

City Council of Peachtree City
Meeting Summary
November 16, 2000
7:00 p.m.

- I. Pledge of Allegiance
 - Recognize Luther Holt and the Recreation Department for receiving GRPA award
 - Ron Ryan, Peachtree Golf Cart, to donate a golf cart to the Recreation Department.
- II. Announcements, Awards, Special Recognition
- III. Minutes – November 2, 2000
- IV. Consent Agenda – **approved 5-0**
 - 1. Design Contract, Landscaping Leach Fire Station
 - 2. Consider Funding and Bid for Ladder Truck
- V. Old Agenda Items
 - 11-00-01 Consider Alcohol License – The Dark Horse Pub, 288 N Highway 74 - **Tabled**
 - 11-00-03 Public Hearing – Rezoning – Lexington Commons - **tabled**
 - 11-00-04 Discussion of City Council Meeting Rules and Procedures – **no action**
 - 11-00-05 Consider Term-Limits for Commission/Authorities - **no action**
 - 11-00-06 Consider City Flag - **remanded to Recreation Commission to organize a design contest. 5-0**
 - 11-00-07 Discuss Televising City Council Meetings - **staff to evaluate cost, city attorney to evaluate legality of corporate sponsorship, recommendations to Council on January 4, 2001. 5-0**
- VI. New Agenda Items
 - 11-00-08 Recommendation to Provide Site for Field of Hope – **approved 5-0**
 - 11-00-09 Public Hearing – Variance – Lot 11, North Cove - **tabled**
 - 11-00-10 Fayette County Transportation Alliance Discussion – **staff to evaluate**
 - 11-00-11 Jail Impact Fees – Capital Improvement Element, Resolution, and Intergovernmental Agreement – **approved 5-0**
- VII. Council/Staff Topics
- VIII. Executive Session – discussed personnel and legal matters

Councilmembers present: Mayor Bob Lenox, Bob Brooks, Annie McMenamin, Carol Fritz and Dan Tennant.

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Notice: This agenda is subject to change up to 24-hours prior to the meeting.

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News Release

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City Council of Peachtree City
Minutes of Meeting
November 2, 2000
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, November 2, 2000, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert Lenox led those attending in the pledge of allegiance. Other Council members present were: Annie McMenamin, Carol Fritz, Bob Brooks and Dan Tennant.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

There were no announcements.

MINUTES

McMenamin made a motion to approve the minutes of the October 19, 2000, meeting as presented. Fritz seconded the motion. Motion carried with Tennant abstaining.

CONSENT AGENDA

There were no consent agenda items.

OLD AGENDA ITEMS

08-00-05 Consider Appeal – Wal-Mart - Conceptual Site Plan – approved 3-2 with McMenamin and Tennant opposing

Mayor Lenox explained that this item was a continuation of an appeal that was begun in August by Ram Development and Wal-Mart. He said the appeal concerned a decision rendered by the Planning Commission at its meeting on July 24, 2000. Lenox said the item was not a public hearing, but he would accept citizen comments. He said it was important to note that the City did not have an ordinance to control big box stores like Wal-Mart, Home Depot and Target, and the appeal was not a question of whether or not a Wal-Mart could be built, but a question of when. He explained that the appeal centered around one issue, whether or not the Wal-Mart could be built now and comply with Peachtree City's traffic ordinance. He asked that all comments from the public address the subject of the appeal, and he explained that the next agenda item would give them an opportunity to discuss a proposed ordinance to regulate big boxes. Lenox asked Jim Williams, Director of Developmental Services, to review the issue.

Williams explained that on July 24, 2000, the Planning Commission denied the Wal-Mart Site plan based on recommendations from the City's traffic engineer that the plan did not comply with the traffic impact ordinance. Williams explained that since that time the applicant's traffic engineers and attorney met with the City's traffic engineers and attorney to figure out some way to bring the Wal-Mart project into compliance. Williams noted that the City's traffic ordinance required such a mediation process. He said the City's traffic

engineer concluded that with a series of projects being constructed on Highway 54 and Highway 74, that it would be possible for the Wal-Mart store, Home Depot store and the John Wieland Project that was recently rezoned on the Katz property, to comply with the traffic impact ordinance. Williams explained that the improvements were as follows:

1. On the southbound S.R. 74 approach to S.R. 54 re-stripe the existing right-turn lane as a through lane and provide an additional right turn lane. The new right turn lane provides storage for 250 feet plus an appropriate taper.
2. Continue the southbound S.R. 74 through lane south of the S.R. 54 intersection to the right turn lane at Clover Reach North. (-600').
3. On the eastbound S.R. 54 approach to S.R. 74, provide a second left turn lane. The resulting dual left turn lanes shall have a minimum storage of 200 feet plus an appropriate taper.
4. At the intersection of S.R. 54 and Huddleston Road, build a westbound by-pass lane. Continue a second through lane on westbound S.R. 54 beginning at Huddleston Road and ending into the right turn lane to Wynnmeade Parkway.
5. Add a right turn lane on eastbound S.R. 54 at its intersection with Huddleston Road. The length of the right turn lane should be 300 feet from the intersection.
6. Install a traffic signal at the S. R. 54 intersection with Planterra Way/Home Depot main driveway and interconnect it with the signals at Huddleston Road and Mac Duff Parkway.
7. At the Home Depot entrance, provide the following geometry:
 - Eastbound S.R. 54: 1 right turn lane (150 feet), 1 through lane, 1 left turn lane (150 feet)
 - Westbound S.R. 54: 1 right turn lane (150 feet), 2 through lanes, 1 left turn lane (150 feet)
 - Home Depot and Planterra Way approaches: 1 shared through/right turn lane and 1 left turn lane
8. Exclusive westbound right turn lanes at all existing site driveways on S.R. 54 from Planterra Way to Mac Duff Parkway.
9. Existing westbound right turn lane at MacDuff Parkway shall be maintained.

It was estimated that the improvements would cost \$800,000. Williams suggested that the following conditions be placed on the development:

1. The developer must agree to make the improvements as described above.
2. The developer must obtain a DOT permit for such improvements.
3. The improvements must be completed before the city will issue a Certificate of Occupancy.
4. None of the undeveloped commercial parcels in the 54 Corridor between Wynnmeade and the Line Creek Church would be developed until the highway improvements were made or until something spectacular could be done to alleviate the traffic situation.
5. The developer must reimburse the City for all expenses incurred in the past three months for the traffic engineer to review the plans.

McMenamin expressed concerns that Highway 54 could not accommodate the current traffic and that once it was widened the proposed improvements would disappear. She asked what recourse the City would have in the future to require Home Depot and Wal-Mart to continue to comply with the traffic ordinance.

Williams said their obligation to comply with the traffic ordinance would end after the installation of the proposed improvements. He said future traffic conditions would be the responsibility of the Department of Transportation (DOT.)

McMenamin said the matter disturbed her. She asked what could be done during the widening of Highway 54 to keep traffic moving. Williams said there was no such thing as a construction project on the highway that was not painful. McMenamin said the highway construction would be painful even if Wal-mart was not constructed.

Lenox said most of the improvements would be incorporated into the widening project. He said the \$800,000 would not be wasted, it would provide a savings for DOT. He said the widening of the highway would be a painful process under any circumstances. He felt the only mitigating factor was the City's ability to complete the extension of Crosstown Road into Coweta County before the Highway 54 widening project began.

Williams said that three nationally recognized firms have emphatically stated that if Home Depot and Wal-Mart were not developed and no improvements were made to the highway the traffic conditions would absolutely be intolerable; however, if they are developed and the improvements are put in the traffic conditions would be immensely better 22-hours a day and at least as good as they are right now or better for the remaining 2-hours a day.

Tennant asked about the proposed traffic signal at Planterra Way. He said many residents of the subdivision did not want a road and traffic signal across from their subdivision to allow through traffic.

Williams said that DOT engineers at all levels felt that any modifications to the intersection design would be dangerous. He said the DOT Commissioner agreed to look at it and see what could be done and that he understood the reason why the city had concerns.

Lenox said the City had delivered a letter from him to the Commissioner advising him of the situation. Lenox said the city's proposal to modify that intersection completely violated DOT design standards and the issue has been taken as far as it could because he did not think the Governor was interested. Lenox said he had met with the DOT Commissioner and spent 10-minutes discussing the issue with him. He also said State Representative Cathy Cox attended the meeting. Lenox expected a response from the Commission within the next two to four weeks.

Lenox asked if anyone from the audience had any questions or comments about the appeal.

Willis Granger, 39 Dover Trail and previous Planning Commissioner, said that the Planning Commission's single overriding factor for denying the site plan was that the traffic engineer advised them that as long as the railroad bridge was two lanes there was no way the development could meet the traffic ordinance. He said the Planning Commission was presented with the same improvements when the site plan was denied, and he was amazed that there is still a two-lane bridge over the railroad track, and the traffic engineer is now recommending approval. He said there was also a two-lane bridge over Line Creek, and he could not understand how the traffic would move into these lanes in less than half of a mile. He said that in July the traffic engineer was emphatic that the development could not meet the requirements of the traffic ordinance if the bridge continued to only have two lanes.

Lenox said that two nationally recognized firms worked for months to comply with the ordinance, and he would consider himself a fool if he spent money to rely on those firms and then intuitively said they must be wrong. He said they have studied the matter and it was not the same set of improvements that were presented to the Planning Commission.

Skip Mason, 516 Golfview Drive, said that if it was not question of if but when the development could be constructed, and everyone agreed that every highway widening would be painful, it only made sense that the development would make it more painful. He said it does not take a rocket scientist to figure out that if you have a two-lane bridge, it does not matter how many lanes are before or after it, eventually it would have to come down to one lane in each direction. He said it was intuitive that the development should not proceed until the traffic situation was taken care of. Any additional development would merely exasperate the traffic problems associated with the widening of Highway 54, which was admittedly and agreeably going to be painful.

Jerry Rizillo, property manager at Ridgelake Condominiums, felt that Peachtree City was beautiful and pristine but that it would be torn asunder because it was facing the same problems as the City of Atlanta. He asked if the Police and Fire Departments were consulted about the situation. He expressed concerns about public safety service and response times.

Steve Brown, 148 Terrane Ridge, said Jim Williams had instructed the Planning Commission to deny the site plan strictly because it did not meet the traffic ordinance. Brown said he immediately felt the matter was "fixed" because there was more than one reason to deny the site plan. He said traffic was not the only problem associated with big box stores. He felt the development should have been introduced under limited use commercial zoning in the first place because none of the other zoning ordinances addressed a single entity development as large as 220,000 square feet. Brown felt it was a shame that the City Attorney, Rick Lindsey, was not present to explain his reasoning.

Fritz said she was present at the Planning Commission meeting and that was not how she remembered the event. She said Lindsey did not instruct anyone to deny the site plan strictly based on the traffic ordinance.

Lenox said he appreciated Brown's input on many subjects, but he said Brown was presenting misinformation about this topic. Brown said he got his information from the minutes of the meeting. Lenox understood that, but said there was nothing in the state law or city ordinances that would allow the City to legally deny Home Depot and Wal-Mart the right to build, except for the traffic ordinance, which was untested but he believed was fully defensible.

Frank Hyde, 1123 Hip Pocket Road, was in favor of the Wal-mart store. He felt it would save him time and money because he would not have to drive to Fayetteville or Newnan to purchase his prescription medicine.

Steve Fritz 510 Golfview Drive, asked Mayor Lenox to reiterate the time frame for widening the bridge.

