

**City of Peachtree City
Agenda
Newly Elected Officials
Oath of Office
January 3, 2002
7:00 p.m.**

Invocation

Reverend Johnson

Oath of Office

Steven A. Rapson – Oath Administered by Reverend Keith Moore (tentative)

Murray Weed – Oath Administered by Judge Chris Edwards

Stephen Brown – Oath Administered by Judge Chris Edwards

Comments by Mayor Brown

Closing Prayer

Cannon Epps

Adjourn

(City Council meeting to follow)

Oath of Office

Councilmember Steve Rapson

I do solemnly swear or affirm that I will well and truly perform the duties of Councilmember of Peachtree City by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of Peachtree City and that I will support and defend the Charter and ordinances thereof as well as the constitution and laws of the State of Georgia and of the United States of America. So help me God.

Signed: _____

Sworn to and subscribed before in on this 3rd day of January 2002.

Notary

Oath of Office

Councilmember Murray Weed

I do solemnly swear or affirm that I will well and truly perform the duties of Councilmember of Peachtree City by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of Peachtree City and that I will support and defend the Charter and ordinances thereof as well as the constitution and laws of the State of Georgia and of the United States of America. So help me God.

Signed: _____

Sworn to and subscribed before in on this 3rd day of January 2002.

Notary ..

Oath of Office

Mayor Steve Brown

I do solemnly swear or affirm that I will well and truly perform the duties of Mayor of Peachtree City by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of Peachtree City and that I will support and defend the Charter and ordinances thereof as well as the constitution and laws of the State of Georgia and of the United States of America. So help me God.

Signed: _____

Sworn to and subscribed before in on this 3rd day of January 2002.

Notary

City Council of Peachtree City
Agenda
January 3, 2002

7:00 p.m

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
 - Recognize Dan Wright for Service on the Recreation Commission
 - Recognize Jim Cole for Service on WASA
 - Recognize Employee of the Year
 - Recognize Supervisor of the Year
- III. Minutes
- IV. Monthly Reports
- V. Election and Oath of Office of Mayor Pro-tem
- VI. Consent Agenda
 - 1. Annual Indemnification Resolution
 - 2. Update Radar Permits on New Roads and School Zones
- VII. Old Agenda Items
 - 12-01-02 Public Hearing – Easement Request – St. Andrew's Square
- VIII. New Agenda Items
 - 01-02-01 Alcohol License – New – Ted's Montana Grill
 - 01-02-02 Alcohol License – New – Famous Fish Company
 - 01-02-03 Consider Amendment to Ethics Ordinance
 - 01-02-04 Consider Moratorium on Development Activity
 - 01-02-05 Discussion on tags for GEM/NEV vehicles
- IX. Council/Staff Topics
- X. Executive Session

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

2002 City Event Calendar

<u>January</u>	<u>February</u>	<u>March</u>
1/1 – New Year's – City offices closed 1/3 – City Council Meeting, 7 p.m. 1/17 – City Council Meeting, 7 p.m. 1/19 – MLK Service, Starr's Mill High School – 10:00 a.m. 1/21 – MLK Holiday – City offices closed 1/26 – GMA Mayor's Day, Atlanta	2/2-4 – GMA Newly Elected Official Training, Athens 2/7 – City Council Meeting, 7 p.m. 2/21 – City Council Meeting, 7 p.m.	3/7 – City Council Meeting, 7 p.m. 3/17-19– GMA Newly Elected Official Training, Athens 3/22 – GMA Joint Spring Training, Dalton 3/21 – City Council Meeting, 7 p.m.
<u>April</u>	<u>May</u>	<u>June</u>
4/4 – City Council Meeting, 7 p.m. 4/18 – City Council Meeting, 7 p.m.	5/2 – City Council Meeting, 7 p.m. 5/3 – GMA Spring Training, Valdosta 5/16 – City Council Meeting, 7 p.m. 5/27 – Memorial Day, City offices closed	6/6 – City Council Meeting, 7 p.m. 6/20 – City Council Meeting, 7 p.m. 6/22-25 – GMA Annual Convention, Savannah
<u>July</u>	<u>August</u>	<u>September</u>
7/4 – Independence Day, City offices closed (7/4 – City Council Meeting, 7 pm) 7/18 – City Council Meeting, 7 pm	8/1 – City Council Meeting, 7 pm 8/7-9 – GMA Leadership Institute for Municipal Officials 8/15 – City Council Meeting, 7 pm 8/23-24, GMA 2-day Training, PTC	9/2 – Labor Day, City offices closed 9/5 – City Council Meeting, 7 p.m. 9/19 – City Council Meeting, 7 p.m. 9/30 – GMA Joint Fall Conf., Atlanta
<u>October</u>	<u>November</u>	<u>December</u>
10/3 – City Council Meeting, 7 pm 10/17 – City Council Meeting, 7 pm	11/7 – City Council Meeting, 7 pm 11/21 – City Council Meeting, 7 pm 11/28 & 29 – Thanksgiving Holiday – City Offices Closed	12/5 – City Council Meeting, 7 p.m. 12/19 – City Council Meeting, 7 p.m. 12/24 & 25 – Christmas Holiday – City Offices Closed at noon on 24 th

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

Updated 11/15/01

Public Information
2001 Citizen Call Log
As of 11/30/01

Problem/Complaint	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD 2001	YTD 2000	% of 2001
Animal Control	1												1	0	0%
Business Complaint Development	1	1		1					1	1			5	0	2%
Garbage Company	3		1	1	1								0	1	0%
AT&T (InterMedia) Cable	4	6	8	14	5				2	1	3		15	29	7%
Ordinance/Code Violations	9	6	1	1		7		22	20	17	11		144	30	70%
Public Works Repair Request	1		1	1		1					1		19	21	9%
Recreation						3							6	21	3%
Traffic						1							1	6	0%
Utility Company	2		2	1									1	5	0%
Other						2	1						8	31	4%
TOTAL	21	13	13	19	6	14	25	23	21	4	32	207	157	100%	
Average Response Time for action/update contact w/citizen	0.11 days	0.00 days	0.08 days	0.00 days	0.00 days	0.64 days	0.04 days	0.40 days	0.05 days	0.05 days	0.10 days				0.12 days
% Response Time for response / action on same day	90%	100%	92%	100%	100%	79%	96%	87%	95%	95%	91%				93%

Other Issues/Comments:

City Hall has received 87 AT&T Broadband complaint calls in December as of 12/26/01. Many are upset about channel changes and new lineup. Also, there have been numerous problems with the upgrade causing ongoing outages or reception problems spanning several days and nights. Although the upgrade is supposed to provide more reliable service, there are several issues with their Customer Service policies that may be problems well after the rebuild is complete (example: If one resident calls about their cable being out, two more calls must come in from Peachtree City before technicians will be dispatched. Also, if someone is having problems and schedules a service appointment, and then an outage occurs in their neighborhood, the computer system automatically deletes all work orders for the neighborhood once the outage is corrected, and the original callers are not notified).

BUILDING DEPARTMENT

2001 MONTHLY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2001 YEAR-TO-DATE	2000 YEAR-TO-DATE
DEVELOPMENT PERMITS:	15	9	38	22	44	14	20	15	18	13	18		226	153
BUILDING PERMITS:														
Single Family Residential	12	10	25	14	27	18	20	11	14	12	12		175	121
Multi-Family Residential	0	0	0	0	0	0	0	0	0	0	0		0	591
Misc.-Pools/fences/additions	33	40	55	64	74	61	78	52	51	50	40		598	662
Commercial/Industrial	15	12	29	4	8	9	10	8	8	14	5		122	113
TOTAL INSPECTIONS:	838	789	749	551	555	686	631	899	700	873	707		7,978	4,619
CERTIFICATE OF OCCUPANCY:														
Residential	10	12	17	8	12	16	11	15	24	12	22		159	163
Commercial	2	7	16	15	6	8	2	6	4	0	5		71	24
Multi-Family Residential	69	35	0	0	0	83	0	212	0	26	28		453	0
CODE ENFORCEMENT:														
Sign Violations	84	46	152	97	166	187	171	113	87	197	139		1,439	0
Rehab	16	11	13	31	18	13	13	2	1	6	8		132	0
Notice of Violations	282	195	234	376	260	282	240	233	194	235	124		2,655	3,739
Citations *	1	2	2	4	4	0	0	4	36	3	3		59	17
Stop Work Orders	7	3	4	12	7	5	5	1	7	5	2		58	57
Complaints From Citizens	14	8	13	25	29	6	16	5	16	20	17		169	0
Assessments	135	176	115	294	79	58	61	4	1	1	0		924	0
PERMIT FEES COLLECTED:	21,956	30,682	47,309	16,939	23,856	33,109	32,766	36,149	37,036	60,358	24,026		364,196	411,100
POPULATION: Based on	32,158	32,294	32,343	32,366	32,401	32,688	32,720	33,378	33,448	33,558	33,703		33,703	31,913
2.9 of completed occupancy**	1													

* 35 citations to AT&T Broadband for September

**Adjusted to reflect 2000 census figures.

Peachtree City Prisoners at Fayette County Jail

2001

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD 2001	Previous Year
*Average Misdemeanors	7.57	8.42	8.18	7.90	10.08	11.61	9.80	6.86	9.57	12.60	12.85		9.59	N/A
*Average Felonies	6.14	5.19	4.27	2.42	2.26	2.14	3.00	3.00	1.05	1.00	1.00		2.86	N/A

*Average Totals	13.71	13.61	12.45	10.32	12.34	13.75	12.80	9.86	10.62	13.60	13.85	0.00	12.45	N/A
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*These totals do not include weekend incarcerations.

Fayette County Jail Fund

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD 2001	Previous Year
	\$6,666.73	\$7,101.58	\$5,080.68	\$6,986.11	\$6,542.81	\$7,707.24	\$5,984.89	\$5,084.78	\$5,294.90	\$5,217.68	\$6,161.08		\$69,838.48	N/A

Financial Services Monthly Report

STATUS OF FUNDS AS OF NOVEMBER 30, 2001

Fund	Cash Balance	Total Investment	Total Fund Balance	YTD Interest
General Fund	\$385,421	\$3,127,070	\$3,512,492	\$10,785
Library Sales Tax Fund	\$44,830	\$0	\$44,830	\$0
Public Improvement Fund	\$400,933	\$989,427	\$1,390,360	\$3,346
Police Station Lease	\$0	\$39,095	\$39,095	\$463
Self Insurance Fund	\$24,813	\$389,635	\$414,449	\$1,173
Debt Service Fund	\$445,161	\$0	\$445,161	\$0
Municipal Court Fund	\$30,801	\$0	\$30,801	\$0
Develop & Impact Fees	\$154,978	\$613,817	\$768,795	\$1,246
Neighborhood Parks/Rec.	\$42,964	\$0	\$42,964	\$127
Governor's Greenspace Prg	\$13,300	\$0	\$13,300	\$104
Federal Seizures Police Fd	\$3,998	\$0	\$3,998	\$0
Police Tuition Account	\$2,954	\$0	\$2,954	\$0
Escrow Account	\$273,705	\$0	\$273,705	\$1,122

Grand Total \$1,823,859 \$5,159,045 \$6,982,903 \$18,365

General Fund Budget Comparison

Description	Revenues - By Major Category		Difference	%
	2002 Budget	Actual YTD		
General Property Taxes	\$5,617,076	\$170,302	(\$5,446,774)	3.03%
Franchise Taxes	\$1,919,452	\$96,652	(\$1,822,800)	5.04%
Local Option Sales Tax	\$5,900,051	\$939,988	(\$4,960,063)	15.93%
Other Sales & Use Taxes	\$1,417,927	\$202,907	(\$1,215,020)	14.31%
Business Taxes	\$1,126,268	\$1,202,214	\$75,946	106.74%
Licenses & Permits	\$494,254	\$101,676	(\$392,578)	20.57%
Grants	\$0	\$0	\$0	0.00%
Charges for Services	\$860,823	\$106,173	(\$754,650)	12.33%
Fines & Forfeitures	\$650,179	\$151,358	(\$498,821)	23.28%
Investment Income	\$172,689	\$10,785	(\$161,904)	6.25%
Surplus Carryover	\$358,534	\$0	(\$358,534)	0.00%
Other Financing Sources	\$0	\$0	\$0	0.00%
Total	\$18,517,253	\$2,982,054	(\$15,535,199)	16%

For Calendar Year	Purchasing Monthly Report	2001	2000	MTL Y %
Purchase Requestions Processed	TOTAL YTD	1,997	1,748	14.24%
City Store Requestions Processed		165	188	-12.23%
Sealed Bids Requested >\$10,000		22	24	-8.33%
Requests for Proposals		13	N/A	100.00%
Requests for Proposals Awarded		4	N/A	100.00%
Written Quotes Req \$5,000-10,000		67	86	-22.09%
Verbal Quotes Requeste		209	212	-1.42%
Total # Purchase Orders Issued		2,086	2,067	0.92%
Total # of Bids Awarded		29	21	38.10%
Contracts Required >\$10,000		7	9	100.00%
# of Fixed Assets Purchased >\$500		59	62	-4.84%
Total \$ of Fixed Assets Purchased		\$619,301	\$1,212,748	-48.93%

Collateral Analysis as of November 30, 2001

Security Location	Bank	Total Held
Bank of New York	First Union	\$5,726,964
Bank of New York	Peachtree National	\$5,450,146

