City Council of Peachtree City
Agenda
December 2, 2004
7:00 p.m.

I. Prayer

II. Pledge of Allegiance

III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Recognize Sherry McHugh for Fourth District Distinguished Recreation Professional
Recognize Robin Tennant as Fourth District Recreation Volunteer of the Year
Recognize Nick Harris as State Recreation Volunteer of the Year

IV. Minutes
February 7, 2002, Regular Meeting Minutes
November 18, 2004, Regular Meeting Minutes

V. Monthly Reports

VI. Consent Agenda
1. Consider Appointments to Tourism Association
2. Consider Budget Amendments
3. Consider Approval of Quint Fire Apparatus Equipment Bids
4. Consider Amendment to Section 42-116 Smokefree Air Act of 2004 Relative To Employee Smoking Rooms

VII. Old Agenda Items
09-04-04 Consider Landscape and Tree Preservation Ordinance
10-04-05 Kedron Village Retail Expansion (Architectural Program Approval)

VIII. New Agenda Items
12-04-01 Public Hearing – Consider Variance for Lot 62, Wynnmeade Subdivision
12-04-02 Citizen Request for Council Support for the Creation and Funding of a State Licensing Board for Residential and General Contractors
12-04-03 Consider Amendment to Cart Path Standards to Width of Nine Feet

IX. Council/Staff Topics

X. Executive Session

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**

FROM: **Administrative Services Director / City Clerk** jsm (BJ)

DATE: **November 24, 2004**

SUBJECT: **Minutes of the February 7, 2002 Council Meeting**
December 2, 2004, City Council Meeting

Recommendation:
That Mayor Brown and Council Members Rapson and Weed approve the minutes of the February 7, 2002, City Council Meeting as presented.

Discussion:
At the March 7, 2002, regular meeting, Council voted to table the February 7, 2002, minutes due to discrepancies between discussion and the motion relating to the Rye property. Council readdressed the status of the Rye property in September and December of 2002, giving the Ryes until January 30, 2003, to remove the disturbance from the City greenbelt. At that time, the need to approve the minutes from 11 months earlier was overlooked.

The Peachtree City Building Official has confirmed that the Ryes have completed the project satisfactorily. While Council Members Kourajian and Rutherford cannot vote on the matter, Mayor Brown and Council Members Rapson and Weed retain the ability to approve these minutes for the record.

Budget Impact:
None

City Council of Peachtree City
Minutes of Meeting
February 7, 2002
7 p.m.

The City Council of Peachtree City met Thursday, February 7, 2002, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown recognized Dan Wright for his service on the Recreation Commission from January 1996 to December 2001. Building Official Tom Carty assisted Brown in recognizing the recipients of the 2001 Building Awards: 2001 Builder of the Year – Huddleston-Thompson; 2001 Best Commercial Site Award – Cousins Properties; Superintendent of the Year – Mike Hanson, Richard Simms Homes; and 2001 Builder of the Year Job Site Safety Award – Richard Simms Homes.

Monthly Reports

Brown requested that Leisure Services include a special report that broke down out-of-town non-resident users from resident users. Brown said that information would help in current tax equity negotiations. McMenamin said she knew that information was compiled from time to time and it should not be difficult to get it. Basinger said the information was available.

Minutes

Rapson moved that the January 10 special called meeting minutes be approved with corrections. McMenamin seconded. The motion carried unanimously. McMenamin moved that the January 17 minutes be approved with corrections. Tennant seconded. The motion carried unanimously. Rapson moved to approve the January 23 special called meeting minutes as written. Brown seconded. The motion carried 4-0 (Tennant abstained. He was out of town when the meeting was held).

Consent Agenda

1. Consider Bids for Telephone System
2. Consider Fireworks Display Contract

1. Basinger said the bids for the telephone system for City Hall and Developmental Services were opened Tuesday afternoon, February 5. The bids were placed on the agenda in anticipation of needing Council approval (anything over $40,000 needs Council approval); however, the bids all came in under $40,000. Basinger said no Council action was needed and that staff was still reviewing the bids since they were fairly close. Basinger said he or the Mayor would make a decision.

2. Brown said the fireworks display contract came in at $26,000 for the July 4th festivities. McMenamin moved to approve fireworks display contract. Tennant seconded. The motion carried unanimously.

Old Agenda Items

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

Bill Rye introduced his wife, Ann, whom he said had done a lot of research and gathered the facts regarding the easement request. The Ryes requested an easement in the front of their property for four masonry columns and a connecting fence which encroached less than one foot into the City-owned right-of-way. The builder of the subdivision constructed the columns and fence. The second easement was for a brick retaining wall built across the width of the back of the property. The wall encroached from 1.9 feet to 8.1 feet onto the City-owned greenbelt.

Rye pointed out that he had put in a wall in the back yard that was less than 36 inches high. There was a City-owned greenbelt in the back yard that backed up to Flat Creek Road. There was also a berm that measured 10 feet or higher in some places. Rye said he also inherited some issues when he bought the property and they had not been disclosed by the previous homeowners. The slope of the berm encroached into his property by four feet. He worked on his back yard to keep the Charleston-Savannah theme and used two tractor-trailer loads of brick pavers and a tractor-trailer load of bricks. When he worked on the berm, he said he spent a lot of time with Building Official Tom Carty, and the code enforcement officials were out on a regular basis. He was told by the code enforcement officials he would be okay as long as stayed off the top of the berm. He said he didn't take the liberty of just doing what he wanted to do on the property. Rye said since the berm he put in and the wall were less than 36 inches in height a permit was not required. He said he had a bobcat come in and cut the dirt out of the berm so the water wasn't running towards his house, but running out the back of the property to the greenbelt. He then put in the wall. Rye said he also found out that in the past people in the area buried their trash and some of that trash was on what was now his property. He said he spent in excess of $7,800 to have the trash dug up and removed so there wouldn't be a mosquito swamp in his back yard.

Rye continued that if the wall had to come out he would have to figure out what to do with the berm. He had put in a playground for his children and had put in the wall to keep the berm from encroaching onto his property. He had his property surveyed when he was considering the addition of a two-story carriage house and that's when he found out about the encroachments. He was working with his neighbors regarding an encroachment onto their property. Rye asked for Council's consideration.

Ann Rye said they were asking for relief for the encroachments in the front yard. They were done by the developer, not the Ryes. The situations just happened to be coincidental. Their intent had not been to accumulate others' property. Mrs. Rye pointed out a similar situation in Rockspray. A driveway went across the greenbelt. The recommendation on that situation had been to approve the easement because it was inconvenient for the builder to re-direct the driveway and it would be unfair to the homeowner to rip out the driveway. The easement request was approved on November 15, 2001. She pointed out that some of the facts in the staff position paper were incorrect and said a building permit was not required for the work they had done. She also had permission to cross the greenbelt signed by Harvey Stokes and to use the open area to cross the greenbelt. Mrs. Rye said they used the open area and didn't have to remove trees or shrubs to cross the greenbelt. She added that they re-seeded and hand-raked the area where the greenbelt was crossed. She asked Council to consider the sense in removing a retaining wall when the slope of the berm was different. She said the top of the berm had been flattened and it was now easier to get footing before sliding down the berm. The top cap on the brick wall was two full brick widths and children walked across it with ease. She felt because of the landscaping that a citizen wouldn't be encouraged to cross the wall.

Mr. Rye said he wanted to work with the City in any way he could

Developmental Services Director Jim Williams told Council that staff had recommended the easement be granted for the bulk of the wall that encroached no more than two feet into the greenbelt. He felt it was truly an accident that the wall encroached into the greenbelt. The result of tearing it out would accomplish nothing other than more disturbances. Williams said there were portions that encroached more than two feet into the greenbelt, all done without permission from the City. Williams said no one could give that permission except Council. Staff recommended those portions be removed and only the portion within the two-foot encroachment be kept. Williams said that would be most of the construction and that would be a fair way to handle the situation. A legal document would have to be drawn up and the Ryes should pay that expense. Williams continued that, in effect, a driveway was put in across the greenbelt that was used during much of the construction. He said there might have been a misunderstanding, but the greenbelt needed to be re-landscaped. The plan needed to be professionally prepared and approved by the Planning Commission. Williams said a point should be made that greenbelts shouldn't be driven through, built on, or disturbed in any way. They could argue all night and day, but the fact was the wall was on City property and it needed to be fixed. Williams added that most of the structure, about 80%, was within the two-foot encroachment.

Rye said they had permission to cross the greenbelt and that the driveway effect was there before that. He also had photos of the area prior to crossing the greenbelt. The grass was planted back and he offered testimony from his neighbors as to the condition of the greenbelt. Rye said he had spent more than $35,000 on the area. It would take another $3,000 to $4,000 to move it, $2,500 to bring the wall back into the two-foot encroachment, and the girls' playground would have to be removed. The wall was built to keep the berm out of the yard.

Brown asked about the permit dated March 3, 2000. Building Official Tom Carty said it was an encroachment permit issued by the development inspector. The permit would allow a cement truck to come on the City right-of-way with the condition that the area be re-landscaped. They were issued routinely for swimming pool and pump installations. Carty said Rye's description of his wall fit that of a landscape feature and wouldn't require a building permit. Carty said there were areas in the City of undisturbed buffer and it was a good idea to check with the Building Department before doing any kind of work. Weed asked if an encroachment permit allowed permanent structures. Carty answered no and said the areas must be restored when work was completed. Weed asked if any member of staff had given the Ryes a document to build a permanent structure in the greenbelt. Carty said no. Carty said the Building Department didn't do any surveys. The property owner was responsible for surveys. The jeopardy was when homeowners assumed areas were on their property. The job of the Public Works Director was to notify the Building Department if a resident was encroaching onto the City's property. If there were an encroachment, the property owner would be ordered to cease and desist. If the property owner did not cease and desist, a citation would be issued. Weed asked if a stop work order was issued when it was determined there was a greenbelt encroachment. Carty said Harvey Stokes told Rye to stop work. Rye answered yes. Mrs. Rye said Stokes performed a site inspection and asked if they needed to cross the greenbelt with construction vehicles any more. Stokes said they could no longer cross the greenbelt and they had not. Mrs. Rye said Code Enforcement officials and Carty had walked the property and said no permit was needed to build the walls. No one was aware they were on City property. Weed asked Carty if the applicant would have been put on notice about the encroachment if he had had a survey. Carty answered yes.

Rapson stated for the record that he lived in the same neighborhood. Rapson checked with City Attorney Rick Lindsey to determine if he had a conflict of interest and Lindsey told him he did not. Rapson continued that Rye had suggested he donate the wall to the City rather than getting an easement. Rapson said he had concerns since an easement would convey that property to the homeowners. He asked Lindsey if his office had researched that possibility. The question of having the Ryes donate the property to the City had not been researched. Lindsey felt it would still fall under the same parameters. Lindsey said the issue he was concerned about was maintenance, although there shouldn't be much maintenance to a brick wall. There was also a liability issue, which Mrs. Rye addressed, but it didn't alleviate all possibilities.

Rapson said what he heard was the City staff recommended two-feet worth of encroachment. If that encroachment was donated and the Ryes gave the City some kind of indemnification for liability, Rapson asked if that would be palatable to Council. Mrs. Rye said they wouldn't hold the City responsible if one of their children fell off the fence. Mrs. Rye said she didn't think the liability would be any greater than it was now. She asked if they weren't responsible if a child was hurt if they fell off the pitch of the berm in the greenbelt into their yard. Rapson felt the Ryes' encroachment into the greenbelt was an honest mistake. He continued that greenbelts made Peachtree City unique and had to be protected at all costs.

Brown said he advocated getting a survey when purchasing any property and added that was probably what started the ball rolling in this situation. He read a portion of the December 6, 2001 minutes that dealt with the property stakes being pulled from the property. He continued that the permitting issue was sketchy. He agreed with a statement made by former Mayor Lenox at the previous meeting that greenbelts were the essence of the City and that the City was extremely protective of them. He said there were two issues, the first was the fence easement in the front yard and the second was the wall issue in the back yard.

Weed moved that the easement request be considered in two phases. One was an easement request for the front part of the property and that the issue be divided from the second part of the property where the wall was located. McMenamin seconded. The motion carried unanimously.

Weed moved that Council approve the easement for the front part of the property at 105 St. Andrew's Square with the following findings: 1. There appeared to be special circumstances peculiar to the property involved, that being the applicants weren't responsible for the original encroachment; 2. The removal of the encroachment would prove to be a hardship for the applicant in light of the first finding that it was not a situation of their creation; 3. Council could find no intentional act on the part of the applicant to violate the ordinance. Tennant seconded. The motion carried unanimously.

Weed moved the following findings be approved for the rear of the property: 1. That no special circumstances contributed to the request, which were peculiar to the rear of the property. Had they done a survey they would have realized they were building the wall on City property; 2. The hardship was of their own creation, and had they gotten a survey, the hardship would have been alleviated; 3. There was no intentional action of the applicant to violate the ordinance. It was misfeasance rather than malfeasance. Weed included in the motion that the following actions be taken: 1. The Ryes were ordered to remove the playground from the bricked-in area; 2. The applicant, if willing, donate the entirety of the wall in the encroachment area to the City; 3. The Ryes pay all expenses incurred in drawing up and recording the donation of the property; 4. If a landscape architect determined further landscaping was needed in the greenbelt that the Ryes be ordered to make the repairs; 5. The recommendation of the landscape architect be adopted into an order to renaturalize the greenbelt and under no circumstance would applicants create another disturbance in the greenbelt or use part of the green belt for access to property. McMenamin asked Weed if he wanted to include the liability clause in the motion. Weed said yes. Rapson seconded. Tennant asked Weed to state specifically the liability clause. Weed amended his motion to include that the applicants agreed to enter a liability agreement that indemnified the City if a member of their family or guests, and other persons they were in control of or invited to the property, from any harm that came from use of the public property.

McMenamin asked Lindsey if he was comfortable with the findings and conditions. Lindsey asked Weed to clarify his condition regarding the playground. Lindsey said Weed was actually talking about the wall and that he wasn't asking for the playground to be removed if it was on the Ryes' property. Weed said if the playground was on their property that was great. They might need to worry about it becoming an attractive nuisance, but that was the Ryes' problem. Lindsey said with that clarification he had no problem. McMenamin asked Weed if he wanted to amend his motion. Weed said so amended. (There was no second) Brown asked about the eight-foot encroachment and it was dealt with. Rapson said that was the playground. It would have to be removed and re-landscaped.

Weed commented to the public and to the Ryes that sometimes under the law you have to lose your skin to save your bones. He felt it was the only thing Council could come up with that provided some equity to them in light of the facts. He appreciated the Ryes' offer to donate and said it provided the opportunity to do something everyone could live with. Brown added that even though a permit might not be required for some projects, it would be a good idea to have a representative from the Building Department look at the property and make sure what was done met the codes.

McMenamin asked Lindsey if it would be a good idea to include in the motion that upon sale of the property it should be noted that the wall belonged to the City and that nothing could be changed or done to the wall. She continued that a new owner might come in and decided they didn't like the fence and might not be familiar with the circumstances. Lindsey said that could be required or a notice could go out. He said he would talk to the Ryes about what was needed as far as exact language.

Tennant commented that Council might seem like ultra-sticklers on the issue, but that was the reason people lived in Peachtree City. The standards were set and had to be kept. He thanked the

Ryes for being conscientious and neighborly throughout the process. The question was called and the motion as stated carried unanimously.

01-02-02 Alcohol License – NEW – Famous Fish Company

Chief Murray told Council he was still waiting on written verification regarding Bruce Scott's criminal history since England's laws were different on people's rights of information. He had spoken with law enforcement authorities and didn't feel there would be a problem. It would take about six months to get written verification. Murray said he was confident Scott was fine and if not, he would be back.

Lindsey said it was a permit, not a property right, and if a problem came to light the permit could be brought back to Council. Council could state the contingency that if there were any problems when the background check was complete, the permit would come back before Council.

McMenamin moved to approve Bruce Scott as the licensee and the license representative for the Famous Fish Company. Tennant seconded. The motion carried unanimously.

01-02-12 Consider Policy for Request for Legal Opinions

Lindsey told Council he had revised the CAR per their instructions. The revisions were made in the policy section. The last sentence now read "Likewise, the City Attorney shall notify the City Manager of all verbal requests for legal opinions made either by elected officials or staff if any such request has a direct impact on the City Council or an impact on any member of the City Council other than the person making the request." Lindsey said the sentence gave Council some comfort level that if anything affected Council they would be notified. It also kept him from charging the City more money for the myriad of requests he got each day from staff and Council on things that really didn't need to be addressed by Council. Tennant said he happy with the revision.

Brown asked at what point discussion he had with Lindsey about negotiations, tax equity, and other matters played into this. Lindsey said Council knew the tax equity situation was going on and that he, Brown, and Basinger were working on it. Everybody was aware it was ongoing. He said if something did come up with the County on another claim and Council wasn't aware they were talking to the County, the legal policy would affect it. McMenamin said she would feel comfortable if Lindsey briefed Council on legal issues during executive session and informed Council at that time that he had talked to the Mayor, rather than have a written report. Lindsey said he was trying to use common sense so as to not increase the City's legal bill, but keep Council informed.

Rapson moved to approve the policy as stated. McMenamin seconded. Brown asked if there was any amendment. McMenamin said wording could be added to brief Council during executive session of any legal discussion that had been held between the staff or Steve Brown. The motion carried unanimously.

01-02-16 Consider Jail Inmate Agreement

Lindsey said they had a revised inmate agreement before them. Council had seen a draft two weeks ago and it was substantially similar to the one hammered out with the County. He said he had received the latest draft about 2 p.m. that afternoon. The County had agreed to make all the changes requested by Peachtree City in the document. Lindsey explained that for those people sentenced to jail who came through the City's court the City had agreed to pay a per diem fee, or daily rate, to house those prisoners. Everyone who paid a ticket in Peachtree City, and Fayette County, already paid a 10% surcharge. After looking at the numbers and running them by Laura Oles, the court clerk, Lindsey felt the per diem charge would have little to no impact financially on the City if a good job was done of using the jail properly. The 10% surcharge allowed by law would cover the daily fees. Lindsey said there had been months of negotiations and the County and the cities had come out with a document that would benefit everybody. Lindsey asked Council to allow the Mayor to enter into an agreement substantially similar to the one before them. He said they were almost identical with just a little word tweaking, but no substantive changes.

Weed referred to pages 8 and 9 under Article 10(a) and (e) regarding the indemnification clauses. He asked that the words "to the extent allowed by law" be added. Lindsey said that was in the later draft.

Tennant moved the Mayor be authorized to enter into the Jail Inmate Agreement as presented with just the very minor adjustments Lindsey pointed out. Brown seconded. The motion carried unanimously.

New Agenda Items

02-02-01 Alcohol License – NEW – Café Havana

Stuart Fail, owner and operator of Café Havana, appeared before Council.

McMenamin moved that Donald Stuart Fail be appointed as the licensee and license representative for the new Café Havana. Tennant seconded. The motion carried unanimously.

02-02-02 Alcohol License – NEW – El Tapatio

John Profitt and Jubenal Solorzano appeared before Council. Profitt said he was the owner of the property at 114 Huddleston Road, the location of the restaurant. He accompanied the applicants because there was a language barrier and it was privilege to have an alcoholic license. He said he would teach them it was a privilege, not a right, to serve alcohol and they could lose it. He introduced Solorzano, the owner of the business, and David Garcia, who would work at the restaurant and serve as translator.

Brown asked Lindsey if he foresaw any problems since the applicant spoke no English. Lindsey said he did not as long as Solorzano understood the rules and regulations and ordinance. McMenamin said she knew Profitt briefed people very well about the alcohol licenses. Profitt said he would be strict in ensuring they understood the responsibilities.

McMenamin moved to appoint Jubenal Solorzano as the licensee and license representative. Tennant seconded. The motion carried unanimously.

02-02-03 Discuss Development Authority Budget Reduction Plan.

Tate Godfrey, chairman of the DAPC, said Council asked the Authority to assist the City in dealing with the hotel/motel tax shortfall at a workshop on January 23. He read a letter from the

DAPC to Council dated February 7, 2002. In the letter (which is included in the meeting file), the DAPC agreed to set aside $5,800 per month beginning February 2002 and continuing through September 30, 2002. In September, if the City showed the DAPC a documented shortfall in the Hotel/Motel tax receipts, the DAPC would give the City 48% of the documented shortfall up to the total amount set aside by the DAPC through September 30, 2002. Godfrey said the DAPC had looked over the budget and would do its best to set the funds aside. He said they would follow through on that commitment.

Lindsey told Council he needed direction to incorporate the meat of the letter into an addendum to the intergovernmental agreement. He hoped to present that to Council at the next meeting so Council could authorize the Mayor to sign and for the DAPC to sign.

Brown asked if Council wanted to discuss it again at another meeting or if they felt comfortable with what was presented. McMenamin said a lot of work had been done and the DAPC had complied with what Council asked. Weed agreed and asked one question. He referred to the second paragraph, second sentence, regarding the documented shortfall. He said it was important to him for Council and the DAPC to agree to the methodology. Godfrey said he had no problem with that.

Rapson stated for the record that he was abstaining from the vote because of the lawsuit filed against the DAPC by his wife.

Brown asked for someone to put it in the form of motion. McMenamin moved the question. Tennant seconded. Brown clarified that the motion was to ask the City Attorney to get together with the DAPC and put the letter in the form of an amendment to the existing intergovernmental agreement. Godfrey asked if the DAPC had the right to have their attorney review the amendment. Council answered in the affirmative. The motion carried 4-0-1 (Rapson).

02-02-04 Discuss Sports and Entertainment Authority

Rapson read a statement before the discussion began. He said the City Attorney had assured him he had no legal reason to refrain from the discussion. Rapson continued that he believed the people of Peachtree City had elected him, and the other Council Members, to uphold a higher standard of ethics. What was legally or technically okay was not always the right thing to do. He stated that he was voluntarily abstaining from discussing or voting on this issue in the event that even one person believed he wasn't objective or had motives other than the best interest of the City. He said he had the utmost faith in his fellow Council Members to consider the facts and make the best decision regarding the creation of a sports and entertainment authority.

McMenamin asked Lindsey to address what fell under conflict of interest. Lindsey said she needed to be more specific. McMenamin said the Mayor might have compromised his ability to discuss the topic in an unbiased manner. She continued that he was biased by writing Letters to the Editor, which attacked the DAPC and by bringing up issues that were innuendo and untruths. In a meeting with her a few years ago, Brown presented her with a seven-page letter that attacked the DAPC. She asked if that constituted a conflict of interest.

Lindsey said that without knowing more, he didn't believe it did. Everyone had the right to his or her personal feelings. The ethics ordinance kicked in when there was a financial interest, or someone in the immediate family had a financial interest. He said he could look at the ordinance in more detail, but he didn't believe it was a conflict of interest that would prevent him from discussing the topic. Lindsey continued that it was a political decision that needed to be made as far as asking someone about his or her motives, but he didn't believe this fell under the ordinance.

McMenamin said if the word bias didn't kick in then he must feel there wasn't a bias. Lindsey said a person could have a bias as far as liking, or not liking, something or someone and that wasn't prevented by the ethics ordinance. McMenamin said she would like to go on record that she believed the Mayor was biased because of former discussions and e-mails and letters he had sent.

Tennant encouraged everyone to be polite and respectful since there might be disagreements throughout the evening. He also asked that the public refrain from applause.

Brown stated for the record that he had been a critic of the DAPC. He had stated personal opinion and had written a seven-page paper on DAPC activity. Most of that material was personal opinion. There was a fact that the DAPC had failed to turn in minutes as they were supposed to and that was illegal. He pointed out that had since been rectified and the minutes had been turned in.

Tennant asked for a point of clarification. Brown stated that the rules for public hearings would be effect; however, this was not a public hearing. Lindsey said it wasn't a public hearing, but the rules could be incorporated. Brown said he would like to since there were so many people in attendance.

Brown referred to a position paper he had placed by the agendas on his position on the proposed sports and entertainment authority. Brown read the paper so all the residents would know where he stood. A copy of the position paper was included in the meeting file.

A resident asked why the Tennis Center and the Amphitheater were placed under the DAPC and what effect would the creation of another authority have on the residents. McMenamin suggested that former Mayor Bob Lenox address that question and give a brief history. Godfrey said he was going to do that in his presentation.

Godfrey introduced the DAPC members. The terms were six years and Council appointed the members. Authorities, specifically development authorities, were created by State legislation to keep them out of the political process and to keep continuity in the efforts with which they were charged. Contrary to comments or e-mails, the members of the DAPC were unanimous in their opposition to taking the Amphitheater and Tennis Center away from the DAPC. Godfrey said they had never been asked as a group to participate in any public debate on the issue. The newspapers and e-mails were no place to hold the debate. Godfrey said no one knew the projects better than the DAPC and the issue was being thrust on them with very little question for the issue. Peachtree City had one of the most successful economic development program stories in the state. The DAPC had been, and continued to be, a key part in the industrial park's success. In the early 1990s, DAPC members, community leaders, and Chamber of Commerce leaders came out of a leadership development program that looked to the future in Fayette County and what was needed to better the County. One of the recommendations was to form the Fayette County Development Authority. An economic development committee was formed that later became the Fayette County Development Authority. The County had eight development authorities each promoting their area – Tyrone, Brooks, Peachtree City, Downtown Fayetteville, the Airport, etc. Everyone at the state level told those groups that there needed to be a central point of contact because statewide developers wanted to talk to one contact. The Fayette County Development Authority (FCDA) was given the lead role in marketing, developing prospects, and for bond financing for industrial projects. The City's Development Authority gave up the right to bond financing as a concession to the new County Authority. The City's representative to the FCDA was appointed by the DAPC and had been the chairman. There were representatives from the Airport Authority, the City of Fayetteville, the City of Tyrone, and five at-large members appointed by the County Commission. Fayette County funded 100% of the FCDA today, which had a budget of around $300,000 a year. Peachtree City paid no direct costs to the FCDA. Godfrey said it was a wonderful deal for the City and it received a huge benefit. The City was the only area in the County with a fully developed industrial and office park. The DAPC participated and supported the FCDA. Godfrey said when he came to Peachtree City in 1992, the members of the DAPC were well known throughout the state, even though they were a volunteer staff with no funding.

Godfrey continued that the City had two dreams – to do something with an underutilized amphitheater and an empty field with hopes of building a Tennis Center. Council asked the DAPC to take the projects under its wing and run them like a business, incorporate them into the economic development program, and make the City proud. The members spent untold hours, volunteers who spent thousands of hours over the last 10 years, creating and managing the facilities that had earned national recognition and national awards. Virgil Christian had been named the USTA Professional of the Year and the Tennis Center had been named the USTA Facility of the Year. They added to the quality of life and enriched the City's economic development activity. Over the years, the FCDA and Pathway Communities had taken the lead role in attracting industry. Godfrey pointed out there was more to economic development than recruiting new business and industry. Authority Member Belinda Sward worked with communities across the country and had pointed out to the DAPC that communities on the leading edge were looking at alternative ways to bring dollars into their communities and promote facilities. Economic development was tourism, niche marketing, supporting existing companies and the traditional recruitment of new companies.

In the past 10 years, the DAPC had done numerous things for economic development across the community. As an incentive to locate here, the DAPC bought and donated the land for the National Weather Service. When Lawson-Mardon Packaging came, they were ready to invest an enormous amount of money, and they asked for a few things that were difficult to find through the state or the FCDA. The DAPC stepped up and provided six months of free office space for the company's people who came in to get the plant up and running. They built a $30 million facility and were great corporate citizens. At the request of Council, the DAPC spent $100,000 established the largest Foreign Trade Zone in the Southeast in Peachtree City. The existing industries asked for it. The DAPC obtained a $300,000 state grant to build Cooper Road for Cooper Lighting. The state gave out grants based on economic need. Out of 159 counties in Georgia, Fayette County was number one in economic standing. The DAPC did everything it could to get the road, which brought Cooper Lighting to the City. Once the road was in, three more industries located here, then five years later, Cooper moved their national headquarters to the City.

Godfrey continued that the DAPC had spent thousands of dollars hosting industrial prospects and bringing statewide developers to the Amphitheater. Without the Amphitheater, the DAPC wouldn't able to bring those people in to meet the local people and see the quality of life. The Tennis Center sponsored a Developers Days. The DAPC had sponsored ribbon-cuttings and groundbreakings. During the 1996 Olympics, Peachtree City was picked as the host city for Georgia Power's Operation Legacy, an event that brought in CEOs from around the country. The DAPC continued to do this today and tried to leverage dollars where they could. If the FCDA had an idea and needed money to do it, the DAPC chipped in so they could. Every year, the DAPC sponsored a Christmas luncheon for statewide developers in Atlanta, which was wildly successful. Many communities called to emulate it. Since 1993, over 40 new corporate facilities from six countries, representing more than 1,500 new jobs and $400 million in new investment, had been brought to the community, and the DAPC had been involved in every one of the relocations. The DAPC had done a bad job in taking credit for its success.

Godfrey stated that the DAPC members unanimously felt moving the Amphitheater and Tennis Center from the DAPC to a Sports and Entertainment Authority was a patently bad idea. There were thousands of issues related to the facilities. Godfrey called them "little engines" out there creating dollars and big operations. It had been said there would be no impact to either facility to move to another Authority. Godfrey said it was no secret that certain members of the Council coveted the hotel/motel tax supplement the DAPC received. The supplement was provided by a 15-year intergovernmental agreement signed in October 2001. The agreement was set up to provide stability to the Amphitheater, Tennis Center, and development effort of the City. It was the first time the DAPC had ever been guaranteed funding. To take the supplement away, a valid contract would have to broken that was approved by a 5-0 vote by the previous Council. Taking the $180,000 supplement away would definitely impact the facilities and economic development. Ticket prices would have to be raised, services reduced, and staffs might have to be reduced. There were all kinds of implications. It had been said the move would allow the DAPC to do more economic development. The members felt it would have the opposite effect. The facilities were run with economic development as the guiding philosophy. It was even more apparent now that there was an executive director in place over all three programs. Moving them away from the DAPC would cause the philosophy and structure to go away. Moving them away from the DAPC and taking away the supplement would most likely leave the DAPC with no budget. There needed to be more discussion of what would happen to the DAPC. No staff and no budget meant no economic development.

Godfrey continued that the members of the DAPC had been offered the chance to move to the new authority. The members felt that was patronizing and disrespectful. They questioned the Mayor's authority to make the offer since the rules that governed authorities and appointments were spelled out. Godfrey closed his remarks by thanking Council for finally letting the DAPC be part of the discussion on the issue. He stressed the unanimity of the DAPC on the matter. They often did a thankless job because they wanted to keep Peachtree City a great place. They pledged to keep

Council informed of all their activities and wanted the chance to work with them in the future. He hoped Council understood their position and supported their efforts in keeping the program going.

Former Mayor Bob Lenox stated that Godfrey had done an excellent job of providing the history behind the DAPC, the Amphitheater, and the Tennis Center. He wanted to add one thing. A lot a time had been spent on how the City wanted to run the facilities. No one could be found who came close to delivering what Council wanted, which was to have world-class recreation facilities that dove-tailed with ongoing economic activities, something the City could be proud of, and something that contributed to the total community value. No one in the private sector could do that and Council had turned to the DAPC. Over the last 10 years, Peachtree City had been the most successful City in the state in economic development, but it was getting close the end of development in the City. The residents recently turned down bond issues and that was the kind of decision a community should make for itself. These two facilities were unparalleled in the country. Lenox continued that the Recreation Commission and staff had worked like dogs to make sure the residents had everything they had. The DAPC was set up to do things that could not be done as a City. It had the ability to borrow money and take risks deemed inappropriate for the City. The DAPC started running the facilities with $250,000 of its own money. Council never asked them to break even. They were major world-class recreation facilities. Council gave the DAPC $180,000 a year as a supplement to run the Tennis Center and its programs and to present the shows at the Amphitheater. The operating budget at Kedron Fieldhouse was $730,000 and provided significant service to basketball players and swimmers, as did the Tennis Center and the Amphitheater. The City was really getting a bargain with their financial performance. Lenox said it was not broken. It worked far better than anything he had ever seen.

Residents who spoke regarding the creation of a Sports and Entertainment Authority included Sharon Wiegele, Nancy Faulkner, Russ Heil, Mike Reimer, Mike Neal, Nancy Curtis, Chuck Lehman, Dan Wright, Jan Shannon-Zink, Jeff Troxel, Beth Wortman, Buddy Roberts, Bob Brooks, Wayne Roberts, Bill King, Byron Sturgis, Steen James, Randy Wortman, David Timmis, Cal Betz, Scott Bradshaw, Margie Swart, Patrick Emmet, Dave Lefler, and Brian Palmitessa.

Their points included:
1. Economic benefit to small businesses during tournaments
2. One of purposes of hotel/motel tax was to generate tourism. Amphitheater and Tennis Center brought in tourists. City's Recreation Department was second to none.
3. Added value to residents' lives. Any changes should be done in a way that invited full public participation. DAPC needed to be included in the decision.
4. Traveled with child to tennis tournaments and Peachtree City's name was well known. Out-of-town residents who brought family members to play spent money at restaurants, bought gas, etc.
5. Residents needed to see research that said Tennis Center and Amphitheater were mismanaged. More research and discussion were necessary.
6. Recreation Commission and Recreation Department not brought into discussions.
7. State Representative Kathy Cox had said she wouldn't support request for new authority.
8. Tennis Center provided a service to residents. Facilities spread goodwill about Peachtree City across the country.
9. DAPC ran Amphitheater and Tennis Center at a reduced cost.
10. Key to success of both facilities was businessmen and women ran it.

11. DAPC had been successful in economic development activities during the last 10 years.
12. Facilities increased property values.
13. Reason Tennis Center was so successful was because talent operating it understood recruitment of instructors, the game, and had a vision.
14. Concerns that personal agenda of Council Members were getting in the way of what was best for the City.
15. Due consideration not given and no plan was in place.
16. Tennis Center wasn't going any place, it was just a reorganization and just a different oversight committee.
17. Intergovernmental agreement set aside portion of the hotel/motel tax to run the facilities.
18. More in-depth analysis needed before a decision was made.
19. Timing was bad. Let facilities continue under DAPC for stability.

Brown said he had heard about 150 questions asked. Brown said he had asked Palmitessa to apply for an opening on the DAPC. He felt new voices were needed and had concerns about the DAPC's direction and missing out on development opportunities. He had asked another person to apply for a position who was told if he or she wasn't interested in running an Amphitheater or Tennis Center, then he or she shouldn't apply. Brown said he wanted to provide more opportunities for economic development. There were 269,000 square feet of industrial vacancies and 175,000 square feet of office vacancies in the City. He continued that he would like to have the DAPC work with him on development opportunities. The hotel/motel tax was for the welfare of the City, but there were some specific uses. He had disagreed with some of the decisions made by the DAPC, but people always disagreed. Some people were mad when the facilities were moved to the DAPC for management. Brown said he did covet the hotel/motel tax dollars, especially when he had to turn down the girls' softball organization's request to pave their parking lot again. Brown said he could use the hotel/motel funds for legitimate projects in the City. Brown stated it wasn't a matter of whether the Tennis Center was broken or not, but was more a matter of economic development in the City. The City needed the flexibility of the DAPC to attack economic problems.

Brown continued that he didn't want to do anything to hurt the facilities. There was no motive in his mind to destroy either one and there was no way that any action would be taken on his watch to destroy them. There was unfortunately a lot of miscommunication and he apologized if anyone was offended. Brown said a new authority wouldn't happen suddenly. Joint meetings would be held and the new authority would be phased–in. The process would take months and months. Brown said that waiting another 18 months would offset what he hoped to do as far as economic development. While he had disagreed with decisions at the Tennis Center, everyone had the right to disagree. Brown pointed out he lived in Planterra and wouldn't shoot himself in the foot by doing something to the Center.

McMenamin complimented the Recreation Department. She asked what could be said about a department in charge of so many well-run facilities and it was incredible the limited number of people who accomplished the job. She also complimented the Recreation Commission for the work it had done. She said a good question was asked and that was what happened to the Recreation Commission. The mayor had said there would be no lost jobs, but McMenamin said any time there was a merger there were lost jobs. The key point was the law was very definitive about the hotel/motel tax. It couldn't be spent on just anything that was wanted. There was a binding agreement with the DAPC, and Cathy Cox said she wouldn't touch the proposal in the Legislature. McMenamin said the discussion was moot and needed to be dropped.