Lenox said if the federal government had not prohibited the Atlanta region from widening any roads for the last 2 ½ years, Highway 54 would haven been just about complete. He said they learned several things at the meeting last week. All of the preliminary engineering on the road has been complete and they are ready to begin acquiring right-of-way. He felt that it would take approximately 12 months to acquire the right-of-way instead of 18 months. He said thereafter, the city could expect a time frame of 18-24 months to build the road. So, Lenox said the construction plans for the Atlanta Region had been approved at every level, including the federal government, but there was an obscure environmental group threatening to file lawsuits to once again stop construction. He said negotiations were going on with that environmental group, but in the meantime the government has asked that the DOT not progress any projects to the next stage for 45 days. So, Lenox anticipated that in two to three weeks there would either be another lawsuit filed or the situation would be resolved. He said that the DOT Commissioner made the statement that there were very few priorities in the State of Georgia that are as high as the widening of Highway 54 west.

Ms. Ogiltree, Saint Simons Cove, said she has worked for Wal-mart in the Highway Department for many years. She said if the federal government was going to pay to widen Highway 54, then there was nothing anyone can do. But, she said if the City would allow Wal-mart to take care of the traffic problem they would do it. She said she has seen them do so time and time again.

Lenox said the total cost to widen Highway 54 from Highway 74 to Dr. Fisher Road was approximately \$6 million. He said that cost included preliminary engineering, design, right-of-way acquisition and construction. He said those improvements that had been extracted from Home Depot and Wal-Mart were going to cost approximately \$800,000, and were independent of DOT's construction cost.

Robert Brown, 102 Planterra Way, said he was a member of the traffic study group that reviewed the traffic problems at Home Depot. He said they had first proposed a number of traffic improvements and sometime after that the developers tried to allege the improvements also applied to Wal-mart. He said some of the improvements mentioned

earlier were proposed for Home Depot. In particular, they proposed the widening of Highway 74 South and adding a through-lane and right-turn lane at the Highway 54/74 intersection. Now, he said Wal-mart was proposing improvements that have already been approved and agreed to be funded by the developer of Home Depot.

Lenox said Home Depot had agreed to provide \$500,000 of improvement, and the additional improvements to accommodate Wal-Mart had driven that figure up to \$800,000. Brown understood that Wal-mart was proposing an additional \$300,000 worth of improvements in addition to what was agreed upon by Home Depot. He said he did not object to a Wal-Mart in Peachtree City, but he objected to the location. He was also concerned about the change in the opinion of the traffic engineer because, as Mr. Granger stated earlier, the traffic engineer emphatically stated there was no way that Wal-Mart could meet the traffic ordinance until more lanes were added across the railroad tracks. He said it would have been nice to have the traffic engineer attend the meeting so he could explain how he changed his opinion. He said the Fire Chief was quoted in the paper stating that response times to access the westside of Peachtree City was higher than the rest of the city. He felt if traffic problems continue to increase, response times would also continue to increase. He also felt that big box stores increased crime in the area. He said the last construction plans he reviewed from the DOT had a median on Highway 54 similar to what was in place on Highway 74. He said all of the traffic engineers said the traffic would be intolerable without the developments, and he felt it was intuitive that it would get worse. He asked if the traffic restrictions at the Planterra intersection were not approved, would the City commit to increase the police presence in the subdivision to decrease the drive through speeders going to the south end of Peachtree City and the industrial area.

Lenox said the primary reason traffic engineers concluded that the improvements could be constructed and allow the development to be in compliance was the idea of the uninterrupted through lane. He also said the plans have changed since Brown last reviewed them. And, he said the City had consistently committed to do whatever was necessary to resolve any cut through traffic problems in Planterra Subdivision. He asked Chief Lohr to address the issue of response times.

Stoney Lohr, Acting Fire Chief, said it does take longer get to the west side of Peachtree City, but the higher response times were a result of the characteristics of the road. He said the narrow shoulders were not suitable for people to drive on, which meant traffic could not get out of the way and emergency vehicles could not drive around them. He also said there was no place to work on the side of the road during accidents. He said the bottom line was that even with an increase in traffic their response times would probably be as good as it is now and possibly better with the improvements made by Home Depot and Wal-Mart.

McMenamin asked Lohr the average time for emergency vehicles to wait for trains on Paschal Road and what was procedure. He said trains had blocked them periodically, but not often. He anticipated the delay would be 30 seconds to a minute. He said depending on the situation, they could take an alternate route or bring in another vehicle from somewhere else. He noted that vehicles were not always in the station and may be

responding from somewhere else.

Todd Strickland, resident, said the traffic ordinance was not a high standard and needed to be improved. He felt the standard should be raised from "E" level. He asked if the improvements suggested by Home Depot and Wal-mart would be restricted due to the environmental group's lawsuit.

Lenox said he specially verified the answer to that question on numerous occasions and the answer was no.

George Cadel, previous member of the Annexation Task Force Committee, said the traffic engineers specially stated that Wal-mart could not comply with the Traffic Impact Ordinance. He asked how the through lane would work over the two-lane at the railroad tracks.

Rob Rothly, 809 Teal Vista, felt that it was the City's responsibility to ensure the passage of its citizens through the corridor on a timely basis, regardless of emergency situations. He also said his wife was recently cited by the GA State Patrol for crossing over yellow lines on Highway 54 heading east and turning left onto Highway 74. He asked if the traffic engineers took into account the legal passage of cars through the intersection. He encouraged Council to delay their decision and review the traffic model.

Lenox said the model was not designed to permit illegal movement of cars or speeding. He said one of the improvements would be to turn that lane into a dual left turn lane and lengthen it.

Rothly said another issue was the left turn lane into Planterra Ridge coming from the east. He said because there would be another lane merging, cars would not have much room. He felt the traffic light at that intersection would cause longer delays.

Brooks said Chief Lohr specifically stated that the Fire Department could get through quicker if the improvements were made.

McMenamin asked if engineers from Dames and Moore were present. Lenox said they were not instructed to attend the meeting.

John Dillihunt, 614 Tower Road, asked if the traffic study included the one thousand housing units that were to be developed in the area. He said the road was strained to capacity and that the City should not set their standards low enough to assure success. Lenox said the traffic model included the new housing units.

Kevin O'Keefe, 111 Nettelcure Court, expressed his concerns that many of the developments already approved were not yet constructed and he questioned their affect on the traffic study.

John Steward, 620 Golfview Drive, sympathized with the residents of Planterra Subdivision

and noted that it was difficult to enforce speed limits. He said people would cut through their subdivision and they would speed. He felt the quality of life for Planterra Residents should be considered.

Max Wong, 208 Bainberry Bend, shared his concerns about traffic. He noted that the traffic study was not completed during the Christmas season.

Skip Masing, 517 Golfview drive, did not think the traffic conditions would improve until the two-lane bridge was widened.

Doug Dillard, attorney for the applicant, said the proposed improvements met the requirements of the traffic ordinance, and while he still challenged the validity and constitutionality of the traffic ordinance, the applicant had worked to comply with it. He said he had over 30 years of practicing local government law, and he did not know of other city that had worked as diligently in an attempt to find a solution to a very complex problem. He said three traffic-engineering firms agreed that the proposed improvements would bring the development into compliance with the City's ordinance. He said those improvements were contained a letter from Mr. Lindsey to him, dated October 31st. Dillard asked that the improvements be spread about the minutes (see page 2 as reviewed by Mr. Williams.) He said the applicant agreed to make improvements in accordance with terms set out in Mr. Lindsey's letter. He said they would execute a development agreement if necessary, but he said the improvements were identified and drawn on engineering renderings and he asked that it also be included in the minutes. (See attachment 1) He said he met with Keith Rohling, DOT District Traffic Engineer who provided them with a letter dated November 2nd, which discussed the proposed improvements. (See attachment 2)

Lenox called for Council to debate the issue and render a decision.

Tennant did not support the appeal. He said Council received a memo dated October 25th from Jim Williams stating that the project did not meet the traffic impact ordinance. He said he had not had an opportunity to analyze the changes. He was dubious that after many months, a resolution was found in a period of a few days. He was cynical that the tangled and complicated series of improvements could work together and said he would like to see a graphic presentation. He was concerned about maximum efficiency, and he felt it was simply going to be unacceptable to have the two-lane bridge. He said the project may somehow comply with the traffic ordinance, but in his opinion it did not conform to the health, safety and welfare of the citizens, which was more important to him than Wal-Mart.

McMenamin did not support the appeal. She was disappointed that Dames and Moore was not present at the meeting to explain their position. She was astounded that they were not invited to the meeting and she felt Council should table the issue to allow them to present a demonstration. She also wanted an opportunity to research the actual conversations that had taken place in the past few months concerning the traffic impact ordinance and the bridge. She specifically remembered her position that she did not want to keep Wal-mart out of Peachtree City, but she wanted to ensure the property infrastructure was in place first. She said Peachtree City has always been built its infrastructure first and development

second. She said she has always maintained it would be unsafe to improve roads in any directions and continue to have a two-lane bridge. She said she was not an engineer, but she did not think anyone could tell her that when she initiated the discussion on the traffic ordinance that she was not talking about the two-lane bridge. She said the Huddleston family had every right to sell their property to develop it as zoned, as long as it met the City's development criteria. She said safety was the only issue and legal avenue the City had to protect the citizens of Peachtree City. She was still not convinced that safety vehicles could get to that area of the City in a timely manner to protect the safety of the citizens. She said she wanted dialogue and if the experts continue to tell her that she is wrong and that bridge has nothing to do with the traffic impact ordinance then she would be the first one to vote in favor of the appeal. She wanted to review the traffic model.

Lenox was in favor of the appeal. He said he had been completely steeped in the matter for months on end. He said his position at the beginning was that there no way it could be done. He said the Traffic Impact Ordinance was a legal question in its own right, but the whole question had been rendered academic for him by the events of the last two days. He said he has studied everything that had happened. He said the Traffic Impact Ordinance was the only basis for denying the site plan, but there were now three traffic engineering firms, including one hired and paid for by the City, telling anyone who would listen that the applicant has now complied with the Traffic Impact Ordinance. He said he also had concerns about safety, but the explanation Chief Lohr gave explained that response times might improve with the development. He said the issue was not about Wal-Mart, but about what a city can and cannot legally do, and what kind of judgments it is allowed to make. He said citizens were certainly free to picket or boycott, but the City could not legally be a part of that. He said citizens would have to organize that outside the Council Chambers because he it was not legal for the City to participate. He appreciated McMenamin's request to table the issue, but he could not take that same position because he had much more exposure to it as it developed. He was compelled to vote in favor of the appeal because he did not have a legal basis to do otherwise.

Brooks supported the appeal. He said that in a difficult circumstance, he had to rely on the experts. Three firms and the Fire Chief have told them that things would be better if the road improvements were made. He said it was an emotional issue, but there were ramifications from making ridiculous decisions. He said it was hard, and that it affected him, also. His family and employees travel through that area also, but he could only make his decision based on the facts.

Fritz was in favor of the appeal. She said she sat in on a couple of meetings with staff and the traffic engineer. She appreciated McMenamin desire to look at it further. She also expressed her disappointment that Dames and Moore was not asked to attend the meeting. But, she said it had been a long process and they looked at every avenue they could to delay the development. She said she did not want a Wal-mart in Peachtree City. She also said she understood that some of the information that was sent out to the public had them riding an initial wave of emotion. She said they had all been there, but the fact of the matter was that there were state and federal laws that had to be complied with. She said they had to rely on the experts that were hired, and that when three national firms say

it will work, she had to rely on the information given her. She said she would be very happy if Wal-mart would wait until the road was widened, but that was not her choice. She said they had a right to develop the land as it was zoned that there was no legal way to prevent them from doing so. She said the best that could be done would be to make the best of a rather unpleasant situation. She said the developer did not have to do all of the things they were asked to do.

McMenamin made a motion to table the issue until the next meeting so that Dames and Moore could be present to actually present the model and assure Council that it would work and to give her an opportunity to look at the discussion of the bridge. Tennant seconded the motion. Motion failed with Lenox, Brooks, and Fritz opposing.

