

City Council of Peachtree City
Agenda
February 7, 2008
7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
 - Remind Attendees to Turn Off Cell Phones
 - Recognize Gary Meier – 10-year Service Award
 - Recognize Willie Prather – 10-year Service Award
 - Recognize Rick Mendenhall for Service on Airport Authority
 - Recognize Joe Frazar for Service on Recreation Commission
 - Proclamation and Presentation – Georgia Heartland Humane Society
- IV. Public Comment
- V. Agenda Changes
- VI. Minutes
 - January 17, 2008, Regular Meeting Minutes
- VII. Monthly Reports
- VIII. Consent Agenda
 - 1. Consider Acceptance of GEMA Grant for CERT Program
 - 2. Consider Bid – Update Newsletter Printing & Mailing
 - 3. Consider Bid for Medic Unit Remount
- IX. Old Agenda Items
 - 10-07-13 Consider Request for Abandonment of Line Creek Circle and a Portion of Line Creek Drive
 - 11-07-18 Consider Concept Approval of Intersection Improvements for Walt Banks/Peachtree Parkway and Crosstown/ Peachtree Parkway
- X. New Agenda Items
 - 02-08-01 Public Hearing – Consider Conservation Subdivision Ordinance
 - 02-08-02 Consider Appeal of Planning Commission Decision Regarding Denial of Conceptual Site Plan for Line Creek Retail Center
 - 02-08-03 Consider Actions & Amendment to Health & Sanitation Ordinance Relative to Tatoo/Body Art Studios
 - 02-08-04 Consider Ordinance Amendment – Unrelated People in House/Occupancy Issues
 - 02-08-05 Consider Acceptance of Land Donation – Peach State Land Development
 - 02-08-07 Consider Bid – Police Vehicles
 - 02-08-08 Appoint/Reappoint Ethics Board Members – Bruce Brooks
- XI. Council/Staff Topics
- XII. Executive Session

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

City Council of Peachtree City
Minutes of Meeting
January 17, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, January 17, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized the employee graduates of the ARC Management Development Program – Jimmy Freeman and Harvey Garcia of Public Works, Janis Hooper of Human Resources, and Cajen Rhodes of Kedron Fieldhouse. Mike Hunnicutt, Steve McCook, and Vicki Sanchez were recognized for 10-years of service. Logsdon and Building Official Tom Carty recognized the recipients of the City's annual Builders Awards. The awards and recipients included:

- Piedmont Homes, John Higgins – Builder of the Year
- Pete Waldrop, MAWAL Building Systems – Superintendent of the Year
- Comcast Building, Ravin Homes – Best Industrial Site Award
- PTC Kroger Fuel Centers, Betterton Construction – Job Site Safety Award
- Kedron Office Park, New South Construction – Best Commercial Site Award

Public Comment

Al Yougel addressed Council about the number of trash trucks on the City streets. He said they were a burden on the streets and to neighborhoods that maintained their streets. Some homeowners associations had contracts with one company, which help in those neighborhoods. He encouraged Council to seek a contract with a single company, which would benefit everyone.

Minutes

Plunkett moved to approve the January 3, 2008, regular meeting minutes as written. Boone seconded. The motion carried unanimously.

New Agenda Items

01-08-12 Presentation on the Honor Flight Fayette Program

Gail Sparrow and Mark Buckner of the Honor Flight Fayette Program, a 501(c)3 organization, gave a brief presentation on the program. (A copy of the PowerPoint presentation is included in the official meeting file.) Sparrow explained that the organization's purpose was to send World War II veterans to Washington, D.C., to see the World War II memorial. Many were unable to go due to advanced age or physical difficulties. The program ran on donations and provided the trip free of charge to the veterans. The cost for volunteers to accompany and assist the veterans during the one-day trip was \$300 per person. The need was urgent since approximately 1,200 of the veterans died every day. They hoped to take as many local veterans as possible. The first flight, an AirTran flight with space reserved for 70 people (including volunteers), was scheduled on May 14 at Hartsfield-Jackson Airport. Sparrow added that, once all the World War II veterans had all gone to Washington, the plan was to do the same with the Korean War veterans, then Vietnam veterans.

Logsdon asked how many veterans were in the County. Sparrow said they had contacted the Veterans of Foreign Wars Post 9949 and American Legion Posts 50 and 105 to get names of their World War II veterans. Boone suggested they also contact the Veterans Administration (VA) to get names. Sparrow said they had contacted the VA, but had not heard from them yet. City Manager Bernard McMullen asked Sparrow and Bruckner to leave brochures so they would be available at City Hall for anyone interested in making a donation or providing names and addresses of veterans.

01-08-13 Consider Future Floodplain Ordinance

Stormwater Manager Mark Caspar explained that the proposed ordinance was a Metropolitan North Georgia Water Planning District (MNGWPD) model ordinance. The City had been instructed to adopt the ordinance. It was consistent with the City's current floodplain ordinance, but the changes would require enforcement in the future floodplain. Anyone developing in a basin of 100 acres or more would be required to conduct a future floodplain assessment. The City was currently doing an assessment for 10% of the City each year in accordance with the Notice of Intent for the state as part of the Phase II development permit, and it was funded through the Stormwater Utility bond. The changes would affect two current development projects – the recent annexation area and the SANY Corporation project.

Boone asked if Coweta County also fell under the MNGWPD. Caspar said Coweta County was part of the area and had to follow the same requirements. Boone asked if that included open spray fields for septic systems. Caspar said the requirement for the wastewater plan was that the entity must establish a policy. He had researched it, but he had not found anything specifically spelled out.

Plunkett asked whether any grants would be available to aid in compliance with the mandated ordinance. Caspar said there might be, but there were already funds in the Stormwater Utility to cover it. The Cherry Branch and Willowbend Road basins were already completed, and they were ready to begin the assessment of the Flat Creek basin, which was one of the larger basins.

Phyllis Aguayo asked if the proposed ordinance would dilute the current ordinance. Caspar said it would not and was more stringent in some areas. Basins would have to be analyzed. If development would increase the floodplain in the future, then the developer would have to meet those standards. The City Engineer was responsible for enforcement, which would be done through the plan review process and the Building Inspector.

Dennis Chase noted that he sat on the Flint River Advisory Council for the MNGWPD. They spent over 18 months working on the model ordinance, which had gone through a very intense review.

Plunkett asked what would happen if Council did not adopt the proposed ordinance. Caspar said it would eliminate any potential for grants for stormwater-related projects. The ordinance was also supported by the Environmental Protection Division (EPD), which could make adoption of the ordinance a condition of the Phase II permit renewal.

City Attorney Ted Meeker recommended one change on page 17 [Section 1007.6(3) pertaining to variance procedures] – appeals should be addressed to Fayette County Superior Court rather

than Peachtree City Municipal Court. The Municipal Court was not the proper venue for the appeal. Caspar also asked that a change be made on page 14 under "Building Standards for Structures and Buildings within the Future-Conditions Floodplain" – the words, "including manufactured homes," should be removed from (2) Non-Residential Buildings. Caspar noted that the manufactured homes were residential and should not be included with requirements for non-residential buildings.

Plunkett moved to approve the future floodplain ordinance as described in the Council packet with the change on page 17 that the *writ of certori* be made to Fayette County Superior Court rather than Municipal Court and the "manufactured homes" language be removed. Haddix seconded. The motion carried unanimously.

01-08-14 Consider MNGWPD Stream Buffer Protection Ordinance

Logsdon noted there was an additional document on the dais – a copy of the ordinance with the section number corrected from 1016 to 1012. Caspar pointed out that the proposed ordinance was another required model ordinance from the MNGWPD that applied only to streams, not to lake buffers. The requirement was to establish a 50-foot undisturbed buffer and a 25-foot impervious area buffer from all streams. There were several grandfathered provisions, including anything currently approved, anything in the construction process, and any building that would be part of a project that was already approved and had two years to meet the requirements. It was slightly more stringent than the current ordinance, which was the state-required 25 feet for perennial and intermediate streams. The proposed ordinance included a definition of "streams" which was very detailed. The presence of streams would be determined at plan review by the engineering staff.

Plunkett asked if the ordinance would apply to Line Creek and if it would affect the commercial development on SR 54 West. Caspar said it would. McMullen added that the proposed ordinance would have affected the Flexxon commercial development, but it was already underway.

Boone asked why the lakes were exempted. Caspar said he did not know, but there would be a separate ordinance for the lakes.

Plunkett moved to approve the stream buffer protection ordinance to be found under Section 1012 instead of Section 1016. Boone seconded. The motion carried unanimously.

01-08-15 Consider Lease – Tourism Association

McMullen said the request was to approve the modification to the lease included in the agenda package. He noted that another modification would also be coming to Council. There was a lease in place, but there were other occupants in the building. The modification for consideration designated the spaces to be used by the Peachtree City Tourism Association (PCTA), Southern Conservation Trust (SCT), and the City. The floor plans were attached to the proposed lease modification. McMullen continued that the additional modification would come forward as soon as it was approved by SCT and would require the utilities to be paid based on square footage. He recommended adding wording that the utilities be paid based on the square footage identified in the floor plans.

Plunkett asked who used the common area next to the SCT area. Leisure Services Director Randy Gaddo said that area would remain a common area. The PCTA used it for social functions, and The Gathering Place used it for activities. To pay utilities, the square footage would probably be split into threes. Plunkett noted that if the common area was under the control of the PCTA, then alcohol could be served at PCTA functions. If the City was in control of the common area, then alcohol could not be served. Plunkett suggested the common area be put under the PCTA's control as part of their lease package. McMullen said that was a good point since the PCTA sometimes served alcohol at events. Plunkett asked if Council should approve this modification or wait for the other modification to be added. McMullen said nothing was time sensitive and suggested waiting.

Plunkett moved to postpone the agenda item until the PCTA had met and looked at the additional proposed modification. Boone seconded. The motion carried unanimously.

01-08-16 Consider Urban Reuse Water to Irrigate BSC and Meade Sports Fields

Gaddo requested Council let staff move forward with the plan to use urban reuse water to irrigate the fields at the Baseball Soccer Complex (BSC) initially and at Meade Field at a later time. He continued that the Water and Sewer Authority (WASA) had agreed to pay the costs for the infrastructure needed to get the water from the Line Creek plant to the irrigation pond. WASA would establish a usage rate that would allow the City to repay the costs over 15-20 years. The estimate was between \$2,000 and \$4,000 annually based on the current water usage rate at BSC. Urban reuse water was basically treated wastewater with a higher level of filtering and ultraviolet disinfection. The water was as clean, cleaner by some measures, as the water pumped from Line Creek to irrigate the fields currently. Minor modifications were needed at the Rockaway Road plant to bring the wastewater up to the same standards for use at Meade Field, as well as some piping. The other infrastructure was in place.

Gaddo continued that the Recreation Commission held three public hearings with authorities from WASA and the Department of Natural Resources (DNR) available to answer questions and recommended approval of the request. Gaddo said Chase had attended those hearings and brought up one issue regarding the reuse water. While the process was good, there was no guarantee that certain viruses found in water would be completely removed. Dennis Boswell, the DNR representative, noted that, according to all the research and reports, there had been no negative incidents after many years of use. Gaddo added that one of the new Recreation Commissioners had retired from Clayton County's Recreation Department and had a lot of personal experience with reuse water at Clayton County. Clayton County had irrigated with reuse water for 10 years on its fields with no negative incidents. Gaddo said the issue was risk management, and all of the sports associations had felt the risk was acceptable, especially under the drought conditions. The alternative would be to have unsafe fields that caused injuries. Staff would like to proceed with the plan and work with Chase to continue refining the treatment process further, possibly reducing the risk to zero.

Boone said the same viruses were probably found in drinking water. Haddix asked the difference between the reuse water and taking the water out of the stream. Gaddo said that depended on the standards that were used. In three measuring standards (total suspended solids, turbidity, and fecal coliform), the discharge reports showed that the reuse water was much better than the water taken from Line Creek for irrigation. Gaddo said he did not know what was in the

water taken from Line Creek, but he assumed the same viruses could be present as in the reuse water. (A copy of the information is included in the official meeting file.) Boone felt it was a great idea and noted that Planterra Golf Club irrigated with reuse water.

Plunkett asked if there would be a cost savings. Gaddo said there would not be a savings, but he could make up the difference in the budget. McMullen clarified that, at BSC, the City's costs were for the electricity needed to remove the water from Line Creek. The electricity costs would remain the same, and the water would be an extra cost. Gaddo said he had asked about the expense when talking to other cities with a water reuse program and had found a wide range of costs. One city paid nothing because it was a city water and sewer authority and city fields. Another city paid \$9,000 for two football fields and four or five baseball fields.

Sturbaum said he had spoken to someone with the City of Winder, and Winder had used the program for many years. Winder found the cost was a wash, and the program had been very successful overall.

Haddix asked if reuse water was exempt from the drought restrictions. Gaddo said it was exempt.

Beth Pullias pointed out that there were fields at Meade that did not need irrigation because they were located in the floodplain and remained green during the drought. She suggested that Council consider reallocating the money for irrigation of those fields at Meade for improvements to the park and to purchase the six acres from Dominion Partners that was adjacent to the parking lot since the City had the right of first refusal. Gaddo said that Pullias was correct about the lower fields, but the upper soccer and softball fields needed irrigation. They were not in the floodplain and were trampled during use. There was a well at Meade Field that was used for irrigation, but the drought restrictions prevented the City from watering those fields.

Chase said his concerns were not about how clean the water was after it was treated, but with the viruses that no system in the world cleaned out of sewage water. One method that killed viruses was to spend four to five days in open water. When reuse water was sprayed on the fields, the viruses could survive for seven to 14 days on the vegetation. The difference between the sports fields and the golf courses was that children played on the fields, and the viruses would have direct access to the bloodstream through open cuts and scratches. The Environmental Protection Agency (EPA) ratings stated that anything less than eight illnesses per 1,000 was considered safe. As far as the Centers for Disease Control (CDC), the parents would have to prove their children were sick because they were on the fields. If Council approved the use, then Council was accepting the risk. Chase reiterated that no sewer system could stop the viruses.

Aguayo asked why Council would want to take a chance with the health of children and urged Council to think carefully before making a decision. Boone noted that the parents felt there was more risk of broken bones if the fields were not maintained properly. Gaddo said there were no studies to support the safety of reuse water for irrigation. As with the integrated pest management program, the issue was risk management. The sports associations felt it was worth the risk.

Al Yougel said he walked at the BSC every morning, and he felt the danger from the animal excrement left on the fields was far worse than reuse water. He suggested that a public relations campaign be done if the program was implemented. He asked if signs would be posted regarding the reuse water. Gaddo said the City would be required to have signage by law.

Boone asked Chase if the sunlight and heat would kill the viruses. Chase said there was a time span to consider. One system that would kill viruses was to put the treated water in a slow-moving pond, a wetland or vegetative pond was better, for five days. It was not known why that worked, but it did. The risk was putting the reuse water directly on the fields. The City could build a wetlands area, then pump the treated water into the wetlands area where it would sit for the five days before the fields were irrigated. Gaddo said the water would be pumped into a detention pond first, but he did not know if it would sit there for five days before it was needed.

Boone moved to approve the reuse water to irrigate the BSC and to look at the possibility of irrigating Meade Field at a later date. Sturbaum seconded.

Haddix asked if the City would be monitoring the program and would look at new technologies. Gaddo said yes and added that they would try to do some of the things Chase suggested. He also would prefer the risk to be zero. Plunkett noted that the pipes should be a different color, and there should be appropriate signage. WASA General Manager Larry Turner said the water would be in purple pipes and nothing would be attached to the pipes to allow it to be used for drinking water.

The motion carried unanimously.

01-08-17 Consider Resolution Establishing Franchise Fees for State Cable TV/Video Franchises

Meeker pointed out that the General Assembly authorized state franchises last year, so companies, such as AT&T, could negotiate one franchise with the state, rather than with each individual community. AT&T had applied for the state franchise. In order for the City to continue to receive the franchise fees for customers who left the current provider, Comcast, the City had to have something on file with the Secretary of State's office setting the City's franchise fee amount, which would be done by approval of the resolution and ordinance. Plunkett asked if the fee would be the same as Comcast paid. Meeker said the fee would be the same as the current agreement with Comcast.

Plunkett moved to adopt the resolution to establish franchise fees for state cable TV/video franchises. Haddix seconded. The motion carried unanimously.

01-08-18 Consider Re-evaluation of Development and Impact Fee Ordinance

City Planner David Rast pointed out that the City's current impact fee ordinance was adopted in 1992. The ordinance was updated as different service areas were added and different projects were added to the Capital Improvement Element (CIE). Staff had been considering the potential of imposing impact fees on retail, commercial, and industrial development, as well as an overhaul of the ordinance. He said this had come to light during the committee work on the impact fees for Wilksmoor Village. The communities that had impact ordinances operated under stringent guidelines from the state. Staff would like to hire a consultant to evaluate the existing

ordinance to see how it could be improved and to come up with a new fee schedule for new development, including commercial and industrial. Ross+Associates was a specialist in this area. Staff spoke with jurisdictions that used the company, and staff met with Ross+Associates. The company sent in a scope of services for the work that needed to be done in the amount of \$12,400. Staff recommended Council allow the City to enter into a "not to exceed" contract with Ross+Associates to get the process underway. The timeline that was established would coincide with the Comprehensive Plan Update, so the ordinance could be included with the Comprehensive Plan update and amendment of the CIE that had to be submitted to state in a couple of months.

Plunkett asked whether a committee had been formed look at the impact fees for the West Village annexation. Rast said a committee was formed and recommendations were made. Logsdon added that the committee had looked at residential impact fees only for Wilksmoor Village. Plunkett asked if the company would be looking at those fees again. Meeker noted that, once the information was compiled by Ross+Associates, a committee would look at the impact fees as a whole. Plunkett asked if the fees could be assessed to new non-residential development. Rast said yes. Plunkett asked if re-development projects could be assessed an impact fee. Meeker said that, typically, impact fees were for new development. Logsdon said the City should ask Ross to look at the possibility. Plunkett felt that substantial re-development projects should be included. Meeker said there was not much property left for new projects. There were some capital projects left in the Public Improvement Program (PIP). The City needed to know how much of those costs could be attributed to new development as opposed to what was already on the ground. Ross+Associates would help the City determine if impact fees could help with those costs. McMullen said the City would still get the impact fees from the 800 acres that had already been annexed in the West Village. There was still another 200 acres in the West Village that could be annexed in the future. There were over 800 undeveloped acres of industrially-zoned land left. Haddix asked, if a site was bulldozed, whether what was built was considered new development or re-development. Meeker said he would have to find out what the state's impact fee law said.

Boone moved to approve the re-evaluation of the development impact fee ordinance to include everything in the discussion, including re-development, and to hire Ross+Associates at a cost not to exceed \$12,400. Sturbaum seconded. The motion carried unanimously.

01-08-19 Presentation of Updated Zoning and Land Use Maps

Rast noted that the maps were not being presented for action (a black and white copy of each map is included in the official meeting file), but as an update on where the project was. All the parcels in the City had been inventoried over the past three years. Tony Bernard and Tony Whitley had been working diligently to get the maps updated. There were a few small things on the proposed maps that would change. Council would be asked later to adopt the maps as the official zoning and land use maps, which would be the basis of updates as part of the Comprehensive Plan. Some tracts had been identified for rezoning and/or a change in the land use designation. Public hearings would be held on those, then the maps would be changed. The Planning Commission would hold public hearings on the maps, then they would come to Council for adoption.

