordinance would impact the undeveloped property that Pathway Communities owned within the Kedron Village retail center (Attachment "E"). This letter identified two site plans that had been submitted for review - the conceptual site plan that was approved on April 24, 1995, and the site plan that was under review at the time the ordinance was amended (Home Depot). The Mayor stated *"The City feels that both plans were filed and accepted for review well in advance of the ordinance enactment date and that you can therefore develop under either plan subject to the normal review and approval process of the City but free of any restrictions imposed by the Big Box Ordinance."*
- On December 18, 2002, City Staff met with representatives from Pathway Communities and Faison to discuss their plans for the development of Phases 2 and 3 of the Kedron Village retail center.
- On July 10, 2003, Faison submitted an initial conceptual site plan for the build-out of the overall Kedron Village retail center (Attachment "F"). Phase 2 of the retail center would consist of a 125,000 SF anchor tenant (Target), and Phase 3 would consist of several groupings of smaller retail buildings totaling 125,800 SF, with an additional 16,000 SF of second floor office space. The total project encompassed 266,800 SF of gross floor area and 1,206 parking spaces.

## Kedron Village retail center, Phases 2 and 3

October 10, 2003

Page 4

- Following a series of initial Staff review comments, the plan was modified and a revised site plan was formally submitted to City Staff on August 1, 2003, for review and comment (Attachment "G"). This site plan identified two phases of development. Phase 2 included a 125,000 SF anchor tenant and 610 parking spaces, and Phase 3 included 116,200 SF of smaller retail space and 14,000 SF of second floor office space, along with 613 parking spaces. The total project encompassed 255,200 SF of gross floor area and 1,106 parking spaces.
- On August 11, 2003, Faison presented this conceptual site plan to the Planning Commission in a workshop format. Prior to that meeting, Staff and the developer met with representatives of homeowner and community associations from the surrounding residential developments. Based on comments received at this meeting and those from City Staff, the site plan was modified and a revised site plan submitted for Staff review.
- On September 19, 2003, Moreland-Altobelli submitted the Traffic Impact Study for Kedron Village – Phases 2 and 3. This document was prepared assuming that 40% of the traffic coming to the center would be generated by "pass-by trips", or from those vehicles already traveling in the area. The study analyzed existing traffic conditions at four unsignalized intersections in the immediate area of the retail center (Peachtree Parkway/ Georgian Park, Peachtree Parkway/ Kroger Drive, GA 74/ Georgian Park and Georgian Park/ Regents Park) and found that, under existing traffic conditions, the GA 74/ Georgian Park and the Peachtree Parkway/ Kroger Drive intersection required signalization. The study also identified that, under future traffic conditions, all of these intersections would operate at acceptable levels of service after the traffic signal controls were implemented at these intersections. The study concluded that *"the proposed Kedron Village Phase 2 and 3 will not generate enough trips to warrant additional signals or require additional lane capacity or other infrastructure improvements, nor will multi-way stop controls be required."*
- On September 22, 2003, Faison submitted a revised conceptual site plan to City Staff for review (Attachment "H"). This plan incorporated all of Staff comments to date and identified two phases of development. Phase 2 consisted of a 124,717 SF Target store and 568 parking spaces. Phase 3 consisted of 130,200 SF of retail space and 14,000 SF of second floor office space along with 635 parking spaces. The total project encompasses 268,917 SF of gross floor area and 1,048 parking spaces.
- On September 26, 2003, City Staff met with the City's Traffic Consultant (URS) to review the findings of the Moreland-Altobelli traffic studies. URS confirmed the findings of the Moreland-Altobelli study and the methodology used in analyzing the existing traffic in the area and the anticipated traffic once Phases 2 and 3 of the retail center were completed.
- On October 3, 2003, Moreland-Altobelli submitted a revised Traffic Impact Study, which was prepared assuming that 100% of the trips coming to the retail center would be new

## Kedron Village retail center, Phases 2 and 3

October 10, 2003

Page 5

trips as opposed to pass-by trips identified within the previous study. With the installation of the two signals identified in the previous study, and by factoring that 100% of the trips would be generated solely to travel to the retail center, the study concluded that *"the design of the existing infrastructure on GA 74, Peachtree Parkway and Georgian Park is sufficient to handle the proposed number of trips to be generated by Kedron Village Phases 2 and 3, including roadway thru-lane capacity and turn lane capacity as evidenced by the V/C (volume to capacity) ratios."*

### Summary of conceptual site plan elements

|                      |                       |
|----------------------|-----------------------|
| Acreage              | 33 acres              |
| Zoning               | GC General Commercial |
| Land Use designation | COM Commercial        |

|                      | Phase 2        | Phase 3        | Office       | Total         |
|----------------------|----------------|----------------|--------------|---------------|
| Building size        | 124,717 SF     | 130,200 SF     | 14,000 SF    | 268,917 SF    |
| Parking (vehicle)    | 531            | 525            | 42           | 1098          |
| Parking (golf carts) | 38             | 68             | 0            | 106           |
| Total parking        | 569            | 593            | 42           | 1204          |
| Parking ratio        | 4.6 / 1,000 SF | 4.6 / 1,000 SF | 3 / 1,000 SF | 4.5/ 1,000 SF |

#### • Access

The site plan identifies various access points to serve the proposed development. Internal connections will be provided to the existing drive in front of Phase 1, which connects to the site entrances on Peachtree Parkway and Georgian Park. Another connection will be provided to the existing internal access road, which will provide access to the two site entrances off of Peachtree Parkway and the existing site entrance on Georgian Park.

The Applicant is proposing a separate entrance from Georgian Park that will align with the existing Regents Park intersection. This entrance has been a part of the master plan for the overall Kedron Village retail center since 1993 and has been identified on numerous site plans submitted for this property. Staff suggested that this entrance road meander through the property with heavy landscaping as opposed to a straight boulevard into the retail center as shown on previous site plans.

At the request of several property owners within the Lake Kedron community, the City Engineer reviewed several alternate access points to serve the proposed retail center. Each of these proposals involved the design and construction of a new commercial driveway from Georgian Park, Newgate Road or GA 74 North and the elimination of the existing and permitted commercial driveway across from the Regents Park intersection.

The City Engineer considered existing turning movements, traffic patterns and median breaks on Georgian Park, GA 74 and Peachtree Parkway as well as the impact these proposed roads would have on the existing wetland and stream buffers. Additionally, the potential for additional property acquisition and significant construction costs was analyzed.

## **Kedron Village retail center, Phases 2 and 3**

*October 10, 2003*

*Page 6*

Upon review of the existing entrance from Georgian Park into the retail center, the Engineer considered the fact that the entrance had been planned for many years and predates all of the residential development in the Georgian Park neighborhoods. The City Engineer concluded that the location presents advantages over the other access roads in that it is already constructed to a point, intersects at a median break on Georgian Park, provides easy access to the retail center for residents within the Lake Kedron neighborhoods, is a safe intersection and has been demonstrated by the traffic study to be able to handle the additional traffic with no changes in traffic control. Finally, the City Engineer concluded that Georgian Park was designed to accommodate the volume, speed, and type of traffic that will be utilizing this intersection.

- **Parking configuration**

Due to the parking requirements for this retail center, Staff requested that the Applicant separate the parking areas for Phases 2 and 3 into three distinct fields. The parking area for Phase 2, will accommodate 569 vehicle and golf cart parking spaces, and will contain large islands for landscaping. These islands will be similar in size to those within the existing Phase 1 parking area.

The parking areas for Phase 3 are divided into two separate fields. One will curve and accentuate the layout of the retail center and the other will be perpendicular to the retail center. Overall, this area will contain 525 vehicle and 68 golf cart parking spaces, and will also contain large islands for landscaping.

It should be noted that as the final site plan is being developed, Staff will have an opportunity to work with the developer to coordinate the actual spacing of landscaped islands and possibly eliminate additional parking spaces.

- **Service access**

The site plan was designed so that the proposed Target store could share the existing service court behind the Kroger retail center. Access to this area would be limited to the existing entrance off of Georgian Park adjacent to the Kedron Tire and Automotive building. Staff has also suggested that service and delivery vehicles for the retail shops in Phase 3 utilize this same entrance and navigate the internal roads to the service area behind the Phase 3 buildings. In order to reduce the noise generated from these buildings, Staff suggested that the Phase 3 buildings back up to the existing stream and associated buffer as opposed to Georgian Park.

To alleviate the concerns that service and delivery traffic would utilize Georgian Park to access the retail center, Staff has suggested that City Council adopt specific load restrictions for Georgian Park, which would prohibit heavy truck traffic from GA 74 to the site entrance. Although there is no guarantee that all service and delivery vehicles would utilize the existing site entrance adjacent to Peachtree Parkway, this could be monitored by the City to ensure compliance with these restrictions.

- **Pedestrian/ golf cart access**

## **Kedron Village retail center, Phases 2 and 3**

*October 10, 2003*

*Page 7*

The existing cart path leading to the retail center from the Georgian Park tunnel will remain intact. At present, the existing path crossing on Georgian Park at the Regents Park intersection is planned to remain in this location and would connect to an internal path system within the overall retail center. Further study will be necessary to determine if this path crossing should be eliminated and relocated farther north on Georgian Park to access the retail center on the north side of the Vassey Medical Building.

The site plan identifies defined pedestrian circulation within the overall retail center. Pedestrian connections between all phases of this development would be accommodated by the installation of designated sidewalks within landscaped areas. These sidewalks would connect to the walks and plazas in front of the retail stores. Although not finalized in design, the Applicant has indicated he plans to utilize pedestrian-scale lighting, benches, brick pavers and other amenities to encourage pedestrian traffic. Additionally, speed tables or other types of traffic-calming devices will be utilized to designate pedestrian crossings within the center.

- **Buffers and open space**

Due to the nature of this type of development and the existing grades on the subject parcel, a significant amount of the site will be cleared and graded to accommodate the proposed buildings and associated parking. The Applicant has agreed to leave existing vegetation intact along the perimeter of the development to provide buffering, especially on the south side of the property between the parking area and the outparcels adjacent to Georgian Park. These areas will be reviewed in detail as the final site plan is being prepared.

- **Aesthetic features**

At present, the architectural design for the proposed buildings has not been finalized. Faison has indicated they plan to utilize a significant amount of brick, EIFS and architectural detailing to break up the facades of the buildings. The Applicant has also indicated that he plans to heavily landscape the site, including significant plantings adjacent to the buildings, along the pedestrian paths and along the internal roadways. The internal sidewalk system will utilize concrete, brick pavers and raised crosswalks where pedestrian paths cross internal roadways. Pedestrian scale and specialty lighting will be used to illuminate sidewalks and gathering areas.

### **Comparison to existing village retail centers**

Several inquiries have been made as to how the proposed development compares with existing village retail centers within the City. As a comparison, Staff analyzed the Braelinn and West Village retail centers and compared this information with the proposed development of Kedron Village.

It should be noted that the following information is based on the retail centers only and does not include individual outparcels:

## **Kedron Village retail center, Phases 2 and 3**

October 10, 2003

Page 8

| Development                     | Total SF          | Total parking | Parking ratio |
|---------------------------------|-------------------|---------------|---------------|
| <u><i>Braelinn Village</i></u>  |                   |               |               |
| Phase One                       | 103,536 SF        | 592           | 5.2/ 1,000 SF |
| Phase Two                       | 116,009 SF        | 816           | 7/ 1,000 SF   |
| Phase 3 (proposed)              | <u>55,236 SF</u>  | <u>289</u>    | 5.3/ 1,000 SF |
| <b>Total – Braelinn Village</b> | <b>274,781 SF</b> | <b>1,697</b>  |               |
| <u><i>West Village</i></u>      |                   |               |               |
| Market Place                    | 37,920 SF         | 135           | 3.6/ 1,000 SF |
| The Home Depot                  | 139,220 SF        | 536           | 3.8/ 1,000 SF |
| Wal-Mart                        | 203,821 SF        | 980           | 4.8/ 1,000 SF |
| The Avenue                      | <u>153,500 SF</u> | <u>725</u>    | 4.3/ 1,000 SF |
| <b>Total – West Village</b>     | <b>534,461 SF</b> | <b>2,316</b>  |               |
| <u><i>Kedron Village</i></u>    |                   |               |               |
| Phase One                       | 85,735 SF         | 555           | 6.5/ 1,000 SF |
| Phase Two (proposed)            | 124,717 SF        | 568           | 4.6/ 1,000 SF |
| Phase Three (proposed)          | 130,200 SF        | 593           | 4.6/ 1,000 SF |
| Phase Three office (proposed)   | <u>14,000 SF</u>  | <u>42</u>     | 3/ 1,000 SF   |
| <b>Total – Kedron Village</b>   | <b>354,652 SF</b> | <b>1,757</b>  |               |

As these figures indicate, the development of the Kedron Village retail center will be similar to the ultimate development of the Braelinn Village retail center. The West Village retail center is much larger in scale and includes all of the retail and commercial property at the GA 74/ GA 54 intersection and all property within the GA 54 West corridor. Anticipated build-out of this property will most likely exceed one million square feet.

### **Items for consideration**

Staff took into consideration several variables when reviewing the conceptual site plan submitted by Faison. First, we had to make a determination as to whether or not the conceptual site plan would be considered a substantial change from the overall site plan that was approved by Staff and the Planning Commission on April 24, 1995, and whether or not this new site plan warranted review and approval by the current Planning Commission. **Because the Faison plan varied from the site plan originally approved, it was determined the new site plan warranted a full review by Staff and the Planning Commission.**

As you are aware, when site plans are submitted that include potential phasing of development, we require the developer to identify potential “build-out” scenarios of the property so that we can review internal circulation, buffers, building placement, etc. Also, as we have found in the past, these “build-out” scenarios are sometimes revised and modified when specific site plans are submitted for a particular phase of a development. In our opinion, this is what was done when

**Kedron Village retail center, Phases 2 and 3**

October 10, 2003

Page 9

the original site plan was submitted for the overall Kedron Village retail center. **Because the Faison plan changed the configuration of the buildings, internal circulation patterns and the intensity of the overall development, we felt that the entire plan was subject to Staff and Planning Commission review.**

Once we determined that the new site plan would need to be reviewed by Staff and the Planning Commission, we had to determine if the new site plan would fall under the previous requirements of the GC zoning ordinance or if they would be subject to the "Big Box" amendments that were adopted on November 2, 2000. In order to assist us with this determination, we requested a legal opinion from the City Attorney as to the potential for vested rights associated with the initial site plan approval and how this might impact our review of the new site plan.

Based on the findings of the City Attorney (Attachment "I"), ***"Peachtree City Holdings has a vested right to develop the property in accordance with the approved conceptual site plan dated April 24, 1995."*** This plan identified a detailed conceptual site plan for Phase 1 of the retail center and a schematic site plan for the potential build-out of Phase 2 of the overall retail center. Typical building sizes and parking arrangements were included on the site plan and the project data sheets submitted as a part of the site plan review package. Again, this is a typical requirement when property is developed in phases and, in the past, has not limited a developer to adhere to the specific site plan submitted for review. Site-related details, including building configuration, parking arrangement and internal circulation, are reviewed as a part of the conceptual site plan review process, which is clearly defined within the City's Land Development Ordinance and the Site Plan review package. **In the case of the Faison plan, there was a substantial change in the overall design of the site, which warranted a full review by City Staff and the Planning Commission.**

The City Attorney also found that ***"the plan currently submitted to the City far exceeds the allowable square footage under the approved plan"***, and ***"that such a drastic change would result in the developer having to comply with the City's current ordinances with respect to the plan under consideration, as the property owner would still have the right to develop in accordance with the previously approved plan."*** Based on this opinion, Staff reviewed the site plan to determine if it, in fact, met the requirements of the revised GC General Commercial zoning ordinance (Attachment "J"). **It is Staff's position that Phase 2 should be reviewed under the previously approved site plan and Phase 3 should be reviewed under the amended GC zoning ordinance.**

The issue of whether or not the subject property has vested rights is debatable and is one that cannot be resolved at a Staff or Planning Commission level. It is a fact that Faison submitted a new site plan for the development of Phases 2 and 3 of the Kedron Village retail center. It is also a fact that the overall tract can be subdivided into two zoning lots, which would allow separate reviews of each phase of the development.

**Kedron Village retail center, Phases 2 and 3**

*October 10, 2003*

*Page 10*

Based on the opinion of the City Attorney, Staff reviewed Phase 2 and Phase 3 of the new site plan to determine if they conformed to what was shown on the site plan approved on April 24, 1995, and the site plan under consideration when the amendments to the GC ordinance were adopted. It can be argued that the new site plan would need to conform exactly with either of these plans in order to remain consistent to what was originally approved. However, as we have allowed on numerous occasions in the past, new site plan submittals for phased projects sometimes vary in size and scope to what was originally presented and approved (Wisdom Road convenience center, Peachtree Promenade, Lexington Circle, etc.). In each of these cases, we have taken the new site plan through the Staff review process and then to the Planning Commission for approval.

It is Staff's position that the revised Faison site plan is a better plan than any of the plans previously submitted for this site. Taking into consideration numerous Staff comments and design suggestions, the Applicant revised this plan several times and shifted the location of the large retail spaces so that none of the service areas would back up to the residential portions of Georgian Park. As opposed to a linear strip retail center (i.e., Braelinn Village and Kedron Village, Phase 1), the Applicant chose to divide the building masses on either side of the property to encourage visibility to the stores from within the site. It must be noted that the majority of this new retail space will not be visible from GA 74, Peachtree Parkway or Georgian Park. Other site improvements include the meandering access road, internal sidewalks and pedestrian-scale amenities and separate golf cart parking areas.

**Although somewhat different in layout, it is Staff's position that Phase 2 of the Kedron Village retail center as proposed could be approved under the vested rights scenario. It is also Staff's position that Phase 3 of the Kedron Village retail center meets the intent of the amendments to the GC zoning ordinance.**

The following summarizes a portion of these amendments and how they apply to Phase 3:

Section 1006.3 Conditional uses: The following uses shall be permitted in any GC zoning district on a conditional basis:

- (a) Retail business involving the sale of merchandise on an individual zoning lot where an individual tenant occupies more than 10,000 square feet subject to the following conditions:

- (1) Maximum areas (on any zoning lot):

|                              |                     |
|------------------------------|---------------------|
| General retail space         | 150,000 square feet |
| Theater and restaurant space | 50,000 square feet  |

***Phase 3 of the Kedron Village retail center contains 144,200 SF.***

**Kedron Village retail center, Phases 2 and 3**

October 10, 2003

Page 11

- (2) No single commercial tenant shall occupy more than 32,000 square feet of floor area.

*See retail space summary below.*

- (3) No three commercial tenants shall occupy a combined floor area of more than 80,000 square feet.

*See retail space summary below.*

- (4) No more than six commercial tenants shall occupy more than 10,000 square feet of floor area each.

**Phase 3 contains the following tenant space:**

|                                               |                                     |
|-----------------------------------------------|-------------------------------------|
| <b>Major Tenant "A"</b>                       | <b>20,000 SF – meets (2)</b>        |
| <b>Major Tenant "B"</b>                       | <b>30,000 SF – meets (3)</b>        |
| <b>Major Tenant "C"</b>                       | <b>25,000 SF – meets (3)</b>        |
| <b>Major Tenant "D"</b>                       | <b>20,000 SF – meets (3)</b>        |
| <b>Mini major</b>                             | <b>10,000 SF – meets (4)</b>        |
| <b>Shops 100 (multiple tenants)</b>           | <b>14,000 SF – meets (4)</b>        |
| <b>Shops 200 (multiple tenants)</b>           | <b>6,400 SF – meets (4)</b>         |
| <b>Shops 300 (multiple tenants)</b>           | <b>4,800 SF – meets (4)</b>         |
| <b>Second floor office (multiple tenants)</b> | <b><u>14,000 SF – meets (4)</u></b> |

**Total – Phase 3** **144,200 SF**

In summary, the overall square footage of Phase 3 meets the maximum area allowed on a zoning lot. Additionally, the proposed tenant space distribution meets the size limitations identified within the amended ordinance.

**Justification for approval**

After careful review of the history of the Kedron Village retail center and a detailed analysis of the Faison site plan, Staff feels there are numerous reasons that justify approval of this new site plan. Following is a summary of these items:

1. The subject property has been identified as the retail and commercial center for Kedron Village since the overall village master plan was approved and rezoned in 1988.
2. The property is zoned GC General Commercial, which permits the proposed use. Section 1006.1 Intent of district states: *"The regulations which apply within this district are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for businesses to serve city and regional commercial needs."*
3. The City's Land Use Plan identifies the subject property as COM Commercial. The recently completed update to the Land Use Plan confirmed this designation for all undeveloped parcels within the overall Kedron Village retail center.