Lenox made a motion to approve the Wal-mart appeal in accordance with the terms and conditions set forth by Mr. Lindsey and accepted by Mr. Dillard. Brooks seconded the motion. Tennant said there would be no turning back after the vote and suggested that Council err on the side of the citizens and take their chances in court. He said he would rather fight that battle than having a baby stillborn because an ambulance couldn't get through. Motion carried with McMenamin and Tennant opposing.

Lenox made a motion to take a ten-minute recess. Brooks seconded the motion. Motion carried unanimously.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fritz said Brown had sent her information about a Big Box Ordinance, and had made the comment that she did not respond, but in fact she had documentation that she did respond and that Brown told her not to take it to staff to review because they would mess it all up. She said she asked Brown to meet with her, but he acted like he did not know what she was talking about. She said she did not know what else to do if she could not talk to staff to see how it could be legally adopted as an ordinance. She said it just sat because Brown would not communicate with her. She asked him not to blame Council for not doing something sooner.

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

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

Tennant agreed with Lenox that there was not a conflict of interest for the City Attorney in this matter, but he felt Brown had a legitimate point about the appearance of impropriety.

He asked what constituted a vested interest. Brown was suspicious of the last minute addition to the preamble excluding the Pathways development. He said Home Depot had moved from that site and they no longer had a client for the property. He said after the City's intentions were announced at a Council meeting, Pathways threw a site plan together. He said City officials had commented that it was identical to the original Home Depot plan. He suggested that Pathway's submitted the original Home Depot site plan with a few erasure marks on it, and now their plans mysteriously mutated into two different projects.

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

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

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

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

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

Brooks felt the minutes would reflect Council's intentions about the conceptual site plans. Lenox said he felt Council all agreed that the ordinance would not apply to those tracts. Brooks felt all Council needed to do was to state their intentions. Lenox felt Dillard had a legitimate concern and that staff needed some direction. Brooks said that in as far as there was a conceptual site plan that was submitted, their immediate rights were protected during

a period of transition, but he also felt the City's rights should be protected if at some point and time those conceptual site plans were not acted upon and something different is proposed at a later date. Lenox agreed that valid conceptual plans had been submitted for both of the parcels in question and as long as that was the situation the ordinance would not apply to them. He said if that situation ceases to exist it would be a different story. He felt that was a clear statement of intent.

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

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

McMenamin seconded the motion. Motion carried unanimously.

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

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

08-00-10 Consider Employee Pay Plan – approved and appointed Lenox and Fritz to serve on Council committee to hear appeals and make recommendations to Council for final action. 5-0

Jim Basinger, City Manager, said the Pay Plan was tabled at the September 7, 2000, meeting to give employees time to appeal the ranking of their positions. He said the appeal process had been completed and a total of 30 employees appealed the ranking of 19 different positions. Basinger said the consultants conducted the appeal hearing with employees and their Directors/Chiefs on October 3. Of the 19 positions, changes were made to 11, including two title changes and six that were reclassified to a higher grade. Eight positions were determined by the consultants to be properly classified. Basinger said nine employees continued to have concerns about their positions and have asked for further evaluation. Basinger said the Director of Administrative Services, the Director of each employee, and he met with or responded to seven of the nine employees. He said one employee was ill and one was unavailable. The five positions that continued to be appealed were: City Clerk, Firefighter/Paramedic, Lt. EMT, Lt. Paramedic, and Fire Operations Captain. Basinger said he would forward staff recommendations to Council in

the next few days. He recommended that Mayor Lenox and possibly another member of Council review the recommendations to ensure staff has dealt fairly with the appeals. Basinger said even though final decisions had not been made on the five positions, he suggested that Council consider adopting the Pay Plan. Because of the delay attributed to the appeal process, employees were apprehensive about their increases and feared the Plan may be in jeopardy.

He asked Jane Miller, the City's Pay Plan Project Director, to cover some of the actions and associated costs in resolving some of the employee concerns, particularly in the area of compression and longevity. He said Phillip Robertson of the Mercer Group was also present to answer any technical questions about the plan or procedures used in developing the Plan.

Miller said that during numerous meetings with employees it became apparent that they had significant concerns about salary compression. She said employees with many years of service and those who had outstanding evaluations got a substantially less increase in pay than employee with less seniority. She recommended a modified slotting method to place employees on the pay scale and giving every employee who received an outstanding evaluation in the last two years a one step increase. She said the additional cost for this modification to implement the plan would be \$98,017. She said the cost was significant but it was beneficial for retention and morale issues.

Lenox said it was a legitimate and significant issue raised by quite a number of employees. He thanked staff for coming up with a way to be fair. He said he had spent much time on this subject and he commended staff for their efforts.

Jim Basinger said it was staff's recommendation that Council adopt the resolution to approve the Pay and Classification Plan and that the compression and longevity schedules be approved with an effective date of October 1, 2000. He said the total cost of implementation was \$560,067, of which \$493,977 was approved in the FY2001 budget. He said staff recommended the remaining \$66,190 be funded from savings resulting from vacancies during the fiscal year.

Fritz asked if the general issue of compression was resolved. Basinger said it was not perfect and there were a few employees who fell between the cracks. He said it was the best staff could come up with and there were employees who have expressed their dissatisfaction. Lenox said it was a difficult issue to address fairly. He said they talked at great length about it. He said he was personally willing to talk to any employees who still have unresolved issues. Basinger said there were five remaining appeals to consider. Brooks made a motion to accept the pay plan with action to be taken on the five appeal, and to approve the compression and longevity plans, and that additional funding for the plan come from savings due to position vacancies during the year. Fritz seconded the motion. Tennant asked how much the salary increases were due to outstanding evaluations compared to longevity. Basinger did not have an answer. Lenox briefly explained the evaluation process to Tennant. He said fully satisfactory employees received a one-step increase and outstanding employees received a two-step increase.

Basinger said as a general rule once employees achieved an outstanding evaluation, they generally continued to perform outstanding. He said the morale problems were a result of fully satisfactory employees catching up to outstanding employees on the pay scale.

Ron Mundy addressed Council. He congratulated staff and council for undertaking the study and he felt it was a long time coming. He said the plan had positive elements that brought about good changes for the employees of the city, but he said it was evident that there were problems based on the number of appeals. He said 5 of the 6 remaining appeals were from the Fire Department. He said staff had assured them that in the future consideration would be given because the fire service was different and difficult to fall into the factor system. He said employees were satisfied with some of the elements of the pay study but not completely satisfied or there would not be additional appeals. He hoped that with Mayor Lenox's commitment to be on the committee that they could get through those obstacles. He said future pay studies should have a separate application for public safety employees that would be more relative to the nature of their job.

Fritz asked to be appointed to the committee. Lenox called for a vote. Motion carried unanimously.

Basinger asked if the appeals would be brought to City Council for action or would the committee make the final decision. Lenox said it would not be fair for the committee to make the final decision. He suggested they review the appeals, meet with the employees and their supervisors and have a frank discussion about it. He said if they are able to arrive at a satisfactory conclusion that would be fine, but it was really council's ultimate decision and any unresolved issues would come back to Council. He said the committee would give them the opportunity to discuss the issue in a non-public venue. He said some of the issues were philosophical and needed to be discussed.

NEW AGENDA ITEMS

11-00-01 Consider Alcohol License – The Dark Horse Pub, 288 N Highway 74 – tabled

At the request of the applicant, Lenox made a motion to table this item until the next meeting. McMenamin seconded the motion. Motion carried unanimously.

11-00-02 Public Hearing – Rezoning – Summit Apartments – approved 5-0

Lenox called the hearing to order and explained that the City was the applicant for the proposed rezoning in accordance with a development agreement. Jim Williams said that when the development agreement for the Summit apartments was executed they were required to do two things, to meet a density requirement with their site plan and to rezone the property to its appropriate zoning category, GR-15 (15 or less units per acre). Williams said the property was still zoned for commercial use.

Brooks pointed out this was a housekeeping item that related to the settlement of a lawsuit.

Lenox asked if anyone wished to speak in favor of the rezoning. No one came forward. Lenox asked if anyone wished to speak in opposition to the rezoning. No one came forward. Lenox called the hearing to a close for Council to reach a decision.

Brooks made a motion to approve the rezoning to GR-15 as previously agreed in the lawsuit settlement. Fritz seconded the motion. Motion carried unanimously.

11-00-03 Public Hearing – Rezoning – Lexington Commons - tabled

Lenox made a motion to table this issue until the November 16th meeting. McMenamin seconded the motion. Motion carried unanimously.

11-00-04 Discussion of City Council Meeting Rules and Procedures – tabled

Brooks made a motion to table this item until the next meeting. McMenamin seconded the motion. Motion carried unanimously.

11-00-05 Consider Term-Limits for Commission/Authorities - tabled

11-00-06 Consider City Flag - tabled

11-00-07 Discuss Televising City Council Meetings - tabled

Tennant made a motion to table items 11-00-05, 11-00-06, and 11-00-07 until the next meeting. McMenamin seconded the motion. Motion carried unanimously.

COUNCIL/STAFF TOPICS

Basinger announced a workshop between the Town of Tyrone and the City of Peachtree City (City Councils and Planning Commissions) Thursday, November 9, 2000, at 7:00 p.m. in Peachtree City at City Hall. McMenamin asked Tyrone to update Peachtree City on their discussions with Fulton County.

Basinger asked for volunteers to interview committees for vacancies on the Airport Authority, Water and Sewerage Authority, and Recreation Commission.

McMenamin and Lenox volunteered to serve on the interview committee for the Airport Authority.

Brooks and Fritz volunteered to serve on the interview committee for the Water and Sewerage Authority.

McMenamin and Tennant volunteered to serve on the interview committee for the Recreation Commission.

EXECUTIVE SESSION

There were no executive agenda items. Lenox made a motion to adjourn the meeting. McMenamin seconded the motion. Motion carried unanimously. Meeting adjourned at 10:30 p.m.

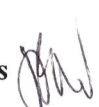
Attest: _____
Mayor Robert L. Lenox

City Clerk, Nancy Faulkner

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Director of Developmental Services 

FROM: City Engineer 
City Planner 

DATE: November 9, 2000

SUBJECT: Design Contract, Landscaping Leach Fire Station

Bids were solicited from a number of landscaping companies for the installation of landscaping at the new Leach Fire Station. The landscaping is a part of the overall construction project and will complete the project. See attached bid tabulation sheet.

The low bidder was Lawn Tech Landscaping at \$44,326.65, which included irrigation for the site. All of the bids were over budget and an effort was made to negotiate with the low bidder down to a number within the project's landscaping budget of \$30,000. With the revised scope, the landscaping requirements will be met and irrigation provided for the site within the budget. See the attached reduction of the plan.

Therefore, staff recommends that the landscaping contract for the new Leach Fire Station be awarded to Lawn Tech Landscaping of Grantville, GA in the amount of \$29,915.