\$11,177,110

General Fund Budget Comparison

Description	2002 Budget	Actual YTD	Difference	%
Administrative	\$1,050,029	\$209,298	\$840,731	20%
Developmental	\$870,340	\$122,074	\$748,266	14%
Finance	\$559,093	\$90,826	\$468,267	16%
Leisure Services	\$3,283,059	\$490,631	\$2,792,428	15%
Public Safety	\$6,037,024	\$900,018	\$5,137,006	15%
Public Works	\$2,477,446	\$355,017	\$2,122,429	14%
Tfr to PCDA/PCAA	\$596,035	\$95,920	\$500,115	16%
Council Contingency	\$250,000	\$40,955	\$209,045	16%
Council Reserve	\$300,000	\$0	\$300,000	0%
Transfer to PIP	\$1,242,716	\$233,896	\$1,008,820	19%
Transfer to Debt Svc	\$261,974	\$0	\$261,974	0%
Transfer to Self Ins	\$1,589,537	\$154,662	\$1,434,875	10%
Total	\$18,517,253	\$2,693,299	\$15,823,955	15%

Summary of Major Expenditures by City Manager

Description	Budget	Award	Svgs/Short	Date
Plant Material C/W	\$10,182	\$9,722	\$460	11/29/01

**PEACHTREE CITY FIRE/EMS DEPARTMENT
2001/2002 MONTHLY REPORT**

	Oct. 01	Nov. 01	Dec. 01	Jan. 02	Feb. 02	Mar. 02	Apr. 02	May. 02	Jun. 02	Jul. 02	Aug. 02	Sept. 02	Fiscal Yr. 2002 Y-T-D	Fiscal Yr. 2001 Y-T-D
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Fire/Accident Calls

Residential	2	2	4	7
Business/Industrial	0	0	0	2
Other	180	183	363	215

Total Engine Response 182 185

Dispatched Fire Calls 62 48

Response Time Fire 4:46 4:40

Rescue/EMS

Trauma	49	62	111	156
Medical	76	102	178	143

Total # Patients 125 164

Patients Transported 77 65

Dispatched EMS Calls 121 137

Total Medic Response 141 146

Dispatched Fire/EMS Total 183 185

Response Time EMS 4:16 3:57

EMS BILLING

Patients Billed 83 83

Revenue Generated 28,665 29,571

***Total Revenue Received** 17,911 17,137

***Revenue Received on All Outstanding Accounts**

166	140
58,236	48,565
35,048	21,878

HUMAN RESOURCES DEPARTMENT

2001 MONTHLY REPORT

REPORT PERIOD	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	2001 YTD TOTAL	2000 YTD TOTAL
1. Authorized Permanent Positions	223	223	223	223	223	223	223	223	223	223	224	224	224	223
2. Positions Open	14	12	11	9	9	13	15	15	11	11	10		---	---
3. Workers Comp. Claims Filed	2	2	1	5	4	4	2	4	3	3	14		---	---
4. City Veh./Equip. Accidents	2	0	1	1	1	0	1	1	0	0	0		7	11
5. Health Insurance Claims	\$80,662	\$ 43,314	\$55,208	\$72,246	\$53,759	\$ 29,660	\$ 79,563	\$ 47,292	\$ 49,043	\$149,610	\$ 52,892		\$713,239	\$ 577,890
6. Law Suit Legal Fees	\$ 3,490	\$ 8,126	\$4,407	\$ 6,168	\$10,827	\$ 7,264	\$ 832	\$ 1,548	\$ 1,118	\$ 2,643	\$ 2,641		\$49,064	\$ 36,730

- Police Officer/Police (4): Building Inspector/Building (1); Firefighter-Paramedic/Fire (1); Maintenance Technician I/Public Works (3); Maintenance Technician I/Recreation (1).
- Maintenance Technician bumped knee with chainsaw, causing lacerations (1) Public Works; Shop Employee got debris in eye while operating streetsweeper(1) Public Works.
- Balance remaining in health insurance account: \$716,429.53.
- Tax Equity Issue \$2,394.46; Wright \$247.00.

LEISURE SERVICES MONTHLY REPORT 2001

ACTIVITY DESCRIPTION	UNIT	January	February	March	April	May	June	July	August	September	October	November	December	2000 Year to Date
LIBRARY														
1. Books Circulated	Num.	14,747	14,227	15,771	14,082	14,608	20,359	18,480	16,133	13,707	16,774	14,564	0	147,641
2. Average Daily Traffic														
a. Monday - Saturday	Num.	561	577	567	528	528	644	620	550	557	518	529	0	539
b. Sunday	Num.	287	388	420	348	365	275	247	294	478	371	359	0	286
3. Story Time Participants	Num.	74	88	112	106	47	0	0	51	107	76	112	0	3,216
4. Revenue from Overdue Books	Dls.	1,828	1,658	1,679	2,187	1,633	1,702	1,817	1,564	257	1,482	1,560	0	15,136
5. Revenue from Copy Machine	Dls.	717	796	736	846	731	384	584	680	653	878	1,008	0	7,607
6. Reference Assistance	Num.	1,303	741	985	787	653	875	815	1,051	1,088	423	547	0	10,307
7. Internet Usage	Num.	1,408	1,472	1,479	1,283	1,430	1,468	1,508	1,690	1,592	1,575	1,598	0	11,750
8. Renewals by Phone	Num.	927	618	868	786	665	622	634	686	456	774	843	0	6,828
Leisure Programs														
1. Adult Activities														
a. Ongoing Programs	Num.	1	2	2	2	2	3	3	3	2	3	2	0	21
b. New Programs	Num.	0	0	0	0	0	1	0	0	0	2	0	0	4
c. Participants	Num.	240	240	1,248	1,058	1,058	1,288	807	847	617	428	468	0	8,150
d. Revenue	Dls.	0	0	18,158	7,500	146	10,713	856	0	14,401	0	1,400	0	58,378
e. Expenses	Dls.	0	0	0	10,977	2,833	10,837	2,511	1,080	6,546	454	6,774	0	52,370
f. Refunds	Dls.	0	0	0	0	0	0	361	287	0	0	500	0	1,247
g. Balance (+ or -)	Dls.	0	0	18,158	-3,477	-2,887	-124	-2,007	-1,347	7,855	-454	-5,874	0	\$4,780.00
RECREATION														
Leisure Programs														
1. Classes/Programs														
a. Classes/Programs	Num.	105	118	125	122	110	102	111	117	114	128	129	0	1,087
b. Participants	Num.	3,229	3,037	1,854	3,080	2,871	2,301	2,183	2,884	3,033	3,708	2,882	0	27,008
c. Revenue	Num.	18,450	23,801	27,710	25,083	19,886	35,521	28,635	14,119	21,414	31,083	25,238	0	218,844
d. Expenses	Dls.	15,550	18,685	20,585	19,778	15,818	28,339	23,001	10,840	16,884	24,421	19,801	0	171,881
e. Refunds	Dls.	125	107	1,608	153	90	2,278	823	747	503	465	173	0	2,384
f. balance (+ or -)	Dls.	3,775	4,828	5,618	5,160	4,082	6,805	3,011	2,432	4,228	6,208	5,284	0	\$45,468.14
2. Special Events														
a. Events	Num.	4	4	3	4	7	0	1	2	13	5	4	0	29
b. Participants	Num.	210	245	190	4,852	1,405	211	10,101	4,082	6,036	203	44	0	21,875
c. Revenue	Dls.	0	2,251	15	0	0	19,824	10,860	780	7,000	4,384	0	0	2,885
d. Expenses	Dls.	0	2,220	3	1,534	2,352	13,808	8,504	5,480	2,247	4,188	94	0	7,775
e. Refunds	Dls.	0	3	15	0	0	285	90	125	0	0	0	0	455
f. balance (+ or -)	Dls.	0	28	0	-1,534	-2,352	5,631	2,086	-4,805	4,753	165	-94	0	(\$5,335.00)
Sports and Facilities														
1. Playing Surface Mowing	Hrs.	31	0	220	350	365	367	372	348	378	375	183	0	2,618
2. Playing Field Preparation	Hrs.	284	725	711	590	502	424	188	450	498	407	185	0	4,421
3. Building Maintenance	Hrs.	188	200	136	40	80	32	25	100	24	16	64	0	1,275
4. Parks/Pools/Annex Courts														
a. Safety Inspections	Num.	32	32	32	32	24	32	32	32	32	32	32	0	100
b. General Repairs/Maint	Hrs.	112	109	86	80	85	104	80	110	50	65	50	0	1,819
c. Grounds/Landscape Maint	Hrs.	512	543	281	211	275	286	187	280	100	100	100	0	1,345
5. Litter Removal	Num.	96	120	136	175	175	185	213	275	285	274	284	0	1,402
6. Vandalism Repairs	Dls.	0	0	120	55	25	273	43	25	100	200	800	0	79
7. Complaints Answered	Num.	3	4	3	4	4	3	5	3	5	4	2	0	11

CRIME REPORT - NOVEMBER 2001

PART I CRIMES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD 2001	YTD 2000
MURDER	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	2	2	0	0	0	0	0	0	0	0	0	1	3
ARSON	0	0	0	0	0	0	2	1	0	0	1	0	8	6
AUTO THEFT	1	6	1	11	1	13	6	3	0	0	0	0	2	1
THEFT	16	12	8	11	19	16	20	22	4	7	8	61	57	57
BURGLARY	2	1	2	0	1	3	3	1	1	0	5	19	187	187
TOTAL PART I CRIMES	19	21	13	23	22	33	31	27	29	27	33	278	278	268
ALCOHOL/DRUG ARRESTS														
DUI - TOTAL	16	15	27	18	19	13	25	16	20	32	16	217	155	155
DUI - ADULT	15	15	26	14	18	11	17	11	19	26	16	188	129	129
DUI - UNDERAGE	1	0	1	4	1	2	8	5	1	6	0	29	26	26
OTHER UNDERAGE ALCOHOL ARRESTS	9	7	0	13	9	11	16	18	13	20	3	119	163	163
DRUG ARRESTS	7	18	21	14	8	5	4	12	11	13	7	120	109	109
ARRESTS														
PROPERTY CRIMES	8	12	4	14	8	8	2	17	8	9	3	93	85	85
PERSON CRIMES	4	3	9	10	5	6	10	4	11	4	10	76	64	64
CITY ORDINANCES	43	33	52	48	47	47	62	52	53	34	29	500	545	545
*OTHER	81	72	67	85	73	74	88	84	86	81	78	869	930	930
ADMINISTRATIVE AVERAGE RESPONSE TIME	5.21	5.22	5.12	5.32	5.54	5.29	5.41	5.14	7.13	5.32	5.28	5.45	5.30	5.30
CALLS ANSWERED	5094	4165	4863	5182	5177	5069	5518	5114	4453	4758	4750	54,143	52,440	52,440
TRAFFIC CITATIONS ISSUED	659	585	661	740	788	521	497	437	488	727	475	6578	7062	7062
WARNINGS ISSUED	725	576	676	611	649	425	472	372	485	543	457	5991	5578	5578
ACCIDENTS - TOTAL	63	60	74	83	86	82	101	113	72	90	92	916	811	811

TOP 5 ACCIDENT LOCATIONS - MONTH TOTAL #

1. HWY 54 / HWY 74 7
2. HWY 74 / CROSSTOWN RD. 7
3. HWY 54 / WALTBANKS RD. 4
4. CROSSTOWN DR / PTREE PARKWAY 4
5. HWY 54 / HUDDLESTON DR. 2

TOP 5 ACCIDENT LOCATIONS - YEAR TOTAL #

1. HWY 54 / HWY 74 71
2. HWY 54 / HUDDLESTON DR. 40
3. HWY 74 / CROSSTOWN ROAD 32
4. HWY 54 / PEACHTREE PARKWAY 22
5. HWY 54 / WYNNMEADE PARKWAY 17