Weed quoted Shakespeare and said, "a rose by any other name would still smell as sweet." Weed said his intentions might not be the same as the Mayor's or any other member of Council and he could only speak to his intentions. He looked at over three inches of documents and researched the origin of the DAPC. The enabling legislation that created the DAPC stated, "there is an urgent need to develop and promote the public good and general welfare, trade, commerce and employment opportunities in Peachtree City." Likewise, the local ordinance that helped effectuate the DAPC read, "the purpose of the Development Authority is to function in the City for the purpose of developing and promoting for the public good and general welfare, trade, commerce, industry and employment opportunities in the City."

A Development Authority that ran an Amphitheater and Tennis Center was an aberration of the way Development Authorities and these types of facilities were run in other cities. Weed speculated if the aberration was better than the way other cities and communities did it and said it might very well be. He differed with some of the representations that were made. Weed read from the 1993 contract, which said the DAPC was to operate the Tennis Center in a manner that represented the best interest of the City citizens and a manner consistent with the self-sustaining operation of the facility. Weed said there was always a vision that the Tennis Center would pay for itself. Those were the facts he was going on.

Weed recognized it was a passionate issue for many; however, many were under the mistaken impression that members of Council wanted to put a stake through the heart of the Tennis Center, or they wanted to fire staff or Virgil Christian. Weed said he met with Christian earlier in the week and he personally assured him he had no intention of participating in something where Christian would be fired. Weed stated that whoever told people that staff would be terminated, as the result of this action, was not telling the truth. Mr. Brown was the Mayor, but was not his king or his sheriff. He was one voice. Weed hoped his voice carried as much passion and weight as the Mayor's voice or any other member of Council. With regard to a personal agenda, Weed said he was part of the same social organization as Scott Bradshaw and Doug Warner, and had spent an hour discussing the issue with Brian Palmitessa. He had no intention of making this decision in a vacuum. He said he was not talking about the death and destruction of the Tennis Center or Amphitheater. He wouldn't take any action that would cause those things to occur.

Weed explained that he would like to see a Development Authority with a clear mission based upon law, the charter, and the enabling legislation. He wanted to see them succeed in that mission. They had gotten $400 million in new investments. If they were focused on development entirely, they would have $800 million dollars in new investments. If they were focused entirely upon industry and growth of industries, there would be 80 new industries, not 40. They had the talent and skills to do that. Weed said he didn't foresee the DAPC devoid of its current leadership, people with talent and ability. He wouldn't waste Council's efforts and energy not to give them the chance to succeed. He wanted those people on the DAPC so they could bring in $800 million in new investments. Were those same people needed to maintain the quality at the Amphitheater and the Tennis Center? Weed felt Donna Romeo and Virgil Christian could continue the wonderful things the DAPC started. They had the ability as the directors and staff members and he had faith they could do that job without holding the hand of the current DAPC.

If members of the DAPC wanted to become members of the Sports Authority, he would support it wholeheartedly. The facilities were wonderful and that was one of the reasons he was calling a duck a duck and supporting a Sports and Entertainment Authority. He wanted Kedron Fieldhouse and Kedron Aquatic Center and the Luther Holt All Children's Playground to be run with the same care and quality as the Tennis Center and Amphitheater. At the end of the day, he agreed with his fellow Council Members and said there would always be some doubt if Council chose to take this action. He didn't want the public to feel that this Council would do anything without doing all the research required and without looking at a draft piece of enabling legislation, which he said he could write. Weed didn't want the public to feel there was anything clandestine in this matter. He couldn't speak to anyone else's motivation, but could tell the public what his were. At the end of the discussion, he said he would make a motion to form a study committee, develop workshops, and discuss it between now and the next legislative session. If at that time, the study committee determined to call "a rose by some other name," he was convinced it would still smell sweet and people would feel more comfortable about doing it.

McMenamin commented on Weed's statement that the DAPC taking over the Amphitheater and Tennis Center was an aberration. She continued that Peachtree City had always been an aberration because it had always done things a little differently, been a little more restrictive, and walked a very fine line. It wasn't uncommon for Peachtree City to do things a little differently. She and Weed obviously thought about economic development a little bit differently. At the workshop, McMenamin said she felt the Tennis Center was a development tool in its infancy. She said the DAPC should use any incentive to bring good industry to the City and be allowed to do it as long as it wasn't a burden to the taxpayer or didn't intrude on the health and safety of the citizens. The Tennis Center was a great asset under the DAPC.

Tennant said his job was to listen, not to talk. He said he and the Mayor were good friends and a lot of times they thought alike, but that wasn't always the case. Tennant said Brown would be a great mayor, but everybody was human and should be given the benefit of the doubt. He asked the public not to come down too hard on Brown if he felt as strongly as he did, regardless of what it was about. What started all of this was the infamous e-mail, and he read a portion of the e-mail. Tennant called the e-mail foolish, hogwash, and a lie. After reading it, he understood why everyone came out. If everyone thought it was the truth, they should have come out and he commended them for doing so. However, he said that kind of information was erroneous and advised people to watch what they read and e-mailed.

Tennant continued that the DAPC was comprised of a fine group of people. Tennant said he was among those who believed there needed to be new blood and there was. New people were coming on and were major assets, but that was not to shortchange the excellence of the established representatives on the board. They were great, smart, dedicated, worked for free, and everyone owed them a great debt of service.

Tennant said four years on Council was enough for him and he wasn't voting on what would happen in the next election. He was trying to vote on what was right and what it meant to be a representative of government. Did Council have the authority to vote any way they wanted to because they were elected or was it incumbent upon Council to listen to the public? Tennant said he was a disciple of the second. He didn't feel the group at the meeting was a representative section of City, but the passions were clear. The unanimity of rejecting the idea by the entire DAPC made a difference to him. The venues were tremendously successful. The success of the Tennis Center in particular was, to a large degree, because of Virgil Christian. He told Christian he admired the work he had done and that he appreciated his effective management.

Tennant said the issue was brought forward as an agenda item too early. He agreed with Weed on some of his points. The DAPC was a cog in the wheel. He didn't buy into the argument that the DAPC needed to focus only on economic development. There were a lot of layers to economic development – county, state, and national. The DAPC was an integral part of it, but if it were pulled out of this equation it would hurt. The overwhelming argument was "if it's not broke, don't fix it." It was not broken and he was not in favor of changing it unless he was presented with really compelling evidence that it would be better for everyone in the City. He said that would be an uphill battle for him. Tennant said to leave it alone.

McMenamin moved to drop the issue and take no action. Tennant seconded.

McMenamin added if the Mayor wanted to bring it back up in six months or so or hold a workshop, then to start it over. She felt that trying to get a workshop together now when there was no public opinion in favor to go forward at this time would be difficult, but it might change. She encouraged the Council to get out into the public and hear what people were saying. They like things the way they were. Brown asked McMenamin to re-state her motion.

McMenamin moved that the issue be dropped from the agenda and no further action be taken. Tennant seconded.

Brown told Tennant he hoped he was as ardent in working on development opportunities as he was about the Tennis Center. He said he had nothing against the Tennis Center, but added there were things that had to be addressed as a City in terms of economic development if things stayed the way they were. He hoped the DAPC would come forward and help him work on some of the issues.

Weed explained why he was voting against the motion. He said he believed in the rule of law and the enabling legislation. He said he believed in what the mission of the DAPC should be. He said he would not abandon the issue and intended to work closely with the Authority if the members were willing to re-focus some of the current energies and efforts. If they weren't willing to that, they weren't willing to do that, but he was willing to meet them halfway.

Godfrey pledged to Council that the DAPC welcomed any opportunity to talk about new ideas, development opportunities, and creative approaches. They would hold seminars, charettes, whatever Council wanted. The DAPC wanted to be an ally to Council. Godfrey said he thought the two facilities were economic development tools and pointed out that the state department in charge of economic development was the Department of Industry, Trade, and Tourism. They would welcome the opportunity to explore new ideas.

Brown called the question. The vote was 2 (McMenamin, Tennant)—2 (Brown, Weed).

Due to the time, Council agreed to change the agenda and hear those items that were to be addressed by people outside of City staff first.

02-02-05 Public Hearing – Moratorium Appeal – Lexington Park
02-02-06 Public Hearing – Moratorium Appeal – Lexington Circle

Dan Fields, vice-president of John Wieland Homes, addressed Council regarding the moratorium appeal. He said they were proposing the construction of 28 lots, which would complete the residential portion of Lexington Park. It was part of the concept plan approved for Lexington Park. He said he wasn't quite certain of where Lexington Park left off and Lexington Circle began.

Rapson said there was a site plan for the residential side of Lexington Park that differed from the original, which looked like it would have a cul-de-sac. Fields said it was changed so there wouldn't be a cul-de-sac so they could meet the intent of the concept plan, which had already been approved through a series of charettes. One of the concerns was it would be used as a cut-through from Highway 54 to Walt Banks Road. The revised plan included traffic calming devices such as a roundabout. They had worked with staff to make the changes. Fields asked Bob Adams to come up and address Council as well.

Adams stated he was owner of 40 of the 70 acres in Lexington Park and Lexington Circle. He said he represented himself as well as Palm Beach Properties, owner of the remaining 30 acres, and two commercial developers and several purchasers under contract for parcels. He asked Council to exempt Lexington Park and Lexington Circle from the moratorium. He pointed out that Lexington Circle was zoned LUC-16. The zoning was accomplished a few years ago after much effort from the City, owners, and after months of effort by a citizens' task force. The zoning put to bed years 20 years of debate, citizen angst, and litigation on the property. The City and owners developed architectural guidelines and covenants that were approved by the City and recorded on the property. The guidelines and covenants were part of the zoning and included extensive definitions of landscaping, street trees, and architectural design that exceeded anywhere else in the City. Adams said they believed they were vested as they had spent over half a million dollars on the current development, excluding the streets in the residential section, which was several millions of dollars. The conceptual site plan for the entire site was designed and the City paid for the charette. The detention ponds for the entire site had been engineered, built, and installed for the commercial and residential portions. The sewer lift station had been engineered, installed, dedicated, and accepted by the City for the entire parcel. The engineering for the main boulevard from the Steinmart/Fuddrucker's entrance to Walt Banks had been engineered and paid for, as well as the DOT entrance to Highway 54. He said they were well into development and asked Council to see that the piece was vested and should logically be exempted from the moratorium.

Rapson said it would be a safe argument to say that City staff recommended both appeal requests be approved. Adams said that was his understanding.

Williams stated that staff recommended approval of both requests. Both were well on their way and did not represent a typical project. The residential portion was over 80% complete. This was really just the tail end of the project. He said it was only being considered for appeal because of the way the moratorium was worded. Because of the unique nature of the project and because staff had worked with the developers hand and glove since day one, staff recommended the appeals be approved. No one else had approached staff for an appeal.

Brown said the projects were LUC and the Limited Use Zoning classification was entirely different from what normally came up. Because the zoning was LUC, the project had been planned to the hilt. They had also met extra guidelines that went with that type of zoning classification. They had work closely with the City. He was inclined to grant the appeals.

McMenamin agreed It had been a long development process. She felt it was an asset to the City. Rapson also agreed and said that was one of the reasons the appeal process was part of the moratorium.

Lindsey added that coupled with the LUC classification and knowing what had taken place as far as investments and time, the appeals fit within the parameters of what Council wanted to take into consideration for granting an appeal. Brown added that the development also took into account what the City was trying to accomplish with the Moratorium Committees in the first place.

Brown moved to approve the moratorium appeal for both the Lexington Park and Lexington Circle entities. Tennant seconded. The motion carried unanimously.

02-02-09 Consider Renewal for EPI Solid Waste Preferred Provider Service
Jim Bennett represented EPI. He thanked the City and staff for the last three years. He said they were asking for a small increase and hoped the City would grant it. He continued that they had done a good job.

Brown asked Bennett what EPI would be willing to do if a large subdivision with a homeowner's association were able to get the majority of the homeowners to choose EPI in addition to the preferred provider plan. Bennett said if the subdivision was in the City they gave the subdivision the same price as EPI gave the City. They also had subdivisions outside of the City and gave them a better rate if the whole subdivision chose their service. Brown said some providers, if they had 80% of the subdivision, might provide free service at common areas in the subdivision such as the pool house, clubhouse, or park. Bennett said they would. He added that they worked with the Tennis Center and provided extra dumpsters during tournaments. His company also provided additional pick-ups and port-o-pots for events like the March of Dimes walk free.

Financial Services Director Paul Salvatore said staff recommended approving the one-year extension of the agreement. It was the final one-year extension on the three-year contract. It would go out for bid again at the end of the year. The price increase was nominal and was based on the Consumer Price Index, which was very low at about 1.44%. Salvatore said that worked out to about 14 cents per month for single can pick-up. Salvatore said it was a good deal for the citizens. Even though EPI was the preferred provider, citizens could choose whatever company they wanted.

Tennant moved to renew the final year of the contract at the requested prices. McMenamin seconded. The motion carried unanimously.

Brown asked Bennett to talk to Basinger about the possibility of the common areas in subdivisions. He said the City would be willing to let the homeowners' associations know if EPI was interested.

02-02-07 Consider "Pooper Scooper" Ordinance for Cart Paths/Parades
Leisure Services Director Randy Gaddo addressed Council. He said the request for the ordinance came about after approval of the ordinance, which dealt with the situation in the parks. Council asked that something similar be developed for the cart paths and parades. Gaddo said they reviewed the ordinance book and decided that it would be better to add to an existing ordinance rather than creating a new ordinance. Ordinance 70-36 already addressed the use of the cart path system and staff recommended adding subsection (4)(e) to the ordinance. The recommended wording could be, "As a common courtesy and concern for the health and welfare of others using the City cart path system, people accompanied by pets are responsible to clean up after such pets along the cart path system and along City streets during high volume pedestrian events such as parades. Such individuals should carry the appropriate materials to ensure that they remove the pet's excrement from along the paths and streets and dispose of it in a sanitary method when they get back to their home." Gaddo said he provided some discussion points in the memo.

Gaddo's biggest concern was enforcement. No City employees were out monitoring the cart paths, so most of the reports would come from citizens. It would be up to the citizens making the reports to provide the evidence. In the final analysis, staff felt the responsible and conscientious pet owner already took measures to ensure their pets were cleaned up after and probably wouldn't object to this. Those caught would face fines and penalties. If Council determined it was appropriate to legislate such action, staff recommended adding subsection (4)(e) to 70-36.

Rapson said it made sense to put the ordinance on the books. He continued that enforcement would be an issue, but it wasn't a bad thing to have on the books. McMenamin agreed, but added common sense couldn't be legislated.

Lindsey suggested changing the word "should" to "shall." Weed said he had two other areas of concern. One was that there was no definition of high volume pedestrian event. The language could be used, but there should be a list of those kinds of events. Weed said "appropriate materials" should also be defined so there wouldn't be a motion to dismiss based on the fact that a paper bag was used instead of a plastic bag. McMenamin suggested the wording of "where people gathered for a public event" rather than "high volume." Weed said there were a lot of ways to change the language.

Lindsey said the verbiage needed work and recommended tabling it until the February 21 meeting. One woman who identified herself as Nancy asked about removing the excrement. She said she had seen people take shovels and just shoveling it under the dirt.

Brown moved to continue the issue until February 21. Rapson seconded. The motion carried unanimously.

02-02-08 Appointments of Ethics Board Candidates
Brown asked Basinger if all the appropriate paperwork had been turned in. Basinger said yes. McMenamin commented that she appreciated their willingness to serve. Brown said they were already working on setting up the annual continuing education course for the members through the Carl Vinson Institute of Government.

Weed read the list of Ethics Board candidates for the record – Barry Amos, Steven Fraas, Ann Marie Matwick, Frances Meaders, Allison Smith Moore, Robert Rothley, Pamela Sims, Iola Snow, William Webster, and Robert Williams.

Brown asked if any action needed to be taken. Basinger said they needed to be appointed. Tennant moved that each of the names read by Weed be appointed to the Board of Ethics. McMenamin seconded. The motion carried unanimously.

02-02-10 Discuss Creating a Committee to Review Golf Cart Ordinance
Rapson referred to a letter he received, and shared with everyone, about some controversial issues such as allowing 15-year olds to drive golf carts. He said he would like Council consensus to hold a workshop or form a committee to look at several issues. McMenamin cautioned Rapson to make sure the workshop was aggressively advertised. She said this was a heated subject and people were very passionate.

Brown said he would love to see some varied demographics on the committee and asked how to do that. Brown and Tennant both suggested each Council Member appoint two or more people from varied age groups. McMenamin suggested each Council Member select one member under 20 and one person over 30. Brown said one of his members could be the young woman who wrote the letter. She was 15 and took the time to write the letter.

Rapson moved to form a committee to review the issues brought up in the letter as well as issues discussed last year and that each Council Member appoint two people, one under 20 and one over 30. McMenamin asked Council to consider holding the workshop after March 1 so the information could go in the Update. Brown suggested making the appointments at the March 7 meeting. Rapson suggested leaving staff advisors on the committee up to the City Manager's discretion. The Police Chief, or his designee, would be one of the advisors. Rapson agreed to steer the committee. Weed said he would also like to be involved, especially since so many youth would be involved.

Rapson included an amendment to the motion to have staff members serve as advisors to the committee. Tennant seconded. The motion carried unanimously.

02-02-11 Consider Establishment of a Community Improvement District (CID)
Brown said they wanted to create a Community Improvement District (CID) in the 54 West corridor. Brown explained a CID was a self-taxation body where a majority of the commercial entities had agreed to be in a self-taxation zone. It also required an additional percentage of the value in the district to vote for the CID. They wanted to use the CID as a tool to raise some of the matching funds necessary to implement the Livable Centers Initiative (LCI) along the corridor. It was a hollow enabling action until there was a vote and it became official, but the enabling

legislation had to be in place. Once the enabling legislation was in place, there would be a vote of the commercial ownership in the corridor. If the ownership voted it in under the numerical and value majority, the corridor would become an official CID.

McMenamin asked if it was similar to an impact fee. Brown said it was essentially a self-imposed tax. Weed said a self-imposed tax was democracy in its purest form and that Council would not be taxing people. They would be doing it to themselves if they wanted. Brown continued that CIDs were in effect in Atlanta and South Fulton County and Cherokee County. Rapson said there were 16 CIDs in Fulton County and that they were very effective. He said the City would go to a business area that wasn't developing as fast as was liked and get a consortium of the businesses together. The businesses were literally carved out and they self-imposed a tax which benefited the area. McMenamin asked who determined what the benefits were. Brown answered that a board composed of the businesses made the determination. Rapson said 90% of the decisions were made by the businesses.

Brown continued that if the CID were voted in, then the next step would be to take the projects they wanted to fund and put them in ordinance form. Once the projects were wiped clean or everything was funded, the CID would go away. Brown said it was a very straightforward process. He said it would have been great if it had started two or three years ago and would work better if it were virgin land out there, but he wanted to give it a shot. McMenamin wondered if the City needed something like a CID. She was worried about damaging businesses right now. Brown said they would do it themselves. If they felt that trees, streetlamps, and amenities such as cart paths would help their business, then they were going to vote for it. Brown said it was worthy of an effort since that corridor would become very ultra-commercial and unlike anything else in the City, and anything the City could do to retain the character would be worth it. McMenamin asked who would monitor it. Brown said it would be done through the tax assessor's office. Rapson added that a separate fund would be set up by the City to track the revenues and expenditures. All of the projects had to be identified on the front end and the majority of the businesses had to approve the tax before it went into effect. Rapson said if it wasn't done, then there would be a year's worth of development in the corridor.

Rapson moved to establish the Community Improvement District as stated. Brown asked Lindsey if that was all right. Lindsey said Council should direct staff to draft a resolution and prepare the paperwork. McMenamin asked if it should be tabled. Lindsey said there needed to be a motion so work could begin. Rapson put it in a motion. Brown seconded. McMenamin said she would vote against it and didn't think it would work in Peachtree City. It was just another law on the books and there were regulations on the books to protect the streets and the neighborhoods. If the businesses wanted to get together and add amenities that were special then they could do that. The motion carried 4—1 (McMenamin).

Council/Staff Topics

Basinger announced there would be a public meeting on the quality of the drinking water on Friday, February 8, at 4 p.m. in Council Chambers. State Representative Kathy Cox would host the meeting.

Brown said there were two items of litigation for executive session. Tennant moved to go into executive session after a short break. Rapson seconded. The motion carried unanimously.

McMenamin moved to adjourn the executive session. Rapson seconded. The motion carried unanimously.

There being no further business to discuss, McMenamin moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 12:45 a.m.

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Pamela Dufresne, Recording Secretary

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Stephen D. Brown, Mayor

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Jane Miller, City Clerk

City Council of Peachtree City
Minutes of Regular Meeting
November 18, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, November 18, 2004, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown announced "Christmas at the Fred" on Saturday, November 20, 6:30 p.m., at the Frederick Brown, Jr. Amphitheater. After the program, the tree lighting would be held at the City Hall plaza.

Mayor Brown proclaimed November 26 through December 24 as "Shop Peachtree Month." Building Official Tom Carty was recognized for 10 years of service. Nancy Moll of the library was recognized as the Employee of the Month for October. The Starr's Mill High School Girls Volleyball Team was recognized as the state's 5A champion and the first public school on the south side to take the state title.

Minutes

Rutherford moved to approve the October 21, 2004, regular meeting minutes as amended and corrected. Rapson seconded. The motion carried unanimously. Brown noted that the official transcript from the court stenographer was used as the minutes for the Target agenda item.

Rutherford moved to approve the November 4, 2004, regular meeting minutes as written. Rapson seconded. The motion carried unanimously.

Consent Agenda

1. **Alcohol License – Change in Licensee and License Representative – Buckner Petroleum/BP**
2. **Alcohol License – Change in License Representative – Kwickie/Flash Foods**
3. **Consider Appointments to WASA**
4. **Consider Budget Amendments**

Rutherford moved to approve the Consent Agenda. Weed seconded. The motion carried unanimously.

New Agenda Items

11-04-07 Consider Request from Lawson Mardon for Use of Existing Smoking Room

Ron Syrkos, vice-president and general manager of ALCAN Packaging (formerly known as Lawson Mardon), addressed Council regarding his request to allow his employees to use an existing smoking room in the facility. He said ALCAN Packaging Atlanta had approximately $70 million in annual sales and employed approximately 170 people. The Atlanta facility was part of the ALCAN Corporation, a Canadian company with over $25 billion in revenues. The corporation made aluminum and packaging products, with the packaging side serving the cosmetic, food, and tobacco industries.

Syrkos noted the recent news stories about his request and said he did not feel the request warranted that type of publicity. He added that his company had nothing to do with the publicity. The letter had been sent only to the Mayor. He continued that his company made folding specialty cartons for many industries, including the tobacco industry.

Syrkos continued that an employee had complained about bad smells and secondhand smoke in the facility. The complaint originated from the cafeteria, which was half smoking and half nonsmoking, separated only by an imaginary line. He added that the company's employees were highly trained and their goal was to accommodate the employees if possible. Over $100,000 was spent to renovate the cafeteria, which including the addition of a smoking room with proper ventilation. The engineers and builders, Tiernan & Patrylo, researched and chose an adequate system. The room was separate and isolated, with proper ventilation and negative air pressure.

Syrkos said the City Manager and Assistant City Manager recently visited the facility and looked at the smoking room. Syrkos said they found their report satisfactory and were requesting that the company be granted its request.

Brown explained to Syrkos that his letter about the request was included in the meeting packet, which was available on the City's website. Brown said that ALCAN had gone to a lot of trouble to build the room, which seemed to perform as intended. He questioned whether Council should create a standard for such rooms before granting a variance.

City Manager Bernard McMullen told Council that staff had used the mechanical code adopted by the City, which included standards for a smoking lounge. The room met all those qualifications. He recommended that the City use the standard in the mechanical code.

Weed clarified with City Attorney Ted Meeker that a smoking lounge was not currently allowed under the ordinance. He noted that people were not prohibited from smoking on private property, but had to be 10 feet away from the front entrance. Weed said ALCAN's employees could smoke to their heart's content, outside. Syrkos said he had a problem sending his highly trained, highly skilled employees outside to smoke in 30-degree temperatures and rain, when they could smoke inside. Weed said he had a problem with secondhand smoke affecting people who did not smoke. Syrkos said he agreed and that was why they built the smoking room to address the problem before the ordinance was in effect.

Weed expressed concern about the tone of Syrkos' letter. He read the following excerpt from the letter:

> *I am asking that you amend your act to ensure that the rights of everyone in this community are protected and upheld and not only those of the non-smokers. We will not support a Community that does not support our legal rights to choose and make our business and personal decisions freely.*

Weed asked Syrkos if he intended to close the Peachtree City facility since there seemed to be a veiled threat. Syrkos said they did not plan to close the facility at this point.

Kourajian asked questions about the mechanical code. McMullen said the mechanical code was used by the Building Department to evaluate all the mechanical systems submitted. The requirements for a smoking lounge were part of that mechanical code. McMullen conferred with Building Official Tom Carty when the smoking room was evaluated. Kourajian asked how the criteria in the mechanical code stacked up to the code used in other states and countries. McMullen said the City used the 2000 International Mechanical Code, which was widely used in the United States and internationally. Not every municipality adopted this particular code. Carty verified that the code was widely used. Syrkos said they had similar plants in other countries and the governments in those countries allowed smoking rooms. Syrkos pointed out that the room was not a lounge, but an area where smokers could have a cigarette without affecting nonsmokers. In some countries, television, couches, and other comforts were prohibited.

Rapson said they needed to amend the ordinance and define a smoking room to be the same standard for compliance as what was found in Table 4033 of 2000 International Mechanical Code. Other bullet points Rapson considered essential were that the air would not be recirculated, there be negative air pressure, the room be separately ventilated, and the number of people in the room would be restricted (60 cfm per person), and that businesses comply with that standard. Rapson said the only reason the criteria was not included in the ordinance in the first place was because Council did not want businesses to spend a lot of money to build such rooms. Rapson added that Council hoped the state would prohibit smoking statewide and make the issue moot.

Brown noted that traditionally businesses had gazebos or other covered areas outside for smokers. He asked if there would be a mechanism to test negative airflow. Rutherford asked if it would not be the responsibility of the building inspector to check the negative airflow. McMullen said the airflow in the ALCAN smoking room was verified by the check and balance report from a testing and engineering firm. Rapson said such a report should be another bullet point. Syrkos said his instructions to the engineers were to do build the room right the first time.

Kourajian asked if the 2000 Code was the most recent. Carty verified that it was the most recent. McMullen said the ordinance could read, "the most current code adopted by the state," rather than stating a year. Kourajian said they should also add to the ordinance that the air would go directly outside, and there should be a physical barrier. Rapson said that would be redundant, but he would rather see the ordinance specifically state what was required. Syrkos said they offered to pay for lunch and breaks to keep their equipment running continuously. Only five or six people were in the room at any one time.

Rutherford commended Syrkos and his company for what they had done for their employees. Kourajian asked Syrkos if employees were still permitted to smoke in their offices. Syrkos answered that smoking in offices would cease according to the ordinance. He continued that the plant was nonsmoking due to solvents and other safety issues. All public areas and rooms where there were multiple employees were nonsmoking. People had been permitted to smoke in individual offices, but no one else had to enter those offices.

Rutherford moved to have staff amend the ordinance based on the mechanical code and the direction of Council. Rapson seconded. The motion carried unanimously.

Syrkos told Council that ALCAN Packaging had been in Peachtree City since 1996. The company was proud to be part of the community. Weed told Syrkos that the Council was a reasonable group that did not have to be threatened. Weed said he voted in favor of the request because it was reasonable. He suggested that next time Syrkos appeal to Council's reason.

Brown directed staff to send out a press release denoting the guidelines in the amendment when the amendment was ready.

11-04-08 Consider Appointment of Auditing Firm

Financial Services Director Paul Salvatore recommended that Council appoint Mauldin & Jenkins, LLC, for auditing services for the fiscal year ending September 30, 2005, with two one-year automatic renewals. Salvatore also recommended Council authorize the Mayor or City Manager to sign the agreement required for services after the agreement was reviewed by the City Attorney.

Salvatore continued that Mauldin & Jenkins were the premiere government auditors in the state. The company also audited the Development Authority of Peachtree City and the Peachtree City Tourism Association, which would provide operational efficiencies with same firm auditing all three entities. He said the fees were reasonable and would not impact this fiscal year since all the services were after the year-end. Rutherford expressed concern that only one firm responded to the RFP. Salvatore said the Request for Proposal (RFP) was sent to 14 firms. Two firms attended the pre-proposal conference. Mauldin & Jenkins submitted the only proposal.

Rutherford noted that the auditing services selection would be almost a sole source situation. Salvatore said the reasons for not submitting a proposal included too much travel time, and too many other audits at the same time. Rapson said most firms were transitioning away from small cities to counties. He added that he served on the selection committee for Fulton County, which had selected Mauldin & Jenkins. He questioned whether that would be a conflict of interest. City Attorney Ted Meeker said there was no conflict since Rapson would not gain anything personally from the selection. Weed added that he and Rapson both served on the Tourism Association and asked for verification that that relationship was not a conflict of interest. Meeker said there was no conflict. Rapson noted that the Tourism Association's approval of Mauldin & Jenkins was contingent upon the City's selection. Rapson said the Tourism Association wanted to use the same audit services as the City, and if Mauldin & Jenkins were not approved, then they would have to go through the process again.

Rutherford moved to approve the appointment of the auditing firm as directed by staff. Rapson seconded. The motion carried unanimously.

11-04-09 Consider Amendment to Defined Benefit Pension Plan for Part-time Employees

Administrative Services Director/City Clerk Jane Miller addressed Council and said staff had found, after leaving the Georgia Municipal Association plan, that not all of the City's part-time employees had worked the required 1,040 hours per year. She said the City had 11 part-time employees who had worked 1,040 hours for at least one year of their employment. Miller said staff recommended eliminating part-time employees from future participation in the plan by the end of the year. Part-time employees who had worked 1,040 hours for at least one year would be grandfathered into the plan and allowed to participate. Future part-time employees would not be allowed to participate in the plan.

Miller continued that staff had met with all employees that were affected. Only one employee had some concern. Many of the employees were not working for the pension benefit, while others did not know they were eligible. Part-time employees would continue to be eligible under the 401/457 plans. She added that employees had to qualify for five years to be vested. Rapson said eliminating part-time employees from the plan would favorably affect the pension benefit obligation in future years since some of the employees would be removed from the calculation.

Kourajian questioned how the grandfathering would work and if every year a part-time employee worked 1,040 hours applied to retirement after the required five years. Miller said every year a part-time employee worked 1,040 hours, that year would be credited toward retirement.

Rapson moved to approve the attached proposed amendment to the defined benefit pension plan regarding part-time employee eligibility. Rutherford seconded. The motion carried unanimously.

11-04-10 Consider Amendment to Pension Plan Regarding Payment to Estate

Clark Weeks, consultant, addressed Council and recommended that Article VI, Section 6 of the pension plan be deleted. The plan already had provisions for employees to choose a beneficiary, and to allow the spouse, children, or parents, to benefit in the event there was no beneficiary named. Deleting the section liberated the City from the freak occurrence of having to search for people if the employee had no family left when the employee died. Weeks said this could happen if an employee had not submitted a form and no one in his or her family was alive when the employee died. Kourajian asked if they could allow the will to take over in that event. Weeks said that there had to be a beneficiary.

Weed said this was similar to a contract engagement, rather than a will. He said insurance proceeds were basically contracts. A friend could be made a beneficiary under the contract rights, while the rest of the estate could go to the family.

Rutherford moved to approve the amendment to the pension plan regarding payment to estate as submitted by staff. Rapson seconded. The motion carried unanimously.

11-04-11 Consider Amendment to Pension Plan Regarding Actuarial Equivalences

Weeks noted that this amendment was an equity issue. He said the City's earlier plan had set a standardized factor and assumed everyone would retire at age 65. The plan was subsequently changed so Public Safety employees could retire at 55. The factors were not equitable for someone who retired at a younger age. The amendment changed the plan so the math was the same.

Rapson moved to approve the amendments to Article X, Sections 1—7 and to add Section 8 as outlined. Weed seconded. The motion carried unanimously.

11-04-12 Consider Amendment to Pension Plan Regarding Special Retirement Benefits

Brown noted there was an additional document on the dais – an e-mail from the City Manager to Council dated November 16, 2004, with the subject "Additional Change Reference Agenda Item 11-04-12."

Weeks explained that this amendment reduced the cost when it was elected to use the pension plan to pay someone a benefit for any purpose. The amendment allowed the City to do this as long as it was done in a way that was nondiscriminatory without having to amend the plan again. He said overhead and cost would be reduced if the City ever elected to do anything.

Weed move to approve the amendment to Article IV. Retirement Benefits and read *Section 5. Special Retirement Benefits The Board may at its sole discretion, from time to time, offer benefit enhancements, or the opportunity to retire under specified terms and conditions to an Employee or group of Employees.* Rapson seconded. The motion carried unanimously.

11-04-13 Consider Increase in Employee Life and AD&D Insurance

Miller asked Council to consider staff's recommendation to increase the Employee Life and AD&D Insurance from one times the annual salary to a maximum of $50,000 to one times the annual salary to a maximum of $100,000. She explained that when the insurance was initially provided, no employee made $50,000. Since then salaries had increased and there were now 45 employees who made more than $50,000 a year. Increasing the maximum would cost the City approximately $2,184, or approximately seven percent, each year. There would be some minor tax ramifications for the employees; however, that would not be difficult to track according to the Finance Department.

Rutherford moved to approve the recommendation to increase the Employee Life Insurance and AD&D to the $100,000 maximum. Rapson seconded. The motion carried unanimously.

Rutherford moved to reconvene in executive session to discuss pending litigation. Rapson seconded. The motion carried unanimously.

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

There being no further business to discuss, Rapson moved to adjourn the meeting. Brown seconded. The motion carried unanimously. The meeting adjourned at 8:00 p.m.

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Jane Miller, City Clerk

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Stephen D. Brown, Mayor

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Pamela Dufresne, Recording Secretary

2004 City Event Calendar

		December
		12/2 – City Council Meeting, 7 pm 12/16 – City Council Meeting, 7 pm 12/23 & 24 – Christmas Holiday, City Offices close at Noon on 12/23 and remain closed on 12/24 12/31 – New Years Holiday, City Offices Closed

2005 City Event Calendar

January	February	March
1/6 – City Council Meeting, 7 pm 1/17 – MLK Day, City Offices Closed 1/20 – City Council Meeting, 7 pm	2/3 – City Council Meeting, 7 pm 2/17 – City Council Meeting, 7 pm	3/3 – City Council Meeting, 7 pm 3/17 – City Council Meeting, 7 pm
April	**May**	**June**
4/7 – City Council Meeting, 7 pm **4/16 & 17 – Shakerag Arts & Crafts Festival (rescheduled)** 4/21 – City Council Meeting, 7 pm	5/5 – City Council Meeting, 7 pm 5/19 – City Council Meeting, 7 pm 5/30 – Memorial Day, City Offices Closed	6/2 – City Council Meeting, 7 pm 6/16 – City Council Meeting, 7 pm
July	**August**	**September**
7/4 – Independence Day, City Offices Closed 7/7 – City Council Meeting, 7 pm 7/21 – City Council Meeting, 7 pm	8/4 – City Council Meeting, 7 pm 8/18 – City Council Meeting, 7 pm	9/1 – City Council Meeting, 7 pm 9/5 – Labor Day, City Offices Closed 9/12-16 – Qualifying for City Election 9/15 – City Council Meeting, 8:30 pm

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

Updated 11/23/04

ADMINISTRATIVE SERVICES
MONTHLY REPORT

For Month of: *October 2004*

	September-04	October-04	FY 2005 YTD	FY 2004 YTD
Human Resources				
Workers Compensation Claims Filed	4	3	3	3
City Vehicle / Equipment Accidents	0	1	1	0
Lawsuit Legal Fees	$7,170.85	$13,988.50	$13,988.50	$3,222.47
Municipal Court				
Fines Collected	$127,973.60	$94,728.16	$94,728.16	$78,255.00
Online Transactions	179	140	140	0
Citations Closed	1,059	632	632	667
Jail Fund Balance	$4,036.99	$1,363.51	$33,209.67	$31,845.16

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

	September-04	October-04	FY 2005 YTD	FY 2004 YTD
Public Information				
New Businesses Registered	29	27	27	24
Public Contacts, Questions & Complaints	52	62	62	56

This includes 7 complaints against Comcast Cable Company, 8 complaints against EPI - Environmental Partners, and 4 Open Records Requests.