Attachments

cc: Fire Chief
Purchasing Agent

CITY OF PEACHTREE CITY
BID TABULATION SHEET

BID TITLE: *Landscape at Leach Station*
DATE: *5/2/00*
BUDGET:

BIDS OPENED BY: *Marques Blair*
WITNESSED BY: *David E. Ruff*
TIME COMPLETED: *4:12 PM*

BIDDER NAME	MAILING ADDRESS	BID AMOUNT	BOND	MISC. INFO
<i>Pro Green Landscapes Management</i>	<i>4205 Jenkins Pt., Suwanee, Ga. 30024</i>	<i>\$36,954.00</i>	<i>Landscapes</i>	
		<i>\$ 7,545.00</i>	<i>Irrigation</i>	
		<i>\$44,499.00</i>	<i>TOTAL</i>	
<i>Lawn Pro Landscaping</i>	<i>10866 Forest Rd., Marietta, Ga. 30060</i>	<i>\$35,876.65</i>	<i>Landscapes</i>	
		<i>\$ 8,450.00</i>	<i>Irrigation</i>	
		<i>\$44,326.65</i>	<i>TOTAL</i>	
<i>Parsons's Nursery & Landscaping, Inc.</i>	<i>248 Swanson Rd., Fayetteville, Ga. 30214</i>	<i>\$39,723.50</i>	<i>Landscapes</i>	
		<i>\$ 9,545.00</i>	<i>Irrigation</i>	
		<i>\$49,268.50</i>	<i>TOTAL</i>	
<i>Advanced Scapes, Inc.</i>	<i>208 Harris Rd., Jackson, Ga. 30233</i>	<i>\$49,800.00</i>	<i>TOTAL</i>	
		<i>(No breakdown given)</i>		
<i>Gray Green Lawn Service</i>	<i>130 Shamrock Industrial Blvd., DePue, Ga. 30290</i>	<i>\$70,520.00</i>	<i>TOTAL</i>	
		<i>(No breakdown given)</i>		
<i>Flanders Nurseries, Inc.</i>	<i>448 Lee's Lake Road, Fayetteville, Ga.</i>	<i>\$32,981.00</i>	<i>Landscapes</i>	
		<i>\$13,200.00</i>	<i>Irrigation</i>	
		<i>\$46,181.00</i>	<i>TOTAL</i>	
<i>Catesi - Flanders Landscapes Design, Inc.</i>	<i>P.O. Box 459, Fayetteville, Ga. 30217</i>	<i>\$53,326.52</i>	<i>Landscapes</i>	
		<i>\$7,922.25</i>	<i>Irrigation</i>	
		<i>\$61,248.77</i>	<i>TOTAL</i>	



770-583-3797

LAWN TECH LANDSCAPING, INC

*10866 FORREST RD
GRANTVILLE, GA 30220*

PROPOSAL

DATE	PROPOSAL
11/8/00	1207NH

NAME / ADDRESS
CITY OF PEACHTREE CITY ATTN. DAVID RAST
770-631-2515 PHONE 770-631-2505 FAX

		PROJECT	
		LEACH FIRE STATION	
DESCRIPTION	QTY	RATE	TOTAL
COMPLETE LANDSCAPE INSTALLATION AS PER SPECIFICATION SHEET.			
PLANTS AND INSTALLATION		19,220.00	19,220.00
419 TIFWAY BERMUDA SOD 1,500 S.F.	1,500	0.38	570.00
HYDROSEED (IF NEEDED)		1,200.00	1,200.00
PINESTRAW 330 BALES	330	4.50	1,485.00
CLEAR UNDERBRUSH FROM TREE SAVE/CEMETARY SITE		1,200.00	1,200.00
TOPSOIL FOR GARDEN PLOT		250.00	250.00
8 X 8 P.T. TIMBERS FOR GARDEN PLOT	8	55.00	440.00
SPRAY HERBICIDE ON BED AREAS		300.00	300.00
IRRIGATION		6,450.00	6,450.00
**WATER METER AND/OR POWER ARE NOT INCLUDED. SLEEVEING MUST BE INSTALLED PRIOR CURB INSTALLATION. TAMPING IS \$1.50 PER LINEAR FOOT. TRENCHING UNDER CURBS IS \$50 PER CURB. **ALL AREAS MUST BE BACKFILLED BEFORE LAWN TECH LANDSCAPING CAN BEGIN. THIS SERVICE CAN BE PROVIDED AT \$50 PER HOUR.			
		TOTAL	

Liability and Workman's Comp. Insurance are carried by Lawn Tech.
References can be provided upon request.

SIGNATURE

Nancy Howard



LAWN TECH LANDSCAPING, INC
10866 FORREST RD
GRANTVILLE, GA 30220

PROPOSAL

DATE	PROPOSAL
11/8/00	1207NH

NAME / ADDRESS
CITY OF PEACHTREE CITY ATTN. DAVID RAST
770-631-2515 PHONE 770-631-2505 FAX

PROJECT
LEACH FIRE STATION

DESCRIPTION	QTY	RATE	TOTAL
**LAWN TECH LANDSCAPING IS NOT RESPONSIBLE FOR WATERING PAST TIME OF INSTALLATION. IT WILL BE THE RESPONSIBILITY OF THE OWNER/GENERAL CONTRACTOR TO BEGIN WATERING AFTER INITIAL INSTALLATION. ALL WARRANTIES ON MATERIALS (PLANTS, SOD, ETC.) WILL BE VOID IF A REGULAR MAINTENANCE PROGRAM IS NOT PERFORMED BY LAWN TECH LANDSCAPING, INC. THIS IS TO ASSURE THAT PLANTS, SOD, ETC. WILL THRIVE & GROW. THIS SERVICE WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.			
		TOTAL	(23) \$ 29,915 \$31,115.00

Liability and Workman's Comp. Insurance are carried by
Lawn Tech.
References can be provided upon request.

SIGNATURE

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jim Basinger, City Manager 

FROM: Paul Salvatore, Director of Financial Services *P.S.*

DATE: November 10, 2000

SUBJECT: PIP budget revision

Attached are memos from the Fire Department requesting authorization to place a purchase order with Central States Fire Apparatus of Custom R.K. for the purchase of a 104-foot platform tower apparatus. Although funding was provided for in the FY 2002 and future PIP budgets for debt service payments on a lease purchase agreement for this equipment, neither the loan proceeds nor the total cost of this equipment was included in the FY 2001 budget. Therefore, in order to have the proper budgetary authorization to issue a purchase order and make funding arrangements for this equipment, staff respectfully requests that Council approve the following revision to the FY 2001 Public Improvement Program budget:

Loan Proceeds- lease purchase	\$600,000 (Increase)
Ladder Tower Truck & Equipment	\$600,000 (Increase)

Please be aware that we do not expect to take delivery or make installment payments for this equipment until FY 2002, as previously scheduled and budgeted.

CITY OF PEACHTREE CITY
INTER-OFFICE MEMORANDUM

TO: Mayor Lenox and Members of Council

VIA: City Manager, ATTN: Mr. Jim Basinger 
Director of Financial Services, ATTN: Paul Salvatore
Purchasing Agent, ATTN: Marcie Blind

FROM: Stony Lohr
Acting Fire Chief

DATE: November 3rd, 2000

SUBJECT: Reprogramming of Ladder Tower 8

Staff recommends that Council approve the reprogramming of the Fire Department Ladder Tower in the 5 Year Plan and fiscal program from FY2002 to FY2001.

As planned and briefed to Council at Retreat 2000, our intent was to award a bid for the apparatus in October 2000, with delivery and payment of the apparatus in first quarter, FY2002. This is necessary because of the extended construction time required for such apparatus.

Bids for the apparatus have been advertised, received and reviewed. They are summarized under separate cover.

The recommended apparatus bid, which is also the low bid, is \$538,764.00 with a 365-day construction time after receipt of order. Payment can be tendered upon completion and receipt of the apparatus.

CITY OF PEACHTREE CITY

INTER-OFFICE MEMORANDUM

TO: Mayor Lenox and Members of Council

VIA: City Manager, ATTN: Mr. Jim Basinger
Director of Financial Services, ATTN: Paul Salvatore
Purchasing Agent, ATTN: Marcie Blind *MB*
Fleet Manager, ATTN: Tony Wood

FROM: Stony Lohr
Acting Fire Chief

DATE: September 15th, 2000

SUBJECT: Recommendation for the Award of Bid for Ladder Tower 8.

The Aerial Tower Committee and the Department have reviewed the bids submitted for a new aerial Tower truck and recommend that Council authorize the purchase of a Custom R.K. 104 foot platform tower apparatus from Central States Fire Apparatus of Lyons, South Dakota, at a cost of \$538,764.00 with a projected delivery of 365 days after receipt of order. This project is programmed for funding in the amount of approximately \$600,000 for the apparatus and ancillary equipment (\$75,000).

Bids from four vendors were submitted for bid opening on August 29th, 2000. The low bid was \$538,764.00. The high bid was \$674,494.00. The bids are summarized below.

Bidder	Location	Cost	Model
Atlanta Freightliner (American LaFrance/LTI)	Forest Park, GA	\$674,494.00	Custom 100' aerial Platform
Central States Fire Apparatus	Lyons, SD	\$538,764.00	Custom R.K. 104' Platform
KME Fire Apparatus	Nesquehoning, PA	\$632, 764.00	KME 102' Aerialcat Platform
Quality Fire and Rescue Apparatus	Talladega, AL	\$570, 707.00	Custom Spartan/R.K. 104' Platform

Our recommendation is based upon consideration of the following factors.

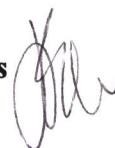
- Lowest bid submitted.
- Overall degree of conformance with specifications.
- Length of vehicle for maneuverability and available station space.
- Amount of compartment space.

- Size of water tank.
- Provision of electronic wiring manuals for maintenance and repair.
- Drive train warranty.
- Frame strength.
- Hose storage capacity and accessibility for reloading.
- Electrical generator capacity.
- Cab storage space.
- Quality and reliability of the manufacturer

Central States has offered the best product for the least cost. Our experience with our most recently purchased fire apparatus, which we also purchased from Central States, has clearly demonstrated that they also provide excellent customer service and support in addition to an excellent product.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: City Manager 
FROM: Director of Developmental Services 
DATE: November 10, 2000
SUBJECT: Proposed Rezoning: Lexington Commons

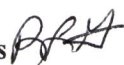
The Planning Commission has not yet taken action on this proposed rezoning, and it does not appear the applicant will be ready for a decision by the Commission at its next meeting on November 13, 2000.

Therefore, the public hearing by Council scheduled for the November 16, 2000, meeting will need to be continued to the meeting on December 7, 2000.

JBW/jir

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council
VIA: City Manager 
FROM: Director of Leisure Services 
DATE: Nov. 7, 2000
SUBJECT: Field of Hope; request for land

On Monday Oct. 16, the Recreation Commission voted unanimously to forward to City Council a favorable recommendation to provide land at the South 74 Baseball Soccer Complex for the Field of Hope.

As you recall, this field will be fully accessible to special needs children, and in addition Little League can use it for t-ball and other young age group programs. No cost would be incurred by the city other than the donated land. Money to build the field and a concession/restroom building will be raised through volunteer efforts led by Nick Harris, who will be at the meeting to give a presentation. Dan Wright, Recreation Commission chairman, will also be present to briefly introduce Nick and discuss the Commission's recommendation.

As background, attached is an email message I sent out in September generally describing the project, as well as a site map showing the location of the proposed facility. A local architect who is very familiar with the design of BSC has offered to assist with the design at no cost. The site will be designed to accommodate this field and the concession/restroom building, as well as proposed sites for two standard baseball fields. These two fields will not be built unless the trends in youth baseball clearly justify and support the need for more fields, which they currently do not.

The Recreation Commission's recommendation is to allow the use of the land at BSC for the Field of Hope.

Randy Gaddo

From: Randy Gaddo [dls@peachtree-city.org]
Sent: Wednesday, September 13, 2000 7:56 AM
To: Jim Basinger
Cc: Jim Williams; Dan Wright (E-mail); Sherry McHugh; Ed Martin (E-mail)
Subject: Field of Dreams

Jim: This memo is forwarded to bring you and council up to speed on the recommendation from Nick Harris to construct a totally special needs accessible baseball field with concession in Peachtree City. Nick came to us about a month or so ago with this proposal. It was based on a similar field in Conyers, the first in the country, which enables disabled children to play ball on a field with no obstacles from the time they leave their car to the time they round the bases. The field surface is synthetic material similar to that used on tracks. The bases and baselines are embedded into the surface, to produce a totally smooth surface on which wheelchairs can roll easily and kids in braces can move without obstacle. The facility in Conyers cost upwards of \$650,000, and was paid for entirely from donations and sponsorships. They obtained a \$350,000 grant from the McDonalds Corp. alone.