## **Kedron Village retail center, Phases 2 and 3**

October 10, 2003

Page 12

4. The property will be subdivided into two zoning lots as shown on the conceptual site plan, and these parcels will be identified as Phase 2 and Phase 3.
5. Phase 2 of the Kedron Village retail center will be reviewed in accordance with the conceptual site plan that was approved on April 24, 1995, and the assumed vested rights held by Peachtree City Holdings, LLC. If it is determined that vested rights are not applicable to this property, Phase 2 would need to meet the amended GC zoning ordinance.
6. Phase 3 of the Kedron Village retail center will be reviewed in accordance with the current GC zoning ordinance, as amended on November 2, 2000.
7. Two traffic studies were prepared for this development, both of which indicate the design of the existing infrastructure on GA 74, Peachtree Parkway and Georgian Park is sufficient to handle the proposed number of trips to be generated by the proposed development, including roadway thru-lane capacity and turn-lane capacity as evidenced by the V/C (volume to capacity) ratios. These studies also identify that the existing traffic at the GA 74/ Georgian Park and the Peachtree Parkway/ Kroger Drive intersections warrant the installation of a traffic signal. These findings were confirmed and supported by the City's Traffic Consultant.
8. Faison has agreed to design and construct a traffic signal at the GA 74/ Georgian Park intersection at no cost to the City. Faison has also agreed to fund improvements to the Georgian Park/ Regents Park intersection to improve traffic flow at this intersection at no cost to the City.
9. The entrance into the development from Georgian Park has been included in all development proposals submitted to City Staff for the Kedron Village retail center since 1993.
10. A comparison to similar village retail and commercial centers within Peachtree City indicates the proposed square footage and parking ratios for the Kedron Village retail center would be similar to the Braelinn Village retail center.

### **Recommendation**

Staff recommends that the conceptual site plan for Phases 2 and 3 of the Kedron Village retail center be approved subject to the following understandings and conditions:

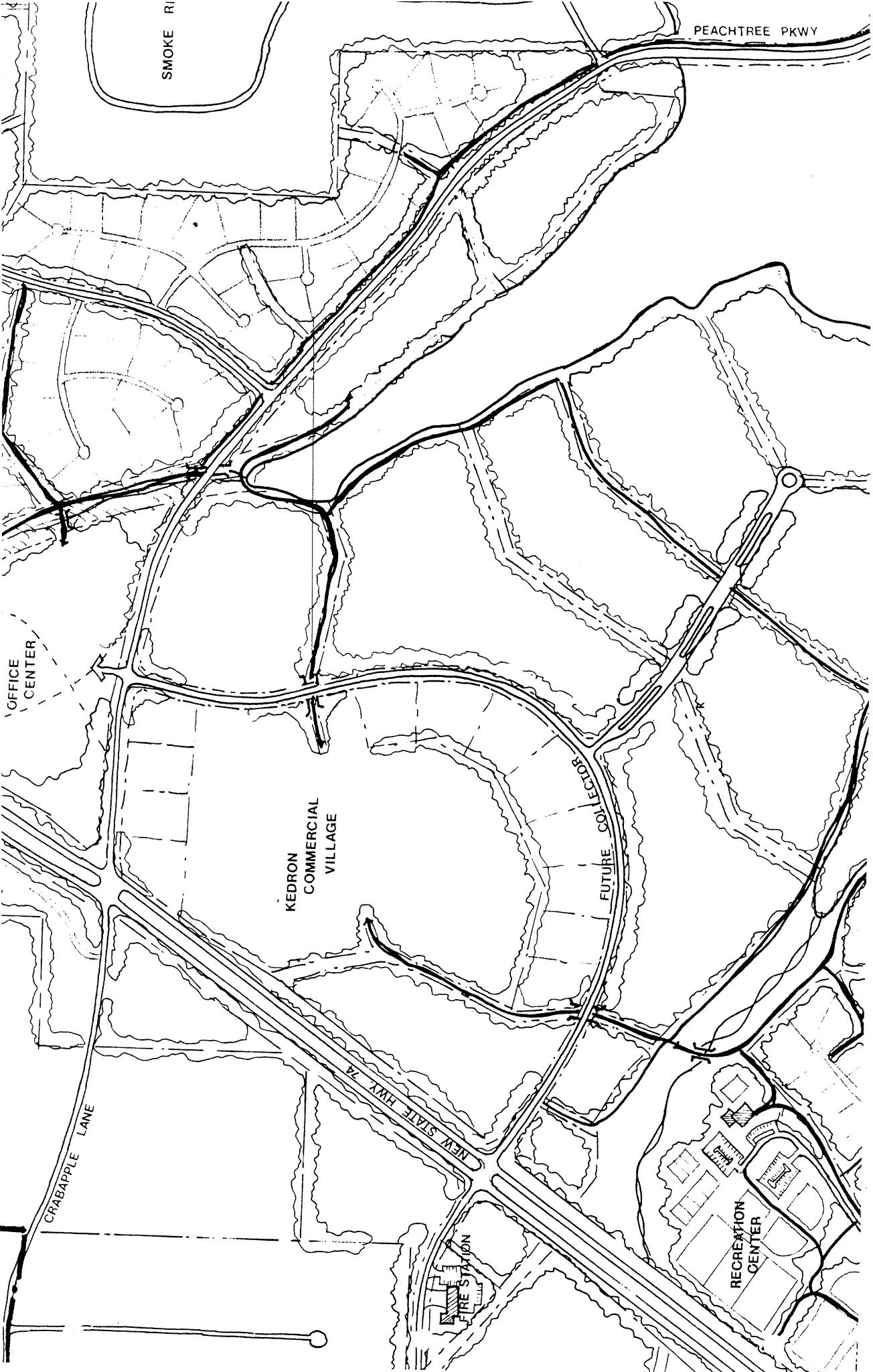
1. *The development shall take place in conformance with the conceptual site plan as presented and approved. Any modifications to this plan will warrant further review by City Staff and the Planning Commission.*
2. *The Developer must submit a subdivision plat for the overall tract dividing the property into two parcels as shown on the conceptual site plan.*
3. *The Developer at his own expense shall design and install a traffic signal and any improvements that are necessary at the GA 74/ Georgian Park intersection. This traffic light must be fully operational prior to issuance of any occupancy permits for the development.*
4. *The Developer at his own expense shall fund traffic-calming improvements at the Georgian Park/ Regents Park intersection. At a minimum, these improvements shall include a four-way stop and associated pavement markings.*

**Kedron Village retail center, Phases 2 and 3**

October 10, 2003

Page 13

5. *The Developer at his own expense shall fund the relocation of the existing cart path crossing and associated path infrastructure at the Georgian Park/ Regents Park intersection further north on Georgian Park if deemed necessary.*
6. *The Developer shall agree to adopt an architectural program for all buildings within the retail center. This program must be approved by the City as a part of the final site plan approval.*
7. *The Developer must agree that out-of-store marketing will not be conducted nor will any materials be stored outside main buildings unless the displays and materials are under canopies approved by the City as a part of the project architecture, which must be approved as a part of the final site plan.*
8. *The Developer must agree to provide the City with plans for landscaping, exterior lighting and signage; and those plans must be approved by the City as a part of the final site plan approval.*
9. *The Developer must continue to coordinate with the Fire Marshal and the Building Official to ensure the overall development conforms to current life safety and building codes.*



SMOKE RI

PEACHTREE PKWY

KEDRON  
COMMERCIAL  
VILLAGE

OFFICE  
CENTER

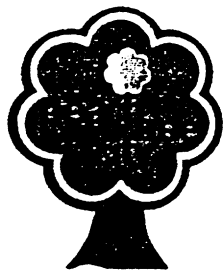
FUTURE  
COLLECTOR

RECREATION  
CENTER

FIRE STATION

CRABAPPLE LANE

NEW STATE HWY 24



# Peachtree City

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Georgia

September 29, 1993

Mr. Jerry Peterson  
Vice President of Planning  
Peachtree City Development Corporation  
PO Box 2007  
Peachtree City, GA 30269

Re: Conceptual Site Plan, Alignment of Loop/Collector Road for  
Kedron Village Shopping Center

Dear Jerry:

At its September 27th meeting, the Planning Commission approved, in concept, the alignment of the Kedron Center Loop Road. A copy of that approved plan is provided for your records. Several conditions and/or suggestions were noted as qualifiers for the approval:

- (1) City Staff and the Planning Commission felt that the collector road should be a divided parkway throughout. The purpose for the median is primarily for landscaping. Your revised submittal reflects this now.
- (2) We recommend a traffic study be conducted to establish anticipated loads and design standards. That study should take a "worst-case" approach and assume that the residential area to the southeast of the Center will be developed to the maximum density allowed by the zoning.
- (3) Depending on the results of the traffic study, breaks in the median may be able to be designed for left turns without stack lanes (like Peachtree Parkway at Bridlepath). If volume demands it, then left turn lanes may be needed at the major entrances.
- (4) Deceleration lanes on the commercial side for right turns may also be necessary, again depending on traffic volumes anticipated.

Page 2  
Mr. Jerry Peterson  
September 29, 1993

- (5) The concept drawing indicates three (3) major intersections, one (1) service entry, five (5) minor entries, and three (3) cart path access points to the shopping center from the loop road. These should be the maximum number of curb cuts on the commercial side of the loop road.
- (6) The State Route 74 intersection will require GA DOT approval.
- (7) Improvements on Peachtree Parkway North, to include the median, need to extend farther to the south to provide a smoother transition from 4-lanes to 2-lanes and to provide better sight distance. It is recognized that the Peachtree Parkway improvements will be a part of the Shopping Center development, but this still needs to be considered as the loop road is designed.

We suggest that the development process take the following course for this project:

- (1) Traffic study.
- (2) Road design.
- (3) DOT approval.
- (4) Preliminary plat.
- (5) Development permit (perhaps in phases).
- (6) Final plat(s).

It is exciting to see the beginning stages of the North Kedron Village development. This loop road is an important first step, and we want to help insure a quality product. Your presentation to the Planning Commission was excellent, and we appreciate your time and effort in putting that together. The City Staff looks forward to working with you closely as this plan takes shape.

Sincerely,



Cam McNair  
City Planner

Attachment

cc: Director of Developmental Services  
Director of Public Services  
Joe Alfano, Planning Commission

[illegible][illegible][illegible][illegible]

CONCEPTUAL SITE PLAN  
PROJECT DATA SHEET

KROGER-KEDRON VILLAGE

FEBRUARY 3, 1995

**NATURE OF PROJECT:** The project consists of two phases. The first phase of the project involves the development of a 62,685 sf Kroger grocery store and two areas adjacent to the Kroger, containing 10,000 sf of retail space. Phase two of the project involves the development of other retail space south of the Kroger site at a future date. This future development will consist of the addition of approximately 175000 sf of retail space. Furthermore, 15 outlots will be graded on the perimeter of the property to allow for future development.

**DEVELOPER:**      **NAME:**      The Sofran Group  
                         **ADDRESS:**    57 Executive Park South  
                                           Suite 325  
                                           Atlanta GA 30329  
                         **CONTACT:**    Mr. Freddie Crenshaw  
                         **PHONE:**        404-325-5289

**LOCATION:** Southeast corner of the intersection of Peachtree Parkway and Georgia S.R. 74.

**GROSS SITE AREA:**      The site consists of a total 70 acres. The Kroger portion of the development consists of 14.7 acres of the 70 acre parcel.

**ZONING CLASSIFICATION:**      The site is zoned general commercial.

**SETBACKS:**

|        | <u>Required</u> | <u>Actual</u> |
|--------|-----------------|---------------|
| North: | 25'             | 40'           |
| East:  | 40'             | 40'           |
| West:  | 50              | 70'           |
| South: | 40'             | 40'           |

**SIZE OF EXISTING BUILDINGS:** There are not any buildings currently on the project site.

**PROPOSED BUILDINGS:** Phase 1      Total square feet:      85735 sf  
                                                  Footprint:      Kroger      310x210  
                                                       Retail #1      143x70  
                                                       Retail #2      70x155  
                                                  Location:      See Plot Plan

Phase 2      Total square feet:      177000 sf  
                                          Footprint:      Bldg. 1      230x70  
                                               Bldg. 2      230x230  
                                               Bldg. 3      110x50  
                                               Bldg. 4      390x260  
                                          Location:      Southeast-Southwest

**BUILDING TYPE:** Phase 1      Grocery Store  
                                                  Retail

Phase 2      Retail (Proposed)

**EXISTING EMPLOYEES:** 0

**PROPOSED NEW EMPLOYEES:** 250

**EXISTING PARKING:** 0

**PROPOSED NEW PARKING:**      Phase 1:      5.31/MSF (After Expansion)  
                                                  Phase 2:      4.23/MSF

**DISTURBED AREA:**      Phase 1 and phase 2 sites will be graded at the same time.  
 Therefore, 69 of the 70 acre site will be affected by the grading activity.

**IMPERVIOUS AREA:**      Phase 1:      11.73 ac  
                                                  Phase 2:      21.03 ac  
                                                  Total:      33.45 ac

Percent of total area  
 Phase 1:      16.7%  
 Phase 2:      47.6%

**IMPERVIOUS AREA:** The outlots were not included in the impervious areas since at the time of development they are only to be rough graded. The outlot areas will be planted with grasses until, or if, they are developed.

**GREENBELTS:** Forty foot greenbelts will be provided adjacent to roadways.

**OPEN SPACE:** Additional open space is provided to the rear of the proposed development. Open space is also provided along the perimeter of parking areas.

**ADJACENT PROPERTY ZONING:** The site is bordered on all sides by streets or is zoned GC.

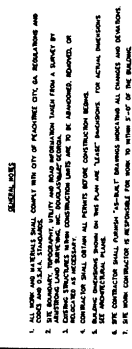
**LANDSCAPE BUFFERS:** 40' bufferzones will be on the north, south, and east sides of the parcel. A 70' buffer will occupy the western side of the parcel, along S.R. 74.

**CART PATHS:** Cart paths will be constructed on the site. See drawing for location of the cart paths.

**ENTRANCE TO SITE:** The site will be accessed from two streets. Two entrances will be placed on Peachtree Parkway. Two more entrance/exits will be accessed from the proposed Kedron Loop.

**STORMWATER RETENTION:** Stormwater will be retained offsite, at Lake Kedron. However, stormwater will be routed through sedimentation basins to control setteables.

**ISSUES:**

[illegible]

PLOT PLAN

|              |             |
|--------------|-------------|
| DATE         | 1 - 30 - 95 |
| JOB NUMBER   | 94-192      |
| SHEET NUMBER | C-1         |



| SITE ANALYSIS    |              |
|------------------|--------------|
| KROGER           | 65,685 S.F.  |
| SHOP'S           | 20,030 S.F.  |
| TOTAL BLDG. AREA | 85,735 S.F.  |
| PARKING          | 555 SPACES   |
| PARKING RATIO    | 6.47 SP/MSF  |
| KROGER EXPANSION | 86,685 S.F.  |
| SHOP'S           | 17,670 S.F.  |
| TOTAL BLDG. AREA | 104,355 S.F. |
| PARKING          | 555 SPACES   |
| PARKING RATIO    | 5.31 SP/MSF  |
| KROGER PARCEL    | 14.7 ACRES   |

[illegible]

**10-00-08      Public Hearing - Consider Ordinance – “Big Box” Regulations – approved 5-0**

Lenox asked Jim Williams to review changes since the last meeting. Williams said the City Attorney revised the first page and added a provision that dealt with maintenance of vacant properties.

McMenamin asked about the site plan for Kedron Shopping Center that was submitted two years ago. She asked at what point does the site plan change and at what point is a new plan submitted. Williams said it was over a year ago when the first site plan was submitted for Kedron Shopping Center Phase II. He said the conceptual plan was not approved because it was withdrawn because the tenant (Home Depot) moved to another site. McMenamin asked if they would have to submit a new site plan since it would be significantly different, and therefore they should not be exempted from the ordinance. Williams said they submitted a drawing that was reasonably close to the original submittal. He said they did not see a change in the original submittal; they just brought it back with comments that they were working to get additional tenants. McMenamin said she was uncomfortable with the issue, but she would like to listen to further discussion.

Brooks said he did not think a date was needed in the ordinance as it applied to a specific project. He said there was some concern as to whether or not Kedron Village Phase II should be exempt from the ordinance. He said if there was an obvious trail of paperwork then it should not. He said the date made the document messy.

Lenox was more concerned about the redevelopment of existing shopping centers.

McMenamin asked how long site plans could sit? Williams said that if they sat for a long time then they should go back through the process as a new plan, but in this case the plans that were submitted were returned with comments and they are responding. He said sometimes such a process would go on back and forth for a year or more.

Brooks said for a matter of record those two parcels had already filed site plans. He said the ordinance should be revised to eliminate the reference to specifically exclude those properties, but he noted that they did have active conceptual site plans filed. He said if the plans sat for a period of three to four years then at that point they should probably follow the ordinance.

Lenox said that the developers could always file for rezoning of a Limited Use Commercial development. He felt the Kedron Phase II site was intended for large use.

Williams said he would be unhappy if another Home Depot was built on that site. He was hoping for a village center type development.

Lenox suggested changing paragraph six so that it says if someone ceases to conduct its retail business on its premises the landlord shall be free to market and lease such premises to another person regardless of any contractual rights the tenant may have with the landlord except a direct competitor.

Brooks asked if it was appropriate to make a motion since the issue was tabled after the public comment had been concluded.

Lenox said they did take a good bit of comment at the last meeting, but he wanted to invite further comments.

Willis Granger said the ordinance covered nothing. He said there were currently five big boxes allowed and there was no other undeveloped property that would permit such developments. He did not think it was likely that existing shopping centers would be redeveloped.

Lenox said that was not correct. He said he could lease K-mart and there was sufficient land area to double it in size. He said he was concerned about what would happen in the City in 30–50 years when all sorts of things would change and redevelop. He wanted to leave future councils with the ability to control big boxes in the future. Granger said that Council already voted to approve such developments and set a precedent.

The following citizens spoke about the ordinance and asked questions: Willis Granger, Dave Skelton, Steve Brown, Robert Brown, Brian Pingaery, Phyllis Aguayo. Concerns were expressed about the need to regulate big boxes if there was current property that could be developed.

Steve Brown presented a letter to the City Clerk from Planning Commission member Rick Schumacher opposing the ordinance if it included the proposed exemptions. Brown said that in general people simply do not want big boxes for many reasons. He said 388 people drove to his house and hand delivered cards opposing such. He also said he had a problem with the current legal firm making legal opinion regarding Pathway Communities when the chief partner in that firm had a financial relationship with them. Lenox asked Brown to define a financial relationship. Brown said they both served on the board of directors of a bank. Lenox said that in the business world that did not create any fiduciary, financial, or ethical relationship. He doubted seriously if Brown had ever been a director of a corporation as he had. Lenox said he asked that question of other attorneys and it does not create any ethical conflict, conflict of interest, or any fiduciary relationship. He said he would appreciate Brown changing his comments to say it created the appearance of impropriety. He said that would be an acceptable statement, but Brown should not say that it created a financial or fiduciary relationship because it did not. Brown said the Ethics Ordinance states there should not be even the appearance of impropriety. Lenox said it was his opinion that it did not. Brown suggested that it would not cost a considerable amount of money to hire an independent GMA attorney to make such legal opinions especially in light of the circumstances that the same city attorney was the one who brought in the exemption at the last minute. Brown said he had heard Fritz say on two occasions that she did not want a Home Depot and then tonight she said she did not want a Wal-mart. He said Council was out of tune with their constituency and they should have adopted a Big Box Ordinance when they addressed the Home Depot issue.

Fritz said Brown had sent her information about a Big Box Ordinance, and had made the comment that she did not respond, but in fact she had documentation that she did respond and that Brown told her not to take it to staff to review because they would mess it all up.

She said she asked Brown to meet with her, but he acted like he did not know what she was talking about. She said she did not know what else to do if she could not talk to staff to see how it could be legally adopted as an ordinance. She said it just sat because Brown would not communicate with her. She asked him not to blame Council for not doing something sooner.