Financial Services Monthly Report (Unaudited)
As of October 31, 2004
General Governmental Funds Budget Comparison
Revenues - By Major Category

Description		**2005 Budget**		**Actual YTD**		**Difference**	**%**
General Property Taxes	$	8,642,166	$	82,917	$	(8,559,249)	0.96%
Franchise Taxes		1,942,633		105,627		(1,837,006)	5.44%
Local Option Sales Tax		6,338,418		542,517		(5,795,901)	8.56%
Other Sales & Use Taxes		644,013		51,286		(592,727)	7.96%
Business Taxes		1,825,422		1,473,944		(351,478)	80.75%
Licenses & Permits		909,228		34,703		(874,525)	3.82%
Grants		129,616		-		(129,616)	0.00%
Charges for Services		1,281,187		46,707		(1,234,480)	3.65%
Fines & Forfeitures		975,667		72,215		(903,452)	7.40%
Investment Income		81,134		11,328		(69,806)	13.96%
Surplus Carryover		1,297,866		-		(1,297,866)	0.00%
Other Revenue		25,330		358		(24,972)	1.41%
Other Financing Sources		315,436		-		(315,436)	0.00%
Total General Fund	**$**	**24,408,116**		**2,421,602**	**$**	**(21,986,514)**	**9.92%**
Hotel/Motel Tax		946,308		82,973		(863,335)	8.77%
Total General & Hotel Funds	**$**	**25,354,424**		**2,504,575**	**$**	**(22,849,849)**	**9.88%**

General Governmental Funds Budget Comparison
Expenditures by Division YTD

Percentage into Budget Year		*8.33%*					
Division		**2005 Budget**		**Actual YTD**		**Difference**	**%**
Administrative	$	1,373,422	$	79,216	$	1,294,206	5.77%
Developmental		1,596,250		82,238		1,514,012	5.15%
Finance		758,073		45,002		713,071	5.94%
Leisure Services		4,305,756		307,818		3,997,938	7.15%
Public Safety		9,030,571		571,803		8,458,768	6.33%
Public Works		4,321,287		229,742		4,091,545	5.32%
Council Contingency		100,000		-		100,000	0.00%
Non-Profit Organizations		15,000		-		15,000	0.00%
Grant Incentive Program		50,000		-		50,000	0.00%
Transfer to Development Authority		35,000		-		35,000	0.00%
Transfer to PIP		380,862		-		380,862	0.00%
Transfer to Debt Svc		2,271,912		61,751		2,210,161	2.72%
Transfer to Library Debt Service		402,998					
Liability Insurance		73,485		-		73,485	0.00%
Legal Services		52,500		164		52,336	0.31%
Gen'l Admin		150,000		-		150,000	0.00%
Other		(509,000)		-		(509,000)	0.00%
Total General Fund	**$**	**24,408,116**	**$**	**1,377,734**	**$**	**23,030,382**	**5.64%**
Transfer to General Fund		315,436		-		315,436	0.00%
Transfer to Tourism General Fund		630,872		-		630,872	0.00%
Total General & Hotel/Motel Funds	**$**	**25,354,424**	**$**	**1,377,734**	**$**	**23,976,690**	**5.43%**

Summary of Major Expenditures by City Manager

Description	**Budget**	**Award**	**Svgs/Short**	**Date**

Financial Services Monthly Report (Unaudited)

As of October 31, 2004

Purchasing Monthly Report

For Fiscal Year	**2005**	**2004**
Purchase Orders / Requistions Processed	378	2,276
City Store Requistions Processed	9	121
Sealed Bids Requested	3	35
Requests for Proposals	1	13
Bids Awarded	1	28
Requests for Proposals Awarded	3	11
Contracts Prepared	3	18
Fixed Assets Purchased	3	27

Information Technology Monthly Report

	Current Month	**FY2005 YTD**
Work Orders Created	112	112
Work Orders Closed	78	78
Work Orders Open	15	15
Corrective Work Orders	77	N/A
Project Work Orders	4	N/A
Technical Support	16	N/A
Website Visits	27,005	N/A

PEACHTREE CITY FIRE/EMS DEPARTMENT
2005 MONTHLY REPORT

	Oct-04	2005 Y-T-D	2004 Y-T-D
FIRE/ACCIDENT CALLS			
Residential	1	1	3
Business/Industrial	2	2	3
[1]**Rescue/EMS Assist**	134	134	
[1]**Vehicle/Golfcart Accidents**	20	20	
[1]**False Alarms**	26	26	
[2]**Other**	27	27	175
Total Engine Response	210	210	181
Dispatched Fire Calls	48	48	52
Response Time Fire	5:14	5:14	4:38
RESCUE/EMS			
Trauma	78	78	45
Medical	86	86	38
Total # Patients	164	164	83
Patients Transported	76	76	37
Dispatched EMS Calls	164	164	135
Total Medic Response	189	189	83
Dispatched Fire/EMS Total	212	212	187
Response Time EMS	4:37	4:37	4:20
EMS BILLING			
Patients Billed	55	55	63
Revenue Generated	20,694	20,694	24,060
[3]**Total Revenue Received**	15,226	15,226	24,643

[1]**Previously categorized as Other**

[2]**Other miscellaneous responses; gas and water leaks, hazmat spills, etc.**

[3]**Revenue Received on All Outstanding Accounts**

RW LEISURE SERVICES
Monthly Report

For the Month of October 2004

Library: The number of books circulated in the first month of this fiscal year (15,214 vs 16,828 last year this time) is down because we were closed for two weeks for the move to the temporary library site. Numbers in all categories of the Library report are similarly down for the same reason. The Library staff has settled in nicely at the temporary site, and initial clearing and construction has begun at the permanent library site. Projected substantial completion date of the new library is August 23, 2005.

Recreation

Leisure Programs:

Classes & Programs: As predicted, programming picked up when school started and has continued to improve. Revenue is now on pace with last year ($19,024 this year vs. 19,696 last year), with expenses down and overall revenue after expenses up. The increased revenue is also due to the new fee structure being implemented. We have had a number of new instructors expressing interest in offering new programs such as fencing, theater and art.

Special Events: These numbers will become more significant as we begin reporting estimated participation in events such as Last Fling, Shakerag and Memorial Day, which we haven't in the past. Will need a full year history to show significance. Late summer and early fall are heavy in special events. Year to date we show 43 special events held.

Sports and Facilities: Mowing sports fields leveled off to near last year's pace, spending 478 hours this October vs 467 this time last year. We spent more time on building maintenance (467 hours, up from 445 last year at this time) as we proceed to upgrade facilities. Continuing average goal of 50 playground inspections per month. New, safer playground equipment has now been installed at every major park and all older pocket parks in the city. This program will be finished out next year, and we will transition into addition of picnic shelters and other amenities at selected parks. However, safety inspections will continue to ensure the equipment is maintained properly.

PEACHTREE CITY POLICE DEPARTMENT
2004 MONTHLY REPORT

	SEP 04	OCT 04	2004 Y T D	2003 Y T D
PART I CRIMES				
Murder	0	0	0	0
Rape	0	0	2	4
Robbery	0	0	0	4
Aggravated Assault	4	1	10	9
Arson	0	0	1	1
Auto Theft	5	5	46	69
Theft	13	19	210	190
Burglary	3	0	18	17
TOTAL PART I CRIMES	**25**	**25**	**287**	**294**
ALCOHOL/DRUG ARRESTS				
DUI – TOTAL	19	22	216	157
DUI – ADULT	18	20	188	132
DUI – UNDERAGE	1	2	28	25
MINOR IN POSSESSION OF ALCOHOL	10	17	123	93
DRUG ARRESTS	6	16	154	108
ARRESTS				
PROPERTY CRIMES	6	15	125	99
PERSON CRIMES	14	9	67	55
CITY ORDINANCES	40	31	489	407
OTHER	103	110	996	867
AVERAGE RESPONSE TIME	5.28	5.20	5.28	5.35
CALLS ANSWERED	**6402**	**6395**	**64,321**	**55,881**
TRAFFIC				
CITATIONS ISSUED	649	874	8298	5119
WARNINGS	466	540	6391	5001
ACCIDENTS	87	89	929	971

TOP 5 ACCIDENT LOCATIONS – MONTH

HWY 54 / PLANTERRA DR	10
HWY 54 / HWY 74	5
HWY 54 / HUDDLESTON DR	3
HWY 54 / COMMERCE DR	3
HWY 54 / PASCHALL DR	3

TOP 5 ACCIDENT LOCATION – Y T D

HWY 54 / HWY 74	46
HWY 54 / PLANTERRA DR	44
HWY 54 / HUDDLESTON DR	39
HWY 54 / PEACHTREE PARKWAY	22
HWY 74 / CROSSTOWN DR	22

PUBLIC SERVICES MONTHLY REPORT
OCTOBER 2004

		OCTOBER 2004	YEAR TO DATE FY 2005	YEAR TO DATE FY 2004
STREET PATCHING	(HRS)	259	259	299
STREET CRACK SEALING	(HRS)	0	0	0
DRAINAGE MAINTENANCE	(HRS)	157	157	196
STREET SWEEPING	(HRS)	0	0	46
CART PATH PAVING	(FT)	4,614	4,614	8,859
CART PATH LITTER REMOVAL	(HRS)	53	53	68
CART PATH DRAINAGE MAINTENANCE	(HRS)	103	103	15
R.O.W. MOWING	(HRS)	661	661	390
R.O.W.LITTER REMOVAL	(HRS)	193	193	302
LANDSCAPE MAINTENANCE	(HRS)	1,055	1,055	734
LANDSCAPE PLANTING/MULCH	(HRS)	0	0	67
LITTER REMOVAL	(HRS)	14	14	20
SUB-DIVISION SIGN MAINTENANCE	(HRS)	37	37	69
TRAFFIC SIGN MAINTENANCE	(HRS)	106	106	66
VANDALISM REPAIRS	(HRS)	30	20	8
CITIZEN COMPLAINT ANSWERED	(NUM)	121	121	29
COMMUNITY SERVICE	(HRS)	35	35	0
RECYCLING SITE				
MANHOURS	(HRS	52	52	74
PARTICIPANTS				
RECYCLING	(NUM)	230	230	279
COMPOSTING	(NUM)	1,964	1,964	1,224
MULCH PICKED-UP	(NUM)	25	25	141

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council**

FROM: **City Manager**

DATE: **December 2, 2004**

SUBJECT: **APPOINTMENT TO THE PEACHTREE CITY TOURISM ASSOCIATION**
December 2, 2004, City Council Agenda

The Selection Committee, composed of Mayor Steve Brown, Council Member Judi-ann Rutherford, and myself considered seven applicants for the vacancy on the Tourism Association.

It is the recommendation of the Committee that Mr. Robert B. King be appointed to serve a term from 01/01/05 to 12/31/07, and that Mr. Stanley C. Phillips be appointed to serve a term from 01/01/05 to 12/31/06.

Copies of applications for those recommended are attached for your review.

BJM/gr

Attachments

8:20
8:40
H

PEACHTREE CITY TOURISM ASSOCIATION, INC.
APPLICATION FOR APPOINTMENT

Thank you for your interest in being considered for appointment to the **Peachtree City Tourism Association, Inc., (PCTA).**

The PCTA is comprised of five members appointed to three-year terms. Meetings are held on the first and third Wednesdays of each month at 6:00 p.m. Members are required to attend a minimum of eighty percent (80%) of all meetings. The purpose of the PCTA is to serve the needs and interests of tourism within the City of Peachtree City. Applicants should preferably have been employed in the restaurant or hotel/motel business and/or have a minimum of five (5) years of fiscal experience.

Please take a few minutes to complete the form below and to answer the questions on the reverse side of this application and return it with a resume, if available, to Gloria Reid, Peachtree City Hall, 151 Willowbend Road, Peachtree City, GA 30269 by **5:00 p.m. on FRIDAY, OCTOBER 29, 2004**. The City will contact you within two weeks of the application closing date.

If you have questions, please contact Gloria Reid at (770) 487-7657.

NAME: ROBERT R. KING

ADDRESS: 231 COLLIERSTOWN WAY
PEACHTREE CITY, GA 30269

TELEPHONE (Day Time) ~~77~~ 678 364-8584

(Evening) 678 232-3818

(Fax #)

(E-mail Add:) RRKINGHOME@MINDSPRING.COM

[signature]
Signature

10.26.04
Date

1. How long have you been a resident of Peachtree City?
CLOSED ON HOUSE 3.19.04. MOVED IN 7.20.04

2. Why are you interested in serving on the PCTA?
I FEEL THAT I HAVE SOME RELEVANT EXPERIENCE THAT MAY BE OF VALUE & I WANT TO BE A PART OF MY COMMUNITY.

3. What qualifications and experience do you possess that would benefit the PCTA?
33 YEARS EXPERIENCE IN THE HOSPITALITY & TRAVEL INDUSTRY, CURRENTLY ON BOARD OF AAA AUTO CLUB SOUTH, SOLID BUSINESS BACKGROUND.

4. List major jobs you have held during your working career to include name of company and position. GA DEPARTMENT OF INDUSTRY & TRADE - DEPUTY COMMISSIONER; GA HOSPITALITY & TRAVEL ASSN - PRES., CEO; CALLAWAY GARDENS - VP MKT; THE HILTON HEAD COMPANY - VP MKTING; SEA PALMS RESORT, PRES, CEO; (SEE ATTACHED EXPERIENCE SUMMARY).

5. Do you have any past experience relating to PCTA operations? If so, describe.
NO.

6. Have you attended any PCTA meetings in the past year and, if so, how many?
NO

7. Would there be any possible conflict of interest between your employment and you serving the PCTA?
NO.

8. Describe your current community involvement.

GETTING ACTIVE IN MY HOMEOWNERS' ASSOCIATION (OFFERING FOR DIRECTOR JAN 2005)

ROBERT R. KING

Peachtree City Tourism Association
Board Selection Committee
PTC City Hall
151 Willow Bend Road
PTC, GA 30269

Attn: Ms. Gloria Reed

Dear Ms. Reed:

Attached you will find:

1. A completed "PCTA Application for Appointment"
2. A Summary of my work experience

In addition to my work experience, I have served as a board member of the Atlanta Convention & Visitors Bureau for 20 years and am quite familiar with today's challenges and opportunities available to such entities. Other relevant past board experience includes the National Restaurant Association and the American Hotel and Lodging Association.

It would be an honor to serve my community as a member of the PCTA. I appreciate the consideration.

Cordially,

Robert R. King

231 Collierstown Way
Peachtree City, GA 30269

RRK:bhs

Robert R. King

Education:

- Georgia Institute of Technology – B.S. Industrial Management (1965)
- Emory University – Course work for an MBA (1980)
- Institutes for Organization Management – 6 year course (1 week per year) in Association Management –Graduated 1990

Work History:

1965 – 1968
Georgia Department of Industry & Trade
Director of Industrial Development – Headed 8 person team of industrial recruiters for state economic development agency.

1968 - 1970
Towers, Perrin, Forester & Crosby (TPF&C)
Management consultant in executive and incentive compensation and organizational planning.

1970 – 1971
Boise Cascade Corporation-Vacation Housing Division
Established a successful national marketing, financing and construction operation in a dozen of the Corporation's recreational land developments.

1971 – 1973
Sea Palms Resort
Recruited to manage and develop a residential community and destination resort on St. Simons Island, GA as President, CEO.

1974 – 1976
Palmetto Dunes Resort
As VP of Marketing, organized a resort real estate marketing organization in the down economy and was able to triple sales volume in six months.

1976 – 1977
Georgia Department of Industry, Trade & Tourism
Deputy Commissioner for state economic development agency recruited to reorganize divisions. Successfully accomplished mission.

1977 – 1980
Callaway Gardens
VP of Marketing for resort and garden areas. Recruited to position property as destination resort and horticultural area. Successful.

1980 – 1999
Georgia Hospitality &Travel Association
President, CEO of this statewide trade group for the foodservice, lodging and travel related industry. Grew association from 200 members to 2300 with a $1.2 million budget and an educational foundation.

2000 – 2001
Georgia Independent Automobile Dealers Association
Brought in to re-build this association after the untimely death of its founder-CEO. Successfully developed staff to a professional level, created an on-going revenue stream selling after-market dealer supplies, upgraded magazine to a positive cash flow through advertising, and built

membership to highest ever (3500). Initiated successful strategic planning effort to reorganize and re-energize leadership, staff and membership.

2001 – 2004
StayOnline, Inc.
As a founding board member, was asked by the Board of Directors to assume the role of Chairman, CEO on a contract basis in July 2001 to position the corporation for growth/acquisition. Mission accomplished 3-31-04.

Professional Affiliations

Current:
- Member of Board of AAA Auto Club South, chair of Audit Committee
- Georgia State University, Cecil B. Day School of Hospitality, Advisory Board Executive Committee.
- StayOnline, Inc. – Chairman of the Board (Non-Staff)

Past
A total of 90 "board years" in numerous hospitality and civic organizations; GSAE and ASAE

Contact

Robert R. King
231 Collierstown Way
Peachtree City, GA 30269

Phone 678 364-8584; Cell 678 232-3818
E-mail: rrkinghome@mindspring.com

7:40
8:00

PEACHTREE CITY TOURISM ASSOCIATION, INC.
APPLICATION FOR APPOINTMENT

Thank you for your interest in being considered for appointment to the **Peachtree City Tourism Association, Inc., (PCTA).**

The PCTA is comprised of five members appointed to three-year terms. Meetings are held on the first and third Wednesdays of each month at 6:00 p.m. Members are required to attend a minimum of eighty percent (80%) of all meetings. The purpose of the PCTA is to serve the needs and interests of tourism within the City of Peachtree City. Applicants should preferably have been employed in the restaurant or hotel/motel business and/or have a minimum of five (5) years of fiscal experience.

Please take a few minutes to complete the form below and to answer the questions on the reverse side of this application and return it with a resume, if available, to Gloria Reid, Peachtree City Hall, 151 Willowbend Road, Peachtree City, GA 30269 by **5:00 p.m. on FRIDAY, OCTOBER 29, 2004**. The City will contact you within two weeks of the application closing date.

If you have questions, please contact Gloria Reid at (770) 487-7657.

NAME: STANLEY C. PHILLIPS

ADDRESS: 202 DOE RUN
PEACHTREE CITY, GA 30269

TELEPHONE (Day Time) 404-731-5183

(Evening) 770-631-3634

(Fax #) 404-460-6574

(E-mail Add:) stanna121@bellsouth.net

Stanley C Phillips
Signature

10-29-04
Date

1. How long have you been a resident of Peachtree City?

9 years

2. Why are you interested in serving on the PCTA?

To be involved in community growth

3. What qualifications and experience do you possess that would benefit the PCTA?

11 years trade show and exposition experience
5 years airline experience prior to that

4. List major jobs you have held during your working career to include name of company and position.

GES EXPOSITION SERVICES - ACCOUNT MANAGER AND PRODUCTION SUPERVISOR

ASA AIRLINES - PASSENGER SERVICE AGENT

5. Do you have any past experience relating to PCTA operations? If so, describe.

None

6. Have you attended any PCTA meetings in the past year and, if so, how many?

No

7. Would there be any possible conflict of interest between your employment and you serving the PCTA?

No

8. Describe your current community involvement.

I just recently began playing tennis and was inspired by the activity and spirit there. I have not been connected with any organized community organization.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO:	Mayor and City Council
VIA:	Bernard J. McMullen, City Manager
FROM:	Colin W. Halterman, Assistant City Manager Paul J. Salvatore, Financial Services Director Janet I. Camburn, Assistant Finance Director
DATE:	November 22, 2004
SUBJECT:	Budget Amendments December 2, 2004 City Council Consent Agenda

Recommendation:

It is Staff's recommendation that City Council approve the attached fiscal year 2005 budget amendments.

Discussion:

Attached please find three budget amendments (05-001 through 05-003) for fiscal year 2005 submitted for your approval. Budget amendment 05-001 is a request to carry over fiscal year 2004 budget for projects incomplete as of September 30, 2004. These items were budgeted in fiscal year 2004, but due to circumstances beyond the control of the departments the funds could not be spent last fiscal year and will be spent early this fiscal year.

Budget amendment 05-002 is housekeeping in nature and provides for a carryover of unspent funds in the Special Revenue Funds that have not been previously budgeted. This is based on an analysis of the fund balance in the Special Revenue Funds at September 30, 2004.

Budget amendment 05-003 increases both revenues and expenditures in the General Fund for floor repairs at the Police Department and is offset by a check from Leslie Contracting that has already been deposited.

Additional explanations appear on each budget amendment.

Budget Impact:

The proposed budget amendments affect the General Fund, the Neighborhood Parks Fund, the Federal Seizures Fund, the HAZMAT Fund, the Library Sales Tax Fund, the Police Department Tuition Reimbursement Fund, and the Youth Council Fund. A separate report is attached that shows the budget impact on each of these funds.

Thank you for your attention to this matter. If you have any questions please do not hesitate to contact either Paul or Janet.

Attachments

JIC/BUDGET AMENDMENTS – FY 05 – 11/22/04

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 05-001

DATE November 22, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-1575-52-1300	Technical Services - Engineering	3,550	
100-3210-54-2050	Machinery & Equipment - Police	17,650	
100-4100-54-2050	Machinery & Equipment - Public Works	12,480	
100-6110-54-1260	Improvements Other than Buildings - Rec	26,752	
100-4100-53-1110	Street Resurfacing - Public Works	4,000	
100-6110-54-2050	Machinery & Equipment - Recreation	7,295	
100-4250-52-1200	Professional Services - Stormwater	28,750	
100-4250-52-1300	Technical Services - Stormwater	1,495	
100-6122-52-2250	Repair & Maintenance/Buildings - Kedron	11,560	
100-00-38-9025	Surplus Carryover - General Fund	113,532	
	TOTAL	$ 227,064	$ -

To carry over budget in the General Fund for purchase orders outstanding at year end for specific unfinished projects as follows:

- Software upgrades for Engineering
- Gate repairs for Police Department
- Turf mower for Public Works
- Fencing repairs and bleachers for Recreation
- Cooper turn lane design work for Public Works
- Aerator for Recreation
- Engineering work for Stormwater
- Electrical repairs for Kedron

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 05-002

DATE November 22, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
200-6220-53-1175	Operating Supplies - All Children's	1,804	
200-6220-53-1176	Operating Supplies - Dog Park	12,240	
200-00-38-9025	Surplus Carryover - Neighborhood Parks	14,044	
203-3210-53-1175	Operating Supplies	2,457	
203-00-38-9025	Surplus Carryover - Federal Seizure	2,457	
204-3510-53-1175	Operating Supplies	5,999	
204-00-38-9025	Surplus Carryover - HAZMAT	5,999	
205-6510-53-1175	Operating Supplies	11,054	
205-00-38-9025	Surplus Carryover - Library Sales Tax	11,054	
206-3210-51-2500	Tuition Reimbursement	1,955	
206-00-38-9025	Surplus Carryover - PD Tuition	1,955	
207-6110-53-1175	Operating Supplies	2,481	
207-00-38-9025	Surplus Carryover - Youth Council	2,481	
	TOTAL	$ 75,980	$ -

To carry over unspent funds in Special Revenue Funds from fiscal year 2004 that have not already been budgeted in fiscal year 2005, based on fund balances at 9/30/2004.

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 05-003

DATE November 22, 2004

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
100-3210-52-2250	Repairs & Maintenance Buildings - Police	2,672	
100-00-38-9000	Other Revenue	2,672	
	TOTAL	$ 5,344	$ -

To increase both revenues and expenditures in the General Fund budget for floor repairs at the Police Department. This is offset with a check from Leslie Contracting that has been deposited into the Pooled Cash account.

CITY OF PEACHTREE CITY

BUDGET AMENDMENTS - FISCAL YEAR 2005

November 22, 2004

General Fund		
Budgeted Revenue and Expenditures before amendments	$	24,408,116
Budget Amendments:		
Carryover from FY 2004		113,532
Police Department Floor Repairs		2,672
Budgeted Revenue and Expenditures after amendments	$	24,524,320
Neighborhood Parks Fund		
Budgeted Revenue and Expenditures before amendments	$	-
Budget Amendments:		
Carryover from FY 2004		14,044
Budgeted Revenue and Expenditures after amendments	$	14,044
Federal Seizures Fund		
Budgeted Revenue and Expenditures before amendments	$	5,071
Budget Amendments:		
Carryover from FY 2004		2,457
Budgeted Revenue and Expenditures after amendments	$	7,528
HAZMAT Fund		
Budgeted Revenue and Expenditures before amendments	$	1,052
Budget Amendments:		
Carryover from FY 2004		5,999
Budgeted Revenue and Expenditures after amendments	$	7,051
Library Sales Tax Fund		
Budgeted Revenue and Expenditures before amendments	$	-
Budget Amendments:		
Carryover from FY 2004		11,054
Budgeted Revenue and Expenditures after amendments	$	11,054
Tuition Reimbursement Fund		
Budgeted Revenue and Expenditures before amendments	$	2,304
Budget Amendments:		
Carryover from FY 2004		1,955
Budgeted Revenue and Expenditures after amendments	$	4,259

CITY OF PEACHTREE CITY

BUDGET AMENDMENTS - FISCAL YEAR 2005

November 22, 2004

Youth Council Fund

Budgeted Revenue and Expenditures before amendments	$	-
Budget Amendments:		
Carryover from FY 2004		2,481
Budgeted Revenue and Expenditures after amendments	$	2,481

CITY OF PEACHTREE CITY
INTER-OFFICE MEMORANDUM

TO: Mayor Brown and Members of Council

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

FROM: Stony Lohr SML
Fire Chief

DATE: November 23rd, 2004

SUBJECT: Quint Equipment Bid Award Preliminary Recommendations
(December 2nd, 2004 Council Meeting Agenda)

RECOMMENDATION. Staff recommends that Council consider bids that have been received for Quint fire apparatus equipment at its December 2nd, 2004 Council meeting.

DISCUSSION. Staff is doing a final review of the bids for Quint fire equipment. These bids involve review of multiple line items and numerous pieces of equipment to insure that the summary is correct. It is in the City's interest to award bids prior to a reported December 17th, 2004 price increase for certain of the items, but final review will take some additional time in addition to the shortened period of time available due to the impending Holiday. The final documents will be placed on the dais when completed, and will be distributed for review as soon as possible prior to that. The bids are for programmed equipment and are within budget.

BUDGET IMPACT. None

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council**

FROM: **City Manager** Bernard J. McMullen

DATE: **November 23, 2004**

SUBJECT: **APPROVAL OF MODIFICATIONS TO SECTION 42-120 OF THE SMOKEFREE AIR ACT**
December 2, 2004, City Council Agenda

Recommendation: That Council approve the attached revision to Section 42-120 of the Smokefree Air Act to allow for smoking rooms in places of employment.

Discussion: During the November 18, 2004, Council meeting, Council approved the use of an existing smoking room at Alcan Packaging. After Council approved this request, they instructed staff to develop proposed modifications to the existing act to provide specific guidelines for the construction of smoking rooms. These guidelines have been developed and incorporated into the proposed changes.

Budget Impact: None

BJM:gr

Attachments

Ordinance # _____

AN ORDINANCE TO AMEND ARTICLE IV, SECTION 42 OF THE PEACHTREE CITY CODE OF ORDINANCES TO PROVIDE FOR THE PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT, TO PROVIDE FOR APPROVED EMPLOYEE SMOKING ROOMS, AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 42-120 relating to Prohibition of Smoking in Places of Employment be deleted in its entirety and replaced as follows:

Sec. 42-120. Prohibition of Smoking in Places of Employment

A. Smoking shall be prohibited in all enclosed facilities within places of employment, except for approved smoking rooms. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices (excluding home offices), elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, outdoor restaurant patios, and all other enclosed facilities.

B. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

C. Smoking rooms shall comply with requirements for a Smoking Lounge in the latest State approved edition of the International Mechanical Code and shall:

(1) Exhaust all air from the room directly to the outside allowing for no re-circulation.
(2) The room shall be constructed with permanent walls on all four sides that completely enclose the room.
(3) Be constructed such that a negative pressure exists between the smoking room and all adjoining spaces.
(4) All switches or disconnects for any exhaust system supporting the smoking room shall not be located inside the smoking room.

D. Before using a smoking room, the employer must:

(1) Submit a certified Test and Balance Report for the space to the City Building Official.
(2) Post the room occupancy on the outside of the room based on the International Mechanical Code.
(3) Have the space inspected by the City's Building Official.
(4) Post the approval letter from the City Building Official in a frame on the outside of the smoking room.

Done, Ratified, and Passed this _____ day of ____________ 2004.

____
Stephen D. Brown, Mayor

____

____

____

Attest:______________________________ ______________________________
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

FROM: **City Planner/ Zoning Administrator** David

VIA: **City Manager**
Developmental Services Director

DATE: **November 23, 2004**

SUBJECT: **Amendments to Article XI. Vegetation Protection and Landscape Requirements**
December 2, 2004 City Council agenda

Recommendation:

Staff recommends that City Council adopt the proposed amendments to Article XI of the City's Land Development Ordinance. The proposed amendments would replace the existing Vegetation Protection and Landscape Requirements ordinance in its entirety.

Discussion

Staff initially presented the proposed modifications to this ordinance to City Council at their meeting on September 22, 2004. At that time, a number of issues were raised and Staff was asked to research these issues and revise the ordinance accordingly.

This research has resulted in several modifications to the proposed ordinance. To assist in administering and interpreting the ordinance, we have also reformatted the ordinance into the following five divisions:

Division 1. General
This division includes the purpose statement and a variety of existing, new and amended definitions as well as language pertaining to the treatment and removal of infected and infested trees on public and private property.

Division 2. Protected and specimen trees
This division includes language specific to the preservation of protected and specimen trees throughout the city, as well as those situations where the removal of a protected or specimen tree may be permitted.

<u>Division 3. Landscape plan procedures for retail, commercial and industrial properties</u>

This division has been enhanced to include a variety of items, including detailed landscape plan requirements; upgrading tree replacement requirement criteria; defining how tree credit may be issued on a development site; upgrading parking lot design and landscaping standards; and defining screening requirements for dumpsters, mechanical equipment and detention areas. Additionally, this division includes maintenance criteria and plant guarantee requirements for new and existing landscaping.

<u>Division 4. Tree protection on public property</u>

This division was added to the ordinance several years ago as a part of our efforts to secure Tree City USA status. The language within the division has been updated to reflect current practices and guidelines for maintenance of vegetation on public property (city-owned property, right-of-ways, easements, etc.) as well as a preferred list of trees that are acceptable on public property.

<u>Division 5. Tree preservation on residential property</u>

This division was modified to include the comments raised by Council several months ago. Specifically, the process for obtaining a tree removal permit and then removing existing vegetation on residential property was clarified, as was specific requirements for tree removal companies. A new section was also added which addresses those who remove vegetation within buffers and city-owned greenbelts.

The City Attorney, City Manager and Developmental Services Director have reviewed the proposed modifications extensively, and their recommendations have been incorporated into the document presented to you for review.

<u>Budget impact:</u>

There are no budget impacts associated with this request other than codification requirements.

Attachment

Ordinance Number ______

AN ORDINANCE TO AMEND ARTICLE XI VEGETATION PROTECTION AND LANDSCAPE REQUIREMENTS OF THE PEACHTREE CITY ZONING ORDINANCE IN ITS ENTIRETY PROVIDING FOR DEFINITIONS; PROVIDING FOR PRESERVATION OF PROTECTED AND SPECIMEN TREES; PROVIDING FOR LANDSCAPE PROCEDURES FOR RETAIL, COMMERCIAL AND INDUSTRIAL PROPERTIES; PROVIDING FOR TREE PROTECTION ON PUBLIC PROPERTY; PROVIDING FOR PRESERVATION ON RESIDENTIAL PROPERTY, AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Article XI Vegetation Protection and Landscape Requirements be repealed in its entirety and amended as follows:

ARTICLE XI.

VEGETATION PROTECTION AND LANDSCAPE REQUIREMENTS

DIVISION 1. GENERAL

Section 1101. Purpose.

Intent of article and declaration of public policy. The guiding presumption behind this article is the belief that the natural environment has significant value in and of itself, and that all reasonable measures available should be used in the preservation of that environment, consistent with the continued development of a viable Peachtree City.

The city council of Peachtree City, therefore, declares it to be public policy to:

(a) Aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare, and heat abatement.

(b) Assist in providing adequate light and air by preventing overcrowding of land.

(c) Provide visual buffering and enhance beautification of the city.

(d) Safeguard and attempt to enhance property values and, in so doing, protect private and public investment.

(e) Preserve, protect and further the unique identity and environment of the City of Peachtree City, and, thereby, preserve the economic base attracted to the city by such factors.

(f) Recognize that the protection and enhancement of the natural beauty, environment, and greenspace within Peachtree City contributes to the economy, as well as provides a truly necessary aesthetic balance to the development of an urban setting.

(g) Conserve an ever-dwindling supply of energy, by the preservation and enhancement of the natural environment.

(h) Protect the atmosphere, lands, and water from pollution, impairment or unnecessary destruction.

(i) Protect natural vegetation except where its removal is necessary for responsible property development or control of disease and infestation. This article shall serve to dissuade the unnecessary clearing of land and its disturbance, so as to preserve, insofar as possible, the natural and existing growth of vegetation, and to replace whenever possible the removed foliage with new vegetation.

(j) Protect vegetation within the intermediate regional floodplain and for a minimum ten feet from the banks of those streams not having defined intermediate regional floodplain elevation contours, so as to assist in the retention of stormwater runoff and the control of erosion, including particularly the protection of stream bank stability by vegetation or restoration.

(k) Preserve protected and specimen trees or stands of trees which are exceptional representatives of their species either in terms of size, age or unusual botanical quality, and encourage the good care of same through properly applied forestry practices.

(l) Protect and supplement existing vegetation within greenbelts, open space, recreation areas, protected areas, and scenic roads where feasible.

(m) Encourage and promote the use of native and drought tolerant plant material on all development sites.

Section 1102. Definitions.

(a) *Administrative guidelines.* The written guidelines incorporated into this Article by reference, as may be adopted, amended, altered or revised hereafter which constitutes the rules for implementation of this Article.

(b) *Buffer.* An area consisting of landscaping, walls, fences or berms designed to visibly separate one use from another through screening and distance to shield or block noise, light, glare, or visual or other conditions or to reduce air pollution, dust dirt or litter.

(c) *Caliper.* A standard of trunk measurement for understory or replacement trees. Caliper inches are measured at the height of six inches (6") above the ground for trees up to and including four-inch (4") caliper and twelve inches (12") above the ground for trees larger than four inches (4") caliper.

(d) *City.* The City of Peachtree City, a municipal corporation wholly located within Fayette County, Georgia.

(e) *Clearing.* The removal of vegetation from a property, whether by cutting or other means.

(f) *Clear cutting.* The broad removal of all trees or vegetation from a particular area.

(g) *Developable area.* That area of an overall project site that can be developed with buildings, parking lots, driveways, service courts or other impervious surfaces. The developable area does not include those areas designated as tree save and/ or landscape buffers, undisturbed buffers, no impervious buffers, delineated wetland or floodplain areas, stream buffers, designated open space, watershed protection buffers or other areas of a project site that cannot be developed.

(h) *Development activity.* Any alteration of the natural environment which requires the approval of a development or site plan and issuance of a development permit.

(i) *Development permit.* A permit issued by the city that authorizes development activity and includes, but is not limited to, a clearing permit, grading permit, land disturbance permit or building permit.

(j) *Diameter at breast height (dbh).* The standard for measuring the size of existing trees on a site, where the diameter of the tree trunk is measured at a height of four and one half feet (4 ½') above the ground.

(k) *Drip line.* A line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground.

(l) *Drip line area.* The total area underneath a tree which would encompass all drip lines.

(m) *Greenbelt.* An area of land owned by the city which shall remain undisturbed, insofar as possible, from its natural state to form a screen or buffer.

(n) *Groundcover.* Natural plant material such as vines, shrubs, or grasses which would not normally attain a height of more than two feet.

(o) *Impervious surface.* A surface which does not percolate water, or any man-made structure or device which is designed to hold water. These include all buildings and asphalt or concrete parking areas, driveways, roads, service courts, sidewalks, stormwater detention ponds or similar structures, and any areas of concrete or asphalt and/ or water bodies.

(p) *Infected tree or vegetation.* Any tree or plant that, due to evidence or existence of disease, pests, or other infectious elements may, in the opinion of the city landscape architect, would be a detriment to other vegetation, roads, right-of-way, easements or structures.

(q) *Infested tree.* See infected tree.

(r) *Landscape plan.* A written plan with drawings by the applicant or his agent with details of tree locations, tree removals, and tree replanting, with each tree designated as to species or common name on each parcel to be developed. Plan shall comply with this tree ordinance and administrative guidelines.