Nick came before the Recreation Commission, along with Dean Alford, who as the president of the Conyers Rotary Club spearheaded the fundraising effort to build the Conyers field. Dean's ultimate goal is to have several fields such as this in every state, and he offered to assist Nick in the organization and fundraising portion of this project. They told the Rec. Comm. that all they need is the land and they will begin raising funds. We do have land at the South 74 BSC adjacent to the newest baseball fields bordering highway 74 which is slated in our master plan for three or four new baseball fields in FY 2006. However, current trends in youth baseball are not supporting the justification for those fields. So the land could be made available for this field and concession. The intent would be to produce a design for the entire plot of land that would include this field and concession, as well as additional parking and as many other standard fields as can fit on the property. The special needs field could also be used for the little league's T-ball league, and may serve in other multipurpose uses as well. In addition, the concession building can be used by little league. The Rec. Comm. tabled the item pending further information.

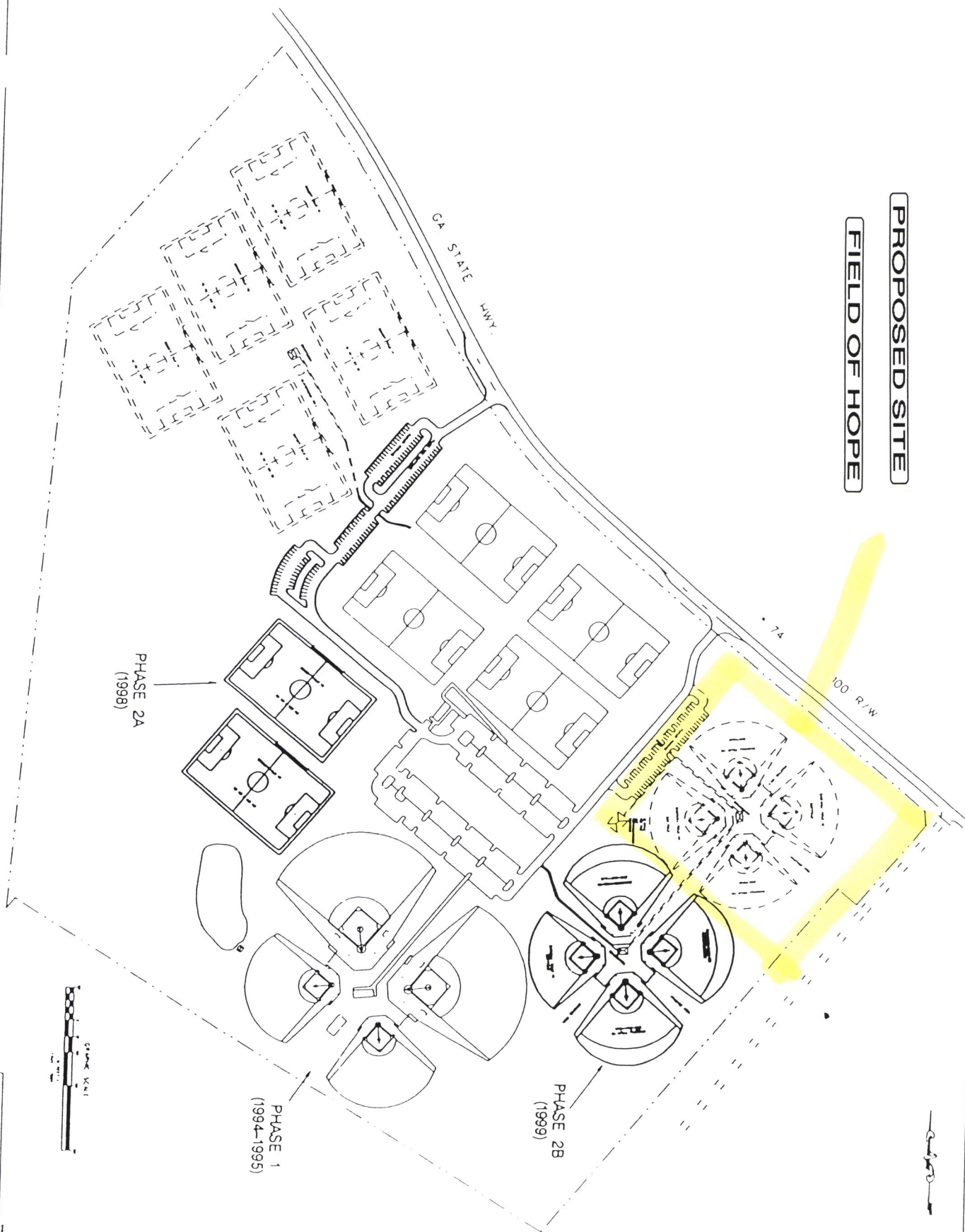
At this point, there appears to be good support for this project. The news media, including the AJC, has run extensive articles based on Nick's presentation to the Rec. Comm. Nick has received phone calls and personal offers of assistance since the articles. Mr. Alford is poised and ready to jump in.

My intent will be to bring this back to the Recreation Commission with a full presentation and recommend that they approve use of the So. 74 BSC property for this project, and forward this recommendation to city council for their consideration in the near future. Nick intends on approaching a local architect to obtain complimentary design services to produce a preliminary drawing to use for presentations. I will assist him in preparing a powerpoint presentation.

VR/S
Randy

PROPOSED SITE

FIELD OF HOPE



SOUTH 74 SPORTS COMPLEX
PEACHTREE CITY, GEORGIA

FOLEY ARCHITECTS
DESIGN INC.
ASSOCIATES



CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Director of Developmental Services 

DATE: November 10, 2000

SUBJECT: Proposed Variance, 120 North Cove Drive

Mr. Charles Gardner, who lives at 120 North Cove Drive, has requested a variance so he can encroach into the watershed protection buffer along Lake Kedron with a portion of a new garage he would like to build.

Unfortunately, Mr. Gardner cannot be at the scheduled hearing on his variance request, and he has requested a continuance to the next meeting on December 7, 2000.

Staff does not feel this is a simple variance request that could possibly be handled in his absence. It is recommended that the continuance be granted.

JBW/jir

Peachtree City Taxi & Limousine

P.O. Box 2644

Peachtree City, GA 30269

Tel: 770-487-6161 Fax: 770-487-0706

October 25, 2000

Mayor Robert Lenox and Me members of the City Council
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia, 30269

Dear Mayor Lenox and City Council:

Re: Creation of New Code

We, the undersigned, representing the certified transportation companies in Peachtree City ask the Mayor and City Council to adopt the Rules and Regulation set down by the Public Service Commission specifically dealing with the following: Chapter 8, 8-4.1 and 8-4.2, a copy of which is attached hereto. No magnetic signs on vehicles for hire, front tag stating legal name, principal place of domicile, phone number including area code and IE Status.

This would not apply to other industries within the city that use magnetic signs.

These items are asked to be adopted by the City of Peachtree City to eliminate the gypsies in the transportation industry. This should stop the illegal businesses in transportation running illegally and require them to operate within our City and Hartsfield International Airport. It will stop these companies, until they comply with these laws, from representing themselves to our citizens as totally legal to operate to and from Peachtree City and within Hartsfield International Airport. Before entering the airport these gypsies remove the magnetic signs, parking illegally, and put our citizens in jeopardy as their insurance then becomes null and void.

Many have been ticketed at the airport, the driver can be arrested and taken to lock up and the vehicle towed away.

We ask the City to protect our citizens from these gypsies by adopting a code. A business license for Home Occupation does not allow a company to go from Peachtree City and break the law elsewhere, which at present is being done.

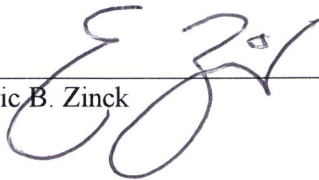
This code would not interfere with other types of businesses, as they are not carrying passengers for hire.

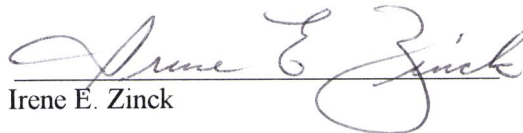
We ask that the above type of code be entered or added to the regulation of passengers for hire and monitored by the proper enforcement agency, code or law enforcement or someone representing our industry.

We are all trying to go forward with our problem of transportation and this should be given serious consideration so that the public is protected and not turned off when future transportation is offered.

Thank you.

Very truly yours,


Eric B. Zinck


Irene E. Zinck

8-4.1 Vehicle Identification - General.

(a) *Applicability.* The rules in this section and section 8-4.2 specify the identification markings required to be displayed on self-propelled motor vehicles under the jurisdiction of the Commission.

(b) *General Identification requirements.* Except for those vehicles described in Rule 8-4.2 below, the motor vehicle identification requirements are contained in Commission Transportation Rules 4-1-390.21, and 4-3-390.21

8-4.2 Vehicle Identification of Lightweight Commercial Vehicles.

(a) Except as provided for in paragraph (c) and (d) of this rule, every self-propelled motor vehicle with a G.V.W.R. of *10,000 lbs. or less* as described in paragraph (b) of this rule shall have painted, stenciled, or otherwise durably marked on both sides of the body or cab of each vehicle to be put into use, in letters and figures in sharp color contrast to the background and of such size, shape and colors as to be readily legible during daylight hours from a distance of 50 feet while the vehicle is not in motion, and such display shall be kept and maintained in such manner as to remain so legible, the following information:

1. (1) Legal name (or doing business as name);
2. (2) Principle place of domicile (nearest city and state); and,
3. (3) Their assigned FMCSA or ICC MC Number or assigned USDOT number.

(Item 3 required only if operating under authority issued by the FMCSA or ICC.)

(b) This rule shall apply to lightweight commercial vehicles which are:

(1) Operated by a for hire motor carrier and used to transport property or passengers for which a certificate, property permit, passenger permit, registration permit, or single state registration receipt is required; or,

(2) Operated by private carriers and are used to transport hazardous materials in quantities *not requiring* placarding.

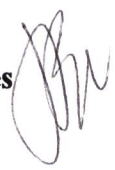
(c) Passenger car type automobiles used for hire for the transportation of passengers (commonly known as town car service) operated by carriers required to hold a permit from the Commission shall have affixed to the front bumper a tag or plate painted, stenciled, or otherwise durably marked in letters and figures in sharp color contrast to the background and of such size, shape and colors as to be readily legible during daylight hours from a distance of 50 feet while the vehicle is not in motion, and such display shall be kept and maintained in such manner as to remain so legible, the following information:

- (1) Legal name (or doing business as name);
- (2) Principal place of domicile (nearest city and state); and,
- (3) Telephone Number (including area code).

(d) *Limousines.* Limousines used by a carrier required to hold a certificate from the Commission shall be identified in accordance with Commission Transportation Rule 4-4-390.21.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: City Manager 
FROM: Director of Developmental Services 
DATE: November 10, 2000
SUBJECT: Jail Impact Fees

At a previous meeting, Council approved an Intergovernmental Agreement for a proposed Jail Impact Fee. Since that time, Fayetteville and Tyrone have requested a change to the text. Attached is a revised draft of the Agreement which reflects that change. Specifically, it is paragraph 7 on pages 4 and 5. The intention of this paragraph is to assure the municipalities that the County will accept prisoners from the municipalities for the term of the Agreement.

Also attached for your review is a draft of a Capital Improvement Element (CIE) that was prepared for the Jail Impact Fee. It is patterned after similar CIE's for the other jurisdictions.

Finally, attached for your review is a Resolution that, if adopted, will transmit the CIE and the Intergovernmental Agreement to the Atlanta Regional Commission for approval by the appropriate State and Regional review authorities.