Brown disagreed with everything Fritz said. He said he talked with Dr. Brooks on several occasions and he had discussed this issue with Tennant. He said he also sent information to McMenamin. He said Lenox was the only person that he did not speak with about the issue. McMenamin said he did not tell her not to send it to staff, so she did. Brown said that after the robust debate over Home Depot, Council should have snapped into attention. Fritz asked Brown why he did not start his mail-out effort a year ago. She said there were things other people could have done.

Brooks said he discussed the issue with Brown on a number of occasions, but it was important to note that he had received mixed feedback from residents. He said there were some residents in favor of similar projects and department stores.

Tennant agreed with Lenox that there was not a conflict of interest for the City Attorney in this matter, but he felt Brown had a legitimate point about the appearance of impropriety. He asked what constituted a vested interest. Brown was suspicious of the last minute addition to the preamble excluding the Pathways development. He said Home Depot had moved from that site and they no longer had a client for the property. He said after the City's intentions were announced at a Council meeting, Pathways threw a site plan together. He said City officials had commented that it was identical to the original Home Depot plan. He suggested that Pathway's submitted the original Home Depot site plan with a few erasure marks on it, and now their plans mysteriously mutated into two different projects.

Robert Brown said just because citizens wanted a Parisian's Department Store, that did not mean they were in favor of all big boxes. He felt the only good thing about the proposed ordinance was the requirement for vacant stores to be maintained, but he felt that should be addressed in another ordinance and should apply to all developments, including residential homes. He did not feel the redevelopment of commercial centers was likely, but admitted it was possible. He felt people wanted Wal-mart, but they did not want it next to them and that no one who lived on Highway 54 or had to drive on that corridor was in favor of the development.

Brian Donovan, Loblolly Circle, asked what was to stop Pathway Communities from letting a Lowes and a K-mart be constructed on their site. He said Lowes had made a public statement that they intended to locate near any Home Depot and they had done so in Newnan and Fayetteville. Lenox said there was only sufficient space on the property for one big box store.

Phyllis Aguayo said she did not agree with Brown that people did not care about the development as long as it was not in their back yard. She said she did not know of anyone who wanted Home Depot or Wal-mart anywhere in Peachtree City. She also pointed out that there was a large discount mall in Newnan that was torn down and rebuilt shortly after

its construction to build bigger stores.

Attorney Doug Dillard spoke to Council about specifically eliminating any reference to Home Depot or Wal-mart from the ordinance. He said his client had spent over 1.3 million dollars after the 1994 conceptual site plan was approved and they felt they had a vested interest based on that master plan. He said the first phase of the Kedron Shopping Center had been built and the infrastructure was complete. Dillard said that if Council excludes them from the ordinance, they would seek some sort of official action from Council within a 30-day period stating that these applications were excluded from the ordinance.

Lenox called the public hearing to a close for Council to debate the issue and reach a decision.

Brooks felt the minutes would reflect Council's intentions about the conceptual site plans. Lenox said he felt Council all agreed that the ordinance would not apply to those tracts. Brooks felt all Council needed to do was to state their intentions. Lenox felt Dillard had a legitimate concern and that staff needed some direction. Brooks said that in as far as there was a conceptual site plan that was submitted, their immediate rights were protected during a period of transition, but he also felt the City's rights should be protected if at some point and time those conceptual site plans were not acted upon and something different is proposed at a later date. Lenox agreed that valid conceptual plans had been submitted for both of the parcels in question and as long as that was the situation the ordinance would not apply to them. He said if that situation ceases to exist it would be a different story. He felt that was a clear statement of intent.

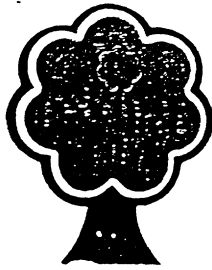
Brooks made a motion to approve the proposed ordinance as amended while noting that the properties known as the Huddleston Property and the property in Kedron Village have already filed conceptual site plans with the city.

Tennant was worried about the wording of the motion. Lenox said it just acknowledged that the conceptual site plan had been filed. It did not say they would be approved.

McMenamin seconded the motion. Motion carried unanimously.

Dillard said it was his understanding that their action would authorize the Mayor to certify to the property owners that because their applications were pending prior to the adoption of the ordinance it would not apply to their property. Brooks said it did not apply to the current conceptual site plans. Lenox said he understood where Dillard was coming from. He said questions would come up in the next two weeks, because the Huddleston family would want to close on their property. He said someone needed to advise them that the sale of their property would not be affected by the ordinance. Brooks made a motion to give the Mayor permission to say that. Tennant seconded the motion. Motion carried unanimously.

Lenox made a motion to take a five-minute recess. Tennant seconded the motion. Motion carried unanimously.



# Peachtree City

Georgia

November 10, 2000

Mr. Pat Heaberg  
Vice President, Commercial & Industrial Development  
Pathway Communities  
P.O. Box 2007  
Peachtree City, GA 30269

Dear Pat:

This is to clarify how the "Big Box Ordinance," adopted by the Peachtree City Council on November 2, 2000, will impact the undeveloped Phase II parcel of approximately 33 acres that Pathway still owns in the Kedron Shopping Center.

The site in question was included in a conceptual site plan, which was approved by the Peachtree City Planning Commission on April 24, 1995. Depicted thereon, for construction at a later date, were two generally situated "boxes" totaling about 170,000+/- square feet plus about 17,000+/- square feet of inline shops and the relevant parking. You have subsequently submitted for approval a revised conceptual site plan showing one "big box" of approximately 140,000 square feet along with a second tenant of 30,000+/- square feet, about 14,000 square feet of inline shops, and all the relevant parking. The City feels that both plans were filed and accepted for review well in advance of the ordinance enactment date and that you can therefore develop under either plan subject to the normal review and approval process of the City but free of any restrictions imposed by the "Big Box Ordinance."

Our interpretation of your current submittal is that you could construct two or more buildings on the site totaling not more than 184,000+/- 10% square feet of space, with no individual tenant larger than 140,000 square feet.

Under the approved 1995 conceptual site plan, our interpretation is that you could construct two or more buildings on the site totaling not more than 187,000+/- 10% square feet of space. No individual tenant would be larger than 100,000 square feet.

Pat, if you need anything further in the way of clarification or if any prospective purchaser needs more information, please do not hesitate to contact me.

Sincerely,

Robert L. Lenox  
Mayor

RLL/bt

cc: Councilmembers  
City Manager  
Director of Developmental Services



[illegible]

**SPECIAL PROGRAM**

ANALYSTS SHOULD BE AWARE THAT THE FOLLOWING INFORMATION IS NOT TO BE USED FOR THE PURPOSE OF IDENTIFYING OR LOCATING INDIVIDUALS WHOSE NAMES ARE LISTED IN THIS DOCUMENT. THE INFORMATION ON WHICH THE NAMES ARE LISTED SHOULD BE USED ONLY FOR AGENCY IDENTIFICATION PURPOSES AS AUTHORIZED BY FOIA. SUCH NAMES WILL NOT BE MADE AVAILABLE TO THE PUBLIC.

**VICINITY MAP**

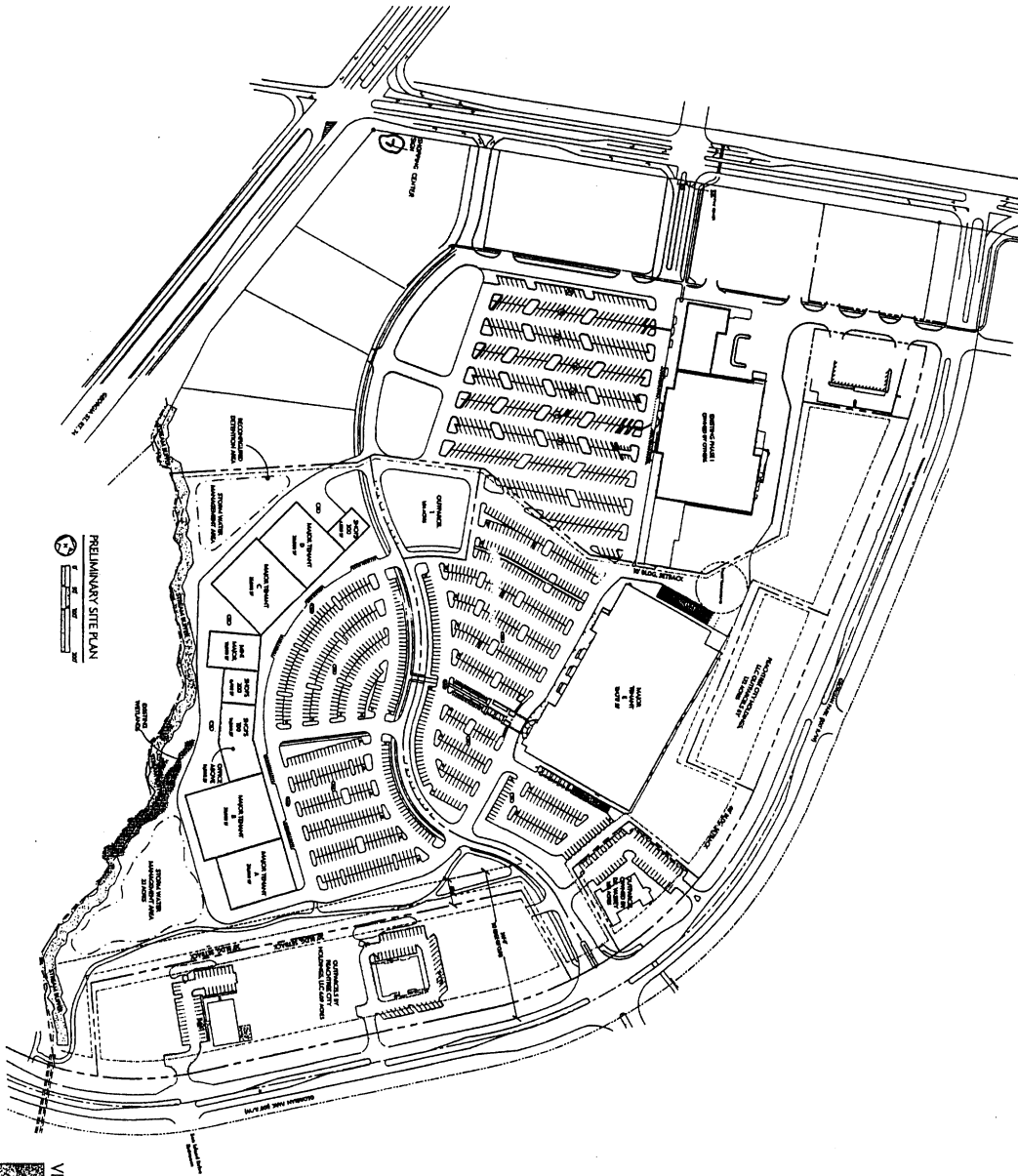
**Application • Investor Group • Financing**

\_\_\_\_\_ **FY09-04-068** = FY09-04-074 \_\_\_\_\_

**COMPLAINT** \_\_\_\_\_

**Md.** \_\_\_\_\_

[illegible]



PRELIMINARY SITE PLAN

PROJECT DATA

PHASE II  
BUILDINGS  
TOTAL  
43 PLACES

PHASE III  
BUILDINGS  
TOTAL  
43 PLACES

PHASE II & III  
TOTAL  
86 PLACES

PHASE II & III  
TOTAL  
86 PLACES

PHASE II & III  
TOTAL  
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86 PLACES



PHILLIPS  
PARTNERSHIP  
Address: 1000 Peachtree Street, N.E.  
Atlanta, GA 30309  
Phone: (404) 524-1000  
Fax: (404) 524-1001

KEDRON VILLAGE  
PHASE II & III  
MAJOR CITY, GEORGIA

1000 ASHWOOD PARKWAY  
ATLANTA, GA 30309

SP-12  
PRELIMINARY  
SITE PLAN

SP-12



VICINITY MAP  
Attachment "H"

**SANDERS, HAUGEN, SEARS & MEEKER, P.C.**

**ATTORNEYS AT LAW  
11 PERRY STREET  
P. O. BOX 1177  
NEWNAN, GEORGIA 30264-1177**

**(770) 253-3880  
FAX (770) 254-0093**

**THEODORE P. MEEKER, III  
E-MAIL: [tmeecker2@numail.org](mailto:tmeecker2@numail.org)**

**WALTER D. SANDERS  
(1909 - 1989)**

**TO: Bernard J. McMullen, City Manager  
City of Peachtree City**

**FROM: Theodore P. Meeker, III  
City Attorney**

**DATE: October 9, 2003**

**RE: Kedron Village Retail Center**

---

I have been asked to provide a legal opinion regarding certain alleged vested rights held by Peachtree City Holdings, LLC with respect to the Kedron Village Retail Center. The request for a legal opinion was made in connection of the submittal of a conceptual site plan for Phase II and III of said commercial development.

At the outset, it is imperative that the pertinent facts relevant to this matter are established. The relevant dates and actions are as follows:

- September 7, 1993 – Conceptual site plan approved for Kedron Center Loop Road. The access point across from Regent's Park is indicated on the approved road plan.
- February 3, 1995 – Conceptual site plan submitted for Kedron Village Retail Center. The project data sheet, indicates that the project consists of two phases. The first phase of the project involved the development of a 62,685 square foot Kroger grocery store and two acres adjacent to the Kroger containing 10,000 feet of retail space. The data sheet further indicated that Phase II of the project would involve the development of other retail space south of the Kroger site at a future date, such development to consist of the addition of approximately 175,000 square feet of retail space. Finally, fifteen out-parcels will be graded on the perimeter of the property to allow for future development.
- April 10, 1995 – Conceptual site plan for Kedron Shopping Center, Phase I considered by Planning Commission. No action was taken by the Planning Commission at that meeting.

- April 24, 1995 – Conceptual site plan for Kedron Village Shopping Center Phase I approved. While the minutes reflect that Phase I was approved, it is important to note that both the location and the size of the Kroger were indicated on the approved plan, as well as, the proposed fifteen (15) out-parcels. In addition, the plan also depicted the development of Phase II of the Retail Center. In particular, the plan showed an approximate 175,000 square feet of retail space on the plan (shown as two apparent large retail stores along with other retail space), and also indicated both parking and driveways for the second phase of the development. Finally, the approved plan also showed an access point across from Regents Park, and also showed two apparent large retail boxes on the approved plan.
- August 17, 2000 - A conceptual site plan is submitted for Phase II of the Kedron Village Retail Center. That plan indicates approximately 184,000 square feet of additional retail space on the subject property. No action was ever taken with respect to this plan; rather, the City notified the applicant of the inactive status of this application by letter dated June 15, 2001.
- November 2, 2000 – The City adopts what is referred to as the big box ordinance.
- November 10, 2000 – Former Mayor Bob Lenox sends letter to Peachtree City Holdings, LLC outlining the City's position with respect to any vested rights that Peachtree City Holdings may have with respect to the subject property.
- July 31, 2003 – Conceptual site plans submitted by Peachtree City Holdings, LLC and FCD Development, LLC regarding the property.

Prior to any analysis with respect to the vested rights issue, it is important to note that the Constitutionality of the City's "Big Box" Ordinance will be the focal point of any litigation that may arise out of this matter. Simply put, if the "Big Box" Ordinance does not survive a constitutional challenge, then whether the applicants have a vested right becomes a moot issue. In other words, if the "Big Box" Ordinance does not survive a constitutional challenge then the size restrictions contained within such Ordinance will no longer be applicable to the subject property or other commercial property within the City.

It is my opinion that based on the facts presented, Peachtree City Holding has a vested right to develop the property in accordance with the approved conceptual site plan dated April 24, 1995. This opinion is based on two factors: (1) The approval of the Conceptual Site Plan for Phase I which also depicts the proposed development of Phase II on the property; and (2) The letter from former Mayor Bob Lenox giving the property owner an official assurance of its right to develop the property in accordance with the previously approved plan. Simply stated, I in essence concur with the facts and assurances as set forth

in former Mayor Lenox's letter with respect to any vested rights that the property owner may have. Having given my opinion, I will attempt to provide the legal basis for such opinion.

In Clairmont Development Company v. Morgan, an action was filed by a developer against Gwinnett County regarding the County's attempt to re-zone certain property from a commercial classification to a residential classification. Clairmont Development Company v. Morgan, 222 Ga. 255 (1966). In Clairmont, the property was re-zoned from a residential classification to a commercial classification in August, 1965. Once the re-zoning became final, the Plaintiff was legally obligated under the terms of a contract to purchase the subject property. Once the property was acquired, the Plaintiff expended a great deal of time, effort and money to plan and develop the re-zoned property as a shopping center. Based upon these facts, the Court found that the Plaintiff had from its reliance upon such re-zoning ordinance and the expenditures it made in consequence thereof acquired a vested property right. The Court stated :

When this property right became vested, this Plaintiff indisputedly had a right under the rezoning ordinance of August, 1965, to use the shopping center and the Zoning Authority of Gwinnett County cannot legally divest this right by subsequent adoption of an ordinance prohibiting such use.

In Clairmont, the Supreme Court adopted the following rule with respect to vested rights:

It appears that where substantial expenditures are made in the acquisition of property or in the preparations of the construction of a building in reliance upon the granting of a permit, vested rights are acquired which cannot be displaced by the passage of a new ordinance.

In Barker v. Forsyth County, 248 Ga. 73 (1981), the property owner made plans to develop a commercial recreation facility. The property at issue was zoned Agricultural, which purportedly allowed commercial recreation within such zoning district. The property owner alleged that he met with the county zoning administrator who informed him that the project would be permissible under the existing agricultural zoning as a commercial recreation use provided that certain modifications were made. Similar assurances were also made by other zoning officials within the County. Based upon this information, the property owner proceeded with engineering, marketing, and traffic studies incurring expenses. Subsequently, the County amended its zoning ordinance so as to delete commercial recreation as a permitted use in agricultural districts. Upon the denial of the development permits filed by the property owner, the litigation ensued.

In Barker, the Supreme Court recognized that its previous rulings in Clairmont and Keenan v. Acker, 226 Ga. 896 (1970) considered the issue of vested rights subsequent to and in reliance on the issuance of valid permits. Unlike those previous cases, the issue in Barker

focused on the scenario wherein there were allegations of substantial expenditures that were made in reliance upon an existing zoning ordinance plus verbal expressions of approval given by officials rather than subsequent to the issuance of a permit. In addressing this issue, the Supreme Court adopted the following rule:

Where a land owner makes substantial change in position by expenditures in reliance upon the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit.

The rules set forth by the Supreme Court in Barker was addressed further in WMM Properties, Inc. v. Cobb County, 255 Ga. 436 (1986). In WMM Properties, the facts indicated that the former County Commission Chairman had approached the President of WMM regarding One Hundred Fifty-six (156) acres of land located in Cobb County. The property owner had previously told the Commission Chairman of his company's plans to find property in the County suitable for a mobile home development. Prior to the property being purchased, the property owner obtained a certification of zoning from the Cobb County Planning Commission. The zoning designations contained in such certification indicated that the zoning designations were compatible with WMM's plans and would allow development of a mobile home park with eight (8) units per acre. WMM purchased the property in February, 1983, and submitted development plans to County officials for approval shortly after the acquisition. Those plans showed that the property would be developed in four (4) phases and included a preliminary master site plan for the entire development. The plans also contained detailed site plans for phase one of the development, which included water and drainage plans, storm and sewer profiles, street plans and an entrance detail for access to the property from an adjacent road. Those plans were approved by the County in July, 1983, subject to certain conditions.

WMM proceeded with the development. Subsequently, however, Cobb County noted that certain conditions regarding the subject property's previous zoning had not been carried forward. Without notice to the property owner, Cobb County voted to reaffirm the stipulations that were applicable to the property under the previous zoning. Those conditions, if carried forward, would eliminate certain access rights that the property owner would have had to an adjacent road. WMM brought the action against the county claiming that the County's imposition of stipulations affecting its property to be a denial of the vested right to develop the property as zoned.

In WMM Properties, the Supreme Court dealt with the following issue:

When do the rights of a land owner to use his property for a given use become vested? Stated conversely, when does the power of a governing authority to rezone properties cease to exist, so that the governing authority can no longer amend it's zoning ordinance so as to affect the land owner's property?

The Supreme Court noted that the question becomes particularly pertinent in the development of properties such as WMM's which involve planning and construction phases over a lengthy period of time. The Supreme Court addressed certain rules which have evolved dealing with the time that property rights and property as zoned vest:

1. **Right to rely upon building and/or other permits once issued.**  
Once a building permit has been issued, a land owner has the right to develop the property pursuant to that permit notwithstanding a zoning or regulatory change subsequent to the issuance of the building permit, and not withstanding the fact that there has been no substantial expenditure in reliance upon the building permit. Clark v. International Horizons, Inc., 243 Ga. 63 (1979).
2. **Right to Issuance of a Building Permit.** A landowner has a right, enforceable by mandamus, to be issued a building permit in accordance with zoning regulations as such regulations exists at the time of proper application for a building permit is submitted to the proper authority. City of Atlanta v. Westinghouse Electric Corp., 241 Ga. 560 (1978).
3. **Right to rely upon an approved Development Plan.**
  - A. **Formally approved.** A land owner has the right to develop property pursuant to a development plan duly approved by the appropriate zoning authority even though the development plan varied the existing zoning where the land owner has expended large sums of money in furtherance of the development and has dedicated land for use as parks and schools in reliance upon its approved development plan. Dekalb County v. Chapel Hill, Inc., 232 Ga. 238, 244 (1974).
  - B. **Informally approved.** A land owner has the right to develop property where the property was purchased in reliance upon the assurance of one County Commissioner that the property was zoned for the use intended, the development plan was in accordance with the existing zoning and was approved, albeit informally, by the County Commissioners, and the land

owner has expended money in reliance upon the development of plan and the existing zoning. Spalding County v. East Enterprises, Inc., 232 Ga. 887 (1974).

4. **Right to rely upon official assurances that a building permit would probably issue.** Where a land owner makes a substantial change in position by expenditures and reliance upon a probability of the issuance of a building permit, based upon the existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit. Barker v. County of Forsyth, 248 Ga. 73, 76 (1981). Also, when a landowner makes expenditures in addition to paying the purchase price, in reliance on the existing zoning and assurances by zoning officials they would be able to get a permit for the use planned, County officials may not subsequently place a moratorium on the issuance of all building permits for the use intended. Cannon v. Clayton County, 255 Ga. 63 (1985).

Applying the foregoing rules to the facts of the case, the Court found that WMM had a vested right in the property as zoned free of the subsequent stipulations. First, WMM obtained approval for development plans from all relevant county departments. Secondly, WMM's right to develop vested because of its substantial expenditures plus the official assurances that future permits would probably issue for the development.

A different result was reached in Cohn Communities, Inc. v. Clayton County, 257 Ga. 357 (1987). The facts of the Cohn Communities indicated that a developed or proposed to develop a mixed use tract in Clayton County, including commercial, multi-family, single-family, and mobile home uses. Zoning was approved for all four contiguous parcels on the Seven hundred (700) acre development. The developer initially began development of the single-family residential parcel and built over Two Hundred (200) residences. It sold the mobile home tract and also sold the remaining undeveloped parcels to Cohn Communities. The undeveloped parcels included 50 acres zoned multi-family; 19 acres zoned commercial; and 305 acres zoned single-family. Prior to the sale, Cohn Communities obtained a letter from the County Planner that the multi-family parcel at issue was zoned R-3 multi-family residence under the Clayton County zoning ordinance. Subsequently, an application was filed with Clayton County to rezone the multi-family parcel to a single-family residential zoning classification. Cohn Communities sought and obtained a TRO to prevent the commission from acting on the rezoning proposal.

The primary issue was whether Cohn had any vested rights in the multi-family zoning in question. It was undisputed the Cohn's predecessors spent in excess of \$700,000.00 installing sewer systems and water treatments plants for the entire tract. It is

also undisputed that while Cohn had spent nearly \$900,000.00 in developing the single-family parcel, it had spent no more than \$600.00 in developing and grading the multi-family parcel. The Supreme Court reiterated the rule that where a land owner makes a substantial change in position by expenditures and reliance upon the probability of an issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquired vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit. Cohn, 257 Ga. at 358. The Court noted that the rule as stated above has been applied to situations where the land owner, relying in good faith on official assurances that the building permit will probably issue to develop the property in question as it is currently zoned, makes a substantial change in his position by the expenditures of substantial sums of money. Cohn relied solely on the letter from the county planner stating that the present zoning of the tract allowed multi-family development. The Court found that that was not the kind of assurance required in the creation of vested rights under Barker. Specifically, it lacked a quality of promise necessary to an estoppel. There was no notice to the zoning official that the land owner was about to expend substantial sums in reliance upon the information received. In addition, there was not any assurance that necessary permits would probably issue.

Cohn focused on the \$700,000.00 that its predecessor had spent in developing the entire tract and determining whether the appellant has expended a substantial sum in reliance on the multi-family zoning. That argument, according to the Court, overlooked the fact that the land owner must make a substantial change of position in reliance on the official assurance that a permit would probably issue.

In City of Duluth v. Riverbrook Properties, Inc., 233 Ga. App. 46 (1998), the City of Duluth filed an action to enjoin the Defendant's from the continued violation of the City's development regulations and require the developer to file an as-built survey and certification for a lake contained within the subdivision. In February, 1991, the original development plans for the entire subdivision with all five phases and the three segments as one development plan, were filed with the City and were approved under the City's 1971 development regulations. In January 1992, the City adopted new and stricter development regulations. The City contended that the 1992 Regulations grand-fathered only completed subdivisions so that Riverbrook Subdivision, which had been commenced under the 1971 regulations, now was subject to the new regulations. These contentions, according to the Court, ignored the fact that the City had given preliminary approval to the entire Riverbrook Subdivision in 1991 under the 1971 regulations, which action occurred prior to the adoption to the 1992 regulations.

The Court noted that the property at issue had been annexed into the City at the urging of City officials and that the property owner had therefore willingly incurred a higher ad valorem burden with the understanding and expectation that the development would be under the 1971 regulations. All the engineering and development plans were based upon the 1971 regulations. Such expectation, in submitting the entire future subdivision development in phases, was based upon the 1971 regulations. The Court found that the annexation of the

subdivision and the 1991 approved development plans constituted a substantial change in position and an expenditure in reliance upon the existing regulations, so that the defendants acquired a vested property right. Thus, the Court concluded that the Defendants acquired vested property rights under the preliminary development plan filed under the 1971 regulations and, as a matter of law, such vested rights in the entire subdivision were grandfathered from the effect of this subsequently adopted 1992 regulations.

In Beugnot v. Coweta County, 251 Ga. app. 715 (1998), a property owner filed for a writ of mandamus against Coweta County challenging the county's denial of his application for a building permit for a mobile home park. In Beugnot, the County had allowed a property owner to develop a mobile home park over the course of twenty-five years. Building permits were routinely issued during the course of that time period. In 1995, a permit application was denied due in part to the property owner's failure to continue his non-conforming status in that he did not seek a building permit within the previous year. Specifically, the County and the Trial Court had determined that the non-conforming status of the property had ceased when he did not obtain a building permit within the one (1) year time period. The Court, reiterating the principal set forth in Barker, stated that a land owner will be held to have acquired a vested right to initiate and continue a use despite a restriction contained in an ordinance where, prior to the effective date of the ordinance, in reliance upon a permit validly issued, he has, in good faith, made a substantial change in position in relation to the land, made substantial expenditures, or has incurred substantial obligations.

There are both similarities and differences with respect to the facts presently before the City of Peachtree City and the facts in the cases I have cited in this opinion. First, a vast majority of the cases cited herein deal with issues where a use that was once permitted under a zoning ordinance was no longer permitted under the terms of a subsequently adopted ordinance. Obviously, the intended commercial use of the Kedron Retail Center remains permitted.

As stated previously, it is my opinion that the property owner has a right to develop the property in accordance with the previously approved Conceptual Site Plan. I recognize that the plan, which was approved in 1995, mainly focused on Phase I of the development, as evidenced by the action of the Planning Commission. At the same time, however, the City cannot ignore the fact that the contemplated development of Phase II is also depicted on the approved plat.

My opinion, however, is not based solely on the approved Site Plans showing the proposed structures, parking, driveways, and access points to the property as shown on the 1995 plan, but also takes in to account the letter from former mayor Bob Lennox in which official assurances were given to the property owner. It is my opinion that the letter from Mayor Lennox probably rises to the level of an official assurance under the case of WMM Properties.

While I concur that the property owner does have a vested right, I am not of the opinion that that vested right allows a developer to develop a property solely in accordance with the previous regulations. Clearly, the approved Conceptual Site Plan remains a viable alternative for the development of the property. Provided that such development occurs consistent with that approved plan and in accordance with the former Mayor's official assurance, the City's "Big Box" Ordinance would not be applicable to the proposed development. As is typically the case, minor variations to that approved Conceptual Site Plan will be tolerated.

Unfortunately, however, the plans currently submitted to the City far exceeds the allowable square footage under the approved plan. Given the drastic change in plans as depicted on the proposed site plan, it is my opinion that such a drastic change would result in the developer having to comply with the City's current ordinances with respect to the plan currently under consideration. This opinion, however, only applies to the plan currently under consideration, as the property owner would still have the right to develop in accordance with the previously approved plan.

I would welcome the opportunity to meet and discuss this matter with members of Council, members of the Planning Commission, and City Staff.

TPM/bjc

**Sec. 1006. GC general commercial district.**

(1006.1) *Intent of district:* It is intended that the GC zoning district be established and reserved for general business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for businesses to serve city and regional commercial needs. These regulations are also intended to accommodate businesses which benefit from being located in close proximity to each other, and to discourage any encroachment by other uses capable of adversely affecting the basic commercial character of the district. It is further intended that these regulations will reduce traffic congestion, provide for adequate off-street parking, and avoid the development of "strip" type business areas.

(1006.2) *Permitted uses:* The following uses shall be permitted in any GC zoning district:

- (a) Retail business involving the sale of merchandise on the premises, provided no single tenant occupies more than 10,000 square feet.
- (b) Business involving the rendering of a personal service on the premises.
- (c) Office for governmental, business, professional or general purposes.
- (d) Commercial recreation facility located entirely within a building on the premises.
- (e) Publicly owned building, facility or land.
- (f) Building, facility or land for the distribution of utility services.
- (g) Building, facility, or land for noncommercial park, recreation, thoroughfare or open space purposes.
- (h) Private or semiprivate club, lodge or social center.
- (i) Building, facility or land for off-street automobile parking.
- (j) Hotel or motel.
- (k) Commercial trade or vocational school.
- (l) Radio and/or television station, not including a transmission tower.
- (m) Wholesale business involving the sale of merchandise on the premises.
- (n) Newspaper publishing facility.
- (o) Accessory use: See section 908.

(1006.3) *Conditional uses:* The following uses shall be permitted in any GC zoning district on a conditional basis:

- (a) Retail business involving the sale of merchandise on an individual zoning lot where an individual tenant occupies more than 10,000 square feet subject to the following conditions:

- (1) Maximum areas (on any zoning lot):

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|----------------------|---------------------|
| General retail space | 150,000 square feet |
|----------------------|---------------------|

|                              |                    |
|------------------------------|--------------------|
| Theater and restaurant space | 50,000 square feet |
|------------------------------|--------------------|

- (2) No single commercial tenant shall occupy more than 32,000 square feet of floor area.
- (3) No three commercial tenants shall occupy a combined floor area of more than 80,000 square feet.
- (4) No more than six commercial tenants shall occupy more than 10,000 square feet of floor area each.
- (5) All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. This requirement can be met by employing the use of architectural features including but not limited to the following: doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure conformance with this requirement, exterior building elevations must be reviewed and approved as a part of the overall final site plan review process.
- (6) Any tenant that occupies more than 10,000 square feet shall provide the city attorney with a copy of the rental agreement between the tenant and its landlord which contains a contract provision prohibiting the tenant from voluntarily vacating such premises or otherwise ceasing to conduct its retail business on such premises while simultaneously preventing the landlord, by continuing to pay rent or otherwise, from leasing the premises to another person or company who will operate a permitted business on the premises. If such a tenant voluntarily vacates such premises or otherwise ceases to conduct its retail business on the premises, the landlord shall be free to market and lease such premises to another person or company, except to a direct competitor of the tenant, regardless of any contractual rights the tenant may have with the landlord.
- (7) The owner of the zoning lot shall prepare a traffic management plan which identifies the traffic problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional traffic planner at no cost to the city, and it must be approved by the city engineer.
- (8) The owner of the zoning lot shall prepare a water management plan which identifies the water management problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional engineer at no cost to the city, and it must be approved by the city engineer.
- (b) All conditional uses permitted in subsection (1005.3) for LC zoning districts, subject to the same conditions.
- (c) Dwelling in combination with any use permitted in this district, provided all dwelling units have direct access to a street or other public area.

- (d) Open setback depth for the sale, rental and/or storage of materials or equipment, excluding junk or salvage materials, provided that the area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The above required fence or wall must provide for a reasonable visual separation between the use and adjoining properties.
- (e) Commercial recreational facility or land where the use is not located entirely within a building on the premises, on the following condition:
  - (1) The zoning lot is not less than one acre in area.
  - (2) The zoning lot is not adjacent to or across the street from any residential zoning lot.
- (f) Transportation facility or terminal, provided service is primarily for passenger transportation rather than freight transportation.
- (g) Community hospital, including customary accessory functions, provided the zoning lot is not less than ten acres in area.
- (h) 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 section, the following conditions shall apply to all churches regardless of zoning district:
  - (2) Minimum zoning lot area is three acres.
  - (3) Minimum lot width is 100 feet.
  - (4) Minimum setback area, front:

|          |          |
|----------|----------|
| Building | 40 feet. |
| 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.

(Ord. No. 220, 11-6-1980; Ord. No. 408, 8-21-1986; Ord. No. 650, 11-16-1995; Ord. No. 743, § 1, 2, 11-2-00)

(1006.4) *Other requirements:* Unless otherwise specified in this Ordinance, uses permitted in GC zoning districts shall conform to the following standards:

- (a) Minimum zoning lot area: 30,000 square feet.
  - (b) Minimum lot width: 150 feet.
  - (c) Minimum front setback depth:
    - (1) Building: 40 feet.
    - (2) Driveway/parking: 20 feet.
  - (d) Minimum side setback depth: Ten feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
  - (e) Minimum rear setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
  - (f) Maximum building height: Ten stories, but if over 35 feet, it must be approved by the fire department.
  - (g) Parking: See section 909.
  - (h) Signs: See Peachtree City sign ordinance.
- Cross reference**—The "sign ordinance" is found in § 66-1 et seq. of the Code.
- (i) Storage: No storage will be permitted on the zoning lot outside a fully enclosed building unless the storage area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The required fence or wall must provide for a reasonable visual separation between the storage area and any adjoining property.
  - (j) All zoning lots shall have direct access onto an arterial, major collector or industrial/commercial road or have access to an arterial, major collector or industrial/commercial road via an access street.
  - (k) No automobile parking or service areas will be permitted within the required front setback depth or within 30 feet of the property line of any adjoining residential zoning lot.

- (l) All parking and service areas must be 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.
- (m) No outside loudspeaker systems shall be utilized.
- (n) All lights or lighting arrangements used for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.
- (o) A landscape plan is required for the site, and must be reviewed by a registered landscape architect to be designated by the city and by the planning commission prior to issuance of occupancy permit. If no action is taken or time extended within 30 days from filing, such request shall be considered approved. The landscape plan shall be fully implemented prior to occupancy and if not completed an occupancy permit will not be issued. If it is infeasible to complete the landscaping due to weather conditions or other extenuating circumstances then the owner shall post a performance bond or other acceptable security in an amount equal to 110 percent of the cost of the landscaping improvements which remain incomplete. The owner shall have a one year period in which to complete the required improvements in a satisfactory manner.

The owner shall provide adequate maintenance of the landscaping improvements for a minimum of one year from implementation. The city shall inspect special screening at least once during this period to ensure that the approved plan has been fully implemented and maintained. If it is found that the landscaping, as stated in this section, has died within a one-year period, such landscaping shall be replaced by the owner.

- (p) Items (c) and (o) above shall be binding standards on all development after March 5, 1981. Development completed prior to this date will not need to meet such standards now or in the future and will be limited to a 20-foot front setback depth.
- (q) No use permitted in this zoning district shall be allowed to cover more than 75 percent of the zoning lot on which it is located with impervious surfaces.
- (r) All properties developed for commercial purposes, whether they are occupied or not, shall be regularly maintained so they are not allowed to fall into a state of disrepair or neglect; and they shall consistently present a neat and orderly appearance to the general public as well as adjacent and nearby tenants and property owners.

(Ord. No. 233, 4-2-1981; Ord. No. 268, § 1(C)(7), 6-3-1982; Ord. No. 366, § 19, 5-22-1985; Ord. No. 743, 11-2-00)

**Sec. 1006A. LUC limited-use commercial district.\***

(1006A.1) *Intent of district:* It is intended that the LUC zoning district be established and reserved for restricted commercial business purposes. Recognizing that a commercial district with its variety of land uses could cause a detrimental impact on neighboring lands, the

**\*Editor's note—**Specific LUC districts are set out in § 1006B.

1. *All landscaped islands at the end of the rows of parking should be no less than 10' in width to allow sufficient room for landscaping.*
2. *Wheel stops will be required in all parking spaces that abut a sidewalk.*
3. *A masonry wall and/ or extensive landscaping should be used to screen the service court facing Commerce Drive.*
4. *The Applicant must continue to coordinate with the City Engineer to ensure the development conforms to the City's Post-Construction Runoff Management Ordinance.*
5. *The Applicant must continue to coordinate with City Staff during the development of the grading plan to ensure that existing vegetation along the perimeter of the site is preserved to the greatest extent practicable.*
6. *A complete site lighting plan, including all lighting proposed on the exterior of the building, must be submitted to City Staff for approval prior to installation.*
7. *All exterior mechanical units (air handlers, gas meters, etc.) and trash pick-up areas must be screened by a low wall, which is constructed of similar materials to those used for the building. Landscaping should also be utilized to screen these walls where applicable. If the mechanical units are mounted on the roof, the panels used to screen this equipment must be designed in a manner to completely screen these units from view.*
8. *A complete set of architectural elevations, including material and color selections, must be submitted to and approved by City Staff and the Planning Commission Representative prior to issuance of a Building Permit.*

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

**10-03-04                      Conceptual Site Plan, Kedron Village Retail Center, Phases 2 and 3, GA 74 and Peachtree Parkway.**

Mr. Payton announced that 45 minutes would be allowed for presentation and 45 minutes for speakers opposed to this project.

Mr. George Rosenzweig of Rosenzweig, Jones, & MacNabb, Faison's attorney, was in attendance and said he would primarily address matters that had not already been heard extensively in public. His presentation included information relative to the following:

- Meetings that had been held with homeowners and their representatives; Staff and the Planning Commission were represented.
- Additional traffic engineering work that had been presented and how the City's traffic engineering firm had evaluated that information. The conclusion was that

the connection from Regent's Park was far and away the best entry to the shopping center.

Mr. Rosenzweig noted that Mr. Rast's 15-page recommendation showed that they had met all of the requirements of the law. He asked that the Commission follow his recommendation as well as the law and approve this conceptual site plan.

Mr. Buckley stated that he had come to the careful decision to recuse himself from these proceedings because he lived in one of the affected subdivisions. He noted that it was not that he could not be impartial, but he felt it was important that the Planning Commission represent itself in a way that there was no appearance of impropriety.

Mr. Rast reviewed the position paper Staff had provided to the Planning Commission. He said they had tried to present the facts as best they knew them and the minutes portrayed them. They had spent a lot of time working with Faison as well as the adjoining property owners and had tried to be responsive to everyone's needs.

In his presentation, Mr. Rast described the project and provided background information relative to the following:

- The rezoning of the entire Kedron Village, including specifically the Kedron Village Retail Center;
- The approval of the conceptual site plan for the alignment of the loop/collector road for the Kedron Village Shopping Center and the adjoining residential developments;
- The various traffic studies that had been prepared as a result of that approval;
- The initial scenarios for residential development in this area; and
- The amount of parking proposed for this development vs. parking approved in other retail centers within the City.

Mr. Rast noted that the residential development in the immediate area was far less than what was initially anticipated by the Land Use Plan and this traffic study. He added that by working with Faison, Staff had tried to improve the plan, the parking layout, the access roads, and the buffers. He added that none of the buildings would be visible from Highway 74, and very little would be visible from Georgian Park.

Mr. Payton asked that all of the residents who planned to address the Commission complete a form so that the 45 minutes that would be allowed for their comments could

be appropriately allotted. Most of them relinquished their time to Mr. John Hedge, the president of the Lake Kedron Community Homeowners' Association, so that he could speak as long as necessary.

Mr. Hedge stated that the homeowners had concerns about the following issues:

- Whether the developer had vested rights that would nullify the Big Box Ordinance;
- Whether there had ever been an approval of a site plan for Phase II of the Kedron Village Retail Center;
- Whether the plan presented at this meeting was the same plan that was dated September 22, 2003;
- The legality of subdividing this parcel for development of Phases II and III;
- The size of the development in comparison to retail centers in other villages within the City;
- Traffic and safety; and
- The homeowners' Constitutional rights.

Mr. Tim Wedemyer, a resident of Kedron Village, referred to a memo (attached) that Chief James Murray of the Peachtree City Police Department had sent to the Planning Commission. In the memo, he recommended that the connection of Regents Park to Georgian Park be denied for safety reasons.

Mr. Van Vandivier, a resident of Larkin's Landing Subdivision, asked that the Commission not approve any site plan that included a primary entrance from Regent's Park.

Mr. John Young, a resident of Albemarle Subdivision, was also concerned about the entrance off of Regent's Park and asked that a decision not be made at this meeting.

In response to some of the comments made by the residents, Mr. Rosenzweig emphasized that everyone involved had done a lot of work. He pointed out previous references that had been made to Phases II and III of this retail center and suggested that the current plan be compared to the plan that was prepared in March. He also noted that this was a conceptual site plan, something that would be modified.

In response to questions from the Planning Commission, Mr. Rast provided further details relative to the traffic study that was done by Moreland Altobelli and reviewed by

URS as well as the road connection which had been approved and recorded for many years.

The City Attorney discussed the legal opinion he had rendered and Mr. Rast's recommendation. He understood both and felt that either one could be the basis for the Planning Commission's decision at this meeting.

Mr. Saunders felt the Big Box Ordinance should apply to this development and that the 33-acre parcel had always been treated as one unit.

Mr. Payton wondered whether any alternatives to the proposed connection on Regents Park had been considered. Mr. Rast stated that all of the alternatives involved stream crossings, buffer encroachments, and acquisition of property not owned by Faison and were not feasible alternatives.

Mr. Rosenzweig pointed out that the subdivision plat for Phases II and III of the Kedron Village Retail Center, as well as the access road from Georgian Park, had been recorded in Fayette County for many years.

The attorney for the Kedron Village Homeowners Association, Mr. Richard Hubert of Chamberlain, Hrdlicka, White, Williams & Martin, reviewed their issues of concern, i.e., whether this development was being considered as one piece of property and whether it was in accordance with the Ordinance. He felt the Ordinance was being manipulated to accommodate this development.

Mr. Mullin pointed out that if this plan became involved in legal action relative to the Big Box Ordinance and the traffic, the Planning Commission would lose any future opportunity to make this the quality development it could be. He suggested the Commission table review of this item until the other issues could be resolved.

Mr. Rosenzweig asked that the Commission vote one way or the other at this meeting.

Mr. Wedemyer asked whether there was a "received, stamped, and accepted site plan" and project data sheet relative to the multiple phasing of this project as discussed at this meeting. Mr. Rast stated that the project data sheet was the same one presented with the initial plan. The plan was revised prior to the last workshop due to errors in the building and parking tabulations; and the plan presented at this meeting was the same plan Faison

had posted prior to the September 22, 2003, workshop. Mr. Wedemyer contended that they had shown there were differences in the two plans.

Mr. Payton asked Mr. Rast whether the overall site plan presented at this meeting met the Big Box Ordinance. Mr. Rast stated that if the Commission's interpretation was that this plan could not be considered in phases because the property had not been subdivided, then it did not.

After discussion, a motion was made by Mr. Saunders and seconded by Mr. Green to deny the conceptual site plan for Phases II and III of the Kedron Village Retail Center. The motion passed by a vote of 4 to 0 to 1 with Mr. Buckley abstaining from the vote.

Mr. Saunders stated that he made the motion because he felt this was one 33-acre site and that it had historically been treated as such. He added that it was a substantial change to Phase II from what had been presented in the past; and, consequently, it must meet the ordinances currently in place.

Mr. Green said that he seconded the motion so the review process could move forward. He did not feel tabling the action would accomplish anything.

Mr. Payton stated that he wanted to move the project forward, but this action would take it out of the Commission's purview. He felt this would be an overall detriment to the project in the long term.

Mr. Buckley stated that abstaining from this discussion was more painful than he thought it would be. However, he felt he would be remiss if he did not make a comment. He agreed fully with the Commission's comments, especially those made by Mr. Mullin. He said there was no victory here whatsoever for any of the homeowners. This took the project out of the Commission's hands and moved it on to a fate which might be similar to what happened with the Georgian Park car wash. To that end, he laid the blame with City Staff. He felt Staff had shown an inappropriate bias toward the developer and against compromise and against bringing the parties together, which had done no one any good. He added that while he might feel this action was particular to one individual, he also felt all of City Staff had to share the blame because they were allowing it to continue.

**ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 10:43 p.m.

\_\_\_\_\_  
Dennis Payton, Vice-Chairman

Attest: \_\_\_\_\_  
Jennis Rice, Recording Secretary

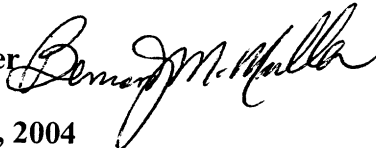
*Attachment*

*E-mail from Chief Murray to Clyde Stricklin, 10/13/03*

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

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**TO:** Mayor and Council  
**FROM:** City Manager   
**DATE:** February 23, 2004  
**SUBJECT:** ESCi PRESENTATION – REVIEW OF EMERGENCY SERVICES  
DELIVERY SYSTEMS, PEACHTREE CITY FIRE & RESCUE  
March 4, 2004, Council Agenda

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**Recommendation:**

Staff recommends that a committee be established consisting of members of the City Council, Fire Department Management, Medical Director, Finance Director, and City Manager to review and assess the major recommendations made by ESCi.

**Discussion:**

The City contracted with Emergency Services Consulting, Inc., of Wilsonville, Oregon, in May 2003, to assess recommendations on manpower, equipment and facilities needed to meet the long-range emergency services needs of the community. ESCi submitted a final report to the City dated February 2004. ESCi will present their findings at the March 4, 2004, City Council meeting. Attached to this memo is a staff summary and comments on the consultant's report from the Fire Department. Due to the length of the consultant's report, the extent of staff comments and the significant budget implications of instituting some of the major recommendations, I am recommending a committee be established to review all materials and make recommendations to the Council.

**Budget Impact:**

Will be a function of which recommendations are implemented.

BJM:gr

Attachments

cc: Fire Chief Stony Lohr  
Financial Services Director Paul Salvatore

# CITY OF PEACHTREE CITY

## INTER-OFFICE MEMORANDUM

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TO: Mayor Brown and Members of Council

VIA: City Manager, ATTN: Mr. Bernie McMullen  
Assistant City Manager, ATTN: Mr. Colin Halterman  
Director of Finance, ATTN: Paul Salvatore  
Assistant Director of Finance, ATTN: Janet Camburn

FROM:   
Stony Lohr  
Fire Chief

DATE: February 22<sup>nd</sup>, 2004

SUBJECT: Staff Summary and Comments on Consultant Report

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1. Staff recently provided Council with copies of the "Review of Emergency Services Delivery System, Peachtree City Fire and Rescue", dated February 2004, compiled by Emergency Services Consulting, Inc. of Wilsonville, Oregon. This Consultant Report is the result of a Request for Proposal (RFP) commissioned by Council and published by the Director of Financial Services on March 20, 2003.
2. The RFP included six objectives, one of which was to obtain a recommendation on manpower, equipment and facilities needed to meet the long-range needs of the community. This stems from prior discussions, including at Council Retreat 2003, on whether additional staffing and/or fire stations are needed to provide desired Emergency Services coverage in Peachtree City. The first paragraph of the Consultant's Executive Summary states that "The request was to review and analyze the current delivery of fire and emergency services to the citizens of the city and to provide practical recommendations to improve the quality of services provided."
3. This Consultant process began May 29, 2003 with a projected completion date of September 11, 2003. We received the first draft on October 28<sup>th</sup> and a second edition with corrections on January 6<sup>th</sup>, 2004. Staff and Consultant representatives met for a two-day workshop on January 14<sup>th</sup> and 15<sup>th</sup>. This was intended to identify and correct factual errors, and obtain an explanation and understanding of various elements of the report. We received a third edition with additional corrections on February 4<sup>th</sup>. The current report lists 83 recommendations, which are listed, numbered and briefly annotated for ready reference on Enclosure #1. Of the 83 recommendations, the Fire Department concurs with 30, has completed or previously completed 28, is considering 13, and non-concurs with 12. Those items with which we agree but have not done are due to lack of time/staffing and/or available funding.
4. Peachtree City Fire Department currently operates the following with goals to: **(1) have a Total Response Time (from receipt at dispatch until arrival on scene) of not more than 5 minutes at least 80% of the time, and (2) being able to concurrently fight a representative residential structure fire and respond to one Advanced Life Support (ALS) medical call.**

a. Four (4) stations with total of 11 or 12 firefighters on duty

(1) Leach Fire Station #81, 110 Paschal Road

|                       |                                                    |
|-----------------------|----------------------------------------------------|
| Engine 81             | 1 Sergeant/Paramedic                               |
| Tower 81              | 2 FireMedics                                       |
| Medic 81              | (all personnel cross-staffed for vehicle response) |
| Comm 8                |                                                    |
| Engine 85 (reserve)   |                                                    |
| Mass Casualty Trailer |                                                    |

(2) Neely Fire Station #82, 105 Peachtree Parkway, North

|                                                                                  |                                                     |
|----------------------------------------------------------------------------------|-----------------------------------------------------|
| Engine 82                                                                        | 1 Lieutenant/Shift Commander                        |
| Medic 82                                                                         | 2-3 FireMedics (cross-staffed for vehicle response) |
| Rescue 8 (Extrication, rescue [hydraulic, pneumatic, electrical], lighting, air) |                                                     |
| TAC-V                                                                            |                                                     |

(3) Weber Fire Station #83, 481 Peachtree Parkway, South

|                 |                      |
|-----------------|----------------------|
| Engine 83       | 1 Sergeant/Paramedic |
| Medic 83        | 2 FireMedics         |
| Brush Truck/8M  |                      |
| Haz Mat Trailer |                      |

(4) Satterthwaite Fire Station #84, 451 Crabapple Lane

|                          |                                                       |
|--------------------------|-------------------------------------------------------|
| Engine 84                | 1 Sergeant/Paramedic                                  |
| Medic 84                 | 1 FireMedic (both cross-staffed for vehicle response) |
| Squad 8 (Water Rescue)   |                                                       |
| Technical Rescue trailer |                                                       |
| Boats and WaveRunner     |                                                       |

b. The 2001 ISO evaluation reported that Peachtree City Fire Department improved from Class 5 to Class 4 rating. The overall City rating remained at Class 4. It also reported that Peachtree City needs three additional fire engines/stations now. "For maximum credit in the Schedule, 7 engine companies are needed in your city". "For maximum credit, all sections of the city with hydrant protection should be within 1½ miles of an adequately equipped engine company and 2½ miles of an adequately equipped ladder, service, engine-ladder or engine-service company". We received 5.71% out of 10% available for engine companies and 2.02% out of 4% available for distribution/station coverage. Recommended locations included one in the Kedron area (Kedron Drive and Capstone), one in the Industrial Park (Highway 74 South and Dividend Drive) and one in the southern residential area (Robinson Road and Holly Grove Road). This requirement did not include the west side, or the northeast quadrant because of the absence of existing infrastructure.

c. The Consultant's report states that the "Peachtree City Fire Department is understaffed." (Report page 185)

d. Insurance Services Office evaluators have consistently identified fire department quantitative staffing as the weakest area of the department. In our 1998 evaluation this area received 3.91 out of 15 percentage points (26% credit). In our 2001 evaluation it received 5.5 out of 15 percentage points (37% credit).

e. According to the National Cooperative Study authorized by U.S. Public Law 106-398, and completed in December 2002, Peachtree City Fire Department has less on duty staffing (11-12) than does the national average on-duty staffing (18.8) for a city our size.

f. According to the Georgia Department of Community Affairs, Peachtree City Fire Department has less staffing than 9 of 10 other similar (Population Group B) cities (Alpharetta, Dalton, East Point, Gainesville, Hinesville, LaGrange, Rome, Smyrna, Valdosta and Warner Robins) in Georgia. Additionally, we are the only one of these cities to provide Advanced Life Support transport Emergency Medical Service. These nine similar cities have on duty staffing ranging from 15 to 45, with an average of 23.3 firefighters. Georgia Population Group B city characteristics are summarized at Enclosure #2.

g. Consultant data shows that Peachtree City Fire Department has fewer career firefighters (1.26 vs. 1.50) per thousand population and more volunteer firefighters (1.17 vs. 1.12) per thousand population than the "regional mean". The correct number of Peachtree City career firefighters is 1.20 per thousand. Their calculation is wrong they use 44 as the number of career firefighters rather than the 42 that actually exist. One of those is in the EMS program, and 41 are in the fire program. This is a continuing error previously reported to them. This reported difference is actually 10.57 (11) career firefighters. These same fewer firefighters provide Advanced Life Support Emergency Medical Service (transport) that no one else provides.

h. Various current fire service references cite the need for 19-23 firefighters on scene to effectively and safely suppress a single bedroom fire in a typical one or two story wood frame house. Representative Peachtree City homes are not "typical". Approximately 60% of Peachtree City residences are medium or high hazards based upon size, construction or life safety characteristics.

i. Needed operational fire service staffing is not a new phenomenon. Based on various controlled and statistically based experiments by various cities and universities, Managing Fire Services, published by the International City Management Association in 1988, reported the need to have sixteen (16) trained firefighters on scene within the critical time period, which they reported as a response time of 1.5 to 2.5 minutes. This did not include a Safety Officer or a Rapid Intervention Team (RIT), which are now required by OSHA and other rules, regulations and standards.

j. NFPA Standard 1710, 2001 edition, specifies that twenty-one (21) firefighters are needed for a working fire (based on 2,000 square foot/1,000 Gallons per Minute or less fire flow structure). This does not include two additional people (medics) to operate the health and rehabilitation station (total 23).

k. The Fire Protection Handbook, 2003 edition, cites the need for the following firefighters for an initial attack:

(1) Low Hazard: 18 Firefighters (dwellings and small business)

(2) Medium Hazard: 22 or more Firefighters (apartments, offices, mercantile and commercial property not needing extensive firefighting or rescue)

(3) High Hazard      31 or more Firefighters (schools, nursing homes, and high life hazards or large fire potential occupancies)

l. NFPA Standard 1710, 2001 Edition, specifies that "fire suppression operations shall be organized to insure the fire department's fire suppression capability includes personnel, equipment and resources to deploy the initial arriving company, the full initial alarm assignment, and additional alarm assignments." "On duty fire suppression personnel shall be comprised of the numbers necessary for fire-fighting performance relative to the expected fire-fighting conditions. These numbers shall be determined through task analyses....".

m. On January 9, 2004, the Department responded to a fatality fire in a five unit residential structure. Fifteen firefighters were on scene. Two Volunteers had to depart early for vocational obligations. Two FireMedics had to leave to transport a resident of the structure to the hospital. Two additional EMS calls were handled by Fayette County because we had no resources left. While the fire victim was most certainly dead before we arrived, **the ability to respond at least 21 firefighters on site as a functional team within 8 minutes could have reduced property damage and reduced risk to firefighters.**

5. **Consultant Recommendation A.** (Report page 91)

|                   |                        |
|-------------------|------------------------|
| 4 ALS Engines     | 8 personnel            |
| 2 ALS Ambulances  | 4 personnel            |
| 1 ladder truck    | 2 personnel            |
| 1 Command Officer | 1 personnel            |
| Total             | 15 personnel per shift |

**Pros**

Improves on-duty staffing toward needed level  
Provides 2 persons on selected apparatus  
Provides a Command Officer

**Cons**

Degrades EMS transport capability  
Reduces EMS revenue  
No staffing for Rescue 8  
Degrades EMS Mutual Aid capability  
Degrades Special Event coverage  
Mandates apparatus response on EMS, which increases operating and maintenance costs (currently respond if closer or if nature of call is or may be serious).  
Degrades patient care by breaking continuity of care  
Increases patient liability (extended on scene transport waiting time)  
Reduces available staffing for fire calls (responding engine cannot leave until arrival and transfer of patient to later arriving ambulance)

**Cost**

ALS Engines (4): \$360,000.00 initial cost (Reserve Engine would also have to be modified.

Total cost \$450,000.00)  
 ALS Engines (4): \$3,000.00 per year Lifepak Maintenance + \$4,200.00 per year  
 Licensure (Cost for Reserve Engine is another \$2,400.0 per year)  
 6 Firefighter/Paramedics- \$271,680.00 (with benefits)(two 24-hour positions)  
 3 Fire Captains - \$173,890.00 (with benefits)(one 24 hour position)  
 5 portable radios - \$14,000.00  
 Uniforms and bunker gear - \$22,734.00

6. **Consultant Recommendation B.** (Report page 92)

|                       |                             |
|-----------------------|-----------------------------|
| 3 ALS Engines         | 6 personnel                 |
| 1 Ladder truck/Engine | 2 personnel                 |
| 2 ALS Ambulances      | 4 personnel                 |
| 1 Command Officer     | Senior Duty Officer Program |
| Total                 | 12 personnel                |

**Pros**  
None

**Cons**

On duty staffing remains inadequate  
 Degrades EMS transport capability  
 Reduces EMS revenue  
 Degrades EMS mutual aid  
 Degrades Special Event coverage  
 No staffing for Rescue 8  
 No staffing for 4th Engine  
 Mandates apparatus response on  
 EMS, which increases operating and  
 maintenance costs (currently respond if  
 closer or if nature of call is or may be serious).  
 Degrades patient care (breaking of care continuity)  
 Increases patient liability  
 Reduces available staffing for fire calls (Engine  
 cannot leave patient until ambulance arrives and  
 care is properly transferred)  
 No Senior Officer on station duty  
 Increased liability (delay in transporting to medical  
 facility for definitive treatment)

**Cost**

ALS Engines (3): \$270,000.00 initial cost\*\* (5 Engines would be \$450,000.00)  
 ALS Engines (3): \$2,000.00 per year Lifepak Maintenance + \$2,800.00 per year licensure\*\*  
 (Cost of 5 Engines would be \$9,600.00 per year)

7. **Automatic Aid.** (Report page 94) The Consultant recommended **reciprocal** Automatic Aid with Fayette County with automatic dispatching of the closest stations. The key is to be able to have automatic aid that is beneficial to both parties, or at least not detrimental. This issue has been discussed since at least 1998 with HB489 and the FUTURES Committee. There have been inferences, including from the Consultant, that such an agreement would/should/might improve our ISO rating. To help resolve this issue, we have written a letter to ISO asking for official clarification. **ISO has responded in writing that Automatic Aid with Fayette County will not help improve our ISO rating. More importantly, it will not improve our first response**

**capability, and has very little probability of providing follow-on response of outside resources in the 8 minutes specified and recognized as the maximum response time required to effectively save life and protect property.**

We have existing Mutual Aid agreements with Fayette County, Coweta County and the Georgia Mutual Aid Group. Even though it will not be reciprocal, the only area that appears appropriate for automatic aid for Peachtree City is the west side development. This is because the only way in and the only way out is through the heart of Peachtree City. Most if not all Public Safety Services will be provided by Peachtree City because there is no viable moral option. The principal issue for this area is what suitable reimbursement will Peachtree City receive for providing these services. For fire services, the county fire tax and equitable portion of EMS general fund revenue for this area might be a good starting point. The County Fire tax is currently 3.391 mils, and has been as high as 4.000 mils.

Automatic aid would be highly beneficial to the unincorporated portion of Fayette County. However, **it would be detrimental to the quality of service in Peachtree City.** The closest Fayette County Fire Stations to Peachtree City are Station 3 in Tyrone to the north, Station 5 on Highway 85 to the south, and Station 8 on Flat Creek Road to the east.

Presuming that all apparatus are in-station, dispatching responses by the closest station means that Peachtree City would assume responsibility for responding to County facilities that include the Publix Shopping Center, another Assisted living facility, another church, the Starr's Mill school complex, another Industrial Park, many subdivisions and two trailer parks. **That is 19.0 additional square miles in addition to our existing 24 square miles, or a 79% increase. At the same time, Fayette County assumes no additional first-in area responsibility.** The Consultant reports that the area included 208 calls, which does not yet include the "West Side". This would be a 9.7% increase in call volume, plus calls in the "West Side". In addition to a larger call volume, units will be out of service longer because of longer travel distances to calls outside the city.

**If dispatching by closest station and units are not in-station, Peachtree City would become responsible for an estimated 40 square miles or more outside the City limits.** For example, to the east, the halfway point and response zone if county Station 8 is in station extends 0.3 miles east of Peachtree City's boundary. If county Station 8 is not available for a call that would normally be theirs, Peachtree City Station 82's first in zone would extend half way to Station 4 in Fayetteville, which is a distance of approximately 3.0 miles east of Peachtree City's boundary. To the north, Peachtree City Station 84's first response zone would extend ½ way to County Station #3 in Tyrone, a distance of about 1.1 miles north of Peachtree City's boundary. If Station #3 is not in station, it would extend halfway to County Station #2, a distance of about 4.5 miles north of Peachtree City's boundary.

From an area coverage perspective, Peachtree City has four (4) stations covering approximately 24 square miles, or an average of 6 square miles per station. Fayette County has nine stations covering about 175 square miles or more than 19 square miles per station.

None of Fayette County's fire apparatus or ambulances can respond from their station and reach Peachtree City in four minutes or reach any of the three areas that ISO considers inadequately covered within 8 minutes. The fastest travel time for any of them to any of these three areas is 8 minutes 41 seconds. Response time would include another 1-2 minutes for turnout time. Total

Response Time would include another 1-2 minutes for dispatch time, for a Total Response Time (Dispatch time plus Turnout time plus travel time) of 10-13 minutes. The chart below shows response time data calculated using DeLorme's Street Atlas USA 2004 Plus mapping program.

| County Station       | Halfway distance to PTC Station | Distance to PTC border | Quickest Time/Distance to Void #1 (travel time only) | Quickest Time/Distance to Void #2 (travel time only) | Quickest Time/Distance to Void #3 (travel time only) |
|----------------------|---------------------------------|------------------------|------------------------------------------------------|------------------------------------------------------|------------------------------------------------------|
| #3 (via Highway 74)  | #84 -1.55 miles                 | 2.65 miles             | 5.02 miles/8:41 min/sec                              | 9.66 miles/18:32 min/sec                             | 13.39 miles/25:05 min/sec                            |
| #3 (via Senoia Rd)   | #84-1.75 miles                  | 2.80 miles             | N/A                                                  | N/A                                                  | N/A                                                  |
| #5                   | #83-2.2 miles                   | 2.75 miles             | 13.07 miles/23:29 min/sec                            | 7.64 miles/10:53 min/sec                             | 3.87 miles/8:55 min/sec                              |
| #8 (via Hwy 54)      | #82-1.80 miles                  | 2.1 miles              | 7.47 miles/14:39 min/sec                             | 8.38 miles/17:16 min/sec                             | 9.79 miles/21:08 min/sec                             |
| #8 (via Sumner Road) | #82-1.85 miles                  | 1.85 miles             | N/A                                                  | N/A                                                  | N/A                                                  |

**Automatic aid also requires either providing sufficient resources that can respond to perform tasks as a unit, or providing sufficient resources so that mixed on scene equipment and personnel are compatible and functional. This would require substantial overtime for additional inter-departmental training and familiarization. To this time, neither Department has even been able to provide overtime funding to enable sufficient inter-Departmental training for the members of the existing haz mat team.**

Based on these factors, we believe that we will not gain anything from automatic aid with Fayette County that we do not already have from mutual aid. Based on the Consultant's report, Peachtree City would respond to an additional 208 first-in calls in the County and Fayette County would respond to no first-in calls in the City. For other iterations of response, the only reasonable way to demonstrate actual impact is to run a GIS scenario using 6-12 months of actual run data and response times and locations for both Peachtree City and Fayette County.

**8. Response Standard Operating Procedures (SOP A-100)** (Report pages 99-103) According to the Consultant's report (page 86), "Delivering sufficient numbers of properly trained, appropriately equipped personnel within the critical time period is the complete equation" to achieve an effective outcome to an emergency event. We agree with that, and we do that to the extent possible with existing limited resources. Their recommended new response protocol will make things worse. It would often send a single piece of equipment to investigate (e.g., a fire alarm) and then call for more resources if they were needed. We believe that this would be highly detrimental to our effectiveness and to the lives and property of our citizens. Fire Chiefs Alan Brunacini (Phoenix, AZ) and Tom Brennen (Waterbury, CT), both very highly acknowledged and respected national leaders in the fire service, share this view and so stated at the 2003 Fire Department Instructors Conference in Indianapolis. We respond Rescue 8, which provides rescue and extrication tools, air for breathing, and light and power, to those incidents where its use is likely. The Consultant totally omits it on the premise that the engines can use their own rescue

tools, and that if it is truly needed, someone can bring it later. We believe that is bad logic because the response time if it is needed is greatly extended. It is likely that it cannot respond at all due to lack of staffing and low probability that there would be anyone left to bring the Rescue if it is not preprogrammed.

**9. Operational Structure (Ambulances).** (Report pages 118-120) The department and the Medical Director strenuously disagree with the proposal to reduce EMS to two ambulances. **The Consultant's principal stated reason for this recommendation is to reduce EMS response time.** The statement that fire response times are lower/quicker than EMS response times is generally incorrect. The hypothesis that creating ALS engines will shorten response times is invalid. **We already respond the nearest unit. The published average response times for both fire and EMS calls for CY2003 are both 4 minutes and 10 seconds. For January 2004, the average times were 4 minutes and 43 seconds for EMS calls and 5 minutes and fifty seconds for fire calls.** We already respond both an ambulance and an engine to medical calls whenever the Engine is closer, and whenever there is any doubt as to the seriousness of the call. Engines are already routinely staffed with a Paramedic, and carry essential medical supplies and equipment except for a Lifepak 12 heart monitor and pharmaceuticals. Engines carry an Automatic External Defibrillator (AED) in lieu of a Lifepak 12 for use in cardiac arrests. We respond to many calls for which we have no accurate information on the situation. "General weakness", "difficulty breathing", and "respiratory distress" calls have often turned out to be a cardiac arrest, or other serious medical condition requiring immediate treatment and transport to a hospital. "Person Fallen" calls are similarly vague. We cannot provide reliable professional community service by sending one investigatory unit (ALS Engine) and waiting for them to call for what should have been there in the first place. It is worth noting that on many medical responses, we receive questions and comments from our citizens that they asked for and want an ambulance, and "why did we send an engine?"

**Another key basis given by the Consultant for reducing to two ambulances is their computed annual Unit Hour Utilization (UHU) rate.** We believe that this calculation is incorrect, and more importantly is grossly unrepresentative of the uses and benefits of the ambulances. UHU is a calculation of how much time an ambulance spends transporting patients when it is in service. The Consultant reports that we have three full-time medic units and 1 cross-staffed. We actually have one full-time medic unit and three cross-staffed. (Report page 118) The report states that average duration of medic calls is 45 –54 minutes. Our research for January-March 2003 shows that average duration for medical transports ranges to ten (10) different hospitals from 1 hour 10 minutes to 2 hours 39 minutes with an average of 1 hour 58 minutes and weighted average of 1 hour and 15 minutes. The reality is that units that transport are out of service and not available for any additional calls until they return to the City. When an ambulance transports, at least 2 and as many of 4 personnel go with it. **The Consultants made a statistical assumption that call volume is uniform.** It is not. A summary of multiple ambulance calls from 1 October 2003 to 16 February 2004 is at Enclosure #3. For patient treatment and community service, the department believes that having ambulances available when you need them is more important than an annual statistical UHU. Dropping to two ambulances will insure that ambulances are not available when needed on a recurring basis. It will also result in many public events either being cancelled, or required to hire outside private ambulances at rates that are many times their current costs.

**The Emergency Medical Services Administrator's Association of California did not consider**

**UHU a valid economic measurement tool and it is not a valid level of service to the community measurement tool. It does not include:**

- the need to have an ambulance on site at fires, haz mat and special operations incidents to protect firefighters.
- providing standby service to special events.
- patients that decline transport Against Medical Advice (AMA) because we are unable to convince them to seek medical evaluation and treatment. I anticipate this will be compounded if we only send an Engine with the perceived implication that if we thought they were really sick or injured, we would have sent an ambulance.
- incidents at fires where we shelter victims from the elements until we can find better protection.
- incidents where we have juveniles that we shelter, protect and keep from public view until parents or guardians can arrive.
- incidents where we shelter victims from heat or cold until they can recover.
- incidents where handicapped persons whose special vehicle has become disabled need assistance returning home.

These are services that are not included in a unit-hour calculation and that an ALS Engine cannot provide either at all or well. **For CY2003, EMS calls increased by 11.5%.** Lastly, UHU does not factor in our need for more ambulances, not less, in the event of a major emergency, natural disaster or Weapons of Mass Destruction incident. In these instances, medical support and transport will be the predominantly needed resource.

**10. ISO RATING** (Report pages 173-176) According to the Georgia Department of Community Affairs, 8 of 10 other similar (Population Group B) cities (Alpharetta, Dalton, East Point, Gainesville, Hinesville, LaGrange, Rome, Smyrna, Valdosta and Warner Robins) in Georgia have better ISO ratings than does Peachtree City. Seven are Class 3; one is Class 2. We are Class 4, but only 1.25 points from achieving Class 3. From a cost savings perspective, approximately 97 large unsprinklered properties would save 5-10% per year in insurance premiums. Based on personal home rate surveys, we know that individual residences would save from 0% to 14% in annual insurance premiums. There is no central database, and therefore each property owner has to call his or her specific insurance company for his or her specific property and coverage to determine individual impact. In addition to potential cost savings, the City would be able to continue to claim that our quality of service is as good as or better than quality of service available elsewhere. From a commercial/industrial development perspective for an improved tax base, an improved ISO rating is important to attracting new business to the industrial park. **The most cost effective action to achieve the 1.25 points and also improve operational capability and performance is to add three 24-hour on duty positions and acquire the QUINT to replace an unreliable fire apparatus and concurrently provide a reserve aerial apparatus.** An ISO summary sheet is at Enclosure #4.

**11. QUINT.** (Report pages 177, 184) We believe and previously recommended the acquisition of a QUINT fire apparatus to replace an existing old and unreliable fire apparatus. This would provide needed operational and ISO credit benefits. The Consultant Report concurs that we should acquire a QUINT. In addition to existing needs, it is highly probable that we will require two front line aerials/QUINTS. The facilities requiring them already exist. Continuing development will add the new infrastructure requirement (hydrants) that will require them.

**12. ADDITIONAL STATIONS.** (Report pages 179-180) The report acknowledges that the ISO evaluation in 2001 determined that we currently need three additional fire stations. This evaluation did not consider either the west side or the northeast sector. In addition to ISO credit, station location and coverage is the foundation of effective emergency response, which is a primary determinate on being able to save lives and protect property. Station location should be determined by careful analysis and not by what plot of land is available at the cheapest price. With the assistance of the System Administrator and a GIS Intern, we are in the process of GPS'ing all hydrants in the city so that we can conduct such an analysis. Based on current infrastructure development, a south end station should be constructed before the west side station. However, until we get the hydrant data we cannot determine if one station can fulfill the requirement for two stations in the south, nor can we recommend the specific location. Therefore new station construction needs to be deferred until FY2006. The Consultant reports that 96% of incidents in the study period were located within 4 minutes travel time (6 minutes total response time) from an existing fire station (page 85). The Report also footnotes the map that "Approximately 64% of incidents had addresses matching data in the map street file so not all incidents appear in the map".(page 71) That equates to 36% of the incidents not being on the map. The inference is that the data, if correct, indicates that existing station coverage could theoretically adequately respond to 96% of all calls. Our own analysis for CY2000, the last year we were able to devote time to extensive analysis, indicated that 65.5% of our calls were reached within a Total Response Time of 5 minutes (travel time of 3 minutes), and that extending the travel time to 4 minutes (Total Response Time of 6 minutes) included an additional 12.4% or a total of 77.9%.

**13. RESPONSE GOALS.** As previously stated, our initial response goal since 1998 as described to City Council, the public and the Consultant was to be able to have a first unit on scene "Total Response Time of not more than 5 minutes at least 80% of the time". This is from time of receipt at the 9-1-1 Center until arrival of the first unit on scene; it includes 1 minute dispatch time plus 1 minute turnout time plus 3 minutes travel time. It applies to both fire and medical calls.

Our response goal corresponds very closely with the ISO criterion of having a 1.5 road mile coverage zone from each station and to Rand Corporation calculations for the needed coverage zones for fire stations. It corresponds both to American Heart Association guidelines that defibrillation needs to be applied within 5 minutes of cardiac arrest and to research reported by the Consultant that most medical saves occur within 1.5 miles of a fire station. It provides the most reasonable chance of success for both medical emergencies and fire suppression. Probability of survival decreases 7-10% for every minute from the time of heart stoppage and biological death occurs within 4-6 minutes of heart stoppage. Data reported by the Consultant indicates that flashover typically occurs within 5-8 minutes from fire ignition; lightweight wood trusses collapse within 5-7 minutes after exposure to fire; and plywood I-beam joists (silent floors) collapse in about three minutes after exposure to fire. Additional research in California has shown flashover occurring in as little as two minutes, and experience on February 20, 2003 has vividly demonstrated flashover with 100 deaths and 200 injuries in less than three minutes in Rhode Island.

We selected our initial response goal based on previous recommendations from an International Accreditation seminar, providing quality service to the community, and providing better safety for our firefighters. We believe that it was and remains valid, especially when most of the more than 11,000 residences in the city are larger than typical 2,000 square foot structures upon which the standards are predicated, and also contain lightweight wood trusses and/or silent floors.

This was clearly demonstrated for us at a residential structure fire when we came very close to seriously injuring or killing several of our firefighters because burning silent floor lightweight wood I-Beam joists caused a residence to suddenly collapse like a house of cards. When the department, based on lack of time and resources, stopped manually tracking response data after calendar year 2000, we had achieved our goal 65.5% of the time. The single most significant factor in non-attainment was distance, which occurred an average of 13.3% of the time (monthly range of 9-21%; mode of 16%). If we extended the response time to four minutes travel time (6 minutes Total Response Time) we improved "goal attainment" by 13.4%, to the detriment of the people to whom we provide service. The second most significant factor was dispatch time. Other significant delay factors considered in the analyses included turnout time, prior incidents, training, work detail, staged, questionable times from dispatch, traffic, weather, difficulty locating or accessing, mechanical difficulty, non-emergency calls, and unknown.

**14. ACTUAL EXPERIENCE.** From being on site at events and manual analysis of data from February 2002 to February 2003, there were 530 simultaneous calls at 243 different times. For 207 times, there were 2 simultaneous calls. For 27 times there were 3 simultaneous calls. For 5 times, there were 4 simultaneous calls. Once there were 5 simultaneous calls, and once there were 6 simultaneous calls. For some single calls (e.g., Motor Vehicle Accidents), we used every available ambulance. We have concurrently used more than two ambulances 48 times since October 1, 2003. We have often used every available ambulance. On 28 October we used all of our ambulances and still needed an ambulance from Fayette County. There have been recurring times when there has not been an ambulance left in the entire County, or in both Fayette and Coweta Counties. Both Fayette and Coweta Counties depend upon us more for mutual aid, especially EMS, than we depend upon them. A summary of activities for days identified above is at Enclosure #3.

**15. COMMUNITY CHARACTERISTICS AND SERVICE CAPABILITY.** Most of Peachtree City's residences and facilities are larger and more complex than "typical". Peachtree City has more than 11,000 residences. Compared to the "typical" 2,000 square foot residence, Peachtree City has at least 6,648 residences that exceed 2,000 square feet. At least 1,546 residences are 3,000+ square feet and many are 6,000+ square feet. The largest home is approximately 24,000 square feet. In addition to size, many of these residences are constructed on terrain that makes access by firefighters difficult. The department believes it is in the vested interest of the community to provide the resources needed to accomplish routine daily requirements without assistance from the outside. This is consistent with an ongoing study and intent of Georgia Emergency Management Agency, the Georgia Association of Fire Chiefs, Georgia Association of Firefighters, and the Georgia Mutual Aid Group to identify and help provide communities the capability to handle their own routine events. We have a Nursing Home with approximately 160 patients, a 64 room Assisted Living Facility, and are nearing construction of a three story 166-unit independent living facility for seniors in their 80's and 90's. We have 7 schools, 22 churches, and 17 apartment and condominium complexes. A number of the apartment complexes are three or four stories with 15-26 buildings per complex. **There are two lakes, two state highways, CSX railroad with approximately 30 trains per day, two large convention centers, Home Depot and Wal-Mart Super Stores, the busiest FAA TRACON facility in the world, an airfield with a 5,200 foot runway, 300 aircraft and more than 50,000 operations per year, and an industrial park. The largest structure in the industrial park is about 543,000 square feet with plans to expand beyond 750,000 square feet.**

**These are greater than average/moderate facilities requiring greater than moderate response capability. More than half are either high risk or maximum risk, which requires 21-31 firefighters for an effective initial response.** The alternative to not providing reasonable protection for them is to change tactics, remain defensive only to protect adjoining properties, and let them and whatever is in them burn to the ground. **The City has historically and continuously marketed itself as a place of excellence. If we cannot meet state and national standards for a city our size, it will be difficult to continue those marketing claims. As importantly, if we cannot perform routine tasks without outside help, the City is not prepared to function during times of disaster or major emergency.**

**16. CURRENT COSTS.** The Table below summarizes current fire and Emergency Services (ES) costs between Peachtree City and Fayette County. All Peachtree City costs are derived from funding from the General Fund. Fayette County fire costs are derived from the Fire Tax (currently 3.391 mils), and Emergency Service costs are from the General Fund and ES revenue.

| JURISDICTION   | 2004 FIRE<br>COST | 2004 ES<br>COST | 2004 FIRE<br>STAFF | 2004 ES<br>STAFF | 2003 ES<br>REVENUE |
|----------------|-------------------|-----------------|--------------------|------------------|--------------------|
| Peachtree City | \$3,470,552.00    | \$222,458.00    | 43                 | 1                | \$237,332.00       |
| Fayette County | \$6,710,053.00    | \$2,182,592.00  | 90                 | 34               | ~\$850,000.00      |

4 Encl

1. Numbered and annotated Consultant Recommendations
2. Georgia Population Group B Summary
3. Significant EMS Response Summary, 1 October 2003-16 February 2004
4. ISO Evaluation Summary, 1998, 2001

## **Consultant Recommendations with Staff Comments**

February 2004

### **Management Component Recommendations**

1. Develop and implement a five and ten year customer oriented strategic plan for the Department as described in this report. Development of this plan should involve the community, Department members and employees, and the Department's customers.

COMMENT: Agree. Required for International Fire Service Accreditation. Previously initiated coordination with Georgia Mutual Aid Group members and another Consultant to determine feasibility of work and cost sharing program to complete all Accreditation requirements including a strategic plan.

2. Prepare and distribute minutes of ALL staff meetings to improve organizational awareness of issues and decisions.

COMMENT: Disagree. Numerous and comprehensive information and participation mechanisms already exist and are used effectively, including the Reading file, the City and Association web sites, Volunteer Association meetings, bi-weekly shift meetings, Quality Improvement Team, Apparatus Committee, Bunker gear Committee, Ambulance Committee, Pharmaceutical Committee, Station 82 Renovation Committee, Station 81 Construction Committee, bulletin boards, distribution boxes, E-mails, Station Uniform Committee, Burn Building Design Committee, a Roof Trainer Committee, an ISO Team, an Equipment selection Committee and a Haunted House Committee.

3. Develop and distribute a regular and periodic internal employee newsletter to increase the flow of information within the organization (Departmental and/or City).

COMMENT: Under Advisement. Numerous and comprehensive information and participation mechanisms already exist and are used effectively. See #2 above. Another newsletter requires additional staff time and resources.

4. Consider increasing the frequency of publishing and distributing a periodic community newsletter of department activities, issues and safety information.

COMMENT: Agree, but requires approx \$4,000.00 per issue additional funding availability.

5. Expand and aggressively update the fire department's web site to provide more timely and comprehensive information to the public.

COMMENT: Agree. City and Volunteer web site update projects are in progress. The Association web site is updated almost daily through hundreds of hours of Volunteer effort.

6. Provide a "satisfaction" survey document for residents and visitors to use to provide feedback to the fire department on all services provided.

COMMENT: Agree. Previously done for EMS transport. Need approximately \$1,000.00 per year additional to expand to all calls.

7. Consider establishing a citizen's advisory group to insure the Department is in communication with the community's concerns and expectations.

COMMENT: Under Advisement. Feedback currently received via Volunteers and briefings for civic and community organizations.

8. Explore opportunities to increase staff awareness of issues and opportunities to participate in solution development and implementation.

COMMENT: Numerous and comprehensive information and participation mechanisms already exist and are used effectively, including the Reading file, the City and Association web sites, Volunteer Association meetings, bi-weekly shift meetings, Quality Improvement Team, Apparatus Committee, Bunker gear Committee, Ambulance Committee, Pharmaceutical Committee, Station 82 Renovation Committee, Station 81 Construction Committee, bulletin boards, distribution boxes, E-mails, Station Uniform Committee, Burn Building Design Committee, a Roof Trainer Committee, an ISO Team, an Equipment selection Committee and a Haunted House Committee.

9. Promulgate a Fire Department, comprehensive annual report. Distribute the annual report to include community centers, libraries and other public facilities.

COMMENT: Agree. Has not been done due to lack of staffing, time and resources, including fully functional Management Information System (MIS) and Geographic Information System (GIS) systems.

10. Implement an effective facility lock and security program consistent with serving the public and maintaining a secure facility environment.

COMMENT: Under advisement. Current procedures include lockdown for THREATCON ORANGE and known threats.

### **Planning for Emergency Services Recommendations**

11. Enhance internal communications tools to facilitate the sharing of information; solicitation of employee input, and continued open communications for departmental planning.

COMMENT: Under Advisement. Numerous and comprehensive information and participation mechanisms already exist and are used effectively, including the Reading file, the City and Association web sites, Volunteer Association meetings, bi-weekly shift meetings, Quality Improvement Team, Apparatus Committee, Bunker gear Committee, Ambulance Committee, Pharmaceutical Committee, Station 82 Renovation Committee, Station 81 Construction Committee, bulletin boards, distribution boxes, E-mails, Station Uniform Committee, Burn Building Design Committee, a Roof Trainer Committee, an ISO Team, an Equipment selection Committee and a Haunted House Committee.

12. Consider including public safety in the City's Master Plan.

COMMENT: Strongly Agree. Need City Risk Assessment first, which requires fully functional MIS and GIS.

13. Improve the quality and availability of pre-incident plans through an aggressive campaign of plan development, training and distribution.

COMMENT: Agree. Previously identified and being worked. Conversion from paper to automation is required.

14. Confirm that all EHS facilities within its service area have been identified; ensure that a local plan has been developed, and that fire department operations have been coordinated with it.

COMMENT: Agree. Previously done. PCFD wrote much of the Fayette County Coordinated High Risk Evacuation Plan for 112(r) facilities with Extremely Hazardous Substances (EHS), and most of the Fayette County Derailment Plan. Department Haz Mat Response SOP A-115, dated January 18, 2000, updated as SOP A-112, dated June 1, 2001, is based upon and coincides with these plans.

15. Confirm that MSDS (Material Safety Data Sheet) forms are being received, reviewed, properly filed, and available for training and use during emergency responses.

COMMENT: Agree. Information formerly received via paper copy is now received via digital information from LEPC and contained in Computer Aided Management of Emergency Operations (CAMEO). This data was provided on a consolidated CD. Additionally, comprehensive data sheets for chemicals of concern were previously pre-planned and included with the derailment plan.

16. Consider conducting periodic community surveys to ensure the department's priorities match those of the community.

COMMENT: Agree. The Volunteer Association conducted a survey approximately 12 months ago.

### **Risk Management Recommendations**

17. Enhance the interaction of the City's Risk Manager and the fire department.

COMMENT: Under Advisement. Existing interaction includes issues with safety, incidents, accidents, workers comp, insurance, and Employee Assistance.

18. Conduct annual physical capacity testing of emergency service personnel.

COMMENT: Under Advisement. Linked to medical examinations, support facilities and equipment to implement. Also involves legal and operational considerations. Being reviewed in cooperation with Training and Professional Development Section of Metro-Fire Chiefs Association.

19. Establish a Departmental Safety Committee commensurate with the recommendations of N.F.P.A. Standard #1500.

COMMENT: Completed.

20. Designate a permanent Fire Department Safety Officer.

COMMENT: Completed. Previously assigned to Accreditation Manager as part of job description in 1998. Subsequently stayed with Fire Chief, who is currently the only NPQ certified Safety Officer in the Department.

21. Provide an annual medical evaluation of all emergency service personnel that meets the recommendations of NFPA 1582.

COMMENT: Currently following NFPA Standard 1582, 2000 Edition. 2003 Edition, effective August 7, 2003, is under advisement.

22. Develop an ongoing physical fitness program using NFPA 1583 as a model.

COMMENT: Agree. Funding for facilities, equipment and medical exams has not been approved. Exercise equipment provided at Station 81 was obtained through 50% funding from Volunteer Association.

### **Personnel Management Recommendations**

23. Consider consolidating personnel files into a central location.

COMMENT: Disagree. Human Resources do not handle Volunteer files, and files on all personnel are needed on site for Fire Department operational purposes.

24. Consider giving the City's Human Resources Manager oversight for the PCFD's promotional processes to serve as a check and balance for the Department and the City.

COMMENT: Strongly Disagree. All issues raised by Consultant were previously considered and implemented by independent Assessment firms and outside evaluators for the last two promotion cycles.

25. Enhance the Department's volunteer firefighter recruitment and retention program such that the volunteer resource may make a greater commitment to installation/immediate responses.

COMMENT: Under Advisement. Expansion of recruitment will require additional funding and has problematic results. Almost every technique mentioned by the Consultant has been previously used. Special Duty Volunteers have mandatory station time. Other Volunteers will not routinely perform station duty.

### **Staffing and Organizational Design Recommendations**

26. Implement the proposed organizational structure recommended in this report.

COMMENT: Under Advisement. Involves complex issues of pay, seniority, promotion process, and span of control.

27. Update job descriptions for all fire department positions as required.

COMMENT: Presently current. Changes dependent upon changes in item 26 above.

### **Capital Asset Management Recommendations**

28. Develop and fund a long-term facilities plan.

COMMENT: Strongly Agree. Previous plans deferred during PIP and budgeting process.

29. Develop and fund a long-term apparatus replacement plan.

COMMENT: Strongly Agree. Previous plans deferred during PIP and budgeting process

30. Develop and fund a long-term small equipment replacement plan.

COMMENT: Strongly Agree. Previous plans deferred during PIP and budgeting process

31. Address facilities exhaust and contaminated garment concerns.

COMMENT: Agree with facilities exhaust. PIP projects for exhaust ventilation were previously identified and have been submitted as PIP projects. Contaminated garment concerns have already been addressed. Cost of installation of diesel exhaust systems for all station is about \$134,056.00. Cost of installing a washer extractor in each of three remaining stations is about \$42,000.00 plus cost of facility modifications.

32. Pursue, in concert with Fleet Maintenance, the establishment and implementation of a formal fire department fleet and equipment maintenance schedule.

COMMENT: Agree. Requires additional public works staffing to implement plan

### **Delivery Systems; Suppression, EMS, Communications, Rescue, Hazmat Recommendations**

33. Implement Service Delivery Recommendation "A" or "B" (And associated requirements) depending on the level of service the City of Peachtree City desires. ESCi supports Recommendation "A."

COMMENT: Agree with "A". Strongly Disagree with "B". **However, "A" is not a complete or long-term solution.**

34. Consider revising SOP A-IOO to implement revised "Equipment Response" matrix and protocols outlined in this report.

COMMENT: Strongly Disagree. This protocol will place Peachtree City citizens at greater risk of injury, death and property damage due to inadequate response.

35. Consider intranet or internet based continuing education training modalities.

COMMENT: Previously done with Fire and Emergency Training Network (FETN) and other Internet systems.

36. Consider establishing clinical performance measurement system.

COMMENT: All Patient Care Reports (PCR's) are reviewed by the EMS Lieutenant, including performance in clinical performance in areas of intravenous access, intubation and pain alleviation.

37. Consider linking continuing education and performance measures.

COMMENT: Information gathered from the PCR's is used to help determine medical training classes.

38. Consider issuing each employee PPE packs, in particular their own fit tested N-95 compliant mask.

COMMENT: Disagree. Current disposable N95 masks (S,M,L) cannot be fit tested. Existing Self-Contained Breathing Apparatus (SCBA) masks are fit tested at least annually. Providing an adaptor and 2 filters per person will cost approximately \$8,500.00. Twelve systems were previously included in a technical rescue grant.

39. Consider establishing uniform protocols for significant exposure management for Peach Tree (sic) City employees.

COMMENT: Previously completed via an Infection Control Policy.

40. Review possible need to add HIPAA confidentiality addendum to medical directors agreement.

COMMENT: Under Advisement. Medical Director is believed to be a volunteer member of our "workforce" as defined by HIPAA and therefore not a "business associate". Initial feedback from Georgia State EMS concurs. They are researching further.

41. Consider exploring opportunities of the National Association of EMS Physicians.

COMMENT: Completed.

42. Consider budgeting medical director stipends in future years.

COMMENT: Disagree. Payment would nullify or compromise liability protection provided by Georgia Good Samaritan law (O.C.G.A 51-1-29 et seq.) and also jeopardize her status as a Volunteer.

43. Continue placing an emphasis on public education, prevention and wellness activities.

COMMENT: Agree, but current capabilities are limited by lack of staffing and funding.

44. Consider expansion of City's public access defibrillation program.

COMMENT: Agree, but additional AED's require additional funding of about \$3,100.00 each.

45. Consider inclusion of cardiac and stroke early recognition education as part of the departments ongoing outreach programs within the community.

COMMENT: Completed. Further expansion requires additional staffing and funding.

46. Consider resurveying area departments fee structures and adjusting accordingly.

COMMENT: Council approved milage change on June 19, 2003.

47. Explore necessity for business associate agreement with collections agency in accordance with HIPAA.

COMMENT: Completed.

48. Due to low unit hour utilization rates of medic transport units, acceptable response times and an approximate 58% transport rate, consider reallocation to two EMS transport units.

COMMENT: Department and Medical Director Strongly Disagree. This will jeopardize the lives and well being of Peachtree City citizens from delayed transport. Additionally it will reduce the EMS revenue stream.

49. To enhance ALS response time, consider, reallocating personnel from third medic unit to an ALS-paramedic staffed and equipped suppression unit. This also enhances fire suppression staffing. Fire suppression response times are lower than the medic transport units, given that these are geographically diversified and of greater quantity this makes sense, adding a paramedic and ALS equipment would reduce paramedic response times.

COMMENT: Department and Medical Director Strongly Disagree. CY2003 average response times reported by the 9-1-1 Center are both 4 minutes 10 seconds. Engines already have Paramedics and essential medical equipment.

50. Consider medical priority dispatch of closest ALS suppression unit for low priority EMS calls. On high priority calls, both ALS engine and rescue will respond.

COMMENT: Strongly Disagree. "rescue" is another terminology for an ambulance. Medical Priority Dispatch not currently feasible without substantial degradation of service due to recurring erroneous or incomplete dispatching information. The dispatch center has endured up to 70% personnel turnover rate. The consequences of mistakes in dispatching will result in greater injury and loss of life, especially if there are only two ambulances.

51. Consider the four recommended options outlined in the report to address the EMS "tax inequity" concern.

COMMENT: Under Advisement. This is largely a political decision. However the Department and the Medical Director Strongly recommend against option 4 in which all EMS service reverts to Fayette County. We believe that such action will profoundly degrade EMS capacity within Peachtree City.

### **Training Program Recommendations**

52. Develop a comprehensive training plan and schedule. The plan should include goals and objectives, performance measures, and a schedule of events and evaluation methods to ensure quality training is delivered.

COMMENT: Training plans and schedules already exist. Refinements are being added. Coordination is on-going with the newly established Training and Professional Development Section of Metro-Chiefs Association.

53. Develop and deliver pre-promotion training, based on accepted standards.

COMMENT: Previously and currently done using State requirements, State facilities, and National Standards.

54. Adopt a competency-based approach to ongoing training. Develop standards for the various skills required of personnel and evaluate these skills on a periodic basis. Focus in-service training on improving skills not well performed and learning new skills and knowledge to deal with emerging risks and service demands.

COMMENT: State law still specifies an hourly requirement for 2004. Performance based training is being scheduled for implementation in January 2005.

55. Expand significantly the amount of ongoing training that is received by PCFD personnel.

COMMENT: Strongly Disagree. Current training exceeds state requirements for both Volunteer and Career Firefighters.

56. Expanded staff training on "FireHouse," records management software.

COMMENT: Agree. Ongoing.

57. Implement the consistent utilization of lesson plans.

COMMENT: Already done for National/State Fire training programs and National Registry and Standardized EMS training programs. Expansion of standardized lesson plans to all classes is limited by available funding and staffing.

58. Expand multi-agency drill opportunities.

COMMENT: Under Advisement. Expansion limited by available overtime funding.

59. Establish and maintain consistent career and volunteer training requirements.

COMMENT: Previously done. Entry-level requirements are the same National Professional Qualification (NPQ) standards. Annual requirements for Volunteers are similar to Career requirements and greatly exceed State mandates.

60. Produce and include annual training data in a Departmental annual report.

COMMENT: Under Advisement. Not yet done due to lack of time, staffing and resources.

61. Expand post-incident analysis training.

COMMENT: Agree. Analysis and training is being enhanced through use of digital photography to document and demonstrate occurrences on scenes.

### **Fire Prevention Recommendations**

62. Clearly identify the number of properties that should be inspected.

COMMENT: Previously done. There were 766 inspectable properties classified as 138 High Priority, 455 Moderate Priority and 163 Low Priority. There are currently 797. Of those, the Fire Marshal personally inspects 51 High Priority/Target hazards; the shifts inspect 85 additional High Priority, 488 Medium Priority and 173 Low Priority facilities.

63. Establish the frequency these properties should be inspected by level of risk.

COMMENT: Previously done. Properties are inspected annually, with additional inspections for those with noted or reported discrepancies. Additional frequency requires additional staffing.

64. Identify the resources needed to conduct the inspections, re-inspections and other related activities.

COMMENT: An Assistant Fire Marshal was previously requested and denied. Existing shift personnel help perform specified inspections. Twenty-seven Firefighters on shift are certified Inspectors at Level I. All on-duty firefighters need to be certified as Inspector Level I. Each shift needs at least two firefighters certified at Level II or Level III to help inspect more complex facilities.

65. Consider pursuing delegation authority for the City Fire Marshal to represent the State Fire Marshal in the City of Peachtree City under Georgia State Title 25.

COMMENT: Approved by Council February 5<sup>th</sup>, 2004.

66. Develop a comprehensive records management system plan so that the results of inspections can be recorded, re-inspections tracked and next inspection dates identified to the responsible inspector.

COMMENT: Previously identified and in progress.

67. Ensure personnel are properly trained to perform the inspections they are assigned.

COMMENT: Previously identified and addressed. Current staffing includes seven (7) Georgia Fire Inspector I, twenty (20) NPQ Fire Inspector I, one (1) NPQ Fire Inspector II, and 2 NPQ Fire Inspector III. We are continuing to send shift personnel for training to State and National Standards as opportunities and funding are available.

68. Develop a results oriented reporting system that contrasts the fire inspection effort against the city's fire occurrence and loss experience.

COMMENT: Agree. Needs fully functional MIS to implement.

69. Explore charging for required inspections as a revenue source.

COMMENT: Approved by Council January 15<sup>th</sup>, 2004.

70. Assign the oversight responsibility for the "Public Fire and Life Safety Program" to the PCFD Fire Marshal.

COMMENT: Strongly Disagree unless additional staffing provided. The Fire Marshal already has more than he can accomplish.

71. Expand the scope and audience for the delivery of public safety education.

COMMENT: Agree, but additional staffing and resources are required. A dedicated Public Fire and Life Safety Educator is needed to provide continuity, coordination and supervision of a comprehensive public education program.

72. Pursue NFPA's "Learn Not To Burn" and/or "Risk Watch" programs with local schools.

COMMENT: Agree. Additional staffing and resources are required. A dedicated Public Fire and Life Safety Educator is needed to provide continuity, coordination and supervision of a comprehensive public education program. "Risk Watch" is in progress with selected schools in conjunction with the Safe Kids of Fayette organization.

73. Add data fields to the incident record system to capture information that will allow an evaluation of public safety education efforts.

COMMENT: Agree, but fully functional MIS and staffing support is required.

74. Analyze emergency incident records to evaluate program effectiveness and develop programs targeted at frequently occurring emergencies.

COMMENT: Agree. Fully functional MIS required.

75. Consider developing and adopting ordinances that require the installation of automatic fire sprinkler systems in all new buildings built and all buildings that are significantly remodeled.

COMMENT: Strongly Agree.

#### **Insurance Services Office Evaluation Recommendations**

76. Inspect all fire hydrants twice per year. These inspections should include a pressure test and be completely and accurately documented.

COMMENT: Previously identified and completed. Additional resources required to continue. Current focus is on identifying and documenting all hydrants in the GIS system for evaluation of coverage and potential fire station locations.

77. Outfit Tower 8 according to Tables 544.A and 544.B of the ISO, "2003 Fire Suppression Rating Schedule."

COMMENT: Previously completed.

78. Purchase the 65-foot Quint as suggested as a replacement for the oldest engine and operate it as a first out engine. Outfit it according Tables 512.A, 544.A and 544.B.

COMMENT: Strongly agree. Improves operational function and ISO credit. Bids were received on January 15<sup>th</sup>, 2004, have been reviewed for Council consideration, and remain valid until March 15<sup>th</sup>, 2004.

79. Increase the number of career and/or volunteer firefighters on-duty at all times.

COMMENT: Strongly agree with additional on-duty career staff. Additional routine on-duty Volunteer personnel is not a viable option.

80. Institute automatic aid agreements with Fayette County Department of Fire and Emergency Services for engine responses from Stations #3, #5 and #8 into the appropriate portions or fire zones of Peachtree City. It will be assumed a minimum staffing level of two firefighters on each engine.

COMMENT: Strongly Disagree. Written response from ISO states that it will not benefit Peachtree City. With all units in station, Peachtree City would provide coverage for an additional 19 square miles outside City limits. If units are not in station, Peachtree City's additional area of coverage could expand to 40 or more square miles outside City limits.

81. Increase officer training by developing a program that stresses leadership and is at least 16 hours per year and separate from other training.

COMMENT: Many members are already completing Leadership, Supervision and Management classes at the Georgia Public Safety Training Center as part of NPQ Officer certification requirements. An on site Leadership Class that is also available to other City Supervisors and Managers has been scheduled for September 9 and 10.

82. Increase Driver and Operator Training to at least four (1/2 days) or 16 hours per year.

COMMENT: Hands-on training for the fire service formerly available at Georgia Public Safety Training Center is no longer available. We are seeking alternate mechanisms for improved driver training. This includes coordination with the newly established Training and Professional Development Section of the Metro-Chiefs Association.

83. Ignore the positive impact of divergence and be very aware of negative impact.

COMMENT: Strongly agree. Divergence is a point score difference between the capability of the water system and the capability of the Fire Department as determined by the Insurance Service Office (ISO) evaluation. When capability determinations are the same, divergence is zero. As capability difference increases, divergence penalty increases. The Department focus is on improving Department credit, which will in turn reduce divergence loss of credit. We lost 4.92 points from divergence in the 2001 ISO evaluation.

# GEORGIA POPULATION GROUP B SUMMARY

| CITY           | ISO CLASS | STATIONS | ON DUTY | POPULATION | AREA<br>(mi <sup>2</sup> ) | VOL |
|----------------|-----------|----------|---------|------------|----------------------------|-----|
| Alpharetta     | 3         | 5        | 24      | 35,739     | 21.4                       | YES |
| Dalton         | 3         | 4        | 20      | 29,895     | 19.8                       | NO  |
| East Point     | 4         | 4        | 21      | 37,867     | 13.8                       | NO  |
| Gainesville    | 2         | 3        | 15      | 27,968     | 27.1                       | NO  |
| Hinesville     | -(5?)     | 1        | 8       | 30,541     | 16.2                       | YES |
| LaGrange       | 3         | 3        | 17      | 26,424     | 29                         | NO  |
| Peachtree City | 4         | 4        | 11      | 35,044     | 24                         | YES |
| Rome           | 3         | 10       | 45      | 35,237     | 29.4                       | NO  |
| Smyrna         | 3         | 4        | 21      | 45,678     | 13.9                       | NO  |
| Valdosta       | 3         | 6        | 18      | 44,707     | 29.9                       | NO  |
| Warner Robins  | 3         | 6        | 29      | 52,565     | 22.8                       | NO  |

Incl #2

**MULTIPLE RUN SUMMARY**  
**1 October 2003-16 February 2004**

**Month Day Time Incident Action Hosp Comment**

|          |    |      |                |                  |       |                          |
|----------|----|------|----------------|------------------|-------|--------------------------|
| October  | 15 | 809  | EMS            | transport        | FCH   |                          |
|          | 15 | 901  | EMS            | transport        | FCH   |                          |
|          | 15 | 1200 | FIRE ALARM     | Manpower, Safety |       | Wyndham Conf Center      |
| October  | 16 | 1459 | EMS            | transport        | FCH   |                          |
|          | 16 | 1737 | EMS            | transport        | FCH   |                          |
|          | 16 | 1814 | EMS            | transport        | FCH   |                          |
|          | 16 | 1846 | INJURY         | transport        | FCH   |                          |
| October  | 17 | 1705 | INJURY         | transport        | FCH   |                          |
|          | 17 | 1722 | EMS            | transport        | FCH   |                          |
|          | 17 | 1928 | EMS            | transport        | FCH   |                          |
| October  | 20 | 1035 | MVA            | transport        | AMC   | ENTRAPMENT, EXTRI-       |
| October  | 21 | 0038 | EMS            | transport        | FCH   | CATION, MEDEVAC          |
|          | 21 | 0052 | STRUCTURE FIRE | Manpower, Safety |       | Motel, 102 victims       |
|          | 21 | 0052 | INJURY         | transport        | Grady | Burn Center              |
|          | 21 | 0052 | EMS            | ON SITE CARE     |       | BREATHING DIFF, DIABETIC |
| October  | 22 | 1035 | EMS            | transport        | FCH   |                          |
|          | 22 | 1058 | EMS            | refusal          |       |                          |
|          | 22 | 1249 | EMS            | transport        | FCH   |                          |
|          | 22 | 1338 | EMS            | deceased         |       |                          |
| October  | 24 | 840  | Structure fire | Manpower, Safety |       | Apartment complex        |
|          | 24 | 918  | EMS            | transport        | FCH   |                          |
|          | 24 | 1400 | EMS            | deceased         |       |                          |
|          | 24 | 1512 | MVA            | transport        | FCH   |                          |
|          | 24 | 1540 | MVA            | refusal x 4      |       |                          |
| October  | 27 | 1826 | MVA            | transport        | FCH   |                          |
|          | 27 | 1832 | EMS            | transport        | FCH   |                          |
|          | 27 | 1924 | INJURY         | transport        | FCH   |                          |
|          | 27 | 1956 | FIRE ALARM     |                  |       |                          |
| October  | 28 | 1515 | EMS            | transport        | FCH   |                          |
|          | 28 | 1614 | MVA            | transport        | FCH   |                          |
|          | 28 | 1614 | MVA            | transport        | AMC   | Extricate, Medevac       |
|          | 28 | 1652 | EMS            | transport        | FCH   |                          |
|          | 28 | 1800 | MVA            | transport        | FCH   | car-pedestrian           |
| November | 4  | 802  | EMS            | transport        | FCH   |                          |
|          | 4  | 816  | brush fire     | transport        | FCH   |                          |
|          | 4  | 826  | STRUCTURE FIRE | Manpower, Safety |       | Zaxby's                  |
|          | 4  | 847  | EMS            | transport        | FCH   |                          |
|          | 4  | 1045 | EMS            | transport        | FCH   |                          |
|          | 4  | 1049 | EMS            | refusal          |       | elderly welfare check    |
| November | 9  | 2334 | FIRE ALARM     | Manpower, Safety |       | smoke in Ashley Glen     |
| November | 10 | 1249 | EMS            | transport        | FCH   |                          |
|          | 10 | 1453 | EMS            | transport        | FCH   |                          |
|          | 10 | 1604 | INJURY         | transport        | AMC   |                          |
| November | 12 | 828  | MVA            | transport        | FCH   |                          |

**MULTIPLE RUN SUMMARY**  
**1 October 2003-16 February 2004**

|          |    |      |                |                  |        |                         |
|----------|----|------|----------------|------------------|--------|-------------------------|
|          | 12 | 956  | MVA            | transport        | FCH    |                         |
|          | 12 | 1037 | EMS            | transport        | FCH    | OB                      |
| November | 13 | 1536 | MVA            | refusal          |        | 74/Paschall             |
|          | 13 | 1612 | MVA            | transport        | FCH    |                         |
|          | 13 | 1635 | MVA            | refusal x 4      |        |                         |
|          | 13 | 1832 | MVA            | refusal x 4      |        | 74/Wisdom               |
| November | 14 | 1106 | EMS            | transport        | FCH    |                         |
|          | 14 | 1139 | EMS            | transport        | FCH    |                         |
|          | 14 | 1154 | FIRE ALARM     | Manpower, Safety |        |                         |
|          | 14 | 1249 | EMS            | Refusal          |        | Booth Middle School     |
|          | 14 | 1715 | EMS            | transport        | CHSR   | medevac                 |
| November | 19 | 1153 | EMS            | transport        | FCH    |                         |
|          | 19 | 1203 | EMS            | transport        | FCH    | Mutual Aid              |
|          | 19 | 1347 | MVA            | refusal x 3      |        |                         |
|          | 19 | 1613 | INJURY         | transport        | FCH    |                         |
| November | 23 | 1145 | EMS            | refusal          |        |                         |
|          | 23 | 1242 | EMS            | transport        | FCH    |                         |
|          | 23 | 1307 | EMS            | transport        | FCH    |                         |
|          | 23 | 1353 | EMS            | transport        | FCH    |                         |
| December | 1  | 1317 | Tree Fire      | Manpower, Safety |        |                         |
|          | 1  | 1354 | EMS            | transport        | FCH    |                         |
|          | 1  | 1427 | EMS            | transport        | FCH    |                         |
|          | 1  | 521  | EMS            | transport        | FCH    |                         |
|          | 1  | 523  | EMS            | transport        | FCH    |                         |
|          | 1  | 647  | EMS            | transport        | FCH    |                         |
| December | 2  | 1457 | EMS            | transport        | FCH    |                         |
|          | 2  | 1633 | EMS            | transport        | FCH    |                         |
|          | 2  | 1654 | EMS            | transport        | FCH    |                         |
| December | 3  | 1331 | MVA            | transport        | FCH    |                         |
|          | 3  | 1331 | MVA            | transport        | FCH    |                         |
|          | 3  | 1513 | VEH FIRE       | Manpower, Safety |        | 2 VEH, FULL INVOLVE     |
|          | 3  | 1613 | EMS            | transport        | FCH    |                         |
| December | 4  | 657  | FIRE ALARM     | Manpower, Safety |        | Crabapple School fire   |
|          | 4  | 700  | EMS            | transport        | FCH    |                         |
|          | 4  | 738  | FIRE ALARM     | Manpower, Safety |        | Apartment fire          |
|          | 4  | 1621 | MVA            | transport        | FCH    | 54/Planterra, Extricate |
|          | 4  | 1632 | EMS            | refusal          |        | known patient           |
| December | 6  | 1102 | EMS            | transport        | Newnan |                         |
|          | 6  | 1132 | EMS            | transport        | FCH    |                         |
|          | 6  | 1320 | EMS            | transport        | FCH    |                         |
|          | 6  | 1432 | EMS            | transport        | Newnan |                         |
| December | 9  | 1537 | FIRE ALARM     | Manpower, Safety |        | tar fire, G&S Roofing   |
|          | 9  | 1808 | INJURY         | transport        | FCH    |                         |
| December | 10 | 1230 | MVA            | refusal x 4      |        | AMA                     |
|          | 10 | 1232 | INJURY         | transport        | FCH    |                         |
|          | 10 | 1318 | EMS            | transport        | FCH    |                         |
|          | 10 | 1542 | EMS            | transport        | FCH    |                         |
|          | 10 | 1604 | Structure Fire | Manpower, Safety |        |                         |
|          | 10 | 1717 | EMS            | transport        | FCH    |                         |
|          |    |      |                |                  |        |                         |
|          |    |      |                |                  |        |                         |

**MULTIPLE RUN SUMMARY**  
**1 October 2003-16 February 2004**

|          |    |      |                |                  |          |                                                         |
|----------|----|------|----------------|------------------|----------|---------------------------------------------------------|
| December | 13 | 2155 | EMS            | transport        | Newnan   |                                                         |
|          |    |      |                |                  |          | known patient, elderly, handicapped, medical conditions |
|          | 13 | 2304 | Medical Alarm  | refusal          |          |                                                         |
|          | 13 | 0036 | INJURY         | transport        | AMC      | Life Save                                               |
| December | 15 | 842  | EMS            | transport        | FCH      |                                                         |
|          | 15 | 926  | EMS            | transport        | FCH      |                                                         |
|          | 15 | 1037 | EMS            | refusal          |          |                                                         |
|          | 15 | 1041 | EMS            | deceased         |          |                                                         |
|          | 15 | 1041 | MVA            | refusal x 2      |          | Hwy 54/Northlake                                        |
|          | 15 | 1123 | EMS            | transport        | FCH      |                                                         |
| December | 18 | 329  | EMS            | transport        | Newnan   |                                                         |
|          | 18 | 415  | EMS            | transport        | FCH      |                                                         |
|          | 18 | 556  | EMS            | transport        | SRMC     |                                                         |
| December | 19 | 1622 | EMS            | Mutual Aid       |          |                                                         |
| December | 20 | 1313 | FIRE ALARM     | Manpower, Safety |          |                                                         |
|          | 20 | 1342 | MVA            | refusal x 2      |          | Hwy 54/MacDuff                                          |
|          | 20 | 1504 | EMS            | transport        | FCH      |                                                         |
| December | 22 | 807  | EMS            | transport        | FCH      |                                                         |
|          | 22 | 853  | FIRE ALARM     | Manpower, Safety |          | McIntosh High School                                    |
|          | 22 | 1005 | Haz            | Manpower, Safety |          | chlorine                                                |
|          | 22 | 1054 | EMS            | transport        | Piedmont |                                                         |
|          | 22 | 1201 | Structure Fire | Manpower, Safety |          |                                                         |
|          | 22 | 1546 | EMS            | Mutual Aid       |          |                                                         |
|          | 22 | 1611 | MVA            | transport        | AMC      |                                                         |
|          | 22 | 1717 | MVA            | refusal x 5      |          | Hwy 54/Commerce                                         |
|          | 22 | 1728 | Brush Fire     |                  |          |                                                         |
| December | 29 | 1146 | Structure Fire | Manpower, Safety |          |                                                         |
|          | 29 | 1301 | Structure Fire | Manpower, Safety |          | 503 Barstone                                            |
|          | 29 | 1317 | MVA            | refusal x 2      |          | Parkway/World Airways                                   |
|          | 29 | 1400 | INJURY         | transport        | FCH      |                                                         |
|          | 29 | 1434 | EMS            | transport        | FCH      |                                                         |
|          | 29 | 1455 | Medical Alarm  | FALSE            |          | Centennial Drive                                        |
|          | 29 | 1514 | EMS            | transport        | FCH      |                                                         |
|          | 29 | 1540 | Brush Fire     |                  |          |                                                         |
| December | 30 | 2358 | Structure Fire | Manpower, Safety |          | 2100 Cherry Tree                                        |
| January  | 3  | 959  | EMS            | transport        | FCH      |                                                         |
|          | 3  | 1010 | EMS            | transport        | FCH      |                                                         |
|          | 3  | 1227 | EMS            | transport        | FCH      |                                                         |
| January  | 5  | 1139 | EMS            | transport        | FCH      |                                                         |
|          | 5  | 1157 | EMS            | transport        | FCH      |                                                         |
|          | 5  | 1227 | EMS            | transport        | FCH      |                                                         |
| January  | 7  | 849  | EMS            | transport        | FCH      |                                                         |
|          | 7  | 855  | EMS            | transport        | FCH      |                                                         |
|          | 7  | 1032 | EMS            | transport        | FCH      |                                                         |
|          | 7  | 1105 | FIRE ALARM     | Manpower, Safety |          | Aberdeen Conf Center                                    |
| January  | 8  | 1029 | EMS            | transport        | FCH      |                                                         |
|          | 8  | 1059 | FIRE ALARM     | Manpower, Safety |          | Apartment complex                                       |
|          | 8  | 1130 | EMS            | transport        | FCH      |                                                         |
|          |    |      |                |                  |          |                                                         |
|          |    |      |                |                  |          |                                                         |

# MULTIPLE RUN SUMMARY

## 1 October 2003-16 February 2004

|                                       |    |      |                                          |                  |      |                                |
|---------------------------------------|----|------|------------------------------------------|------------------|------|--------------------------------|
| January                               | 9  | 302  | Structure Fire                           | Manpower, Safety |      | Fatal Fire, Twiggs Apartments  |
|                                       | 9  | 302  | EMS                                      | transport        | FCH  | from fire                      |
|                                       | 9  | 815  | EMS                                      | transport        | FCH  | Kids are Kids                  |
| January                               | 11 | 1526 | MVA                                      | transport        | FCH  |                                |
|                                       | 11 | 1541 | FIRE ALARM                               | Manpower, Safety |      |                                |
|                                       | 11 | 1607 | EMS                                      | refusal          |      | station wlak-in                |
|                                       | 11 | 1615 | EMS                                      | transport        | FCH  |                                |
|                                       | 11 | 1718 | EMS                                      | transport        | FCH  |                                |
| January                               | 21 | 1720 | EMS                                      | transport        | FCH  |                                |
|                                       | 21 | 1743 | EMS                                      | transport        | FCH  |                                |
|                                       | 21 | 1831 | EMS                                      | transport        | FCH  |                                |
|                                       | 21 | 1832 | EMS                                      | transport        | FCH  |                                |
|                                       | 21 | 1939 | EMS                                      | transport        | SRMC |                                |
| January                               | 22 | 1518 | MVA                                      | transport        | AMC  | ambulance wreck, medevac       |
|                                       | 22 | 1522 | EMS                                      | transport        | FCH  |                                |
| January                               | 23 | 1317 | MVA                                      | transport        | FCH  |                                |
|                                       | 23 | 1317 | MVA                                      | transport        | FCH  |                                |
|                                       | 23 | 1317 | MVA                                      | transport        | FCH  |                                |
|                                       | 23 | 1410 | EMS                                      | transport        | FCH  |                                |
|                                       | 25 | 1957 | MVA                                      | transport        | FCH  |                                |
|                                       | 25 | 1957 | MVA                                      | transport        | FCH  |                                |
| January                               | 25 | 609  | EMS                                      | transport        | FCH  |                                |
|                                       | 25 | 625  | FIRE ALARM                               | Manpower, Safety |      |                                |
|                                       | 25 | 753  | MVA                                      | refusal x 2      |      | Highway 74/Crosstown           |
| January                               | 27 | 1302 | EMS                                      | transport        | FCH  |                                |
|                                       | 27 | 1420 | EMS                                      | deceased         |      |                                |
|                                       | 27 | 1448 | EMS                                      | transport        | FCH  |                                |
| February                              | 1  | 1213 | EMS                                      | transport        | FCH  |                                |
|                                       | 1  | 1256 | EMS                                      | transport        | FCH  |                                |
|                                       | 1  | 1346 | EMS                                      | refusal          |      |                                |
|                                       | 1  | 1354 | Medical Alarm                            | FALSE            |      | elderly, disabled, Med History |
| February                              | 2  | 935  | EMS                                      | Mutual Aid       |      |                                |
|                                       | 2  | 1113 | EMS                                      | transport        | FCH  |                                |
|                                       | 2  | 1146 | EMS                                      | refusal          |      | Piedmont Clinic                |
|                                       | 2  | 1214 | EMS                                      | transport        | FCH  |                                |
| February                              | 10 | 1030 | EMS                                      | refusal          |      | Braelinn Baptist Church        |
|                                       | 10 | 1157 | EMS                                      | transport        | FCH  |                                |
|                                       | 10 | 1230 | EMS                                      | transport        | FCH  |                                |
| February                              | 12 | 1203 | EMS                                      | transport        | FCH  |                                |
|                                       | 12 | 1319 | EMS                                      | transport        | FCH  |                                |
|                                       | 12 | 1334 | EMS                                      | refusal          |      | Booth Middle School            |
| February                              | 16 | 931  | EMS                                      | transport        | FCH  |                                |
|                                       | 16 | 1052 | EMS                                      | transport        | CHEG |                                |
|                                       | 16 | 1145 | EMS                                      | refusal          |      | Panasonic                      |
| SRMC=Southern Regional Medical Center |    |      |                                          |                  |      |                                |
| AMC=Atlanta MedicalCenter             |    |      | CHSR=Childrens Hospital at Scottish Rite |                  |      |                                |
| FCH=Fayette Community Hospital        |    |      | CHEG=Childrens Hospital at Egleston      |                  |      |                                |

Survey Date: July 2001

| Category | Item Number | Item Description                                           | Maximum Credit | Credit Received-1998 | PerCent Credit | Credit Received-2001 | PerCent Credit |
|----------|-------------|------------------------------------------------------------|----------------|----------------------|----------------|----------------------|----------------|
| 1        | 414         | Credit for Telephone Service                               | 2              | 2                    | 100%           | 2                    | 100%           |
| 1        | 422         | Credit for Operators                                       | 3              | 3                    | 100%           | 3                    | 100%           |
| 1        | 432         | Credit for Dispatch Circuits                               | 5              | 3.25                 | 65%            | 3.25                 | 65%            |
| 1        | 440         | <b>Total Credit for Receiving and Handling Fire Alarms</b> | 10             | <b>8.25</b>          | <b>83%</b>     | <b>8.25</b>          | <b>83%</b>     |
| 2        | 513         | Credit for Engine Companies                                | 10             | 7.76                 | 78%            | 5.71                 | 57%            |
| 2        | 523         | Credit for Reserve Pumps                                   | 1              | 0.58                 | 58%            | 0.57                 | 57%            |
| 2        | 532         | Credit for Pump Capacity                                   | 5              | 5                    | 100%           | 5                    | 100%           |
| 2        | 549         | Credit for Ladder Service                                  | 5              | 4.04                 | 81%            | 4.7                  | 94%            |
| 2        | 553         | Credit for Reserve Ladder Service                          | 1              | 0.23                 | 23%            | 0.36                 | 36%            |
| 2        | 561         | Credit for Distribution                                    | 4              | 2.23                 | 56%            | 2.02                 | 51%            |
| 2        | 571         | <b>Credit for Company Personnel</b>                        | 15             | <b>3.91</b>          | <b>26%</b>     | <b>5.5</b>           | <b>37%</b>     |
| 2        | 581         | Credit for Training                                        | 9              | 5.04                 | 56%            | 7.02                 | 78%            |
| 2        | 590         | <b>Total Credit for Fire Department</b>                    | 50             | <b>28.79</b>         | <b>58%</b>     | <b>30.88</b>         | <b>62%</b>     |
| 3        | 616         | Credit for Water System                                    | 35             | 30                   | 86%            | 30.16                | 86%            |
| 3        | 621         | Credit for Hydrants                                        | 2              | 1.98                 | 99%            | 1.98                 | 99%            |
| 3        | 631         | Credit for Inspection and Condition of Hydrants            | 3              | 1.28                 | 43%            | 2.4                  | 80%            |
| 3        | 640         | <b>Total Credit for Water Supply</b>                       | 40             | <b>33.26</b>         | <b>83%</b>     | <b>34.54</b>         | <b>86%</b>     |
|          |             | <b>TOTAL</b>                                               | 100            | 70.3                 | 70%            | 73.67                | 74%            |
|          |             | <b>DIVERGENCE</b>                                          |                | -5.114               |                | -4.92                |                |

GRAND TOTAL

65.186

68.75

Incl #4