(s) *Landscaping.* Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more attractive, as by adding lawns, trees and shrubs, etc., to the natural environment.

(t) *Major thoroughfares.* For the purposes of this division the following streets in Peachtree City are classified as major thoroughfares:

Aberdeen Drive	Holly Grove Road	Peachtree Parkway
Braelinn Road	Huddleston Road	Riley Parkway
Cameron Trail	Kedron Drive	Robinson Road
Crosstown Drive	Kelly Drive	Rockaway Road
Dividend Drive	Kelly Green	Stevens Entry
Ebenezer Road	Line Creek Parkway	TDK Boulevard
Fishers Luck	Log House Road	Walt Banks Road
Flat Creek Road	McIntosh Trail	Windgate Road
GA Highway 54	Northlake Drive	Wisdom Road
GA Highway 74	Old GA Highway 74 (Senoia Road)	
Georgian Park	Paschall Road	

(u) *Natural vegetation.* Natural vegetation shall connote a generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses, and trees.

(v) *Natural vegetation area.* That area within the boundaries of a given lot which is devoted to natural vegetation.

(w) *No impervious buffer.* An area where no manmade structure or surface which prevents the infiltration of stormwater into the ground below the structure or surface may be located. Structures or surfaces which are constructed so as to only minimally affect the infiltration of stormwater are not considered impervious surfaces. These include; playground equipment, picnic tables, and specially designed decks and patios which allow for infiltration of stormwater.

(x) *Open space.* The total area on a zoning not covered with buildings, driveways, parking areas, service courts, etc. that can or will be landscaped with plant material or maintain natural vegetation.

(y) *Pervious surface.* All that area of land that can be landscaped or planted, allows natural passage through by water, and is not covered by manmade materials or structures such as buildings and paving.

(z) *Private lands.* All real properties lying within the city limits of Peachtree City, Georgia less and except lands hereinafter designated and defined as "Public Lands."

(aa) *Protected areas.* Those areas having unique biological communities including unique wildlife or exceptional vegetation possessing outstanding botanical qualities.

(bb) *Public lands.* The rights of way of all major thoroughfares within the city, all other lands owned by the city except for the rights-of-way of minor residential streets, and all lands to which the public has free access.

(cc) *Replacement trees.* Trees that are planted pursuant to this ordinance to replace trees that are removed for any reason.

(dd) *Scenic roads.* Those roads designated by the city council as deserving special protection from land development because of their scenic beauty, extent of vegetation, or geological formations.

(ee) *Scenic viewshed.* Those areas designated by city council as deserving special attention to promote and enhance views of existing natural features throughout the city.

(ff) *Screening.* A method of shielding or obscuring one abutting structure or use from another by opaque fencing, walls, berms, densely planted vegetation or a combination of these materials.

(gg) *Shrub.* A woody plant or bush of relatively low height (two to six feet), distinguished from a tree by having several stems rather than a single trunk.

(hh) *Stream buffer.* An area along the course of any state waters to be maintained in an undisturbed and natural condition.

(ii) *Tree.* A self supporting woody plant having one or more well-defined stems or trunks, a more or less definitely formed crown, usually attaining a mature height of at least ten feet, and a trunk diameter of at least two inches measured at a point four feet above the ground.

(jj) *Tree board.* That body established by this ordinance and appointed by the City Council of Peachtree City, Georgia

(kk) *Tree, canopy.* Any tree having reached a relatively tall height compared to surrounding trees and vegetation and providing shade from its foliage mass; also individual or tree groups forming an overhead cover. Examples include oaks, red and silver maples, hickory, beech, pecan, sycamore, sweetgum, poplar, ash, river birch, long leaf pine, loblolly pine and Virginia pine.

(ll) *Tree damage.* Any act which causes a tree to die within two (2) years after commission of the act, including but not limited to damage inflicted upon the root system or trunk as the result of:

(1) The improper use of machinery on the trees;

(2) The storage of materials on or around the trees;

(3) Soil compaction;

(4) Altering the natural grade to expose the roots or to cover the tree's root system with more than four inches (4") of soil;

(5) Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;

(6) Pruning judged to be excess by the city landscape architect or not in accordance with the standards set forth by the International Society of Arboriculture (ISA);

(7) Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; or, application of herbicides or defoliants to any tree without first obtaining a permit.

(mm) *Tree, deciduous.* Those trees that shed their leaves in fall or winter.

(nn) *Tree, evergreen.* Those trees, including broadleaf and conifer evergreens, that maintain their leaves throughout the year.

(oo) *Tree, protected.*

(1) Any deciduous canopy tree 15 inches dbh;

(2) Any evergreen canopy tree 18 inches dbh;

(3) Any understory tree four inches dbh.

(pp) *Tree protection.* Barriers constructed around trees at construction sites sufficient to prevent damage or injury to tree trunks, limbs, and roots.

(qq) *Tree protection zone.* The area around a tree corresponding to the larger of the drip line or ten feet from the base of the tree as determined by the city landscape architect.

(rr) *Tree removal permit.* That written authorization or certificate issued by the city planner or his authorized agent to allow an applicant to plant, cut, prune, or remove trees on public property (not to be confused with a business license to perform such operations on a contract basis).

(ss) *Tree save and landscape buffer.* The portion of a recorded tract of land that shall remain in its natural undisturbed state where no vegetation can be removed or planted without approval of the city landscape architect. The city may permit the trimming of tree branches and the removal of some understory vegetation, noxious weeds and woody plants to open views into the site from adjoining roadways and properties. The city will permit the installation of vegetation in this area which will, in the opinion of the city landscape architect, enhance the appearance of the buffer.

(tt) *Tree, specimen.* Any tree reaching the upper range of the mature diameter and height for that species of tree.

(uu) *Tree, understory.* Any tree, which is of relatively lesser height and spread than surrounding canopy trees, but still provides shade and a degree of protection to the earth and vegetation beneath it. Examples include dogwood, cherry, red bud, sassafras, crabapple, pear, American holly, red cedar, and magnolia.

(vv) *Undisturbed natural buffer.* The portion of a recorded tract of land that shall remain in its natural undisturbed state where no vegetation can be removed or planted without first obtaining a permit from the city. No herbicides, pesticides, or other chemicals, either natural or manmade can be used in this buffer. The city may permit the trimming of tree branches and the removal of noxious weeds, woody plants or other undesirable vegetation that will not adversely impact water quality. The city will permit the installation of vegetation (not grasses commonly used for lawns) in this area which will, in the opinion of the city, enhance water quality.

Section 1103. Treatment and removal of infected and infested trees.

(a) Public property. If any tree on public property is infested with insects or infected with a disease detrimental to surrounding vegetation, the city may remove the tree and otherwise control such infection and infestation.

(b) Private property. It shall be the responsibility of any person having trees on his property to treat and/or remove any infected or infested tree.

DIVISION 2. PROTECTED AND SPECIMEN TREES

Section 1104. Preservation of protected and specimen trees.

It shall be unlawful for any person or corporation to remove or cause the removal of any protected or specimen tree without having first received approval either through the process of site plan review, in the case of new development, or in the form of a tree-removal permit.

(a) *Approval through site plan review.* When site plan review by the Planning Commission is required for any development, the actual or schematic locations of all protected or specimen trees shall be shown on all site plans by location, species and size. The site plans shall be submitted to the city planner for evaluation and recommendation before submission to the Planning Commission. All site plans shall also include those requirements listed under tree removal application requirements (1103(b)). Final approval of the site plan shall constitute approval for removal of any protected or specimen trees impacted by development on the site plan.

(b) *Application for permit to remove protected or specimen trees.* The application for a tree removal permit shall be on a form provided by the city for this purpose. An application for the removal of any protected or specimen trees on public or private property shall include the following:

(1) The approximate location of the tree(s);

(2) The dbh of the trunk of each tree;

(3) The approximate crown size of each tree (measured drip line to drip line) and any distinguishing characteristics of the tree(s);

(4) The species and common name of the tree(s);

(5) The reason for the proposed removal; and

(6) Such other information as may reasonably be required by the city planner. This could include, but is not limited to, a professional arborist's appraisal of the tree's viability and projected life span.

Section 1105. Action on application.

The city planner may approve an application for the removal of a protected or specimen tree provided at least one of the following conditions is met:

(a) The location of the tree prevents the opening of reasonable and necessary vehicular traffic lanes;

(b) The location of the tree prevents the construction of utility lines or drainage facilities which may not feasibly be relocated;

(c) The location of the tree prevents reasonable access to the property, if no alternate access exists;

(d) Allowing the tree to remain would impose an economic burden upon the owner of the property entirely out of proportion with the benefit gained by retaining the tree;

(e) The tree is diseased, dead or dying to the point that repair or restoration is not practical or the disease may be transmitted to other trees as determined by the city landscape architect or a licensed arborist; and

(f) There is no reasonable assurance that if the tree is saved with proper construction precautions, it will continue to live as an asset to the site.

Section 1106. Application not required, when.

Approval for removing a protected or specimen tree is not required when at least one of the following conditions is met:

(a) When removal of a protected or specimen tree is specifically approved by site plan review;

(b) When any protected or specimen tree sustains irreparable damage and, therefore, constitutes an immediate hazard to human life or property;

(c) When trees on commercial horticultural properties are to be removed as a direct part of the business conducted on those properties; or

(d) When public service companies perform normal construction and maintenance.

Section 1107. Enforcement.

Each protected or specimen tree removed without approval, as provided herein, shall be considered a separate offense, which is subject to citation and a penalty as determined by the judge of the municipal court.

For evaluation purposes, the criteria of $100.00 per caliper inch of trunk as measured at the top of the remaining stump should be used. This dollar evaluation of the damaged tree may be required to be invested on the site as commensurate replacement plantings.

It could also be considered permissible to replace a removed tree with a number of smaller trees of the same species, provided the combined caliper measurements of the smaller trees is at least equal to the measurement of the protected or specimen tree which was removed.

DIVISION 3. LANDSCAPE PLAN PROCEDURES FOR RETAIL, COMMERCIAL AND INDUSTRIAL PROPERTIES

Section 1108. Landscape plan requirements.

A landscape plan is required for any development in Peachtree City, other than the development of individual lots for single-family residential purposes, and shall comply with the following requirements:

(a) A Registered Landscape Architect licensed to practice in the State of Georgia shall prepare the plan.

(b) All areas not devoted to structures, site development features, and natural vegetation shall be landscaped.

(c) The plan shall include a detailed calculation of all impervious area on a project site, including total square footage of all buildings, accessory structures, parking areas, drive aisles, service courts, sidewalks, patios, etc. or any area where water cannot penetrate the earth. Stormwater detention ponds or other structures designed to hold water shall be considered impervious surfaces.

(d) The plan shall include one canopy tree with a minimum trunk caliper of 2 ½ inches measured at 6" above finish grade for every 1,000 square feet of impervious area on the site.

(e) The plan shall include one understory tree for every 1,000 square feet of impervious area on the site.

   (1) Deciduous understory trees shall be a minimum of 2" in caliper measured at 6" above finish grade.

   (2) Multi-trunk trees used as understory trees shall have a minimum of three canes, each of which shall be a minimum of 1" in caliper measured at 6" above finish grade.

   (3) Evergreen understory trees shall be a minimum of 15-gallon in size or a minimum of six feet (6') in height above finish grade at the time of planting.

(e) Preservation of existing vegetation within a project site, other than those trees or other vegetation located within tree save and/ or landscape buffers, undisturbed buffers, no impervious buffers, delineated wetland or floodplain areas, stream buffers, designated open space, watershed protection buffers or areas identified for future development is highly encouraged on every development site. For those projects that designate and maintain tree save areas, up to a fifty percent (50%) reduction in the total number of canopy trees may be awarded.

Tree credit shall be determined as follows:

Total SF of project site designated as tree save area x 100 = Potential tree credit (%)
Total SF of project site that can be developed

For example, if the total developable area of a 2.3-acre tract is 1.4 acres (60,984 SF) and the Applicant is proposing to designate 6,500 SF as a permanent tree save area, the potential tree credit is calculated as follows:

$$\frac{6{,}500}{60{,}984} \times 100 = 11\% \text{ of potential tree save credit}$$

Tree save credit shall apply to canopy tree replacement requirements only. All understory trees required by this ordinance shall be provided on a project site.

(g) If a development involves an addition or modification to the side or rear of an existing building or structure which is already properly landscaped, and the addition is not visible from any street, the landscape plan for the new development shall be prepared assuming a 50 percent reduction in the canopy tree replacement requirements. All understory trees required by this ordinance shall be provided for the new development.

(h) All required landscaping shall be maintained in a horticulturally healthy and aesthetically pleasing manner. All planting beds and lawn areas should include an underground irrigation system with a programmable timer and operational rain shut-off device. If an underground irrigation system is not available, all planting areas shall be located no more than one hundred feet from a watering source and assurances shall be furnished to the city landscape architect that water will be available and appropriate watering shall take place.

(i) The city landscape architect, upon site inspection and conceptual landscape plan review, may require an applicant to naturalize areas which visually impact public rights-of-way. The intent of this requirement is to supplement tree requirements with small caliper material (one-gallon maximum) in areas where screening or landscape visual continuity is required.

Section 1109. Parking lot design and landscape requirements.

In an effort to ensure the provision of sufficient landscaping within and adjacent to parking areas and buildings, the following criteria has been established:

(a) All landscaped areas within parking lots shall include curb and gutter and shall be one hundred percent (100%) landscaped with canopy trees, understory trees, evergreen shrubs (not to exceed 3' in height at maturity), groundcover and/ or flowers in mulched beds. Sod or lawn areas shall not be permitted within landscaped islands.

(b) All internal tree planting islands shall have a minimum width of ten feet (10') measured from back of curb. Planting islands on the end of rows of parking shall be a minimum of twelve feet (12') in width measured from back of curb. The corners of all parking islands shall have minimum curve radii of three feet (3').

(c) Landscaped areas within and around parking lots must be large enough to provide for the health and continued growth of the vegetation. Curbing shall be provided around all landscaped areas. Trees and shrubs shall be planted a minimum of 30" inside the curb to avoid injury by the overhang of vehicles.

(d) Parking areas designed to accommodate more than 20 automobiles must install interior landscaped areas so that no more than 12 adjacent parking spaces exist without a landscaped separation of at least ten feet (10') in width measured from back of curb. The city landscape architect and the Planning Commission may allow the placement of more than twelve (12) parking spaces in a continuous row if the landscaped islands are wider than required and designed to accommodate several canopy trees, shrubs and/ or groundcover.

(e) Linear planting areas may be used instead of the interior landscaped areas to separate rows of parking. The linear planting areas must be a minimum of ten feet (10') in width measured from back of curb and installed in every other row of parking.

(f) Landscaping shall not obstruct the view between 24 inches high and 60 inches high on access drives, streets or parking aisles.

(g) The perimeter of all parking areas shall be landscaped to screen views of cars from adjoining roadways and properties. Evergreen shrubs shall be a minimum of 24" in height from finish grade to the top of the shrub at the time of planting, and shall be installed in staggered rows at no less than four feet on center with no more than two feet between rows of shrubs. A planting area with a minimum width of ten feet (10') measured from back of curb shall be located between all parking lots, driveways or service courts and the adjoining property line.

(h) Wherever practicable, planting areas shall be located in front of and on each side of all retail, commercial and industrial buildings. Planting areas along the front of buildings shall be a minimum of ten feet (10') in width and planting areas along the sides of buildings shall be a minimum of six feet (6') in width. These areas shall be irrigated and planted with groundcover, shrubs and/ or grass.

(i) Where sidewalks occur adjacent to parking areas, parked vehicles shall not overhang or extend over the sidewalk. Concrete wheel stops shall be installed within these spaces so that there is no more than eighteen inches (18") between the centerline of the wheel stop and the face of the curb. The city will accept the provision of a six-foot (6') wide sidewalk as long as there is a minimum of four feet (4') of clearance on all areas of the sidewalk.

(j) Permanent off-street automobile parking shall not exceed 125 percent of the minimum number of spaces required for the approved land use or development as identified in Section 909 of the City's Zoning Ordinance. The city planner and Planning Commission may accept a higher or lower number of parking spaces than required based on developer-submitted parking data such as a shared parking analysis or appropriate standards from another accepted source. Should a higher number of parking spaces be permitted, the tree replacement requirements calculated for this additional impervious area (including drive aisles) shall be doubled and reflected on the landscape plan.

(k) Lighting poles and fixtures within landscape islands shall be located and designed in such a manner to accommodate the mature stage of the plant material located within the landscaped island.

Section 1110. Screening requirements

In an effort to properly screen views of parking areas, dumpster enclosures, mechanical equipment and detention areas from off-site and from adjoining properties, the following criteria has been established:

(a) Heating, ventilation, air conditioning and other mechanical and utility equipment, which is located on, beside or adjacent to any building or development, shall be fully screened from view from streets and adjoining properties. The screen shall exceed the height of the equipment, shall not interfere with the operation of the equipment, and shall utilize building materials and design which are compatible with those used for the exterior of the building.

(b) Where mechanical and utility equipment is located on the roof of a structure, all devices shall be fully screened from view from streets or adjoining property after grading or other improvements are made outside or adjacent to the site. Site line studies shall also be prepared which indicate this equipment will be screened from major thoroughfares and collector roads. The city planner may require mufflers or some other noise reducing technique on mechanical and utility equipment on developments adjacent to existing or future residential projects to mitigate noise impact. Utility equipment and facilities associated with on-site electric, cable, telephone, gas or other similar utility shall be screened, to the greatest extent possible, with evergreen plantings or another alternate approved by the city landscape architect. It is noted that certain areas around mechanical equipment and utilities must remain clear based on each utility company's guidelines.

(c) All trash containment devices, including waste grease containers, compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent streets and properties. This type of screening shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site. If the device is not visible from off-site, then no screening is required.

(d) All trash containment areas shall meet the following standards:

(1) All trash containment areas shall be enclosed so as not to be seen from off-site and be enclosed with solid metal gates to screen the dumpster and to contain windblown litter.

(2) The enclosure shall be a minimum of eight (8) feet in height or two (2) feet taller than the highest point of the waste grease containers, compactors or dumpsters, whichever is greater.

(3) The enclosure shall be constructed of material that is opaque and compatible with the design, materials and color selections used on the principal building. The preferable building material is masonry with solid metal gates. Where the interior of the dumpster enclosure will be visible from within or off-site, all unfinished surfaces on the interior of the dumpster enclosure shall be painted or stained black or dark brown.

(4) All compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and designed to allow positive drainage. The concrete pad must also extend a minimum of eight feet (8') in front of the enclosure to provide support for the front wheels of the service vehicle. All dumpster pads must conform to Peachtree City Water and Sewerage Authority and Fayette County Health Department regulations.

(5) The dumpster enclosure shall contain gates for access and security, which must be maintained in good working order and kept closed when the dumpster is not being used.

(6) Where trash containment areas are located adjacent to residential areas, rubber lids shall be specified on all dumpsters. Additionally rubber inserts and rubber feet shall be used on the dumpster to assist in reducing noise when the dumpsters are being emptied.

(e) Culverts, riprap structures and other storm water-related devices must be landscaped to reduce their visual impact. This landscaping must be evergreen material and approved as a part of the overall landscape plan.

Section 1111. Landscape plan check sheet.

Any landscape plan required by these regulations shall contain the following information:

(a) Title of project, address of site.

(b) Site location map, north point, and scale of drawings.

(c) Name, address and telephone number of owner/ developer.

(d) Name and seal of Landscape Architect who prepared the plan.

(e) Planting key: botanical and common name of all plant materials proposed; quantity of each species; size of plant material (caliper, height, width); condition, (i.e., balled and burlapped, container grown, bare root, collected, etc.); and special remarks (number of stems, color or bloom, etc.).

(f) Estimated cost of landscape improvements: ________.

(g) Name and location of existing trees to be saved and protected during construction. Indicate all protected and specimen trees to be saved or removed.

(h) A detailed calculation of all impervious area on a project site, including total square footage of all buildings, accessory structures, parking areas, drive aisles, service courts, sidewalks, patios, etc. or any area where water cannot penetrate the earth.

(i) Stormwater detention areas, drainage inlets and structures. Floodplain limits shall be shown whenever subject property is within such areas.

(j) Show names of adjacent property owners, and adjacent land uses. Indicate all required greenbelt and screened areas.

(k) Provide that planting does not obscure sight distances at intersections. Keep planting below 24 inches and tree limbs above 60 inches.

(l) Show all pertinent site features: buildings, walks, drives, signs, lighting drains, meter boxes, underground utility lines, curbs, and the available water source for plant maintenance.

(m) Show calculations on the plan for: total area, area permanently disturbed, and landscaped area (in acres and square feet). Indicate numbers of canopy and understory trees required by ordinance.

Section 1112. Landscape plan submittal process.

For any landscape plan required by these regulations, the following procedures shall be followed:

(a) A developer shall submit three copies and one 11" x 17" reduction of the landscape plan to the city planner at least fifteen (15) days prior to a Planning Commission meeting.

(b) The landscape plan shall be submitted once the site is cleared and graded and after the building is under construction.

(c) The city landscape architect will review the landscape plan. If the landscape plan does not meet the requirements of these regulations, the plan will be returned to the developer with comments and suggestions for correction. If the plan meets the requirements, the landscape plan shall be placed on the next available Planning Commission agenda.

(d) The city planner shall submit the results of the city landscape architect's review in writing to the Planning Commission.

(e) The Planning Commission will review the landscape plan, taking into consideration the requirements of these regulations and the city landscape architect's report.

(f) If the Planning Commission approves the landscape plan, a copy will be returned to the developer with the approval inscribed thereon, along with a notation of any appropriate conditions or review comments.

(g) If the Planning Commission does not approve the landscape plan, the developer may resubmit, with necessary changes, following the same procedures as if it were an original application, or he may appeal the decision using the procedures set out in section 1301 of these regulations.

(h) An approved landscape plan must be implemented prior to the issuance of a certificate of occupancy; or the developer may choose to provide the city planner with a cash bond or other acceptable security in an amount equal to 125 percent of the city's estimated cost of the required improvements which have not been installed or are not installed in a satisfactory manner.

Upon posting this bond or security, the developer shall have a one-year period in which to complete the required improvements in a satisfactory manner, or the bond or other security shall be forfeited and revoked, and the city shall then take whatever action is necessary to complete the required improvements.

When a developer has installed the required landscaping improvements, he shall request that the city planner schedule an inspection by the city landscape architect. If the city landscape architect approves the installation, he shall submit a written report to the city planner, and the project will be released for a Certificate of Occupancy. If the city landscape architect does not approve the plan, he shall submit a report stating his reasons for disapproval so the developer can make the necessary corrections. A fee of $50.00 each shall be charged for any required re-inspections, and the fee shall be payable in advance of the re-inspection.

(i) Trees which are used to meet tree replacement requirements and all plant material used to meet the requirements of the approved landscape plan shall be guaranteed for two (2) years after the date of final inspection. It is the responsibility of the property owner to water and fertilize all plant material in order to maintain health and vigor. Failure to maintain the plant material identified on the approved landscape plan at any time during the life of the project shall be a violation of this Ordinance.

Section 1113. Maintenance criteria.

Once the landscape plan has been installed and accepted by the city, the following procedures shall be followed:

(a) It shall be the duty of any person or persons owning or occupying property subject to this ordinance to maintain said property in good condition so as to present a healthy, neat, and orderly appearance. Property shall be kept free from refuse and debris. Planting beds shall be mulched with a minimum of three (3) inches of fresh mulch at least once each year to prevent weed growth and to maintain soil moisture. Plant materials shall be pruned as necessary to maintain good health and character. Turf areas shall be mowed periodically. All roadways, curbs and sidewalks shall be edged when necessary in order to prevent encroachment from adjacent grassed areas.

(b) The following notes shall be required on all landscape plans submitted for review:

> *"Where landscaping areas adjoin grassed rights-of-way, such areas shall be considered part of the landscaped area for purposes of maintenance. As of completion of site improvements, the property owner shall have an implied easement on rights-of-way extending from the site to the road pavement in order to complete the required maintenance."*

(c) The following statement regarding a landscape maintenance/ management plan shall be placed on each landscape sheet prior to plan approval along with any other specific details applicable to site landscaping:

> *"A maintenance inspection of trees shall be performed periodically within and at the end of two full years from the date the Certificate of Occupancy is issued. Project owners at the*

time of the maintenance inspections are responsible for ordinance compliance.

The owners of the property and their agents, or assigns shall be responsible for the installation, preservation and maintenance of all planting and physical features shown on this plan. The owners shall be responsible for annual maintenance of the vegetation to include, but not be limited to, fertilization, pruning (within limits), pest control, mulching, mowing, protection of the root zones from equipment, construction and related material, watering schedule for irrigation system and any other continuing maintenance operations required to maintain the health and vitality of all plant material. Failure to maintain all plantings in accordance with this plan shall constitute a violation of this ordinance and shall result in issuance of appropriate citations and/ or fines."

(d) All plant material shall be allowed to reach its mature size and shall be maintained at its mature size. Except for trimming and pruning done in strict accordance with the terms, conditions and provisions of a permit issued by the city, vegetation shall not be cut or severely pruned or otherwise damaged so that their natural form is impaired. A violation of this section shall subject the violator to a fine as specified within the Land Development Ordinance. In addition to this fine, the owner of the property where a violation has occurred shall be required to replace each unlawfully pruned, damaged, or removed tree with a tree of equal size as determined by the city.

Section 1114. Plant guarantee requirements.

In order to ensure the plantings approved as a part of the overall landscape plan remain in good health, the following procedures shall be followed:

(a) The property owner shall guarantee all plant material for a minimum of two (2) years from date of acceptance by the city landscape architect and the issuance of a Certificate of Occupancy. The city landscape architect shall inspect said improvements and shall make a determination of whether or not the required trees and landscaping are healthy and have a reasonable chance of surviving to maturity. The Owner shall be notified by letter of any replacements or restoration that must be made to maintain compliance with this Ordinance. All unhealthy and dead plant material shall be replaced within forty-five (45) days of receipt of such letter in conformance with the approved landscape plan.

(b) After development is complete, the city landscape architect shall continue to make random inspections to insure that all existing trees of protected size as well as replacement and/ or supplemental trees are maintained. Tree planting shall be required should any of these trees die, be removed, or be destroyed at any time after completion of development. This regulation applies to all projects regardless of the date the development permit or development approval was issued.

DIVISION 4. TREE PROTECTION ON PUBLIC PROPERTY

Section 1115. Purpose.

The purpose of this division is to protect, through proper care and policy, the existing urban forest in Peachtree City, Georgia by regulating and controlling the planting, preservation and replacement of trees and shrubbery on public lands within the city, thereby maintaining and enhancing the quality of life for which Peachtree City, Georgia is noted; to reconfirm that the public lands of this city and all trees and other woody vegetation thereon are and shall remain the sole and exclusive property of all of the citizens of this community for their use and enjoyment; to preserve and protect said public lands and vegetation from destruction, damage, conversion, or abuse for the benefit of ourselves and future generations; to encourage the citizens of the community to preserve and respect our urban forests and to encourage the replacement of trees on public and private lands in order to maintain this valuable resource as an integral part of this community's environment.

Section 1116. Creation and establishment of a tree board.

There is hereby created and established a tree board for the City of Peachtree City, Georgia ("tree board") which shall consist of the following:

(a) The chairman of the Planning Commission, or a designee;

(b) The city public services director, or a designee;

(c) The city superintendent of public works;

(d) The city planner;

(e) The city public information specialist; and

(f) A maximum of five (5) citizens appointed biannually by the mayor.

(1) Compensation. Members of the tree board shall serve without compensation.

(2) Duties and responsibilities. It shall be the responsibility of the tree board to study, develop, update and administer a written plan for disposition of trees and shrubs on public lands within the city. Such plan shall be presented annually to the mayor and city council and upon their acceptance and approval shall constitute the administrative guidelines for tree preservation and planting within the city. The tree board shall also examine plans submitted pursuant to the administrative guidelines and monitor compliance therewith. The tree board, when requested by the mayor and city council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. Any person dissatisfied with a decision of the tree board shall have the right,

upon proper notice to the tree board, to request a hearing before the city council pursuant to the city's established appeal procedures.

(3) Operation. The tree board shall elect a chairperson, a vice-chairperson and a secretary. The secretary shall maintain official minutes of all meetings and proceedings. The board shall meet as often as necessary in regular or special meetings. Meetings shall be called and conducted in accordance with the Georgia Open Meetings Law and minutes shall be maintained in accordance with the Georgia Open Records Law. A majority of active members shall be a quorum for the transaction of business.

Section 1117. Administrative guidelines.

The tree board shall be responsible for preparing, approving and administering a set of administrative guidelines for tree preservation and planting within the City of Peachtree City. Said administrative guidelines shall provide for the preservation and planting of trees on public lands within the City of Peachtree City and all matters relating thereto including, but not limited to, the requirements for planting and maintaining trees within the city, limitations on paving public lands for driveways or parking, use of pesticides, and applications for grading, building and change of use, permitting, and development and similar matters affecting Peachtree City's urban forest. The administrative guidelines, when approved as provided for herein, shall be considered as a part of this division and be enforceable as such. Upon the failure of the tree board to submit to the mayor and city council a new set of administrative guidelines by March 1 of each year, the existing administrative guidelines shall be considered as the guidelines for the current year.

Funding for the tree plan shall be included as a line item in the City of Peachtree City's 5-year public improvement plan, which is approved annually by the city council.

Section 1118. Permits required.

A permit must be obtained from the city before any person, corporation, or association removes, destroys, cuts, sprays, prunes, or plants any tree on public land or performs any work or function which results in disturbing, digging into, compacting or displacing said property, or contracts with another person or corporation to perform such acts. Cutting is defined as the removal or cutting back of limbs from trees or shrubs.

Such permit shall be in addition to all other permits, authorizations, and procedures required by law for work within or along public lands. A written plan for the planting, pruning, cutting, removal or spraying of trees or trenching on public lands must be submitted to the city planner prior to any work being performed. All such plans shall conform to the administrative guidelines. Failure to submit such a plan and/or commencing work on public lands without the aforesaid permit shall be considered a violation of this division. If the plan, as submitted, shall be approved by the city planner, the city planner or his designee shall issue the permit. Any application for a permit that is not denied in writing within ten business days of its submission shall be deemed to be granted. The city may impose such permit fees as approved from time to time by the mayor and city council.

Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions should be reported to the city for corrective action. Likewise, it shall be a violation of this division for any person to attach to any tree on public land any rope, wire, chain, sign or other device whatsoever.

Individual permits shall be required for the City of Peachtree City, licensed public utilities, or the Georgia Department of Transportation, in accordance with the preservation and protection requirements contained in this division and the administrative guidelines. Public and private utilities, which maintain and install overhead and underground utilities, including cable television, water, sewer, etc., shall be required to accomplish all such work on public lands subject to this division and administrative guidelines to ensure proper pruning and cutting of trees, including roots.

Section 1119. Administrative review.

Any person may appeal any adverse ruling or order of the city planner to the tree board, who shall hear the matter and make a final decision. Any ruling not appealed within ten (10) business days shall be deemed final.

Any person may appeal any decision of the tree board to the city council, provided such appeal is made within ten business days of the decision being appealed.

Appeals to the city council shall be in writing and shall set forth in sufficient detail the ruling objected to and the basis for objection. Appeal hearings shall be conducted in accordance with the policies and procedures established for the operation of the board.

Section 1120. Enforcement.

The Peachtree City code enforcement division shall have primary responsibility for enforcing this division. Violation of the provisions of this division shall be an offense against the city and punishable in the manner provided therefore below by citation to the municipal court under section 1-11. In addition to any fine imposed, any person or firm violating the same shall:

(a) Upon the first offense, replant and maintain for a minimum of one year from the date of installation, trees at the same site equal in size to two times the tree (s) removed, measured at a point four (4) feet above ground.

(b) For the second offense, and thereafter, by the same party, said party shall be required to plant and maintain for three years trees equal in size to three times the tree(s) removed, measured at a point four feet aboveground.

The type of tree (s), the location of said tree(s), and the time of planting shall be in conformity with a landscaping plan submitted to the tree board and approved by it.

Section 1121. Application of ordinance to private property.

The provisions of this ordinance shall not apply to private property; however, in addition to landscaping requirements imposed by the city's development codes and ordinances, developers and owners of private property are strongly encouraged to promote, develop and protect the existing urban forest within the City of Peachtree City and to use the administrative guidelines in the landscaping of their properties.

GUIDELINES FOR TREE PRESERVATION ON PUBLIC PROPERTY IN THE CITY OF PEACHTREE CITY, GEORGIA

Section 1122. Tree species to be planted.

The following list constitutes the recommended tree species for City of Peachtree City, Georgia. Trees included on this list may be planted on public lands pursuant to a work permit as provided in Section 4 of these guidelines. Other varieties may likewise be approved by the tree board.

Small Trees	Medium Trees	Large Trees
Crabapple (flowering)	Honey locust (thornless)	London Plane
Golden Rain Tree	Cherry (flowering)	Sugar Maple
Callery Pear	English Oak	Willow Oak
Star Magnolia	Red Oak	Sycamore
Redbud	Yellow Poplar	Red Maple
Purpleleaf Plum	River Birch	Sawtooth Oak
Dogwood	Chinese Elm	White Oak
Crape Myrtle	American Hornbeam	Black Tupelo
Saucer Magnolia	Mountain Ash	Southern Magnolia
Wax Myrtle	Sourwood	Bald Cypress
Washington Hawthorn	Double Flowering Peach	American Beech

Nellie Stevens Holly	Serviceberry	Pin Oak
Lace Bark Elm	Zelkova	Scarlet Oak
Smoketree	American Holly	Trident Maple
Yaupon Holly	Yoshino Cherry	October Glory Maple

Section 1123. Spacing.

When the intent of replanting trees is to re-naturalize public land, the spacing of trees will be in accordance with the three (3) size classes listed above. Small trees, 10-15 feet; medium trees, 20-40 feet; and large trees, 30-50 feet; unless otherwise approved by the city planner.

When the intent of planting trees is to achieve a formal landscape, a landscape plan indicating tree spacing shall be submitted to the city planner for approval, and may require the additional approval from the city landscape architect.

Section 1124. Distance from streets, sidewalks and paths.

Unless otherwise approved by the city planner, trees shall be planted a minimum of 12 feet from all streets, a minimum of six feet from all sidewalks, and a distance from the pavement edge on the city's recreational paths in accordance with the three (3) size classes listed above, with no tree planted closer to the pavement edge of the path than the following: small trees, three feet; medium trees, four feet; and large trees, six feet.

Section 1125. Distance from street corners, fire hydrants and utility boxes.

No street tree shall be planted closer than 25 feet from any street corner, measured from the point of nearest intersecting rights of way. No tree shall be planted closer than ten feet from any fire hydrant. No tree shall be planted closer than six feet from any utility box.

Section 1126. Utilities.

Unless otherwise approved by the city planner, no trees shall be planted within a utility easement, including sanitary sewer, storm sewer, and drainage easements. The person planting trees or doing any other work as herein described on public lands shall be responsible for determining in advance the location of all underground utilities in the immediate area, including compliance with the "Call Before You Dig Law." When the permitted work is performed, care shall be taken to avoid damaging or breaking any underground or above ground utility lines. If damage is done to any utility line, the person to whom the permit was issued shall be solely responsible for its repair. No tree shall be planted under or near overhead utility lines which will, when fully grown and mature, conflict with those overhead lines and as a consequence require pruning.

Section 1127. Minimum requirements for planting trees on public property.

Unless otherwise approved by the city planner, plans for planting required by the tree ordinance shall provide for:

(a) Planting holes which are two times the diameter of the root ball or container and one and one-quarter (1 1/4) the depth of the root ball or container height;

(b) Trees staked if they are less than two inches in caliper dbh;

(c) Planting surrounded by a two-inch soil saucer at the ground line and covered with a minimum of two inches of mulch or appropriate landscaping material;

(d) The mature size or species shall be considered and in no case shall planting be closer than 30 feet for large trees, 20 feet for medium size trees, and ten feet for small trees. Species selected shall be from the list contained in this ordinance and found to be adaptable, environmentally suitable to the region and in keeping with good landscape and architectural principles.

Section 1128. Public tree care.

The city may plant, prune, maintain, and remove trees, shrubs, or other plantings on public lands, as necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public lands.

The city shall remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is damaging sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pests. This section does not prohibit the planting of trees by adjacent property owners providing that the selection and location of said trees is in accordance with these guidelines.

DIVISION 5. TREE PRESERVATION ON RESIDENTIAL PROPERTY

Section 1129. Purpose.

The purpose of this division is to encourage the preservation of existing trees and other vegetation on residential property in Peachtree City, Georgia by regulating and controlling the removal of native and planted trees and other vegetation, thereby maintaining and enhancing the quality of life for which Peachtree City, Georgia is noted; to preserve and protect existing vegetation on public lands from destruction, damage, conversion, or abuse for the benefit of ourselves and future generations; to encourage homeowners to preserve and respect our urban forests and to encourage the replacement of trees on residential property in order to maintain this valuable resource as an integral part of the community's environment.

Section 1130. Procedures for removal of trees and other vegetation on residential property (following issuance of a Certificate of Occupancy).

There is hereby created and established policies and procedures for removal of existing trees and other vegetation on residential property which shall consist of the following:

(a) Homeowners who remove non-protected or specimen trees or vegetation over three (3) caliper inches dbh on their own residential property must obtain a tree removal permit. A permit processing fee shall not be required when no more than five trees, not to exceed thirty (30) caliper inches dbh, are removed by a homeowner within a single calendar year without cost of a person or company engaged in removing trees for a fee.

(b) Removal of any trees or vegetation over three (3) caliper inches in caliper dbh conducted on property, regardless of zoning classification, by any person shall require a tree removal permit. If any trees or vegetation over three (3) caliper inches dbh are removed for a fee from any property without a tree removal permit, the property owner shall be subject to appropriate citations and pay a fine of twice the tree removal fee and may be subject to additional penalties and fees.

(c) A permit processing fee of $25.00 shall be required prior to issuance of a tree removal permit for any trees or vegetation over three (3) inches in caliper dbh on residential property except as outlined in paragraph (a) above. Tree removal permits shall not be required to remove underbrush or vines from residential property. Permits shall be obtained by any person or company engaged in the removal of trees for a fee. The city planner or his designee shall review the tree removal permit and inspect the property as necessary prior to removal of any trees. If any trees are removed prior to issuance of a tree removal permit, the property owner shall be subject to citations and pay a fine of two times the tree removal permit, and additional penalties and fees that may be applicable.

(d) All contractors for tree removal must be licensed, bonded and insured and possess a current Occupational Tax Certificate. Each contractor is responsible for presenting current and updated documents to the city.

(e) Tree removal permits expire after three (3) months from the date of issuance.

(f) Any person, firm, corporation, company, or partnership violating any provisions of this Ordinance shall be subject to citations and additional penalties and fees that may be applicable. Where an offense continues from day to day, each day's continuance thereof shall be deemed a separate offense. The owner of a premises, where anything in violation of this Ordinance shall exist, or any person, firm, corporation, company, or partnership who may have assisted in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be punished as herein provided.

Section 1131. Safety standards for tree removal contractors.

The tree removal contractor shall be solely responsible for pedestrian and vehicular safety and control within the work site and shall provide warning devices, barricades, and ground personnel necessary to give safety, protection and warning within the area where tree removal or pruning is to occur. Blocking of public streets or paths shall not be permitted unless prior arrangements have been made with the city planner and is coordinated with appropriate city departments. Traffic control is the responsibility of the contractor and shall be accomplished in conformance with local, county and/ or state construction standards.

Trees shall be removed in pursuant to current ANSI standards and in accordance with the following minimum requirements:

(a) Extreme care shall be taken so as to prevent limbs, branches and trunks from falling and creating damage to adjacent homes, driveways, sidewalks, trees, shrubs, streets, paths and other property, both public and private. This type of work is a potentially hazardous occupation and is to be undertaken only by trained personnel or under the supervision of trained personnel, all of whom are covered with workers compensation, property damage, public liability, and completed operations insurance.

(b) Debris and logs shall not be left on the public right-of-way. It shall be the responsibility of the tree removal contractor to remove and dispose of, in a proper and acceptable manner, all logs, brush and debris resulting from the tree removal operation unless otherwise directed by the city planner. No person shall be issued a tree removal permit unless said person agrees to remove all cut logs, brush and debris from the premises other than those being kept by the property owner. Removal of such debris shall be performed at the end of each work day. Absolutely no burying of debris on site is permitted. Additionally, no burning is permitted without issuance of a Burn Permit by the City Fire Department.

Section 1132. Pruning of vegetation adjacent to streets and/ or paths.

It shall be the duty of any person or persons owning or occupying property bordering any street or path upon which property there may be trees, to prune such trees in such a manner that they will not obstruct or shade street lights, obstruct passage of vehicles or pedestrians, obstruct vision of traffic control signage, or obstruct views of any street intersection. Any trees that are diseased or insect infested shall be removed, sprayed, or treated in such a manner that they will not infect or damage nearby public vegetation or cause harm to the community or citizens therein. The city landscape architect may order trees on private land that causes obstructions, present insect or disease problems, or otherwise presents a danger to public health or safety be pruned, removed or treated.

Section 1133. Removal of trees and vegetation within designated buffers and greenbelts, prohibited.

Clearing, thinning and/ or removal of any trees or vegetation within designated natural buffers, undisturbed buffers, tree save and landscape buffers, or any protected area on residential lots is strictly prohibited without first obtaining approval from the city landscape architect.

Clearing, thinning and/ or removal of any vegetation within city-owned greenbelts is strictly prohibited. Each removed tree shall be considered a separate offense and will be subject to a citation and/ or fine as determined by the judge of the municipal court. In addition to the citation and/ or fine, the person responsible for clearing, thinning or removal of vegetation within a city-owned greenbelt shall be required to replace the total caliper inches of vegetation removed to assist in re-naturalizing the disturbed areas adjacent to their property. A detailed plant list of all material to be planted must be submitted to the city landscape architect for approval prior to installation, and all plant material must be guaranteed for a period of no less than two (2) years from the date of final acceptance by the city.

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

Done, Ratified, and Passed this ____ day of _______________ 2004.

____
Stephen D. Brown, Mayor

____

____

____

____

____

Attest: _____________________________
City Clerk

Peachtree City
Georgia

September 7, 2004

Mr. Cody Henderson
C&J Stump Removal & Landscaping
2632 Shiloh Hills Court
Snellville, GA 30039

BUILDING OFFICIAL
CITY OF PEACHTREE CITY
9-8-04

Dear Mr. Henderson,

The purpose of this letter is to inform you that you are under an immediate STOP WORK ORDER for tree and stump removal with the limits of Peachtree City, Georgia. The reason for this notice is for your apparent unsafe work practices as demonstrated by the tree you dropped onto the structure at 103 Fountain Head in Peachtree City. The methods you used while cutting the tree were apparently inadequate and created a hazard to the health and safety of our residents. When applying for the tree removal permits, you were asked to submit a copy of your business license and proof of liability insurance, which you failed to produce.

Any outstanding tree removal permits in your possession are hereby placed on hold until you can satisfy the requirements as set forth by the Peachtree City Building Official, Thomas Carty. Please contact your customers in Peachtree City and advise them of this order and the situation that led up to this action.

Contact me if you have any questions.

Sincerely,

Tami Babb

Tami Babb
Senior Code Enforcement Officer

CC: Building Official
City Planner
Fire Marshall
Director of Developmental Services
Mr. & Mrs. Adam Fisher

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

FROM: **City Planner/ Zoning Administrator** David

VIA: **City Manager** Bernard M. McMullen
Developmental Services Director

DATE: **November 23, 2004**

SUBJECT: **Kedron Village retail center – architectural program**
December 2, 2004 City Council agenda

Recommendation:

Staff recommends that Council review the revised elevations for the Target store (Attachment "A") along with the conditions of approval (Attachment "B").

Discussion

The revised architectural elevations for the Target store were submitted to the City Attorney on November 19 and forwarded to City Staff on November 22.

Budget impact:
There are no budget impacts associated with this request.

Attachment

architectural discussion

MS. RUTHERFORD: Condition.

MR. KOURAJIAN: How do we work that in, Ted?

MR. RAPSON: Ted, would the language in essence be -- Ted, would the language in essence be that the developer agrees to modify the Target architecture based on the discussion that just occurred? Is that sufficient?

MR. MEEKER: I think that would be too ambiguous.

MR. RAPSON: Okay. Well, then --

MR. MEEKER: I think it would have to come -- I mean, Mike, I hate to say this but I think the architecture would have to come back here and just be ratified by the Council.

MS. RUTHERFORD: So we can approve the plan pending that that returns --

MR. MEEKER: Pending the architectural approval.

MR. RAPSON: Pending the final approval --

MR. COHEN: To the extent that we're doing that I'd like to outline what some of the parameters were so that it's not open book on -- not open book on the building when we're further down the road with the project.

MR. RAPSON: I think that's more than

Attachment "B"

appropriate.

MR. WEED: I think that's fair.

MS. RUTHERFORD: Absolutely.

MR. RAPSON: Let's not interrupt him and let him -- we have a court reporter here to take everything down.

MR. COHEN: I think we're deep enough into this without another month expenditure of funds for pursuing a deal only to come back and have an absolute discretionary --

MR. WEED: You're absolutely right. Start talking.

MR. COHEN: So --

MR. RAPSON: We're listening.

MR. COHEN: For the record --

MR. RAPSON: Here, do you want the pointer to make it easier.

MR. COHEN: Well, I'm not sure the pointer shows up on it.

THE MAYOR: Do Number 10. It might be easier to put it up this way. That's your Target elevation.

MR. COHEN: What we have committed to, for the record, is on the north portion of the front Target elevation to add a proportional --

THE MAYOR: There you go.

MR. COHEN: -- architectural element to transition from the outparcel to the Target building that contains some element of --

THE MAYOR: -- of what's found in the --

MR. COHEN: -- of storefront. Not real storefront but the window box and that kind of glass feature similar to some of the other ones on the project.

Coming across the pop-out, I won't commit to, but I'll commit to considering some element on top of the what we would call the cart rack protrusion. And when I say I won't commit to it only because once you've put that in the real world and have architects working on it with the dimensions coming out, I'm not sure how it will look also going up but we'll obviously -- we'll look into that and consider it.

We'll agree to show windows on each of these three elements which I believe I heard consensus on would eliminate something here if we can dress those three up. One thing I think that we can do and this is actually something I thought about this afternoon, in this area (indicating), this is really just for the benefit of the project and not based on a comment tonight, I think there's -- one of the awnings in here might be a little different than the rest of the project and I think we would consider looking into consistency there.

Excuse me for one second. When I said "this area", I mean the area of Target's entrance to the left of the pop-out that contains their sign.

And then coming around to the right elevation or the south elevation if we could go back to that side, please.

THE MAYOR: 15.

MR. COHEN: Thank you. Add some sort of window element here and then maybe an additional architectural element here to break up the facade for those who are coming in at the -- what I call the non-entrance.

MR. RAPSON: So that would be the south side of --

MR. COHEN: That would be the right elevation.

THE MAYOR: The right elevation.

MR. RAPSON: Right elevation, southeast?

MR. COHEN: Correct. Anything else?

THE MAYOR: To clarify, on the right elevation --

MR. RAPSON: Those two will be windows,

correct?

MS. RUTHERFORD: Which --

MR. RAPSON: On the southwest side, the first two?

MR. COHEN: The first one at least.

THE MAYOR: On the front elevation --

MR. COHEN: The first one being the closest to the front of the store.

MS. RUTHERFORD: Correct.

THE MAYOR: From the front entrance?

MR. COHEN: Yes.

THE MAYOR: I just want to make sure. You did speak to having some symmetry in the front elevations to where we were going to not have that -- going across from the 30 of this panel all the way across --

MR. COHEN: In this area (indicating).

MR. WEED: He's already agreed to the far right on my far left, your --

THE MAYOR: I'm just making sure I'm hearing right.

MR. COHEN: Let me repeat -- well, it probably won't be exactly the same but in concept -- one second please.

(Whereupon, a brief off-the-record discussion ensued.)

MR. COHEN: For the record I will -- sorry, the man who spoke in favor of annexation got me all revved up and I can't slow down.

Now I'm starting over for the clarity of the record. On the northern portion of the Target elevation closest to -- we'll call this by number Retail Building 100B, we will add an architectural element of proportional size at the north --

MR. WEED: And this may help too. Council, why don't we identify this slide as Exhibit A and the next slide as Exhibit B. We'll put them in the record, we've got the court reporter here and then we'll know exactly what we're talking about.

MR. COHEN: Okay with me as long as there is no Exhibit C.

MR. RAPSON: Well then you can just refer to it as the right side or left side or whatever exhibit to make it a whole lot easier.

MR. COHEN: All right. As we face Exhibit A --

MR. RAPSON: Isn't that easier.

MR. COHEN: I think the store may be built by the time I finish this.

As you face the elevation of Exhibit A on the left side of the Target elevation adjacent to outparcel B, I think I got it all, we will add an architectural element of proportional size to match the three that are currently existing between the Target entrance and that elevation.

Coming to the right as you face Exhibit A, we will consider adding some sort of vertical element above or in the vicinity of the pop-out for the storage carts and the only reason that I'm not comfortable saying we'll commit to that tonight is because of the protrusion and the impact that is going to have as a 3-D element, I'm not sure how an additional pop-out is going to look there. It might end up actually looking in balance. So we'll take that under advisement and try and further break up that span.

Backing up a step as we go back to the left of Exhibit A, the added architectural element will have some form of show or display windows in it as will, moving to the right on Exhibit A, each of the pop-ups between the cart storage and the front entrance.

THE MAYOR: You currently have an efis.

MR. COHEN: Well, yeah, some element of maybe reduced efis and show windows. I don't think anyone wants a window that that -- that would be about an 18-foot window.

THE MAYOR: Right.

MR. COHEN: There are other and I can call them -- there are similar elevations for building 600 which shows a split between show windows and efis and we will do some sort of proportional split based on the size of the Target elevation in each of those three existing pop-ups and the one we agreed to add on the left side.

I think that covers the front elevation.

MR. WEED: You had -- the awning.

MS. RUTHERFORD: Yeah, the awning.

MR. WEED: What about the awning on the far right?

MR. COHEN: On the far right I wanted to take a look at the awning and compare it to the other awnings in the project and -- not the canvas awnings but the harder awnings and I just point that out. I don't think there's an issue with that awning. I may have an issue, I probably shouldn't have brought it up but I probably --

THE MAYOR: I think you can take some of what you've got over there.

MR. RAPSON: If you can incorporate it in that

that would be fine.

THE MAYOR: Yeah.

MR. COHEN: Okay.

MR. WEED: I think that would be great.

MR. COHEN: So is that it for the --

MR. RAPSON: That's it for --

MR. COHEN: For Exhibit A?

MR. RAPSON: For Exhibit A.

MR. WEED: Which is Slide 15.

MR. COHEN: Doing okay, George?

THE MAYOR: No, no, no, slide 15 is Exhibit B.

MR. COHEN: All right. This is Exhibit B, the right elevation for the Target store at the entrance formerly known as Regents Park. We have a display window here similar to the ones we do on the front. And some sort of architectural element to the right of the second existing element working back from the storefront to break up that facade; is that correct?

MR. WEED: Yes, that's correct.

THE MAYOR: And just to clarify you're talking about doing something that's consistent with the architecture that you had in the outparcels in order to achieve the pedestrian friendliness and harmony with the rest of the out buildings?

MR. COHEN: I think what we're really talking about here is adding some sort of architecture element. I'm not sure what it means on the side of the building to make it pedestrian friendly or otherwise. I think what we're -- I thought the goal here was to essentially, from left to right as you face the elevation continue the architecture to break up the span but I think that may not be what that was said but that was what we intended.

MS. RUTHERFORD: That's fine.

MR. KOURAJIAN: That's fine to me.

THE MAYOR: Well, so you're going show window far left, right, with the efis panel on the far left, correct? Something of that nature?

MR. COHEN: Correct. Thank you.

THE MAYOR: And then this stays --

MR. RAPSON: Is that similar to the Building 600 as well?

MR. COHEN: Well, it will probably be similar with whatever we end up with on the front. They'll all be in balance with each other.

MR. RAPSON: That will be consistent.

THE MAYOR: And then whatever is done to the right of that will probably remain the efis and I'm talking about the next efis panel in the center there?

MR. COHEN: We'll look into that but to the extent that I'm comfortable making a commitment tonight with show windows on the right elevation for Exhibit B this is -- show windows, I think that's where I could go.

MR. RAPSON: What about the third one you're going to add which would be the one you're adding to the right of Exhibit B?

MR. COHEN: To the extent there's a third one there is a balance issue so maybe the show window goes on the second one to balance the first and the third. It will be architecturally --

THE MAYOR: Now, is that a doorway in the center of the large span there? Is that an emergency exit?

MR. COHEN: It looks like an emergency door.

THE MAYOR: So you could just take the element and go around the door with it or something?

MR. COHEN: Depending on where it went, yeah. I mean it might be if there were three elements on here in order to better balance it the spacing becomes a little different. I'll leave that to architects.

THE MAYOR: Yes.

MR. RAPSON: That's fine.

THE MAYOR: I think that's workable.

MR. COHEN: Are we good on that? Was that enough --

Ted, was that enough definition for the record, George?

MR. ROSENZWEIG: What slide was Exhibit B?

THE MAYOR: Slide 15.

MR. ROSENZWEIG: Then what is A?

THE MAYOR: 10.

MR. RAPSON: Slide 10.

MR. COHEN: Can we get copies of those?

MR. RAPSON: You can get copies of those too. Is there a disk here or something that we could get --

THE MAYOR: He could make them.

MR. RAPSON: He can make you copies.

MR. COHEN: Thank you. And just for the record I just want to clarify for the record so there's no confusion that a display window is not a window looking into shoppers, it's a display window.

MS. RUTHERFORD: Right.

THE MAYOR: Right.

MR. COHEN: Does that get it?

MR. RAPSON: That gets step one.

MS. RUTHERFORD: Thank you.

THE MAYOR: Now, obviously we've spent a lot of time in Executive Session and we've got quite a few issues that we want to discuss with you. Well, items, I'm sorry, they say items. I think most of these are going to be pretty easy and I think it is just a matter of going through them. Some of them we may need some further discussion on but we can take them one at a time if you'd like and see what you -- are you prepared to?

MR. COHEN: I guess, yeah. I kind of had a little -- do you want me to go down my list?

MS. RUTHERFORD: We've had our big list, let's do his.

MR. COHEN: Well, for the purpose of the record I actually prepared a list because when we're asked to do various specific things for the most part when we were last together and I think -- I know it's getting late and you were in Executive Session for a long period of time, but I do think it is important for us to get on the record how we've dealt with what is asked of us last time. I want to digress for a minute.

We've got our design team here tonight and everybody in the room knows, we've been working hard on this for longer than any of us really wants to admit that we've all working together so I want to really start, when we started to thank not only our design team who has worked tirelessly to try and balance a lot of conflicting and competing interests but also City Staff who has been doing the same thing. And the Planning Commission early on was very instructive in neighborhood meetings and getting us some initial feedback which was actually, if I remember correctly, at the instance of the Mayor early on and then we've been before Council a few times. You've provided us feedback along the way as well. And also the Kedron neighborhood and Tim and John and the Saint Simon's neighborhood more recently has provided us with invaluable insight.

We haven't also agreed with everything and the forum that we were in was not always a forum of harmony, but I think at the end of the day the project we'll end up with is immeasurably better in virtually every material respect than the one we started with two years ago. So I just wanted to digress and thank everybody for the journey.

The second thing I want to say, and this was

POSITION PAPER

Proposed Variance: Lot 62, Wynnmeade subdivision
Southern Empire Homes
City Planner/ Zoning Administrator David
November 24, 2004

Situation:

When the Wynnmeade subdivision was developed many years ago, there were nine lots within the subdivision that were never sold or developed. The original developer owned these lots until recently, when they were sold to various builders. Prior to this sale, Staff was asked by the owner's representative (Mr. Marvin Isenberg) to provide a letter identifying what information would be necessary in order for the City to issue Development Permits for these lots (Attachment "A").

Southern Empire Homes purchased several of these lots and initiated the permit process for new home construction. Mr. Paul Trolinger (Applicant) of Southern Empire Homes is constructing a home on Lot 62 at 307 Wynnmeade Parkway. The overall tract is 0.373-acres in size and is zoned R1 Residential. A large portion of the lot falls within the 100-year floodplain.

The Applicant was issued a Development Permit on November 20, 2003, and began clearing the front portion of the property, removing the majority of the vegetation between Wynnmeade Parkway and the floodplain. The Applicant then began filling the front portion of the property in order to raise the grade of the developable portion of the site. The site plan submitted along with the Building Permit application indicated the entire structure would be located out of the minimum building setbacks. The foundation survey indicates the home was placed in a different location than originally approved and that the building encroaches into the minimum side building setback. The foundation survey was not submitted until August 9, 2004, at which time the City placed a Stop Work Order on the subject property until the encroachment issue could be resolved. Mr. Trollinger has applied for a variance to permit this encroachment.

Facts:

1. The subject parcel is zoned R1 Residential, which requires a minimum side building setback of 7.5'. The foundation survey identifies the rear corner of the home encroaches 3.1' into this setback (Attachment "B").

2. The Applicant submitted a Building Permit Application (undated), which identified the required minimum building setbacks (Attachment "C").

3. The actual Building Permit was issued on November 21, 2003, which also identified the required building setbacks as well as the statement "foundation survey required prior to any subsequent construction" stamped in red on the top of the application (Attachment "D").

4. The Development Permit for Lot 62 was issued on November 20, 2003. Attached to this permit was a boundary survey of Lot 62 identifying the proposed location of the new home, which met all of the required building setbacks (Attachment "E").

5. The City's inspection reports indicate that the slab plumbing inspection was approved on February 19, 2004. Another slab inspection was conducted on February 24 (failed) and the slab was finally approved on February 27, 2004 (Attachment "F").

6. The Elevation Certificate for Lot 62 was issued on March 18, 2004. This document states the Base Flood Elevation for Lot 62 is 827.7' and the top of the bottom floor is 837.7', which meets the City's requirements for homes adjacent to 100-year floodplains (Attachment "G").

7. Our records do not indicate that any subsequent inspections were requested, yet the contractor continued to construct the home. The home is completely framed, the siding has been installed as well as a shingle roof. Additionally, electrical and plumbing work on the interior of the home is nearly complete. All of this work has been done without any inspections from the City.

8. The foundation survey for Lot 62 was originally prepared on July 31, 2003 and revised on March 16, 2004. This survey indicates the building encroaches 2.9' into the minimum front building setback and 3.1' into the minimum side building setbacks (Attachment "H").

9. The foundation survey was not submitted to the Building Department until August 9, 2004, at which time the Applicant was notified the building was located in the required building setbacks. A Stop Work Order was issued for this Lot on August 9, 2004.

10. Upon submittal of the foundation survey, Staff discovered a discrepancy on the front building setback shown on the plat, as the minimum front building setback

survey was revised on October 5, 2004, which resulted in no encroachment into the front building setback (Attachment "I").

11. The Applicant submitted a variance application on October 11, 2004 requesting a variance in the minimum side building setback of 3.1'. No other variances are necessary (Attachment "J").

12. A copy of the portion of the Zoning Ordinance that addresses variance policies and procedures is included as Attachment "K".

Recommendation:

City Staff recommends that the variance not be approved. From our initial letter to the owner's representative, we have made it clear that the nine lots that remain to be developed within the Wynnmeade subdivision would be difficult to develop. The layout of the home differs from what was submitted and approved as a part of the Building Permit application. The Building Permit clearly states that a foundation survey is required prior to any subsequent construction. The Applicant continued to build the home for over eight months before the foundation survey was prepared. During that time, the Applicant framed the home, installed electrical and plumbing within the home as well as siding and the roof without requesting or securing any inspections from the Building Department.

If the foundation survey had been submitted as required, the encroachment would have been discovered long before this stage of construction and corrective action could have been taken without the need for a variance.

Attachments "A" – "K"

ART –
Pls add notes to Wynnmeade plat
or attach to as necessary. Thx Tom 2/5/03

Peachtree City
Georgia

January 31, 2003

Transmittal by facsimile: (770) 399-9003

Mr. Marvin Isenberg
Piedmont Properties, Inc.
8097 Roswell Road
Building A, Suite 101
Atlanta, GA 30350

Re: **Wynnmeade subdivision**
Development potential of remaining lots

Dear Marvin:

Pursuant to our meeting this past Wednesday, I am writing to provide the City's position on the development potential of nine lots within the Wynnmeade subdivision. It is my understanding you are in the process of selling several of these lots and have requested the City's position on what would be required in order to construct a home on these lots.

The Wynnmeade subdivision was developed many years ago and is zoned R-1 One-family Residential. The following criteria pertains to this subdivision:

- Minimum lot size: 10,000 SF
- Minimum floor area per dwelling unit 1,000 SF
- Minimum front setback 30'
- Minimum side setback 7.5'
- Minimum rear setback 30'

Based on our conversation, the following lots are being considered:

<u>Unit 3, Block "A" - Lots 47, 48 and 49</u>
These lots are located between Wynnmeade Parkway and Wynn's Pond. A 40'-wide drainage easement is located between Lots 47 and 48. It appears that the flood plain associated with Wynn's Pond may impact these lots. Prior to issuance of a building permit, you must demonstrate that each lot has a minimum of 7,000 SF outside of the 100-year flood elevation.

<u>Unit 3, Block "F" – Lot 37</u>
This lot is located at the corner of Meadow Road and Meadow Court. A 20'-wide drainage easement is located between Lots 37 and 38, and a 10'-wide drainage easement is located at the rear of the lot (adjacent to Lot 36). The front setback (30') would apply to both Meadow Road and Meadow Court. Prior to issuance of a building permit, you must demonstrate that a home (including decks, patios, porches, retaining walls or fences) could be constructed on this lot with no encroachment into the front setbacks or either drainage easement.

<u>Unit 4A, Block "J" – Lot 5</u>
<u>Unit 4A, Block "A" – Lots 62 and 63</u>
These lots are located at the end of Wynnmeade Parkway. It is apparent that the actual construction of Wynnmeade Parkway stopped before reaching these lots, and was intended to continue once development of the adjoining phase of the Wynnmeade subdivision was developed. It is also apparent that the topography and associated flood plain may inhibit the development potential of these lots.

With the construction of the adjoining Live Oak subdivision underway, there will be no need to extend Wynnmeade Parkway. As we discussed, you can request that the City abandon the portion of the Wynnmeade Parkway right-of-way that adjoins these lots, which would allow you to possibly re-plat these lots. Prior to issuance of a building permit, you must demonstrate that each lot has a minimum of 7,000 SF outside of the 100-year flood elevation. Additionally, you must demonstrate how access to each lot will be provided.

<u>Unit 4A, Block "K", Lots 7 and 8</u>
These lots are located adjacent to what will be the extension of North Meade Drive. It appears that Lot 7 is accessible from the existing North Meade Drive. However, there does not appear to be street access currently available to Lot 8. Prior to issuance of a building permit, you must demonstrate that street access is available to each of these lots.

In addition to these requirements, you must demonstrate that sewer capacity is available to serve each of the lots in question. Please contact Scott McDonald with the Peachtree City Water and Sewerage Authority at (770) 487-7993 for additional information. Additionally, all questions pertaining to the flood plain should be directed to Troy Besseche at (770) 631-2538; and all building permit-related questions should be directed to Tom Carty at (770) 487-8901.

Once each of these items has been completely satisfied, the City will authorize the issuance of appropriate development and building permits. Should you have any questions, please do not hesitate to contact me at (770) 487-5731.

Sincerely,

David E. Rast

David E. Rast, ASLA
City Planner

cc:	*Troy Besseche*	*City Engineer*
	Tom Carty	*Building Official*
	Scott McDonald	*WASA*
	file	

SECRETARY

PLANNING COMMISSION

ƆVENANTS

OLD SUBJECT TO THE FOLLOWING
TS RUNNING WITH THE LAND
NER OF ANY LOT SHOWN ON
ULL FORCE AND EFFECT UNTIL 1997.

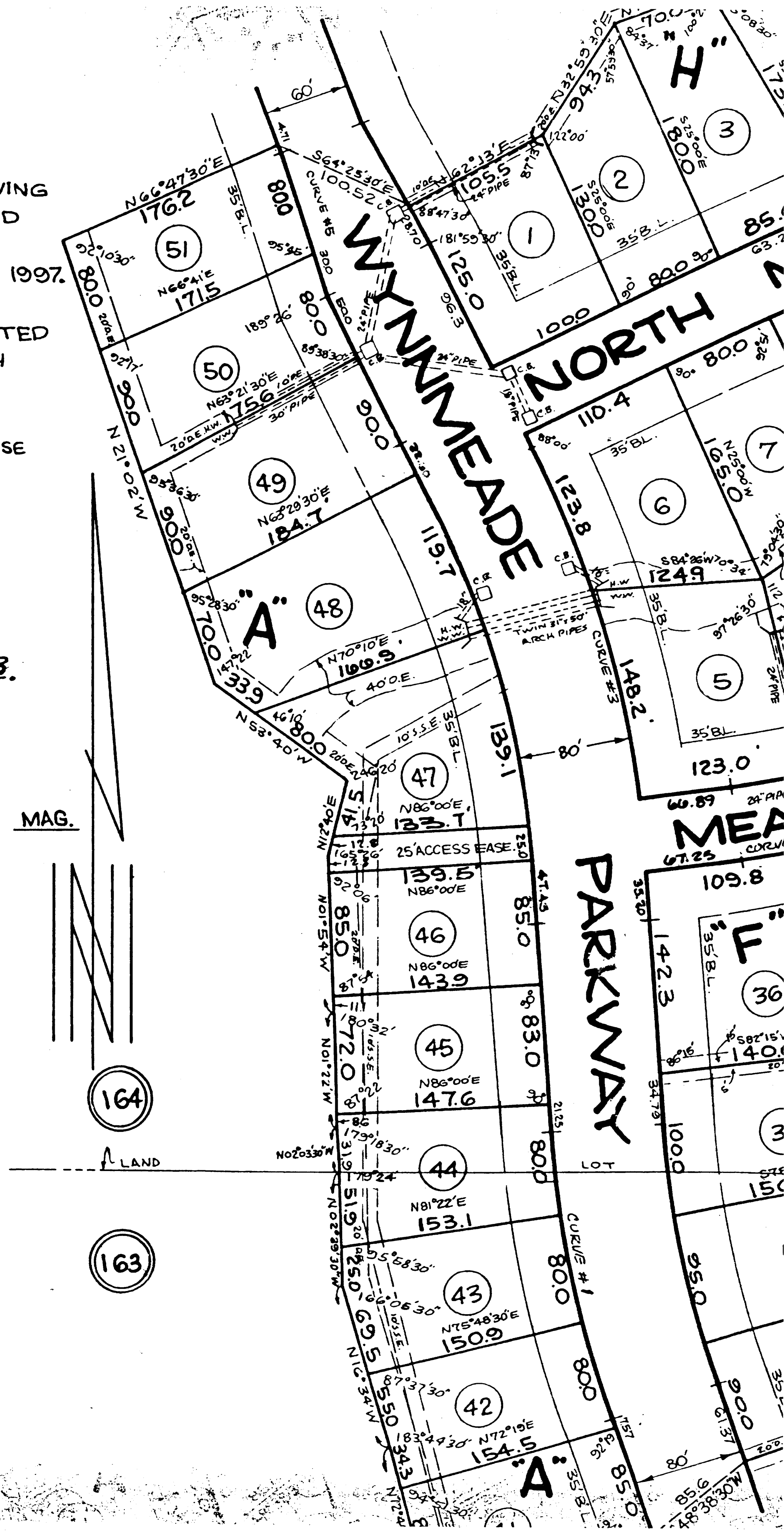
: OR TENT SHALL BE ERECTED
FOR RESIDENTIAL OR CHURCH
E USED FOR SCHOOLS OR

2 SHALL MORE THAN ONE HOUSE

. TO A STREET LINE THAN IS
SHOWN ON THIS PLAT, NOR
ET.
VE LESS THAN 1000 SQ.FT.

THIS 10 DAY OF April, 1973.

Pres.

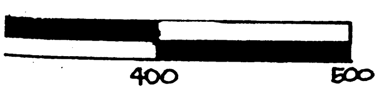


ADE

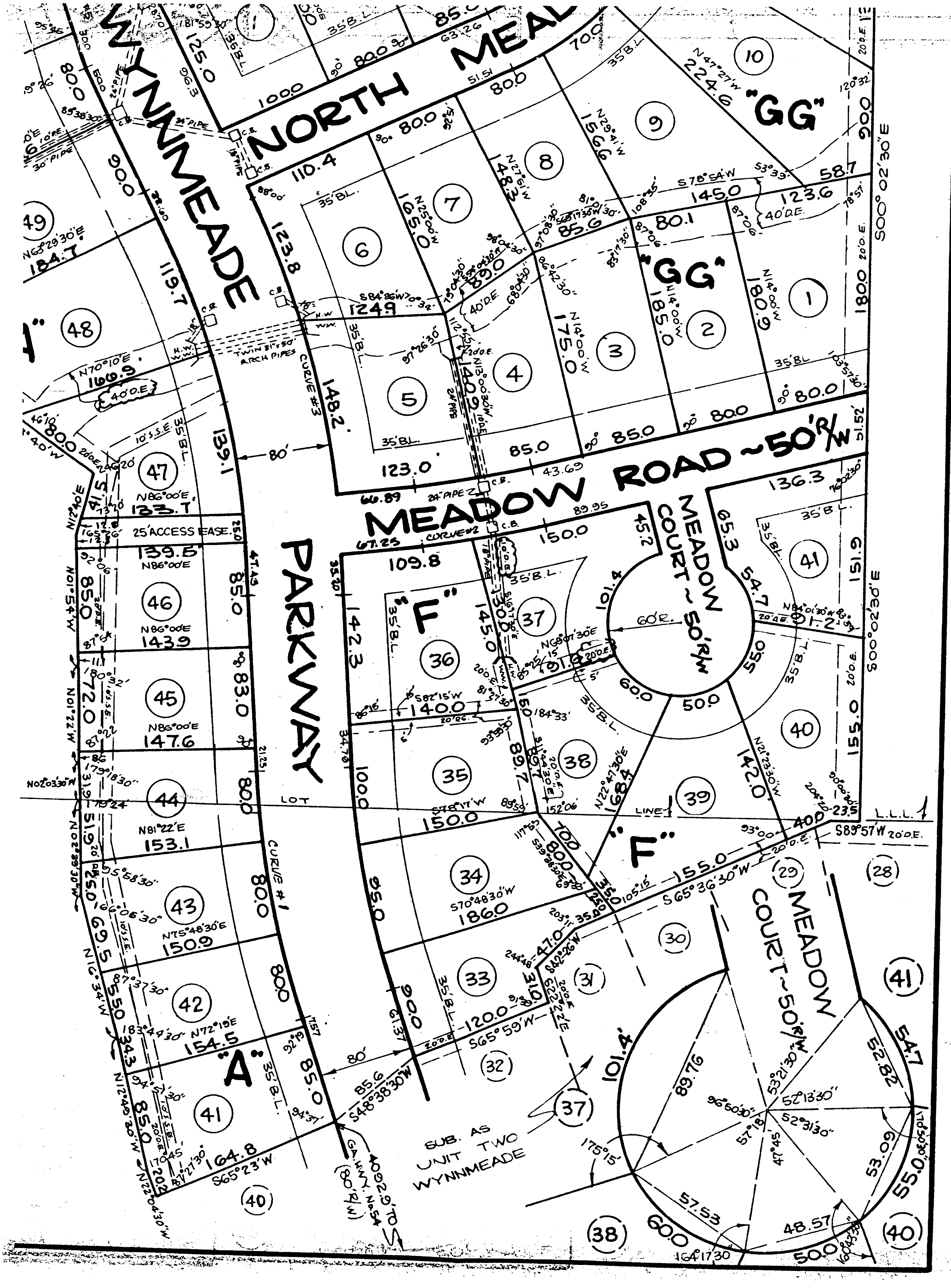
TH DISTRICT
GEORGIA

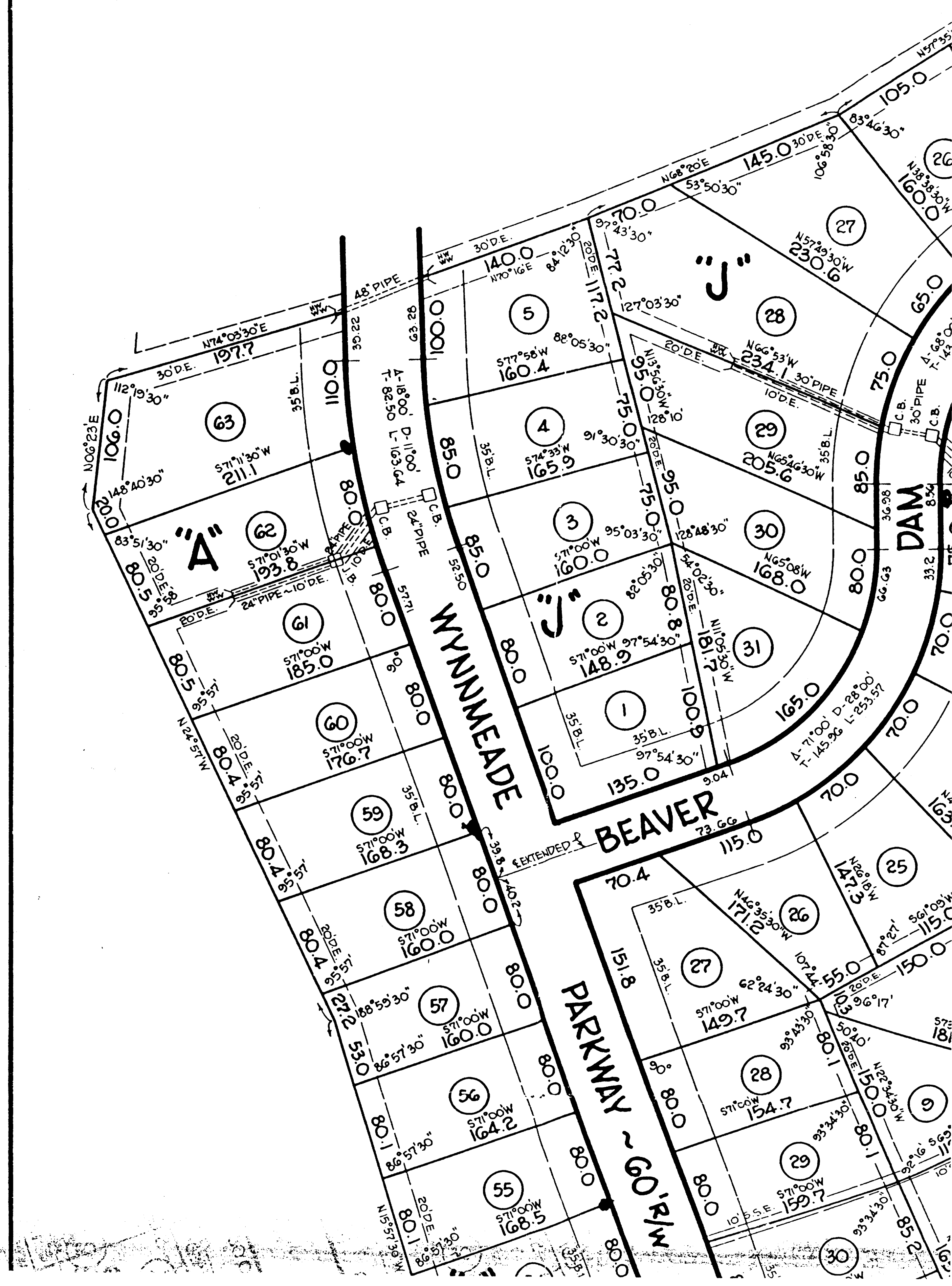
~ ENGRS.

SCALE: 1"=100'



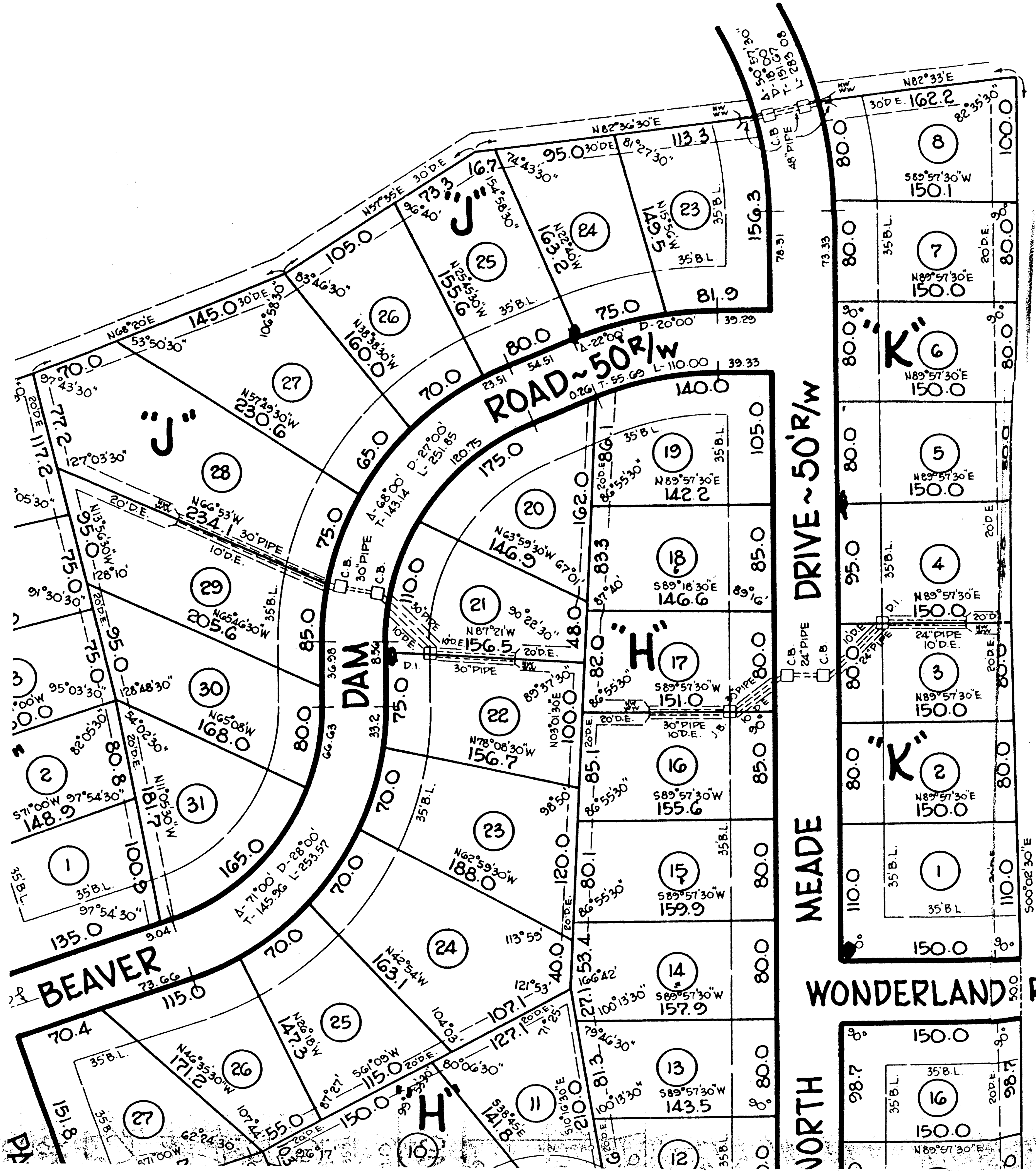
ƆO' x 150' = 12,000 ф

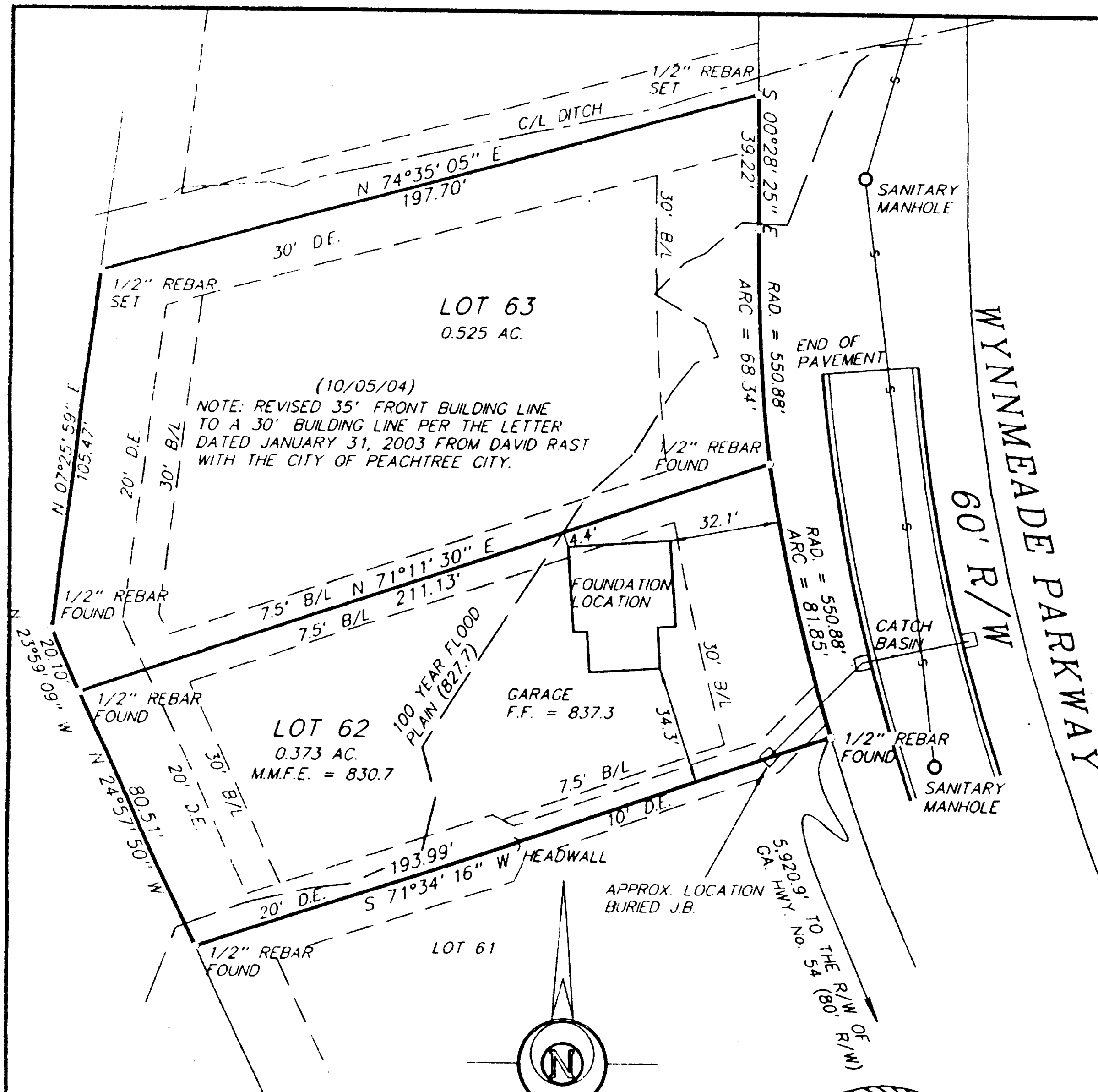

NORTH MEADE
WYNNMEADE PARKWAY
MEADOW ROAD ~ 50' R/W
MEADOW COURT ~ 50' R/W
MEADOW COURT ~ 50' R/W
"GG"
"GG"
"F"
"F"
"A"
TWIN 31"x50" ARCH PIPES
25' ACCESS EASE.
CURVE #1
CURVE #2
CURVE #3
LOT LINE
L.L.L.
60' R.
SUB. AS UNIT TWO WYNNMEADE
GA. HWY. No. 54 (80' R/W)
4092.9' TO



WYNNMEADE
PARKWAY ~ 60' R/W
BEAVER
DAM
℄ EXTENDED ℄
"A"
"J"
"J"
N74°03'30"E 197.7
N06°23'E 106.0
N68°20'E 145.0
N70°16'E 140.0
N24°57'W
N15°57'30"W
48" PIPE
24" PIPE
24" PIPE ~ 10' D.E.
30" PIPE
C.B.
30' D.E.
20' D.E.
10' D.E.
35' B.L.
10' S.S.E.
Δ-18°00' D-11°00' T-82.50 L-163.64
Δ-71°00' D-28°00' T-145.96 L-253.57
S71°11'30"W 211.1
S71°01'30"W 193.8
S71°00'W 185.0
S71°00'W 176.7
S71°00'W 168.3
S71°00'W 160.0
S71°00'W 160.0
S71°00'W 164.2
S71°00'W 168.5
S77°58'W 160.4
S74°33'W 165.9
S71°00'W 160.0
S71°00'W 148.9
135.0
N66°53'W 234.1
N65°46'30"W 205.6
N65°08'W 168.0
N57°49'30"W 230.6
N13°56'30"W 95.0
N11°05'30"W 181.7
N46°35'30"W 171.2
N26°18'W 147.3
N38°38'30"W 160.0
S61°09'W 115.0
S71°00'W 149.7
S71°00'W 154.7
S71°00'W 159.7
105.0
165.0
115.0
150.0
70.4
151.8

NOTE: LOTS 7 "K", 8 "K" & 23 "J" ARE NOT SERVED BY SEWER AT PRESENT, BUT ARE TO BE SERVED BY SEWER FROM UNIT 4-B.





NORTH BASED ON SUBDIVISION PLAT

This plat prepared for the purpose of showing the FOUNDATION LOCATION for the building department, and NOT to be used or recorded for any other purposes, such as transfer of title of land.

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

GEORGIA REGISTERED 10-05-04 No. 2343 LAND SURVEYOR LARRY C. SHIMSHICK

Graphic Scale: 1 inch = 40 feet

0' 40' 80' 120' 160'

In my professional opinion, a portion of this property does lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP.
Community No.: 130078 0060 D
Dated: MARCH 18, 1996

PREPARED FOR:

SOUTHERN EMPIRE HOMES

SUBDIVISION: WYNNMEADE UNIT FOUR-"A"		P.B. 8, PG. 141
LOT 62	LAND LOT: 164	DATE: 07/31/03
BLOCK "A"	7th DISTRICT	REV: 03/16/04 10/05/04
SCALE: 1" = 40'	FAYETTE COUNTY, GA.	JOB No. 0210068

W.D. Gray and Associates, Inc.

land surveyors - planners

103 WESTPARK DRIVE SUITE C PEACHTREE CITY, GA. 30269
PH. 770-486-7552 FAX 770-486-0496

Attachment "B"

BUILDING PERMIT APPLICATION

Peachtree City Building Department
153 Willowbend Road
Peachtree City, GA 30269
PHONE: (770) 487-8901 FAX: (770) 631-2552

03-3410

DATE: ____________ **PERMIT #** ~~[illegible]~~

☐ **COMMERCIAL** ☒ **RESIDENTIAL** **CONSTRUCTION TYPE** ____________
☐ **REPAIR** ☐ **ADDITION** **OCCUPANCY TYPE** ____________
☐ **ACCESSORY USE** ☐ **EXTERIOR FINISH** ____________

FENCES: ☐ **COMMERCIAL** ☐ **RESIDENTIAL** ☐ **POOL**
FENCE HEIGHT ________ **FENCE MATERIAL** ________

SUBDIVISION/~~PROJECT NAME~~: WYNNMEADE | **BLOCK** | **LOT NUMBER** 62

SITE ADDRESS: 307 WYNNMEADE PARKWAY

Paul Tollenger 770 616-6276

OWNER: SOUTHERN EMPIRE HOMES **ADDRESS** 65 NICKLAUS WALK, NEWNAN, GA. 30265
PHONE NO. ~~770-351-7580~~
FAX NO. 770-304-9040

CONTRACTOR: SAME **ADDRESS**
PHONE NO. ________
FAX NO. ________

APPLICANT'S NAME: Paul Tollenger ~~HAROLD TOLBERT~~ (Retired)

ARCHITECT/DESIGNER: RICK FOSTER (ROBERTSON CONST.) **ADDRESS** McDONOUGH GA. **PHONE NO.** ________

HOMEOWNER ASSOCIATION APPROVAL : ☒ **YES** ☐ **NO**

☒ **SEWER TAP APPROVAL** ☐ **SEPTIC SYSTEM APPROVAL** ☒ **WATER TAP APPROVAL**

ZONED	SETBACKS:	PLAN NAME	PLAN ON FILE
	FRONT 35' SIDE 7.5' REAR ____	Same as 44 Wynnmeade ROBERTSON	YES ☒ NO ☐

NO. OF STORIES	NO. OF BATHS	BASEMENT	NO. OF FIREPLACES	HEATED SQ FT	TOTAL SQ FT	EST. CONSTRUCTION COST
2	3	NONE	1	1500	1736	$ 70,000.00

DESCRIBE WORK: CONSTRUCT HOUSE

Revised 07-02

Attachment "C"

CITY OF PEACHTREE CITY

FOUNDATION SURVEY REQUIRE
Prior to any subsequent construction

153 WILLOWBEND ROAD
Peachtree City, GA 30269
Phone (770) 487-8901
Inspection Request Line (770) 631-2588 Ext. 222

BUILDING PERMIT

PERMIT#: 033410

DATE APPLIED: 11/07/2003
PERMIT TYPE: SF

616-6276

JOB ADDRESS: 307 WYNNMEADE PKWY
SUBDIVISION: WYNNMEADE

LOT: 62

~~616-6276~~

ISSUED TO: SOUTHERN EMPIRE HOMES
ADDRESS: 65 NICKLAUS WALK
NEWNAN GA 30265

PHONE#: 770-351-7580

11/21 12:28 am

CONTRACTOR: SOUTHERN EMPIRE HOMES
ADDRESS: 65 NICKLAUS WALK
NEWNAN GA 30265

PHONE#: 770-351-7580

NOTE: ① c/w all redline notes on file copy of approved plans
* ② Elevation certificate required prior to const. above slab level 830.7' MMFE.

WORK: 1736 SF, 3 BTHS, NO BMT, 1FP
BLDG USE:

MINIMUM SETBACKS

HT SQ FT: 1,500.00
SQ FT:

FRONT: 30
SIDE: 7.5
REAR: 30
CORNER:

CK#20399

STORIES:

ZONED: R-1

VALUATION: $ 70,000.00
FEES DUE: $ ~~375.00~~ 412.00
FEES PAID: $ 0.00

VARIANCE GRANTED BY:________________ DATE:__________
EROS PLAN APPROVED BY: #37.00 DOB DATE: 11-20-03
APPROVED FOR ISSUANCE BY: OB DATE: 11-20-03
PLANS CHECKED BY: OB DATE: 11-18-03

******** N O T I C E ********

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, FIREPLACE VENTILATION, AIR CONDITIONING.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

* ______________________ CONTRACTOR\OWNER SIGNATURE DATE

______________________ 11/21/03
BUILDING DEPT. REPRESENTATIVE DATE

Attachment "D"

PEACHTREE CITY DEVELOPMENT PERMIT

NO. 03-254

THIS PLACARD MUST BE

POSTED IN A CONSPICUOUS

PLACE ON THE JOB.

IT MUST BE VISIBLE FROM

THE PUBLIC RIGHT-OF-WAY

— SOUTHERN EMPIRE HOMES —

PROJECT NAME WYNNMEADE

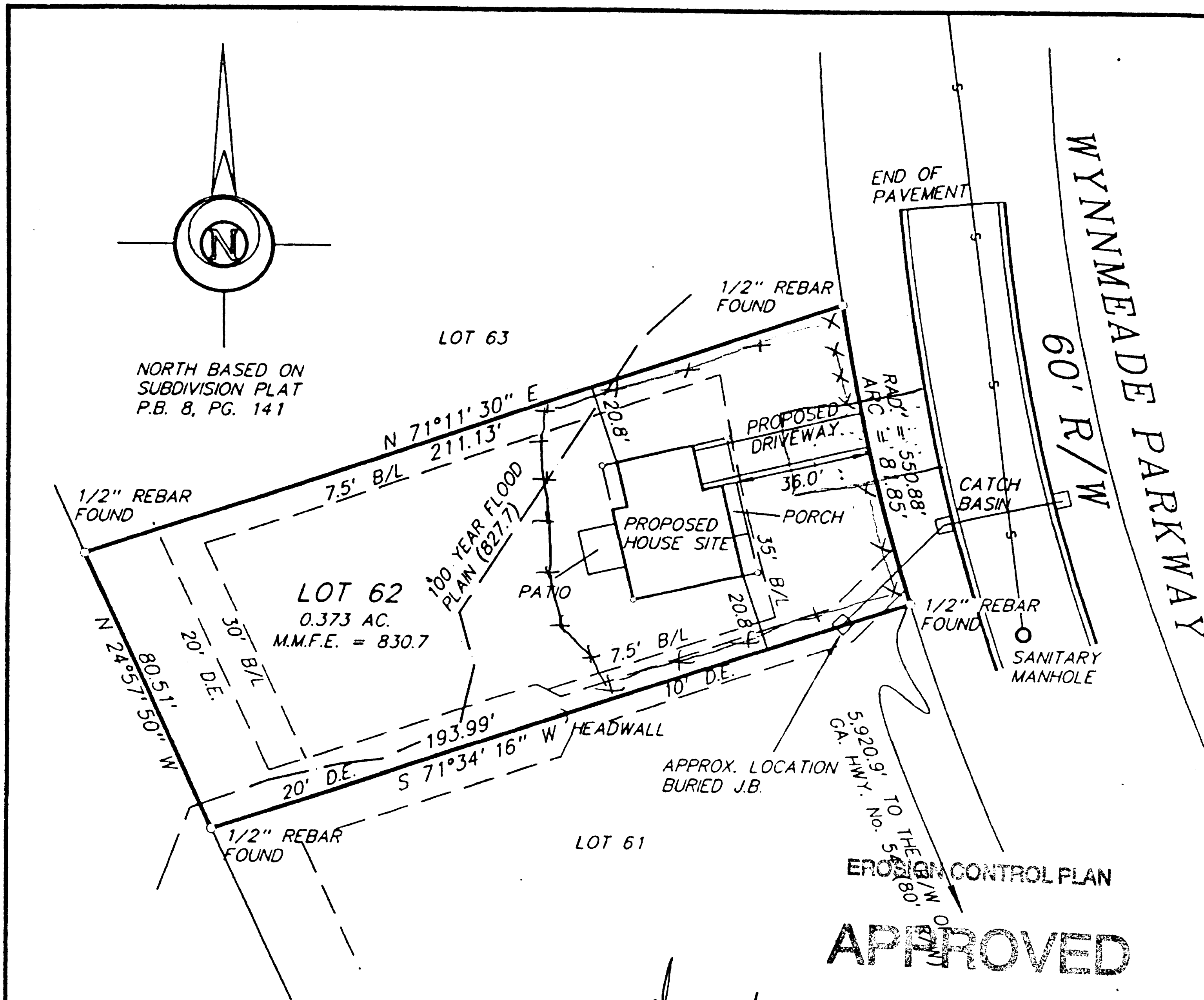
LOCATION LOT #62

ALL WORK TO BE DONE IN ACCORDANCE WITH

PLANS ON FILE WITH THE CITY OF PEACHTREE CITY

APPROVED 11-20-03 HB

Attachment "E"



EROSION CONTROL PLAN

APPROVED

MAINTAIN EROSION CONTROL MEASURES FOR DURATION OF PROJECT.

100703

RETAIN/ADD AND AUGMENT AS NECESSARY TO ASSURE EFFECTIVENESS.

Peachtree City
Engineering Dept

Lot 62 Wynnmead
Southern Empire Homes

GEORGIA
REGISTERED
No. 2343
LAND SURVEYOR
LARRY C. SHIMSHICK

NOTE:
Proposed House Site.
Boundary data taken
from previous survey
by this office.

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

Graphic Scale: 1 inch = 40 feet

0' 40' 80' 120' 160'

In my professional opinion, a portion of this property does lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP.
Community No.: 130078 0060 D
Dated: MARCH 18, 1996

PREPARED FOR

INSPECTION RECORD

CITY OF PEACHTREE CITY, GEORGIA

Inspection:	INSPECT SLAB PLB		
Due:	2/19/2004	~~12:00~~ AM	Permit: 040419
Legal:	Lot: 62 Subdivision: WYNNMEADE		
Property:	307 WYNNMEADE PKWY		
Contact:	SOUTHERN EMPIRE HOMES		

Inspection Passed Failed Reinspection Fee? Yes No

Completed by: RB **Date:** 2-19-04

Entered in Building Projects: ☐

PASSED

Notes:

LOT 62 WYNNMEADE * SLAB PLUMBING*

Violations:

Printed: 2/18/2004 3:59 PM

Attachment "F"

INSPECTION RECORD

CITY OF PEACHTREE CITY, GEORGIA

Inspection:	INSPECT SLAB		
Due:	2/24/2004	12:00 AM	Permit: 033410
Legal:	Lot: 62 Subdivision: WYNNMEADE		
Property:	307 WYNNMEADE PKWY		
Contact:	SOUTHERN EMPIRE HOMES		

Inspection Passed Failed Reinspection Fee? Yes No

Completed by: RB **Date:** 2-24-04

Entered in Building Projects: ☐

Notes:

Violations:

① Need Rebar @ footing
② footing incomplete At garage

Printed: 2/23/2004 4:05 PM

INSPECTION RECORD

CITY OF PEACHTREE CITY, GEORGIA

Inspection:	INSPECT SLAB		
Due:	2/27/2004		Permit: 033410
Legal:	Lot: 62 Subdivision: WYNNMEADE		
Property:	307 WYNNMEADE PKWY		
Contact:	SOUTHERN EMPIRE HOMES		

Inspection Passed Failed Reinspection Fee? Yes No

Completed by: RB **Date:** 2-27-04

Entered in Building Projects: ☐

Notes:

Violations:

Printed: 2/26/2004 5:03 PM

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

O.M.B. No. 3067-0077
Expires December 31, 2005

ELEVATION CERTIFICATE

Important: Read the instructions on pages 1 - 7.

SECTION A - PROPERTY OWNER INFORMATION

For Insurance Company Use:
Policy Number
Company NAIC Number

BUILDING OWNER'S NAME
Southern Empire Homes

BUILDING STREET ADDRESS (Including Apt., Unit, Suite, and/or Bldg. No.) OR P.O. ROUTE AND BOX NO.
307 Wynnmeade Parkway

CITY	STATE	ZIP CODE
Peachtree City	**Ga.**	**30269**

PROPERTY DESCRIPTION (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
Lot 62 Block A, Wynnmeade, Unit 4-A

BUILDING USE (e.g., Residential, Non-residential, Addition, Accessory, etc. Use a Comments area, if necessary.)
Residential

LATITUDE/LONGITUDE (OPTIONAL) (##° - ##' - ##.##" or ##.#####°)
HORIZONTAL DATUM: ☐ NAD 1927 ☐ NAD 1983
SOURCE: ☐ GPS (Type):_____ ☐ USGS Quad Map ☐ Other: _____

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP COMMUNITY NAME & COMMUNITY NUMBER	B2. COUNTY NAME	B3. STATE
Peachtree City, 130078	**Fayette**	**Ga.**

B4. MAP AND PANEL NUMBER	B5. SUFFIX	B6. FIRM INDEX DATE	B7. FIRM PANEL EFFECTIVE/REVISED DATE	B8. FLOOD ZONE(S)	B9. BASE FLOOD ELEVATION(S) (Zone AO, use depth of flooding)
13113C0060	**D**	**March 18, 1996**	**March 18, 1996**	**AE**	**827.7**

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in B9.
☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other (Describe):

B11. Indicate the elevation datum used for the BFE in B9: ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other (Describe): _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No Designation Date_____

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☒ Building Under Construction* ☐ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Building Diagram Number **1** (Select the building diagram most similar to the building for which this certificate is being completed - see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)

C3. Elevations – Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO
Complete Items C3.-a-i below according to the building diagram specified in Item C2. State the datum used. If the datum is different from the datum used for the BFE in Section B, convert the datum to that used for the BFE. Show field measurements and datum conversion calculation. Use the space provided or the Comments area of Section D or Section G, as appropriate, to document the datum conversion.

Datum **NGVD-1929** Conversion/Comments **None**

Elevation reference mark used **RM 36** the elevation reference mark used appear on the FIRM? ☒ Yes ☐ No

- ▶ a) Top of bottom floor (including basement or enclosure) **837**. **7** ft.(m)
- ▶ b) Top of next higher floor **N\A**. _ ft.(m)
- ▶ c) Bottom of lowest horizontal structural member (V zones only) **N\A**. __ ft.(m)
- ▶ d) Attached garage (top of slab) **837**. **3** ft.(m)
- ▶ e) Lowest elevation of machinery and/or equipment servicing the building (Describe in a Comments area) **N\A**. _ ft.(m)
- ▶ f) Lowest adjacent (finished) grade (LAG) **836**. **8** ft.(m)
- ▶ g) Highest adjacent (finished) grade (HAG) **837**. **0** ft.(m)
- ▶ h) No. of permanent openings (flood vents) within 1 ft. above adjacent grade **N\A**
- ▶ i) Total area of all permanent openings (flood vents) in C3.h **N\A** sq. in. (sq. cm)

License Number, Embossed Seal, Signature, and Date

GEORGIA REGISTERED 03-18-04 No. 2343 LAND SURVEYOR LARRY C. SHIMSHICK

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.
I certify that the information in Sections A, B, and C on this certificate represents my best efforts to interpret the data available.
I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

CERTIFIER'S NAME **Larry C. Shimshick** LICENSE NUMBER **2343**

TITLE **Registered Land Surveyor** COMPANY NAME **W.D. Gray And Associates, Inc.**

ADDRESS	CITY	STATE	ZIP CODE
103 Westpark Drive Suite C	**Peachtree City**	**Ga.**	**30269**

SIGNATURE	DATE	TELEPHONE
Larry C. Shimshick	**03-18-04**	**770-486-7552**

Attachment "G"

IMPORTANT: In these spaces, copy the corresponding information from Section A.			For Insurance Company Use:
BUILDING STREET ADDRESS (Including Apt., Unit, Suite, and/or Bldg. No.) OR P.O. ROUTE AND BOX NO. **307 Wynnmeade Parkway**			Policy Number
CITY **Peachtree City**	STATE **Ga.**	ZIP CODE **30269**	Company NAIC Number

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

COMMENTS

This Certificate is for a House Under Construction. Elevation Datum is subject to change at the time of Finished Construction.

☐ Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zone AO and Zone A (without BFE), complete Items E1 through E4. If the Elevation Certificate is intended for use as supporting information for a LOMA or LOMR-F, Section C must be completed.

E1. Building Diagram Number _(Select the building diagram most similar to the building for which this certificate is being completed – see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)

E2. The top of the bottom floor (including basement or enclosure) of the building is __ ft.(m) __in.(cm) ☐ above or ☐ below (check one) the highest adjacent grade. (Use natural grade, if available).

E3. For Building Diagrams 6-8 with openings (see page 7), the next higher floor or elevated floor (elevation b) of the building is __ ft.(m) __in.(cm) above the highest adjacent grade. Complete items C3.h and C3.i on front of form.

E4. The top of the platform of machinery and/or equipment servicing the building is __ ft.(m) __in.(cm) ☐ above or ☐ below (check one) the highest adjacent grade. (Use natural grade, if available).

E5. For Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, C (Items C3.h and C3.i only), and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. *The statements in Sections A, B, C, and E are correct to the best of my knowledge.*

PROPERTY OWNER'S OR OWNER'S AUTHORIZED REPRESENTATIVE'S NAME

ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE	DATE	TELEPHONE	

COMMENTS

☐ Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below.

G1. ☐ The information in Section C was taken from other documentation that has been signed and embossed by a licensed surveyor, engineer, or architect who is authorized by state or local law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. ☐ The following information (Items G4-G9) is provided for community floodplain management purposes.

G4. PERMIT NUMBER	G5. DATE PERMIT ISSUED	G6. DATE CERTIFICATE OF COMPLIANCE/OCCUPANCY ISSUED

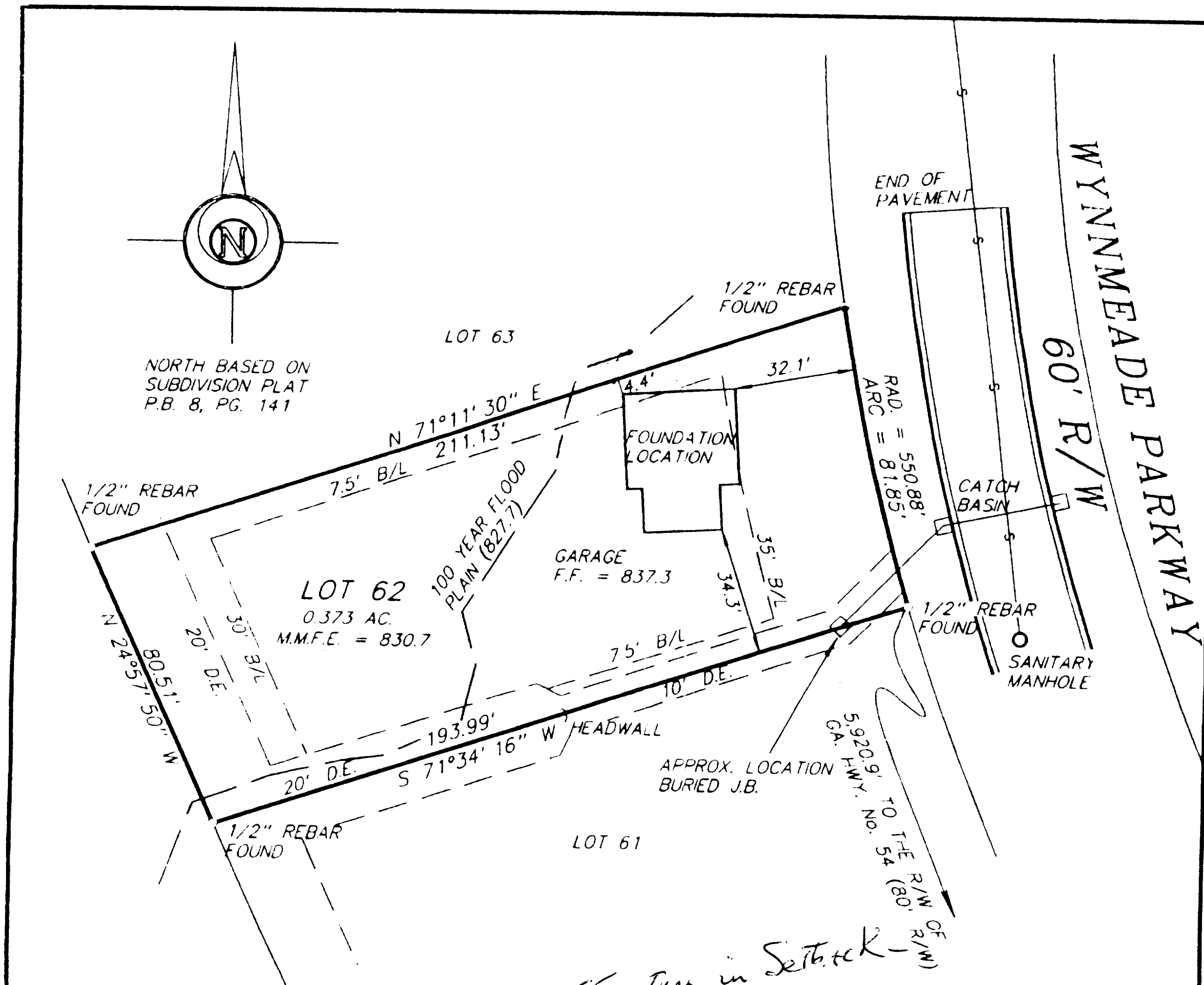
G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building is: ____. __ft.(m) Datum: _____

G9. BFE or (in Zone AO) depth of flooding at the building site is: ____. __ ft.(m) Datum: _____

LOCAL OFFICIAL'S NAME	TITLE
COMMUNITY NAME	TELEPHONE
SIGNATURE	DATE

COMMENTS



Not Approved - Structure in Setback -

BUILDING OFFICIAL
CITY OF PEACHTREE CITY

Stop work Issued 8:30am 8/9/04

GEORGIA
REGISTERED
03-16-04
No. 2343
LAND SURVEYOR
LARRY C. SHIMSHICK

This plat prepared for the purpose of showing the FOUNDATION LOCATION for the building department, and NOT to be used or recorded for any other purposes, such as transfer of title of land.

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

Graphic Scale: 1 inch = 40 feet

0' 40' 80' 120' 160'

In my professional opinion, a portion of this property does lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP.
Community No.: 130078 0060 D
Dated: MARCH 18, 1996

PREPARED FOR:

SOUTHERN EMPIRE HOMES

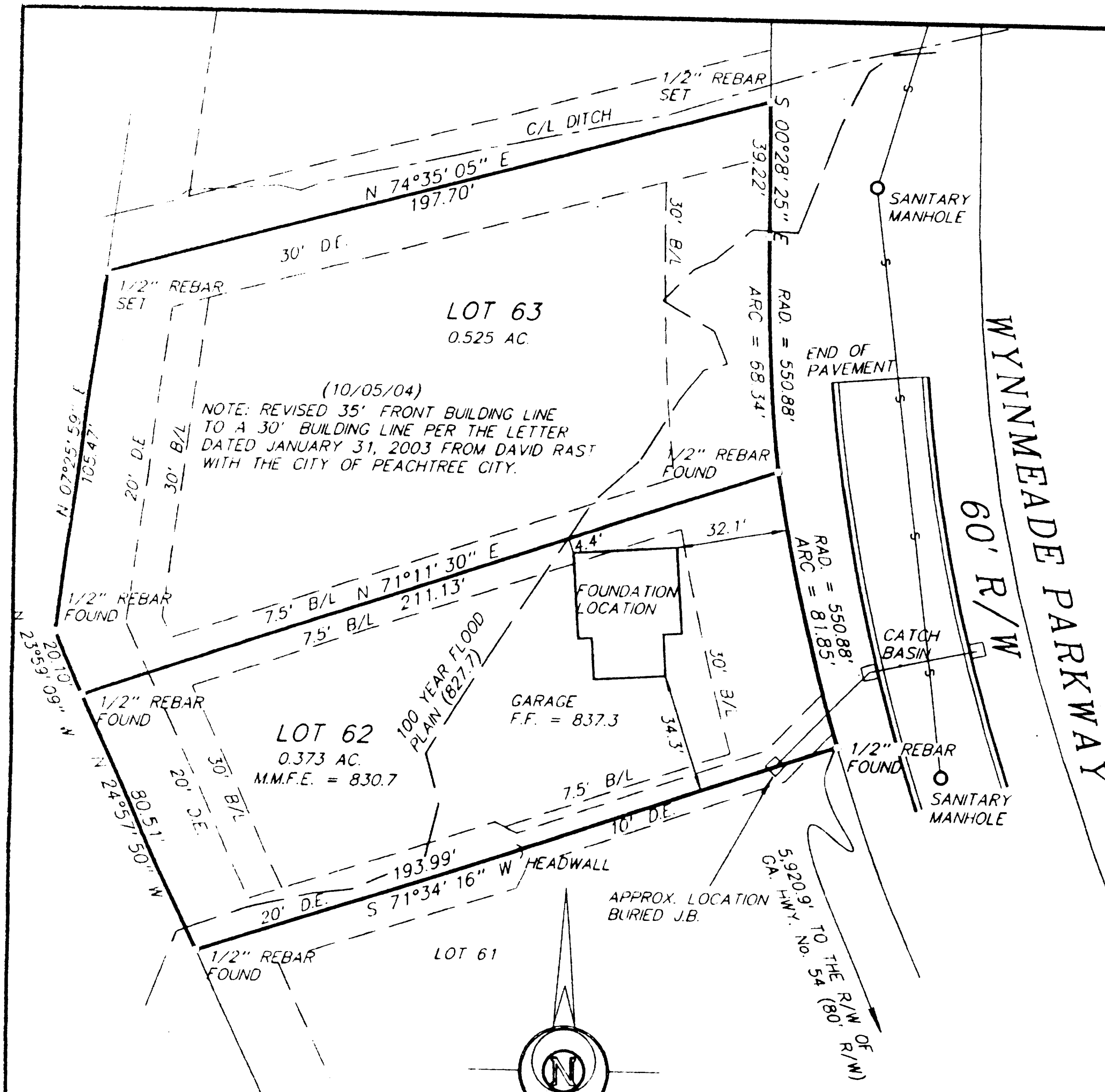
SUBDIVISION: WYNNMEADE UNIT FOUR-"A"		P.B. 8, PG. 141
LOT 62	LAND LOT: 164	DATE: 07/31/03
BLOCK "A"	7th DISTRICT	REV: 03/16/04
SCALE: 1" = 40'	FAYETTE COUNTY, GA.	JOB No. 0210068

W.D. Gray and Associates, Inc.

land surveyors - planners

103 WESTPARK DRIVE SUITE C PEACHTREE CITY, GA. 30269
PH. 770-485-7552 FAX 770-486-0496

Attachment "H"



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NORTH BASED ON SUBDIVISION PLAT

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

GEORGIA REGISTERED 10-05-04 No. 2343 LAND SURVEYOR LARRY C. SHIMSHICK

Graphic Scale: 1 inch = 40 feet

0' 40' 80' 120' 160'

In my professional opinion, a portion of this property does lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP.
Community No.: 130078 0060 D
Dated: MARCH 18, 1996

PREPARED FOR:

SOUTHERN EMPIRE HOMES

SUBDIVISION: WYNNMEADE UNIT FOUR-"A"		P.B. 8, PG. 141
LOT 62	LAND LOT: 164	DATE: 07/31/03
BLOCK "A"	7th DISTRICT	REV: 03/16/04 10/05/04
SCALE: 1" = 40'	FAYETTE COUNTY, GA.	JOB No. 0210068

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land surveyors - planners
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Attachment "I"

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: Lot 62 Wynmyde Parkway

The reason this variance is being requested is as follows: Southern Empire Constructed house over side setback approx 3' - this was due to paying more attention to the Flood elevation & not putting Dirt in the Flood plain - it was taller for spaced the building line was ok.

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) Paul Trolinger

Address: 90 F Glenda Trace # 304 Newnan, Ga 30265

Phone: 770 616 6276

Signature: [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: David E. Rast

Title: City Planner / Zoning Administrator

Date of Acceptance: 10-11-04

Date of Public Hearing: 12-02-04 2004-06

07/01/01

Attachment "J"

October 3,2004

To whom it may concern:

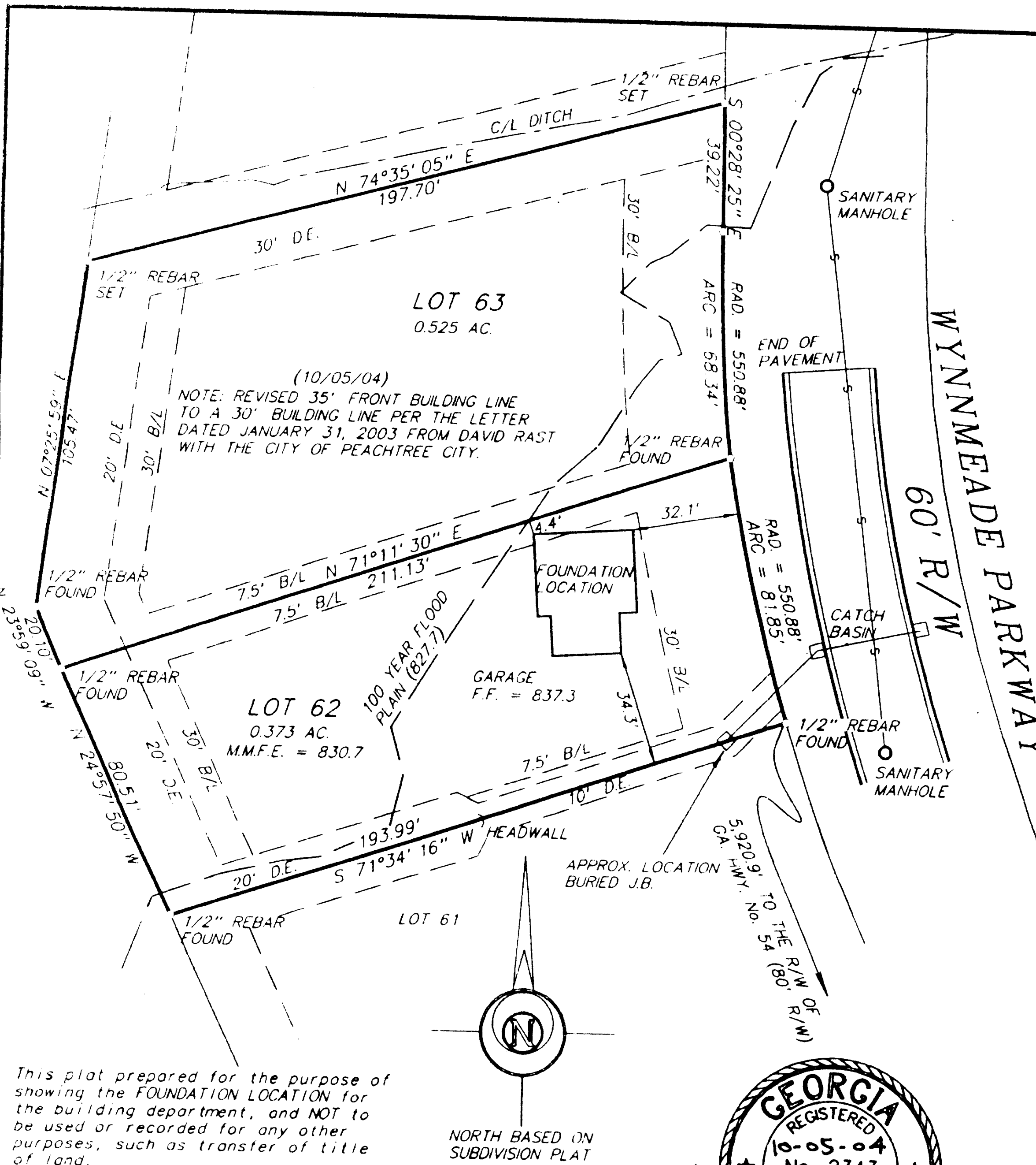
Southern Empire homes has applied for a zoning variance at lot 62 Wynmeade Subdivision in Peachtree City , Ga. We proceeded the construction of a house at this location without the foundation being surveyed. This was not done out of disrespect or intention to your city, but out of ignorance to your procedures. These are Southern Empires first homes in PTC, while normally building in Fayette this is not a requirement.

Southern Empire knowingly purchased an unbuildable lot due to flood hazards. In paying very close attention to raising the flood elevation above the required level for construction, and not putting dirt in the flood plain we crossed the building line by 3 feet. This was a hard lot to place a house due to the situation, and we took for granted that we were fine. We realize zoning variances are not normally given, but our request is based on lot 63 is not a buildable lot due to the flood plain taking up 90% of the lot. We feel that with the end of Wynmeade being an eyesore our construction and development of lot 5 will upgrade the value and presence of this area.

We appreciate your attention to this request, and hope it will be granted. The hardship of this problem is obvious, but we do believe that taking down these lots were beneficial to all parties. The lots were never declared unbuildable , and we took a chance and are trying to rectify a unintentional mistake..

Sincerely,

Paul Trolinger



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Graphic Scale: 1 inch = 40 feet

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In my professional opinion, a portion of this property does lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP.
Community No.: 130078 0060 D
Dated: MARCH 18, 1996

PREPARED FOR:

SOUTHERN EMPIRE HOMES

SUBDIVISION: WYNNMEADE UNIT FOUR-"A"		P.B. 8, PG. 141
LOT 62	LAND LOT: 164	DATE: 07/31/03
BLOCK "A"	7th DISTRICT	REV: 03/16/04 10/05/04
SCALE: 1" = 40'	FAYETTE COUNTY, GA.	JOB No. 0210068

W.D. Gray and Associates, Inc.
land surveyors - planners
103 WESTPARK DRIVE SUITE C PEACHTREE CITY, GA. 30269
PH. 770-486-7552 FAX 770-486-0496

(1202.2) The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.

(a) Variance applications shall be filed with the city planner on forms provided by the city planner.

(b) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.

(c) An application fee of $50.00 must accompany each variance application.

(d) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.

(e) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.

(f) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.

(g) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.

(h) 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 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:

(1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;

(2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and

(3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance. (Ord. No. 589, 11-19-1992; Ord. No. 618, 7-7-1994)

(1202.3) After due consideration of an application for special exception, the city council shall take such action or establish such reasonable conditions of approval as will accomplish the intent and purposes of this ordinance.

November 15, 2004

Peachtree City – City Council
c/o Mayor Steve Brown
151 Willowbend Road
Peachtree City, GA 30269

Re; 115 Peninsula Drive Peachtree City, GA 30269
Thomas & Lynn Fedor vs. Richard Bearden/Regency Homes/ALPHA VI

Dear City Council / Mayor Brown

At this time we are contacting you regarding a matter of serious urgency. We entered into a construction contract with Richard Bearden/Alpha VI/ Regency Homes in late 2001. Our home was completed and received an occupancy permit from the city in January of 2003. We noticed shortly after moving in that our home had some serious and alarming settlement so through our lawyer we notified the builder and to this date – almost two years later - the problem has still not been resolved.

The Peachtree City Council is charged with protecting the health, safety and welfare of the citizens of Peachtree City and we are concerned that other property owners in the city may be subjected to the same type of unprofessional business practices of this builder that we have experienced.

We would like to speak to the council at the December 2nd 2004 meeting. Our specific concerns are centered on the following;

**Ongoing structural integrity issues of the home delivered by Richard Bearden/ALPHA VI/Regency Homes.*

**Professional Independent Engineering reports and studies indicate numerous violations to the Georgia Building Code.*

** That the builder is allowed to continue business as usual without correcting our serious problems first.*

**Pathway Communities has not used known scrutiny or regulations on the builders selected for the community, thus providing no protection to the homeowner.*

**Richard Bearden/ALPHA VI/Regency Homes acquired no bond to support the price of our home being constructed and does not have enough insurance to correct our estimated problems.*

**That our dream home has been partially condemned by the city.*

**Richard Bearden/ALPHA VI/Regency Homes did not purchase the structural warranty we paid for in our contract.*

** Our homeowner's coverage was dropped due to the structural issues, and relocation of our family became necessary*

**Richard Bearden/ALPHA VI/Regency Homes have not taken any responsibility for all the mistakes and issues with our home.*

**After receiving two registered letters providing notification of the seriousness of the construction issues – May & July 2003.*
Richard Bearden/ALPHA VI/ Regency Homes chose not to inspect the damage until January of 2004.

We have been contacted by several other homeowners inside and outside the city with similar issues regarding workmanship and quality of home construction. What we would like the Council to do is to support legislation requiring State licensing for residential and general contractors. The creation and funding of a licensing board for residential and general contractors will help to protect property owners, tenants and the general public against unsafe contractors. This is important legislation for the health, safety and welfare of the citizens of Georgia. We feel it should also require specific regulation requiring builders to be insured for an adequate amount of coverage in relation to the purchase price or contract price of the home. This regulation should also hold true to require sub-contractors to be insured for an adequate amount in relation to their share of the work performed.

In reference to our specific situation, we invite the City Council members to inspect and view our property at their individual convenience prior to the December 2nd meeting so that they can see for themselves the seriousness of this matter. We look forward to the City assisting us in a prompt and appropriate resolution.

We appreciate your time in allowing us the ability to express our concerns and look forward to seeing you on the 2nd of December.

Sincerely,

Tom & Lynn Fedor

Thomas & Lynn Fedor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Director of Developmental Services**

FROM: **Building Official**

DATE: **October 15, 2004**

SUBJECT: **House Bill 1003, State Licensing Board for Residential and General Contractors**

House Bill 1003 (attached) is the Bill to create a Licensing Board for Residential and General Contractors.

According to Bob Barnard, V.P. Home Builders Association of Georgia, this Bill is scheduled for some final minor amendments during the coming General Assembly session and hopefully it will lead to funding approval by the Governor by mid April 2005. This would result in an estimated implementation date of October 2006.

If you need any additional information on this issue, Mr. Barnard can be contacted thru Ms. Sandy Boda, Executive Officer, Home Builders Association of Mid-West Georgia via phone: 770-716-7109 or e-mail: hbamwg@bellsouth.net. I can also contact Mr. Barnard directly and schedule a meeting here at City Hall.

TJC/adg

Attachments

cc: File

See Tab 26 10 for Insurance requirements

Georgia General Assembly

04 LC 28 1725ERS

The House Committee on Governmental Affairs offers the following substitute to HB 1003:

A BILL TO BE ENTITLED
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to create the State Licensing Board for Residential and General Contractors; to define certain terms; to provide for the composition, powers, and duties of the board; to provide for the licensing of residential and general contractors; to provide for fees and an examination; to provide for the revocation of licenses; to provide for the renewal of licenses; to provide penalties for engaging in residential or general contracting without a valid license; to provide for exceptions; to provide for matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by adding a new Chapter 41 to read as follows:

"CHAPTER 41

43-41-1.

It is the intent of the General Assembly, in the interest of public health, safety, and welfare, to safeguard homeowners, other property owners, tenants, and the general public against faulty, inadequate, inefficient, and unsafe residential and general contractors. The practice of residential and general contracting is declared to be a business or profession affecting the public interest and this chapter shall be liberally construed so as to accomplish the intent and purposes stated in this Code section.

43-41-2.

As used in this chapter, the term:

new

(1) 'Board' means the State Licensing Board for Residential and General Contractors.
(2) 'Business organization' means any partnership, corporation, limited liability entity, business trust, joint venture, or other legal entity, other than an individual person, doing business or seeking, offering, or contracting to do business as a contractor or otherwise performing or acting as a contractor as defined in this Code section.
(3) 'Contracting' means performing or causing to be performed any of the activities set forth in paragraphs (4), (5), (9), (10), and (11) of this Code section which define the types of contractors. The offering of contracting services and the negotiation of or bid or proposal for engagement or a contract requiring performance of these services also constitutes contracting.
(4) 'Contractor,' except as specifically exempted by this chapter, means a person who is qualified under this chapter and who, for compensation, contracts to, offers to undertake or undertakes to, submits a bid or a proposal to, or personally or by others performs the construction or the management of the construction of improvements to real property for an owner, including the construction or improvement of, addition to, or the repair, alteration, remodeling, or demolition of any building, bridge, or other structure, including related improvements to the real property, for use by the owner or by others or for resale to others. The term 'contractor' for purposes of this chapter shall include a person who contracts to, undertakes to, or submits a bid or proposal to perform, or otherwise does himself or herself perform, for an owner:
(A) Construction management services relative to the performance by others of such construction activities where the person performing such construction management services is at risk contractually to the owner for the performance and cost of the construction; and
(B) Services of a contractor as part of performance of design-build services, whether as a prime contractor, joint venture partner, or as a subcontractor to a design professional acting as prime contractor as part of a design-build entity or combination.
Both residential and general contractors, in addition to contractors licensed under Chapter 14 of this title to perform such work or any component thereof, shall be permitted to construct storm-water management systems comprising any storm-water conveyance or storm-water detention facility that moves storm or surface water from a specific point on a wholly contained construction project site to another specific point on the same project site and which are wholly contained within the project site and are not part of or connected to any public or private water treatment system, waste-water treatment system, or storm-water system.
(5) 'General contractor' means a contractor whose services are unlimited as to the type of work which he or she may do and who may contract for, undertake to perform, submit a bid or a proposal or otherwise offer to perform, and perform any activity or work as a contractor requiring licensure under this chapter including within its scope any work requiring licensure under Chapter 14 of this title; provided, however, that any work contractually undertaken by a general contractor in the nature of electrical contracting, plumbing, conditioned air contracting, low voltage contracting, or utility contracting which falls within the licensing requirements of Chapter 14 of this title may not be performed by the general contractor but shall only be performed by a person who is duly licensed to perform such work under Chapter 14 of this title. The construction of all private, commercial, institutional, industrial, public, and other buildings and structures under contract with or engagement

directly by an owner shall be undertaken by a general contractor, except as otherwise expressly set forth in or excluded from operation of this chapter.
(6) An 'owner' of real property means a person or entity that has a majority ownership interest in the real property to be improved and for whom an improvement is made or who contracts with or engages, directly or through an agent, the contractor to perform the construction work or services.
(7) 'Qualifying agent' means a person who possesses the requisite skill, knowledge, and experience and has the responsibility to supervise, direct, manage, and control all of the contracting activities of a contractor doing business in the form of a business organization, with which he or she is affiliated by employment or ownership; who has the responsibility to supervise, direct, manage, and control construction activities on a job for which he or she has obtained the building permit; and whose technical and personal qualifications have been determined by investigation and examination as provided in this chapter, as attested by the division.
(8) 'Real property' means the real estate, or an interest therein, that is improved, including leaseholds, tenements, and easements, and improvements constructed or placed thereon.
(9) 'Residential contractor' means any contractor who may contract for, undertake to perform, submit a bid or a proposal or otherwise offer to perform, and perform any activity or work as a contractor requiring licensure under this chapter for a fixed price, commission, fee, wage, or other compensation or who undertakes any activity or work on his or her own behalf or for any person or business organization that is not licensed as a licensed residential contractor pursuant to this chapter where such activity or work falls into the category of residential-basic contractor or residential-light commercial contractor as defined in this Code section and where the total value of the work or activity or of the compensation to be received by the contractor for such activity or work, whichever is the higher, exceeds $2,500.00. The term 'residential contractor' shall include both a residential-basic contractor and a residential-light commercial contractor, except where otherwise expressly stated. The work or activity performed by a residential contractor may include within its scope any work requiring licensure under Chapter 14 of this title; provided, however, that any work contractually undertaken by a residential contractor in the nature of electrical contracting, plumbing, conditioned air contracting, low voltage contracting, or utility contracting which falls within the licensing requirements of Chapter 14 of this title may not be performed by the residential contractor but shall only be performed by a person who is duly licensed to perform such work under Chapter 14 of this title.
(10) 'Residential-basic contractor' means and encompasses a person who performs contractor work or activity relative to detached one-family and two-family residences and one-family townhouses not over three stories in height and their accessory buildings and structures;
(11) 'Residential-light commercial contractor' means and encompasses a person who performs any contractor work or activity performed by a residential-basic contractor and, additionally, shall include such contractor work or activity related to multifamily and multiuse light commercial buildings and structures, and their related accessory buildings and structures, which are less than four stories in height; less than 25,000 square feet in aggregate interior floor space, except as otherwise provided in this chapter; and are constructed of wood or light gauge metal frame, brick veneer, prefabricated, or manufactured type of construction; or are preengineered steel buildings not exceeding

50,000 square feet of interior floor space; provided that such buildings or structures are not of the type of building or structure that would constitute a special hazard to property or to life and safety of persons as defined in subparagraphs (A), (C), (E), (F), (G), (G.1), (H), (I), and (J) and subparagraph (B), as it applies to a building of four or more stories, of paragraph (1) of subsection (b) of Code Section 25-2-13.
(12) 'Specialty contractor' means a contractor whose scope of work and responsibility is of limited scope dealing with only a specific trade and directly related and ancillary work and whose performance is limited to such specialty construction work requiring special skill and requiring specialized building trades or crafts, including, but not limited to, such activities, work, or services requiring licensure under Chapter 14 of this title.

43-41-3.
(a) There is created the State Licensing Board for Residential and General Contractors consisting of 14 members appointed by the Governor for five-year terms. The board shall be assigned to the Secretary of State's office for administrative purposes and shall be under the jurisdiction of the division director and shall operate in accordance with and pursuant to the provisions of Chapter 1 of this title, as applicable. The board shall be comprised of two divisions: the residential contractor division, having jurisdiction of and authority over the two subcategories of residential contracting, residential-basic contractors and residential-light commercial contractors, and the general contractor division. Seven members shall be appointed and serve as members of the residential contractor division of the board and seven members shall be appointed and serve as members of the general contractor division of the board. Members shall serve until the expiration of their respective terms and until their successors are appointed and qualified. Vacancies occurring during a term shall be filled by appointment of the Governor for the remainder of the unexpired term and such replacement shall meet the requirements and criteria of selection of the person previously holding the vacant position. To be eligible to serve on the respective divisions of the board, each contractor member shall be and remain actively involved in the construction contracting business and shall have been so engaged for a period of not less than five consecutive years before the date of appointment in the particular contracting business, as a residential contractor or general contractor, corresponding to the division for which such person is appointed. Any contractor members whose term continues after or who are appointed to terms commencing two years from the date that this chapter becomes effective must also have been licensed and certified by the respective division of the board to operate as a contractor in the category to which the member is appointed. The position of any appointive member of the board who, during his or her term of appointment, shall cease to meet the qualifications for original appointment shall be immediately vacated. No member of the board shall be appointed to serve more than two full terms.
(b) The residential contractor division shall consist of seven members and, except as otherwise expressly stated in this chapter, shall have jurisdiction of and authority over the practice of the two subcategories of residential contracting, residential-basic contractors and residential-light commercial contractors. Five members shall be residential contractors eligible for licensure under this chapter. Effective July 1 of the second year after this chapter becomes effective, all residential contractor members shall be required to be licensed under this chapter. At least two of the residential contractor members shall be qualified to perform

residential-light commercial type projects; three shall be qualified and shall predominantly perform residential-basic type projects; one shall be a residential contractor whose business predominately involves remodeling projects; one shall be a residential contractor who constructs at least an average of 20 residences per year; and all must be geographically diverse. One member shall be a public building official and one member shall be a public member. The public member shall have no ties with the residential construction industry and shall represent the interests of the public at large. The initial member terms on the residential contractor division shall be staggered so that all terms do not expire simultaneously. Three members shall serve initial terms of five years, three members shall serve initial terms of four years, and one member shall serve an initial term of three years. The residential contractor division shall meet at least six times each year for the purpose of transacting such business as may properly come before it.
(c) The general contractor division shall consist of seven members and, except as otherwise expressly stated in this chapter, shall have jurisdiction of and authority over the practice of general contracting. Five members shall be general contractors eligible for licensure under this chapter. Effective July 1 of the second year after this chapter becomes effective, all general contractor members shall be required to be licensed under this chapter. At least two of the general contractor members shall be small volume builders with an annual contracting volume of less than $5 million and all of whom must be geographically diverse. One member shall be a currently licensed or registered architect or engineer and one member shall be a public building official. The initial member terms on the general contractor division shall be staggered so that all terms do not expire simultaneously. Three members, including at least two contractor members, shall serve initial terms of five years; three members, including at least two contractor members, shall serve initial terms of four years; and one member shall serve an initial term of three years. The general contractor division shall meet at least six times each year for the purpose of transacting such business as may properly come before it.

43-41-4.
(a) The initial members of the board shall be appointed by the Governor no later than July 30 of the year in which this chapter becomes effective. The board shall meet within 30 days after its appointment by the Governor at a time and place to be designated by the Governor and organize by electing a chairperson and a vice chairperson, each to serve for a one year term.
(b) The office of chairperson of the board shall be rotated between the two divisions enumerated in this chapter, with the office of vice chairperson to be held by a member of the division other than that in which the chairperson serves, unless the board, through its rules and regulations, provides otherwise. Any vacancy in the office of chairperson shall be filled by the members for the unexpired term. The person selected to fill the vacancy shall be a member of the same division as the chairperson whose departure has created the vacancy.
(c) The board shall meet at the call of the chairperson or upon the recommendation of a majority of its members. Eight members of the board, including at least three members from each of its divisions, shall constitute a quorum for transaction of business by the board.
(d) Each division within the board shall also elect from its membership a chairperson and a vice chairperson who shall each serve for a term of two years. Any vacancy in the office of

either the chairperson or vice chairperson shall be filled by one of the members of the respective division for the unexpired term.
(e) Any member elected chairperson of a division may not serve more than two consecutive full terms of office.
(f) Each division shall carry out its powers and duties as provided for in this chapter with the assistance of the division director and staff of the professional licensing boards division of the Secretary of State's office and the officers and staff of the board. Each division of the board shall operate and transact its business independently of the other division and of the board at large, except as required by this chapter and to the extent of common interests and functions, including staffing and administration. Each division of the board shall have delegated from the board the power and authority to take all appropriate actions in the organization and administration of each respective division and the effectuation and implementation of the licensing and enforcement processes required under this chapter, subject to ultimate oversight and review by the board.
(g) The divisions of the board shall meet at the call of the chairperson of the division.
(h) The board shall not take action on any matter specifically delegated to and under the authority and control of the one of its divisions unless at least four of its members from the affected division are present and participating in such action or decision.
(i) The division director, or his or her designee, shall keep a record of the proceedings of the board and its respective divisions.

43-41-5.
(a) The board shall meet at least twice each year for the purpose of transacting such business as may properly come before it and of overseeing the operation of its divisions.
(b) The board and its divisions shall have the power to:
(1) Request from the various departments, agencies, and authorities of the state and its political subdivisions and their agencies and authorities such available information as they may require in their work; and all such departments, agencies, and authorities shall furnish such requested available information to the board and its divisions within a reasonable time;
(2) Provide by regulation for reciprocity with other states or territories of the Untied States in the licensing of residential and general contractors, provided that such other states have requirements substantially equal to the requirements in force in this state for registration, licensure, or certification and that any such contractor holding a current and valid license, certificate, or registration from another state or territory seeking licensure by way of reciprocity shall demonstrate that such applicant meets, in the discretion of the respective division, the qualifications, requirements, and criteria set forth in Code Section 43-41-6, other than the requirement to take and pass an examination as set forth in subsection (d) of Code Section 43-41-6, and that such applicant is otherwise in compliance with all requirements of the State of Georgia for transaction of such business within this state; provided, further, that a similar privilege is offered to residents of this state by the other state or territory;
(3) Establish and adjust fees as necessary within the limits set forth in Chapter 1 of this title;
(4) Adopt official seals for their use and change them at pleasure;
(5) Establish the policies and procedures for regulating the businesses of residential contracting and general contracting;

(6) Determine qualifications for licensure or certification, including such experience requirements as the board deems necessary; and
(7) Promulgate and adopt rules and regulations necessary to carry out this chapter.
(c) Regarding the powers and authorities conferred by this Code section relative to the residential-light commercial contractor subcategory of the residential contractor classification under this chapter, due to the characteristics of such subcategory, such powers and authorities shall be delegated to and conferred upon, in the first instance, a combined and overlapping subdivision comprising four members of both of the divisions, two of whom shall be the residential-light commercial qualified members of the residential contractor division and two of whom shall be the small volume qualified members of the general contractor division, with neither division having sole oversight and control of such powers and authorities. The chairperson of such combined subdivision shall be rotated annually between the chairperson of the residential contractor division and the chairperson of the general contractor division, with the residential contractor chairperson initially serving as chairperson. The combined subdivision shall meet at the call of such chairperson. However, regarding the actual issuance of licenses under this chapter for residential-light commercial contracting and any powers and authorities relative to administration, oversight, control, or disciplinary action of persons issued such licenses, pursuant to Code Sections 43-41-10, 43-41-11, 43-41-13, 43-41-15, and 43-41-16, the residential contractor division shall have full power and authority. Any determinations made or actions taken by this subdivision shall be subject to the ultimate review, oversight, control, power, and authority of the board.
(d)(1) The division director is authorized to make, or cause to be made through employees or contract agents of the board, such investigations as he or she or the board may deem necessary or proper for the enforcement of the provisions of this chapter. Any person properly conducting an investigation on behalf of the board shall have access to and may examine any writing, document, or other material relating to the fitness of any licensee or applicant. The division director or his or her appointed representative may issue subpoenas to compel such access upon a determination that reasonable grounds exist for the belief that a violation of this chapter or any other law relating to the practice of residential or general contracting may have taken place.
(2) The results of all investigations initiated by the board shall be reported solely to the board, and the records of such investigations shall be kept for the board by the division director, with the board retaining the right to have access at any time to such records. No part of any such records shall be released, except to the board, for any purpose other than a hearing before the board, nor shall such records be subject to subpoena; provided, however, that the board shall be authorized to release such records to another enforcement agency or lawful licensing authority.
(3) The board shall have the authority to exclude all persons during its deliberations on disciplinary proceedings and to discuss any disciplinary matter in private with a licensee or applicant and the legal counsel of that licensee or applicant.
(e) A person, firm, corporation, association, authority, or other entity shall be immune from civil and criminal liability for reporting or investigating the acts or omissions of a licensee or applicant which violate the provisions of this chapter or any other provision of law relating to a licensee's or applicant's fitness to practice as a licensed residential or general contractor or for initiating or conducting proceedings against such licensee or applicant, if such report

is made or action is taken in good faith, without fraud or malice.
(f) The denial of a license on grounds other than those enumerated in this chapter, the issuance of a private reprimand, the denial of a license by reciprocity, the denial of a request for reinstatement of a revoked license, or the refusal to issue a previously denied license shall not be considered to be a contested case within the meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Notice and hearing within the meaning of Chapter 13 of Title 50 shall not be required, but the applicant or licensee shall be allowed to appear before the board if he or she so requests.
(g) If any licensee or applicant fails to appear at any hearing after reasonable notice, the board may proceed to hear the evidence against such licensee or applicant and take action as if such licensee or applicant had been present. A notice of hearing, initial or recommended decision, or final decision of the board in a disciplinary proceeding shall be served upon the licensee or applicant by certified mail or statutory overnight delivery, return receipt requested, to the last known address of record with the board. If such material is returned marked 'unclaimed' or 'refused' or is otherwise undeliverable and if the licensee or applicant cannot, after diligent effort, be located, the division director shall be deemed to be the agent for service for such licensee or applicant for purposes of this Code section, and service upon the division director shall be deemed to be service upon the licensee or applicant.
(h) The voluntary surrender of a license shall have the same effect as a revocation of the license, subject to reinstatement in the discretion of the board.
(i) This Code section shall apply equally to all licensees or applicants whether individuals, partners, or members of any other incorporated or unincorporated associations, corporations, business organizations, or other associations of any kind whatsoever.
(j) All subpoenas issued pursuant to the authority granted in this chapter shall be subject to the general rules of law with respect to distance, tender of fees and expenses, and protective orders; and any motion made with respect thereto shall be made to and passed on by a judge of the superior court of the county of residence of the person to whom the subpoena is directed.

43-41-6.
(a) Anyone seeking to be licensed as a residential contractor or as a general contractor in this state shall file an application on a form provided by the residential contractor or general contractor division, respectively, accompanied by an application fee as provided by the board. Such an application may be submitted either by:
(1) An individual person seeking issuance of a license in his or her own name for purposes of engaging in the profession of residential or general contracting in his or her own name or doing business as an individual in a trade name as a sole proprietorship; or
(2) An individual person affiliated by ownership or employment with and acting as a qualifying agent for a business organization seeking to engage in the profession of residential or general contracting in the name of the business organization in accordance with and pursuant to Code Section 43-41-9.
Additionally, all applicants must submit to and successfully pass an examination prepared by the appropriate division, except where an applicant is otherwise qualified for licensure and has satisfied the appropriate division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement or

where the applicant is an individual acting as a qualifying agent for a business organization and has previously obtained and maintained continuously a license issued by the appropriate division.

(b) A person shall be eligible for licensure as a residential-basic contractor by the residential contractor division if the person:

(1) Is at least 21 years of age;

(2) Is of a good character and is otherwise qualified as to competency, ability, and integrity;

(3) Has at least two years of proven experience working as or in the employment of a residential contractor, predominantly in the residential-basic category, or other proven experience deemed substantially similar by the division; and

(4) Has had significant responsibility for the successful performance and completion of at least two projects falling within the residential-basic category in the two years immediately preceding application.

(c) A person shall be eligible for licensure as a residential-light commercial contractor by the residential-light commercial subdivision if the person:

(1) Is at least 21 years of age;

(2) Is of a good character and is otherwise qualified as to competency, ability, and integrity;

(3) Meets eligibility requirements according to one of the following criteria:

(A) Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and has at least one year of proven experience working as or in the employment of a residential contractor, general contractor, or other proven experience deemed substantially similar by the division;

(B) Has a combination acceptable to the division of academic credits from any accredited college-level courses and proven practical experience working as or in the employment of a residential contractor, general contractor, or other proven experience deemed substantially similar by the division equaling at least four years in the aggregate. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses; or

(C) Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as or in the employment of a residential contractor, or other proven experience deemed acceptable by the division; and

(4) Has had significant responsibility for the successful performance and completion of at least two projects falling within the residence-light commercial category in the four years immediately preceding application.

(d) A person shall be eligible for licensure as a general contractor by the general contractor division if the person:

(1) Is at least 21 years of age;

(2) Is of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility; and

(3) Meets eligibility requirements according to one of the following criteria:

(A) Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and has at least one year of proven experience working as or in the employment of a general contractor or other proven experience deemed

substantially similar by the division;
(B) Has a combination acceptable to the division of academic credits from any accredited college-level courses and proven practical experience working as or in the employment of a general contractor or other proven experience deemed substantially similar by the division equaling at least four years in the aggregate. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses; or
(C) Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as or in the employment of a general contractor, or other proven experience deemed acceptable by the division and at least one of which shall have been in or relating to administration, marketing, accounting, estimating, drafting, engineering, supervision, or project management, or functions deemed substantially similar by the division.
(e) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the residential contractor division or general contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility. The application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed residential contractor or general contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Applicants for a general contractor license shall provide proof of a minimum net worth in an amount which is specified by the general contractor division. Additionally, all applicants shall provide proof of general liability insurance and of workers´ compensation insurance as required by the laws of this state in their name. However, if and to the extent the applicant is submitted as a person seeking to act as a qualifying agent of a particular business organization, such proofs and information shall relate and pertain to such business organization rather than the individual applicant, subject to the limitations set forth in subsection (d) of Code Section 43-41-9. All applicants shall also provide their social security numbers, if applying as an individual, or the federal taxpayer identification numbers of any business organization for which the applicant is seeking licensure as a qualifying agent. Applicants for a general contractor´s license shall also provide suitable verification of tax payments in a form and manner and for the duration prescribed by the general contractor division; provided, however, that where the application is seeking license as a qualifying agent of a business organization, such tax verification and information shall relate and pertain to that business organization. The decision of the appropriate division as to the qualifications of applicants shall, in the absence of fraud, be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the appropriate division and shall be a condition of renewal. A licensee, on his or her own behalf or where acting as a qualifying agent on behalf of the business organization so qualified, must notify the appropriate division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the licensee´s and, if the licensee is acting as a qualifying agent for any business organization, such business organization´s current mailing address, insurance coverages, and affiliated entities.

(f)(1) The residential contractor division and the general contractor division shall each conduct an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.
(2) The residential contractor division shall conduct separate examinations for applicants for residential-basic and residential-light commercial licenses for the purpose of determining a particular applicant´s ability to make a practical application of his or her knowledge of the profession of residential contracting in the particular subcategory for which a license is sought; the applicant´s qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to such residential contracting business; his or her knowledge as to the responsibilities of a residential contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to residential-basic and residential light-commercial contractors, construction, workers´ compensation, insurance, and liens.
(3) The general contractor division shall conduct an examination to ascertain the particular applicant´s ability to make a practical application of his or her knowledge of the profession of commercial general contracting; the applicant´s qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to the general contracting business; his or her knowledge as to the responsibilities of a general contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to general contractors, construction, workers´ compensation, insurance, surety bonding, and liens.
(4) If the results of the applicant´s examination are satisfactory to the appropriate division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she and any affiliated business organization has met the other qualifications and requirements set forth in this Code section, then the appropriate division shall issue to the applicant a license to engage in business as a residential or general contractor in this state, as provided in such license, in his or her own name as a sole proprietor or as a qualifying agent for the affiliated business organization and in the name of such business organization, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9. A residential contracting license shall indicate for which of the two subcategories, residential-basic or residential-light commercial, the licensee is qualified.
(g) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.
(h) A residential contractor license, indicating whether relating to the residential-basic or residential-light commercial category, or general contractor license shall be issued to an applicant who successfully completes the respective requirements therefor upon the payment of fees prescribed by the board.
(i) Such licenses shall be renewable biennially. Licenses may be renewed subsequent to their

expiration within six months of the date of expiration by mailing written application for renewal and paying a late renewal fee as determined by the board. After six months has elapsed from the date of expiration, such license may be reinstated in accordance with the rules and regulations of the board.
(j) The division director shall give advance notice by mail to each person holding a license under this chapter of the date of the expiration of the certificate of registration and the amount of the fee required for renewal at least one month prior to the expiration date, but the failure to receive such notice shall not avoid the expiration of any license not renewed in accordance with this Code section.
(k) As a condition of renewal, the appropriate division may require licensees to complete division approved continuing education of not more than three hours annually for a residential-basic license, six hours annually for a residential-light commercial license, and eight hours annually for a general contractor license.

43-41-7.
A licensed residential contractor and any affiliated entities shall offer a written warranty in connection with each contract to construct, or superintend or manage the construction of, any single family residence where the total value of the work or activity or the compensation to be received by the contractor for such activity or work exceeds $2,500.00. The residential contractor division shall establish the minimum requirements of such warranty. The parties to the warranty may agree to submit any or all disputes arising under the warranty to arbitration. Such agreement to arbitrate shall be enforceable as provided in Part 1 of Article 1 of Chapter 9 of Title 9, the 'Georgia Arbitration Code.'

43-41-8.
(a) Notwithstanding any other provision of this chapter to the contrary, the following persons desiring to qualify for a residential contractor license or a general contractor license under the provisions of this chapter shall be eligible for issuance of a such a license by the appropriate division without examination, provided that such person submits a proper application and proofs, pays or has paid the required fees, otherwise meets the requirements of Code Section 43-41-6 for licensure, and is not otherwise in violation of this chapter:
(1) Any person who holds a current and valid license to engage in the comparable category of residential or general contracting issued to him or her by any governing authority of any political subdivision of this state which requires passing an examination which is substantially similar to the state examination for residential or general contractors, provided that such person is a Georgia resident and citizen, if an individual applying in his or her own behalf, or is seeking licensure as a qualifying agent for a business organization incorporated in Georgia or otherwise authorized and certified to transact business in Georgia with a regular office and place of business in Georgia currently and having had such office and place of business continuously for the five years immediately preceding such application; provided, further, that the examination results are made available to the appropriate division. Such application and request for exemption must be submitted within the time limits set forth in subsection (a) of Code Section 43-41-17;
(2) Any person who has successfully and efficiently engaged in the comparable category of residential or general contracting in this state as provided in this Code section; provided,

however, that such person shall be either a resident and citizen of the state of Georgia or, if applying as a qualifying agent for a business organization, such business organization shall be either incorporated in Georgia or is a business organization otherwise authorized and certified to transact business in Georgia with a regular office and place of business in Georgia currently and having had such office and place of business continuously for the five years immediately preceding such application; provided, further, that such application and request for exemption is submitted within the time limits set forth in subsection (a) of Code Section 43-41-17. To prove that he or she has successfully engaged in residential-basic or residential-light commercial projects, the person shall be required to give evidence of three successful projects located in Georgia which were successfully completed over the period of five years immediately prior to the time of application; evidence of ten successfully completed residential-basic or residential-light commercial projects located in Georgia over the period of ten years immediately prior to the time of application; or evidence that he or she has participated in or been engaged in residential-basic or residential-light commercial construction in a supervisory or management capacity for seven of the ten years immediately prior to the time of application. To prove that he or she has successfully engaged in commercial general contracting, the person submitting the application shall be required to give evidence of five successful general contracting projects located in Georgia which were successfully completed over the period of five years immediately prior to the time of application or evidence of ten successful general contracting projects located in Georgia which were successfully completed over the period of ten years immediately prior to the time of application, such projects having been performed either by such person acting as an individual or by a business organization in which such individual person was affiliated by employment or ownership and over which such person had general oversight and management responsibilities; and

(3) Any person who holds a current and valid license to practice a comparable category of residential or general contracting issued by another state or territory of the United States, where either such state or territory has entered into a reciprocal agreement with the board and divisions for the recognition of contractor licenses issued in that state or territory, or such application is pursuant to and in accordance with the regulations and requirements for reciprocity promulgated by the divisions in accordance with subsection (b) of Code Section 43-41-5. Additionally, such application shall meet the following requirements:

(A) The criteria for issuance of such license or certification by such other state or territory, including the requirement to successfully complete an examination, were substantially equivalent to Georgia's current license criteria;

(B) The application requirements and application form submitted to the other state or territory upon which such license was issued and the examination form and substance are available for review by the appropriate division and the examination results are made available to the division;

(C) The applicant shall demonstrate that he or she meets the qualifications, requirements, and criteria set forth in subsections (a), (b), (c), and (d) of Code Section 43-41-6; and

(D) The applicant is otherwise in compliance with all requirements of this state for transaction of such business within this state; provided, however, that such application and request for exemption shall be submitted within the time limits set forth in subsection (a) of Code Section 43-41-17.

(b) Any applicant for issuance of a residential contractor or general contractor license under this title who shall seek exemption from the examination requirement under subsection (f) of Code Section 43-41-6, on any basis set forth above, shall have the burden of establishing to the satisfaction and within the discretion of the appropriate division that the requirements for such exemption have been satisfied. The decision of such division as to the satisfaction of the requirements for such exemption from taking the examination shall, in the absence of fraud, be conclusive.

43-41-9.
(a) If an individual applicant proposes to engage in residential or general contracting in the individual´s own name or a trade name where the individual is doing business as a sole proprietorship, the license shall be issued only to that individual. Where an applicant under this chapter is seeking issuance of a residential or general contractor license on behalf and for the benefit of a business organization seeking to engage in residential or general contracting as a business organization, or in any name other than the applicant´s legal name or trade name where the applicant is doing business as a sole proprietorship, the application for a license under this chapter must be submitted by and through an individual qualifying agent for such business organization or entity and expressly on behalf of such business organization or entity. In such case, the license shall be issued to the individual qualifying agent and to the affiliated business organization or entity on whose behalf the application was made. It shall be unlawful for any person, firm, corporation, or association to operate a business organization or entity engaged in the business of residential or general contracting without first obtaining a license from the appropriate division. The appropriate division shall not issue a license to any business organization or entity to engage in residential or general contracting unless such business organization or entity employs at least one currently licensed residential or general contractor who is actually engaged in the practice of residential or general contracting for such business organization or entity on a full-time basis and provides adequate supervision and is responsible for the projects of such business organization or entity. A business organization may allow more than one person to act as a qualifying agent for such organization, subject to each such individual qualifying agent having successfully satisfied the requirements for issuance of a license under this chapter and having obtained issuance of such a license by the appropriate division. Each such business organization shall have at least one qualifying agent in order to be considered authorized to engage in such contracting business.
(b) The application for a license by a qualifying agent must include an affidavit on a form provided by the board attesting that the individual applicant has final approval authority for all construction work performed by the business organization or entity and that the individual applicant has final approval authority on all business matters, including contracts and contract performance and financial affairs of the business organization or entity.
(c) A joint venture is considered a separate and distinct organization for licensing purposes under this chapter and must be qualified and licensed in accordance with the appropriate division´s rules and regulations either:
(1) In its own name as a separate business organization; or
(2) By each of the members of the joint venture doing business as a residential contractor or general contractor holding, as an individual or as a business organization acting through its

qualifying agent, a valid and current residential or general contractor's license issued by the appropriate division.

Each such licensed individual or qualifying agent shall be considered a qualifying agent of such joint venture.

(d) If, during the period encompassed by a license issued to a qualifying agent acting for and on behalf of an affiliated business organization, there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the appropriate division.

(e)(1) At least one qualifying agent shall be licensed under this chapter in order for the business organization to obtain a license as a residential or general contractor. If any qualifying agent ceases to be affiliated with such business organization, for any reason, he or she shall so inform the division having jurisdiction. In addition, if such qualifying agent is the only qualifying agent licensed hereunder affiliated with the business organization, the business organization shall promptly notify the appropriate division of the termination of the relationship with that qualifying agent and shall have 120 days from the termination of the qualifying agent's affiliation with the business organization to employ another qualifying agent and submit an application for licensure under the new qualifying agent. The submission of such application shall serve to maintain the licensed status of the business organization pending and subject to approval of such application by the appropriate division; provided that, should such application be denied by that division, then, after passage of the 120 day period, the business organization shall cease to be considered licensed as a residential or a general contractor unless and until a new application is submitted and approved by the appropriate division. In such circumstance, the affected business organization may not thereafter engage in residential or general contracting until a new qualifying agent is employed, unless the appropriate division has granted a temporary nonrenewable license to the financially responsible officer, the president or chief executive officer, a partner, or, in the case of a limited partnership, the general partner, who thereafter shall assume all responsibilities of a qualifying agent for the business organization or entity. This temporary license shall only allow the entity to proceed with incomplete contracts already in progress. For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into by, the business organization prior to the cessation of affiliation of the qualifying agent with the business organization or one on which the business organization was the low bidder and the contract is subsequently awarded, regardless of whether any actual work has commenced under the contract prior to the qualifying agent ceasing to be affiliated with the business organization.

(2) The qualifying agent shall inform the division having jurisdiction in writing when he or she proposes to engage in contracting in his or her own name or in affiliation with another business organization, and he or she or such new business organization shall supply the same information to the division as required of applicants under this chapter. Such person shall be deemed to be a licensed residential or general contractor for the original term of his or her license, provided that he or she qualified for such license based on his or her own personal qualifications as to financial responsibility and insurance. Otherwise, such individual shall be required to submit a new application demonstrating satisfaction of such financial and insurance requirements himself or herself or by the business organization he or she desires to qualify, but such person shall be entitled to continue engaging in the business

of residential or general contracting in accordance with and under his or her previously issued license unless and until the appropriate division determines that the person seeking issuance of the license no longer meets these requirements.
(3) Upon a favorable determination by the division having jurisdiction, after investigation of the financial responsibility, if applicable, and insurance of the qualifying agent and the new business organization, the division shall issue, without an examination, a new license in the name of the qualifying agent and in the name of the new affiliated business organization.
(f) Disciplinary action and other sanctions provided in this chapter may be administered against a business organization operating under a license issued through its licensed qualifying agent or agents in the same manner and on the same grounds as disciplinary actions or sanctions against an individual or license holder acting as its qualifying agent under this chapter. The divisions or the board may deny the license to a qualifying agent for any business organization if the qualifying agent or business organization has been involved in past disciplinary actions or on any grounds for which individual licenses can be denied.
(g) Each qualifying agent shall pay the appropriate division an amount equal to the original fee for a license applied for on behalf of a new business organization. If the qualifying agent for a business organization desires to qualify additional business organizations, the division shall require him or her to present evidence of the financial responsibility, if applicable, and insurance of each such organization.
(h) All qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization, for all field work at all sites, and for financial matters, both for the organization in general and for each specific job for which his or her license was used to obtain the building permit.
(i) Any change in the status of a qualifying agent is prospective only. A qualifying agent shall for purposes of application of this chapter and the enforcement and disciplinary mechanisms thereunder be and remain responsible for his or her actions or omissions as well as those of the business organization for which such person had acted as a qualifying agent occurring during his or her period of service as such qualifying agent as and to the extent set forth in this chapter. A qualifying agent is not responsible for his or her predecessor's actions, but is responsible, even after a change in status, for matters for which he or she was responsible while in a particular status. Further, nothing in this chapter shall be interpreted as a basis for imposition of civil liability against an individual qualifying agent by any owner or other third party claimant beyond the liability that would otherwise exist legally or contractually apart from and independent of the individual's status as a qualifying agent.

43-14-10.
(a) In addition to the powers and authorities conferred upon the board and its divisions pursuant to Chapter 1 of this title, the residential contractor division and the general contractor division shall have the power, respectively, to reprimand any person or licensee, or to suspend, revoke, or refuse to grant, renew, or restore a license to any person or licensee if such person or licensee is found by the appropriate division to have engaged in any fraud or deceit in obtaining a license or otherwise to have engaged in gross negligence, repeated or persistent incompetence, intentional misconduct in the practice of his or her profession, or willful violation of any provisions of this chapter.
(b) For purposes of this Code section, a person or business organization operating on an

expired, revoked, lapsed, or suspended license shall be considered unlicensed.
(c) The separate divisions may issue a stop-work order for all unlicensed work falling within their respective jurisdictions upon finding probable cause to believe that construction work which requires a license under this chapter is being performed by a person without such a current, valid license. Such an order may be enforced by injunctive relief, cease and desist orders, or other related actions within the power and authority of the board and its respective divisions.
(d) The division having jurisdiction shall investigate and sanction any license holder found to have engaged in fraud, deceit, gross negligence, repeated or persistent incompetence, or intentional misconduct in the practice of residential or general contracting; and sanctions shall be assessed against any such residential or general contractor licensed under this chapter either individually or as a business organization acting through a qualifying agent. Such charges, unless dismissed without hearing by the division as unfounded, shall be heard and determined by that division in accordance with the provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
(e) The divisions shall each adopt and publish rules and regulations, consistent with the provisions of this chapter, governing the suspension and revocation of licenses.
(f) Each division may reissue a license to any person whose license has been revoked or lift a suspension of a license to such person provided that four or more members of the division vote in favor of such reissuance or lifting for reasons that division deems sufficient.

43-41-11.
The issuance of a license by the residential contractor or the general contractor division shall be evidence that the person named therein, including both the individual licensee and any business organization for whom such licensee is a qualifying agent, is entitled to all the rights and privileges of a licensed residential or general contractor while such license remains unrevoked or unexpired.

43-41-12.
(a) Any person, whether an individual or a business organization, who:
(1) Contracts for or bids upon or engages in the construction of any of the projects or works enumerated in the definitions of residential contractor or general contractor in Code Section 43-41-2 without having first complied with the appropriate provisions of this chapter or who shall attempt to practice residential contracting or general contracting in this state except as provided for in this chapter;
(2) Falsely represents, advertises, or holds himself or herself or an affiliated business organization out as a residential contractor or general contractor licensee;
(3) Represents or attempts to use or presents as his or her own the license of another person or, in the case of a business organization, a person other than its qualifying agent;
(4) Gives false or forged evidence of any kind to the board or its divisions or to any member of the board in maintaining a license;
(5) Uses an expired, suspended, or revoked license to continue engaging in residential contracting or general contracting; or
(6) Operates a business organization engaged in contracting after 120 days following the termination of its only qualifying agent without designating another primary qualifying

agent, except as provided in Code Section 43-41-9,
shall be guilty of a misdemeanor and shall, upon conviction, be punished for each such offense by a fine of not less than $500.00 or imprisonment of three months, or both fine and imprisonment in the discretion of the court.
(b) Any architect or engineer who recommends to any project owner the award of a contract to anyone known by such architect or engineer not to be properly licensed under this chapter shall be subject to such penalties as provided in subsection (a) of this Code section and also to any appropriate disciplinary action by the appropriate division.
(c) Except as otherwise provided in this Code section, any person who violates any provision of this chapter shall be guilty of a misdemeanor.

43-41-13.
Whenever it appears to the board or either division of the board that any person, whether an individual or a business organization, or both, is violating any of the provisions of this chapter or of the rules and regulations of the board or either division promulgated under this chapter, the board or division may apply to the superior court of the county in which such individual resides or business is located for a restraining order and injunction to restrain the violation, and the superior court shall have jurisdiction to grant the requested relief, irrespective of whether criminal prosecution has been instituted or administrative sanctions have been imposed by reason of the violation.

43-41-14.
Any person, whether an individual or a business organization acting through a qualifying agent, intending to perform work as a residential or general contractor, upon making application to the building inspector or such other authority of any incorporated municipality or county in this state charged with the duty of issuing building or other permits for contemplated construction work requiring performance by either a licensed residential contractor or a licensed general contractor shall, before being entitled to the issuance of such permit, furnish to such inspector or authority, personally or through his or her authorized agent specifically designated to act on his or her behalf in a sworn written document submitted contemporaneously or previously submitted and maintained by such inspector or authority, his or her residential contractor or general contractor license number and the identity of any business organization for which such applicant is serving as qualifying agent that is undertaking or contracting as a residential contractor or a general contractor to construct or manage the construction. It shall be unlawful for any such building inspector or other authority to issue or allow the issuance of such building permit unless the applicant has furnished his or her residential contractor or general contractor license number and the identity of any such business organization relative to performance of the work for which a permit has been applied. A building inspector or other authority shall issue such building permit under the terms of this Code section to any person, including an individual licensee acting on his or her own behalf or a licensee acting as a qualifying agent for a business organization and such business organization, upon evidence reasonably establishing that such person is duly licensed as a residential or general contractor under this chapter, either individually or as a business organization acting under a duly licensed qualifying agent. Any building inspector or other such authority that issues a building permit to a person known by

such building inspector or authority not to be properly licensed under this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $500.00.

43-41-15.

If an incomplete contract exists at the time of death of a residential or general contractor, where the licensed contractor performing the work under such contract is an individual person and not a business organization acting through a qualifying agent for such organization, the contract may be completed by any person affiliated with the contractor as a co-owner, partner, employee, relative, heir, successor, or assign, even though not licensed under this chapter, subject to the terms of this Code section. Such person shall notify the appropriate division of the board within 30 days after the death of such contractor of such death and of his or her name and address, knowledge of the contract, and ability technically and financially to complete it. Such person may continue with performance of the contract pending approval by the division. If the division approves, he or she may proceed with the contract to completion. If the division does not approve completion by such person, due to a determination that he or she does not have sufficient knowledge, expertise, or financial or other required resources, the division shall give prompt written notice to the person, including the reasons for such rejection, and such person shall promptly upon receipt of such notice cease further performance of the contract. If the owner engages another person under a new contract to complete the remaining work under the original contract, such other party must be a contractor duly licensed under this chapter to perform such work. For purposes of this Code section, an incomplete contract is one which has been awarded to or entered into by the contractor before his or her death or on which he or she was the low bidder and the contract is subsequently awarded to him or her, regardless of whether any actual work has commenced under the contract before the contractor's death. If an incomplete contract exists at the time of death of a sole qualifying agent of a residential contractor or a general contractor, where the contractor is a business organization licensed only under such individual as its qualifying agent, then the contractor shall proceed as provided under paragraph (1) of subsection (e) of Code Section 43-41-9.

43-41-16.

(a) The board shall have the authority to refuse to grant a license to an applicant or to revoke the license of a person licensed by the board or to discipline a person licensed by the board upon a finding by a majority of the board that the applicant or licensee has committed any of the following acts:

(1) Obtaining a license by fraud or misrepresentation or otherwise knowingly giving false or forged evidence to the board or its divisions;

(2) Being convicted or found guilty of or entering a plea of guilty or nolo contendere to a criminal act constituting a felony in any jurisdiction which directly relates to the practice of residential or general contracting or the ability to practice contracting;

(3) Performing any act which assists a person or entity in the prohibited unlicensed practice of contracting if the licensee knows or has reasonable grounds to know that the person or entity is unlicensed;

(4) Knowingly combining or conspiring with an unlicensed person by allowing his or her

license to be used with the intent to evade the provisions of this chapter. When an individual license holder allows his or her license to be used to qualify one or more business organizations, including where such qualifying agent for a person engaged in general contracting does not actually possess and exercise the power and authority required of a qualifying agent under paragraph (7) of Code Section 43-41-2 and Code Section 43-41-9, such act constitutes prima-facie evidence of an intent to evade the provisions of this chapter;
(5) Failing in any material respect to comply with the provisions of this chapter or violating a rule, regulation, or lawful order of the board or its divisions;
(6) Abandoning a construction project in which the contractor who is the individual license holder or a business organization for whom the license holder is a qualifying agent is engaged or under contract as a residential or general contractor. A project may be presumed abandoned after 90 days if the contractor has ceased work on or terminated performance on the project without just cause and without proper notification to the owner, including the reason for the termination, cessation, or abandonment;
(7) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; knowingly and falsely indicating by written statement issued to the owner that payment has been made for all subcontracted work, labor, and materials and for all materials furnished and installed which statement is reasonably relied upon and actually results in a financial loss to the owner; or falsely indicating that workers´ compensation and general liability insurance are provided;
(8) Committing fraud or deceit in the practice of contracting, including falsely advertising, representing, or holding himself or herself or an affiliated business organization out as having a valid and current license under this chapter;
(9) Committing gross negligence, repeated or persistent negligence, or negligence resulting in a significant danger to life or property;
(10) Proceeding on any job without obtaining applicable local building permits and inspections;
(11) Using or attempting to use a license that has expired or has been suspended or revoked;
(12) Knowingly or intentionally engaging any subcontractor to perform work within the scope of the general or residential construction contract which requires a license under Chapter 14 of this title who does not possess a current and valid license for such work; or
(13) Failing to satisfy within a reasonable time the terms of a final civil judgment obtained against the licensee or the business organization qualified by the licensee relating to the practice of the licensee´s profession.
(b) The appropriate division may take any one or more of the following actions against any license holder found by the division to have committed any one or more of the acts listed in subsection (a) of this Code section:
(1) Place the license holder on probation or reprimand the license holder;
(2) Revoke a license, including the license of a person as an individual as well as that of a qualifying agent of a business organization together with the interest of the business organization qualified thereby in such license; suspend such a license for a stated period of time not exceeding one year; or deny the issuance or renewal of the license;
(3) Require financial restitution to a consumer for financial harm directly related to a violation of a provision of this chapter;
(4) Impose an administrative fine not to exceed $5,000.00 for each violation;

(5) Require continuing education; or
(6) Assess costs associated with the investigation and prosecution.
(c) In determining penalties in any final order of the board or a division, the board or division shall follow the penalty guidelines established by the board's or division's rules and regulations.
(d) The board or a division may assess interest or penalties on all fines imposed under this chapter against any person or business organization which has not paid the imposed fine by the due date established by rule, regulation, or final order.
(e) If the board or a division finds any contractor has violated the provisions of this chapter, the board or division may as a part of its disciplinary action require such contractor to obtain continuing education in the areas of contracting affected by such violation.

43-41-17.
(a) The licensing requirements imposed by this chapter and the sanctions and consequences relating thereto shall not become effective and enforceable until two years after the effective date of this chapter. On and after such date, no person, whether an individual or a business organization, shall have the right to engage in the business of residential contracting or general contracting without a current, valid residential contractor license or general contractor license, respectively, issued by the division under this chapter or, in the case of a business organization, unless such business organization shall have a qualifying agent as provided in this chapter holding such a current, valid residential contractor or general contractor license on behalf of such organization issued to such qualifying agent as provided in this chapter. Notwithstanding the foregoing, persons seeking licensure under this chapter and exemption from examination under paragraphs (1) and (2) of subsection (a) of Code Section 43-41-8 shall submit their applications, including all necessary proof of the basis of exemption from examination for such license, starting one year after the effective date of this chapter. The period for submission of such applications and requests for exemption from the examination requirements shall extend thereafter for a period of six months. Furthermore, notwithstanding the foregoing, any person seeking licensure under this chapter and exemption from examination under paragraph (3) of subsection (a) of Code Section 43-41-8 may submit his or her application, including all necessary proof of the basis of such exemption starting 18 months after the effective date of this chapter and continuing thereafter.
(b) As a matter of public policy, any contract entered into two or more years after the effective date of this chapter for the performance of work for which a residential contractor or general contractor license is required by this chapter and which is between an owner and a contractor who does not have a valid and current license required for such work in accordance with this chapter shall be unenforceable in law or in equity by the unlicensed contractor. For purposes of this subsection, a contractor shall be considered unlicensed only if the contractor was unlicensed on the effective date of the original contract for the work, if stated therein, or, if not stated, the date the last party to the contract executed such contract, if stated therein. If the contract does not establish such a date, the contractor shall be considered unlicensed only if the contractor was unlicensed on the first date upon which the contractor provided labor, services, or materials under the contract. Notwithstanding any other provision of law to the contrary, if a contract is rendered unenforceable under this

subsection, no lien or bond claim shall exist in favor of the unlicensed contractor for any labor, services, or materials provided under the contract or any amendment thereto. This subsection shall not affect the rights of parties other than the unlicensed contractor to enforce contract, lien, or bond remedies. This subsection shall not affect the obligations of a surety that has provided a bond on behalf of an unlicensed contractor. It shall not be a defense to any claim on a bond or indemnity agreement that the principal or indemnitor is unlicensed for purposes of this subsection.
(c) Any person who holds a license issued under this chapter may engage in the business of residential or general contracting, but only as prescribed by the license, throughout the state and no municipality or county may require any such person licensed under this chapter to comply with any additional licensing requirements imposed by such municipality or county relative to the performance of construction work subject to the licensing requirements under this chapter.
(d) Any person qualified by the Department of Transportation to perform construction work on roads, streets, bridges, highways, or railroads, and services incidental thereto, for the department shall not be required to be licensed under this chapter in order to perform work for the department. The general contractor division of the board, in agreement with the Department of Transportation, shall, by rule, define 'services incidental thereto' for the purposes of this subsection only.
(e) Nothing in this chapter shall prevent any person holding a valid license issued by the State Construction Industry Licensing Board, or any division thereof, pursuant to Chapter 14 of this title from performing any work defined in the Code sections under which the license held by said person was issued. Furthermore, nothing in this chapter shall preclude a person licensed under Chapter 14 of this title to perform plumbing, conditioned air contracting, utility contracting, electrical contracting, or low-voltage contracting from offering to perform, performing, engaging in, or contracting to engage in the performance of construction work or services directly with an owner, which work or services would otherwise require a general contractor license under this chapter, where the total scope of the work to be performed is predominantly of the type for which such contractor is duly licensed to perform under Chapter 14 of this title such that any other work involved is incidental to and an integral part of the work performed within the scope of such license under said chapter and does not exceed the greater of $10,000.00 or 25 percent of the total value at the time of contracting of the work to be performed; provided, however, that such contractor may not delegate or assign the responsibility to directly supervise and manage the performance of such other work to a person unless such person is licensed under this chapter and the work being performed by such person is within the scope of that person's license.
(f) Nothing in this chapter shall preclude a specialty contractor from offering or contracting to perform or undertaking or performing for an owner limited, specialty, or specific trade contractor work, which does not entail the delegation or assignment to or engagement of any other person or entity, other than direct employees, to supervise, manage, or oversee the performance of any portion of the work undertaken. However, nothing in this chapter shall permit a specialty contractor to perform work falling within the licensing requirements of Chapter 14 of this title where such specialty contractor is not duly licensed under such chapter to perform such work.
(g) Nothing in this chapter shall preclude a person from offering or contracting to perform or

undertaking or performing for an owner repair work, provided that the person performing the repair work discloses to the owner that such person does not hold a license under this chapter and provided, further, that such work does not affect the structural integrity of the real property.

(h) Nothing in this chapter shall preclude any person from constructing a building or structure on real property owned by such person which is intended upon completion for use or occupancy solely by that person and his or her family, firm, or corporation and its employees, and not for use by the general public and not offered for sale or lease. In so doing, such person may act as his or her own contractor personally providing direct supervision and management of all work not performed by licensed contractors. However, if, under this subsection, the person or his or her family, firm, or corporation has previously sold or transferred a building or structure which had been constructed by such person acting without a licensed residential or general contractor within the prior 24 month period, starting from the date on which a certificate of occupancy was issued for such building or structure, then such person may not, under this subsection, construct another separate building or structure without having first obtained on his or her own behalf an appropriate residential or general contractor license or having engaged such a duly licensed contractor to perform such work to the extent required under this chapter, or it shall be presumed that the person, firm, or corporation did not intend such building solely for occupancy by that person and his or her family, firm, or corporation. Further, such person may not delegate the responsibility to directly supervise and manage all or any part of the work relating thereto to any other person unless that person is licensed under this chapter and the work being performed is within the scope of that person's license. In any event, however, all such work must be done in conformity with all other applicable provisions of this title, the rules and regulations of the board and division involved, and any applicable county or municipal resolutions, ordinances, codes, permitting, or inspection requirements.

(i) Nothing in this chapter shall preclude an architect licensed pursuant to Chapter 4 of this title or an engineer registered pursuant to Chapter 15 of this title from performing work or providing services within the scope of his or her registration for the practice of architecture or license for practicing engineering.

(j) Nothing in this chapter shall preclude an architect licensed pursuant to Chapter 4 of this title or an engineer licensed pursuant to Chapter 15 of this title from offering to perform or offering or rendering design-build services to an owner; provided, however, that such offer or contract shall clearly indicate at the time of such offer or contract that all services of a general contractor incident to the design-build performance shall be performed by a duly licensed general contractor in compliance with other provisions of this chapter and that all services so offered or provided falling within the scope of the licensing requirements of this chapter are offered and rendered by a licensed general contractor in accordance with this chapter.

(k) Nothing in this chapter shall apply to the construction, alteration, or repair of buildings classified as an agricultural occupancy or that are used for agricultural storage or agricultural purposes."

SECTION 2.

This Act shall become effective only upon the effective date of an appropriation of funds for the purposes of this Act as expressed in a line item making specific reference to the full funding of this Act in an appropriations Act enacted by the General Assembly.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

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PEACHTREE CITY
PLAN TO STAY™

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November 23, 2004

The Honorable Virgil Fludd
Georgia State Representative
P. O. Box 125
Fayetteville, GA 30214

Dear Repre~~sentative Fludd:~~ Virgil!

In the 2004 General Assembly, HB 1003 was passed to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses to create the State Licensing Board for Residential and General Contractors. To-date, the licensing board has not been implemented.

The need to protect the public is great as some homebuyers are finding themselves in a situation where they are confronted with a defective product and a contractor that can simply file for bankruptcy, start another corporation and continue building homes. At our December 2, 2004, (7:00 p.m.), City Council meeting, we will have a local homebuyer, Mrs. Lynn Fedor, coming forward to discuss her unfortunate homebuilding experience. She will be expressing her desire for our City Council to support an effort to move the State into action by implementing the State Licensing Board. You are invited to attend our meeting to hear firsthand what some consumers are forced to endure without proper safeguards.

As you know, purchasing a home is one of the largest investments that most families will make. A major concern is that contractors are now allowed to build without providing adequate liability coverage to cover a major structural failure. If certain contractors are consistently leaving consumers with a compromised product and no means of adequate relief, they should not be allowed a license and the privilege of building homes in our state.

Thank you giving this matter your attention.

Sincerely,

Stephen D. Brown
Mayor

SDB:gr

cc: Fayette Legislative Delegation
Peachtree City Council
City Manager

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

FROM: **City Planner/ Zoning Administrator** David

VIA: **City Manager**
Developmental Services Director

DATE: **November 23, 2004**

SUBJECT: **Amendments to Section 804. Cart path design standards**
December 2, 2004 City Council agenda

Recommendation:

Staff recommends that City Council adopt the proposed amendments to Section 804 Cart path design standards, which would increase the standard width for new cart path construction from a minimum of 8' to 9' as well as identify paving specifications, shoulder width and clearance zones for new cart path construction

Discussion

The City's multi-use path system has been in place for many years and continues to expand each year. Our existing path system ranges in width from less than four feet to the current standard of eight feet in width. As the number of users on the path system increases each year, there are many areas where there is simply not enough room for two golf carts to pass comfortably on these paths, or where the width of the paths provide a conflict between golf carts, pedestrians, joggers and/ or bicyclists.

Within their Guide for the Development of Bicycle Facilities (1999 Edition), the American Association of State Highway Transportation Officials (AASHTO) recommends *"Under most conditions, a recommended paved width for a two-directional shared use path is 3.0 m (10 feet). In rare instances, a reduced width of 2.4 m (8 feet) can be adequate."* Additionally, AASHTO recommends a two (2) foot wide graded shoulder on either side of the path.

Each of the grants the City has received for the construction of multi-use paths requires that the paths be designed to meet current AASHTO standards. With the pending improvements to the overall path system in the planning stages, it may be appropriate to implement standard details for paving widths, shoulders, signage, pavement markings, etc. to bring the entire path system up to AASHTO standards.

If desired, this information can be easily assembled and presented to Council at a future date along with additional recommendations for enhancing our existing cart path design standards ordinance.

Budget impact:
There are no budget impacts associated with this request other than codification requirements.

Attachment

Ordinance Number ______

AN ORDINANCE TO AMEND ARTICLE XIII, SECTION 804, OF THE PEACHTREE CITY ZONING ORDINANCE SPECIFICALLY TO MODIFY THE DESIGN STANDARDS FOR NEW CART PATHS, INCLUDING AN INCREASE IN THE MINIMUM WIDTH FOR NEW PATH CONSTRUCTION, AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 804(b) relating to the width requirements for new cart paths be amended as follows:

Sec. 804. Cart path design standards.

When required by the planning commission, cart paths shall be installed by the developer and shall comply to the following standards:

(a) The alignment of the path shall conform to the general plan for the area or as directed by the planning commission. The path shall be located a minimum of four feet from any property line except where located on an easement for access to a street or where unique topographical features warrant such location. Such locations must be noted on the **conceptual site plan or the** preliminary plat.

(b) ~~The paths shall be constructed in accordance with the standards adopted by the City of Peachtree City. (Detachment 1. Design Standards)~~

All new cart paths shall be constructed at a minimum of nine (9) feet in width, and shall be constructed of 2" Type "F" asphalt over a 4" compacted, aggregate base. The aggregate base shall extend a minimum of 24" on either side of the cart path. A clearance zone measuring four feet (4') in width x eight feet (8') in height shall be provided and maintained as measured from the edge of the path (A detail of these path standards is found within Attachment 1. Design Standards).

(c) Where existing ground conditions require cross drainage under paths, the pipe size and alignment of the culverts shall be directed by the city engineer.

(d) After the paving is complete, the paths shall be inspected by the city engineer and any defects noted and the developer so notified of the deficiencies. Grassing and backfilling the edges of the path shall be included within the specifications.

(e) Easements for cart paths shall be ~~16~~ (20) feet in width as a minimum.

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

Done, Ratified, and Passed this ______ day of __________ 2004.

____
Stephen D. Brown, Mayor

____

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____

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Attest: ______________________________
City Clerk