JBW/jir

Attachments

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PEACHTREE CITY APPROVING AN INTERGOVERNMENTAL
AGREEMENT FOR JAIL IMPACT FEES AND AUTHORIZING THE TRANSMITTAL OF
THE CAPITAL IMPROVEMENTS ELEMENT AND INTERGOVERNMENTAL
AGREEMENT TO THE ATLANTA REGIONAL COMMISSION.**

WHEREAS, the City of Peachtree City desires to impose impact fees for the County Jail Facility; and

WHEREAS, the Georgia Development Impact Fee Act (DIFA) requires that, prior to the imposition of impact fees, a jurisdiction has adopted a comprehensive plan containing a capital improvements element; and

WHEREAS, the City of Peachtree City approved a Capital Improvements Element on November 16, 2000; and

WHEREAS, the City of Peachtree City has prepared an Intergovernmental Agreement for the Levying and Collection of a Development Impact Fee for Jail Purposes; and

WHEREAS, the City of Peachtree City held public hearings, in accordance with DIFA requirements, on September 7, 2000 and October 19, 2000; and

BE IT HEREBY RESOLVED THAT:

The City of Peachtree City, having satisfactorily met the comprehensive planning requirements of DIFA for the imposition of impact fees, does hereby approve the Intergovernmental Agreement for the Levying and Collection of a Development Impact Fee for Jail Purposes;

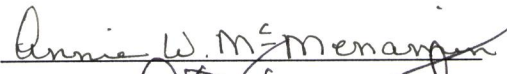
IT IS HEREBY FURTHER RESOLVED:

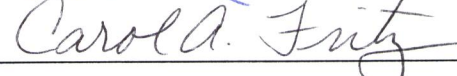
That the City of Peachtree City authorizes the transmittal of the Capital Improvements Element and the Intergovernmental Agreement to the Atlanta Regional Commission for review, comment and recommendations.

SO RESOLVED, this 16th day of November, 2000.

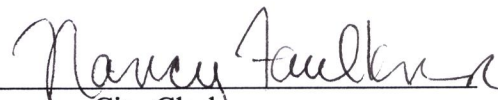


Robert L. Lenox, Mayor



Carol A. Fritz

Attest: 

City Clerk

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PEACHTREE CITY APPROVING AN INTERGOVERNMENTAL
AGREEMENT FOR JAIL IMPACT FEES AND AUTHORIZING THE TRANSMITTAL OF
THE CAPITAL IMPROVEMENTS ELEMENT AND INTERGOVERNMENTAL
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WHEREAS, the City of Peachtree City approved a Capital Improvements Element on November 16, 2000; and

WHEREAS, the City of Peachtree City has prepared an Intergovernmental Agreement for the Levying and Collection of a Development Impact Fee for Jail Purposes; and

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BE IT HEREBY RESOLVED THAT:

The City of Peachtree City, having satisfactorily met the comprehensive planning requirements of DIFA for the imposition of impact fees, does hereby approve the Intergovernmental Agreement for the Levying and Collection of a Development Impact Fee for Jail Purposes;

IT IS HEREBY FURTHER RESOLVED:

That the City of Peachtree City authorizes the transmittal of the Capital Improvements Element and the Intergovernmental Agreement to the Atlanta Regional Commission for review, comment and recommendations.

SO RESOLVED, this 16th day of November, 2000.

Robert L. Lenox, Mayor

Attest: _____
City Clerk

Fayette County Jail Amendment
City of Peachtree City, Georgia

Capital Improvements Element
2000 - 2020

CAPITAL IMPROVEMENTS ELEMENT

City of Peachtree City, Georgia

FAYETTE COUNTY JAIL FACILITY

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FAYETTE COUNTY JAIL FACILITY

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INTRODUCTION

The Georgia Development Impact Fee Act, OCGA §36-71-1 et seq. (DIFA), was enacted into law in 1990. It sets rules for local governments that wish to charge new development for a portion of the additional capital facilities needed to serve it. DIFA offers a way to help local governments avoid placing the entire burden of adding capital improvements and expanding infrastructure capacity on existing taxpayers. It offers a formal mechanism for ensuring that the development community pays a reasonable share of the costs of public facilities.

This Capital Improvement Element (CIE) Amendment is prepared as a supplement to the Capital Improvements Element of the City of Peachtree City Comprehensive Plan. This CIE establishes clear public policies regarding infrastructure development and ensures sound fiscal planning for capital improvements.

The purpose of a CIE is to establish where and when new services or capital facilities will be provided within a jurisdiction and how they will be financed. As defined by DIFA, the CIE must include the following for each category of capital facility for which an impact fee will be charged:

- A **projection of needs** for the planning period (usually 20 years);
- the designation of **service areas** - the geographic area in which a defined set of public facilities provide service to development with the area;
- the designation of **levels of service (LOS)**- the service level that will be provided;
- a **schedule of improvements** listing impact fee related projects and costs for the first five years after plan adoption; and
- a description of **funding sources** for the first five years of scheduled system improvements proposed for each project.

This Community Facilities Element Amendment provides general information on jail services for Peachtree City, as specifically provided by Fayette County.

Categories for Assessment of Impact Fees

To assist in paying for the high costs of expanding public facilities and services to meet the needs of projected growth and to ensure that the development community pays a reasonable share of the costs of public facilities, Peachtree City has chosen to assist Fayette County by collecting impact fees for a new jail facility.

The following sections in this Amendment provide population and employment forecasts and detailed information regarding the inventory of current facilities, the level of service for the existing population for each service category and detailed calculations of the impact fee cost for the County jail facility. Impact fees cannot be used to fund a higher level of service than what currently exists. This Amendment indicates how growth will pay for the additional jail service it requires.

A number of the factors that form the base-line assumptions in the impact fee calculations may change over time. The impact fee assumptions for the service areas should be reviewed annually to reflect changes in the growth and development of the city and the county. While changes in the pace

of development will affect the timing of service delivery, per se, it will not change the methodology used to calculate impact fees. More rapid growth will result in decreased revenues and a slower demand for services.

Intergovernmental Agreements

The County's jail facility will serve more than just the residents of the unincorporated county. Fayette County provides jail service to the county's municipalities of Peachtree City, Fayetteville, Tyrone, Brooks and Woolsey.

DIFA specifies that Intergovernmental Agreements may be used to facilitate the collection of impact fees for system improvements that traverse jurisdictional boundaries. These agreements may be used to pool the resources of several local governments to build centralized facilities. Fayette County has entered into the required intergovernmental agreements to allow the collection of impact fees for these facilities in the City of Peachtree City.

Amendment to Comprehensive Plan

This CIE Amendment amends the Comprehensive Plan for the City of Peachtree City, Georgia, as most recently amended in 1999. This amendment is consistent with the Comprehensive Plan in all respects, except to the extent that new capital improvement projects are being added or revised. These projects will be captured in the City's next update to the Short Term Work Program.

POPULATION AND EMPLOYMENT FORECASTS

Projection of Need

Fayette County remains one of the fastest growing counties in Georgia. While growth peaked in the mid to late 1980s, the county has experienced a growth rate of approximately five percent per year for the last ten years. This growth is attributed to Fayette County's proximity to Hartsfield International Airport and the rapid expansion of the Atlanta metropolitan area. This growth rate is expected to continue, with an anticipated increase of 110 percent from 2000 to 2020.

Population Projections to 2020

The projections for total county population are from the Atlanta Regional Commission. Jurisdictional population projections were obtained from the respective municipal comprehensive plans with extrapolations (by Fayette County) where necessary. Population projections and methodology for Peachtree City are presented in Chapter 1, Population of the Comprehensive Plan and presented in Table P-1 of that chapter. Population projections for the planning period are shown in Table P-1.

TABLE P-1 POPULATION PROJECTIONS: 2000-2020					
	2000	2005	2010	2015	2020
Peachtree City	33,983	41,017	43,817	43,817	43,817
Fayetteville	10,876	14,550	19,472	23,189	23,189
Tyrone	4,823	6,719	7,247	7,966	8,579
Brooks	550	700	850	1,000	1,150
Woolsey	137	147	157	168	178
Unincorporated Fayette County	45,531	50,067	61,457	75,060	97,187
Total	95,900	113,200	133,100	151,200	174,100

Employment Projections – Fayette County

Countywide employment projections were made by Fayette County using a series of steps:

1. Population projections for the county were obtained (see Table P-1, above).
2. Employment projections for the county were obtained (see Table P-2, below).
3. The actual number of countywide nonresidential establishments from 1989 through 1996 (County Business Patterns 1989-1996) was compared to the number of countywide nonresidential building permits issued for the same years (respective building departments).

The number of business establishments exceeded the number of building permits by 28 percent, indicating that some businesses are moving into existing structures. This will have an effect on the employment projections, as employees moving into an existing structure should not be figured into impact fee calculations. Based on this conclusion, the employment figures were then reduced across the board by 28 percent.

TABLE P-2
EMPLOYMENT PROJECTIONS FOR FAYETTE COUNTY: 2000-2020

	2000*		2005*		2010*		2015*		2020*	
		EE		EE		EE		EE		EE
Total County	30,950	22,284	37,600	27,072	46,150	33,228	54,700	39,384	63,700	45,864

Source: Atlanta Regional Commission, Vision 2020 Baseline Forecasts, June 1994.

** Figures have been rounded.*

EE: Employment Equivalent, see #3 above.

Table prepared by Fayette County.

Day/ Night Population Projections – Fayette County

Fee calculations for facilities that serve both residential and nonresidential uses are based on day/ night population. Day/ night population combines the populations with future. Day/ night population combines the population projections with future employment information to represent the true need for services. People working in Peachtree City and Fayette County will require the same services as residents for such services as roads, the County Jail, police and fire protection. To determine a per capita cost of development, the day/ night population was used to represent the relationship between persons and services demanded. Employees, as well as residents, who are beneficiaries of such services, must be included in the per capita count.

FAYETTE COUNTY JAIL FACILITY

Inmate incarceration services are provided to the City of Peachtree City by Fayette County. The existing Fayette County judicial complex includes an 88-bed, 33,620 square foot jail, the magistrate and juvenile courts building and the courthouse annex on a 33-acre site. This site will also house the proposed jail facility. The proposed jail facility, at 134,630 square feet, includes two pods with the capacity of 192 inmates each. The cost for the pods is \$25,107,000. The facility is designed to be expandable to four pods. The existing jail will be retained, giving Fayette County a total capacity of 472 inmate beds.

Projection of Need

The existing jail facility was constructed during 1984-1985. At that time, the county population was 44,388. By 1991, the Average Daily Inmate Population (ADP) was 89. The ADP is the average number of inmates on any given day over a one-year period. The ADP remained relatively constant between 81 and 86 inmates from 1992 through 1995. During this same time period, the county's general population increased from 67,130 to 77,300, an increase of 15 percent. However, beginning in 1996, the inmate population began to increase at a rate faster than the general population. During the period 1996 through 1999, the county population grew by 13 percent, while the ADP grew by 81 percent. This represents an annual general population increase of four percent compared to an ADP increase of 20 percent. This data is depicted in the following table:

TABLE J-1 GENERAL POPULATION AND INMATE POPULATION GROWTH DATA: 1991-1999				
Year	General Population	Percent Increase	Inmate Population	Percent Increase
1991	64,970		89	
1992	67,130	3.3%	81	-9.0%
1993	69,300	3.2%	86	6.2%
1994	72,800	5.1%	81	-5.8%
1995	77,300	6.2%	86	6.2%
1996	80,700	4.4%	99	15.1%
1997	84,100	4.2%	119	20.2%
1998	87,400	3.9%	156	31.2%
1999	90,900	4.0%	179	14.7%

*Source: General Population - Atlanta Regional Commission
Inmate Population - Fayette County Sheriff's Office*

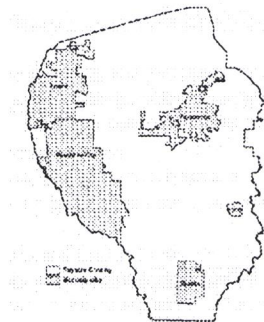
The current Fayette County jail facility has an operating capacity of 88 beds. The actual ADP, however, is closer to 200 inmates. ADP projections for Fayette County range from a low of 364 to a high of 860 (sources include Georgia County Guide 1999, Facility Justice Group Study 1999, and county population projections). Based upon information available, it appears that a jail facility with a capacity of 472 will reasonably provide for the needs of Peachtree City and Fayette County until the year 2020.