Boone asked if the maps would take the City through 2015. Rast said they would bring the City into 2008.

Council/Staff Topics

Assignment of Council Members to Commissions/Authorities

Logsdon noted the following assignments – Plunkett, PCTA; Sturbaum, Recreation Commission; Haddix, Development Authority; Boone, Airport Authority; and Logsdon, Planning Commission. He added that the members would take turns attending WASA meetings.

Plunkett said she had received calls asking if the City's burn ban would be lifted. McMullen said Fire Chief Ed Eiswerth had recommended it be lifted. The state had recently lifted its ban, so the City would lift its ban.

Plunkett said she had received calls regarding the proposed development moratorium. She asked Meeker to clarify that the moratorium, if it had been approved, would only have applied to new construction. Existing approved plans would not have been affected as long as the footprint or site plan did not change. Meeker confirmed her understanding.

Plunkett reported that the PCTA recently met and had discussed the lease and the concert series. People had asked for more popular groups, but those groups booked later in the process. As a result, the concert line-up would not be announced until the end of January or first of February. If everything went as hoped for, people would like the changes.

Sturbaum asked if there would be an estimate from Leo Daley regarding the Police Department repairs. McMullen said that a copy of the report was in Council's mailboxes. Leo Daley should have a cost estimate by the end of the next week. They were also developing building replacement costs.

Boone moved to convene in executive session for a personnel matter at 8:29 p.m. Haddix seconded. The motion carried unanimously.

Plunkett moved to reconvene in regular session at 8:40 p.m. Haddix seconded. The motion carried unanimously.

There being no further business to discuss, Boone moved to adjourn. Sturbaum seconded the motion. The motion carried unanimously. The meeting adjourned at 8:42 p.m.

Betsy Tyler, Acting City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary

2008 City Event Calendar

	<u>February</u>	<u>March</u>
	2/6 – City Council Workshop, 6:30 pm 2/7 – City Council Meeting, 7 pm 2/8 & 9 – Father/Daughter Dance 2/21 – City Council Meeting, 7 pm 2/29 – City Council Retreat, 8 – 5, City Council Chambers	3/1 – City Council Retreat, 8 – 12, City Council Chambers 3/3 – City Council Workshop (Tentative), 6:30 pm 3/6 – City Council Meeting, 7 pm 3/20 – City Council Meeting, 7 pm
<u>April</u>	<u>May</u>	<u>June</u>
4/3 – City Council Meeting, 7 pm 4/7 – City Council Workshop (Tentative), 6:30 pm 4/17 – City Council Meeting, 7 pm 4/15 – PTC 101 Begins (6 weeks) 4/19 – Spring Yard & Garden Show, 10 am – 6 pm	5/1 – City Council Meeting, 7 pm 5/5 – City Council Workshop (Tentative), 6:30 pm 5/10 – Touch A Truck 5/15 – City Council Meeting, 7 pm 5/26 – Memorial Day, City Offices Closed	6/2 – City Council Workshop (Tentative), 6:30 pm 6/5 – City Council Meeting, 7 pm 6/19 – City Council Meeting, 7 pm
<u>July</u>	<u>August</u>	<u>September</u>
7/3 – City Council Meeting, 7 pm 7/4 – Independence Day, City Offices Closed 7/7 – City Council Workshop (Tentative), 6:30 pm 7/17 – City Council Meeting, 7 pm	8/4 – City Council Workshop (Tentative), 6:30 pm 8/7 – City Council Meeting, 7 pm 8/21 – City Council Meeting, 7 pm	9/1 – Labor Day, City Offices Closed 9/1 – City Council Workshop (Tentative), 6:30 pm 9/4 – City Council Meeting, 7 pm 9/18 – City Council Meeting, 7 pm 9/27 – Dragon Boat Racing & Int'l Festival
<u>October</u>	<u>November</u>	<u>December</u>
10/2 – City Council Meeting, 7 pm 10/6 – City Council Workshop (Tentative), 6:30 pm 10/11-12 – Great Georgia Air Show 10/16 – City Council Meeting, 7 pm	11/3 – City Council Workshop (Tentative), 6:30 pm 11/6 – City Council Meeting, 7 pm 11/11 – Veteran's Day Ceremony, 9:30 a.m. 11/20 – City Council Meeting, 7 pm	12/1 – City Council Workshop (Tentative), 6:30 pm 12/4 – City Council Meeting, 7 pm 12/6 – Hometown Holiday 12/18 – City Council Meeting, 7 pm 12/24 & 25 – Christmas Holiday, City offices closed

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

Updated 1/31/07

ADMINISTRATIVE SERVICES MONTHLY REPORT

For Month of: December 2007

	<u>November-07</u>	<u>December-07</u>	<u>FY 2008 YTD</u>	<u>FY 2007 YTD</u>
<u>Human Resources</u>				
Workers Compensation Claims Filed	1	1	7	6
City Vehicle / Equipment Accidents	2	3	5	5
Lawsuit Legal Fees	\$6,057.21	\$3,619.00	\$15,845	\$13,170.60

Municipal Court

Fines Collected	\$100,748.98	\$94,100.00	\$301,095.48	\$288,856.45
Online Transactions	149	139	410	364
Citations Closed	459	373	1,368	1,487
Jail Fund Balance	-\$415.99	\$2,376.72	\$130,571.39	\$89,417.17

** Approximately 33% of the Municipal Court Fines Collected reflect mandated add-ons that pass through to State and other agencies.*

*** 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	13	10	40	82
Public Contacts, Questions & Complaints	60	37	178	200

This includes 4 complaints against Comcast Cable Company, 1 sanitation company complaint, and 0 Open Records/Discovery Requests.

**PEACHTREE CITY BUILDING DEPARTMENT
FY 2008**

	Nov-07	Dec-07	Fiscal Y-T-D 2008	Fiscal Y-T-D 2007
DEVELOPMENT PERMITS:	1	5	9	15
BUILDING PERMITS:				
Single Family Residential	1	13	15	21
Multi-Family Residential	0	0	0	0
Misc.-Pools/fences/additions	45	23	116	108
Commercial/Industrial	18	14	45	42
TOTAL INSPECTIONS:	440	357	1,362	1,561
CERTIFICATE OF OCCUPANCY:				
Residential	9	7	18	24
Commercial	4	6	11	21
Multi-Family Residential	0	0	0	0
CODE ENFORCEMENT:				
Sign Violations	138	76	311	719
New Rehab	6	1	13	14
Rehab Inspections	19	10	39	40
Tree Removal Permits	64	35	193	257
Notice of Violations - Construction	6	5	19	75
Notice of Violations-Non-Construction	155	105	407	499
Stop Work Orders	6	6	21	17
Compliance Inspections	194	125	589	623
Founded Complaints	11	10	26	36
Unfounded Complaints	11	6	34	21
Assessments	5	1	20	31
Water Ban Violations	17	2	72	8
Citations	4	5	13	8
Architect Review Board Permit Approval	37	33	116	*
PERMIT FEES COLLECTED:	31,790	25,998	76,103	123,275
POPULATION:	36,276	36,291	36,291	36,114
Based on 2.09 persons per new completed dwelling unit.				

***New reporting information under code enforcement.**

**PEACHTREE CITY FIRE/EMS DEPARTMENT
2008 MONTHLY REPORT**

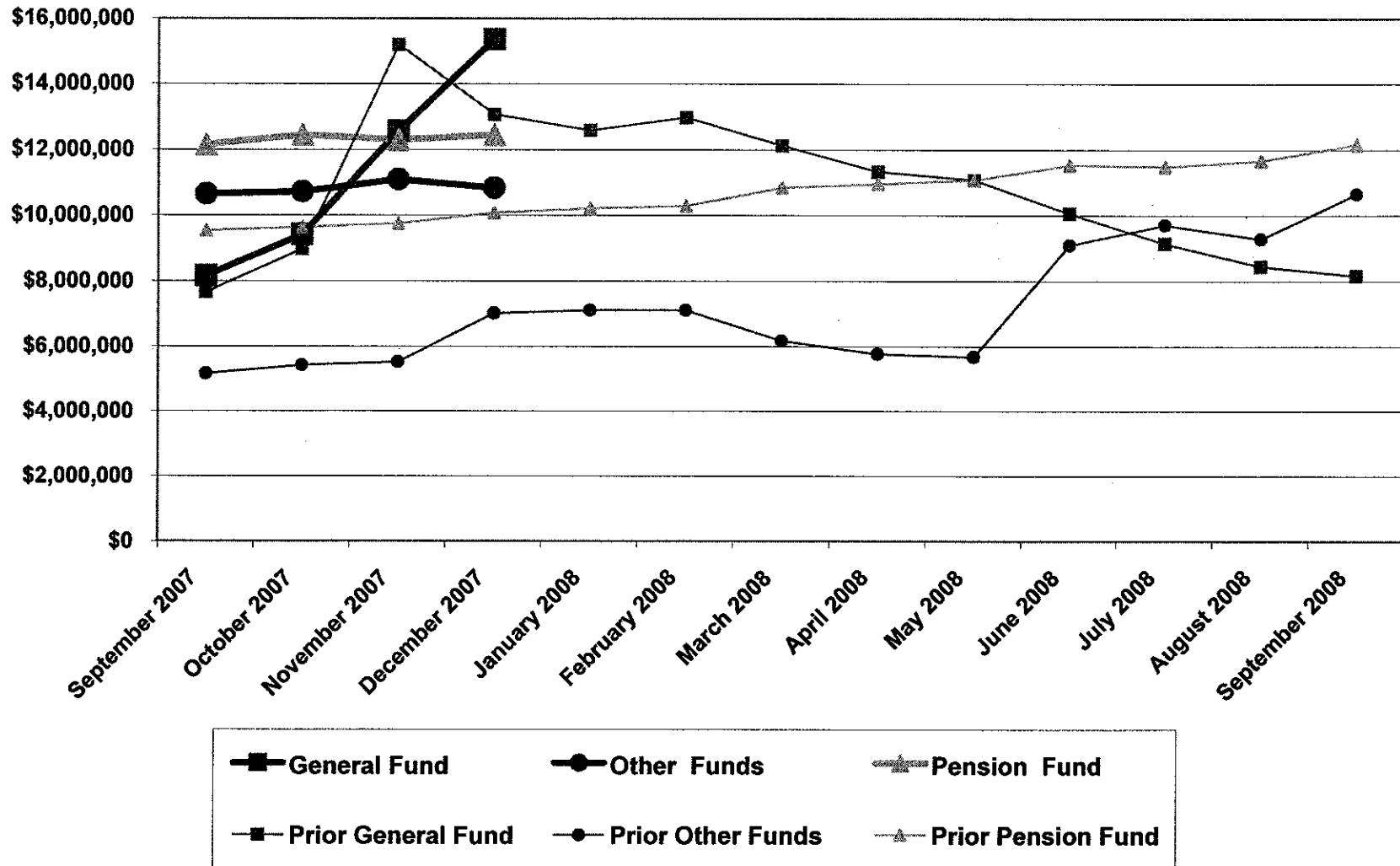
	Nov. 07	Dec. 07	2008 FY-T-D	2007 FY-T-D
FIRE/ACCIDENT CALLS				
Actual Residential Fires	3	4	10	4
Actual Business/Industrial Fires	2	0	2	3
Rescue/EMS Assist	138	135	423	448
Vehicle/Golfcart Accidents	24	16	61	52
False Alarms	34	13	68	86
¹Other	31	15	75	83
Total Engine Response	232	183	639	676
 Dispatched Fire Calls	 72	 34	 159	 189
 Response Time Fire	 4:37	 4:41	 4:42	 5:00
 RESCUE/EMS				
Trauma	22	45	91	107
Medical	151	124	420	406
Total # Patients	173	169	511	513
 Patients Transported	 76	 79	 229	 270
 Dispatched EMS Calls	 159	 146	 476	 484
 ²Total Medic Response	 211	 167	 589	 650
 Response Time EMS	 4:41	 4:47	 4:41	 4:44
 Dispatched Fire/EMS Total	 231	 180	 634	 673
 EMS BILLING				
Patients Billed	74	78	224	210
 Revenue Generated	 31,470	 32,756	 94,336	 81,305
 ³Total Revenue Received	 15,607	 25,221	 73,422	 53,745

¹Other miscellaneous responses; gas and water leaks, hazmat spills, etc.

²Includes Fire Assist Responses

³Revenue Received on All Outstanding Accounts

CITY OF PEACHTREE CITY
FISCAL YEAR 2008 (with prior year comparison)
MONTHLY ENDING CASH/INVESTMENT BALANCES
(UNAUDITED)



Note: Other Funds include Special Revenue Funds, Capital Projects Funds, Debt Service Funds, Proprietary Funds (including the Stormwater Utility Fund), and Agency Funds.

**CITY OF PEACHTREE CITY
MONTHLY REPORT
GENERAL FUND AND HOTEL/MOTEL TAX FUND
BUDGET COMPARISON (UNAUDITED)
FOR YEAR ENDED DECEMBER 31, 2007**

PERCENTAGE OF BUDGET YEAR COMPLETED 25.0%

GENERAL FUND REVENUES BY MAJOR CATEGORIES				
Description	2008 Budget	YTD Actual	Dollar Difference	Percentage To-Date
General Property Taxes	\$ 9,470,289	\$ 8,354,384	\$ (1,115,905)	88.22%
Franchise Taxes	2,277,001	122,719	(2,154,282)	5.39%
Local Option Sales Tax	7,766,445	1,749,797	(6,016,648)	22.53%
Other Sales & Use Taxes	692,287	169,736	(522,551)	24.52%
Business Taxes	2,200,323	1,969,527	(230,796)	89.51%
Licenses & Permits	847,916	312,132	(535,784)	36.81%
Intergovernmental/Grants	204,000	42,500	(161,500)	20.83%
Charges for Services	1,042,452	189,872	(852,580)	18.21%
Fines & Forfeitures	1,068,259	210,601	(857,658)	19.71%
Investment Income	561,449	141,745	(419,704)	25.25%
Other Revenue	18,934	2,228	(16,706)	11.77%
Other Financing Sources	348,666	89,911	(258,755)	25.79%
Total General Fund Revenues	\$ 26,498,021	\$ 13,355,152	\$ (13,142,869)	50.40%
Surplus Carryover	1,128,029	-	(1,128,029)	0.00%
Total General Fund	\$ 27,626,050	\$ 13,355,152	\$ (14,270,898)	48.34%

GENERAL FUND EXPENDITURES BY DIVISION AND/OR TYPE				
Division and/or Type	2008 Budget	YTD Actual	Dollar Difference	Percentage To-Date
Executive Services	\$ 501,266	\$ 143,558	357,708	28.64%
Administrative Services	1,087,900	246,796	841,104	22.69%
Financial Services	1,070,207	237,903	832,304	22.23%
Police Services	5,959,073	1,303,101	4,655,972	21.87%
Fire/EMS Services	5,818,780	1,272,259	4,546,521	21.86%
Public Works	3,982,982	960,940	3,022,042	24.13%
Leisure Services	5,081,895	1,104,233	3,977,662	21.73%
Developmental Services	1,371,991	295,301	1,076,690	21.52%
Non-Divisional:				
Council Contingency	87,600	-	87,600	0.00%
Non-Profit Organizations	20,000	-	20,000	0.00%
Transfer to Development Authority	170,042	126,871	43,171	74.61%
Transfers to Other Funds	2,938,081	455,068	2,483,013	15.49%
Liability Insurance	99,310	57,524	41,786	57.92%
Legal Services	153,024	21,159	131,865	13.83%
General Administration/Bad Debt Expense	73,750	2,950	70,800	4.00%
Other	(789,851)	-	(789,851)	0.00%
Total General Fund	\$ 27,626,050	\$ 6,227,663	\$ 21,398,387	22.54%

HOTEL/MOTEL FUND REVENUES				
Description	2008 Budget	YTD Actual	Dollar Difference	Percentage To-Date
Total Hotel/Motel Taxes	\$ 979,420	\$ 265,233	\$ (714,187)	27.08%

HOTEL/MOTEL TRANSFERS OUT				
Type	2008 Budget	YTD Actual	Dollar Difference	Percentage To-Date
Transfer to General Fund	\$ 326,473	\$ 88,411	\$ 238,062	27.08%
Transfer to Tourism Association	652,947	176,822	476,125	27.08%
Total Hotel/Motel Transfers Out	\$ 979,420	\$ 265,233	\$ 714,187	27.08%

CITY OF PEACHTREE CITY
FINANCIAL SERVICES
MONTHLY REPORT
(UNAUDITED)
AS OF DECEMBER 31, 2007

**SUMMARY OF MAJOR EXPENDITURES BY CITY MANAGER
DECEMBER 2007**

Description	Vendor	Award	Date
ADD-In Tennis	Tennis Court Repairs	\$ 10,675	12/07/2007
VS Visual Statement	Accident Reconstruction Equip.	12,471	12/18/2007
Integrated Science & Engineering	Dry Weather Screening	10,134	12/20/2007
Tag Grinding Services	Grinding & Removal of Organic Matter	17,900	12/20/2007

**PURCHASING REPORT
FOR MONTH ENDED DECEMBER 31, 2007 AND DECEMBER 31, 2006**

Activity	Fiscal Year 2008	Fiscal Year 2007
Purchase Orders / Requisitions Processed	127	210
City Store Requisitions Processed	10	7
Sealed Bids Requested	13	1
Requests for Proposals	0	0
Bids Awarded	1	3
Requests for Proposals Awarded	1	0
Contracts Prepared	1	1
Fixed Assets Purchased	3	3

**INFORMATION TECHNOLOGY REPORT
DECEMBER 2007 AND YEAR-TO-DATE**

Activity	Current Month	Fiscal Year 2008
Work Orders Created	113	434
Work Orders Closed	102	400
Work Orders Open	11	34
Project Work Orders	106	372
Technical Support	113	428
Website Visits	67,991	217,740

LEISURE SERVICES MONTHLY REPORT

Dec-07

<u>Activity Description</u>	<u>Unit</u>	<u>December 07</u>	<u>FY 2008 YTD</u>	<u>FY 2007 YTD</u>
Library				
Books Circulated	number	28,735	99,978	88,453
Internet Usage	visits	3,146	11,095	8,356
Computer Lab Use	hours	11	76	73

Recreation

Class/Program Revenue	\$	\$1,883	\$8,135	\$7,616
Playing Surface Mowing	hours	212	905	912
Playing Field Preparations	hours	495	1,171	1,175
Building Maintenance	hours	378	1,238	1,230
Litter Removal	hours	210	832	628
Complaints answered	number	1	2	2

**PEACHTREE CITY POLICE DEPARTMENT
2007 MONTHLY REPORT**

NOVEMBER 2007 DECEMBER 2007 2007 CYTD 2006 CYTD

PART I CRIMES

Criminal Homicide	0	0	0	2
Rape	0	1	1	2
Robbery	1	2	9	5
Aggravated Assault	3	2	10	9
Arson	0	0	0	1
Motor Vehicle Theft	7	5	80	65
Theft	24	20	292	287
Burglary	2	4	30	39
TOTAL PART I CRIMES	34	33	422	410

ALCOHOL/DRUG ARRESTS

DUI – TOTAL	16	19	210	251
DUI – ADULT	12	16	187	225
DUI – UNDERAGE	4	3	23	26
MINOR IN POSSESSION OF ALCOHOL	6	5	82	67

DRUG ARRESTS:

MARIJUANA	15	8	74	70
METHAMPHEDIMINE	0	0	4	7
COCAINE	2	0	5	7
OTHER (opium, etc)	0	2	10	4

ARRESTS

PROPERTY CRIMES	15	13	151	149
PERSON CRIMES	11	10	98	64
CITY ORDINANCES	27	27	426	420
TRAFFIC OFFENSES	43	68	606	649
OTHER	48	38	538	502

AVERAGE RESPONSE TIME	5.53	5.39	5.77	5.69
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CALLS ANSWERED	5,011	5,381	64,938	70,357
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TRAFFIC

CITATIONS ISSUED	511	619	7,118	6,786
WARNINGS	624	637	7,380	5,623
ACCIDENTS	107	107	1,177	1,153

TOP 5 ACCIDENT LOCATIONS – MONTH

HWY 54 / HWY 74	8
HWY 54 / PEACHTREE PARKWAY	6
HWY 54 / PLANTERRA WAY	4
HWY 74 / GEORGIAN PARK	4
HWY 54 / FLAT CREEK	3

TOP 5 ACCIDENT LOCATIONS – Y T D

HWY 54 / HWY 74	83
HWY 54 / PEACHTREE PARKWAY	36
HWY 74 / CROSSTOWN DR	29
HWY 54 / HUDDLESTON DRIVE	27
HWY 54 / PLANTERRA WAY	23

PUBLIC SERVICES MONTHLY REPORT

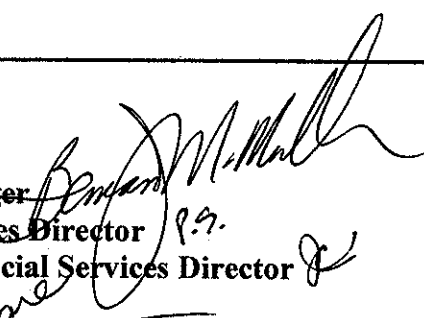
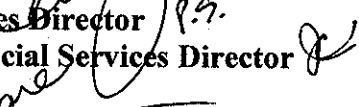
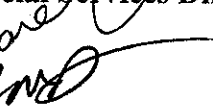
DECEMBER 2007

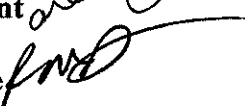
<u>Activity Description</u>	<u>Unit</u>	<u>December - 07</u>	<u>FY 2008 YTD</u>	<u>FY 2007 YTD</u>
Street Patching	Hrs.	244	493	289
Street Crack Sealing	Hrs.	0	0	68
Street General Maintenance	Hrs.	309	836	370
Storm Water Maintenance	Hrs.	461	1,973	1,159
Cart Path Paving	Ft.	0	8,859	6,710
Cart Path Prepped for Paving	Ft.	789	9,763	4,672
Cart Path Litter Removal	Hrs.	194	457	440
Cart Path Drainage Maintenance	Hrs.	83	91	530
Cart Path General Maintenance	Hrs.	476	1,258	555
R.O.W. Mowing	Hrs.	0	414	672
R.O.W. Litter Removal	Hrs.	313	1,108	1,528
R.O.W. General Maintenance	Hrs.	693	1,982	762
Subdivision Entrance Maintenance	Hrs.	0	686	548
Landscape Maintenance	Hrs.	864	1,964	239
Landscape Planting/Mulching	Hrs.	5	5	0
Subdivision Sign Maintenance	Hrs.	40	92	182
Traffic Sign Maintenance	Hrs.	81	252	341
Vandalism Repairs	Hrs.	99	155	90
Vandalism Repairs	Dls.	2002	3394	1579
Citizen Complaints Answered	Num.	45	191	179
Community Service	Hrs.	24	78	40
<u>RECYCLING</u>				
Manhours	Hrs.	140	304	138
Participants:				
Recycling	Num.	355	838	505
Composting	Num.	997	2,290	1,736
Mulch Pick Up	Num.	39	111	35
Streets Adopted for Litter Pickup	Miles	7.35		
Cart Paths Adopted for Litter Pickup	Miles	52.75		

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Bernard McMullen, City Manager 
Paul Salvatore, Financial Services Director 
Janet Camburn, Assistant Financial Services Director 
Angela Egan, Purchasing Agent 

FROM: R. M. DuPree, Major of Police 

DATE: January 23, 2008

SUBJECT: Citizen Corp Community Emergency Response Team Grant (CERT)
February 7, 2008, City Council Agenda

Recommendation:

The Police Department is requesting to accept grant funding from the department of Homeland Security via the Citizen Corp Council. This is a non-matching grant requiring no funding on behalf of the City. Equipment purchased from this grant source would be used to enhance the current C.E.R.T. program within our city. The Police Department recommends that we accept this grant in the amount of \$12,493.00

Discussion:

Under the guidelines for this grant, we are limited to requesting funds for expendable items such as medical supplies, training costs, National and State CERT Training Conferences, printing and binding, and other related educational and promotional materials. As a condition of the grant, the City must furnish expenditure documentation for the money spent. The Police Department has received two previous grants from this source and has been very diligent in this reporting procedure. The Peachtree City C.E.R.T. program was established in 2005. As of the date of this request, we have trained over 140 citizens in disaster preparedness. If this grant is approved and received, we should be able to provide training for over 200 citizens by the end of 2008.

Budget Impact:

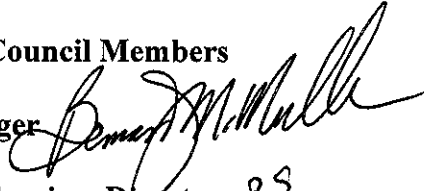
There is no budgetary impact and no matching funds required on behalf of the City.

RMD/slp

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: Financial Services Director P.S.
Acting Administrative Services Director / City Clerk PA
Assistant Finance Director one for S.C.
Purchasing Agent one

DATE: January 25, 2008

SUBJECT: Consider Bid – UPDATE Newsletter Printing & Mailing
February 7, 2008, City Council Meeting

Recommendation:

That Council approve Printcrafters' bid of \$1,321 per issue for printing and \$0.17 for postage and mailing of the UPDATE Newsletter for 2008, with two optional additional calendar years.

Discussion:

In the FY 2008 budget, Council approved increasing the publication of UPDATE Newsletter to twelve issues per year, necessitating that the printing and mailing services be put out for bid. Seven vendors submitted bids for printing, mailing, or a combination of both services that met the bid specifications.

Printcrafters and The Graphics Connection tied for lowest bid once the customary 1.5 hours of additional layout work was calculated. The Graphics Connection bid \$50 per hour for additional layout services, and Printcrafters does not charge for the additional work. Printcrafters has been printing the UPDATE and other City printing jobs for many years, and staff has been very satisfied with their service. The City has also used The Graphics Connection in the past with a lower degree of satisfaction.

Due to the ongoing professional relationship with Printcrafters for this project and the continued competitive pricing offered, staff recommends continuing with Printcrafters.

Budget Impact:

Sufficient funds are available to cover printing in Account 100-1570-52-3400 and mailing in Account 100-1570-52-3450 the FY2008 budget.

**2008 UPDATE Newsletter
Printing Mailing Bids**

	The Graphic Connection	Printcrafters	The Arnold Corp.	Sunbelt Graphics	PakMail	Peachtree Mailing Service	Kwik Kopy
PREFERRED OPTION							
PRINTING	\$ 1,246.00	\$ 1,321.00	\$ 2,295.00	\$ 2,143.00	\$ 10,107.44	no bid	\$ 1,378.15
MAILING/PIECE	\$ 0.17	\$ 0.17	\$ 0.18	\$ 0.22	\$ 0.36	no bid	\$ 0.20
LAYOUT/HOUR	\$ 50.00	\$ -	\$ 50.00	\$ 45.00	\$ 38.00	no bid	\$ 50.00
Total w/mailling and 1.5 hours layout	\$ 3,650.00	\$ 3,650.00	\$ 4,767.50	\$ 5,183.40	\$ 15,041.64		\$ 4,152.05

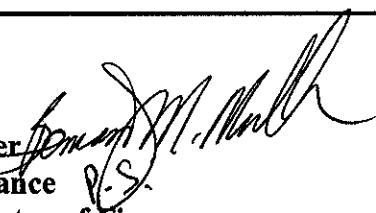
OPTION #1							
PRINTING	\$ 1,246.00	no bid	\$ 2,295.00	\$ 2,143.00	no bid	no bid	\$ 1,378.15
LAYOUT/HOUR	\$ 50.00	no bid	\$ 50.00	\$ 45.00	no bid	no bid	\$ 50.00

OPTION #2							
MAILING/PIECE	\$ 0.17	no bid	\$ 0.18	no bid	no bid	\$ 0.17	\$ 0.20

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

VIA: Bernie McMullen, City Manager 
Paul Salvatore, Director of Finance 
Janet Camburn, Assistant Director of Finance
Angela Egan, Purchasing Agent 
Richard McDowell, Fleet Manager 
Ed Eiswerth, Fire Chief 

FROM: David Williamson, Asst. Opns. / EMS Officer 

DATE: January 30, 2008

SUBJECT: 2008 Medic 82 Remount Contract Award
Council Consent Agenda February 7, 2008

Recommendation:

Staff recommends that Council approve a contract award for the remounting of Medic 82 to the lowest bidder Custom Truck & Body Works Inc. of Woodbury, Georgia in the amount of \$80,000.00 along with the trade-in of the current 2001 Ford E-450 chassis VIN: 1FDXE45F91HA25451.

Discussion:

Medic 82 is utilized to respond to both emergency medical and fire incidents within Peachtree City, mutual response requests from surrounding agencies and regional response requests received from the Georgia Mutual Aid Group (GMAG).

This vehicle routinely transports critically ill patients to hospitals within the entire Metro Atlanta area.

Medic 82 is beginning to require additional maintenance to maintain dependable serviceability.

The patient compartment module is structurally sound but needs a number of improvements including, but not limited too, replacement of weather seals, door locking mechanisms, attendant's chair, upgrading of pharmaceutical supply storage, and upgrading of emergency lighting and primary electrical circuits to reduce the strain on the electrical system. All of this will be accomplished by this contract award.

The remounting of the existing patient compartment module reflects a cost savings of an estimated \$120,000.00 over the cost of purchasing an entirely new ambulance.

The current 2001 Ford E-450 chassis will be traded in and the bid quotes reflect the amount credited for the trade in.

Bids Received

The following bids were received and opened at 1000 hours on January 8, 2008 by Charlotte Burns in the presence of Angela Egan.

Peach State Ambulance, Inc	\$93,369.00
Southeastern Specialty Vehicles	\$88,460.00
Custom Trucks & Body Works, Inc	\$80,000.00
Life Star Rescue	\$119,230.00

Custom Trucks & Body Works, Inc is a new vendor for the City. On-site visits were conducted by Fleet Manager Richard McDowell and me. The facilities are appropriate for the remount and the quality of work observed during our visits was acceptable. Numerous references have been contacted and very good comments have been received as to the quality of work and follow-up service that can be expected.

Budget Impact:

The proposed vehicle meets the needs and specifications of the Department, and is currently budgeted for FY2008 in account number 358-3510-54-2246 in the amount of \$85,000.00.

DAVIS & MEEKER, L.L.C.

ATTORNEYS AT LAW

6631 WATSON STREET

UNION CITY, GEORGIA 30291

(770) 964-0228

FAX (770) 964-9730

THEODORE P. MEEKER, III

E-MAIL: tpmeeker@comcast.net

TO: City Council
City of Peachtree City

FROM: Theodore P. Meeker, III
City Attorney

DATE: December 5, 2007

RE: Request for Abandonment of Line Creek Circle and a portion of Line
Creek Drive

This is an update to my memo dated October 11, 2007.

Capital City Development Peachtree City, LLC, has submitted a Petition for the City to abandon Line Creek Circle and Line Creek Drive. The Petitioner subsequently made an oral modification, and is now requesting that only a portion of Line Creek Drive be abandoned. This is due, in large part, to the fact that Capital City does not own both sides of Line Creek Drive, and therefore withdrew its request for that portion. As a point of reference, the portion to remain as a city street is that portion extending from Highway 54 south to the property line of the Flexxon Development (the old Peachy Clean property). A copy of the Petition is attached hereto.

I have attached the relevant statute which outlines the process that the City must follow to abandon a road or street. The statute, O.C.G.A. § 32-7-2 (c) provides as follows:

When it is determined that a section of the municipal street system has for any reason ceased to be used by the public to the extent that no substantial public purpose is served by it, the municipality, by certification recorded in its minutes, accompanied by a plat or sketch, and after notice to property owners located thereon, may declare that section of the municipal street system abandoned. Thereafter, that section of road shall no longer be a part of the municipal street system and the rights of the public in and to that section of street as a public road

shall cease. The property may be disposed of by the municipality as provided in Code Section 32-7-4.

In short, the City Council first has to determine that the road at issue has ceased to be used by the public to the extent that no substantial public purpose is served by it. In English, that means that the road is not being used by the public any more or, that the road does not serve a public purpose. The test is not whether the road should be abandoned for a private individual. Rather, the city has to have an objective basis for determining that the road is no longer being used or no longer serves a public purpose. Ultimately, the Petitioner will need to provide a factual basis for the Council to make that determination.

The statute requires that notice has to be given to the owners of property adjacent to the street prior to such action being taken. In this instance, Capital City is the only owner of the adjacent property. As Capital City submitted the Petition for Abandonment, that requirement has been satisfied.

Previously, I had outlined the process by which the City would proceed with disposing of the property if a decision was made to abandon the road. Subsequent research, however, has changed my position on that issue.

An important fact in this matter is that the two streets at issue were not dedicated to the City by deed, nor were they acquired by eminent domain. I have searched the deed records of Fayette County and could not find a deed where the City obtained title to the streets at issue. As a result, the use and maintenance of the roads has resulted in the City acquiring prescriptive title to the roads, rather than acquiring title by deed or condemnation.

The case of Glass v. Carnes, 260 Ga. 627 (1990) addresses several issues that are relevant to this matter. The issue in Glass focused on the abandonment of a road by Gwinnett County. After the vote to abandon occurred, litigation ensued which ultimately resulted in the abandonment being upheld. Glass, 260 Ga. at 628. After that litigation concluded, Gwinnett County attempted to re-open the road (i.e., rescind the previous vote to abandon the road). Id.

The Supreme Court noted that OCGA § 32-7-2(b)(1) expressly states that after a county has abandoned a section of the county road system on the ground that the section of road has ceased to be used by the public to the extent that no substantial public purpose is served by it, that section of road shall no longer be part of the county road

system and the rights of the public in and to the section of road as a public road shall cease. Id. at 631-632. As a result, the Supreme Court held that after declaring it abandoned, the Gwinnett County Board of Commissioners was without authority to reopen the road. Id. at 632.

The Supreme Court in Glass went on to explain its decision, particularly in light of the fact that the road at issue in Glass, like the roads at issue in the application filed by Capital City, was not conveyed by deed or acquired by the County via condemnation. The Court noted that an owner of land may dedicate the land to public use as a roadway through either an express or implied dedication. Id. Unless the governing authority has acquired fee-simple title to the roadway-as through an express grant in a deed or other instrument, or through condemnation proceedings, upon abandonment of the road by the governing authorities or by the public, *the abutting landowners are presumed to own the fee to the middle of the road, free of the former rights of the general public.* Id. (*emphasis added*). As Gwinnett County did not have an express grant of fee-simple title to the roadway; therefore, upon its abandonment by the county, the abutting landowners became the presumptive owners of the road at issue. Id.

Glass provides several answers to questions that have been asked. First, once the Council votes to approve the abandonment, that vote cannot be rescinded. Secondly, based upon the city's title to the roads at issue and the language of the Glass opinion, there is a question in my mind as to whether the property would be sold pursuant to O.C.G.A. § 32-7-4, or if the title to the property would vest in the adjacent property owner by operation of law, at no charge, and without any deed restrictions.

Please let me know if you have any questions.

TPM/

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *Benedict M. Mulla*
Developmental Services Director *DAB in DR*

FROM: City Engineer *David A. Boraschi*

DATE: February 1, 2007

SUBJECT: Concept Plan Approval for Walt Banks and Crosstown Intersections
February 7, 2007 City Council Meeting

Recommendation:

Staff recommends that City Council approve the attached concept plans for intersection improvements at Crosstown and Peachtree Parkway and Walt Banks and Peachtree Parkway without a traffic signal.

Discussion:

These concepts were originally presented to City Council on the November 15, 2007 agenda. Due to some concerns raised at this meeting, these concepts were tabled until meetings with the engineers and individual Council members were arranged.

Staff met on December 19, 2007, with the consulting engineer and two members of City Council at a time to discuss options. From those meetings the general consensus was to proceed with the concept of improving capacity and level of service at the Walt Banks and Peachtree Parkway intersection with additional turn lanes only, no traffic signal. The intersection would function at an acceptable level of service through 2027 with just the added turn lanes. Then, for Crosstown and Peachtree Parkway, the consensus was to proceed with additional turn lanes and the installation of a traffic signal as per the original recommendation.

In summary, the recommendations are to add right turn lanes on the westbound and northbound approaches, and a left turn lane on the southbound approach for the Walt Banks Road/Peachtree Parkway intersection. A traffic signal is not necessary for the Walt Banks Road/Peachtree Parkway intersection at this time. The addition of right turn lanes are recommended on the northbound and southbound approaches, and left turn and right turn lanes on the eastbound and westbound approaches for the Crosstown/Peachtree Parkway intersection. A signal is also recommended for the Crosstown/Peachtree Parkway intersection.

Once these concepts are approved by City Council, staff and the engineering consultant will work with the Georgia Department of Transportation on the next step of the process.

Budget Impact:

The design of these projects is currently budgeted.

Attachments

cc: City Engineer
Public Services Director

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager
Developmental Services Director *David*

FROM: City Engineer *David A. Borowski*

DATE: November 7, 2007

SUBJECT: Concept Plan Approval for Walt Banks and Crosstown Intersections
November 15, 2007 City Council Meeting

Recommendation:

Staff recommends that City Council approve the concept plans for intersection improvements at Crosstown and Peachtree Parkway and Walt Banks and Peachtree Parkway.

Discussion:

Consultants are currently working on the design of intersection improvements at the aforementioned locations. The projects are partially funded by State Transportation Improvement Plan (TIP) funds and require a concept to be approved by the City and the State Department of Transportation before proceeding to design and right-of-way drawings.

The City's consultant, Professional Engineering Consultants, Inc. (PEC), has completed the traffic study and has recommended improvements for the intersections. PEC will finish the concept drawings this week based on the attached recommendations. Staff will forward the concept drawings to Council as soon as they are completed.

In summary, the recommendations are to add right turn lanes on the westbound and northbound approaches, and a left turn lane on the southbound approach for the Walt Banks Road/Peachtree Parkway intersection. A signal is also recommended for the Walt Banks Road/Peachtree Parkway intersection. The addition of right turn lanes are recommended on the northbound and southbound approaches, and left turn and right turn lanes on the eastbound and westbound approaches for the Crosstown/Peachtree Parkway intersection. A signal is also recommended for the Crosstown/Peachtree Parkway intersection.

Budget Impact:

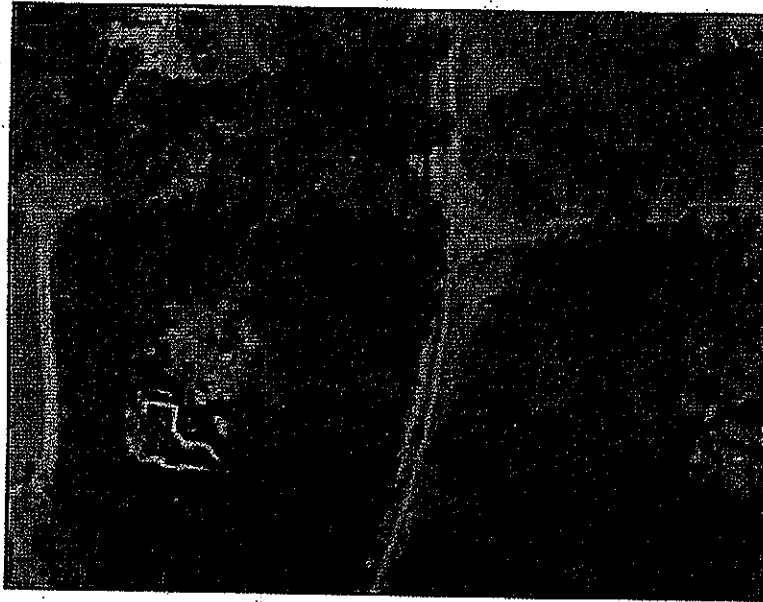
The design of these projects is currently budgeted.

Attachments

cc: City Engineer's File
Public Services Director

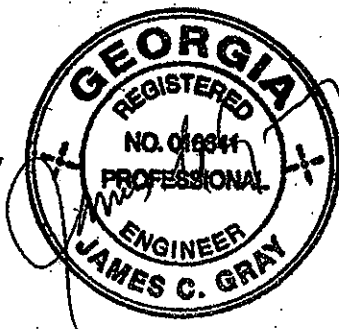
INTERSECTION ANALYSIS

PEACHTREE PARKWAY & WALT BANKS ROAD



GCA

Prepared by:
GCA, Inc.
1800 Peachtree Street, NW
Suite 825
Atlanta, Georgia 30309
404-355-4010



Prepared for:
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia
30269
770-487-7657

SEPTEMBER 2007

1. EXECUTIVE SUMMARY

Purpose of Study:

The purpose of this study is to evaluate the intersection of Peachtree Parkway and Walt Banks Road in Peachtree City, Georgia to determine what improvements will be needed to improve the present levels of service (LOS) and maintain acceptable LOS in the future.

Major Findings of this Analysis:

Traffic volumes were projected to the years 2012, 2017 and 2027, and LOS analyses were conducted for each of those years. The analyses concluded that the intersection would experience increasing delays and deteriorating LOS as traffic volumes increase in the future.

Mitigation Measures Proposed:

Future conditions were tested for the intersection with the installation of a signal and LOS continued to decline. The intersection was then tested with both a signal and widening on the northbound, southbound and eastbound approaches to provide turn lanes. These measures provided very good LOS and low delays through 2027. Retaining the all-way stop, combined with the widening, provides lower LOS and higher delays, but still within the acceptable range, through 2027.

Prepared by:

GCA, Inc.

1800 Peachtree Street, NW

Suite 825

Atlanta, Georgia 30309

404-355-4010

11. RECOMMENDATIONS

Based upon the findings of this study, it is recommended that the intersection of Walt Banks Road and Peachtree Parkway be widened to provide right turn lanes on the westbound and northbound approaches, and a left turn lane on the southbound approach.

It is further recommended that the golf cart crossing on the south approach be moved closer to the intersection. This would involve moving the ends of the off-street golf paths closer to the intersection, also.

With regard to traffic control, a signal with the widening would provide the best levels of service and lowest delay, and is GCA's first recommendation. A signal would also provide the safest environment for the golf cart crossings. However, retaining an all-way stop, combined with the widening, would provide acceptable levels of service and delay, and is GCA's secondary recommendation.

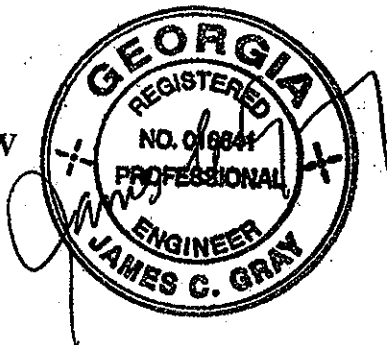
INTERSECTION ANALYSIS

CROSTOWN DRIVE & PEACHTREE PARKWAY



GCA

Prepared by:
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Atlanta, Georgia 30309
404-355-4010



Prepared for:
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia
30269
770-487-7657

OCTOBER 2007

1. EXECUTIVE SUMMARY

Purpose of Study:

The purpose of this study is to evaluate the intersection of Crosstown Drive and Peachtree Parkway in Peachtree City, Georgia to determine if a traffic signal is warranted and what other improvements will be needed to improve the present levels of service (LOS) and maintain acceptable LOS in the future.

Major Findings of this Analysis:

Traffic volumes were projected to the years 2012, 2017 and 2027, and LOS analyses were conducted for each of those years. The analyses concluded that the intersection would experience increasing delays and deteriorating LOS as traffic volumes increase in the future.

Mitigation Measures Proposed:

Future conditions were tested for the intersection with the installation of a signal and LOS continued to decline. The intersection was then tested with both a signal and widening on the northbound and southbound approaches to add right turn lanes, and widening on the eastbound and westbound approaches to add left and right turn lanes. These measures provided acceptable LOS and low delays through 2027.

Prepared by:

GCA, Inc.

1800 Peachtree Street, NW

Suite 825

Atlanta, Georgia 30309

404-355-4010

10. RECOMMENDATIONS

Based upon the findings of this study, it is recommended that the intersection of Crosstown Drive and Peachtree Parkway be signalized, and that widening be done to provide for the addition of right turn lanes on the northbound and southbound approaches, and left turn and right turn lanes on the eastbound and westbound approaches.

It is further recommended that pedestrian facilities, including handicap ramps and other Americans with Disabilities Act (ADA) requirements be included with the signal installation.

Since there are no golf cart paths at this intersection, it is recommended that no special golf cart crossings be created; rather, any golf carts that may occasionally wish to cross can use the pedestrian crossing.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager *Donna M. Muller*
Developmental Services Director *David*
Stormwater Manager *[Signature]*

FROM: City Planner/ Zoning Administrator *David*

DATE: January 31, 2008

SUBJECT: Proposed amendment to the Peachtree City Zoning Ordinance to add Section 1016, CON Conservation Subdivision Overlay District, and for other purposes.
February 7, 2008 City Council Agenda

Recommendation:

Staff recommends that Council adopt the proposed amendment to the Peachtree City Zoning Ordinance to add Section 1016, CON Conservation Subdivision Overlay District, specifically to provide for criteria for review and approval of a conservation subdivision within Peachtree City (Attachment "A").

Discussion:

As a part of the requirements set forth by the Metropolitan North Georgia Planning District (MNGWPD), the city is required to adopt a conservation subdivision zoning ordinance. This ordinance would permit the establishment of conservation subdivisions within the city in an effort to reduce land disturbance and to provide permanent open space as a part of a residential development.

It must be noted there is very little undeveloped land that is zoned for residential use within the current city boundaries to accommodate this type of development. Staff has modified the model ordinance provided by the MNGWPD and is presenting this for consideration.

The ordinance identifies specific criteria that would be required in order to qualify for the overlay district designation. Additionally, Staff is proposing that a developer be required to obtain a Special Use Permit in order to utilize this type of zoning.

Section 1016, CON Conservation Subdivision Overlay District

January 31, 2008

Page 2

The proposed ordinance was initially presented to the Planning Commission on December 10, 2007 (Attachment "B"), at which time numerous questions and comments were raised. Staff reviewed these comments with the Stormwater Manager and modified the ordinance accordingly. The revised ordinance was presented to the Planning Commission in a Public Hearing at their January 14 meeting, at which time there was a unanimous vote to forward the ordinance to City Council with a recommendation that it be adopted (Attachment "C").

Budget impact:

There is no budget impact associated with this request.

**AN ORDINANCE TO AMEND THE PEACHTREE CITY ZONING ORDINANCE
TO ESTABLISH AN OVERLAY DISTRICT TO PROVIDE FOR
CONSERVATION SUBDIVISIONS IN RESIDENTIAL ZONING DISTRICTS;
TO ESTABLISH GENERAL REGULATIONS; TO PROVIDE FOR
APPLICATION REQUIREMENTS; TO ESTABLISH REQUIREMENTS FOR
OPEN SPACE; AND, FOR OTHER PURPOSES.**

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

Section 1. Article X, Requirements by District, be amended to add Section 1016 relating to the establishment of a Conservation Subdivision Overlay zoning district:

Section 1016. CON, Conservation Subdivision Overlay District.

Sec. 1016.1. Intent and purpose.

- (a) To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
- (b) To promote the development of residential subdivisions that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- (c) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- (d) To encourage clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- (e) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- (f) To promote interconnected greenways and corridors throughout the community.
- (g) To promote contiguous greenspace with adjacent jurisdictions.
- (h) To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.

- (i) To encourage street designs that reduce traffic speeds and reliance on main arteries.
- (j) To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- (k) To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- (l) To preserve important historic and archaeological sites.

Sec. 1016.2. General regulations.

- (a) Applicability of regulations. The Conservation Subdivision Overlay district shall only be permitted within the LUR zoning district and shall be approved as a part of the formal rezoning process as a special use.
- (b) Ownership of development site. The tract of land to be subdivided must be held in single ownership.
- (c) Housing density determination. The maximum number of lots in the Conservation Subdivision Overlay District shall be determined by either of the following two methods, at the discretion of the local jurisdiction:
 - (1) Calculation: The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the current zoning classification of the property. In making this calculation, the following shall not be included in the total area of the parcel:
 - (a) Slopes over 25 percent of at least 5,000 square feet contiguous area;
 - (b) The 100-year floodplain;
 - (c) Bodies of open water over 5,000 square feet contiguous area;
 - (d) Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act; or,
 - (e) Anticipated right-of-way needs for roads and utilities.
 - (2) Yield Plan: The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible based upon the current zoning classification of the property. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

Sec. 1016.3 Application requirements

- (a) Site analysis map. Concurrent with the submission of a concept plat, the Applicant shall prepare and submit a detailed site analysis map. The purpose of the site analysis map is to ensure the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this article.

At a minimum, the concept plat shall include the following features:

- 1) Property boundaries;
 - 2) All streams, rivers, lakes, wetlands and other hydrologic features;
 - 3) Topographic contours of no less than 10-foot intervals;
 - 4) All Primary and Secondary Conservation Areas labeled by type, as described in Section 1016.4 of this Article;
 - 5) General vegetation characteristics;
 - 6) General soil types;
 - 7) The planned location of protected Open Space;
 - 8) Existing roads and structures; and,
 - 9) Potential connections with existing greenspace and trails.
- (b) Open space management plan. An open space management plan, as described in Section 1016.4, shall be prepared and submitted prior to the issuance of a land disturbance permit.
- (c) Instrument of permanent protection. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 1016.4, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.
- (d) Other requirements. The Applicant shall adhere to all other applicable requirements of the underlying Zoning and Land Development ordinance.

Sec. 1016.4. Open space.

- (a) *Definition.* Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.
- (b) Standards to determine Open Space.
 - 1) The minimum restricted Open Space shall comprise at least 40% of the gross tract area.
 - 2) The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant

demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:

- (a) The regulatory 100-year floodplain;
 - (b) Buffer zones of at least 75 ft width along all perennial and intermittent streams;
 - (c) Slopes above 25 percent of at least 5,000 square feet contiguous area;
 - (d) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
 - (e) Populations of endangered or threatened species, or habitat for such species; and,
 - (f) Archaeological sites, cemeteries and burial grounds
- 3) The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible.
- (a) Important historic sites;
 - (b) Existing healthy, native forests of at least one acre contiguous area;
 - (c) Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line;
 - (d) Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
 - (e) Prime agricultural lands of at least five acres contiguous area; and,
 - (f) Existing trails that connect the tract to neighboring areas.
- 4) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 40 percent minimum area requirement. Large areas of impervious surface shall be excluded from the Open Space.
- 5) At least 75 percent of the Open Space shall be in a contiguous tract. The Open Space should adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.
- 6) The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.
- (c) Permitted uses of Open Space.

Uses of Open Space may include the following:

- 1) Conservation of natural, archeological or historical resources;
- 2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- 3) Walking or bicycle trails, provided they are constructed of porous paving materials;
- 4) Passive recreation areas;
- 5) Active recreation areas, provided that they are limited to no more than 10 percent of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space;
- 6) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
- 7) Nonstructural stormwater management practices;
- 8) Easements for drainage, access, and underground utility lines; or
- 9) Other conservation-oriented uses compatible with the purposes of this ordinance.

(d) Prohibited uses of open space.

- 1) Golf courses;
- 2) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections; and
- 3) Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

(e) Ownership and management of Open Space.

- 1) Ownership of Open Space. The applicant must identify the owner of the Open Space who is responsible for maintaining the Open Space and facilities located thereon. If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners Association is the owner, the Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner.
- 2) Management plan. The Applicant shall submit a Plan for Management of Open Space and Common Facilities ("Plan") that:
 - (a) allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon,

- including provisions for ongoing maintenance and for long-term capital improvements;
 - (b) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
 - (c) provides that any changes to the Plan be approved by the City Council; and,
 - (d) Provides for enforcement of the Plan.
- 3) In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City of Peachtree City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.
- (f) Legal instrument for permanent protection.
- 1) The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
- (a) A permanent conservation easement in favor of either:
 - (1) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - (2) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the city, then a third right of enforcement favoring the city shall be included in the easement;
 - (b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,
 - (c) An equivalent legal tool that provides permanent protection, if approved by the city.

- 2) The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.
- (g) Special Use Permit.
- 1) Certain uses, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted within the zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations. These uses are permitted only through the issuance of a Special Use Permit by the Mayor and City Council after ensuring that the use can be appropriately accommodated on the specific property, will be in conformance with the comprehensive plan, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the city will be protected.
 - 2) No inherent right exists to receive a Special Use Permit; such permits are a special privilege granted by the City under a specific set of circumstances and conditions, and each application and situation is unique. Consequently, mere compliance with the generally applicable requirements may not be sufficient and additional measures, occasionally substantial, may be necessary to mitigate the impact of the proposed development. In other situations, no set of conditions would be sufficient to approve an application, even though the same request in another location might be approved.
 - 3) Review procedures.
 - (a) Application for the establishment of special uses shall be submitted to the City Planner and, upon determination that such application contains all necessary elements, shall be deemed received by the City and referred to the Planning Commission for its review and recommendation.
 - (b) The Planning Commission shall report to the Mayor and City Council its recommendation as to the approval or disapproval of such application and any recommendation for establishment of conditions, in addition to those set forth in this article, deemed necessary to protect the public interest and welfare.
 - (c) In considering applications for Special Use Permits, the Planning Commission and City Council shall use the standards set forth in Section 1305 of the Peachtree City Zoning Ordinance and shall consider the following criteria:

- (1) Compatibility of the proposed use and location with the policies established in the Comprehensive Plan.
 - (2) Compatibility of the proposed use with the character of adjacent properties and the surrounding neighborhoods and with existing and proposed development.
 - (3) Availability of, or ability to provide, adequate utilities, drainage, parking and loading space, lighting, screening, landscaping and open space.
 - (4) Provision of safe and convenient vehicular, pedestrian, bicycle, and alternate modes of transportation.
 - (5) Compatibility of the proposed use with the intent and function of the zoning district, based upon the current zoning classification of the property.
 - (6) Compliance with applicable performance standards and requirements as set forth in the City's Land Development Ordinance.
- (d) In approving any application for Special Use Permit, the City may by resolution:
- (1) Impose such reasonable standards, conditions or requirements, in addition to any specified within this chapter, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but are not limited to, special setbacks, buffer requirements, increased screening or landscaping requirements, and standards pertaining to traffic, circulation, noise, lighting, hours of operation and similar characteristics.
 - (2) Require that a performance guarantee, acceptable in form, content and amount to the City be posted by the applicant to ensure continued compliance with all conditions and requirements that may be specified.
 - (3) Specify time limits or expiration dates for any such Special Use Permits, including provisions for periodic review and renewal.

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

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

the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

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

This _____ day of _____ 2008.

Harold K. Logsdon, Mayor

Attest:

City Clerk

**EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION WORKSHOP
December 10, 2007**

PH-07-19 Proposed amendments to Article X of the City's Zoning Ordinance, creating Section 1016, CON Conservation Subdivision overlay zoning district, and for other purposes.

Mr. Rast stated a new conservation subdivision overlay zoning district was required by the Metropolitan North Georgia Water Planning District (MNGWPD). The city must adopt the ordinance to maintain the current status with MNGWPD. Language was added to the model ordinance to make it specific to Peachtree City. He stated that this ordinance was different because the area that was set aside for greenspace had to be put in a legal document via deed or covenant to ensure that the property would not be developed on.

Mr. Rast stated that the ordinance would be an overlay to a development and would need to meet certain criteria. This would include the use of the conservation ordinance as well as the special use permit process.

(Comments were made by Ms. Lynda Wojcik but were inaudible because she did not come to the microphone)

Mr. Mullin asked if the ordinance was for Peachtree City as a whole or for certain zoning districts. Mr. Rast responded that specific zoning districts had been identified but Staff would have to take a closer look at them. He believed it should be included with Limited Use Residential (LUR) so that it would have to go through the rezoning process along with the conservation overlay as well.

Mr. Staples stated that the intent was good but should not be a stand-alone. Mr. Mullin asked if the intent of the ordinance was to promote, propose or permit the cluster of housing and structures on less environmentally sensitive soils. Mr. Rast stated that he believed the intent was to promote. Mr. Mullin continued on to state that there should be more language to define the intent.

Mr. Staples asked if the conservation subdivision overlay was just an option in subdivision development. Mr. Rast confirmed it was an option.

Mr. Staples stated that Staff should continue to refine the proposed ordinance while continuing to use the template supplied by MNGWPD.

After discussion, a motion was made by Mr. Staples, seconded by Mr. McCann, and unanimously adopted to continue the discussion relative to the proposed amendment to Article X., of the City's Zoning Ordinance, creating Section 1016, CON Conservation Subdivision overlay zoning district, to the Planning Commission meeting scheduled for January 14, 2008.

**EXCERPT FROM APPROVED MINUTES
PLANNING COMMISSION MEETING
January 14, 2008**

PH-07-19

Proposed amendments to Article X of the City's Zoning Ordinance, creating Section 1016, CON Conservation Subdivision overlay zoning district, and for other purposes.

Mr. Rast stated that this proposed ordinance had been discussed at the December 10, 2007, Planning Commission meeting, at which time Staff was asked to review several sections of the ordinance to address concerns that had been expressed. He stated that this ordinance was actually required by the Metro North Georgia Water Planning District (MNGWPD) who had provided a template for each jurisdiction within the district. City Staff had tweaked that template so that the ordinance was more specific to Peachtree City. Mr. Rast added that although this was a great ordinance to have, it would probably never be used because of the lack of undeveloped residential land.

Mr. Rast further explained that the premise behind the conservation subdivision was to allow a developer to determine the density if the subdivision was fully developed based on its zoning. They would then be allowed to cluster the development away from the wetlands and the bad soils. The remainder of the property would be left in its natural state. He noted that South Fulton and Fayette County were doing this quite successfully. Staff would like to get it on the books partly because the City was required to and also for parcels that would be redeveloped. The developers of the land in Wilksmoor Village that was not yet within the City could also look at using this concept in their developments.

One of the questions that came up at the last meeting where this ordinance was discussed was whether it would apply to the whole city. Mr. Rast said that he and the Stormwater Manager, Mr. Mark Caspar, would like to have this as an option for developers to use on a particular tract of land. The property would have to be rezoned in order to cluster the lots and the Conservation Subdivision overlay would be adopted as part of the rezoning. Staff had limited the areas where this application could be used to the LUR Limited Use Residential zoning district.

In response to a question from Mr. Scott as to whether this would apply to any redevelopment, Mr. Rast stated that it could if the Planning Commission thought this would be something favorable. Mr. Scott thought this could be a very good tool. Mr. Rast pointed out that this was a mechanism that might be beneficial in some of the older subdivisions to provide more open space. Mr. Scott thought it would also make them more walkable.

Ms. Phyllis Aguayo of Stonington Drive had some questions. She wondered whether the City would require that the land that was left in open space be put in a permanent easement so that it could not be developed in the future. Mr. Rast stated that a requirement of the ordinance was that it be in a conservation easement or a covenant that would specifically state that the land be left in its natural state forever.

Excerpt from approved minutes
Planning Commission meeting
January 14, 2008

Ms. Aguayo stated that in other areas, she had seen this concept become a tool for developers to get more parcels. By taking undevelopable land, e.g., stream corridors, wetlands, etc., and not taking into consideration the roads and infrastructure that would have been put in, developers were able to double the number of lots on a property. She wondered if the city's ordinance would have language that would ensure that the number of homes initially permitted on the property could not be exceeded. In this way, the city would actually get more open space and not just protection for land that was already being protected.

Mr. Rast stated that the ordinance included two methods to determine up front the density, net developable acreage, and number of lots that could be developed. Although other communities went by the property boundaries and even granted bonus densities, Peachtree City was not going to do that.

Ms. Aguayo noted that in the past, she had seen situations in Peachtree City when, for instance, a ten-acre parcel might be designated for one-acre lots and City Council would consequently assume there would be ten homes. However, in reality, after the roads, the stream buffers, etc., were added, the parcel could not yield ten homes on one-acre lots. As a result, the developer was inadvertently granted a bonus. She wanted to be sure language was in place to prevent this from happening and to ensure this was a true conservation effort.

No one else spoke in favor of or in opposition to the proposed ordinance amendment.

The Chairman closed the public hearing at 8:00 p.m.

Mr. McCann liked the changes that had been made to the ordinance since it was originally presented to the Planning Commission.

Mr. Mullin noted that the Commissioners had spoken extensively about the issue raised by Ms. Aguayo, and they were glad to see that appropriate language had been included.

Mr. Scott thought Staff had done a good job on the amendment.

In response to a question from Mr. Roach, Mr. Rast stated that the Applicant would be able to use either of the two options to determine the density and net developable acreage. It was noted, however, that the Planning Commission could also direct them to use one method or the other if desired.

After discussion, a motion was made by Mr. McCann, seconded by Mr. Scott, and unanimously adopted to forward the proposed amendment to Article X of the City's Zoning Ordinance, creating Section 1016, CON Conservation Subdivision overlay zoning district to City Council with a recommendation for approval.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager *Demetrius*

FROM: City Planner/ Zoning Administrator *David*

DATE: February 1, 2008

SUBJECT: Appeal of Planning Commission decision to deny the conceptual site plan for the Line Creek retail center on SR 54 West
February 7, 2008 City Council Agenda

Recommendation:

Because this is an appeal of a Planning Commission decision, the City Council will be acting as an independent body as opposed to receiving a recommendation from City Staff.

Discussion:

The conceptual site plan for the Line Creek retail center was submitted to City Staff on December 27, 2007 (Attachment "A"). The submittal package was deemed complete and forwarded to City Staff for review, with comments due back no later than January 25, 2008. Pursuant to the city's site plan review process, the proposed site plan was placed on the January 14 Planning Commission meeting for discussion in a workshop format (Attachment "B").

The conceptual site plan was then placed on the January 28 agenda for action. Staff provided a position paper to the Planning Commission, which recommended approval of the conceptual site plan subject to fifteen (15) understandings and conditions (Attachment "C"). The Applicant agreed to each of these conditions. At the January 28 meeting, the Planning Commission voted unanimously to deny approval of the conceptual site plan (Attachment "D").

In accordance with Section 1301 of the city's Land Development Ordinance, the Applicant filed an appeal of this decision (Attachment "E").

Attachments



PLANNING DEPARTMENT
153 WILLOWBEND ROAD
PEACHTREE CITY, GA 30269
PHONE: 770-487-5731
FAX: 770-631-2552
WWW.PEACHTREE-CITY.ORG

PROJECT DATA SHEET APPLICATION

Name of Proposed Project: Line Creek Retail

Project Data Sheet Type: Concept Plat

DATE SUBMITTED: 12/28/2007

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

APPLICANT: Capital City Development

Phone: 404-275-7100

Address: P.O. Box 4939

Fax: 970-926-2681

City: Edwards State: CO Zip: 80632

Email: dm@ramdg.com

OWNER(s): Capital City Development

Phone: xxx-xxx-xxxx

Address:

Fax: xxx-xxx-xxxx

City: State: Zip:

Email:

SITE INFORMATION

Current Use of Property: Office

Address Location: Line Creek Drive And Hwy 52

Existing Zoning: GC #: Pick One

Proposed Project Size (Square Feet / Acres): 99,000sq ft / 14.30acres

Parking Spaces: Min. #Required: 680 #Existing: 0
#Proposed: 574 #Pervious:

SURROUNDING LAND USE & ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	Commercial	GC #: Pick One
South	Single Family Cluster	LUR #: 7
East	Open Space	OS #: Pick One
West	Open Space	OS #: Pick One

SETBACKS:

	<u>Required</u>	<u>Proposed</u>
Front (building)	30 ft	5 ft
Front (parking)	30 ft	30 ft
Side	10 ft	varies ft
Back	20 ft	30 ft

IMPACTED AREAS:

	<u>Square Feet / Acres</u>	<u>Ratio (total acres ÷ impacted area)</u>
Disturbed Area	705236 sq ft / 13.3 acres	91%
Impervious Area	420536 sq ft / 9 acres	63%
Open Space \ Greenbelts	201500 sq ft / 4 acres	28%

LOCATON OF:

1. Entrance to Site: Line Creek Dive and Hwy 54, west of Planterra Way
2. Tree Save and Landscape Buffer: rear
3. Other Landscape Buffers: N/A
4. Greenbelts (to be dedicated to the city): N/A
5. Multi-Use Path Connections: yes
6. Stormwater Retention: yes

BUILDING INFORMATION

Building Type: Commercial

Proposed Use of Property: retail development

Number of Stories: 1

Height from finished grade: 35.00ft

Existing Floor Area: 22052.00sq ft

Proposed Floor Area: 99,000sq ft

Number of Existing Employees: 75

Number of New Employees: 100

Proposed Number of Dwelling Units: 0

Number of Units per Acre: 0

Development impact Fees: \$ (see Appendix B - Section 307)

TYPE OF CONSTRUCTION:

Structural Material: Brick

Other: stone

Roof Material: Shingles

Other: metal

Interior Finish: Drywall

Other:

Exterior Finish: Brick

Other: EFIS

FIRE INFORMATION

Description of Operations: retail shopping center

Automatic Fire Sprinklers: Yes

Why not:

Automatic Fire Alarm: Yes

Why not:

Existing number of Fire Hydrants:

Proposed number of Fire Hydrants: 8

Underground / Above Ground Storage Tanks: No

(If yes, please attach description and location)

Hazardous Material On-Site: No

(If yes, describe type and method of storage below:)

Type(s): n/a

Storage: n/a

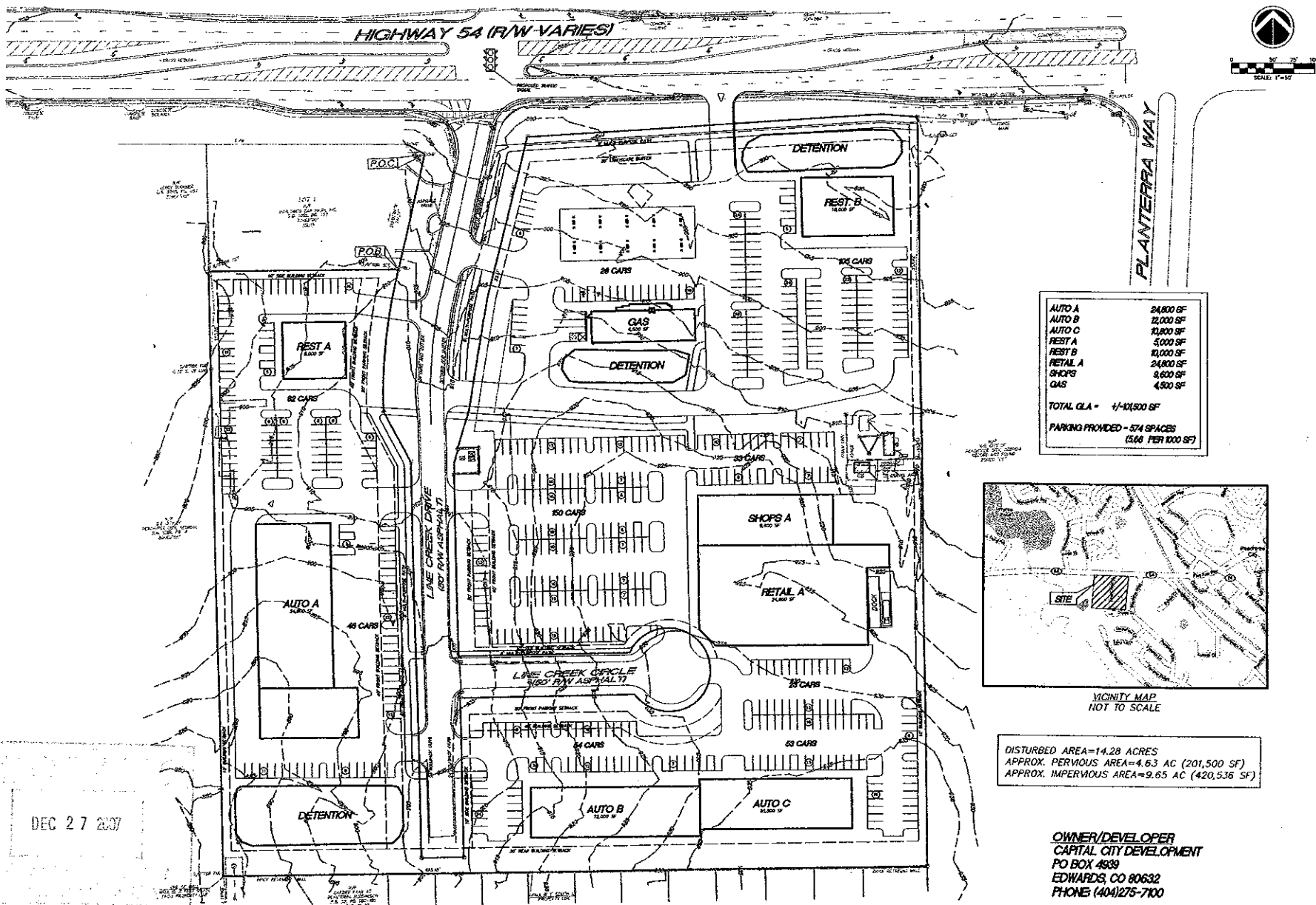
With the signing and submittal of this application, the property owner authorizes the Peachtree City Staff to enter onto the subject property to collect data and other information in order to accurately prepare reports or other documentation for review by the City Council, City Boards & Commissions, and City Departments.

By signing below I hereby certify that the above listed information and the accompanying materials as requested are accurate.

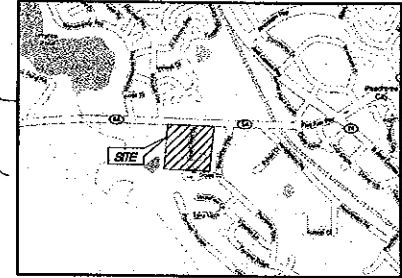
Applicant Signature: Janet A. Payne Date: 12/28/2007

Property Owner Signature: Janet A. Payne Date: 12/28/2007

Please complete the attached checklist.



AUTO A	24,000 SF
AUTO B	12,000 SF
AUTO C	12,000 SF
REST A	14,000 SF
REST B	14,000 SF
RETAIL A	24,000 SF
SHOPS	9,600 SF
GAS	4,500 SF
TOTAL GLA = 171,000 SF	
PARKING PROVIDED - 574 SPACES (5.66 PER 1000 SF)	



VICINITY MAP
NOT TO SCALE

DISTURBED AREA=14.28 ACRES
APPROX. PERVIOUS AREA=4.63 AC (201,500 SF)
APPROX. IMPERVIOUS AREA=9.65 AC (420,536 SF)

OWNER/DEVELOPER
CAPITAL CITY DEVELOPMENT
PO BOX 4839
EDWARDS, CO 80632
PHONE (404)275-7100

REVISIONS

LINE CREEK DRIVE RETAIL
US HIGHWAY 54
PREPARED FOR
CAPITAL CITY DEVELOPMENT
PLANNING CITY, GEORGIA
LAND LOT NO. 774 DISTRICT

LAI ENGINEERING
PARKWAY CENTER - STE. 720
1500 PARKWAY PL. - STE. 720
MARKETTA, GA 30067
PHONE: (770) 421-0807
FAX: (770) 421-0808
WWW.LAIENGINEERING.COM

JOB NO: 6075
DWG NAME: 6075.CDR
SITE PLAN
SHEET
CSP 3
DATE: 12/27/2007
CSP348.DWG

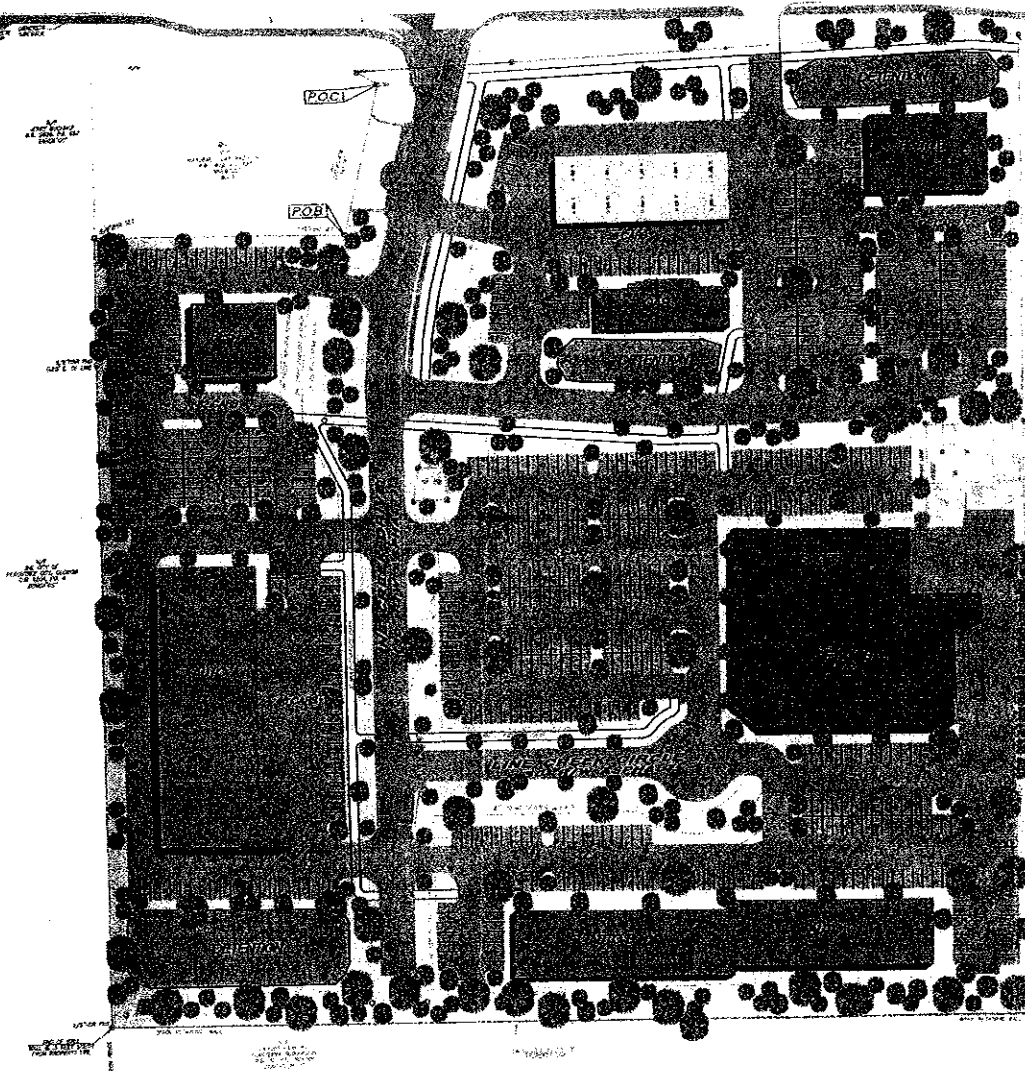
DEC 27 2007

RECEIVED DEC 9 2007

NOT REISSUED FOR CONSTRUCTION

HIGHWAY 54 (R/W VARIES)

AUTO A	1,000 SF
AUTO B	1,000 SF
AUTO C	1,000 SF
REST A	1,000 SF
REST B	1,000 SF
RETAIL A	1,000 SF
SHOPS	1,000 SF
GAS	1,000 SF
TOTAL GLA	11,000 SF



PRELIMINARY SITE PLAN: OPTION "H"

Scale: 1" = 40'



EXCERPT FROM MEETING MINUTES
PLANNING COMMISSION MEETING
January 14, 2008

Conceptual site plan, Line Creek retail development (SR 54 West).

Mr. Jim Lowe of LAI Engineering was in attendance to present the conceptual site plan for Capital City Development. The conceptual site plan was for a multi-building retail complex on the former Line Creek commercial center tract. The overall development consisted of 99,000 SF of retail space on the 14.3-acre tract, and would not require the abandonment of any city streets or right-of-way. The subject tract was zoned GC General Commercial which permitted the development as proposed.

Mr. Lowe explained that they had previously been before the Planning Commission as well as City Council. There had been workshops and they had met with two subcommittees during the past one to two years.

Mr. Lowe stated that this plan was being proposed for the sole reason that the City had not made a decision in regard to the sale of the Line Creek right-of-way, which would be their preference. However, because of that, they must continue to move forward. This plan showed Line Creek Drive remaining intact, and no purchase was required for this development. The intent of the plan was to meet all of the City's regulations and codes.

Mr. Lowe stated that 99,000 SF of development was proposed. A gas station would be located at the east corner of Line Creek Drive and Highway 54. To the east of that would be a restaurant; south of that would be a retail development and a little larger box but all within City code. Further to the rear would be some linear type of service such as auto and a combination of retail. It was not yet known what type of usage would be created. To the west there would be additional boxes. Further to the north there would be another 6,000 or 7,000 SF of retail.

Mr. Lowe stated that it clearly was not their preference to pursue this design but years of site plans and options had been presented and they had not yet been afforded the opportunity to move forward on any of them. He added that they must move forward because there were a lot of constraints from a development standpoint. They wanted to discuss moving forward with this site plan.

Mr. Mullin did not know where to start with his comments. He understood this was a workshop and the intent was to critique this plan so that it could be brought back to the Planning Commission for approval. He did not feel they had enough time, energy, effort and capability to bring back something that he could get behind. There was no way he could get behind this plan.

Mr. Lowe said he understood and noted that they had not received Staff's comments yet and they looked forward to addressing them.

Mr. Rast stated that the situation now was that City Council had not budged on the road and was almost forcing the Applicant into this type of plan. He noted that going back to the 54 West

Advisory Board, it was known that something was going to happen on this tract. Although this would not be their preference, it now appeared that this was what we were going to get on one of the major gateways into the city.

Mr. Mullin understood the reality of the situation but, as a Commissioner, his interest was for the community and he would go on record as saying so.

Mr. McMurrain stated that he had no desire to develop this site plan. However, he had been working on this plan for two years. He was tired, he was out of money, and he had to develop it. He added that the Commission would not see him again if it was denied. He would be forced to litigate even though that was not the path he wanted to take. Mr. McMurrain said he had no choice, and Mr. Mullin said he had no choice either. Mr. McMurrain felt he did have a choice. He was to approve site plans pursuant to the codes and ordinances of the city, and he could not deny them just because he did not like them.

The choice was whether the city would abandon the roads. If the roads were abandoned, he would gladly come back with one of the other 40 plans that had been generated for this property.

Mr. Mullin said he was going to assess this plan based on pure, simple value of what it did for the community. He thought this plan did nothing for the community, and he could come up with a whole laundry list of reasons why. Therefore, it was his prerogative and his right to render his decision. He added that if they wanted his critique tonight, it would be to start over because everything about this plan was wrong. He further stated that, as far as he was concerned, if this plan or even a small tweaking of it came back before the Commission, it was going to go to City Council with a big, fat denial. He felt he had the right not to get behind this plan.

Mr. McCann and Mr. Roach both said this plan was a message to City Council.

Mr. McMurrain stated that he did not like the plan either but this was not a bluff. He had users. He said he did not know what City Council would do. He did not think this was what was best for the city, and he did not think this was what the citizens would want. However, because of the road and the topography, he must deal with the cards that he had. He wanted the Commissioners' comments.

Mr. McMurrain said that this plan met the 54 West Design Guidelines, the zoning, and the law. He had too much money in the property so he must develop it.

Mr. Mullin asked if he could make it work without the gas station. Mr. McMurrain said he could not and pointed out that there was a gas station on the front cover of the design overlay guidelines. He added that this would be the nicest gas station in Peachtree City.

Excerpt from minutes
Planning Commission meeting
January 14, 2008

Mr. Mullin stated that he knew Mr. McMurrain was not bluffing, but he thought it was unfortunate that this had turned into the situation it had. He also had been working on this project for two years.

Mr. McMurrain suggested that they wait to see what City Council would do at their meeting on February 7. From there, he would not have any choice but to go by the law and the letter of the book. This was an \$8 million acquisition, and he had been paying \$40,000 a month in interest for two years; he could not keep doing that.

Mr. Mullin remembered when the objections to the Kohl's plan first started coming out and Mr. McMurrain presented the gas station/Hooter's plan. He told City Council at that time that they might think Mr. McMurrain was bluffing but if it got to where he was not bluffing, the city would end up somewhere between the original Kohl's proposal and the gas station/Hooter's plan. This would not be the best thing for the community, and yet we were rapidly approaching that now.

Mr. McMurrain agreed and pointed out that it was not because any of them had not tried.

Mr. Rast stated that the Planning Commission would have to deny the plan before Mr. McMurrain could appeal their decision to City Council. Therefore this would be on the February 28 Planning Commission agenda for action.

Mr. McMurrain thought there were two Council members who would approve this plan and two who would not. Mr. Mullin wanted Mr. McMurrain to state for the record who those two Council members were. Mr. McMurrain would not answer the question.

Mr. Tim Lydell of Cardiff Park subdivision, which was directly behind this development, said that he had been working on this probably as long as some of the others at this meeting, possibly longer. He was not at all pleased with this plan, and he knew there were 52 other people in Cardiff Park who were not happy with it either. Other plans had been proposed that were good and were Peachtree City, but a vocal minority had decided they would not do them. He was glad to see that the situation had gotten to this point and was hopeful that people would finally apply some logic to try to get the right-of-way to the land. He also hoped people would think logically about what would be beneficial to Peachtree City and to the people who lived immediately behind this development and what would increase the quality of life in Peachtree City.

He did not think this plan was Peachtree City and if it was built, he felt Peachtree City would get what they deserved.

Mr. Mullin asked Mr. Lydell whether he thought it was fair to say that if anyone voted for this plan, they did not have the best interest of the community at heart. Mr. Lydell stated that this plan did not have the best interest of Peachtree City at heart. Mr. Mullin said he would second

Excerpt from minutes
Planning Commission meeting
January 14, 2008

what Mr. Lydell said. If anyone would vote for the approval of this plan, they did not have the best interest of the city at heart. Mr. Lydell said that unfortunately there were some people on City Council who were just recently elected (by the smallest minority in the history of Peachtree City) who were going to vote for this plan. He thought at that point the people of Peachtree City could say, "We have met the enemy, and it is us." He thought the citizens should encourage the Council members to vote for the proper plan for the city, which was not this plan. He appreciated Mr. Mullin's hard stance against this plan. He hoped all of the Commissioners would not approve this plan.

Mr. Mullin further stated that a lot of people had worked very, very hard and volunteered their time; and others had spent a lot of money. If the politics were getting in the way of the city doing the right thing for the community, then it needed to go on record like that.

Mr. Lydell said he and the people in Cardiff Park appreciated what Mr. Mullin had to say. He hoped others in Peachtree City would realize that was the right thing to do.

Mr. Mullin stated that he had heard rumors that City Council's hands were tied in regard to the legality of abandoning the right-of-way. He wondered if Mr. Rast was aware of anything that would restrict them from doing that. Mr. Rast said he was not aware of anything. He knew the City Attorney had researched that possibility, and he had not found anything that would prevent them from doing it.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Planning Commission

FROM: City Planner

DATE: January 25, 2008

Re: Line Creek retail – SR 54 West
Conceptual site plan review

Capital City Development has submitted a conceptual site plan for a multi-building retail complex on the former Line Creek commercial center tract. The proposed development consists of 99,000 SF of retail space on the 14.3-acre tract, and **does not** require the abandonment of any city streets or right-of-way. The subject tract is zoned GC General Commercial which permits the development as proposed.

The proposed site plan was discussed in a workshop format at the January 14 Planning Commission meeting. At that time, concerns were raised as to whether or not this type of development complied with the intent of the SR 54 West Overlay District. Within the SR 54 West Corridor Study (adopted by City Council on October 4, 2001), a portion of this document was devoted to identifying property within the corridor that could potentially be redeveloped.

As a part of this study, the following language was included within "Elements of the Plan":

"Line Creek office park (Peachy Clean car wash, Line Creek office building, warehouse building), undeveloped property

A variety of property owners control the parcels within this commercial subdivision. It is envisioned that all of the property will eventually be combined to create a single parcel for a sizable mixed-use development. The proposed signalized entrance from GA 54 along with access from the proposed secondary road system should make this a viable candidate for a significant development. The site is bordered by open space to the east and west and a residential subdivision to the south."

This report and the subsequent SR 54 West Design Guidelines were intended to establish parameters for development and redevelopment within the SR 54 West Corridor. As stated within the ordinance, the intent of the SR 54 West Corridor Overlay District was "to enhance the viability and livability of all property within the SR 54 West corridor. The purpose of the Overlay District is to achieve and maintain a unified, pleasing aesthetic and visual quality in site

Line Creek retail – SR 54 West

January 25, 2008

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planning, architectural design, building materials, landscaping, site lighting and signage; and to promote and encourage the use of alternate modes of transportation within the corridor through the provision of interconnecting streets, sidewalks and a multi-use path system. The intent of the GA 54 West Design Guidelines is to assure respect for and reduce incompatible and adverse impacts on the visual experience from the roadway."

All that said, the underlying zoning for the 14.28-acre tract is GC General Commercial, which permits each of the uses identified on the conceptual site plan. While there are no internal property lines shown on the conceptual site plan, which would require appropriate building and parking setbacks, the conceptual site plan appears to comply with most of the setbacks identified within the GC zoning ordinance. However, Section 1006.5 (c)(2) requires a minimum front driveway and parking setback of 20'. **The parking setback adjacent to Line Creek Drive on the 'gas station tract' and the 'Auto B tract' are shown at 10' and do not meet this requirement.** In addition, Section 1006.5 (e) establishes the minimum rear building setback at 20'. However, if the rear property line adjoins a residential zoning lot, the ordinance requires that the building setback be increased to no less than 75'. **The buildings identified as "Auto B" and "Auto C" do not comply with this requirement.** These items would need to be revised and reflected on the final site plan.

The parcels adjacent to Line Creek Circle are considered multiple frontage lots, which is defined as "any lot having a property line adjacent to more than one public or private street right-of-way or private street." This ordinance states "any rear or side setback that also fronts on a public right-of-way or private street shall have a setback depth equal to the minimum front setback depth specified for the appropriate zoning district." **The layout of the parking and buildings adjacent to Line Creek Circle do not meet this requirement.**

The parking configuration and internal circulation appear to comply with the city's parking ordinance. These areas would be further analyzed as a part of the final site plan review process, as would the location of dumpsters, sidewalks, multi-use path connections, etc. It should be noted the width of the multi-use paths would need to be increased to no less than 10' in width.

It is apparent the proposed site plan does not comply with the findings of the SR 54 West Corridor Study or the intent of the SR 54 West Corridor Overlay District. However, it must be noted these studies and ordinances were adopted to complement the base zoning of specific parcels within the corridor. The proposed conceptual site plan must first be reviewed to determine whether or not it complies with the intent and regulations found within the base zoning district, which is the GC General Commercial zoning district. Other than a few minor revisions, the proposed site plan appears to comply with this ordinance.

While there are still some minor site-related items that need to be addressed, Staff feels the site plan is ready for approval. The Applicant will need to continue working with City Staff and the

Line Creek retail – SR 54 West

January 25, 2008

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Planning Commission Representative as the plans progress to ensure these items are addressed and incorporated into the final site plan.

Based on the fact the proposed site plan appears to meet the stipulations identified within the GC General Commercial zoning ordinance, City Staff recommends that it be approved subject to the following understandings and conditions:

1. *Prior to reviewing the final site plan, a plat must be prepared and submitted for approval that combines each of the individual tracts into a single parcel.*
2. *The review of the building and parking setbacks assumes there will be no subdivision of property. Should the overall development be subdivided into smaller parcels, building and parking setbacks would be applied to each property line as appropriate.*
3. *The parking setback adjacent to Line Creek Drive shall be a minimum of 20'.*
4. *The building setback adjacent to Cardiff Park shall be increased to no less than 75' in width.*
5. *The parking and building setbacks for all parcels adjacent to Line Creek Circle shall be increased to no less than the front building and parking setbacks identified within the zoning ordinance.*
6. *The design and layout of all parking areas shall comply with Section 1109 of the City's Vegetation Protection and Landscape Requirements ordinance.*
7. *Prior to preparation of the final site plan, the Applicant must submit a conceptual landscape plan indicating how the City's tree replacement requirements will be met for the overall development.*
8. *Should there be a substantial change to the layout and/ or configuration of the future retail buildings or any of the internal roads or parking, a revised conceptual site plan must be submitted to and approved by City Staff and the Planning Commission.*
9. *The Applicant must continue to work closely with City Staff, the SR 54 West Advisory Board and the Planning Commission Representative throughout the preparation of the final site plan to ensure these drawings conform to the SR 54 West Design Guidelines.*
10. *The Applicant must continue to coordinate with the City Engineer to ensure the development conforms to the City's Post-Construction Runoff Management Ordinance.*
11. *The Applicant shall coordinate with City Staff to determine locations of internal sidewalk connections, multi-use path connections and to refine internal vehicular circulation.*
12. *The Applicant shall continue to coordinate with the City Fire Marshal to ensure all internal turning movements will accommodate appropriate emergency apparatus.*
13. *A complete site lighting plan must be provided which indicates the location, pole height, type of fixture, light source and wattage of all lights within the parking areas. This plan must be approved prior to installation of any elements of the lighting plan.*
14. *A complete set of building elevations, including exterior material and color selections, must be provided to City Staff and the Planning Commission Representative for review and approval prior to approval of the Building Permit.*

Line Creek retail – SR 54 West

January 25, 2008

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- 15. Should there be substantial changes to the conceptual site plan, a new plan must be developed and re-submitted to Staff and the Planning Commission for review and approval.*

Attachments

Unapproved Excerpt
Planning Commission Meeting
January 28, 2008

**UNAPPROVED EXCERPT OF MINUTES
PLANNING COMMISSION MEETING
January 28, 2008**

01-08-05 Conceptual site plan, Line Creek retail development (SR 54 West)

Mr. Rick Lindsey was in attendance to represent Capital City Development and to present the conceptual site plan for a multi-building retail complex on the former Line Creek commercial center tract. The proposed development would consist of 99,000 SF of retail space on the 14.3-acre tract.

Mr. Lindsey stated the proposed site plan was discussed in a workshop format at the January 14, 2008 Planning Commission meeting. The subject tract was zoned GC General Commercial which permitted the proposed mixed-use development.

Mr. Lindsey stated there were two publicly owned streets on the property, Line Creek Drive and Line Creek Circle. There had been discussion with members of City Council in reference to the sale of the roads and associated right-of-way to the developer, but it did not appear City Council would be proceeding with that proposal. He indicated the existing street configuration limited development on the site to smaller retail buildings.

Mr. Lindsey stated they respectfully disagreed with the City Planner's assessment that the proposed development would not be in keeping with the intent of the overlay district. It was his opinion the proposed development was not only in keeping with the intent of the overlay district, but it also met all requirements of the GC zoning. He stated that nothing being proposed by the developer would violate the existing zoning of the property. Mr. Lindsey did indicate that some of the uses being proposed may not be what some people wanted to see happen on the property, but they were all permitted uses under the GC General Commercial zoning designation and must legally be allowed.

Mr. Jim Lowe of Capital City Development came forward to state the overall development would not include subdividing the overall 14.3-acre tract, and the setbacks for the individual parcels would not be an issue. He also stated that Mr. Rast had determined the buildings shown as "Auto B and Auto C" did not meet applicable setbacks and would need to be relocated, and they were in agreement with this. He indicated they would agree to revise this portion of the conceptual site plan to comply with the 75' building setback and shift the parking and loading areas to the rear of these buildings. He also stated they intended to comply with the required 30' parking setback adjacent to Cardiff Park.

Mr. Lowe stated they had shown a schematic layout of multi-use path connections throughout the development and intended to work with City Staff as a part of the final site plan to identify specific locations for these paths.

Mr. Lowe went on to state this site plan was not what they wanted for the development, but after numerous meetings and workshops working on alternate plans that included abandoning the

roads and right-of-way, this plan was developed showing what could occur without these abandonments. He further stated the proposed site plan met all applicable codes.

After a question from the Planning Commission, Mr. Rast responded that if a commercially zoned parcel abuts a residentially zoned parcel, the rear building setback must be increased to no less than 75'. He also stated that in this situation, parking and service areas could be located no less than 30' from the property line.

Mr. Mullin asked if the imaginary property lines between the buildings would have to include setbacks. Mr. Rast reiterated what Mr. Lowe had stated, and there would not be internal property lines within the development. He stated that, in essence, the only setbacks would be along the perimeter of the property and adjacent to the roads.

Mr. Mullin inquired as to how the SR 54 West Overlay District was aiding in the conceptual site plan for this development. He felt that the character of the district was not being met and that was not what was currently being presented. Mr. Mullin stated that he could not and would not support this particular site plan.

Mr. Lowe disagreed with Mr. Mullin's position and stated they were committed to abide with the design guidelines established as a part of the SR 54 West overlay district.

Mr. Staples stated he felt the conceptual site plan being presented was not the best product for Peachtree City. He indicated that various parties had tried to work together to develop a plan that was in keeping with the character of the city, and he felt the plan being proposed was in no way indicative of what was trying to be achieved in the community through the Comprehensive Plan. Mr. Staples stated many residents had expressed their concerns about having another large retail building in the city because they felt it would increase crime. He questioned whether or not those same people had done any research to determine what kind of crime would come with a large, regional gasoline station and convenience store. He also questioned whether these same people were concerned about the possibility of having an abandoned gasoline station at one of the entrances to the city and trying to redevelop this type of property. He further reiterated his concerns with the regional draw that would be associated with this type of development, which would include a Cracker Barrel or similar type restaurant, the impact this type of development would have on one of the four entrances into the city, and the impact the amount of asphalt would have on Line Creek. He went on to state that he could not support the current plan either.

Mr. Mullin stated that if the plan was not approved it would be appealed to City Council. He was also very disappointed in small number of residents present to give their opinion.

Mr. Rast requested that the Planning Commission provide a definitive list of reasons if they were going to deny the conceptual site plan. He indicated these reasons would be forwarded to City Council and would be reviewed as a part of their deliberation. He indicated that, if the plan were denied at tonight's meeting, it would most likely appear on the February 7 City Council agenda. He stated it would be productive if a representative from the Planning Commission were at that meeting to present the Planning Commissions position.

As a part of general dialogue between the Planning Commission, the following reasons were provided to support denial of the conceptual site plan:

- The conceptual site plan was not a significant development for this tract as identified within the SR 54 West master plan
- Lacked pedestrian-friendly connectivity
- Included a random, haphazard placement of buildings
- Does not promote any relationship between the proposed buildings and the parking lot
- Lacked consideration of the adjoining property owners
- Was not the type of development that should be promoted at one of the major gateways into the community
- Does not reflect the type of development the citizens expect to see in Peachtree City
- Does not complement existing and proposed development within the SR 54 West Corridor

The Planning Commission went on to state that previously proposed plans were preferred. Mr. Rast reminded the Planning Commission they could only base their decision on the plan being presented for approval. He stated that while they may or may not support one of the other plans that had been presented in previous discussions, the plan being brought forth for approval was the only plan they could base their decision on.

Mr. Tim Lydell, a resident of Cardiff Park, came forward and stated that all of the residents in his subdivision were opposed to the current plan as proposed. He stated that in reference to the abandonment of roads, his research had found the city had either sold or abandoned 14 roads through the years.

He felt strongly the residents of the city should consider what we are getting ourselves into. This plan could be built and, in his opinion, be a negative addition to the city. Some of those in opposition to the big box were not even in close proximity to the property in question. Mr. Lydell stated that not all big boxes are created equal. He felt the Kohl's organization was very cooperative and willing to work with the city in what was requested. He stated that on February 20, 2008, there would be an article in the newspaper to supply the facts to the citizens. He also felt that the best plan was to close the road and build a plan that was amenable to Peachtree City. He stated that a group of citizens met with the developer to thrash out a plan that was good for the city, the nearby residents and the developer. He was aware that people did not like Doug McMurrain but said they should get over that and not let their opinion of him affect their decision, and let a plan that affected our city in a negative manner move forward just to be able to say "we didn't get a big box".

Mr. Brian Dingivan, a resident came forward to ask who would enforce the twenty-four points Mr. Lydell had indicated would be recorded as deed restrictions on the property. Mr. Rast replied that the Kohl's plan would require a Special Use Permit and Council would have the ability to adopt conditions of zoning that would be applicable to the property. He indicated that, if this were to happen, the conditions of zoning would apply whether or not Doug McMurrain develops the property or not.

Mr. Dingivan also stated that he assumed a traffic light would be needed on SR 54, and asked why the main entrance was not located off of Planterra Way as shown within the SR 54 West master plan with a right-in right-out access at SR 54. Mr. Rast responded that the residents of Planterra Ridge were opposed to the frontage road being extended to Planterra Way and that portion of the plan was removed months ago.

Mr. Paul Van't Hof stated it was his understanding the deed restrictions placed on the tennis center tract by Pathway Communities when this tract was deeded to the city would prevent a road connection to Planterra Way.

Ms. Laurie Farmer, President of the Wilshire Estates Homeowner's Association, came forward to state she felt there were many more alternatives left. She stated she does not want to see a regional draw to this area, which she believed existed with Wal-Mart and Home Depot. Ms. Farmer believed that the two developers needed to come together to design a plan together that flowed with each other.

Mr. Staples stated that he had participated in the process but felt the time investment made by Paul Van't Hof and Tim Lydell was an extreme effort. In respect to the Kohl's plan, he felt that the plan had become one to be proud of. The corridor was enhanced, as well as families and the flow of traffic.

Mr. Mullin stated this would go before City Council and hopefully the residents would not say "we don't want big boxes" but say "we don't want this plan". The big box plan was nice and the make up and components were there.

Ms. Farmer stated that she did not see any other alternatives. Mr. Staples responded that there had been three alternatives that had been worked through.

Mr. Paul Van't Hof stated that he and Mr. Lydell would take personal issue to any citizen in the city that requested more plans. They had spent hundreds of hours, far more than any other development in the city, fighting this issue. He admitted that they had previously said no to big boxes, but there was a difference in the definition of big box. In Peachtree City, 32,000 SF was classified as a big box and in other cities it would be 200,000 SF, which was a big difference. He also stated that the issue of abandoning and selling the roads would come before City Council and he did not envy their position. City Council would get a gas station or compromise and get a potential big box. There are no more plans available. Mr. Van't Hof stated that the Kohl's development was as similar to The Avenue as a development could be. The developer had stated he needed an anchor store. Mr. Van't Hof felt that small retailers would not survive for the next few years. The big picture must be looked at. He felt the following should be considered:

- The Kohl's plan came closer to any other plan that the various committees worked on.
- The Kohl's big box was not a regional draw. The marketing was a 6-8 mile radius circle.
- Kohl's had not closed a store in twenty years. Not very many big stores can say that.
- The building was designed to be split in half if they did close. This would be easier to deal with than a large empty Wal-mart.

Mr. Van't Hof stated that the following modifications had taken place to give the illusion of six different shops:

- Lighting
- Awnings
- Towers
- Facades
- Windows
- Architecture
- Parking

Mr. Van't Hof again stressed that this was the best that could happen for the City.

Mr. Mullin stated Mr. Van't Hof was not someone speaking to give in to the developer but he had spent the energy to become educated in how the process worked to manipulate change for the community. Developers had to be guided in a direction.

Ms. Beth Pullias, a resident of Peachtree City, came forward to state that she was confused as to why this plan was even being considered if Capital City Development was asking for the abandonment of the roads on the February 7, 2008 City Council meeting.

Mr. Rast replied that this plan was before the Commission tonight because it was submitted and had gone through Staff review. Mr. McMurrain had approached members of City Council in reference to the abandonment and did not receive favorable responses. Mr. McMurrain had also indicated that his financing was such that he must move forward. Mr. Rast stated that both Mr. McMurrain and Mr. Lowe had stated they were actively seeking tenants for this proposed plan.

Ms. Suzanne Dingivan, a resident of Wilshire Estates, came forward and stated that she thought that two members of the Commission were supposed to work with Capital City Development to produce a plan that would consider the selling of the roads. She also wanted to know why a plan that was in the handout proposal had not been looked at and was not being presented.

Mr. Rast responded that the two plans in the lobby were the ones that had been worked on with the committee and various members for several months. He also indicated that Staff could not review the plan she was questioning because it involved property that was not owned by Capital City Development. The conceptual site plan being considered for adoption did not involve the abandonment of the roads, and all of the property was owned by Mr. McMurrain.

Ms. Dingivan stated that she thought the roads would be sold if a plan was developed that incorporated the roads and questioned why that plan was not being considered instead of returning to the Kohl's plan.

Mr. Rast responded that Council would need to agree to abandon the roads and offer the roads to Capital City Development. The plan would then be reviewed by Staff. If City Council votes on February 7 and agrees to consider the request, Capital City would then come back with the three plans that had been presented. One was the Kohl's plan; another was the grocery store plan and lastly the gas station plan.

Ms. Phyllis Aguayo, a resident of Peachtree City, came forward and stated that Peachtree City historically had a "step down". This meant there was a step down in usage from commercial to residential. This wasn't there because there was no intention for there to be residential when the property was originally zoned. She stated that there should be an obligation on our part to protect the residential in excess to what would be required for commercial buffers. She also felt that the plan does provide that necessary buffer.

Ms. Aguayo stated that if the roads were given up the City should receive something of value. Mr. Rast replied that all of the buffers and setbacks were met. In reference to the roads, there would be an appraisal of the property and a determination of fair market value. If this was acceptable to Council, then a transaction would take place. There could also be a trade of property of equal or greater value.

Mr. Van't Hof also wanted to add that this plan should be denied because it was built at current grade, which would include buildings that were highly visible from both SR 54 and Cardiff Park. He indicated the other plans included cutting into the property to shield the buildings from view.

Mr. Lindsey came forward to state that none of the reasons he had heard or those mentioned by the Planning Commission should be a reason for denying the plan, as it complied with the intent and purpose of the base zoning district.

After discussion, a motion was made by Mr. Scott, seconded by Mr. Staples, that the proposed conceptual site plan for the Line Creek retail development on SR 54 West be denied based on the fact it does not comply with the intent of the SR 54 West Corridor Overlay District, the SR 54 West Master Plan or the SR 54 West Design Guidelines. Further, the conceptual site plan as proposed is not a significant development for this tract as identified within the SR 54 West master plan; lacks pedestrian-friendly connectivity; includes a random, haphazard placement of buildings, does not promote any relationship between the proposed buildings and the parking lot; lacks consideration of the adjoining property owners; is not the type of development that should be promoted at one of the major gateways into the community; does not reflect the type of development the citizens expect to see in Peachtree City; and, does not complement existing and proposed development within the SR 54 West Corridor.

The motion passed unanimously.

400 Westpark Court
Suite 220
Peachtree City, Georgia 30269

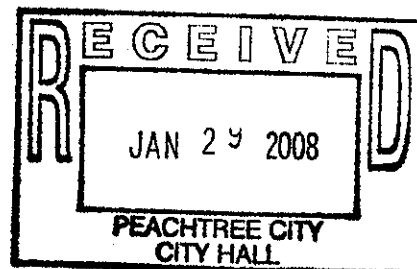
Telephone: (770) 631-1811
Facsimile: (770) 631-1771



Richard P. Lindsey
Attorney at Law

Extension: 111
E-mail: rlindsey@webb-firm.com
www.webb-firm.com

January 29, 2008



HAND DELIVERY

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

RE: Appeal of Planning Commission's Decision Rendered January 28, 2008;
Item Number 01-08-05, Conceptual Site Plan,
Line Creek Retail Development (SR 54 West)

Dear David:

Pursuant to Peachtree City Code of Ordinances, Section 1301, please accept this letter as the written request for appeal of the Planning Commission's denial of the above-captioned conceptual site plan. Please have this appeal placed on the next City Council meeting and provide the City Council with the documents and other materials presented to the Planning Commission for its review, consideration, and vote.

Should you require additional information from me, please do not hesitate to call.

Best regards.

Sincerely,

WEBB, LINDSEY & WADE, LLC

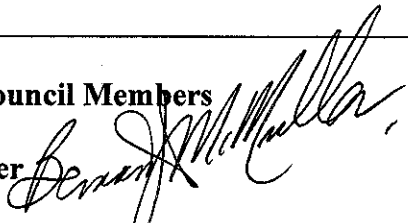
Richard P. Lindsey

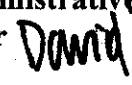
RPL:jmf
cc: Theodore P. Meeker, III
Capital City Development

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: Acting Administrative Services Director / City Clerk 
City Planner 

DATE: January 31, 2008

SUBJECT: Consider Actions and Amendment to Health and Sanitation Ordinance
Relative to Tattoo / Body Art Studios
February 7, 2008, City Council Meeting

Staff is still working with the City Attorney to draft an appropriate ordinance for this agenda item. Additional information will be provided prior to the February 7 meeting for discussion and possible adoption.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Building Official
Senior Code Enforcement Officer

FROM: City Planner/ Zoning Administrator 

DATE: January 31, 2008

SUBJECT: Proposed amendments to Chapter 18, Article X, Standard Housing Code, Section 18-276 of the City's Code of Ordinances, pertaining to multiple families within a single residence, and for other purposes.
February 7, 2008 City Council Agenda

Recommendation:

Staff recommends that Council approve the amendments to the Property Maintenance Code as proposed (Attachment "A").

Discussion:

Through the years, the city has seen an increase in the number of families residing within a single residence. While not rampant, there are some areas where this is beginning to create issues for Code Enforcement and unsanitary conditions for residents living in these and surrounding homes.

The City adopted the International Property Maintenance Code on December 7, 2006. The intent of this code is *"to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises."* As a part of the adoption process, the city also adopted local amendments to the code.

Staff is proposing additional local amendments, which address multiple families within a single dwelling and other issues. In addition, it has become apparent that all of the amendments adopted in 2006 were not included in the revisions to the Property Maintenance Code. For that reason, Staff is requesting that the ordinance be repealed in its entirety and replaced with the proposed amendments. This will allow us to verify that Council adopts all local amendments as proposed, which will then be replaced within the property Maintenance Code.

Proposed amendments to Chapter 18

January 31, 2008

Page 2

Budget impact:

There is no budget impact associated with this request.

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF
PEACHTREE CITY, SPECIFICALLY CHAPTER 18, BUILDING CODES
AND CONSTRUCTION, ARTICLE X, STANDARD HOUSING CODE,
SECTION 18-276, ADDRESSING UNRELATED PEOPLE WITHIN A
SINGLE DWELLING UNIT, AND FOR OTHER PURPOSES.**

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

Section 1. Article X, Standard Housing Code, Section 18-276, Code adopted; amendments; penalty for violation of the Peachtree City Code of Ordinances, be repealed in its entirety and amended as follows:

ARTICLE X. STANDARD HOUSING CODE

Sec. 18-276. Adoption of code (with amendments) and penalty for violation.

- (a) For the purpose of establishing uniform rules and regulations, the city hereby adopts the International Property Maintenance Code, the latest edition as adopted and amended by the state department of community affairs, as it is presented in the Model State Code, with the following exceptions:

The following specific sections are hereby revised and/ or replaced as noted:

Chapter 1 Administration

Section 101 General.

101.1 Title. These regulations shall be known as the property maintenance Code of the City of Peachtree City, hereinafter referred to as "the code".

Section 103 Department of property maintenance inspection.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in accordance with Peachtree City Code of ordinance Section 18-4.

Chapter 2 Definitions

No new additions.

Section 302

Exterior property areas.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

The exterior open space shall be maintained or so improved to provide for:

- (1) The immediate diversion of water away from structures and proper drainage of the premises.
- (2) Grass, plantings or other suitable ground cover to prevent soil erosion which is, or may become, detrimental to structures, premises use or adjacent premises and structures.

Exception: Approved retention areas and reservoirs which are properly treated.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicles shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. A valid license or tag shall be displayed on the vehicle at all times. Painting of vehicles is prohibited unless conducted inside an appropriate spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed areas designed and approved for such purposes.

302.10 Prohibited outdoor storage. No person shall permit or allow the outside storage of appliances, household fixtures, furniture designed for indoor use, building material, building rubbish, inoperable golf carts or parts, or similar items.

Section 304

Exterior structure.

304.14. Insect screens. From January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less

than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 307

Rubbish and garbage.

307.3.3 Grease receptacles. The operator of every establishment producing cooking oil waste shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the outside storage of such materials until removed from the premises for disposal. The containers shall be located within an approved walled, roofed and gated structure and placed within a secondary container capable of containing an amount equal to 100 % of the capacity of the primary container. The location of such enclosure shall be approved as a part of the site plan approval process and comply with applicable ordinances.

Section 308

Extermination

308.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

Exception: Extermination of wood destroying organisms shall, in all cases, be the responsibility of the building owner.

Chapter 4

Light, ventilation and occupancy limitations

Section 404

Occupancy limitations.

404.5.3 Closet space. Every bedroom shall have at least six (6) square feet of floor to ceiling heated closet space for the personal effects of the permissible occupants. For each permissible occupant over two there shall be an addition of four (4) square feet in the above described closet; however, if such additional space is lacking in such closet part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of bedroom space used in determining permissible occupancy.

404.5.4 Location of bedrooms. No space located totally or partially below grade shall be used as a bedroom of a dwelling unit unless:

- (1) *Floor and walls.* The floor and those portions of the walls are of waterproof and damp proof construction.

- (2) *Window.* The total openable window area for allowing the entrance of outside light in each bedroom is equal to at least five square feet.
- (3) *Obstructions.* There are no pipes, ducts or other obstructions less than six feet eight inches from the floor level which interfere with the normal use of the room or area.

404.8 Kitchen and eating area. Every dwelling unit shall have a separate room in which food may be prepared or cooked, which shall be equipped with the following:

- (1) *Kitchen sink.* A kitchen sink in good working condition and properly connected to a public water supply system, which provides at all times an adequate amount of heated and unheated running water under pressure, and connected to the City's sewage system or a City and Fayette County Health Department approved septic tank system.
- (2) *Cabinets.* Cabinets for the storage of eating, drinking and cooking equipment and utensils and of food that, under ordinary conditions, does not require refrigeration for safekeeping, and a counter for food preparation.
- (3) *Stove and refrigerator.* A natural gas, propane or electric stove for cooking food, and an electric refrigerator for the safe storage of food at temperatures between 32 degrees Fahrenheit and 50 degrees Fahrenheit under ordinary conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation.

404.8.1 Eating area. Every dwelling unit shall have a room, a part of the kitchen or directly connected to the kitchen, intended for the consumption of food.

404.9 Bathroom furnishings. The bathroom shall be equipped with one sink with hot and cold running water faucet, a flush toilet and a shower or bathtub with a hot and cold running water faucet. All three shall be connected to an approved private or public potable water system and a public sewer or approved private septic system. A bathroom does not qualify to be counted toward the minimum number of bathrooms required by this section unless it is on the same floor level or story as at least one bedroom that it serves.

404.9.1 Bathroom. Every dwelling unit shall have at least one bathroom. The minimum number of additional bathrooms shall depend upon the number of bedrooms in the dwelling unit. The

minimum number of bathrooms per number of bedrooms shall be in accordance with the following schedule:

Number of bedrooms	Minimum number of bathrooms
1-3	1
4-5	2
6-7	3
8-9	4

Chapter 5 Plumbing facilities and fixture requirements

No new additions.

Chapter 6 Mechanical and electrical requirements

Section 602. Heating facilities.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 30 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

- (1) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in appendix D of the International Plumbing Code.
- (2) In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 30 to maintain a temperature of not less than 65°F (18°C) during the period the space is occupied.

Exceptions:

- (1) Processing, storage and operation areas that require cooling or special temperature conditions.
- (2) Areas in which persons are primarily engaged in vigorous physical activities.

Chapter 7 Fire safety requirements

Section 701. General.

701.3 Trees. Portions of tree crowns that extend within 10 feet of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of 10 feet. Dead wood and litter shall be regularly removed from trees.

Section 705. Storage of firewood and combustible materials.

705.1 General. Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the code official, storage of firewood and combustible materials shall be located a minimum of 20 feet from the structures. Firewood and combustible materials not for consumption on the premises shall be stored so as to not pose a hazard.

Chapter 8 Referenced standards

No new additions.

- (b) Any person violating any provision of such code shall be punished as provided in section 1-11.

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

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

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

This _____ day of _____ 2008.

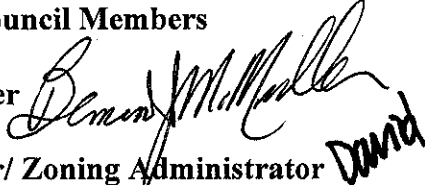
Harold K. Logsdon, Mayor

Attest:

City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
VIA: City Manager 
FROM: City Planner/ Zoning Administrator 
DATE: January 31, 2008
SUBJECT: Acceptance of 20.07-acre land donation.
February 7, 2008 City Council Agenda

Recommendation:

Staff recommends that Council accept the 20.07-acres of land being donated from Peach State Land Development, Inc. (Attachment "A").

Discussion:

As a part of the de-annexation of property for the Platinum Ridge subdivision, the Applicant offered to donate a portion of the overall tract to the city. This donation, along with the de-annexation, would allow the city to establish the city boundary separating Peachtree City from unincorporated Fayette County along the centerline of Camp Creek.

The 20.07-acre tract of land is located on the east side of Camp Creek (Attachment "B"), and is located between the Camp Creek subdivision and Camp Creek. The property is located within the floodplain of Camp Creek and cannot be developed.

Budget impact:

There is no budget impact associated with this request.

(Do not use agent's information)					
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME Peach State Land Development, Inc.			Exempt Code If no exempt code enter NONE		Deed of Gift
MAILING ADDRESS (STREET & NUMBER) P.O. Box 629			1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown		\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Fayetteville, GA 30214 USA		DATE OF SALE 11/20/2007	1A. Estimated fair market value of Real and Personal property		\$0.00
(Do not use agent's information)			2. Fair market value of Personal Property only		\$0.00
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME The City of Peachtree City, a Municipal Corporation of th ...*			3. Amount of liens and encumbrances not removed by transfer		\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 151 Willowbend Road			4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)		\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Peachtree City, GA 30269 USA		Check Buyers Intended Use () Residential () Commercial () Agricultural () Industrial	5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)		\$0.00
(Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A)		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION			SUITE NUMBER
COUNTY FAYETTE	CITY (IF APPLICABLE)		MAP & PARCEL NUMBER NA		ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT 7	ACRES 20.07	LAND LOT 64	SUB LOT & BLOCK
(Official Use Only)					
DATE	DEED BOOK		DEED PAGE	PLAT BOOK	PLAT PAGE

None

...* This asterisk signifies that the data was too big for the field. The original values are shown below.