Report

Activity Description	Unit	2001												2000	
		January	February	March	April	May	June	July	August	September	October	November	December	YEAR-TO-DATE	YEAR-TO-DATE
CART PATHS	1. Const./Reconst./Overlay	Fl.	0	0	12	1,250	1,000	0	1,200	465	5,627	640	4,206	14,400	8,871
	2. Drainage Maintenance	Hrs.	270	297	465	291	164	296	143	188	30	167	165	2,476	1,121
	3. General Maintenance	Hrs.	201	164	201	134	248	163	205	139	141	157	230	1,983	2,292
	4. Mowing	Hrs.	0	0	0	92	105	211	60	180	10	145	8	811	895
	5. Litter Removal	Hrs.	75	60	60	53	71	75	51	75	64	60	90	734	658
FLEET MANAGEMENT															
1. Equipment Maintenance	Hrs.	16	59	40	5	43	58	4	73	22	44	13	377	333	
2. Equipment Repairs	Hrs.	138	89	105	135	110	206	197	272	286	192	120	1,850	1,607	
3. Vehicle Maintenance	Hrs.	173	135	115	201	106	179	193	259	102	220	214	1,397	1,397	
4. Vehicle Repairs	Hrs.	268	222	238	251	374	180	260	163	151	246	181	2,534	2,462	
5. Fleet Down Time	Hrs.	595	505	498	592	633	623	654	775	597	708	531	6,711	5,812	
RIGHT OF WAY															
1. Litter Removal	Hrs.	410	400	369	329	281	312	288	256	298	258	396	3,597	3,700	
2. Right-of-Way Mowing	Hrs.	0	0	0	540	849	849	814	1,035	674	165	0	4,926	5,490	
3. General Maintenance	Hrs.	656	649	1,084	186	347	460	363	244	252	651	532	5,424	5,892	
LANDSCAPE															
1. Litter Removal	Hrs.	0	30	38	12	36	66	63	70	32	88	66	501	890	
2. Mowing (Sub. Entrances)	Hrs.	0	0	158	888	732	860	680	840	1,025	830	200	6,213	5,565	
3. General Maintenance	Hrs.	1,045	443	617	277	441	284	218	252	252	270	428	4,527	3,999	
4. Planting	Hrs.	90	267	8	0	0	14	0	0	0	8	0	387	461	
RECYCLING SITE															
1. City Employees Hours	Hrs.	184	78	81	72	155	79	68	64	88	74	61	1,004	1,197	
2. City Employees Salaries	Dis.	3,498	1,296	1,348	1,232	3,017	1,397	1,264	1,041	1,642	1,282	1,059	18,115	16,772	
3. Revenues	Dis.	652	495	529	504	497	89	585	414	433	643	475	5,316	6,663	
4. Participants	Num.	641	605	634	626	1,991	801	463	578	664	584	414	8,001	7,408	
a. Recycling	Num.	1,166	1,124	1,043	1,522	1,542	1,419	1,177	1,389	1,300	1,183	1,162	14,027	13,127	
b. Composting	Num.	70	177	137	265	432	230	182	185	168	151	168	2,165	2,211	
c. Mulch (Pick Up)															
SIGN MAINTENANCE															
1. Building Maintenance	Hrs.	21	20	22	16	21	20	5	28	19	23	20	215	230	
2. Subdivision Sign Maintenance	Hrs.	76	78	87	41	85	76	37	30	68	81	95	754	968	
3. Traffic Sign Maintenance	Hrs.	156	156	174	72	148	148	25	133	148	158	109	1,427	1,584	
STREETS															
1. Street Sweeping	Hrs.	137	17	23	16	16	16	9	3	8	6	18	269	335	
2. Pavement Patching	Hrs.	0	45	75	158	123	353	224	38	150	323	66	1,555	2,354	
3. Drainage Maintenance	Hrs.	113	150	227	137	62	247	0	229	99	49	15	1,328	1,837	
4. General Maintenance	Hrs.	491	761	573	483	634	454	445	365	236	255	293	4,990	3,603	
MISCELLANEOUS															
1. Vandalism	Dis.	149	161	205	97	127	90	3	0	129	69	178	1,208	1,076	
2. Complaints Answered	Num.	28	24	47	47	36	47	51	43	16	22	12	373	363	
3. Wash Police Cars	Hrs.	0	6	23	2	2	12	30	15	30	17	10	147	260	

Oath of Office for Mayor Protem

I, _____, do solemnly swear that I will well and truly perform the duties of Mayor Pro Tem by adopting such measures as in my judgement shall be best calculated to promote the general welfare of the inhabitants of Peachtree City and the common interest thereof. So help me God.

Signed: _____

Sworn to and subscribed before me
in open meeting this 3rd day of
January, 2002.

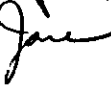
Steve Brown, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

VIA: Jim Basinger 

FROM: Jane Miller 

DATE: December 27, 2001

SUBJECT: Indemnification Resolution

As you may know, Council adopts an indemnification resolution each year that provides elected officials, appointed officials (except authority members) and employees legal protection should they be sued as a result of the performance of their duties. Attached is a copy of the resolution for Council action.

/jsm

attachment

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PEACHTREE CITY OF PEACHTREE CITY
REGARDING POTENTIAL LIABILITY
OF CITY ELECTED OFFICIALS,
APPOINTED OFFICIALS, AND EMPLOYEES**

WHEREAS, the City of Peachtree City is a municipal corporation duly chartered and incorporated by the State of Georgia; and

WHEREAS, as a result of certain decisions by State and Federal Courts, elected and appointed officials and employees of the City may be subject to suits seeking to hold those persons personally liable for damages; and

WHEREAS, elected and appointed officials, employees, and other individuals may be subject to formal complaints under the City Code of Ethics; and

WHEREAS, the City Council deems it to be in the best interest of the City to indemnify, defend, and protect City elected and appointed officials and employees from certain liability.

IT IS THEREFORE RESOLVED THAT:

The City of Peachtree City shall indemnify, defend and pay any and all judgments rendered against any City elected official or appointed official (with exception of officials of authorities) or employee for any and all suits brought against them for any acts or omissions performed or neglected to be performed by them in the course of their employment, or association with the City.

The City of Peachtree City shall provide legal counsel to any elected official, appointed official, employee, or other individual who is investigated under the City's Code of Ethics (with the exception of officials of authorities) for representation before the Ethics Board, the investigation conducted by the Ethics Board, and any action taken by Council. Such legal counsel shall be selected by the individual requesting representation from a panel of three attorneys compiled by the City Staff selected from the attorneys on the approved list of lawyers maintained by GIRMA.

This indemnification shall not apply to those individuals who acted oppressively, maliciously, corruptly, or without authority of law as defined under O.C.G.A. §36-33-4.

This resolution shall remain in full force and effect until such time as it may be amended or repealed by a subsequent resolution of the City Council.

SO RESOLVED, in open session assembled pursuant to law. This _____ day of _____, 2002.

Mayor

ATTEST: _____
Jane Miller, City Clerk



POLICE DEPARTMENT

350 South Highway 74 • Peachtree City, Georgia 30269 • 770-487-8866 • Fax: 770-631-2512



JAMES V. MURRAY
Chief of Police

TO: MAYOR AND CITY COUNCIL

FROM: JAMES V. MURRAY, CHIEF OF POLICE

DATE: DECEMBER 26, 2001

SUBJECT: RADAR PERMIT

Please find attached the revised State of Georgia radar permit that must be approved and signed and returned to the Department of Transportation. The only major change is the school zone times that were adjusted after the schools changed the times for the beginning and ending of classes.

Approval of this document is highly recommended as it will keep us in compliance with the laws surrounding radar operation.

CC: City Manager



Department of Transportation
State of Georgia
Thomaston District Office

December 5, 2001

Lt. R. Dove
Peachtree City P.D.
350 South Highway 74
Peachtree City, GA 30269

RE: Radar List for Peachtree City

Lt. Dove,

Attached is the revised radar list for Peachtree City.

Please have the proper officials sign the signature page and return the original to us for further handling.

If you have questions, please contact Scott Parker at 706-646-6561.

Sincerely,
Glenn W. Durrence, PE
District Engineer


By: Keith B Rohling, P.E.
District Traffic Operations Engineer

KBR:SP:sp
Attachment

The City of Peachtree City is hereby requesting that the following roadways be approved for the use of speed detection devices:

LIST OF ROADWAYS
for
THE CITY OF PEACHTREE CITY, FAYETTE COUNTY
ON-SYSTEM

STATE ROUTE	WITHIN THE CITY / TOWN LIMITS-OF and/or School Name	FROM	MILE POINT	TO	MILE POINT	LENGTH IN MILES	SPEED LIMIT
S.R. 54	PEACHTREE CITY	1000 feet west of Wynnmeade Pkwy. (West City Limits)	0.00	100 feet west of Walt Banks Road	3.52	3.52	45
S.R. 54	PEACHTREE CITY	100 feet west of Walt Banks Road	3.52	265 feet east of Summer Road (East City Limits)	3.95	0.43	50
S.R. 74	PEACHTREE CITY	1850 feet north of Peachtree Pkwy. (North City Limits)	5.54	100 feet north of Aberdeen Pkwy.	8.87	3.33	55
S.R. 74	PEACHTREE CITY	100 feet north of Aberdeen Pkwy.	8.87	600 feet north of State Route 54	9.29	0.42	50
S.R. 74	PEACHTREE CITY	600 feet north of State Route 54	9.29	600 feet south of Paschal Road	10.04	0.75	40
S.R. 74	PEACHTREE CITY	600 feet south of Paschal Road	10.04	2100 feet north of Crosstown Drive	11.15	1.11	45
S.R. 74	PEACHTREE CITY	2100 feet north of Crosstown Drive	11.15	100 feet south of Rockaway Road (South City Limits)	14.86	3.71	55

Signs to be erected by the State Department of Transportation.

OFF-SYSTEM

ROAD NAME	WITHIN THE CITY / TOWN LIMITS OF and/or School Name	FROM	TO	LENGTH IN MILES	SPEED LIMIT
Aberdeen Parkway	PEACHTREE CITY	State Route 74	Northlake Drive	0.60	30
Ardenlee	PEACHTREE CITY	Clifton Lane	0.40 miles west of Clifton Lane (cul-de-sac)	0.40	25
Ardenlee Parkway	PEACHTREE CITY St. Paul's School 7:15 to 8:15 am 2:20 to 3:05 pm SCHOOL DAYS ONLY	State Route 74	Ardenlee	0.20	25
Astoria Lane	PEACHTREE CITY	Loring Lane	Dead End	0.30	30
Augusta Drive	PEACHTREE CITY	Braelinn Road	Braelinn Road	0.30	30
Avalon Way	PEACHTREE CITY	Southern Shore Drive South	Southern Shore Drive North	0.30	30
Battery Way	PEACHTREE CITY	Peachtree Parkway South	Fishers Luck	0.50	30
Bedford Park	PEACHTREE CITY	Rubicon Road	0.40 miles east of Rubicon Road (cul-de-sac)	0.40	30
Bellenden Drive	PEACHTREE CITY	Kedron Drive	Blue Smoke Trail	0.40	30
Biltmore Trace	PEACHTREE CITY	Peachtree Parkway South	Calloway Crossing	0.30	30
Blue Smoke Trail	PEACHTREE CITY	Golfview Drive	Bellenden Drive	0.80	30
Bowfin Bay	PEACHTREE CITY	Skiff Trace	0.30 miles west of Skiff Trace (cul-de-sac)	0.30	30
Bradford Way	PEACHTREE CITY	Robinson Road	0.40 miles east of Robinson Road (cul-de- sac)	0.40	30
Braelinn Road	PEACHTREE CITY	Peachtree Parkway South	Robinson Road	1.30	40
Briarliegh Drive	PEACHTREE CITY	Groveswood	Brookgrove Lane	0.25	30
Bridgewater Drive	PEACHTREE CITY	Kedron Drive	0.25 miles north of Kedron Drive (cul-de-sac)	0.25	30
Bridlepath Lane	PEACHTREE CITY	Doubletrace Lane	Windgate Road	0.30	30
Brookgrove Lane	PEACHTREE CITY	Arden Lee	Cul-de-sac	0.30	25
Burnham Rise	PEACHTREE CITY	Dunsway Lane	0.40 miles north of Dunsway Lane (cul-de-sac)	0.40	30
Cabin Gate	PEACHTREE CITY	Log House Road	Rockspray Ridge	0.35	30
Calgary Drive	PEACHTREE CITY	Braelinn Road	0.40 miles south of Braelinn Road (cul-de-sac)	0.40	30
Calloway Crossing	PEACHTREE CITY	Robinson Road	0.40 miles east of Robinson Road (cul-de- sac)	0.40	30
Cameron Trail	PEACHTREE CITY	Robinson Road	Crosstown Road	0.80	30
Carneillian Lane	PEACHTREE CITY	Cul-de-sac	Cul-de-sac	0.30	30
Chadwick Drive	PEACHTREE CITY	Braelinn Road	Kensington Drive	0.40	30
Chambray Hill	PEACHTREE CITY	Loring Lane	Cul-de-sac	0.25	30
Chestnut Field	PEACHTREE CITY	Cameron Trail	Hamden Kells	0.40	30
Cimmaron Park	PEACHTREE CITY	0.10 miles south of Crimson Way	0.20 miles north of Crimson Way	0.30	30
Claridge Curve	PEACHTREE CITY	0.10 miles north of Kennerly Way	0.20 miles south of Kennerly Way	0.30	30

ROAD NAME	WITHIN THE CITY / TOWN LIMITS OF and/or School Name	FROM	TO	LENGTH IN MILES	SPEED LIMIT
Clifton Lane	PEACHTREE CITY	Arden Lee	Arden Lee	0.40	30
Clydesdale Road	PEACHTREE CITY	Bridlepath Lane	0.30 miles south of Bridlepath Lane (cul-de-sac)	0.30	30
Colonnade Drive	PEACHTREE CITY	Braelinn Road	Robinson Road	0.50	30
Columns Lane	PEACHTREE CITY	Colonnade Drive	Colonnade Drive	0.40	30
Commerce Drive	PEACHTREE CITY	State Route 54	Cul-de-sac	0.60	30
Cottage Grove	PEACHTREE CITY	Cul-de-sac	Cul-de-sac	0.40	30
Creekstone Bend	PEACHTREE CITY	McIntosh Trail	Highgreen Ridge	0.30	30
Crescent Oak	PEACHTREE CITY	0.20 miles south of Vardon Way	0.10 miles north of Vardon Way	0.30	30
Crofts Corner	PEACHTREE CITY	Hampton Green	0.30 miles north of Hampton Green (cul-de-sac)	0.30	30
Crosstown Drive	PEACHTREE CITY	Robinson Road	State Route 74	2.00	40
Crosstown Drive	PEACHTREE CITY Oak Grove Elementary 7:15 to 8:15 am 2:00 to 3:30 pm SCHOOL DAYS ONLY	800 feet east of Log House Road	770 feet west of Log House Road	0.30	25
Dalston Way	PEACHTREE CITY	Clifton Lane	Cul-de-sac	0.25	30
Darmouth Place	PEACHTREE CITY	0.20 miles east of Calloway Crossing	0.10 miles west of Calloway Crossing	0.30	30
Dividend Drive	PEACHTREE CITY	Paschall Road	State Route 74	3.70	40
Doubletace Lane	PEACHTREE CITY	Bridlepath Lane	Windgate Road	0.90	30
Dunella Lane	PEACHTREE CITY	Arden Lee	Cul-de-sac	0.25	30
Ebenezer Road	PEACHTREE CITY	Robinson Road	0.50 miles east of Robinson Road (East City Limits)	0.50	40
Emerling Lane	PEACHTREE CITY	Kedron Drive	0.30 miles west of Kedron Drive (cul-de-sac)	0.30	30
Falcon Drive	PEACHTREE CITY	Dividend Drive	Airport	0.25	30
Fielding Ridge	PEACHTREE CITY	Kedron Drive	0.30 miles north of Kedron Drive	0.30	30
Felspar Ridge	PEACHTREE CITY	Morallion Hills	Morallion Hills	0.30	30
Fishers Luck	PEACHTREE CITY	Peachtree Parkway South	0.40 miles west of Peachtree Parkway South	0.40	30
Flat Creek	PEACHTREE CITY	State Route 54	North Parkway	1.45	35
Georgian Park	PEACHTREE CITY	State Route 74	Peachtree Parkway	0.80	30
Golfview Drive	PEACHTREE CITY	Flat Creek Drive	Blue Smoke Trail	0.50	30
Grecken Green	PEACHTREE CITY	Morallion Hills	0.60 miles south of Morallion Hills (cul-de-sac)	0.60	30
Greensway	PEACHTREE CITY	Cul-de-sac	Cul-de-sac	0.25	30
Greenwood Lane	PEACHTREE CITY	Loring Lane	0.30 miles west of Loring Lane (cul-de-sac)	0.30	30
Groveland Drive	PEACHTREE CITY	McIntosh Trail	0.30 miles north of McIntosh Trail (cul-de-sac)	0.30	30
Grovewood Lane	PEACHTREE CITY	Crabapple Lane	Briarleigh	0.25	25
Hamden Kells	PEACHTREE CITY	Wheatleigh Lane	0.30 miles west of Wheatleigh Lane (cul-de-sac)	0.30	30