The day/ night population for the planning period that must be served by the jail facility is identified in the following table:

TABLE J-2 TOTAL DAY/ NIGHT POPULATION FOR JAIL FACILITY						
Area	2000	2005	2010	2015	2020	Change 2000-2020
Countywide Jail Facility	118,184	140,272	166,328	190,584	219,964	101,780

Service Area

The services of the jail facility are provided on a countywide basis without regard to political jurisdiction. In addition to the unincorporated county, the cities of Peachtree City, Fayetteville, Tyrone, Brooks and Woolsey all utilize the services of the jail. Because the jail facility benefits the entire county as a whole, the service area for the jail facility is considered to be the entire county.



MAP M-1: COUNTY JAIL FACILITY SERVICE AREA

Note: The county jail facility service area is the entire County, including all municipalities.

Level of Service (LOS)

It is difficult to establish a direct relationship between general population growth and inmate population growth. Many factors besides county population projections are involved in determining ADP and in projecting future needs. Changes in state and local laws, politics on crime, and judicial decisions can all affect the number of inmates at any given time and projected into the future.

Several factors could be used as the basis for determination of an LOS for impact fees, e.g., square footage, beds, and/or inmates. The factor of square footage is commonly used in capital improvement projects. Square footage provides a straight-line approach tied to the general population. However, this must be tempered through utilization of American Correction Association (ACA) standards. The calculation of impact fees for this facility will be based on square footage with the following conditions:

- (1) That the ACA standards will determine the basis for the provision of facility space; and,
- (2) That the ADP will be monitored to determine whether excess jail capacity exists and to determine at what point an additional pod must be constructed.

Impact fees can only be charged for excess capacity. When ADP approaches jail capacity, based upon ACA standards, planning for additional facilities becomes necessary in order to continue assessing an impact fee. A regular monitoring of ADP will ensure proper notification for planning purposes for additional facilities when needed.

The total jail facility is comprised of 168,250 square feet. This facility is projected to serve a Day/ Night population of 219,964 in the year 2020. This equates to a level of service of 0.7649 square feet per capita (168,250 square feet divided by 219,964 (2020 Day/ Night population) equals 0.7649 square feet per capita).

Breakdown of Impact Fee Costs

Impact fee costs for the jail facility are determined by combining two components, a Capital Improvement Component and an Interest Component. The Capital Improvement Component recognizes the cost of the construction of the jail facility while the Interest Component recognizes the funding mechanism used to pay for the construction.

Capital Improvement Component: As proposed, the new 384-bed jail will provide 134,630 square feet of inmate housing space. The Total Jail Facility (square feet) figure for inmate housing of 168,250 square feet is a combination of the existing jail's square footage (33,620) plus the proposed jail facility square footage (134,630).

Interest Component: The Development Impact Fee Act, OCGA §36-71-1 et seq. (DIFA), allows the assessment of certain interest costs when capital costs are funded through bonded indebtedness. Fayette County will fund this jail facility through the issuance of tax-exempt revenue bonds. The steps used to derive the interest component to the proposed impact fee are as follows:

- The cost of excess capacity is determined.
- The interest component of the debt service for the bond issue is determined. Consistent with DIFA, that portion of interest dedicated to the jail facility may be funded through development impact fees; however, that portion of interest attributable to existing deficiency cannot.
- The interest component is then divided by the Day/ Night population, resulting in a per capita Interest Component of \$164.42. The per capita result is then multiplied by either 2.75 (persons per household), or the appropriate employee factor for nonresidential development.

The impact costs per capita for the capital improvement component and the interest component are shown in the tables on the following pages.

TABLE J-3
JAIL FACILITY IMPACT FEE CALCULATION
FOR CAPITAL IMPROVEMENT

	Day/ night Population in 2020	219,964
-	Day/ night Population in 2000	<u>118,184</u>
=	New Growth: 2000 to 2020	101,780
	Total Jail Facility (square feet)	168,250
÷	Facility Life Population (2020 pop.)	<u>219,964</u>
=	Jail LOS in square feet per capita	0.7649
	Jail LOS in square feet per capita	0.7649
x	Day/ night Population in 2000	<u>118,184</u>
=	Current Need (square feet)	90,399
-	Existing Facility (square feet)	<u>33,620</u>
=	Existing Deficiency (square feet)	56,779
	Jail LOS in square feet per capita	0.7649
x	New Growth: 2000 to 2020	<u>101,780</u>
=	Future Demand (square feet)	77,852
	Total Cost of Jail Facility	25,107,000
÷	Total New Jail Facility (square feet)	<u>134,630</u>
=	Cost per square foot	\$186.49
	Cost per square foot	\$186.49
x	Existing Deficiency (square feet)	<u>56,779</u>
=	Total not eligible for Impact Fee	\$10,588,715
	Cost per square foot	\$186.49
x	Future demand (square feet)	<u>77,852</u>
=	Total Impact Cost for New Growth	\$14,518,619
	Total Impact Cost for New Growth	\$14,518,619
÷	New Growth: 2000 to 2020	<u>101,780</u>
=	Impact Cost per capita	\$142.65

TABLE J-4
JAIL FACILITY IMPACT FEE CALCULATION
FOR INTEREST

	Day/ night Population in 2020	219,964
-	Day/ night Population in 2000	<u>118,184</u>
=	New Growth: 2000 to 2020	101,780
	 Total Jail Facility (square feet)	 168,250
÷	Facility Life Population (2020 pop.)	<u>219,964</u>
=	Jail LOS in square feet per capita	0.7649
	 Jail LOS in square feet per capita	 0.7649
x	Day/ night Population in 2000	<u>118,184</u>
=	Current Need (square feet)	90,399
-	Existing Facility (square feet)	<u>33,620</u>
=	Existing Deficiency (square feet)	56,779
	 Jail LOS in square feet per capita	 0.7649
x	New Growth: 2000 to 2020	<u>101,780</u>
=	Future Demand (square feet)	77,852
	 Total Interest Cost	 28,939,548
÷	Total New Jail Facility (square feet)	<u>134,630</u>
=	Cost per square foot	\$214.96
	 Cost per square foot	 \$214.96
x	Existing Deficiency (square feet)	<u>56,779</u>
=	Total not eligible for Impact Fee	\$12,205,213
	 Cost per square foot	 \$214.96
x	Future demand (square feet)	<u>77,852</u>
=	Total Impact Cost for New Growth	\$16,735,065
	 Total Impact Cost for New Growth	 \$16,735,065
÷	New Growth: 2000 to 2020	<u>101,780</u>
=	Impact Cost per capita	\$164.42

Calculation of Impact Fee

The calculation of the impact fee must include both the capital improvement component as well as the interest component. The fee will vary from residential to nonresidential, and from one nonresidential type to another.

Residential Impact Fee:

The capital improvement component of \$142.65 per capita must be expressed in terms of number of households (dwelling units) in order to levy an impact fee. Based on Atlanta Regional Commission projections, the average number of persons per household (dwelling unit) over the 20-year period will be 2.75. This average reflects the projected decrease in persons per household (dwelling unit) over this planning period. This 2.75 multiplied by \$142.65 equals \$392.29. Therefore, the capital improvement component of the impact fee is \$392.29.

The interest component of \$164.42 must also be expressed in terms of number of households (dwelling units) in order to levy an impact fee. The 2.75 persons per household (dwelling unit), discussed above, is multiplied by \$164.42. This equals \$452.16. Therefore, the interest component of the impact fee is \$452.16.

The residential impact fee results in adding the capital improvement component (\$392.29) and the interest component (\$452.16) for a total residential jail impact fee of: \$844.45. A three percent administration fee is added for a total impact fee of \$869.78. The steps producing the impact fee are reflected below.

TABLE J-5 RESIDENTIAL IMPACT FEE COMPONENTS					
Capital Improvement Component (\$142.65 per capita)			Interest Component (\$164.42 per capita)		
x	Impact Cost per capita	\$142.65	x	Impact Cost per capita	\$164.42
=	Persons per household (dwelling unit)	<u>2.75</u>	=	Persons per household (dwelling unit)	<u>2.75</u>
	Capital Improvement Component	\$392.29		Interest Component	\$452.16

Residential Impact Fee			Residential Impact Fee with 3% Administration Fee		
+	Capital Improvement Component	\$392.29	+	Residential Impact Fee	\$844.45
	Interest Component	<u>\$452.16</u>	+	3% Administration Fee	<u>\$25.33</u>
=	Residential Impact Fee	\$844.45	=	Residential Impact Fee	\$869.78

Nonresidential Impact Fee:

County Business Patterns was utilized to provide the number of establishments and number of employees per classification for Fayette County. County Business Patterns is an annual series that provides economic data by industry. It has been published annually since 1964 and at irregular intervals dating back to 1946. County Business Patterns basic data items are extracted from the Standard Statistical Establishment List, a file of all known single and multi-establishment companies maintained and updated by the Bureau of the Census. An establishment is a single physical location at which business is conducted or services or industrial operations are performed. County Business Patterns identifies ten different classifications of establishments: Agricultural Services, Forestry and Fishing; Mining; Construction; Manufacturing; Transportation and Public Utilities; Wholesale Trade; Retail Trade; Finance, Insurance, and Real Estate; Services; and Unclassified Establishments. Establishment data is available at both the state and county levels.

Statistics provided by the Fayette County Sheriff's Office included a snapshot of jail inmates by arresting agency for 1999. The data indicates that Fayetteville had a high percentage of inmates in relation to its population. Fayetteville comprises approximately 11 percent of the total county population. In terms of total inmate population for the year, Fayetteville comprised approximately 22 percent. Conversely, Peachtree City comprised approximately 35 percent of the total county population. However, in terms of total inmate population, Peachtree City comprised approximately 12 percent. Therefore, Fayetteville, with a preponderance of commercial establishments, is generating a proportionately greater need for the jail as opposed to Peachtree City, with a preponderance of industrial establishments, which is generating a proportionately lesser need for the jail. No comparable discrepancies existed among the remaining jurisdictions.

Upon review of the establishment classifications identified and the statistical data above, it was determined that the classification with the greatest impact on jail usage was Retail Trade. By nature, retail trade invites the public at-large to frequent its establishment; conversely industry restricts public access to its establishment. All other classifications were collapsed into an "Other" classification. Retail Trade was then divided into three categories: establishments less than or equal to 10,000 square feet, establishments greater than 10,000 but less than or equal to 50,000 square feet, and establishments greater than 50,000 square feet. The divisions reflect the proportional crime increase due to the larger size of these establishments ("big box"). Big box establishments attract a higher volume of the public at-large, thereby increasing the potential for criminal activity.

The method by which the impact fee formula further addresses jail usage by classification is through the implementation of a weight factor. A weight factor is a means to rationalize the relationship between variables. Occupant Load Factors, for example, are a type of weight factor utilized by fire departments to determine the maximum number of people that can safely inhabit a structure based on type and size of business. The Occupant Load Factor recognizes life safety issues and dictates the number of people per square foot in certain types of uses. The relationship is one between business type and number of occupants.

Analogously, a "jail-use equivalency" weight factor recognizes the relationship between business type and jail usage. Businesses were assigned a jail-use equivalency potential. Using small retail trade businesses as the norm for jail usage, or "1", "Other" businesses would utilize a jail

proportionately less of the time and larger retail trade businesses would use a jail proportionately more of the time. This accounts for a jail-use equivalency of .75 for "Other", 2 for "Retail Trade" greater than 10,000 square feet but less than or equal to 50,000 square feet, and 3 for "Retail Trade of 50,000 square feet or greater".