BUYER'S BUSINESS NAME: The City of Peachtree City, a Municipal Corporation of the State of Georgia

Draw Deed Only
WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, Made the 20th day of November in the year two thousand seven, between

PEACH STATE LAND DEVELOPMENT, INC.

as party or parties of the first part, hereinafter called Grantor, and

THE CITY OF PEACHTREE CITY, A MUNICIPAL CORPORATION OF THE STATE OF GEORGIA

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of OTHER GOOD AND VALUABLE CONSIDERATION AND TEN AND NO/100 (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

FOR A FULL AND COMPLETE LEGAL DESCRIPTION AND SPECIAL PROVISIONS SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

THIS WARRANTY DEED IS GIVEN IN REPLACEMENT OF A PRIOR DEED BETWEEN THE PARTIES HERETO CONVEYING THE SAME PROPERTY WHICH WAS DATED JUNE 8, 2006. SAID PRIOR DEED WAS EITHER LOST OR MISPLACED PRIOR TO RECORDATION.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only property use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
in presence of:

PEACH STATE LAND DEVELOPMENT, INC.


WITNESS


RODERICK A. WRIGHT, PRESIDENT


NOTARY PUBLIC


DONALD BRANDENBURG, SECRETARY

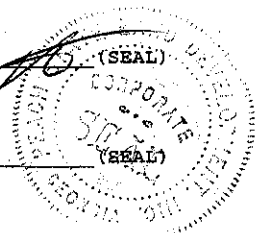


EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 64 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING TRACT "A" CONTAINING 20.07 ACRES, MORE OR LESS, AS SHOWN ON THE PLAT PREPARED FOR PEACH STATE LAND DEVELOPMENT, INC., DATED SEPTEMBER 29, 2004, PREPARED BY S.J. REEVES & ASSOCIATES, INC., RLS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE NORTHERLY LAND LOT LINE OF SAID LAND LOT 64, SAID POINT BEING LOCATED A DISTANCE OF 1805.53 FEET WESTERLY, AS MEASURED ALONG SAID LAND LOT LINE, FROM THE ORIGINAL, NORTHEASTERLY CORNER OF SAID LAND LOT 64; FROM SAID POINT OF BEGINNING RUNNING THENCE ALONG THE CENTER LINE OF A CREEK THE FOLLOWING COURSES AND DISTANCES, TO WIT:

RUNNING THENCE SOUTH 7 DEGREES 10 MINUTES 29 SECONDS WEST A DISTANCE OF 66.87 FEET; RUNNING THENCE SOUTH 62 DEGREES 29 MINUTES 31 SECONDS EAST A DISTANCE OF 114.82 FEET; RUNNING THENCE NORTH 61 DEGREES 22 MINUTES 59 SECONDS EAST A DISTANCE OF 25.31 FEET; RUNNING THENCE SOUTH 62 DEGREES 45 MINUTES 03 SECONDS EAST A DISTANCE OF 47.01 FEET; RUNNING THENCE NORTH 86 DEGREES 01 MINUTES 46 SECONDS EAST A DISTANCE OF 42.28 FEET; RUNNING THENCE SOUTH 33 DEGREES 48 MINUTES 20 SECONDS EAST A DISTANCE OF 61.10 FEET; RUNNING THENCE SOUTH 13 DEGREES 54 MINUTES 01 SECONDS WEST A DISTANCE OF 47.86 FEET; RUNNING THENCE SOUTH 24 DEGREES 13 MINUTES 55 SECONDS EAST A DISTANCE OF 34.48 FEET; RUNNING THENCE SOUTH 26 DEGREES 14 MINUTES 49 SECONDS WEST A DISTANCE OF 66.24 FEET; RUNNING THENCE SOUTH 44 DEGREES 20 MINUTES 53 SECONDS EAST A DISTANCE OF 106.93 FEET; RUNNING THENCE SOUTH 11 DEGREES 21 MINUTES 37 SECONDS EAST A DISTANCE OF 142.52 FEET; RUNNING THENCE SOUTH 69 DEGREES 05 MINUTES 13 SECONDS

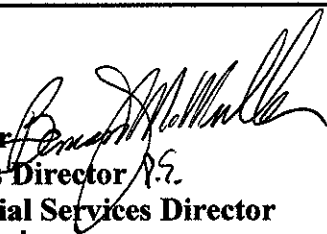
EAST A DISTANCE OF 77.11 FEET; RUNNING THENCE SOUTH 25 DEGREES 03 MINUTES 24 SECONDS EAST A DISTANCE OF 72.31 FEET; RUNNING THENCE SOUTH 39 DEGREES 24 MINUTES 17 SECONDS EAST A DISTANCE OF 56.96 FEET; RUNNING THENCE NORTH 74 DEGREES 08 MINUTES 10 SECONDS EAST A DISTANCE OF 49.87 FEET; RUNNING THENCE SOUTH 25 DEGREES 24 MINUTES 11 SECONDS EAST A DISTANCE OF 45.04 FEET; RUNNING THENCE SOUTH 47 DEGREES 36 MINUTES 23 SECONDS EAST A DISTANCE OF 161.48 FEET; RUNNING THENCE NORTH 69 DEGREES 07 MINUTES 19 SECONDS EAST A DISTANCE OF 54.66 FEET; RUNNING THENCE SOUTH 86 DEGREES 58 MINUTES 01 SECONDS EAST A DISTANCE OF 87.82 FEET; RUNNING THENCE SOUTH 00 DEGREES 37 MINUTES 04 SECONDS WEST A DISTANCE OF 45.12 FEET; RUNNING THENCE SOUTH 67 DEGREES 50 MINUTES 11 SECONDS EAST A DISTANCE OF 59.74 FEET; RUNNING THENCE SOUTH 54 DEGREES 03 MINUTES 16 SECONDS EAST A DISTANCE OF 78.01 FEET; RUNNING THENCE NORTH 75 DEGREES 53 MINUTES 11 SECONDS EAST A DISTANCE OF 41.33 FEET; RUNNING THENCE SOUTH 27 DEGREES 07 MINUTES 12 SECONDS EAST A DISTANCE OF 59.56 FEET; RUNNING THENCE SOUTH 43 DEGREES 42 MINUTES 53 SECONDS EAST A DISTANCE OF 54.10 FEET; RUNNING THENCE SOUTH 22 DEGREES 02 MINUTES 00 SECONDS EAST A DISTANCE OF 324.52 FEET; RUNNING THENCE SOUTH 39 DEGREES 48 MINUTES 20 SECONDS EAST A DISTANCE OF 114.07 FEET; RUNNING THENCE SOUTH 73 DEGREES 18 MINUTES 03 SECONDS EAST A DISTANCE OF 50.83 FEET; RUNNING THENCE SOUTH 19 DEGREES 13 MINUTES 50 SECONDS WEST A DISTANCE OF 73.91 FEET; RUNNING THENCE NORTH 84 DEGREES 17 MINUTES 22 SECONDS EAST A DISTANCE OF 97.86 FEET; RUNNING THENCE SOUTH 60 DEGREES 07 MINUTES 26 SECONDS EAST A DISTANCE OF 69.60 FEET TO A POINT; RUNNING THENCE SOUTH 03 DEGREES 04 MINUTES 46 SECONDS EAST, AND DEPARTING FROM SAID CENTER LINE OF A CREEK, A DISTANCE OF 529.78 FEET TO A POINT; RUNNING THENCE SOUTH 87 DEGREES 01 MINUTE 16 SECONDS WEST A DISTANCE OF 397.74 FEET TO A POINT; RUNNING THENCE NORTH 07 DEGREES 14 MINUTES 01 SECONDS EAST A DISTANCE OF 206.75 FEET TO A POINT; RUNNING THENCE NORTH 63 DEGREES 18 MINUTES 58 SECONDS WEST A DISTANCE OF 269.67 FEET TO A POINT; RUNNING THENCE NORTH 80 DEGREES 45 MINUTES 07 SECONDS WEST A DISTANCE

OF 124.29 FEET TO A POINT; RUNNING THENCE NORTH 46 DEGREES 26 MINUTES 16 SECONDS WEST A DISTANCE OF 390.03 FEET TO A POINT; RUNNING THENCE NORTH 05 DEGREES 50 MINUTES 14 SECONDS EAST A DISTANCE OF 96.35 FEET TO A POINT; RUNNING THENCE NORTH 04 DEGREES 50 MINUTES 42 SECONDS EAST A DISTANCE OF 101.20 FEET TO A POINT; RUNNING THENCE NORTH 17 DEGREES 47 MINUTES 30 SECONDS WEST A DISTANCE OF 149.97 FEET TO A POINT; RUNNING THENCE NORTH 66 DEGREES 52 MINUTES 05 SECONDS WEST A DISTANCE OF 266.15 FEET TO A POINT; RUNNING THENCE NORTH 11 DEGREES 00 MINUTES 37 SECONDS EAST A DISTANCE OF 361.11 FEET TO A POINT; RUNNING THENCE NORTH 70 DEGREES 41 MINUTES 43 SECONDS WEST A DISTANCE OF 143.31 FEET TO A POINT; RUNNING THENCE NORTH 70 DEGREES 31 MINUTES 44 SECONDS WEST A DISTANCE OF 27.85 FEET TO A POINT; RUNNING THENCE NORTH 20 DEGREES 18 MINUTES 09 SECONDS WEST A DISTANCE OF 27.40 FEET TO A POINT; RUNNING THENCE NORTH 20 DEGREES 20 MINUTES 43 SECONDS WEST A DISTANCE OF 107.37 FEET TO A POINT; RUNNING THENCE NORTH 60 DEGREES 18 MINUTES 30 SECONDS WEST A DISTANCE OF 123.46 FEET TO A POINT; RUNNING THENCE NORTH 36 DEGREES 42 MINUTES 07 SECONDS WEST A DISTANCE OF 182.33 FEET TO A POINT; RUNNING THENCE NORTH 36 DEGREES 50 MINUTES 48 SECONDS WEST A DISTANCE OF 90.05 FEET TO A POINT, WHICH POINT IS LOCATED ON THE NORTHERLY LAND LOT LINE OF SAID LAND LOT 64; RUNNING THENCE IN AN EASTERLY DIRECTION, AND FOLLOWING ALONG SAID LAND LOT LINE, A SUFFICIENT DISTANCE TO ARRIVE AT THE POINT OF BEGINNING.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Bernard McMullen, City Manager 
Paul Salvatore, Financial Services Director 
Janet Camburn, Assistant Financial Services Director
Angela Egan, Purchasing Agent 

FROM: Mike DuPree, Major 

DATE: January 30, 2008

SUBJECT: Police Vehicles
February 7, 2008, City Council Meeting

Recommendation:

Staff recommends the purchase of seven (7) Patrol Crown Victoria police vehicles (4 replacement and 3 new) from Family Ford for the bid price of \$145,859.00. Staff also recommends the purchase of three (3) unmarked replacement Criminal Investigations Division (CID) vehicles from Legacy Ford for the bid price of \$55,503.00. These bid prices do not include the after-market accessories, radios, or radar units. These will be purchased separately for the vehicles.

Discussion:

Bid packages were mailed to several area Ford distributors. Bids were received from six of these Ford dealers for the Patrol Crown Victoria vehicles and from five Ford dealers for the CID Ford Explorer vehicles.

Patrol vehicles:

Family Ford	\$20,837.00 per vehicle	\$145,859.00 extended
Legacy Ford	\$20,889.00 per vehicle	\$146,286.00 extended
Peach County Ford	\$20,982.00 per vehicle	\$146,874.00 extended
Allan Vigil (Morrow)	\$21,187.00 per vehicle	\$148,309.00 extended
Sam Pack's 5 Star ford	\$21,336.95 per vehicle	\$149,358.65 extended
Allan Vigil (Fayetteville)	\$22,132.95 per vehicle	\$154,930.65 extended

CID vehicles:

Legacy Ford	\$18,501.00 per vehicle	\$55,503.00 extended
Family Ford	\$18,669.00 per vehicle	\$56,007.00 extended
Allan Vigil (Fayetteville)	\$18,692.95 per vehicle	\$56,078.85 extended
Peach County Ford	\$18,699.00 per vehicle	\$56,097.00 extended
Allan Vigil (Morrow)	\$18,794.00 per vehicle	\$56,382.00 extended

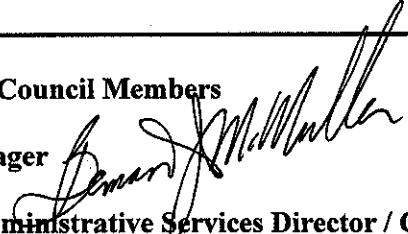
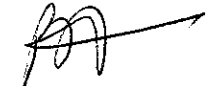
These patrol vehicles are necessary in order to maintain a sufficient fleet of vehicles for the three (3) new positions, to replace three (3) patrol units that have exceeded 100,000 miles, and to replace one (1) wrecked patrol vehicle. The three (3) CID vehicles are required to replace existing vehicles that will soon exceed 100,000 miles. These vehicles are in a declining rate of repair and do not reflect the best image of the City. Staff recommends replacing the existing Ford Taurus fleet with Ford Explorers due to the increased payload capability required for CID crime scene processing equipment and passengers.

Budget Impact:

The 2008 PIP budget for the vehicles is \$433,300.00. This will leave a balance of \$231,938.00 for the necessary accessories, radios and radar units.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
VIA: City Manager 
FROM: Acting Administrative Services Director / City Clerk 
DATE: January 31, 2008
SUBJECT: Appoint/Reappoint Ethics Board Members
February 7, 2008, City Council Agenda

Recommendation:

Appoint Mr. Bruce Brooks to the Ethics Board as required by City ordinance contingent on completion of a successful criminal background check.

Discussion:

On January 3, 2008, Council appointed the 10 member Ethics Board to serve in the coming two years. After receiving notice of the re-appointment, Mayor Logsdon's appointee, Ms. Beth Brooks, asked to be replaced on the Board. Mayor Logsdon nominated Mr. Bruce Brooks to represent him on the Board.

Mr. Brooks has completed all of the required paperwork. Staff requests that Mr. Brooks be appointed contingent upon a successful criminal background check.

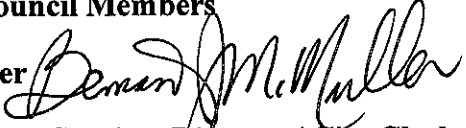
Budget Impact:

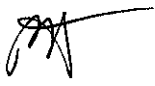
None

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: Administrative Services Director / City Clerk 
City Planner

DATE: February 4, 2008

SUBJECT: Consider Amendment to Health and Sanitation Ordinance Relative to Tattoo Studios
February 7, 2008, City Council Meeting

Recommendation:

That Council adopt the attached ordinance amendment relating to tattoo parlors.

Discussion:

In January, the City received its first Occupational Tax from a business that provides tattooing. A careful review of the City ordinances and state law governing these types of establishments indicates that there are many health-related issues that must be monitored for the business to operate safely. In general, state law assigns the registration and enforcement powers to the County Board of Health. If such a permit is not available, it appears that the applicant must obtain a permit from the State Department of Human Services.

Fayette County prohibits establishments offering tattooing services except by or under the supervision of a licensed physician or osteopath, which does not require registration with a Board of Health. Staff is proposing an ordinance that would place equal limitations on establishments offering tattooing services until such time as the Board of Health adopts a permitting process. Existing establishments that have already obtained a permit from the State would be given one year to comply with the new ordinance.

Should a new tattoo studio under the appropriate supervision of a licensed physician choose to locate in Peachtree City, the ordinance requires the facility to be located in LI Limited Industrial zoning district.

Budget Impact:

This item should have no budgetary impact.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED, SO AS TO PROVIDE FOR REQUIREMENTS FOR TATOO ARTISTS AND TATOO PARLORS; TO PROVIDE DEFINITIONS; TO ESTABLISH QUALIFICATIONS; AND FOR OTHER PURPOSES.

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

Section 1. Article V, Chapter 42, of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended by adding the following:

Article V. Tattooing

Sec. 42-200. Findings and purpose.

The City of Peachtree City hereby finds and declares the need to protect its people through greater supervision of tattooing and tattoo businesses. The City of Peachtree City recognizes that the threat of AIDS/HIV and hepatitis contamination through shared tattoo needles and other aspects of the tattoo process has the potential for negatively affecting the health and safety of the general public. The City of Peachtree City also recognizes that there has been an alarming expansion of the tattoo business into the criminal activity of tattooing minors. The City of Peachtree City also recognizes the potential impact that tattoo businesses can have on property values. Pursuant to O.C.G.A. 31-40-5, the Fayette County Board of Health is authorized to establish reasonable standards for health and safety of tattoo studios. Until such time as the Board establishes such rules and develops a permitting process, the City of Peachtree City realizes its obligation to protect the health and safety of its people and hereby regulates the tattoo industry, and pursuant to O.C.G.A. § 31-40-9, hereby adopts regulations applicable to tattoo businesses.

Sec. 42-201. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Tattoo or *tattooing* means to mark or color the skin of any person with an indelible mark or figure fixed upon the body by pricking in, inserting, or implanting pigments under the skin or by production of scars.

Tattoo parlor, studio or *corporation* means any business wherein one or more tattooers perform tattooing, and where such tattooing comprises over fifty (50) percent of the services rendered by such business.

Tattooer means any person qualified to perform tattooing.

Sec. 42-202. Qualifications.

It shall be unlawful for any person to tattoo the body of any human being, except that tattooing may be performed by a person licensed to practice medicine or osteopathy under O.C.G.A. Title 43, Chapter 34, or by a technician acting under the direct supervision of such licensed professional.

Sec. 42-203. Restrictions; requirements; hours of operation.

(a) The use of the word "tattoo" in a business name or business advertising shall be prohibited unless the person providing the tattooing and the businesses using such term are qualified and licensed under this division and under applicable regulatory and zoning ordinances. For the purposes of this section, "advertising" includes telephone directory listings.

(b) A parlor, studio or corporation which conducts tattooing shall meet the following physical requirements:

- 1) The studio shall be constructed in a manner to allow the customer receiving the tattoo adequate privacy from observers. The studio shall have both a seated waiting area and a proper work area. The work area shall be separated from the waiting area by a permanent wall or like structure.
- 2) A clean and sanitary toilet and hand washing facility shall be made accessible to customers and shall be separate from the work area.
- 3) The work area shall be equipped with at least one sink and basin providing hot and cold running water for the use of the artists for washing their hands and preparing their customers for tattooing and/ or body piercing.
- 4) The work area shall be provided with adequate lighting. The work area shall not be used as a corridor for access to other rooms.

(c) A tattoo parlor, studio, or corporation may only be located on properties zoned Light Industrial (LI) under the City of Peachtree City Zoning Ordinance.

(d) A tattooer or a tattoo parlor/corporation may only perform such services between the hours of 8:00 a.m. and 8:00 p.m.

Sec. 11-139. Violations.

(a) Any nonqualified person performing tattooing in violation of this division shall be guilty of a misdemeanor, and shall be punished as provided in section 1-11.

(b) Any qualified person performing tattooing in violation of the requirements and restrictions of this division shall be guilty of a misdemeanor, and shall be punished as provided in section 1-11.

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

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

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council and shall apply to all tattoo parlors, studios, or corporations not in operation or permitted by the State as of the date of adoption. Any tattoo parlor, studio, or corporation already in operation or already permitted by the State shall have a period of 12 months to comply with the provisions of the ordinance upon receiving written notification of its adoption.

This _____ day of _____ 2007.

Harold K. Logsdon, Mayor

Attest: _____
City Clerk