ROAD NAME	WITHIN THE CITY / TOWN LIMITS OF and/or School Name	FROM	TO	LENGTH IN MILES	SPEED LIMIT
Hampton Green	PEACHTREE CITY	Braelinn Road	0.40 miles west of Braelinn Road (cul-de-sac)	0.40	30
Harbor Loop	PEACHTREE CITY	Fishers Luck	Fishers Luck	0.40	30
Hedgewood Court	PEACHTREE CITY	Groveland Drive	0.25 miles west of Groveland Drive (cul-de-sac)	0.25	30
High Green Ridge	PEACHTREE CITY	Creekstone Bend	0.40 miles north of Creekstone Bend (cul-de-sac)	0.40	30
Hip Pocket Road	PEACHTREE CITY	Willowbend Road	Kelly Road	1.20	30
Holly Grove Road	PEACHTREE CITY	State Route 74	0.40 miles east of State Route 74	0.40	30
Holly Grove Church Road	PEACHTREE CITY	Robinson Road	Redwine Road	0.50	30
Huddleston Road	PEACHTREE CITY	State Route 54	Paschall Road	1.20	30
Huntington Place	PEACHTREE CITY	Robinson Road	Yarborough Drive	0.25	30
Interlochen Drive	PEACHTREE CITY	Peachtree Parkway North	Peachtree Parkway North	0.50	30
Kedron Drive	PEACHTREE CITY	State Route 74	State Route 74	1.60	30
Kedron Drive	PEACHTREE CITY Kedron Elementary 7:15 to 8:15 am 2:30 to 3:30 pm SCHOOL DAYS ONLY	310 feet east of State Route 74	70 feet west of Stoneacre Curve	0.30	25
Kelly Drive	PEACHTREE CITY	State Route 74	Peachtree Parkway	0.50	30
Kelly Green	PEACHTREE CITY	Terrane Ridge	Dividend Drive	0.40	30
Kenton Place	PEACHTREE CITY	Holly Grove Road	Welton Way	0.50	30
Kensington Drive	PEACHTREE CITY	Chadwick Drive	0.40 miles west of Chadwick Drive (dead end)	0.40	30
Kimmer Road	PEACHTREE CITY	Robinson Road	Legacy Lane	0.40	30
Larkspur Turn	PEACHTREE CITY	Windgate Road	Martingale Drive	0.40	30
Legacy Lane	PEACHTREE CITY	Kimmer Road	0.15 miles south of Sugar Mill Ride (dead end)	0.40	30
Log House Road	PEACHTREE CITY	Crosstown Road	Peachtree Parkway	0.90	30
Log House Road	PEACHTREE CITY Oak Grove Elementary 7:15 to 8:15 am 2:00 to 3:30 pm SCHOOL DAYS ONLY	Crosstown Drive	1270 feet south of Crosstown Drive	0.24	25
Longer Drive	PEACHTREE CITY	Blue Smoke Trail	0.70 miles west of Blue Smoke Trail	0.70	30
Loring Lane	PEACHTREE CITY	Peachtree Parkway	Cul-de-sac	1.15	30
Loyd Road	PEACHTREE CITY	Smoke Rise Trace	Ashley Way	0.40	30
Mark Style Drive	PEACHTREE CITY	Peachtree Parkway	Claridge Curve	0.40	25
Mattan Point	PEACHTREE CITY	Morallion Hills	0.30 miles west of Morallion Hills (dead end)	0.30	30
McIntosh Trail	PEACHTREE CITY	Robinson Road	Peachtree Parkway	1.00	35
McIntosh Trail	PEACHTREE CITY	Peachtree Parkway	Kelly Drive	0.50	30

ROAD NAME	WITHIN THE CITY / TOWN LIMITS OF and/or School Name	FROM	TO	LENGTH IN MILES	SPEED LIMIT
McIntosh Trail	PEACHTREE CITY Huddleston Elementary 7:15 to 8:15 am 2:00 to 3:30 pm SCHOOL DAYS ONLY	230 feet west of Skiff Trace	580 feet east of Peachtree Parkway	0.45	25
McDuff Parkway	PEACHTREE CITY	State Route 54	End of Street	0.40	35
Meadowlark Trail	PEACHTREE CITY	Ebenezer Road	0.30 miles south of Ebenezer Road (cul-de-sac)	0.30	30
Mellington Lane	PEACHTREE CITY	Kedron Drive	0.30 miles south of Kedron Drive (cul-de-sac)	0.30	30
Melrah Hill	PEACHTREE CITY	Walnut Grove	Walnut Grove	0.50	30
Morallion Hills	PEACHTREE CITY	Braelinn Road	Grecken Green	0.70	30
Newport Drive	PEACHTREE CITY	Regents Park	Cul-de-sac	0.30	30
North Fairfield Drive	PEACHTREE CITY	Fairfield Drive	West Manor	0.40	30
North Lake Drive	PEACHTREE CITY	State Route 54	Flat Creek Road	0.40	30
Oakmount Drive	PEACHTREE CITY	Golfview Drive	Golfview Drive	0.30	30
Old State Route 74 / Senoia Road	PEACHTREE CITY	State Route 74	1.00 miles west of State Route 74 (North City Limits)	1.00	45
Palette Lane	PEACHTREE CITY	Planterra Way	Terra Verte	0.30	30
Parkgate Lane	PEACHTREE CITY	Blue Smoke Trace	Cul-de-sac	0.25	30
Parkway Drive	PEACHTREE CITY	Peachtree Parkway	Hidden Creek Lane	0.30	30
Paschall Road	PEACHTREE CITY	State Route 74	0.30 miles west of State Route 74 (dead end)	0.30	30
Patina Point	PEACHTREE CITY	Terrane Ridge	0.30 miles west of Terrane Ridge	0.30	30
Peachtree Parkway North	PEACHTREE CITY	State Route 54	150 feet north of Flat Creek Road	0.40	30
Peachtree Parkway North	PEACHTREE CITY	150 feet north of Flat Creek Road	State Route 74	2.90	35
Peachtree Parkway South	PEACHTREE CITY	State Route 54	4.30 miles south of State Route 54 (East City Limits)	4.30	40
Peachtree Parkway South	PEACHTREE CITY Booth Middle 7:30 to 8:30 am 2:30 to 4:30 pm SCHOOL DAYS ONLY	Waterwood Bend	1373 feet north of Waterwood Bend	0.26	25
Peachtree Parkway South	PEACHTREE CITY Huddleston Elementary 7:15 to 8:15 am 2:00 to 3:30 pm SCHOOL DAYS ONLY	450 feet south of McIntosh Trail	870 feet north of McIntosh Trail	0.25	25

ROAD NAME	WITHIN THE CITY / TOWN LIMITS OF and/or School Name	FROM	TO	LENGTH IN MILES	SPEED LIMIT
Peachtree Parkway South	PEACHTREE CITY Braelinn Elementary 7:15 to 8:15 am 2:00 to 3:30 pm SCHOOL DAYS ONLY	600 feet west of Robinson Road	570 feet east of Robinson Road	0.22	25
Pinegate Road	PEACHTREE CITY	Riley Parkway	Melrah Hill	1.10	30
Pinehurst Drive	PEACHTREE CITY	Peachtree Parkway	Parkside	0.40	30
Planceer Place	PEACHTREE CITY	McIntosh Trail	0.40 miles south of McIntosh Trail (cul-de-sac)	0.40	30
Plantain Terrace	PEACHTREE CITY	Terrane Ridge	0.70 miles west of Terrane Ridge (dead end)	0.70	30
Plantera Way	PEACHTREE CITY	State Route 54	Terrane Ridge	0.70	30
Pleasance Grove	PEACHTREE CITY	Braelinn Road	0.25 miles south of Braelinn Road (cul-de-sac)	0.25	30
Presidio Park	PEACHTREE CITY	Battery Way	Van Ness	0.25	30
Prime Point	PEACHTREE CITY	Stevens Entry	State Route 54	0.30	30
Raintree Bend	PEACHTREE CITY	Windgate Road	Southwind Reach	0.50	30
Redwine Road	PEACHTREE CITY	City Limits	City Limits	0.30	45
Redwood Park	PEACHTREE CITY	Summer Place	0.30 miles north of Summer Place (cul-de-sac)	0.30	30
Regents Park	PEACHTREE CITY	Georgian Park	Regents Square	0.40	30
Riley Parkway	PEACHTREE CITY	Aberdeen Parkway	Flat Creek Road	0.50	30
Riley Parkway	PEACHTREE CITY Peachtree Elementary 7:15 to 8:15 am 2:00 to 3:30 pm SCHOOL DAYS ONLY	570 feet north of Aberdeen Parkway	1180 feet north of Aberdeen Parkway	0.22	25
Robinson Road	PEACHTREE CITY	State Route 54	Redwine Road	4.80	40
Robinson Road	PEACHTREE CITY Braelinn Elementary 7:15 to 8:15 am 2:00 to 3:30 pm SCHOOL DAYS ONLY	1470 feet north of Peachtree Parkway South	600 feet south of Peachtree Parkway South	0.40	25
Robinson Bend Trail	PEACHTREE CITY	Ebenezer Road	0.30 miles south of Ebenezer Road (cul-de-sac)	0.30	30
Rockaway Road	PEACHTREE CITY	State Route 74	0.40 miles west of State Route 74 (City Limits)	0.40	30
Rockspray Ridge	PEACHTREE CITY	Log House Road	Cabin Gate	1.00	30
Saltlick Trace	PEACHTREE CITY	Doubletrace Lane	Doubletrace Lane	0.50	30
Sandown Drive	PEACHTREE CITY	McIntosh Trail	Planceer Place	0.60	30
Santolina Park	PEACHTREE CITY	Kedron Drive	0.30 miles south of Kedron Drive (cul-de-sac)	0.30	30
Sawmill Trace	PEACHTREE CITY	McIntosh Trail	0.25 miles south of McIntosh Trail (cul-de-sac)	0.25	30
Shadowood Lane	PEACHTREE CITY	McIntosh Trail	0.50 miles north of McIntosh Trail (cul-de-sac)	0.50	30
Skiff Trace	PEACHTREE CITY	McIntosh Trail	Cul-de-sac	0.30	30
Smoke Rise Point	PEACHTREE CITY	City Limits	Dead end	1.00	30

ROAD NAME	WITHIN THE CITY / TOWN LIMITS OF and/or School Name	FROM	TO	LENGTH IN MILES	SPEED LIMIT
Smoke Rise Trace	PEACHTREE CITY	Peachtree Parkway	Brown Road	1.50	30
Southern Shore Drive	PEACHTREE CITY	Kedron Drive	Windalier Ridge	0.95	30
Southpark Drive	PEACHTREE CITY	TDK Boulevard	Planterra Ridge	0.60	30
Speer Road	PEACHTREE CITY	Robinson Road	City Limits	0.25	30
Stevens Entry	PEACHTREE CITY	State Route 54	Peachtree Parkway	0.50	30
Stevens Entry	PEACHTREE CITY	State Route 54	Bridlepath Lane	0.60	30
Summer Place	PEACHTREE CITY	Redwine Road	0.60 miles west of Redwine Road	0.60	30
Summit Walk	PEACHTREE CITY	Crosstown Drive	0.50 miles south of Crosstown Drive (cul-de-sac)	0.50	30
Sumner Road	PEACHTREE CITY	State Route 54	Brown Road	0.50	30
Tamerlane	PEACHTREE CITY	Braelinn Road	0.40 miles north of Braelinn Road (cul-de-sac)	0.40	30
Tapestry Trace	PEACHTREE CITY	Cameron Trail	0.30 miles south of Cameron Trail (cul-de-sac)	0.30	30
TDK Boulevard	PEACHTREE CITY	State Route 74	Dividend Drive	0.40	30
Tempest Drive	PEACHTREE CITY	Regents Park	Cul-de-sac	0.25	30
Terra Verde	PEACHTREE CITY	Planterra Way	Plantain Terrace	0.30	30
Terrane Ridge	PEACHTREE CITY	Palette Lane	0.25 miles south Crimson Way	1.60	30
Van Ness	PEACHTREE CITY	Battery Way	Cul-de-sac	0.25	30
Walnut Grove	PEACHTREE CITY	Pinegate Road	Kedron Drive	1.00	30
Walt Banks Road	PEACHTREE CITY	State Route 54	0.40 miles west of Peachtree Parkway (cul-de-sac)	1.05	30
Walt Banks Road	PEACHTREE CITY McIntosh High 7:30 to 8:30 am 2:30 to 4:00 pm SCHOOL DAYS ONLY	415 feet east of Peachtree Parkway	2160 feet east of Peachtree Parkway	0.33	25
Waterwood Bend	PEACHTREE CITY	Peachtree Parkway	Peachtree Parkway	0.90	30
Welton Way	PEACHTREE CITY	Kenton Place	0.40 miles west of Kenton Place (cul-de-sac)	0.40	30
West Park Drive	PEACHTREE CITY	State Route 74	Commerce Drive	0.50	30
Wheatleigh Lane	PEACHTREE CITY	Crosstown Drive	Chestnut Field	0.50	30
White Oak Trail	PEACHTREE CITY	Parkway Drive	0.25 miles north of Parkway Drive (cul-de-sac)	0.25	30
Willow Road	PEACHTREE CITY	Willowbend Road	State Route 74	0.50	30
Willowbend Road	PEACHTREE CITY	State Route 54	State Route 54	0.40	30
Windgate Road	PEACHTREE CITY	Robinson Road	Peachtree Parkway	0.90	30
Windalier Ridge	PEACHTREE CITY	Blue Smoke Trace	Trillium Reach	0.40	30
Wisdom Road	PEACHTREE CITY	State Route 74	Riley Parkway	0.70	30
Wisdom Road	PEACHTREE CITY Peachtree Elementary 7:15 to 8:15 am 2:00 to 3:30 pm SCHOOL DAYS ONLY	220 feet north of Riley Parkway	1800 feet north of Riley Parkway	0.30	25
Woodruff Way	PEACHTREE CITY	Robinson Road	Rose Down Trace	0.40	30

LIST NUMBER 1201-113P

ROAD NAME	WITHIN THE CITY / TOWN LIMITS OF School Name	FROM	TO	LENGTH IN MILES	SPEED LIMIT
Wynnmeade Parkway	PEACHTREE CITY	State Route 54	1.10 miles north of State Route 54 (dead end)	1.10	30
Yarborough Drive	PEACHTREE CITY	Dumbarton Lane	0.50 miles north of Dumbarton Lane (cul-de-sac)	0.50	30

Signs to be erected by the City of Peachtree City.

Be it resolved that any person convicted of a violation of this ordinance shall be punished as provided for by law.

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

This ordinance shall become effective when appropriate signs are erected.

ATTESTED:

Clerk

Date

APPROVED:

Mayor

Date

Councilman

Councilman

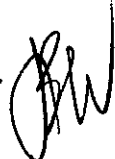
Councilman

Councilman

Councilman

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: City Manager 
FROM: Developmental Services Director 
DATE: December 28, 2001
SUBJECT: Proposed Easement – 105 St. Andrew's Square

At the Council meeting on December 6, 2001, action on resolving Mr. Rye's encroachment with the City-owned greenbelt was deferred to allow time for additional study. The matter was rescheduled for consideration at the meeting on January 3, 2002.

Attached for your information are the following documents: (1) A copy of the portion of the minutes from the December 6 meeting which addresses the proposed Rye easement; (2) A copy of the staff position paper for the December 6 meeting relative to the proposed Rye easement; and (3) A letter from the City Attorney which discusses the legal aspects of the proposed Rye easement.

Staff has considered several options to resolve the encroachment problem. First would be to require Mr. Rye to remove all encroachments into the greenbelt. It is still felt that this would be too harsh a solution. Allowing an encroachment of no more than 2 feet would have minimal impact on the greenbelt, but would result in the removal of the major encroachments while preserving most of the existing wall construction. It would seem to be a balanced response if confined with an appropriate re-landscaping requirement.

The second option would be for the City to sell Mr. Rye the area he encroached into at a fair market price.

And the third option would be to trade Mr. Rye the encroachment area for an equal amount of his property in another area. Staff is opposed to selling or trading any greenbelt area to resolve this encroachment problem. Not only would these options establish bad precedents, they would seem to reward or even encourage deliberate encroachments.

Staff recommends the following:

1. That Mr. Rye be ordered to remove all man-made improvements that encroach more than 2 feet into the greenbelt area;
2. That Mr. Rye be granted a non-exclusive easement for any man-made improvement that already encroach no more than 2 feet into the greenbelt area;
3. That Mr. Rye pay all expenses incurred in drawing up and recording the easement;
4. That Mr. Rye agree to install landscaping to re-naturalize the greenbelt to repair damage done by constructing the rear yard improvements and illegally using the greenbelt for construction access to the rear yard;
5. That the above landscaping be in accordance with a professionally prepared plan that must be approved by the Planning Commission prior to the installation of any materials;
6. That Mr. Rye shall not under any circumstances create further disturbance in the greenbelt nor ever again use the greenbelt for access to the property; and
7. That, in the event Mr. Rye chooses to simply remove all of the greenbelt encroachments, he still is required to comply with paragraphs 4, 5, and 6 above.

:pd

Attachments

City Attorney Rick Lindsey if the variance could be tabled until Council had a chance to speak with the neighbors behind Blueberry Hill. Lindsey said it could be tabled, but the precedent he was concerned with was if the variance were permitted, that it only addressed the first of the three criteria. The homes all had the peculiar buffer circumstances. Other requests would also have to meet the remaining criteria.

Lenox stated that Kern had been proactive and said the weighted factor for him was that she obtained approval from the people behind her and had a contract for screening the buffer. If the others came along with similar requests, he would require the same thing. Lindsey said it might also address the peculiarity of the properties. It worked because the neighbors behind agreed to put up trees to mitigate the problem.

McMenamin told Kern that Council looked at the requests on a case-by-case basis, but kept it in mind it could set a precedent when making the decision. She said the distraction in getting the permits was something she could understand. She felt Kern might not recover from the potential damage to her home from dismantling the deck. She had visited the property and didn't see any negative impact.

Tennant agreed with McMenamin. He said no complaints had been received and it was aesthetically pleasing. Tennant moved to approve the variance. McMenamin seconded.

Lenox and Rapson asked Lindsey if something needed to be put in the motion about the buffer and Lindsey recommended that they should. McMenamin said Kern's contract should be part of the motion. Lindsey said some type of agreement with neighbors to the rear of the subdivision should be included. Lindsey said she had answered the hardship criteria. Other neighbors wouldn't be able to use dismantling a deck as a hardship and had to meet the criteria of the variance. Lenox offered an amendment to the motion that the approval was conditioned upon Kern's obtaining the approval of the neighbors behind her, having entered into an agreement with those neighbors for screening that was acceptable to both parties, and that there were no other objections from the neighborhood. Tennant modified the motion to accept the remarks. McMenamin seconded the amendment. The motion carried unanimously.

12-01-02 Public Hearing – Easement Request – St. Andrew's Square

William Rye asked to withdraw his variance request for 105 St. Andrew's Square, Agenda Item 12-01-03, which followed his easement request on the agenda. Although Rye's request was out of order, no one on Council had any objection and the variance request was withdrawn.

Concerned about the appearance of any conflict of interest, Rapson stated that he lived in St. Andrew's Square, a few houses down from Rye. Lindsey said that was not a reason to abstain from voting since the request had no direct impact on Rapson or his property, but that it was on record that he lived in the same neighborhood.

Rye addressed the Council regarding his request for two easements, one for the fence and columns in the front of the property that encroach less than a foot into the city-owned right-of-way and one a brick retaining wall in the back of the property that encroached from 1.9 feet to 8.1 feet into a city-owned greenbelt. Rye told Council that he inherited some of the issues when he bought the

property and created some of the issues himself. Because he bought the property outright, a survey wasn't required when he purchased the home, Rye explained. The fence also encroached onto his neighbor's, the Ferrells, property, in addition to encroaching onto city property. He added he was working with the Ferrells to take care of that issue.

Rye continued that the berm in the back of the property ran across the back for privacy and was put in by the developer. He said he had tried to "max" out his backyard for use by his three daughters and wanted to create a Charleston or Savannah-style private backyard. The berm tapered into the backyard a good bit, Rye said. They pulled the property stakes as they cut into the berm to put in a brick retaining wall. He said several code enforcement officers visited his property on a daily basis during that time. The code enforcers told him not to encroach to the top of the berm. The wall was four to eight feet from the top of the berm. The wall had a double brick top cap. The wall encroached 6.4 feet in one area and 8.1 feet in another area. The playground includes brick pavers, rocks, and bridges. Rye said when discovered the encroachment was an issue he wanted to make sure it was legalized. He added he had spent around \$35,000 on his backyard. Jim Williams had expressed concern over the encroachment, Rye said. He had looked at trying to pull the playground forward and out of the city greenbelt. Rye stated he was willing to sign any papers needed to take liability responsibility for any child hurt on the City's property and to work with the City on whatever Council wanted to do.

Lenox explained that this was not a variance request in the classic sense since the structure was not on Rye's property. The request was for an easement from the City to permit him to incorporate the City property into his and leave the structure in place.

Williams pointed out there were two separate areas where easements were needed to correct the problem. The first was in the front area of the house and was relatively minor and accidental when the columns were set for the fence. He recommended that an easement be granted for that.

The second situation in the rear yard was recent construction and no permit was pulled for the construction, Williams stated. Williams said there were two separate parts to that situation. One was the wall that ran most of the distance of the width of the property and encroached about two feet into the greenbelt. Because that wall was just over the line and was well constructed, staff suggested that easement could be granted. The six to eight-foot encroachment would be a serious problem and was a major encroachment into the City-owned greenbelt and could be a serious problem as far as setting a precedent.

Williams continued that during construction, construction traffic came off of Flat Creek Road and across the right-of-way and greenbelt. A number of people complained to Developmental Services and the Building Department. Many of the complaints regarded that and erosion control efforts. Staff recommended that the two minor easements be granted. In return, staff recommended that Rye be required to install landscaping to re-naturalize the greenbelt where it was damaged when the walls were built and from using the greenbelt as a driveway during construction. In addition, the landscaping plan should be professionally done and approved by the Planning Commission before any installation was done so the community could participate in re-naturalizing the area. Staff recommended the third easement not be granted.

Rye added that his chimney also encroached into the setback line, another issue he inherited when he bought the property. The wall in the playground area tapered from one foot to two feet and was built to keep the dirt out of the playground. Rye added that he did ask for a permit to cross the greenbelt after finding out he needed one. Lenox told Rye the situation concerning the chimney was taken care of by granting an administrative variance that afternoon.

Lenox said he was disturbed by this request since greenbelts were the essence of the City and the City was extremely protective of them. He said the greenbelt should be restored and it was the community's property. He said he had no problem with the easement across the front. The error was made a long time ago.

Rapson asked why staff recommended no more than a two-foot encroachment. Williams said it was already there and would probably do more damage to rip it out than to leave it. The other encroachment was significant and could not be justified. Rapson asked if the wall were moved into the playground so it encroached no more than two feet and restoration of the greenbelt beyond the wall would be acceptable. Williams said it would be a consistent acceptable solution.

Tennant asked Rye why the playground was an all or nothing situation. Rye said there were several walls in the backyard. If the back wall had to be pulled in, the wall would be against another wall and the playground wouldn't fit. Rye said he understood the City's position. Tennant asked if the City would be liable if there was an injury on the playground. Lindsey said possibly, and added he had another legal issue. He said there were two different types of easements – exclusive and non-exclusive. The wall made the area part of Rye's yard and if an easement were granted Council would have, in effect, given away City property. Lindsey advised against that, but said the City could sell the property to Rye at market value. He recommended that an easement not be granted, but that it would be a purchase and sell situation. Rye said his preference was for an easement, but if he had to he would purchase the property. He acknowledged it was a difficult subdivision to make thing work. Rye said his work on the property had doubled its value. It had been appraised at \$300,000 and now exceeded \$600,000.

Rapson agreed with Lindsey that an easement was not the proper thing to do. He agreed with Lenox on the greenbelt and said Rye wouldn't be able to convince a majority of Council that the playground should encroach into the greenbelt. He felt it was an undue hardship and didn't feel the encroachment was intentional. He felt the only solution would be to enter into a sale.

Lindsey recommended Council table the request. He said there were options that needed to be explored and staff would bring a recommendation to Council on December 20. He said it needed to be done without setting a precedent.

Lenox restated what Lindsey suggested. Council was willing to contemplate selling Rye just enough land to accommodate the law, not more than two feet wide. A professional landscaping plan to restore the greenbelt was expected. Lenox told Rye it would be well worth spending \$300 to \$400 to have a professional designer come up with a plan. Lenox added that any expenses for the sale, including a survey, contracts, descriptions, would be paid by Rye. Rapson said they were asking Rye to work with City staff. Rapson said he had one other condition. Council had a letter from another neighbor regarding the berm and asked Rye to work with them on their issues.

Rapson asked Rye to come back with a plan sanctioned by City staff to take the berm off his neighbors' property. McMenamin and Fritz both told Lindsey they needed assurances that it would not set a precedent.

Lenox moved to continue the hearing until the December 20 meeting pending a report from the City Attorney. Fritz seconded. The motion carried unanimously.

12-01-04 Consider Recommendation for City Flag

Jan Zink, vice chair of the Recreation Commission, presented the Commission's suggestion for a City flag. Zink continued that Council had asked the Recreation Commission to design a flag and City logo in November 2000. None of the process had been taken lightly, Zink said. She added that a lot of love and hard work went into the design. Marilyn Haas designed the proposed flag, which included the current tree logo. Zink said the tree was included because it represented the City's heritage. The five globes on the tree represented the City's five villages. The path on the design represented the City going into the future. Zink said there had been a lot of input from citizens as well. City businesses were already asking about the flags, she continued. As soon as a decision was made, the flag was ready to go out for bids. The estimated cost for an indoor 3-foot by 5-foot embroidered flag was \$200—\$250. The estimates for good quality outdoor flags was \$50—\$70 each depending on the number ordered. Zink said that due to current budget constraints the Recreation Commission recommended that only the flag be considered at this time. She added that the cost for changing the logo on letterhead, vehicles, uniforms, and other areas would be significant. The Recreation Commission would also like to have a workshop with Council before December 20 to discuss the proposed design.

Lenox agreed that it would be expensive to duplicate the logo at this time. Both Lenox and Tennant commented that the flag and the logo did not have to be the exact same design.

Fritz told Zink that she had mixed emotions about the design and preferred to have a workshop to discuss it. Tennant commented that he thought the design looked great.

A workshop was scheduled for Monday, December 17, at 5:30 p.m., with the Recreation Commission to discuss the City flag design.

12-01-05 Consider Adjustment to AT&T Franchise Agreement

Administrative Services Director Jane Miller reported to Council that AT&T had notified the City regarding a Federal Communications Commission (FCC) opinion which allowed cable companies to charge customers, and to itemize on customer bills, franchise fees on non-subscriber revenues such as home shopping commissions and advertising revenues. Miller continued that AT&T would be increasing the franchise fee charged to subscribers in the City from 4% to 4.23%. Miller said it would be noted on the bill that the fees increased because the City opted to include the revenue in the franchise fees. She said it would increase the City's revenues from the franchise fees by \$9,600 per year, but that staff recommended against the proposed fee increase.

Several councilmembers indicated that this would just be a hidden tax increase for citizens and they could not support it. Rapson moved to not pass along the franchise fee increase. Tennant seconded. The motion carried unanimously.

POSITION PAPER
Proposed Easements: Rye Residence, 105 St. Andrews Square
Director of Developmental Services
November 29, 2001

Situation:

Mr. William Rye is the owner of the residence at 105 St. Andrews Square. He recently applied for a variance. During a review of the plat for the proposed variance, it was discovered that a number of the improvements related to Mr. Rye's property actually extend over his property lines onto city property. Mr. Rye was informed he would need to deal with these encroachment problems concurrent with his variance application. Therefore, he has requested easements from the city for the existing encroachments (Attachment "A").

Facts:

1. In the front of the property, four masonry columns and a connecting fence are partially on city-owned right-of-way. These improvements were constructed some years ago prior to Mr. Rye purchasing the property. The maximum encroachment is less than one foot.
2. In the rear of the property, a brick retaining wall has been constructed across most of the width of the lots. Most of this wall is on a city-owned greenbelt. These improvements were constructed within the past year by Mr. Rye without a city permit. The encroachments vary from 1.9 feet to 8.1 feet (Attachment "B").
3. A children's play area has been established on a portion of the greenbelt inside the retaining wall.

Recommendations:

The staff makes the following recommendations:

1. That Mr. Rye be granted an encroachment easement for the fence and columns in the front yard;
2. That Mr. Rye be granted another easement for the portion of the retaining wall that encroaches no more than two feet into the greenbelt;
3. That Mr. Rye be ordered to remove all man-made improvements that encroach more than two feet into the greenbelt area;

Proposed Easements: Rye Residence
November 29, 2001
Page 2

4. That, in return for the two easements, Mr. Rye agree to install landscaping to re-naturalize the greenbelt to repair the damage done by constructing the retaining walls and illegally using the greenbelt for construction access to his rear yard; and
5. That the above landscaping be in accordance with a professionally prepared plan that must be approved by the Planning Commission prior to the installation of any new material.

JBW/jir

Attachments "A" - "B"

**REQUEST FOR VARIANCE
ZONING ORDINANCE, CITY OF PEACHTREE CITY**

This is a request for a variance from the requirements of the Peachtree City Zoning Ordinance for the property located at: 105 St Andrews Sq, PTC GA 30269

The reason this variance is being requested is as follows:

Exist walls (Massive Walls)
Encroach on to A Jaycof City Property.
This is a request for easements and not a request
for a variance.

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

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

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

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

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

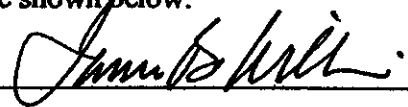
Name: (Please type or Print) William Rye

Address: 105 St. Andrews Sq, PTC, GA 30269

Phone: 678-364-1131 Cell 678-641-2385

Signature: 

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

Signature: 

Title: ZONING ADMINISTRATOR

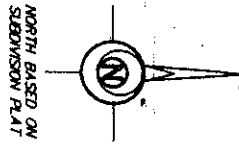
Date of Acceptance: November 16, 2001

Date of Public Hearing: December 6, 2001

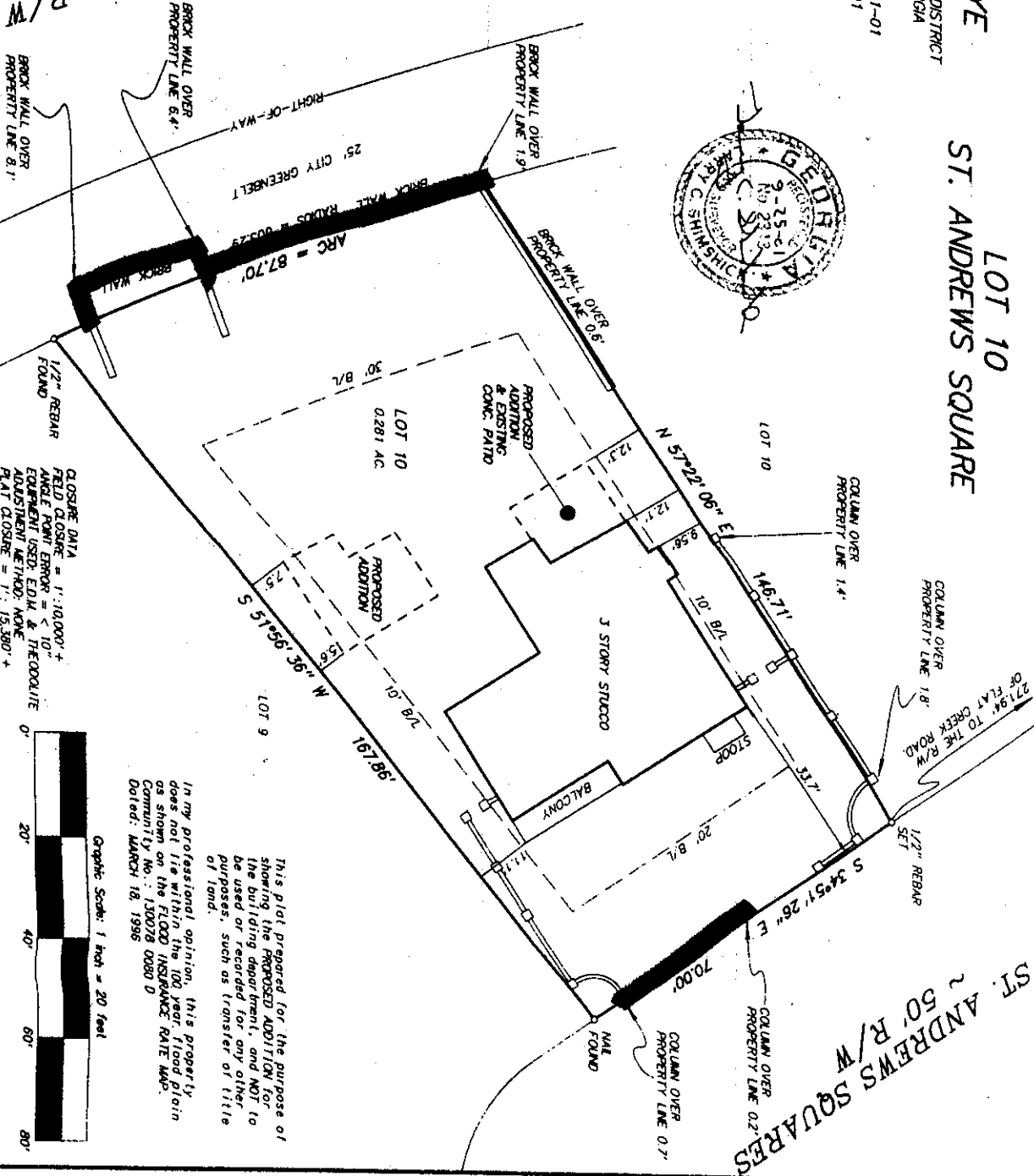
07/01/01

PREPARED FOR:
WILLIAM J. RYE
 LAND LOT 126 7TH DISTRICT
 FAYETTE COUNTY, GEORGIA
 SCALE: 1" = 20'
 DATE OF FIELD WORK: 09-21-01
 DATE OF DRAWING: 09-24-01

LOT 10
ST. ANDREWS SQUARE



FLAT CREEK ROAD ~ 80' R/W



CLOSURE DATA
 FIELD CLOSURE = 1' : 10,000' +
 ANGLE POINT ERROR = < 10"
 EQUIPMENT USED: EDM & THEODOLITE
 ADJUSTMENT METHOD: NONE
 PLAT CLOSURE = 1' : 15,380' +

In my professional opinion, this property does not lie within the 100 year Flood Plain as shown on the Flood Insurance Rate Map. Dated: MARCH 18, 1996

Graphic Scale: 1 inch = 20 feet

W.D. Gray and Associates, Inc.

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

WEBB, LINDSEY, COLLINS, JONES & WADE, LLC

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Fairburn, Georgia
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Other licenses:
* Florida
† Illinois

December 28, 2001

Mayor and Council
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

re: Available Options for Encroachment of Greenbelt by Mr. Rye

Dear Mayor and Council:

At a previous Council meeting, the staff was directed to examine possible alternatives available to Council to resolve the problem created by Mr. Rye's encroachment into the City owned greenbelt. We have looked into the legal issues to determine what options, if any, are available to the Council to rectify this situation caused by the encroachment.

Authority to Convey Property

There is a preliminary issue as to the City's right to sell or otherwise dispose of the property at all. The courts have found a clear distinction between property held by a city for corporate use by it as an entity, such as city buildings, and property held by a city for the public use and benefit of its citizens, such as parks. A city has unquestioned authority to dispose of property held in its proprietary capacity for strictly corporate purposes. In contrast, a city cannot sell, lease or grant easements in property acquired for and dedicated to the public use of its citizens without express legislative authority. The property must be devoted to the use and purpose for which it was dedicated. Tuten v. Brunswick, 262 Ga. 399, 418 S.E.2d 367 (1992).

The property in question appears to be a right-of-way that was intended to be kept as green space. The Peachtree City Charter defines a "greenbelt" as "an area of land to be dedicated to the city which shall remain undisturbed, insofar as possible, from its natural state to form a screen or buffer." Peachtree City Code, Appendix B, § 201 (ff). The City arguably does not have authority to convey its greenbelts to private citizens to erect structures. A citizen could challenge the conveyance of any interest in the greenbelt property, whether through sale, lease, easement or trade, on the grounds that the City has no authority to convey the property. However, because the property is part of a right-of-way, and not simply a greenbelt, then the City probably has authority to dispose of it.

I:\PTC\CITY\MISC\RYE Greenbelt Issue\Letter to Mayor and



Methods of Disposing of Municipal Property

Section 36-37-6 of the Georgia Code establishes a comprehensive method for disposal of municipal property. First, a city may sell property outright. The law requires publication of notice of intent to sell, and the city must sell the property to the highest bidder. Section 36-37-6 provides exceptions to these general requirements, however. The city may sell a "narrow strip[] of land, so shaped or so small as to be incapable of being used independently" to an abutting property owner, under terms and conditions set out by ordinance. Id. § 36-37-6(g). In doing so, the city may bypass the requirement of public notice and sale to the highest bidder. Moreover, the city may trade the property for property of equal or greater value, after public notice, when that is "deemed to be in the best interest of the municipal corporation." Id. § 36-37-6(c). The value of both properties must be determined by appraisals. Section 36-37-6 contains other provisions for disposing of property, none of which would apply here.

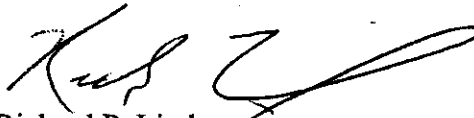
The City has indicated that it might want to give the homeowner an easement to use the property. An easement is a conveyance of interest in property, although more limited in scope than an outright transfer of full title. Therefore, the requirements of Section 36-37-6 apply to easements just as they would apply to any other disposal of city property.

Based on the foregoing, the City of Peachtree City has several options. First, it could offer to sell the property, or an easement in the property, to the highest bidder after public notice. Second, it could offer to sell the property, or an easement in the property, to the homeowner without public notice and without accepting bids if it is a small, narrow strip of land incapable of being used independently. The terms of this sale must be set out in a City ordinance. Peachtree City does not currently have an ordinance addressing this type of sale but could enact one. Third, the City could trade the property, or an easement in the property, for other property belonging to the homeowner after an independent appraisal of the value of the two properties. Of course, the City could elect to require the homeowner to remove the structures from the greenbelt.

Should you wish to discuss this matter, please do not hesitate to call.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC



Richard P. Lindsey

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Manager

FROM: Director of Developmental Services JBW/ge

DATE: December 14, 2001

SUBJECT: Proposed Rye Easement

Attached for your information are excerpts from the Council minutes for the meetings of July 1, 1999, and August 5, 1999. These excerpts concern the McAllister land swap. They were requested by Council as background information for the proposed encroachment easement being requested by Mr. Rye in the St. Andrews Square Subdivision.

JBW/jir

Attachments

07-99-01 Public Hearing – McAllister, 205 Creekbed Court

Lenox read the rules for conducting a public hearing and allowed 40 minutes for each side to present its case.

Brian McAllister addressed Council and stated his family was in a hardship. He explained that his home was the first built in his cul-de-sac in 1973. He said that at the time it was built, a split-rail fence with hog wire was installed in the back yard.. He said shortly there after, the City put in a carpath near the east side of property to gain access to the Flat Creek golf course. He said a pool and surrounding fence was installed in 1989. He said the building permits were issued and the structures were inspected by the City using the existing split-rail fence as the boundary for the lot. He said that shortly after that, the owner erected a 10x20-ft storage shed on the side of the property, which extended over the split-rail fence line. He said the shed was built on a slope and propped up with cinderblocks. McAllister said his family purchased the house in August of 1997. He explained that his wife used his "power of attorney" to close the mortgage because he was out of town. He said the closing papers included a survey, which showed the existing split-rail fence to be off the back property line; however, neither the realtor nor the attorney pointed this out to his wife.

McAllister said he asked his realtor about the procedure for obtaining a building permit to replace the fence because it was 23-years old and rotting. He said the hog wire was rusted and the fence was over grown with poison ivy. His realtor advised him that he did not need a building permit to replace an existing fence, so he and his wife proceeded to replace the fence with a 6-foot cedar privacy fence along the existing fence line. McAllister said he had since learned, that a building permit had been necessary because the new fence was more than four-feet high. He pointed out that if he had replaced the fence with a four-foot fence, a building permit would not have been required. McAllister explained that it was a great effort for him and his wife to install the fence. He said it was 430 feet in length with 55 eight-foot panels, 58 postholes dug and over 5,000 3-inch screws installed. He said their intentions were to clean up the property and make it safe for their children. He said the clean-up effort took fifteen trips to dump.

McAllister said he felt the storage shed was unsafe because it was propped up with cinder blocks, so he and his wife moved it to a flat area of the back property. Shortly after moving the storage shed, the Code Enforcement Officer came to his house and told him that it had be moved 30-feet from the rear property line. He said they moved the shed again, to a location measuring 30-feet from the rear fence line, as instructed.

McAllister explained that after living in the home 18 months, they decided to move back to

Denver, Colorado to be closer to their family. He said a contract was quickly placed on the home and they proceeded to move. He said that one week before the closing was to take place, he received a phone call from his realtor, who told him that there was a "cease and desist" order placed on the house because the boundary fence extended 60 feet into the City's greenbelt. He said he pulled his survey from his original closing papers and discovered that it did indeed show the fence extending into the greenbelt. He said the sale of his home fell through because of the situation and he could not sell the property until the situation was resolved. He said he now had two mortgages and a bridge loan in place.

Mr. McAllister felt there were two choices that Council could make. He said they could force him to tear down the fence and destroy his backyard or they could agree to swap an equal amount of property with him. He explained that the City encroached onto his property with the carpath and he would be willing to deed that property (8,810 SF) to the City and asked that in return, the City deed the property between his fence line and property line (8,806 SF) to him. He said the City Attorney had prepared a legal opinion that stated that a city government could annex a citizen's property, but that those "squatter's rights" did not apply for a citizen to annex a municipal government's property. McAllister asked Council to work with him and help settle a 26-year land dispute.

Mr. McAllister's next door neighbor spoke in favor of the proposal. He said McAllister had been a good neighbor and had always consulted him to ensure that nothing he did would affect his property. He said that the McAllister's were very attentive to their children and replaced the fence as soon as they moved in, following the existing fence line.

Jim Williams, Director of Developmental Services, spoke in favor of granting a variance to allow the existing pool and its surrounding fence to remain; however, he was not in favor of the land swap to allow the existing privacy fence to remain.

Hearing no one else speak in favor of the variance, Lenox asked to hear from those opposed. Hearing none, Lenox asked if there were any questions. Hearing none, Lenox called the hearing to a close and opened the floor for Council debate.

Jim Pace said he felt one would have to inspect the property to render a fair decision. He said he had inspected the site and felt that there was really only one conclusion. He felt that conclusion was to agree to the land swap as proposed. Pace said the City's carpath was almost entirely on McAllister's property and he would never support a one-sided adverse possession, even if it were legal, because he did not feel it was fair. He described the property as an established 20-year old back yard landscaped with azaleas, trees, sod, etc. He felt it would be criminal to destroy the yard and to go to the expense of ripping up the carpath and relocating it, as well as an existing sewer manhole. He also said large trees would need to be cut down for the relocation. Pace felt that nothing would be accomplished by all of the disruption and that, if Council agreed to the land swap, Mr. McAllister would not gain anything of value because he

would giving the City an equal amount of property. Pace said he was familiar with the previous fence and that the new fence was much more attractive. He said he could not support giving City greenbelt to residents but that in this case, it would not be given away. He said it would be exchanged for an equal amount of property. He said he did not believe the land swap would set a precedent because the situation was so unusual, he did not think it could be duplicated. However, he said, if the same situation did arise, it could be decided at that time on its own merit. He said the only precedent being set, in his opinion, would be that common sense in government was not an "oxy moron." He also said he could not understand why the boundary dispute had not been noticed in the prior home sales.

McMenamin agreed with Pace and supported everything he said. She said Lindsey's legal opinion was confusing, but that when she visited the site, she also felt it was common sense to grant McAllister's request.

Lenox said if Council approved the land swap, there would be no need for a variance for the pool and its fence. Brooks asked if the corner of the house would violate any setback requirements if McAllister's side property were deeded to the city. Williams said it would not cause any problems.

Pace felt the land swap would officially bring the land into compliance for its existing use for the past 25-years.

Lenox said he could not remember a situation similar to this. He said the City was encroaching on a property owner's land and the property owner was encroaching onto the City's land. Pace felt it would cost more than \$5,000 to relocate the cart path.

Fritz said she understood Pace's comments, but she did not want to see people expanding their rear property lines by encroaching into the greenbelt. Pace felt McAllister's situation was different in that he was offering an equal amount of land to the city in return, and that the City was encroaching onto his land. Fritz asked the City Attorney if the land swap could be done and not set a precedent. Lindsey said it was a unique situation and he could not imagine that the same situation could be duplicated.

Pace made a motion to direct city staff and the city attorney take necessary steps to swap land with Mr. McAllister as proposed. McMenamin seconded. Motion carried with Fritz abstaining.

07-99-02 Consider Funding – Concept Design for SR 54/Walt Banks Road Properties

Williams said the development of the property located at the corner of Walt Banks Road and Highway 54 had been in dispute for over 10 years. He felt that the City, residents, and the developers were close to working out a compromise. He said the property in question comprised 74 total acres, with 34 acres being owned by Mr. Lassiter and the other 40 acres being owned by

City Council of Peachtree City
Minutes of Meeting
August 5, 1999
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, August 5, 1999, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Annie McMenamin, Carol Fritz, Jim Pace and Bob Brooks.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

There were no announcements, awards or special recognitions.

MINUTES

McMenamin made a motion to approve the minutes of July 12, 1999, as presented. Pace seconded the motion. Motion carried unanimously with Brooks abstaining.

McMenamin made a motion to approve the minutes of July 15, 1999, as presented. Fritz seconded the motion. Motion carried unanimously.

Brooks made a motion to approve the minutes of July 22, 1999, as presented. McMenamin seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

There were no old agenda items.

NEW AGENDA ITEMS

**08-99-01 Public Hearing – Proposed Land Swap of 0.202 acres with
McAllister, 205 Creekbed Court**

Lenox read the rules for conducting a public hearing and set a time limit of 10 minutes for each side to present its case.

Jim Williams, Director of Developmental Services, explained that on July 1, 1999, Council directed staff to initiate a land swap which would affect the property located at 205 Creekbed Court. The owner of that property, Mr. Brian McAllister, had offered to swap an 8,810 square foot parcel of land containing a section of the City's cart path in exchange for an 8,804 square foot parcel of City-owned greenbelt. The greenbelt was adjacent to McAllister's lot and had been fenced and used as part of his property for many years. Williams suggested if

Council approved the land swap, that it be conditional on Mr. McAllister reimbursing the City for its legal and advertising expenses.

Hearing no one speak in favor or in opposition to the land swap, Lenox called the hearing to a close and opened the floor for Council debate.

McMenamin asked the City Attorney, Jim Webb, if he had reviewed the situation and if everything was in order. Webb replied that he had reviewed the situation and everything was in order. McMenamin expressed concern about having McAllister pay the City's legal expenses. She said there had been many instances in which the City had to obtain a legal opinion to address a citizen's need and the City had never been reimbursed for the expense. She also felt that the City was partly to blame for the situation. She said she would feel more comfortable sharing the expenses with McAllister. Pace agreed with McMenamin.

Fritz had concerns about the land swap. She said 60 feet was a substantial amount of land and she felt that allowing a citizen to acquire such a large portion of the City's greenbelt would set a harmful precedent.

McMenamin made a motion to approve the land swap with the understanding that McAllister and the City would equally share the advertising and legal expenses. Pace seconded the motion. Motion carried with Fritz opposing.

**08-99-02 Residents of Sagamore/Belvedere – Petition/Concerns
 AML I Apartments and Line Creek Parkway**

Mr. Jere Williams presented a petition to Council, signed by 176 residents of Sagamore and Belvedere Subdivisions. The petition expressed their concerns about the entrance/exit of the AML I Apartments and the proposed Line Creek Parkway. Williams said all of the 97 homes located in the subdivisions were represented on the petition and several residents were present to support it. Williams explained that the petition objected to the one and only entrance/exit from AML I Apartments onto Kedron Drive, and requested that the entrance/exit be relocated to Senoia Road. The petition also requested that the proposed Line Creek Parkway not be developed. The citizens felt the road would only accommodate Coweta County residents. The petition asked that, if the Line Creek Parkway had to be developed, it should be relocated to merge with Kedron Drive South so that it would not be close to a residential subdivision.

Harry Vandercrab, 209 Brighton Path, spoke in favor of the petition. He said he had previously lived in apartments and felt that residents of the apartments would want two entrances. He felt that if only one entrance/exit was located on Kedron Drive, there would be traffic problems.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Clerk 
DATE: December 28, 2001
SUBJECT: Alcohol License – NEW – Ted's Montana Grill

Ted's Montana Grill located at 314 City Circle, Suite 1320, has submitted an application to sell alcoholic beverages. Mr. George W. McKerrow, Jr., has asked to be appointed as the Licensee. Mr. Craig David Kellogg has asked to be appointed as the License Representative. Mr. Kellogg will be present at the meeting on Thursday, January 3, to answer any questions you may have.

:pd

Attachments



Peachtree City

Georgia

State of Georgia

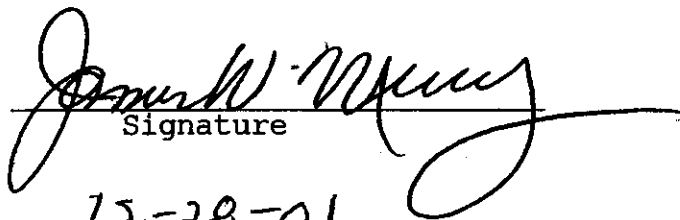
City of Peachtree City:

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

George Walter McKerrow, Jr.
Name

1320 Monte Carlo Dr. N.W. Atlanta, GA 30327
Address

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


Signature
12-28-01
Date


Witness



Peachtree City

Georgia

State of Georgia

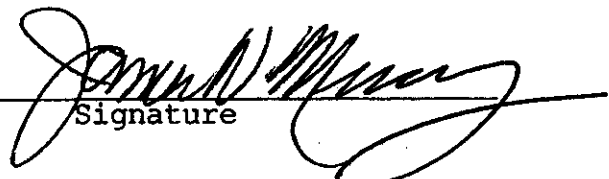
City of Peachtree City:

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

Craig David Kellogg
Name

700 River Rock Passage Woodstock, GA 30101
Address

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


Signature

12-19-01

Date

Major Mike Dubee
Witness



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: Ted's Montana Grill		Business Location: 314 City Circle, Ste. 1320 Peachtree City, GA 30269			
Nature of Business: Restaurant		Mailing Address: 255 East Paces Ferry Rd. Suite 350 Atlanta, GA 30305/		Business Phone Number: (404) 266-1344	
Name of Licensee: George Walter McKerrow, Jr.		Home Address: 1320 Montecarlo Dr., NW Atlanta, GA 30327		Home Phone Number: (404) 266-1944	
Name of License Representative: Craig David Kellogg		Home Address: 700 Riverrock Passage Woodstock, GA 30188...		Home Phone Number: (770) 516-2911	
Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer	
☒	Malt Beverage	☐	Malt Beverage	☐	Malt Beverage
☒	Wine	☐	Wine	☐	Wine
☐	Distilled Spirits	☐	Distilled Spirits	☐	Distilled Spirits
NAME		ADDRESS		PHONE NUMBERS	
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.		Please provide Home Addresses for the individuals listed:		Please provide Home and Business Phone Numbers for individuals listed:	
TMG Restaurants, LLC		1320 Montecarlo Dr., NW		H: (404) 266-1944	
Contact: George W. McKerrow, Jr.		Atlanta, GA 30327		B: (404) 266-1344	
Is any person who owns an interest in the license an employee of the City of Peachtree City? <u>No</u>					

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Clerk 

DATE: December 28, 2001

SUBJECT: Alcohol License – NEW – The Famous Fish Company

The Famous Fish Company located at 300 City Circle has submitted an application to sell alcoholic beverages. Mr. Bruce Scott has asked to be appointed as the Licensee and the License Representative. Mr. Scott will be present at the meeting on Thursday, January 3, to answer any questions you may have. Because Mr. Scott has lived overseas, the Police Department has not received a complete criminal history at this time. Staff recommends approval pending the criminal history report from Chief Murray.

:pd

Attachment

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Chief Murray
FROM: City Clerk 
DATE: December 17, 2002
SUBJECT: Alcohol License – NEW – The Famous Fish Company

An application has been submitted for an alcohol license for The Famous Fish Company, a fish restaurant located at 300 City Circle, Suite 1520. Mr. Bruce Scott has requested that he be appointed as the Licensee and as the License Representative. The application and consent form are attached.

Please conduct a criminal background investigation on Mr. Scott. Council will consider the request at the January 3rd City Council meeting; therefore, I will need your approval prior to December 27th.

:pd

Attachments



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: <i>THE FAMOUS FISH CO.</i>	Business Location: <i>300 CITY CIRCLE SUITE 1520 PEACHTREE CITY GEORGIA 30269</i>	
Nature of Business: <i>FISH RESTAURANT</i>	Mailing Address: <i>P.O. BOX 2748 PEACH TREE CITY GEORGIA 30269</i>	Business Phone Number: <i>770-632-1880</i>
Name of Licensee: <i>THE FAMOUS FISH CO. INC.</i>	Home Address: <i>AS ABOVE</i>	Home Phone Number: <i>AS ABOVE</i>
Name of License Representative: <i>MR. BRUCE SCOTT</i>	Home Address: <i>314 HYACINTH LANE PEACHTREE CITY GEORGIA 30269</i>	Home Phone Number: <i>H/A.</i>

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

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
<i>BRUCE SCOTT</i>	<i>314 HYACINTH LANE P.T.C. GA, 30269</i>	<i>(H) - H/A (B) - 770-632-1880</i>

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

VIA: Jim Basinger 

FROM: Jane Miller 

DATE: December 28, 2001

SUBJECT: Revisions to Ethics Ordinance

Attached are proposed revisions to the current ethics ordinance recommended by Mayor Brown. These revisions include the requirement of a criminal background completed by our police department on all appointees to the ethics pool and training requirements for these appointees. The proposed revisions are bolded and underlined.

/jsm

Attachment

ORDINANCE NO. XXX

AN ORDINANCE TO AMEND SECTION 62-90 (3) AND SECTION 62-90 (5) OF THE PEACHTREE CITY CODE OF ORDINANCES TO ESTABLISH QUALIFICATIONS FOR MEMBERS OF THE BOARD OF ETHICS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by the authority of the same, that Sections 62-90 (3) and 62-90 (5) be amended as follows:

- (3) The Mayor and Councilmembers shall each designate two qualified citizens to provide a pool of ten individuals who have consented to serve as a member of such board of ethics. **These individuals must agree to undergo a criminal background check conducted by the Police Department prior to designation, the results of which will be forwarded to the Mayor and Council.** These individuals should be available to be called upon for a period of two years to serve in the event a Board of Ethics is appointed. **Upon initial designation to the pool, each individual shall attend a training session on the Ethics Ordinance, conducted by the City. Annually thereafter during their term, each individual shall be required to attend a training classes at city expense.** The Mayor and Council shall re-designate individuals to serve on the Board each January following a regular scheduled municipal election. Board members can be reappointed and there shall be no term limits for the Board members since future members of Council may wish to appoint the same Board members. However, the term for individuals appointed by the Mayor or a Councilmember shall end when a new Mayor or Councilmember replaces the appointing Mayor or Councilmember, and when the new Mayor or Councilmember appoints new individuals to the pool. The City Manager shall maintain a listing of these ten qualified individuals.
- (5) The City Clerk shall notify the selected members of their appointment by telephone the following day and shall ask if there is any reason the member feels they can not or should not (due to a conflict of interest) serve on the Board concerning the particular complaint. **Once the Board members and alternates are confirmed, the City Clerk shall, if needed, schedule a workshop for the Board. At the workshop, the City Attorney shall conduct a review of this Ordinance and the alleged complaint.**

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

Done, Ratified and Passed on this ____ day of _____ 2002.

Mayor

City Council

City Clerk Attest

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: City Manager 
FROM: Developmental Services Director 
DATE: December 28, 2001
SUBJECT: Proposed Development Moratorium

Attached is a revised draft of the proposed development moratorium for Council to consider at the meeting on January 3, 2002. Also attached is a letter from the City Attorney, which discusses the legal implications of the proposed moratorium.

Staff recommends that the moratorium be enacted as an amendment to the Zoning Ordinance and that it be in effect for a period of at least 90 days.

:pd

Attachments: (1) Proposed Moratorium
(2) Legal Opinion

ARTICLE XV LAND DEVELOPMENT MORATORIUM

Section 1501. Purpose.

In order to protect the health, safety, and welfare of its citizens, the Mayor and City Council of the City of Peachtree City have determined that it is necessary to enact a temporary moratorium on development activities within the City. This moratorium, which will be for a period of 90 days, is intended to allow sufficient time for the updating of the City's Comprehensive Plan, as well as the array of codes and ordinances that comprise the City's Land Development Program. If the moratorium period is insufficient, it may be necessary to extend the moratorium beyond the 90-day period to complete some of the above activities.

This updating work is essential to maintain the orderly development of the City; maintain the high quality of police service now provided; maintain the high quality of emergency and fire protection service now provided; maintain the high quality of education now provided; maintain the high quality of life now existing; maintain the high quality aesthetic and natural environment now existing; and help to reduce traffic congestion and air quality problems now existing in the area.

Section 1502. Findings.

The Mayor and City Council have made the following findings of fact in consideration of this moratorium:

- (a) The City's Comprehensive Plan was adopted in 1992, about 10 years ago. Since that time, it has been updated annually with summary reports. It is now due for a complete update to properly reflect the growth and development of the last decade;
- (b) The City's Zoning Ordinance and Land Development Ordinance were adopted in 1977 and 1985, respectively. Since that time, they have been added to and amended numerous times. They are now both due for a complete update to better meet the demands of growth and development in the Atlanta region;
- (c) Because of the many updates since the Comprehensive Plan, the Zoning Ordinance, and the Land Development Ordinance were initially adopted, these documents are in need of review and possible revision; and
- (d) Growth and development in the City have begun to put a severe strain on public finances and public infrastructure and services to the point where all the codes, ordinances, policies, and plans relating to development activities need to be expanded, adjusted, and better coordinated to meet the current needs of the community and to properly respond to the challenges of growth in the region.

Section 1503. Moratorium.

The Mayor and City Council hereby direct the City staff that from the date of enactment of this moratorium and for the duration of this moratorium, the following policies shall be in effect:

- (a) No concept plat for a proposed new land subdivision shall be approved by the Planning Commission;
- (b) No application for a proposed new rezoning shall be accepted. If any complete application has already been accepted, but a public hearing has not yet been scheduled, that application shall be put on hold for the duration of the moratorium;
- (c) No application for a proposed new annexation shall be accepted;
- (d) No conceptual site plan for a proposed new site development project shall be approved by the Planning Commission; and
- (e) No landscape plan for a proposed new site development project shall be approved by the Planning Commission.

Section 1504. Appeals.

Any party with an ownership interest in property in the City who feels that his property has been severely and unjustifiably affected by this moratorium, may file an appeal requesting relief from the requirements of the moratorium as they apply to his property.

- (a) Any appeal must be filed with the City Planner;
- (b) The appeal shall be placed on the next Council agenda after being advertised for at least 15 days prior to that Council meeting;
- (c) City staff shall analyze an appeal application relative to its impact on the work being done to update the City's development codes, ordinances, policies, and plans;
- (d) City staff shall present to Council a position paper on the appeal with appropriate recommendations;
- (e) In the event Council grants the appeal and provides relief to the property owner, City staff shall be directed to process the matter being appealed in accordance with ordinances in effect on the date this moratorium is passed by Council; and
- (f) In the event Council denies the appeal, the property owner shall have the same rights and follow the same procedures as those connected with the denial of a rezoning request.

WEBB, LINDSEY, COLLINS, JONES & WADE, LLC

Attorneys-At-Law

James H. Webb Jr. *
Richard P. Lindsey
H. Clay Collins
Carlton H. Jones III
Jonathan J. Wade

Michele M. Bradley
Susan M. Brown
Karen C. Gainey
Christy R. Jindra †
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Peachtree City, Georgia 30269

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Other Offices
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Fairburn, Georgia
McDonough, Georgia

Other licenses:
* Florida
† Illinois

December 27, 2001

Mayor and Council
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

re: Moratorium

Dear Mayor and Council:

Under consideration is a possible moratorium on approving conceptual site plans, conceptual subdivision plats, re-zoning applications, and landscape plans. Single home residential projects will not be included nor will home improvement projects as these type of matters do not require the approval of one of the above listed items. The Mayor and Council will need to act cautiously and deliberately in making a decision on this moratorium. This moratorium differs from the moratoria which are active currently in the City.

Presently, we have in place an indefinite moratorium on annexation. This moratorium is actually not needed. Annexations are always within the discretion of the Mayor and Council. We do not require a moratorium to prevent annexations from occurring as petitioners seeking to have property annexed have no constitutional right to force us to annex property. That is why the moratorium can be indefinite and why it is free from attack. We also have a moratorium on re-zoning any property to a zoning classification which permits the construction of multi-family developments. This moratorium has to be reviewed each year. This moratorium also includes an appeal process so that Council can consider any application which otherwise cannot proceed because of the moratorium. This appeal process prevents the multi-family moratorium from being a blanket moratorium and actually results in the Council getting involved in the development process at an earlier stage than it otherwise would be involved. This appeal process helps protect the moratorium which otherwise might be vulnerable.

The proposed moratorium is a blanket moratorium. In order to pass and survive a constitutional attack, the moratorium first must address a current problem or problems which cannot be effectively addressed without the institution of a moratorium. Secondly, the moratorium must be narrowly drawn in scope and in duration. In other words, you cannot put

more under the moratorium than is required to effectively address the problem and you must make the moratorium for as short a period as possible. Finally, the moratorium should not attempt to stop those projects which are far enough "down the development path" that the rights to develop the property have vested. Although there is no exact bright line test to determine when such rights have vested, the courts have stated that a property owner who has received a building or other development permit has obtained vested rights which cannot be infringed by the government. Property owners who are not to the point of obtaining building or other development permits may have acquired vested rights but those situations must be reviewed on a case-by-case basis. The amount of time and money a property owner has spent on developing the property will help determine whether the owner has obtained vested rights. Additionally, property owners who have relied to their detriment on statements made by City officials or staff members concerning development matters may have obtained vested rights. Such situations are "fact specific" and will have to be viewed separately to determine if the moratorium results in an unfair taking of property rights.

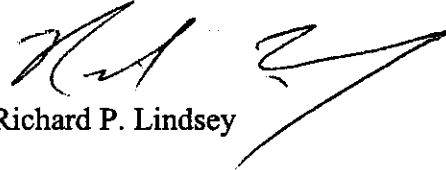
Thus, it is my recommendation that you consider the reasons for the proposed moratorium and state those reasons explicitly for the public. Further, the moratorium must be narrowly drawn as to its scope and duration. If the moratorium is not going to apply to single family construction or other such development activity, then the reasons why such activity is excluded must be given and those reasons must correlate to the purposes for the moratorium on the other types of development. If any portion of town is going to be excluded from the moratorium, then the reasons for the exclusion must be stated. It is also my recommendation that an appeal process be created and established so that affected property owners can explain why a particular project should not be included under the moratorium. The process must be quick and fair so that the property owner's rights are protected.

Finally, I have concerns that the landscape plan moratorium will present the most pressing problems. Because we do not require that a landscape plan be approved until the project is under construction, those property owners coming to the City for approval of a landscape plan will necessarily be close to the conclusion of the construction process. It is difficult to imagine a set of circumstances where the City could defend an attack on the moratorium by an aggrieved landowner who is denied a certificate of occupancy because the moratorium prevents the approval of a landscape plan. Thus, to prevent this type of problem, I recommend that an interim certificate of occupancy be given to those affected property owners until the moratorium on approving landscape plans is lifted. Once the moratorium is lifted, then those property owners can submit their landscape plans to the City for approval and receive a final certificate of occupancy. This will prevent any undue hardship being levied against such landowners.

If you wish to discuss this matter with me, please do not hesitate to call.

Sincerely,

WEBB, LINDSEY,
COLLINS, JONES & WADE, LLC

A handwritten signature in black ink, appearing to read 'Richard P. Lindsey', with a long, sweeping horizontal stroke extending to the right.

Richard P. Lindsey

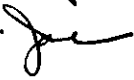
RPL:

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

VIA: Jim Basinger 

FROM: Jane Miller 

DATE: December 28, 2001

SUBJECT: GEM Vehicles

At the December 20, 2001, Council meeting, Council approved the GEM vehicles operating on the City's recreation path system in the turf mode. At that meeting it was understood that the vehicles would be tagged, operated by licensed drivers and insured. Staff learned on December 27 that there was a possible problem with tagging the vehicles. We are awaiting a final decision by the State of Georgia. If the state does allow the vehicles to be tagged, no further action will be necessary by Council. If the state does not allow the vehicles to be tagged, staff will prepare a position paper prior to the January 3 meeting as Council may want to discuss the issue further. Staff will keep you advised of this situation.

/jsm