For purposes of assessing an impact fee, nonresidential establishments have been divided into two classifications: Retail Trade, and Other. For both classifications of nonresidential establishments, the capital improvement component of \$142.65 per capita and the interest component of \$164.42 per capita must be multiplied by the average number of employees. A three percent administration fee is then applied to this product. Finally, the application of the jail-use equivalency is applied. The impact fee for a retail trade business of less than 10,000 square feet is \$4,744.23. The impact fee for a retail trade business of greater than 10,000 square feet but less than or equal to 50,000 square feet is \$9,488.46. The impact fee for a retail trade business of greater than 50,000 square feet is \$14,232.70. The impact fee for a nonresidential "Other" category is \$2,609.33. The steps producing the impact fee are reflected below.

TABLE J-6
NON-RESIDENTIAL IMPACT FEE COMPONENTS

Capital Improvement Component (\$142.65 per capita)			Interest Component (\$164.42 per capita)		
x	Impact Cost per Employee (per capita)	\$142.65	x	Impact Cost per Employee (per capita)	\$164.42
=	Employees - Average Number	<u>15</u>	=	Employees - Average Number	<u>15</u>
	Capital Improvement Component	\$2,139.75		Interest Component	\$2,466.30

Retail Trade: ≤10,000 Square Feet		
	Capital Improvement Component	\$2,139.75
+	Interest Component	<u>2,466.30</u>
=	Subtotal	\$4,606.05
x	3 % Administration Fee	\$138.18
=	Base Impact Fee	
x	Jail-Use Equivalency	\$4,744.23
=	Impact Fee	<u>1</u>
		\$4,744.23

Retail Trade: >10,000 Square Feet but ≤ 50,000 Square Feet		
	Base Impact Fee	\$4,744.23
x	Jail-Use Equivalency	<u>2</u>
=	Impact Fee	\$9,488.46

Retail Trade: >50,000 Square Feet		
	Base Impact Fee	\$4,744.23
x	Jail-Use Equivalency	<u>3</u>
=	Impact Fee	\$14,232.69

Other		
	Capital Improvement Component	\$1,569.15
+	Interest Component	<u>1,808.62</u>
=	Subtotal	\$3,377.77
x	3% Administration Fee	\$ 101.33
=	Base Impact Fee	\$3,479.10
x	Jail-Use Equivalency	<u>.75</u>
=	Impact Fee	\$2,609.33

The following tables identify the impact fees for both residential and nonresidential structures. A three percent administrative fee is added to the cost.

TABLE J-7 JAIL FACILITY IMPACT FEE CALCULATION FOR HOUSEHOLDS (DWELLING UNITS)					
	Capital Improvement Component	Interest Component	Subtotal	Administration (3%)	Impact Fee
Household (dwelling unit)	\$392.29	\$452.16	\$844.45	\$25.33	\$869.78

TABLE J-8 JAIL FACILITY IMPACT FEE CALCULATION FOR NON-RESIDENTIAL ESTABLISHMENTS										
Establishment Type	Number of Employees	Number of Establishments	Average Number of Employees	Size of Structure	Capital Improvement	Interest	Subtotal	Administration (3%)	Subtotal	Impact Fee
Retail Trade	5,445	358	15	≤10,000SF	\$2,139.75	\$2,466.30	\$4,606.05	\$138.18	\$4,744.23	\$4,744.23
				>10,000SF ≤50,000SF						\$9,488.46
				>50,000SF						\$14,232.69
Other	12,753	1,175	11	NA	\$1,569.15	\$1,808.62	\$3,377.77	\$101.33	\$3,479.10	\$2,609.33

Source of Number of Employees, Number of Establishments, and Average Number of Employees for Fayette County: County Business Patterns 1995.

INTERGOVERNMENTAL AGREEMENT FOR THE LEVYING
AND COLLECTION OF A DEVELOPMENT IMPACT FEE
FOR JAIL PURPOSES

THIS AGREEMENT made and entered into this ____ day of _____, 2000, by and between the following political subdivisions of the State of Georgia – Fayette County, by and through its Board of Commissioners, hereinafter the “County;” the City of Peachtree City, by and through its Mayor and Council, hereinafter “Peachtree City;” the City of Fayetteville, by and through its Mayor and Council, hereinafter “Fayetteville;” the Town of Tyrone, by and through its Mayor and Council, hereinafter “Tyrone;” the Town of Brooks, by and through its Mayor and Council, hereinafter “Brooks;” and the Town of Woolsey, by and through its Mayor and Council, hereinafter “Woolsey;” with all the political subdivisions together hereinafter referred to as the “Governing Authorities,” or “Governing Authority” when being referred to in the singular, for the purpose of providing an equitable manner in which to levy and collect a development impact fee for Jail Purposes.

W I T N E S S E T H:

WHEREAS, the Governing Authorities have determined that it is in the best interests of the Governing Authorities to levy and collect a development impact fee for jail purposes as authorized under the Development Impact Fee Act, OCGA § 36-71-1 et seq., hereinafter “the Act;” and

WHEREAS, upon approval by the Department of Community Affairs (“DCA”), and upon passage of a development impact fee ordinance by each of the Governmental Authorities for the purpose of levying and collecting a development impact fee for jail purposes, the Governmental Authorities intend to levy and collect a development impact fee for jail purposes on or about forty-five (45) days from receipt of approval of DCA; and

WHEREAS, the Governmental Authorities desire to set out the terms and conditions under which the levying and collection of the development impact fee for jail purposes will occur in order that the development impact fee for jail purposes may be regularly levied and collected and devoted exclusively for jail purposes; and

WHEREAS, it is the intention of each of the Governmental Authorities that this agreement shall remain in place so long as a development impact fee for jail purposes may be levied and collected on the proposed jail facility consistent with all applicable laws, or for a term of twenty (20) years, whichever is first to occur.

NOW, THEREFORE, for and in consideration of the mutual promises and conditions contained herein, the receipt and sufficiency of which is hereby acknowledged by all the Governmental Authorities, the Governmental Authorities agree as follows:

1.

The Governmental Authorities agree to do, or cause to do, all things required under the Act necessary to commence the levying and collection of a development impact fee for jail purposes by no later than forty-five (45) days after approval by DCA. None of the Governmental Authorities is a guarantor that DCA or other state agencies will approve the proposed development impact fee for jail purposes, and therefore, none of the Governmental Authorities has any financial liability or responsibility if such development impact fee is not so approved. It is the intent of the Governmental Authorities that this intergovernmental agreement shall govern the relationship between the Governing Authorities as to matters of levying and collecting the development impact fee for jail purposes.

2.

As of the execution date of this intergovernmental agreement, each of the Governing

Authorities has agreed to levy and collect a development impact fee for jail purposes within their respective jurisdictions. Each of the Governing Authorities has the responsibility to levy and collect the development impact fee for jail purposes in a manner consistent with law. Notwithstanding anything contained herein to the contrary, individual Governmental Authorities may contract with another Governmental Authority for the collection of the development impact fee for jail purposes.

3.

Currently, Peachtree City, Fayetteville, and Tyrone levy and collect development impact fees for services other than for jail purposes. This intergovernmental agreement shall not modify or alter in any way the manner in which development impact fees are levied and collected by Peachtree City, Fayetteville, and Tyrone for those services other than for jail purposes. The County, along with Brooks and Woolsey, will be instituting a development impact fee for the first time by the implementation of this development impact fee for jail purposes.

4.

Upon receipt of approval by DCA and the satisfaction of all necessary procedural and substantive requirements, the Governing Authorities shall each levy a development impact fee for jail purposes consistent with law. The Governing Authorities shall account for the collection of the development impact fee for jail purposes and remit the amount of development impact fees for jail purposes collected to the County on a monthly basis. Each of the Governing Authorities shall deposit with the County all development impact fees for jail purposes collected within each calendar month by the fifteenth (15) day of the next succeeding calendar month.

5.

The term of this intergovernmental agreement shall be for twenty (20) years from the date of execution. However, should the ability to levy and collect a development impact fee for jail purposes extend past twenty (20) years from the date of execution of this intergovernmental agreement, the Governing Authorities recognizing the importance of levying and collecting a development impact fee for jail purposes, hereby authorize a twenty (20) year renewal term which may be exercised by re-approval of the Governing Authorities to levy and collect a development impact fee for jail purposes as of the twentieth anniversary of the execution date of this intergovernmental agreement. Conversely, should the Governing Authorities lose the ability to levy and collect a development impact fee for jail purposes prior to the expiration of the term of this intergovernmental agreement, this intergovernmental agreement shall be terminated as of the date the Governing Authorities lose the ability to levy and collect a development impact fee for jail purposes, notwithstanding the fact that said termination could occur prior to the twentieth anniversary of the date of execution of this intergovernmental agreement. Whether or not the Governing Authorities have the ability to levy and collect a development impact fee for jail purposes will be determined by the Act.

6.

During the term of this intergovernmental agreement, should a court of competent jurisdiction determine that the development impact fee for jail purposes, which has been collected by the County through the County's development impact fee ordinance and/or through this intergovernmental agreement, was levied and collected in a manner not consistent with law, and an order issues requiring the refunding of development impact fees levied and collected for jail purposes the County shall, consistent with the aforementioned order, refund all amounts due the

Governing Authorities once all appeals of the order have been exhausted, provided that a superseded Order has been obtained or other Order which does not require the immediate refund by the affected Governmental Authority.

7.

In consideration of the Governing Authorities levying, collecting, and remitting to the County development impact fees for jail purposes as provided for in this Agreement, and for a period of the term of this Agreement, the County agrees to provide to the Governing Authorities detention facilities and related jail services for the incarceration of their detainees. Detainees shall include persons charged with or convicted of any felony, misdemeanor, or ordinance violation that is punishable by imprisonment. The County shall receive, accept, and detain in custody, detainees in the manner provided by State of Georgia and Federal laws.

8.

The County shall provide legal defense to and shall defend Governmental Authorities against any litigation filed against the Governmental Authorities, which attacks the constitutionality of or legality of the development impact fee for jail purposes. The County shall pay any and all attorney's fees and all other costs awarded against the Governmental Authorities in such litigation.

9.

This intergovernmental agreement represents the entire agreement between the Governing Authorities. It is the intent of the Governing Authorities that all issues governing the levying and collection of a development impact fee for jail purposes are contained within this intergovernmental agreement. No other written or verbal representations have been relied upon by any of the Governing Authorities as consideration for entering into this intergovernmental agreement. Should the Governing Authorities desire to amend this intergovernmental agreement subsequent to the date

of execution, such amendment(s) shall be in writing and approved by written unanimous consent of the Governing Authorities. This intergovernmental agreement shall consist of six (6) originals with each original having the same full force and effect of each of the other originals.

WHEREOF, we have each set our hands and seals to this intergovernmental agreement as of the date first above written.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

(SEAL)

BY: _____
HAROLD BOST, Chairman

ATTEST:

Deputy Clerk

MAYOR AND COUNCIL OF THE CITY
OF PEACHTREE CITY

(SEAL)

BY: _____
ROBERT L. LENOX, Mayor

ATTEST:

MAYOR AND COUNCIL OF THE CITY
OF FAYETTEVILLE

(SEAL)

BY: _____
KENNETH STEELE, Mayor

ATTEST:

[SIGNATURES CONTINUED ON NEXT PAGE]

MAYOR AND COUNCIL OF THE TOWN
OF TYRONE

(SEAL)

BY: _____
SHERYL LEE, Mayor

ATTEST:

MAYOR AND COUNCIL OF THE TOWN
OF BROOKS

(SEAL)

BY: _____
ROBERT P. BUTLER, Mayor

ATTEST:

MAYOR AND COUNCIL OF THE TOWN
OF WOOLSEY

(SEAL)

BY: _____
GARY LAGGIS, Mayor

ATTEST:
