

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

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
- III. Minutes – October 19, 2000
- IV. Old Agenda Items
 - 08-00-05 Consider Appeal – Walmart - Conceptual Site Plan – approved 3-2 with McMenamin and Tennant opposing
 - 10-00-08 Public Hearing - Consider Ordinance – “Big Box” Regulations – approved 5-0
 - 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
- V. Consent Agenda
- VI. New Agenda Items
 - 11-00-01 Consider Alcohol License – The Dark Horse Pub, 288 N Highway 74 - tabled
 - 11-00-02 Public Hearing – Rezoning – Summit Apartments – approved 5-0
 - 11-00-03 Public Hearing – Rezoning – Lexington Commons - tabled
 - 11-00-04 Discussion of City Council Meeting Rules and Procedures - tabled
 - 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
- VII. Council/Staff Topics
- VIII. Executive Session

Members present: Mayor Bob Lenox, Annie McMenamin, Robert Brooks,
Dan Tennant, & Carol Fritz



Peachtree City

Georgia

RESOLUTION

WHEREAS, Governor Barnes envisioned having communities laced with open space and connected green spaces; and,

WHEREAS, Senate Bill 399 established a framework within which developed and rapidly developing counties and their municipalities can permanently preserve community greenspace; and,

WHEREAS, this program has a goal to set aside 20 percent of the land in certain counties as permanently protected greenspace; and,

WHEREAS, Fayette County, the City of Fayetteville, the City of Peachtree City and the Town of Tyrone have worked together to establish a Fayette County Greenspace Program.

BE IT RESOLVED, that the Mayor and Council that the hereby adopts the Greenspace Program attached hereto and incorporated herein by reference, which sets forth Peachtree City's greenspace protection goal and the methods and schedule this body intends to use to achieve this goal. The City of Peachtree City further certifies that it will diligently pursue the implementation of the program as described therein.

BE IT FURTHER RESOLVED, that the Mayor and Council of Peachtree City hereby authorizes the establishment of a Community Greenspace Trust Fund for utilization in the implementation of the Town's Greenspace Program; and

IT IS HEREBY FURTHER RESOVLED, that the City of Peachtree City will enter into a contractual agreement with the Georgia Department of Natural Resources to receive grant funds from the Georgia Greenspace Trust Fund, by authorizing Robert L. Lenox, Mayor to sign the grant award agreement for the City.

SO RESOLVED, this 2nd day of November, 2000.

Robert L. Lenox
Mayor Robert L. Lenox

Annie W. McMenamin

Carol A. Fritz

Janet R. Smith
Chit Brooks

ATTEST:

Nancy Faulkner
Nancy Faulkner, City Clerk

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

City Council of Peachtree City
Minutes of Meeting
October 19, 2000
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, October 19, 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, and Bob Brooks. Dan Tennant was absent.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox recognized the Employee of the Month, David Murphy.

Mayor Lenox presented a ten-year service pin to Robert Todd.

Mayor Lenox recognized Tom Carty and the West Georgia Inspectors Association for receiving the Chapter of the Year award from the Southern Building Code Congress International.

Chief Murray recognized his Police Department for achieving Re-accreditation.

MINUTES

McMenamin made a motion to approve the minutes of the October 5, 2000, as presented. Fritz seconded the motion. Motion carried with Lenox abstaining.

CONSENT AGENDA - approved 4-0

1. Consider Agreement – Tower Lease
2. Consider Ordinance Revision – Outdoor Burning

McMenamin made a motion to approve the consent agenda items. Fritz seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

Consider Ordinance – Outside Storage Display - approved 4-0

Jim Williams, Director of Developmental Services, said the proposed Outside Storage Display Ordinance was presented to Council on September 7, 2000. Since that time, staff met with about 30 business owners and members of the Chamber of Commerce. Based on those discussions, the draft of the ordinance had been substantially revised. He said the revised draft was approved by the Planning Commission at its meeting on October 9, 2000 and staff recommended that it be adopted by Council. Williams reviewed the ordinance in detail. McMenamin made a motion to adopt the ordinance as presented. Fritz seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

Mayor Lenox read the rules for conducting Public Hearings and set a time limit of fifteen minutes for each side to present their case.

10-00-06 Public Hearing – Consider Lifting the Moratorium on Multi-Family Zoning as it applies to the Lexington Commons Commercial Development at the Walt Banks/SR-54 Intersection - approved 4-0

Developer Bob Adams addressed Council to request lifting the moratorium on multi-family zoning as it applied to the Lexington Commons Development at the Walt Banks/SR 54 Intersection. His intention was to submit a rezoning request to change his limited use zoning classification to permit him to replace some of the commercial development with residential development. Brooks supported the request because he felt the surrounding neighbors were strongly in favor of it. McMenamin also supported the request. She felt it would give citizens an opportunity to review the history of the property and that they would have an opportunity to give input at the rezoning hearing. Brooks made a motion to lift the moratorium on Multi-Family Zoning as it applied to the Lexington Commons Commercial Development at the Walt Banks/SR 54 Intersection. Fritz seconded the motion. Motion carried unanimously.

10-00-07 Public Hearing – Variance, Potash, 121 Cedar Point - approved 4-0

Mr. Martin Potash, the owner of Lot 2 at 121 Cedar Point, addressed Council to request a variance to extend his existing garage a total of 12 feet toward his rear property line, which would encroach into the required setback area about 9 feet. Jim Williams spoke in favor of the variance stating that Mr. Potash owned the lot behind his home, and the encroachment would be in the setback area between Lots 1 and 2, making the applicant also the adjoining property owner. Hearing no one else speak in favor of the variance, Lenox asked if anyone wished to speak in opposition. Hearing no opposition, Lenox called the hearing to a close and opened the floor for Council to debate the issue and render a decision. McMenamin noted that the concrete slab for the garage was already in existence. Brooks made a motion to grant the variance as requested. McMenamin seconded the motion. Motion carried unanimously.

10-00-08 Public Hearing - Consider Ordinance – “Big Box” Regulations – remanded to staff for modifications 4-0

Jim Williams presented the proposed “Big Box” regulation, which would be an amendment to the zoning ordinance as recommended by staff and the Planning Commission. He said the ordinance would apply to any business that would be more than 10,000 square feet in area, but it would not apply to major developments currently in the planning stages. The said it would not apply to the Huddleston Property, which had an approved site plan for Home Depot and plans for development of a Walmart, and Phase Two of Kedron Shopping Center.

Businesses over 10,000 square feet would be subject to the following conditions:

1. General Retail Space would be limited to 150,000 square feet with an extra 50,000 square feet for theater and restaurant space.

2. No single commercial tenant shall occupy more than 32,000 square feet of floor area.
3. No three commercial tenants shall occupy a combined floor area of more than 80,000 square feet.
4. No more than six commercial tenants shall occupy more than 10,000 square feet of floor area each.
5. All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. This requirement can be met by employing the use of architectural features including but not limited to the following: Doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure conformance with this requirement, exterior-building elevations must be reviewed and approved as a part of the overall Final Site Plan review process.
6. Any tenant that occupies more than 10,000 square feet shall provide the City Attorney with a copy of the rental agreement between the tenant and its landlord which contains a contract provision prohibiting the tenant from voluntarily vacating such premises or otherwise ceasing to conduct its retail business on such premises while simultaneously preventing the landlord, by continuing to pay rent or otherwise, from leasing the premises to another person or company who will operate a permitted business on the premises. If such a tenant voluntarily vacates such premises or otherwise ceases to conduct its retail business on the premises, the landlord shall be free to market and lease such premises to another person or company regardless of any contractual rights the tenant may have with the landlord.
7. The owner of the zoning lot shall prepare a Traffic Management Plan, which identifies the traffic problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The Plan must be prepared by a qualified professional Traffic Planner at no cost to the City, and it must be approved by the City Engineer;
8. The owner of the zoning lot shall prepare a Water Management Plan, which identifies the water management problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The Plan must be prepared by a qualified professional Engineer at no cost to the City, and it must be approved by the City Engineer;
9. No use permitted in this zoning district shall be allowed to cover more than 75 percent of the zoning lot on which it is located with impervious surfaces.

McMenamin asked how far along was Phase 2 of Kedron Shopping Center in the development process? Williams said the developer was negotiating a site plan with staff. She asked if Williams thought the developer was trying to circumvent the new ordinance since they had originally negotiated with Home Depot for their site before it was relocated to the Huddleston property? Williams did not feel that was the developer's intent. He said the developer made changes in their

site plan that would include two anchors instead of one large anchor.

Fritz asked Williams to confirm that the master plan for the Kedron Shopping Center was submitted and approved in 1996. Williams said that was the City Attorney's interpretation of the situation.

Lenox opened the floor for public comments and questions.

Bob Adams asked if Lexington Commons would also be excluded from the ordinance? Williams said the proposed ordinance would not apply to buildings over 10,000 square feet if the property was rezoned to Limited Use Commercial, as the Lexington Commons Development was.

Rick Shumacher, Planning Commission member addressed Council and urged them to approve the ordinance to safeguard the City's ambiance and future lifestyle.

Steve Brown, 148 Terrane Ridge, said the ordinance had been revised many times. He objected to giving exemptions to some of the developments. He felt there were legally justifiable reasons to require the developments to abide by the ordinance. He felt by including an exemption in the ordinance, the city was pandering to the developer's attorneys.

Doug Dillard, attorney for Pathway Communities, Ram Development Group and Home Depot, addressed Council and provided them with a copy of a letter sent to them previously, dated August 11. He said while the developer had pending conceptual plans for the property on Highway 74, the original master plan for the property was approved by the City in 1994, and as a result the developer spent \$1.37 million to develop the property, as well as for system wide improvements that the whole City benefits from such as road improvements, sewer, water, etc. Dillard said he questioned the purpose of the ordinance and said that Council needed to have a clear public purpose served by any legislative act they adopt.

Mayor Lenox noted for the record that the City also received a letter from Powell, Goldstein, Frazer and Murphy on behalf of the Huddleston Family Limited Partnership, owner of a 42-acre tract on Highway 54, stating their objections to the ordinance.

Lenox asked if there were any comments or questions. Hearing none, Lenox said that he did not want to call the Public Hearing to a close because he did not want to preclude any further input, but he opened the floor for Council discussion.

Lenox voiced concerns about the ordinance. He said under the proposed ordinance, Braelinn and Kedron Shopping Center would not have been built. He was concerned with restricting the size of developments that had already been accepted in the past. He was also concerned with how the preamble was worded. He said the original master plan of Peachtree City called for a regional commercial center. He also felt that there should be a provision in the ordinance requiring all commercial buildings to be maintained as though they were occupied to preclude any vacant buildings from becoming an eye-sore.

Fritz felt that some of the information from the original master plan should be published for public information because it is often misquoted. She pointed out that the regional commercial center was planned for the intersection of Highway 54/74 and that there were originally seven villages

planned. She asked the City Attorney for a legal opinion regarding the developer's vested rights. He said Georgia Law balanced facts to determine a property owner's vested rights. He felt it would be difficult to argue with the developer's claim of having vested rights due to the fact they have already spent over one million dollars to develop the project. He felt the entire ordinance could be jeopardized.

Brooks also felt the preamble should be changed. He agreed with Mayor's comments.

McMenamin felt that the plan for a regional shopping center in Peachtree City was intended for its citizens and not for the surrounding areas. She said it was important to look ahead toward the future. She said stores were already beginning to downsize because they no longer had the need to store large quantities of inventory. She said computers made it possible to have goods delivered within 24 to 48 hours. She also felt there would be a tremendous increase in Internet shopping in the future and that communities would see the development of smaller neighborhood stores.

A citizen addressed Council and pointed out that the Master Plan was an evolving document and that the way things were done in the seventies was not the way things are done now.

Steve Brown agreed that the Master Plan was a living document. He also said that the size of department stores have increased up to three times since the seventies.

Lenox called the public hearing to a close and made a motion to remand the ordinance back to staff for modifications. McMenamin seconded the motion. Motion carried unanimously.

10-00-09 Consider Jail Impact Fees – approved 4-0

Jim Basinger, City Manager, presented revised jail impact fees to Council as suggested by other municipalities. A comparison of the fees approved on September 7, 2000 are as follows:

<u>Type Fee</u>	<u>Structure Size</u>	<u>Approved 9/7/00</u>	<u>Revision</u>
Retail Trade	≤10,000 S.F.		\$ 4,744.23
	>10,000 S.F.		\$ 9,488.46
	≤50,000 S.F.		
	<50,000 S.F.	\$ 4,331.56	
	>50,000 S.F.	\$ 8,663.12	\$ 14,232.69
Other	N/A	\$ 1,588.24	\$ 2,609.33

Lindsey advised that he had reviewed the intergovernmental agreement pertaining to the jail impact fees and recommended adoption.

Brooks made a motion to approve the revised fee schedule and to approve the intergovernmental agreement. McMenamin seconded the motion. Motion carried unanimously.

COUNCIL/STAFF TOPICS

Basinger announced that Council would consider the final results of the Pay Plan on November 2, 2000.

McMenamin suggested a joint workshop with the City of Tyrone to discuss zoning overlay. She felt the Planning Commissions of both municipalities should be invited as well as the elected officials.

Fritz said she attended the Local Emergency Planning Committee (LEPC) meeting last week and was very impressed with the Train Derailment Plan. She suggested Acting Chief Lohr give a presentation on such at the next Council meeting.

Lenox made a motion to take a brief recess and reconvene into Executive Session to discuss a legal matter. McMenamin seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

No action was taken in Executive Session. McMenamin made a motion to adjourn the meeting. Lenox seconded the motion. Motion carried unanimously and meeting adjourned at 8:30 p.m.

Attest: _____
Mayor Robert L. Lenox

City Clerk, Nancy Faulkner

Financial Services Monthly Report

STATUS OF FUNDS AS OF SEPTEMBER 30, 2000

Fund	Cash Balance	Total Investment	Total Fund Balance	YTD Interest
#1 General Fund	\$105,606	\$2,344,376	\$2,449,981	\$159,494
Council Reserve Fund	\$441,337	\$124,111	\$565,448	\$34,799
Library Sales Tax Fund	\$58,646	\$0	\$58,646	\$2,493
Public Improvement Fund	\$395,312	\$1,656,289	\$2,051,600	\$130,822
Police Station Lease	\$0	\$1,951,148	\$1,951,148	\$110,687
Self Insurance Fund	\$312,326	\$526,063	\$838,389	\$54,113
Debt Service Fund	\$26,336	\$0	\$26,336	\$3,132
Bond Fund	\$0	\$0	\$0	\$0
Municipal Court Fund	\$68,163	\$0	\$68,163	\$2,299
Develop & Impact Fees	\$816,988	\$376,546	\$1,193,534	\$25,310
Neighborhood Parks/Rec.	\$22,170	\$0	\$22,170	\$210
Federal Seizures Police Fd	\$253	\$0	\$253	\$11
Confiscated Fund	\$7,441	\$0	\$7,441	\$0
Police Tuition Account	\$3,025	\$0	\$3,025	\$68
Escrow Account	\$149,309	\$127,677	\$276,986	\$11,241
Grand Total	\$2,406,912	\$7,106,208	\$9,513,120	\$534,680

#1 Includes investments of \$250,000 for 54/Railroad Carpath Overpass Project.

Purchasing Monthly Report

	2000		1999	MTHLY % INC/(DEC)
	TOTAL YTD	TOTAL YTD		
Purchase Requisitions Processed	1,152	1,294		-10.97%
City Store Requisitions Processed	153	153		0.00%
Sealed Bids Requested >\$10,000	23	30		-23.33%
Written Quotes Req \$5,000-10,000	64	65		-1.54%
Verbal Quotes Reques	174	255		-31.76%
Total # Purchase Orders Issued	1,393	1,485		-6.20%
Total # of Bids Awarded	20	20		0.00%
Contracts Required >\$10,000	8	15		-46.67%
# of Fixed Assets Purchased >\$500	54	76		-28.95%
Total \$ of Fixed Assets Purchased	\$527,758	\$308,381		71.14%

Collateral Analysis as of September 30, 2000

Security Location	Bank	Total Held
Bank of New York	First Union	\$8,367,036
Bank of New York	Peachtree National	\$5,100,000
		\$13,467,036

Budget Comparison Revenues - By Major Category

Description	2000 Budget	Actual YTD	Difference	%
General Property Taxes	\$4,438,049	\$4,566,240	\$128,191	102.89%
Franchise Taxes	\$1,771,233	\$1,823,156	\$51,923	102.93%
Local Option Sales Tax	\$5,135,529	\$5,407,287	\$271,758	105.29%
Other Sales & Use Taxes	\$1,047,781	\$998,276	(\$49,505)	95.28%
Business Taxes	\$1,048,419	\$994,775	(\$53,644)	94.88%
Business Permits	\$395,717	\$483,846	\$88,129	122.27%
Non-Business Permits	\$15,346	\$16,925	\$1,579	110.29%
Charges for Services	\$501,016	\$501,960	\$944	100.19%
Fines & Forfeitures	\$1,012,311	\$821,141	(\$191,170)	81.12%
Investment Income	\$109,999	\$159,494	\$49,495	145.00%
Rents & Royalties	\$163,558	\$133,818	(\$29,740)	81.82%
Other Revenue	\$6,273	\$7,428	\$1,155	118.41%
Total	\$15,645,231	\$15,914,346	\$269,115	101.72%

Budget Comparison Expenditures by Division YTD

Division	2000 Budget	Actual YTD	Difference	%
Administrative	\$1,061,193	\$1,043,381	\$17,812	98%
Developmental	\$711,079	\$648,886	\$62,193	91%
Finance	\$454,711	\$435,813	\$18,898	96%
Leisure Services	\$2,574,391	\$2,483,157	\$91,234	96%
Public Safety	\$4,355,149	\$4,243,426	\$111,722	97%
Public Works	\$2,053,288	\$2,023,022	\$30,266	99%
Total	\$11,209,810	\$10,877,685	\$332,125	97%

Summary of Major Expenditures by City Manager

Description	Budget	Award	Svgs/Short	Date
Replace Fencing	\$25,000	\$24,164	\$836	9/8/00
Grinding Organic Mat	\$7,985	\$7,985	\$0	9/12/00

BUILDING DEPARTMENT

2000 MONTHLY REPORTS

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2000 YEAR-TO-DATE	1999 YEAR-TO-DATE
DEVELOPMENT PERMITS:	12	21	14	17	12	11	9	12	14	10	21	6	159	309

BUILDING PERMITS:

Single Family Residential
Multi-Family Residential
Misc.-Pools/fences/additions
Commercial/Industrial

TOTAL INSPECTIONS:

CERTIFICATE OF OCCUPANCY:

Residential
Commercial
Multi-Family Residential

CODE ENFORCEMENT:

Complaints
Warning
Stop Work Orders
Citations

PERMIT FEES COLLECTED:

POPULATION: Based on

2.9 of completed occupancy

*Revised to reflect
2000 Census figures

14	11	11	14	10	8	5	16	12	12	3	17	8	129	264
0	0	0	0	399	0	0	0	0	0	0	192	0	591	0
45	69	85	72	68	85	45	61	52	42	42	38	43	705	684
8	5	13	15	7	11	4	11	8	17	17	14	23	136	116
454	400	420	439	482	367	437	488	291	425	416	726	5,345	8,847	
11	17	20	18	16	16	16	19	8	11	11	5	168	301	
3	2	4	1	1	2	2	2	1	4	2	2	26	18	
0	0	0	0	0	0	0	0	0	0	0	0	0	6	
264	241	356	285	545	564	485	417	240	317	298	228	4,240	3,692	
297	250	425	244	470	353	258	339	366	405	332	244	3,983	4,245	
2	4	10	6	4	8	5	4	5	3	6	3	60	66	
0	2	1	1	2	0	1	4	4	2	0	2	19	39	
15,942	19,967	21,656	35,629	68,857	66,772	20,975	28,954	56,212	53,978	22,158	29,729	440,829	327,368	
33,340	33,392	31,580*	31,633	31,679	31,725	31,771	31,826	31,849	31,881	31,913	31,928	31,928	33,306	

BUILDING DEPARTMENT

2000 MONTHLY REPORTS

2000 1999
YEAR-TO-DATE YEAR-TO-DATE

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

DEVELOPMENT PERMITS:

12 21 14 17 12 11 9 12 14 122 260

BUILDING PERMITS:

14 11 11 14 10 8 5 16 12 101 224
0 0 0 0 399 0 0 0 0 399 0
45 69 85 72 68 85 45 61 52 582 557
8 5 13 15 7 11 4 11 8 82 97
Commercial/Industrial

TOTAL INSPECTIONS:

454 400 420 439 482 367 437 488 291 3,778 6,890

CERTIFICATE OF OCCUPANCY:

11 17 20 18 16 16 16 19 8 141 207
3 2 4 1 1 2 2 2 1 18 14
0 0 0 0 0 0 0 0 0 0 6
Residential
Commercial
Multi-Family Residential

CODE ENFORCEMENT:

264 241 356 285 545 564 485 417 240 3,397 2,665
297 250 425 244 470 353 258 339 366 3,002 3,200
2 4 10 6 4 8 5 4 5 48 41
0 2 1 1 2 0 1 4 4 15 34
Complaints
Warning
Stop Work Orders
Citations

PERMIT FEES COLLECTED:

15,942 19,967 21,656 35,629 68,857 66,772 20,975 28,954 56,212 334,964 272,260

POPULATION: Based on

3.05 of completed occupancy

33,340 33,392 33,453 33,508 33,557 33,606 33,655 33,713 33,737 33,737 33,019

**2000 Monthly Report
Fire/EMS Department**

Fire/Accident Calls	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	2000 Y-T-D	1999 Y-T-D
Residential	4	1	2	2	0	2	4	0	0				15	21
Business/Industrial	1	0	2	1	0	1	0	0	1				6	4
Other	109	91	116	109	107	112	110	90	110				954	925
Total Engine Response	114	92	120	112	107	115	114	90	111				975	950
Dispatched Fire Calls	59	33	51	41	34	48	60	36	42				404	380
Response Time Fire	4:44	4:47	4:06	4:44	4:34	4:15	3:59	4:43	4:30				4:30	4:46
Rescue/EMS														
Trauma	46	57	55	65	79	84	74	61	55				576	644
Medical	78	86	83	65	85	73	86	75	85				716	696
Total # Patients	124	143	138	130	164	157	160	136	140				1292	1340
Patients Transported	78	77	77	60	83	80	68	59	74				656	696
Dispatched EMS Calls	113	127	128	109	145	125	131	119	128				1125	1069
Total Medic Response	155	149	151	146	186	182	182	153	163				1467	1283
Dispatched Fire/EMS Total	172	160	179	150	179	173	191	155	170				1529	1449
Response Time EMS	4:16	3:50	4:23	3:52	4:17	4:03	4:13	4:16	4:05				4:09	4:10
EMS BILLING														
Patients Billed	93	76	73	49	59	112	40	89	62				653	696
Revenue Generated	19,699	15,463	15,140	9,473	11,872	23,452	8,402	18,380	12,737				134,618	140,921
*Total Revenue Received	22,501	17,667	13,400	8,194	9,673	14,027	5,166	7,568	610				98,806	105,835

*Revenue Received On All Outstanding Patient Accounts

LEISURE SERVICES MONTHLY REPORT 2000

ACTIVITY DESCRIPTION	UNIT	January	February	March	April	May	June	July	August	September	October	November	December	2000 Year to Date	1999 Year to Date
LIBRARY															
1. Books Circulated	Num.	10,975	11,907	12,831	11,396	13,091	17,277	15,804	14,175	13,528	0	0	0	120,984	230,764
2. Average Daily Traffic															
a. Monday - Saturday	Num.	539	623	565	520	507	626	633	512	506	0	0	0	539	575
b. Sunday	Num.	288	385	423	289	222	205	220	209	313	0	0	0	286	303
3. Story Time Participants	Num.	85	150	182	185	174	1,015	975	0	91	0	0	0	2,857	2,860
4. Revenue from Overdue Books	Dis.	313	1,128	1,450	1,456	1,747	1,349	1,348	1,741	1,496	0	0	0	12,028	14,614
5. Revenue from Copy Machine	Dis.	465	1,105	1,492	540	564	378	349	312	603	0	0	0	5,808	7,094
6. Reference Assistance	Num.	842	976	958	1,015	987	960	871	827	912	0	0	0	8,348	8,813
7. Internet Usage	Num.	754	837	833	867	978	1,021	1,045	1,250	1,496	0	0	0	9,081	3,013
8. Renewals by Phone	Num.	756	812	832	918	902	780	642	897	936	0	0	0	7,475	7,320
*FY99 Circulation totals skewed due to glitch in old AS400 system.															
RECREATION															
Leisure Programs															
1. Adult Athletics															
a. Ongoing Programs	Num.	1	1	2	2	2	2	2	2	3	0	0	0	17	19
b. New Programs	Num.	0	0	0	0	1	1	0	0	0	0	0	0	2	1
c. Participants	Num.	285	285	1,215	1,122	1,217	570	910	845	845	0	0	0	7,294	7,959
d. Revenues	Dis.	0	0	28,065	0	35	1,764	12,581	0	14,365	0	0	0	56,810	54,246
e. Expenses	Dis.	146	32	6,979	4,225	3,939	1,568	1,727	2,848	10,965	0	0	0	32,429	33,743
f. Refunds	Dis.	0	0	0	657	0	0	553	0	0	0	0	0	1,190	975
g. Balance (+ or -)	Dis.	-146	-32	21,086	-4,882	-3,904	196	10,322	-2,848	3,400	0	0	0	23,192	\$19,528.00
* Some figures for Jan/Feb were erroneously reported as Adult Athletics as well as Classes															
RECREATION															
Leisure Programs															
1. Classes/Programs															
a. Classes/Programs	Num.	99	98	96	102	103	100	96	68	106	0	0	0	868	896
b. Participants	Num.	2,055	2,139	3,794	2,143	2,562	1,189	1,715	2,237	2,891	0	0	0	20,724	15,851
c. Revenues	Num.	16,503	17,753	24,016	18,520	17,217	34,298	19,284	6,566	18,945	0	0	0	173,098	188,914
d. Expenses	Dis.	12,908	13,460	19,088	14,629	13,395	25,466	16,053	5,148	14,994	0	0	0	135,142	133,446
e. Refunds	Dis.	180	777	64	11	0	255	513	60	276	0	0	0	2,137	787
f. balance (+ or -)	Dis.	3,415	3,516	4,863	3,880	3,822	8,576	2,717	1,358	3,674	0	0	0	\$35,820.08	\$34,676.28
2. Special Events															
a. Events	Num.	0	0	3	7	6	3	0	1	2	0	0	0	22	23
b. Participants	Num.	0	0	493	1,045	76	10,006	0	3,000	6,825	0	0	0	21,445	21,062
c. Revenues	Dis.	0	0	25	0	0	1,500	255	895	0	0	0	0	2,875	5,670
d. Expenses	Dis.	0	0	220	1,541	365	175	0	5,125	24	0	0	0	7,450	9,364
e. Refunds	Dis.	0	0	25	0	0	0	255	175	0	0	0	0	455	185
f. balance (+ or -)	Dis.	0	0	-220	-1,541	-365	1,325	0	-4,405	-24	0	0	0	(\$5,230.00)	(\$3,678.95)
Sports and Facilities															
1. Playing Surface Mowing	Hrs.	0	112	239	315	260	253	287	317	335	0	0	0	2,118	2,226
2. Playing Field Preparation	Hrs.	339	690	697	518	552	528	252	448	452	0	0	0	4,552	4,049
3. Building Maintenance	Hrs.	240	199	168	32	80	112	64	128	136	0	0	0	1,159	1,052
4. Parks/Pool/Tennis Courts															
a. Safety Inspections	Num.	0	0	0	0	40	40	40	40	32	0	0	0	192	68
b. General Repairs/Maint.	Hrs.	292	210	100	48	64	64	24	24	24	0	0	0	850	1,381
c. Grounds/Landscape Maint.	Hrs.	308	176	96	0	48	48	48	48	32	0	0	0	820	1,249
5. Litter Removal	Num.	128	128	128	128	88	56	104	128	112	0	0	0	1,000	1,114
6. Vandalism Repairs	Dis.	0	0	0	0	0	0	0	0	73	0	0	0	73	64
7. Complaints Answered	Num.	0	0	0	0	0	0	0	0	0	0	0	0	0	10
Please Note: Facility Manager's figure for August will be added to September's report.															

PERSONNEL DEPARTMENT

2000 MONTHLY REPORT

REPORT PERIOD	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	2000 YTD TOTAL	1999 YTD TOTAL
1. Authorized Permanent Positions	211	211	211	211	211	211	211	211	211				211	202
2. Positions Open	16	13	11	12	11	10	10	11	12					
3. Workers Comp. Claims Filed	3	5	0	3	3	1	4	4	11				34	24
4. City Veh./Equip. Accidents	1	0	0	0	0	3	3	2	0				9	7
5. Health Insurance Claims	\$51,319	\$101,195	\$92,721	\$76,285	\$ (3,446) *	\$100,460	\$ (54,830) *	\$ 3,853	\$ 60,530				\$ 428,087	\$ 383,132
6. Law Suit Legal Fees	\$ 598	\$ 646	\$18,378	\$ 188	\$ 1,679	\$ 170	\$ -	\$ 4,706	\$ 4,817				\$ 31,182	\$ 5,413

2. Police Officer/Police Department (4); Assistant Building Official/Building (1); Building Inspector/Building (1); Maintenance Worker I/Public Works (3); Maintenance Worker I/Recreation (3).

3. Exposure to defendant/prisoner with tuberculosis (1) City Hall, (6) Police, (3) Fire; Officer sprained right ankle while responding to a call (1) Police.

5. Balance remaining in health insurance account: -\$37,059.95.

6. O'Keefe \$4,809.97; Gregory \$7.37.

* Excess insurance reimbursement was greater than claims expense during month.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Clerk

VIA: City Manager 
Director of Financial Services

DATE: October 27, 2000

SUBJECT: Monthly Report - Police Department

The Police Department's Monthly Report will be provided to you on Monday, October 30, 2000.

CRIME REPORT - SEPTEMBER 2000

PART I CRIMES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD 2000	YTD 1999
MURDER	0	0	0	0	0	0	0	0	0				0	0
RAPE	0	0	0	0	1	0	0	0	0				1	1
ROBBERY	0	1	0	0	0	0	0	1	0				2	2
AGGRAVATED ASSAULT	0	3	1	0	1	0	1	0	0				6	8
ARSON	0	0	0	0	0	1	0	0	0				1	0
TO THEFT	2	0	1	7	10	5	21	4	4				54	23
THEFT	11	18	16	18	29	18	10	21	17				158	201
BURGLARY	0	2	1	1	2	0	0	2	1				9	12
TOTAL PART I CRIMES	13	24	19	26	43	24	32	28	22				231	247
ALCOHOL/DRUG ARRESTS														
DUI - TOTAL	19	16	14	6	13	18	17	9	14				126	105
DUI - ADULT	14	14	13	4	10	17	16	8	12				108	86
DUI - UNDERAGE	5	2	1	2	3	1	1	1	2				18	19
OTHER UNDERAGE														
ALCOHOL ARRESTS	7	25	24	8	7	27	25	14	14				151	127
DRUG ARRESTS	10	12	14	8	16	9	8	7	8				92	69
ARRESTS														
PROPERTY CRIMES	7	5	4	4	8	10	4	14	9				65	70
PERSON CRIMES	4	7	8	5	6	4	7	5	9				55	37
CITY ORDINANCES	41	48	51	44	59	60	42	67	29				441	314
*OTHER	126	145	127	89	135	162	126	109	99				1118	1029
ADMINISTRATIVE AVERAGE RESPONSE TIME	5.15	5.35	5.31	5.45	5.49	5.38	5.28	5.31	5.31				5.34	3.78
CALLS ANSWERED	3595	3637	5133	4965	5134	4957	4765	4890	4693				41,769	23,849
TRAFFIC CITATIONS ISSUED	673	604	576	441	634	722	711	597	692				5650	5067
WARNINGS ISSUED	611	443	403	256	558	594	535	499	593				4492	3581
ACCIDENTS - TOTAL	60	63	85	69	71	82	67	59	62				618	775

TOP 5 ACCIDENT LOCATIONS - MONTH TOTAL

1. HWY 54/HWY 74 6
2. HWY 74/ROCKAWAY ROAD 3
3. HWY 54/CROSSINGS EAST 2
4. HWY 54/PEACHTREE PARKWAY 2
5. HWY 74/CROSSTOWN RD. 2

TOP 5 ACCIDENT LOCATIONS - YEAR TOTAL

1. HWY 54/HWY 74 49
2. HWY 54/PEACHTREE PARKWAY 26
3. HWY 54/WALT BANKS RD. 23
4. HWY 74/CROSSTOWN DR. 23
5. HWY 54/COMMERCE DR. 12

2000 MONTHLY REPORT
PUBLIC SERVICES DIVISION

Activity Description	Unit	2000												1999	
		January	February	March	April	May	June	July	August	September	October	November	December	YEAR-TO-DATE	YEAR-TO-DATE
CART PATHS															
1. Const./Reconst./Overlay	Ft.	50	0	2,086	560	2,710	0	3,415	50	0				8,871	15,750
2. Drainage Maintenance	Hrs.	83	105	113	114	40	83	60	102	150				850	895
3. General Maintenance	Hrs.	180	414	361	114	143	61	83	306	129				1,791	1,783
4. Mowing	Hrs.	0	0	0	135	171	144	75	233	106				864	1,044
5. Litter Removal	Hrs.	68	45	90	53	30	75	64	60	30				515	624
FLEET MANAGEMENT															
1. Equipment Maintenance	Hrs.	43	39	43	12	15	19	3	83	26				283	211
2. Equipment Repairs	Hrs.	121	171	154	167	128	152	113	203	108				1,317	1,457
3. Vehicle Maintenance	Hrs.	76	118	133	104	133	177	108	108	157				1,114	809
4. Vehicle Repairs	Hrs.	237	256	283	229	243	213	210	172	192				2,035	2,109
5. Fleet Down Time	Hrs.	482	542	620	521	526	563	441	573	490				4,758	8,921
GROUNDS															
1. Litter Removal	Hrs.	321	257	464	380	217	325	347	349	282				2,942	3,689
2. Right-of-Way Mowing	Hrs.	0	0	331	653	945	792	653	1,073	600				5,047	4,551
3. General Maintenance	Hrs.	874	752	797	431	445	552	462	302	300				4,915	4,817
LANDSCAPE															
1. Litter Removal	Hrs.	20	32	70	68	102	115	164	118	48				737	518
2. Mowing (Sub. Entrances)	Hrs.	0	0	226	625	780	624	647	900	729				4,531	3,472
3. General Maintenance	Hrs.	657	689	544	264	196	135	143	231	249				3,108	2,046
4. Planting	Hrs.	100	0	0	23	0	53	0	0	24				200	339
RECYCLING SITE															
1. City Employees Hours	Hrs.	151	110	69	142	66	59	111	120	120				948	1,131
2. City Employees Salaries	Dls.	1,188	866	544	1,120	528	472	888	960	960				7,526	10,239
3. Revenues	Dls.	731	515	740	754	573	644	589	474	537				5,557	5,507
4. Participants															
a. Recycling	Num.	546	659	570	680	892	611	748	628	585				5,919	6,151
b. Composting	Num.	1,296	1,084	1,159	1,446	1,625	1,003	1,061	1,062	1,129				10,865	10,628
c. Mulch (Pick Up)	Num.	68	112	187	261	361	254	178	118	229				1,768	1,178
SIGN MAINTENANCE															
1. Building Maintenance	Hrs.	20	21	23	20	22	22	21	19	20				188	188
2. Subdivision Sign Maintenance	Hrs.	81	102	172	93	87	79	70	58	72				814	713
3. Traffic Sign Maintenance	Hrs.	148	143	82	141	162	130	143	151	149				1,249	1,261
STREETS															
1. Street Sweeping	Hrs.	8	40	16	70	55	0	8	47	56				300	331
2. Pavement Patching	Hrs.	0	213	147	154	0	670	154	60	307				1,705	917
3. Drainage Maintenance	Hrs.	0	102	210	117	128	128	90	113	467				1,355	1,536
4. General Maintenance	Hrs.	576	356	399	258	199	174	79	539	286				2,866	3,129
MISCELLANEOUS															
1. Vandalism	Dls.	139	79	161	89	81	79	57	93	121				899	741
2. Complaints Answered	Num.	90	38	24	34	29	22	24	37	31				329	375
3. Wash Police Cars	Hrs.	8	83	68	15	38	0	18	9	0				239	268
September															

September

WEBB, STUCKEY & LINDSEY, LLC

Attorneys-At-Law

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

Susan M. Brown
Karen C. Gainey
Stacey M. Jenkins ††
Christy R. Jindra †
Martin C. Jones

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McDonough, Georgia

Other licenses:

* Florida
**Tennessee & District of Columbia
†Illinois
††Texas

November 2, 2000

Mayor Robert L. Lenox
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

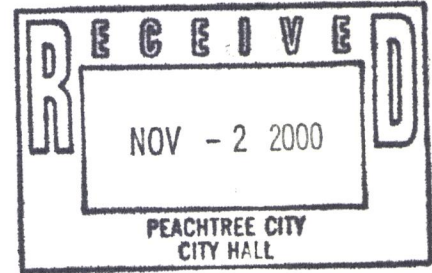
Members of City Council
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

RE: RAM Development Conceptual Site Plan for Wal-Mart

Dear Mayor and Council:

Enclosed you will find a letter I sent to Doug Dillard on October 31, 2000 regarding the above-referenced site plan. In this letter and in the attached list of needed road improvements, you will find a list of conditions to which RAM Developers must agree before the proposed Wal-Mart and Home Depot can be constructed. In addition, we had our own traffic engineers include the number of trips which will be generated by the approved Wieland/Katz Subdivision. If all of the listed improvements are constructed, then the Home Depot, Wal-Mart, and Wieland Subdivision projects will comply with the Traffic Impact Ordinance. The list of additional requirements contained in my letter ensure that the needed improvements are constructed prior to the issuance of a Certificate of Occupancy, that a written Development Agreement will be signed by and between all the parties, and that no additional commercial outparcels will be developed along Highway 54 from the Line Creek Church to Wynnemeade Parkway until some substantial improvement to the Highway 54 corridor takes place.

Today, November 2, 2000, I received confirmation that RAM Developers, Home Depot, and Wal-Mart have agreed to all of the conditions. Based on this confirmation, RAM Developers and Wal-Mart have met the requirements of the Traffic Impact Ordinance.



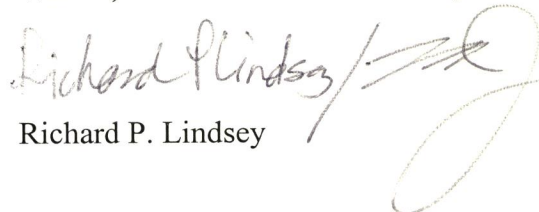
November 2, 2000

Page 2

If you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

WEBB, STUCKEY & LINDSEY, LLC

A handwritten signature in dark ink, appearing to read "Richard P. Lindsey", followed by a large, stylized flourish or loop.

Richard P. Lindsey

RPL:jmf

WEBB, STUCKEY & LINDSEY, LLC

Attorneys-At-Law

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††Texas

October 31, 2000

Mr. Doug Dillard
DILLARD AND GALLOWAY, LLC
1500 Monarch Plaza
3414 Peachtree Road NE
Atlanta, GA 30326

Re: Wal-Mart Conceptual Site Plan

Dear Doug:

Attached is the list of needed improvements to the Highway 54 corridor so that Home Depot, Wal-Mart, and Katz can develop their respective sites. We included all of the improvements to which Home Depot has agreed. I will send to you a conceptual drawing of the median wall which is being recommended for the Huddleston Road/Highway 54 intersection tomorrow when I receive it. You will notice that the only significant additions include this median wall and an additional left turn lane from westbound 54 to the northbound 74. Please run this by your client.

In addition to these needed improvements, the City will require that a Development Agreement is entered into by and between RAM, Home Depot, Wal-Mart, the City, and Wieland (if Wieland is going to participate in the costs of these improvements). This Development Agreement will include an understanding that all fees of URS Corporation (formerly Dames & Moore) will be paid by RAM or Wal-Mart, that all DOT permits for these listed improvements shall be obtained before any building permits are granted, all listed improvements shall be completed prior to the issuance of any C.O.s, and all undeveloped commercial property between Line Creek Church and Wynnmeade shall remain undeveloped until either Highway 54 is widened or MacDuff Parkway is connected to Highway 74 with a signalized intersection. (As a practical matter, your own traffic engineers said that none of the out-parcels can be developed until such time as the Highway is improved to a four-lane road. Ryan tells me that he cannot conceive of anyway the Market Place intersection will pass the ordinance with any out-parcel development.) Furthermore, the Development Agreement shall include all off the substantive portions of the previous Development Agreement which was being negotiated between RAM,

Mr. Doug Dillard
November 2, 2000
Page 2

Home Depot and the City and shall contain all of the conditions as outlined by Jim Williams in his presentation to the Planning Commission concerning the Wal-Mart conceptual site plan.

If your client will agree to these listed improvements and the conditions of the Development Agreement, then I can and will state that your client's proposed development passes the constraints of the traffic impact ordinance. I will put such a statement in writing to the Mayor and Council.

Obviously we do not have much time. If you have any questions or concerns, please call me.

Best regards.

Sincerely,

WEBB, STUCKEY & LINDSEY, LLC

Richard P. Lindsey

RPL:

RECOMMENDATIONS FOR COMPLIANCE WITH THE TRAFFIC ORDINANCE HOME DEPOT, WAL-MART AND KATZ

Traffic impacts of the proposed Home Depot, Wal-mart and Katz Property were evaluated. This evaluation did not include the proposed outparcels for the West Village Shopping Center. Based on our evaluation of the resulting traffic operations, we recommend the following improvements:

- 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.
- 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').
- 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.
- 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 Wynnemeade Parkway.
- 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.
- 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 MacDuff Parkway.
- 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
- Exclusive westbound right turn lanes at all existing site driveways on S.R. 54 from Planterra Way to MacDuff Parkway.
- Existing westbound right turn lane at MacDuff Parkway shall be maintained.



Dames & Moore

LETTER OF TRANSMITTAL

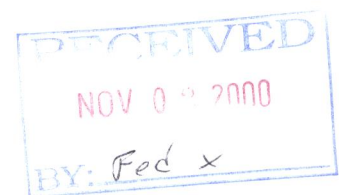
TO: Doug McMurrain
COMPANY: Ram Development Group
1915 Airport Road
Suite 2-D
Atlanta, Georgia 30341
PHONE: 770-452-7411

FROM: Ryan A. Elliott
(404) 478-8712
ryan_elliott@urscorp.com
DATE: November 1, 2000
PROJ #: 44279-001-0108
RE: Wal-Mart Peachtree City

SENDING	TRANSMITTED	VIA
☐ ORIGINALS	☐ FOR APPROVAL	☐ HAND DELIVERY
☒ PRINTS	☒ FOR YOUR USE	☐ U.S. MAIL
☐ COMPUTER DISKS	☐ AS REQUESTED	☒ FedEx
☐ DOCUMENTS	☐ FOR REVIEW AND COMMENT	☐ COURIER
☐ OTHER _____	☐ OTHER _____	☐ OTHER _____

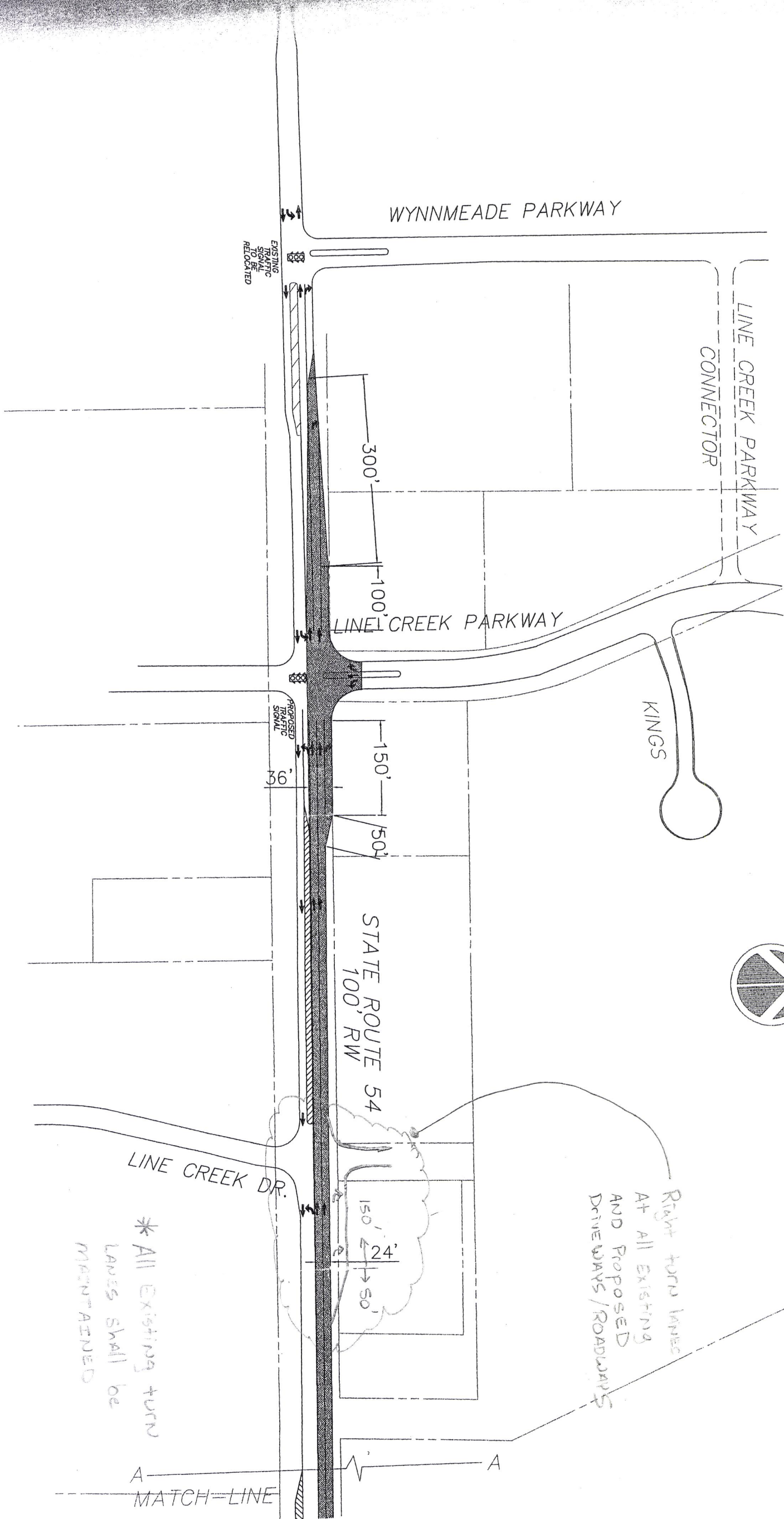
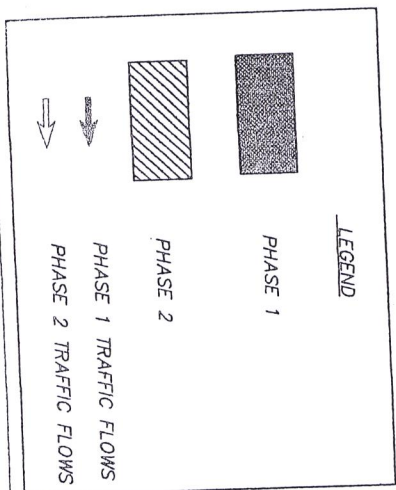
NO.	DATE	REV.	DESCRIPTION
1			Plan view of recommendations for compliance with traffic ordinance

Message:



Copy: Doug Dillard
Louis Chalmers
John Walker


Ryan A. Elliott



* All existing turn lanes shall be MAINTAINED

Right turn lanes at all existing and proposed drive ways / ROADWAYS

WEST VILLAGE SHOPPING CENTER
 HIGHWAY 54
 PREPARED FOR
GREENBERG FARROW ARCHITECTURE
 PEACHTREE CITY, GEORGIA



LOWE & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 1395 S. MARIETTA PKWY. - BLDG. 400 - SUITE 200 - MARIETTA, GA 30067
 PHONE: 770-423-0807 FAX: 770-423-1262

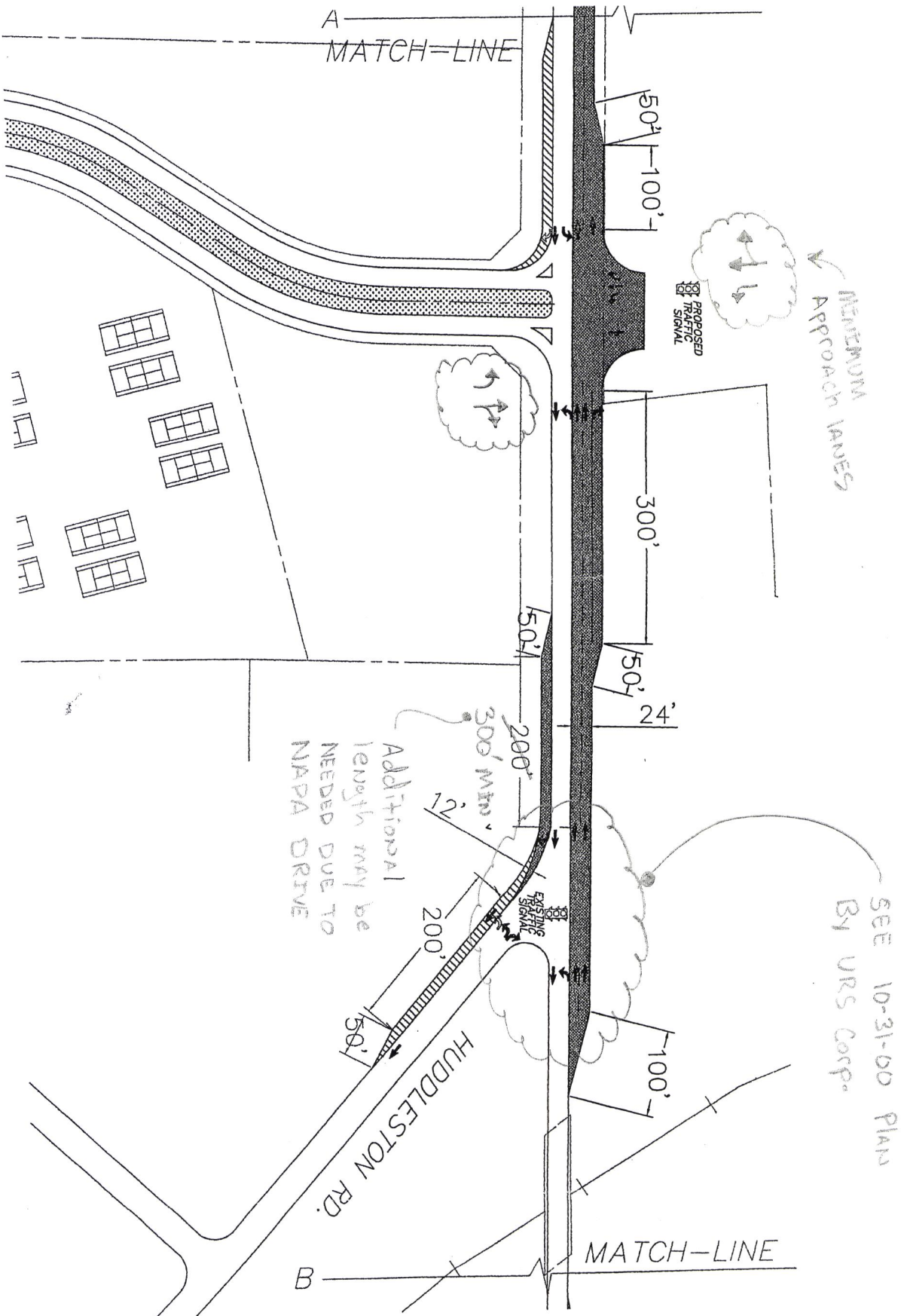
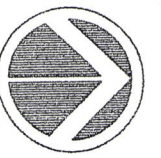
JOB NO. TP-253
 DWG. NAME: TP-253-4
**RECOMMEND
 PLAN**

SHEET

4

DATE: 12/17/88

CHRYSTLE 388



LEGEND

PHASE 1

PHASE 2

PHASE 1 TRAFFIC FLOWS

PHASE 2 TRAFFIC FLOWS



CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council 
VIA: City Manager
FROM: Director of Developmental Services 
DATE: October 25, 2000
SUBJECT: Wal-Mart Appeal

The Wal-Mart appeal is scheduled for the Council meeting on November 2, 2000. Our traffic consultant has informed us the project does not meet the requirements of our Traffic Impact Ordinance. Based on this determination, the staff recommends the appeal be denied.

If there is any change in the status of this project prior to the meeting, the staff will notify you at once.

JBW/jir

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Director of Developmental Services 

DATE: August 8, 2000

SUBJECT: Wal-Mart Appeal

The developer of the proposed Wal-Mart store presented his conceptual site plan to the Planning Commission at its meeting on July 24, 2000. The Commission denied approval of the plan at that time because the project did not comply with the requirements of the City's Traffic Impact Ordinance. The developer appealed the Commission's decision, and the appeal was scheduled for a hearing before Council on August 17, 2000. Attached for your review are the following documents that pertain to this appeal:

1. A copy of the portion of the Planning Commission minutes for the meeting on July 24, 2000, that pertains to Wal-Mart (Attachment "A");
2. A copy of a memo dated July 21, 2000, from the City Planner to the Planning Commission recommending denial of site plan approval (Attachment "B");
3. A copy of a letter dated July 24, 2000, from the City's traffic consultant, Dames & Moore, stipulating that the proposed Wal-Mart project would not meet the requirements of the Traffic Impact Ordinance (Attachment "C");
4. A copy of a letter dated July 19, 2000, from the developer's attorney, Dillard & Galloway, requesting a determination by the City Attorney as to whether or not the Traffic Impact Ordinance applies to the proposed Wal-Mart project (Attachment "D");
5. A copy of a letter dated July 27, 2000, from the developer's attorney arguing that the Wal-Mart project should not be subject to the requirements of the Traffic Impact Ordinance (Attachment "E");

6. A copy of a letter dated August 8, 2000, from the City Attorney stipulating that, in his opinion, the proposed Wal-Mart project must comply with the City's Traffic Impact Ordinance (Attachment "F");
7. A copy of the Project Data Sheet for the proposed Wal-Mart project (Attachment "G"); and
8. A copy of the conceptual site plan for the proposed Wal-Mart project (Attachment "H").

The staff recommends that Council deny the Wal-Mart appeal and affirm the decision of the Planning Commission to deny approval of the conceptual site plan because it does not meet the requirements of the Traffic Impact Ordinance.

JBW/jir

Attachments "A" – "H"

EXCERPT FROM MINUTES
OF PLANNING COMMISSION MEETING

JULY 24, 2000

07-00-09 Conceptual Site Plan, Wal-Mart SuperCenter

Mr. Bill Lincicome, Executive Vice President of Post Landscape Group, the consulting architect for this project, was in attendance to represent RAM Development, Home Depot, and Wal-Mart.

Mr. Lincicome noted that this plan had been submitted last October and that the Planning Commission had seen the plan several times previously. He stated that all of the conditions pertinent to the approved Home Depot project including the buffer along Highway 54, the berming and proposed landscaping, and the proposed boulevard were included on the plan. The pattern of the parking lot followed the same pattern set by Home Depot. One hundred percent of the tree replacement would be on the Wal-Mart site in the parking area, the major detention/retention facility, and in the perimeter buffering to the north and the east.

Mr. Lincicome stated that the elevation of the building resembled other retail centers in Peachtree City which would help reduce the scale of the building. Also, in an effort to keep architectural continuity, the colors and materials proposed were the same as Home Depot's with the exception of the corporate colors.

Mr. Butch Terry from Greenberg Farrow was in attendance to explain the stormwater detention proposed for this facility. He described the system that would be used to create a wetland and water feature that would treat the stormwater that would come off the site and return it to "drinking water standards." Mr. Terry stated that since all of the methods to be used had proven to be about 85 percent effective, essentially every conceivable amount of run-off should meet Georgia drinking water standards after passing through all of the checkpoints.

In response to a question from Mr. Ames regarding the maintenance of the pond, Mr. Terry stated that he understood the property owner had agreed to be responsible for annual clean-out of the oil-water separators. At the same time, the larger vegetation in the wetlands would be examined and possibly replaced; and the limestone would be inspected for any damage. Mr. Lincicome added that with the plantings they were proposing, this area of almost five acres could become a very aesthetic habitat for wild-life.

Dr. Schumacher understood that the pond on the northwestern corner of the property had been drained and was designated wetlands. Mr. Lincicome stated that it had been determined that area was not jurisdictional.

Mr. Louis Chalmers of Lowe and Associates stated that they had completed a traffic impact study for this property as required by the City's Traffic Impact Ordinance. In his opinion, the Phase II recommendations, which included improvements at the Huddleston and Planterra Way intersections, coupled with the improvements associated with Phase I would bring this site into compliance with the Ordinance.

Mr. Doug Dillard of Dillard and Galloway was in attendance to address the legal issues associated with this project. He stated that because this application was pending prior to adoption of the Traffic Ordinance, the Ordinance could not be the basis for denial of the plan. He added that Georgia Law was very clear in stating that an applicant was entitled to have his plans processed in accordance with those rules and regulations that existed as of the date he applied. He contended that this plan was submitted in August of 1999 and the Ordinance was not adopted until November 4, 1999. In addition, he reminded the Commission that he had previously challenged the validity of the Ordinance both to this body and to City Council.

Mr. Dillard reiterated Mr. Chalmers' conclusion that they had satisfied the intent of the Traffic Ordinance, and they had applied the proper methodology as outlined in the Highway Capacity Manual, as updated in 1994. Mr. Dillard also made reference to a previous lawsuit based on the increased traffic that would be generated by the Merchandise Mart in downtown Atlanta. The Georgia Court of Appeals and the Georgia Supreme Court had stated that traffic alone could not be used as a justification for denial of a plat, permit, or rezoning application.

Mr. Dillard also pointed out that the State DOT had not prohibited any local government from approving any use of property, only from building additional road capacity. Consequently, the State moratorium should not be used as a basis for denying this plan. He further stated that the addition of another lane to the bridge over the railroad was an off-site improvement that should not be an obligation of this applicant, particularly in light of the existing impact fee structure in Peachtree City.

In conclusion, Mr. Dillard stated that it was the opinion of the staff that the conceptual site plan met the conditions necessary for conceptual site plan approval although it did not yet meet the requirements of the Traffic Ordinance. He added that to use the Traffic

Ordinance and the State road improvement moratorium as a basis for denying this plat would take a valuable property right from the applicant, ignore their vested rights under Georgia Law, and violate the due process and equal protection provisions of both the Georgia Constitution and the Constitution of the United States of America.

Mr. Williams stated that based on the requirements of the Traffic Ordinance, the staff felt the only choice was to deny approval of the site plan. He added that the City's traffic consultant had verified that this project did not meet the requirements of the Ordinance. He also stated that the City Attorney had assured him that the only decision that could be made at this time would be to deny approval of the conceptual site plan for Phase II.

After discussion and based on the opinion of the City Attorney and the report from Dames and Moore, a motion was made by Mr. Granger, seconded by Dr. Schumacher, and unanimously adopted to deny approval of the conceptual site plan.



Peachtree City

Georgia

Date: July 21, 2000

To: Planning Commission
Applicant

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

Re: **West Village retail center – Phase Two (Wal-Mart Supercenter)**
Conceptual site plan review

The conceptual site plan for Wal-Mart, Phase II of the West Village Retail Center, was submitted last October. Since that time, staff has worked with the applicant on preparing the site plan for Planning Commission review. It is the opinion of the staff that the conceptual site plan now meets the conditions of our codes and ordinances necessary for conceptual site plan approval. However, it does not yet meet the requirements of our Traffic Ordinance; and, in the opinion of our traffic consultant, it will not be able to meet those requirements until the moratorium is lifted on new road construction and another traffic lane is added to the railroad bridge.

In view of this deficiency, and the apparent inability of the applicant to overcome it in the near future, the staff feels it has no choice but to recommend that the Commission not approve the conceptual site plan for Phase II at this time.

Attachments



DAMES & MOORE

A DAMES & MOORE GROUP COMPANY

July 24, 2000

Mr. James B. Williams
Director of Development Services
City of Peachtree City
151 Willowbend Avenue
Peachtree City, GA 30269

235 Peachtree Street, N.E.
North Tower, Suite 2000
Atlanta, Georgia 30303-1405
404 577 2122 Tel
404 577 5120 Fax

RE: Wal-Mart Shopping Center – S.R. 54

Dear Jim:

A 204,000 square foot Wal-Mart Supercenter is proposed for the West Village Shopping Center. Because this development is adjacent to State Route (SR) 54 its effect on traffic operations within the SR 54 corridor must be analyzed according to the traffic ordinance.

In addition to the Wal-Mart, the West Village Shopping Center is proposed to consist of a 137,000 square foot Home Depot, a 7,500 square foot quality restaurant, and a 4,000 square foot service station with convenience mart. Previously, the proposed Home Depot was analyzed and approved, contingent on several roadway improvements, according to the traffic ordinance. An analysis has not been performed to include the effect of the restaurant and service station.

Based on the addition of the Wal-Mart traffic and the improvements proposed by the developer, the intersection of SR 54 and Huddleston Road does not meet the requirements of the traffic ordinance. This is a result of the distance and interaction between the railroad bridge and Huddleston Road, which constrains the westbound capacity. It is our opinion that the scenarios performed by the developer's traffic engineer do not sufficiently account for the interaction between the railroad bridge and the Huddleston Road intersection.

Sincerely,

Ryan A. Elliott, E.I.T
Assistant Project Manager

G. Edward Ellis, Jr., P.E.
Vice President

\\DM_ATN4\TRAFFIC\$\44279-001 Ptree City SR 54\Developments\Wal-Mart\060200 Wal-Mart ltr.doc

DILLARD & GALLOWAY, LLC

ATTORNEYS AT LAW

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ATLANTA, GEORGIA
30326

G. DOUGLAS DILLARD

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(404) 965-3670

July 19, 2000

Mayor Robert L. Lenox
City Hall of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

Via Facsimile

Re: West Village Retail Center

Dear Mayor Lenox:

This firm represents RAM Development Group, Inc., the applicant for approval of the conceptual Site Plan, West Village Retail Center - Phase II (Wal Mart), GA 54, Huddleston Property (the "Application").

The conceptual site plan, which included Phase I and II, was submitted to the Peachtree City Planning Department on August 19, 1999 prior to the November 4, 1999 enactment of the Traffic Impact Ordinance for the GA 54 Corridor between GA 74 and Coweta County. Even though we assert that this Ordinance does not apply to this Application, we have agreed to certain traffic improvements to assist in the solution to certain city-wide issues along the GA 54 Corridor. RAM agreed to a phasing plan at the request of Mr. Williams in order to assist the planning board in better assessing the Application.

We ask that you request the city attorney to research this issue and determine whether the Traffic Impact Ordinance applies to the conceptual site plan RAM Development Group, Inc. submitted in August, 1999. The Phase II matter is to be heard Monday, July 24, 2000 by the Planning Commission and we request a determination by that date.

Very truly yours,

DILLARD & GALLOWAY, LLC



G. Douglas Dillard

cc: Mr. Doug McMurrain (via Facsimile)
Richard P. Lindsey, Esquire (via Facsimile)
Mr. James B. Williams (via Facsimile)
Mr. Jim Basinger (via Facsimile)

Attachment "D"

REC'D 7/20/00

DILLARD & GALLOWAY, LLC

ATTORNEYS AT LAW

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July 27, 2000

VIA FACSIMILE AND HAND DELIVERY

Rick Lindsey, Esq.
Webb Stuckey & Lindsey
400 Westpark Court
Suite 220
Peachtree City, GA 30269

Re: RAM Development Group, Inc. ("RAM") Application for Conceptual Site Plan
Approval - West Side Village Retail Center, Phase II

Dear Rick:

The Planning Commission, at its regularly scheduled meeting on Monday July 24, 2000, denied the above-captioned matter. Attached is a copy of the letter which I have filed today, requesting that this matter be appealed to the City Council at their next available meeting.

Pursuant to our meeting on Monday, prior to the Planning Commission action, I am enclosing herein a time-line of the events which, in our opinion, clearly establishes that the above-mentioned conceptual site plan was pending before Council prior to their adoption of the Traffic Ordinance on November 4, 1999.

I will outline the sequence of events in numerical order and will attach, for your reference, all memorandum, letter and the like which were exchanged between the parties during this period. Our review of our files and correspondence indicates that the following has occurred in reference to the West Side Village Retail Center's approval:

1. Original talks between the City and Doug McMurrain began in July of 1999;
2. On August 19, 1999, RAM filed a conceptual site plan for the West Village Retail Center which showed a Phase I and a Phase II, Phase I being Home Depot and Phase II a Wal-Mart Super Center with certain out parcels;

DILLARD & GALLOWAY, LLC

Rick Lindsey, Esq.

July 27, 2000

Page Two

-
3. On August 25, 1999, the staff returned the Application for additional comments (this happens to be the same date that Notice was published for a new Traffic Ordinance);
 4. On August 27, 2000, Mr. McMurrain and others met with Jim Williams and the staff in response to their August 25, 1999 letter;
 5. On September 3, 1999, the Applicant submitted a revised conceptual site plan with changes in accordance with the August 25, 1999 letter and the meeting on August 27, 1999;
 6. On September 14, 1999, the Applicant received comments from the staff (these comments clearly referenced both Phases for a total of 333,588 sq. ft. development);
 7. On September 16, 1999, a letter was sent from me, stating that the West Side Village was exempt from the new ordinance;
 8. On September 27, 1999, we had a meeting with the Planning Commission and staff to discuss the Home Depot and the West Village Retail Center;
 9. On September 29, 1999, we received a letter from staff which references the Planning Commission and staff meeting on September 27, 1999;
 10. On October 6, 1999, we received a letter from staff in response to previous meetings which referenced "Two (2) large anchor tenants and two out parcels";
 11. On October 7, 1999, we filed a constitutional challenge to the Traffic Ordinance;
 12. On October 11, 1999, we met with the Planning Commission at a public hearing. Also on this date, we received a letter from Lowe Engineers relative to the traffic impact, which referenced both the Phase I and Phase II of the conceptual site plan;
 13. On October 13, 1999, we received a letter from the staff where the Planning Commission tabled consideration of the conceptual plan for Home Depot at their meeting held on October 11;
 14. On October 22, 1999, we sent another letter, addressing the October 13, 1999 letter from the Staff, and reaffirmed that the Traffic Ordinance does not apply to this Application;
 15. On November 4, 1999, the Council adopted the new Traffic Ordinance;

DILLARD & GALLOWAY, LLC

Rick Lindsey, Esq.
July 27, 2000
Page Two

16. On November 19, 1999, there was a response by staff to the additional information supplied by us subsequent to the October 11, 1999 referral of this Application in responding to the October 13 letter from staff. The recommendation from staff was approval to the Planning Commission for this conceptual site plan, Phase I;
17. On November 22, 1999, the Planning Commission denied the plan;
18. On November 24, 1999, the Applicant filed an appeal to the City Council.
19. On December 16, 1999, we filed constitutional challenges and also challenged both facially and as applied to the new Traffic Ordinance; and
20. On December 16, 1999, the Council approved the Home Depot, Phase I, of the West Village Retail Center.

Subsequent to the approval, there has been a Development Agreement fully negotiated and is ready for execution between Home Depot, RAM and the City. Immediately following the approval, RAM began to seek approval for Phase II of the pending conceptual site plan, this being for a Wal Mart Super Center. There have been many meetings between the Applicant and staff relative to this second Phase. All of the conditions of the Development Code, Zoning Ordinance and the like, have been satisfied as set forth in the July 21, 2000 recommendation from planning staff. However, planning staff has recommended denial because of our inability to comply with the Traffic Ordinance. As you know, we feel that this new ordinance doesn't apply to us for a number of reasons:

1. Our Application was pending prior to its adoption, therefore, under previous cases cited, it doesn't apply. Banks County v. Chambers, 264 Ga. 421, 444 S.E.2d 783 (1994).
2. The Applicant has satisfied the requirements of the new Traffic Ordinance in accordance with the traffic study done by Lowe & Associates and the opinion of Mr. Louis Chalmers;
3. The new Traffic Ordinance is facially defective and unconstitutional violative of the Due Process, Equal Protection and Compensation provisions of the 5th and 14th Amendments of the State of Georgia and the United States Constitution as previously stated in various letters to Council in this matter.
4. The State moratorium does not prohibit approval by Council; it only prohibits any new road construction. Therefore, the Consent Order, which prohibits new construction in the State, does not apply to this Applicant. The attempt to require that this property be held up because of improvements to an off-site railroad bridge cannot be a justification for denying this application.

DILLARD & GALLOWAY, LLC

Rick Lindsey, Esq.
July 27, 2000
Page Two

5. Georgia law does not authorize a denial of a rezoning or a permit because the use of the property might increase traffic. This is particularly true where property has been zoned for the use requested for many, many years.

We would appreciate your looking at this matter and getting back to me. I would suggest that you and I have a meeting with Ed Ellis and our traffic engineers to see if there is not some compromise that could be reached. We obviously want to try to have this matter heard at the August 3, 2000 Council meeting, so time is of the essence. I would appreciate your early response. I will be out of the office all day today, but will be available on Friday, July 28, to meet with you. I would appreciate hearing from you as soon as possible. You may call my assistant, Dotty Duarte, to schedule the meeting should you be available tomorrow.

Very truly yours,

DILLARD & GALLOWAY, LLC



G. Douglas Dillard

GDD/drd

cc: Mr. James B. Williams
Mr. Doug McMurrain
Mr. Chuck Tremel

DILLARD & GALLOWAY, LLC

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July 27, 2000

Mayor Robert L. Lenox
and Members of the Peachtree City Council
City Hall of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

Via Facsimile and Hand Delivery

Re: Application of RAM Development Group, Inc., West Village Retail Center,
Phase II (conceptual site plan approval)

Dear Mayor Lenox and Members of the Council:

The above-captioned matter was heard by the Planning Commission on July 24, 2000. After conducting a public hearing and hearing from the Applicant, staff and those in opposition, the Planning Commission denied the approval of the conceptual site plan in accordance with staff's recommendation dated July 21, 2000.

The Applicant wishes to appeal the decision of the Planning Commission and asks that this matter be put on the next available agenda of the City Council. This Appeal is requested in accordance with the current rules, regulations and ordinances of Peachtree City and we ask that the Applicant be notified of the date this matter will be heard in order that it might be properly represented at the public hearing.

As always, we appreciate the courtesies which you extend to us. If there are any questions or anything we need to do in this regard, please do not hesitate to so advise.

Very truly yours,

DILLARD & GALLOWAY, LLC


G. Douglas Dillard

GDD/drd

cc: Mr. James B. Williams
Mr. Doug McMurrain
Mr. Chuck Tremel
Rick Lindsey, Esq

Attachment "E"
Page 5 of 5

WEBB, STUCKEY & LINDSEY, LLC**Attorneys-At-Law**

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* Florida
**Tennessee & District of Columbia
†Illinois
††Texas

August 8, 2000

Mr. Jim Williams
Director, Developmental Services
City of Peachtree City
151 Willowbend Drive
Peachtree City, GA 30269

re: Applicability of the Traffic Impact Ordinance to Proposed Wal-Mart Project

Dear Jim:

After a thorough review of the law regarding vested landowner development rights and a similar review of the facts surrounding the application of RAM Development Group, Inc. (RAM) for the construction of a Super Wal-Mart store in Peachtree City, I have concluded that the Traffic Impact Ordinance does apply to this application. Although the law is not as clear as I would prefer, the facts are overwhelmingly in support of the proposition that RAM did not file a proper application before the City Council began deliberations concerning the adoption of a Traffic Impact Ordinance. Viewing the evidence in the light most favorable to RAM, it is apparent that by the time RAM filed a proper application, the Council was already deep into these deliberations. Therefore, any rights RAM may have had to develop the property outside of the constraints of the Traffic Impact Ordinance were lost because a proper application was not received prior to the discussions of the proposed ordinance and arguably was not received until after the Traffic Impact Ordinance was adopted. Likewise, I have not seen any evidence that anyone acting on behalf of the City ever provided any assurances to RAM that the Super Wal-Mart or Home Depot would not be subject to the Traffic Impact Ordinance.

Therefore, it is my conclusion that RAM's application to develop a Super Wal-Mart store falls within the constraints of the Traffic Impact Ordinance and the development must meet those requirements in order to receive the approval of the Planning Commission or the City Council.

Mr. Jim Williams
August 8, 2000
Page 2

Best regards.

Sincerely,

WEBB, STUCKEY & LINDSEY, LLC



Richard P. Lindsey

RPL:

PEACHTREE CITY
CONCEPTUAL SITE PLAN
PROJECT DATA SHEET

WEST VILLAGE SHOPPING CENTER PHASE II

DATE OF SUBMITTAL:
July 20, 2000

NATURE OF PROJECT:

PHASE II: A phased, commercial development consisting of single anchor tenant fronting on Hwy. 54.

DEVELOPER: RAM Development Group, Inc.

Name	RAM Development Group, Inc.
Address	1874 Piedmont Rd. Suite D-420 Atlanta, GA 30324
Contact Person	Doug McMurray
Phone	(404) 607-7997

GENERAL LOCATION OF SITE:

North side S.R. 54 between Line Creek Parkway and the railroad bridge overpass.

SIZE OF SITE: Total Parcel 42.3 acres
Phase II Parcel 20.64 acres

ZONING CLASSIFICATIONS: General Commercial

SETBACKS:	Front:	N/A
	Side:	East 10', West 75'
	Rear:	75'

SIZE OF EXISTING BUILDING:	N/A	Total square feet
		Footprint
		Seating

All existing structures to be demolished

SIZE OF PROPOSED BUILDINGS:

Total square feet	204,167 (Gross)
Tire/Lube Express:	6,378 square feet
Garden Center:	4,898 square feet

BUILDING TYPE: Commercial / Retail

EXISTING EMPLOYEES: 0

PROPOSED NEW EMPLOYEES: 300

EXISTING PARKING: 0

PROPOSED NEW PARKING: Anchor Tenant A - 963 spaces

DEVELOPED AREA: Anchor Tenant A- 20.64 acres

LANDSCAPE BUFFERS: 75' rear setback and west side yard setback, 10' east side setback

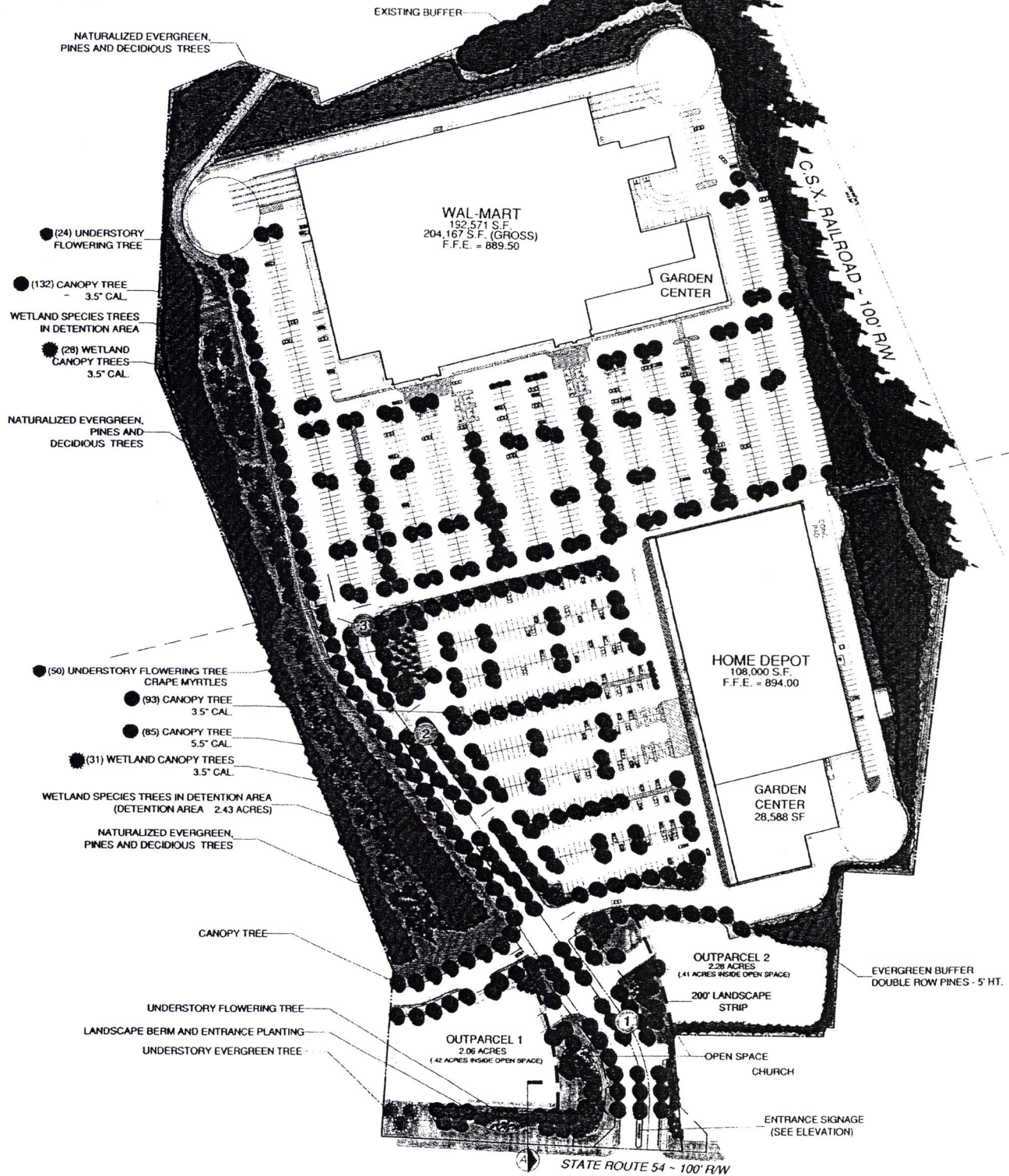
ADJACENT PROPERTY ZONING: General commercial, multi-family, church, rail- road right-of-way

GREENBELTS: None

CART PATH CONNECTION: See site plan

ENTRANCE TO SITE: See site plan – Main entrance will be on Highway 54

STORMWATER RETENTION: Proposed dry detention pond

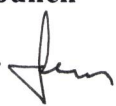


PEACHTREE CITY - DEVELOPMENT

HOME DE

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: City Manager 
FROM: Director of Developmental Services 
DATE: October 25, 2000
SUBJECT: Proposed "Big Box" Ordinance

At the last Council meeting on October 19, 2000, the proposed new "Big Box" Ordinance was reviewed at a public hearing. Staff was asked to make several changes to the text as a result of that review; and the public hearing was continued to the next meeting on November 2, 2000.

The first requested change was to correct any inconsistencies in the preamble clauses. The City Attorney has reviewed the Ordinance in detail and made the appropriate changes to the text.

The second requested change was to include a provision that any vacant commercial property must be maintained at the same standard as occupied commercial property and not allowed to show signs of disrepair and neglect. The staff has responded to this request by adding a new paragraph (r) to Section 1006.4. This requirement will apply to every commercial property in a General Commercial zoning district.

A copy of the revised Ordinance is included as Attachment "A." Staff recommends that it be adopted.

JBW/jir

Attachment "A"

AN ORDINANCE TO AMEND
THE PEACHTREE CITY ZONING ORDINANCE
TO CONTROL THE DEVELOPMENT
OF "BIG BOX" COMMERCIAL STRUCTURES
AND FOR OTHER PURPOSES

WHEREAS, The City of Peachtree City ("Peachtree City") was planned, designed, and built on the concept that there would be a few separate, distinct village centers and neighborhood centers with areas of retail, other commercial, and office uses separated by and surrounded by residential areas; and that the only location in the City where a significant concentration of a) large-scale, regional retail, b) other commercial, and c) office uses would occur was in close proximity to the intersection of Highways 54 and 74 (the "Plan");

WHEREAS, Peachtree City has strived to maintain this Plan throughout its developmental history and has revised the Plan only after thoughtful and deliberate consideration;

WHEREAS, the infrastructure (including roads, cart paths, utility lines, fire stations, and storm water structures) was built following the Plan, as modified;

WHEREAS, many residents moved to Peachtree City because of the Plan and because the town appears different from many other suburban areas and these residents have invested money and time on their homes in reliance on the Plan;

WHEREAS, the current mix and size of commercial and residential uses have, in large measure, remained true to the Plan and no one village or area of town has a concentration of commercial uses that is disproportionately higher than the other villages or areas of town other than the aforementioned area in the proximity of the intersection of Highways 54 and 74;

WHEREAS, the current trend in retail shopping seems to be the concentration of shops into single, large stores with sizes approaching and far exceeding 100,000 square feet;

WHEREAS, it appears the intent of retailers in building such larger stores is the concentration of shoppers into fewer stores;

WHEREAS, this concentration of shoppers increases the demands on the local infrastructure by increasing the number of vehicles required to travel to fewer, and sometimes farther-away, stores; increasing the demands on the surrounding roads; increasing

10/25/00

the demands on the surrounding cart paths; increasing the demands on the surrounding utility lines; increasing the demands on the surrounding fire stations; and increasing the demands on surrounding storm water structures;

WHEREAS, the concentration of retail space into larger and fewer stores increases the negative impact on the surrounding areas and shopping centers should these retailers vacate their larger stores;

WHEREAS, the concentration of larger retail stores increases the rate of crime in these areas and, thus, the need for greater police protection;

WHEREAS, the concentration of retail areas increases traffic and the incidents of what is now commonly known as "road rage";

WHEREAS, the increasing size of retail stores increases the need for more vehicle parking and, thus, increases the need for more landscaping and architectural controls to keep the scale of development consistent with the existing commercial and residential mix and appearance of the town; and

WHEREAS, the increased size of retail stores poses an even greater threat to the economic viability of an area and criminal activity in an area if such retail stores remain vacant for an appreciable period of time; and also any and all vacant buildings, stores, and homes pose a threat for increased criminal activity if such vacant buildings, stores, and homes are not properly maintained and secured.

NOW, THEREFORE, in order to address the problems created by the increasing size of retail stores and to address the problems created by vacant buildings, stores, and houses and to accommodate, where practicable, the stated desires of the owners of such retail stores to develop large facilities, the Mayor and City Council of Peachtree City adopt the following ordinance to apply to all projects submitted for conceptual site plan review on or after August 28, 2000; specifically excluding the property north of GA 54 and west of GA 74 known as the Huddleston Property and the property in Kedron Village known as the Kedron Center, both of which have already filed conceptual site plans with the City.

1. That Section 1006.2 General Commercial District, Paragraph (a) be deleted in its entirety and replaced with a new Paragraph 1006.2(a) to read as follows:
 - (a) Retail business involving the sale of merchandise on the premises, provided no single tenant occupies more than 10,000 square feet.

10/25/00

2. That Section 1006.3 General Commercial District, Paragraphs (a) through (g) be renumbered Paragraphs (b) through (h) and that a new Paragraph (a) be included to read as follows:

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

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

General Retail Space	150,000 square feet
Theater and Restaurant Space	50,000 square feet

- (2) No single commercial tenant shall occupy more than 32,000 square feet of floor area.
- (3) No three commercial tenants shall occupy a combined floor area of more than 80,000 square feet.
- (4) No more than six commercial tenants shall occupy more than 10,000 square feet of floor area each.
- (5) All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. This requirement can be met by employing the use of architectural features including but not limited to the following: Doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure conformance with this requirement, exterior building elevations must be reviewed and approved as a part of the overall Final Site Plan review process.
- (6) Any tenant that occupies more than 10,000 square feet shall provide the City Attorney with a copy of the rental agreement between the tenant and its landlord which contains a contract provision prohibiting the tenant from voluntarily vacating such premises or otherwise ceasing to conduct its retail business on such premises while simultaneously preventing the landlord, by continuing to pay rent or otherwise, from leasing the premises to another person or company who will operate a permitted business on the premises. If such a tenant voluntarily vacates such premises

10/25/00

or otherwise ceases to conduct its retail business on the premises, the landlord shall be free to market and lease such premises to another person or company regardless of any contractual rights the tenant may have with the landlord.

- (7) The owner of the zoning lot shall prepare a Traffic Management Plan which identifies the traffic problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The Plan must be prepared by a qualified professional Traffic Planner at no cost to the City, and it must be approved by the City Engineer;
 - (8) The owner of the zoning lot shall prepare a Water Management Plan which identifies the water management problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The Plan must be prepared by a qualified professional Engineer at no cost to the City, and it must be approved by the City Engineer;
3. That Section 1006.4 General Commercial District be amended to add new Paragraphs (q) and (r) to read as follows:
- (q) No use permitted in this zoning district shall be allowed to cover more than 75 percent of the zoning lot on which it is located with impervious surfaces.
 - (r) All properties developed for commercial purposes, whether they are occupied or not, shall be regularly maintained so they are not allowed to fall into a state of disrepair or neglect; and they shall consistently present a neat and orderly appearance to the general public as well as adjacent and nearby tenants and property owners.

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

Done, Ratified, and Passed this _____ day of _____, 2000.

Mayor

Attest: _____
City Clerk

10/25/00

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

VIA: Jim Basinger

FROM: Jane Miller

DATE: October 25, 2000

SUBJECT: Pay Plan Appeals

When the proposed pay plan was presented to Council on September 7, 2000, Council decided to delay any final action on adoption of the plan until employees had the opportunity to appeal the rating of their position. That appeal process has been completed. A total of 30 employees appealed the ranking of 19 different positions. An employee requested that copies of all initial appeals be forwarded to Council. Due to the volume of paper involved, staff has instead ensured that all of this information is available for your review at City Hall. The consultants met with employees and their director/chief on October 3rd to discuss employee concerns. Of the 19 positions appealed, changes were made to 11, including two title changes and six that were reclassified to a higher grade. The other eight positions were determined by the consultants to be properly factored (attachment 1).

The City Manager and I met with all directors/chiefs to discuss all appeal recommendations. The directors/chiefs felt they could support the appeal decisions recommended by the consultants. This included those appeals for which no changes were made in the position factoring. As a result of the agreement of the directors/chiefs to the recommendations of our consultants, the City Manager feels no further action by him on the appeals is necessary. Any follow up employee appeals received prior to the Council meeting and turned down by the City Manager will be forwarded to Council for review.

One of the primary concerns expressed by a number of employees, especially in the fire department, was the problem with compression created with implementation of the pay plan. Most of the time when there is an increase to starting salaries, those employees who have a great deal of seniority or whose outstanding performance has earned them additional step increases do not get the same percentage increase as others. In the past we have attempted to minimize the negative impact of compression but placing employees on steps based on the following formula:

Time in Position	Step
------------------	------

Less than 1 year	1
1 year but less than 2	2
2 years but less than 3	3
3 years but less than 5	4
5 years or more	5

This time we recommend modifying this formula by changing step 5 to “5 years but less than 7” and adding two steps to the scale as follows:

7 years but less than 10	6
10 years or more	7

Additionally, we recommend giving a one step increase to all employees who have received at least one outstanding evaluation in the past two years. The total cost of these efforts to resolve the compression issue by increasing the longevity scale and giving the step increase for an outstanding rating would be \$98,017. There is currently \$493,877 budgeted for pay plan implementation. Without the above described enhancements, the cost of implementation is \$462,050. The difference in the budgeted amount and the total amount it would take to implement the plan with the enhancements is \$66,190. Staff believes that this shortfall could be funded through savings due to position vacancies during the year.

Staff believes that the pay plan prepared by The Mercer Group and the process we have recommended to deal with compression should be adopted by Council, retroactive to October 1, 2000. Our consultant is scheduled to attend the November 2 Council meeting to answer any questions you may have about the pay study and the appeals process.

/jsm

Attachment

APPEALS RECOMMENDATIONS

After reading all submitted appeals and conducting interviews with employees and supervisors, the following recommendations are made by The Mercer Group, Inc:

City Clerk – Nancy Faulkner

We recommend the following changes:

- Increase Factor 2: Supervision Received.
- Increase Factor 4: Guidelines.
- Increase Factor 6: Scope and Effect.
- Increase Factor 7: Contacts.
- Decrease Factor 8: Purposes of Contacts.
- Increase Pay Grade to 81.

This results in the following factors for the position:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
950	450	0	275	325	450	110	20	20	5	2605	81

City Planner – David E. Rast

We recommend the following changes:

- Increase Factor 3: Supervision Given.
- Increase Pay Grade to 85.

This results in the following factors for the position:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
1250	450	25	275	325	450	60	120	20	50	3025	85

Fire Marshal – John Dailey

We recommend the following changes:

- Increase Factor 3: Supervision Given.
- Increase Pay Grade to 84.

This results in the following factor for the position:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
1250	450	25	275	325	325	60	120	50	50	2930	84

Fire Office Administrator – Maxine R. Barbour

We recommend the following changes:

- Increase Factor 7: Contacts.
- Decrease Factor 8: Purpose of Contacts.
- Increase Factor 10: Environmental Risks.

This results in the following factor for the position:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
750	275	125	125	225	150	110	20	5	20	1805	75

Facility Maintenance Manager – David McDaniel

We recommend the following changes:

- Increase Factor 3: Supervision Given.

This results in the following factor for the position:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
950	275	25	275	325	325	60	120	20	20	2395	79

Accounting Specialist – Marilyn DeLoose

We recommend the following:

- The position is correctly factored and classified. The employee has voiced a concern regarding safety when making bank deposits. We recommend assistance from the Police Department when making bank deposits.

The factoring for the position remains as follows:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
750	125	0	125	225	325	60	50	5	5	1670	74

Budget Analyst – Darlene Espinosa

We recommend the following changes:

- Increase Factor 6: Scope and Effect.
- Increase Factor 8: Purpose of Contacts.

This results in the following factor for the position:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
950	275	0	125	225	325	60	50	5	5	2020	76

Leisure Programs Manager – Carolyn Stanton

We do not recommend any changes to this position.

The factoring for the position remains as follows:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
950	275	125	275	325	225	60	120	20	20	2395	79

Office Administrator -- Jennis Rice

We recommend the following changes:

- Increase Factor 3: Supervision Given.
- Increase Pay Grade to 75.
- Change Title to Office Administrator.

This results in the following factor for the position:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
750	275	125	125	225	225	60	50	5	5	1845	75

Permit Specialist/Staff Assistant -- Kathy Gray

We recommend the following changes:

- Change Title to Permit Specialist/Staff Assistant.

The factoring for the position remains as follows:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
550	125	0	125	225	150	60	50	5	5	1295	72

Engineering Assistant/Projects Inspector -- Wendell Madison

We recommend the following changes:

- Change Title to Engineering Assistant/Projects Inspector.

The factoring for the position remains as follows:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
950	275	0	125	225	225	60	120	20	20	2020	76

Court Clerk Supervisor -- Laura Ann Oles

We recommend the following changes:

- Increase Factor 5: Complexity.
- Increase Pay Grade to 77.
- The employee voiced safety concerns and a concern in the amount of time it takes for officers to respond when there is a problem. These are issues that can be mitigated through organizational changes and are not classification issues.

This results in the following factor for the position:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
550	450	125	125	325	325	110	50	5	20	2085	77

Police Sergeant – Mark Brown

We do not recommend any changes to this position.

The factoring for the position remains as follows:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
750	275	125	125	325	325	60	120	75	110	2290	79

Police Captain – Stanley L. Pye

We recommend the following changes:

- Increase Factor 2: Supervision Received.
- Decrease Factor 9: Physical Demands.
- Increase Pay Grade to 85.

This results in the following factor for the position:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
1250	450	125	275	325	450	60	120	20	50	3125	85

Firefighter EMT – Mary B. Rowe and Joseph Fannin

We do not recommend any changes to this position.

The factoring for the position remains as follows:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
550	275	25	125	225	225	60	120	75	110	1790	75F

Firefighter Paramedic – Chris Campbell, Chester Cannaday, John Dunlap, Sandy Faulkner, Robert Harkins, James Wayman Luke, Royce Clifton Miller, Jack Albert Routon, and David Winkles, Jeremy Carlisle

We do not recommend any changes to this position.

The factoring for the position remains as follows:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
750	275	25	125	325	225	60	120	75	110	2090	77F

Fire Lieutenant – EMT – Jeffrey C. Koldoff

We do not recommend any changes to this position.

The factoring for the position remains as follows:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
950	275	125	275	225	325	60	120	75	110	2540	80F

Fire Lieutenant – Paramedic – Gary S. North and Ronald Mundy

We do not recommend any changes to this position.

The factoring for the position remains as follows:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
950	275	125	275	325	325	60	120	75	110	2640	81F

Fire Captain/Operations: Fire Major/Deputy Chief – Edwin Eisweth

We recommend that upon the return of the Fire Chief that the position of Fire Captain/Operators be changed to a Fire Major or Deputy Chief position with the following changes:

- Increase Factor 3: Supervision Given.
- Increase Pay Grade to 86.
- Change Title to Fire Major or Deputy Fire Chief.

This results in the following factor for the position:

<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>TOTAL</u>	<u>NEW PG</u>
1250	450	275	275	325	450	60	50	50	50	3235	86

Until the return of the Fire Chief, we recommend that this position remain as currently factored and retain the title of Fire Captain/Operations.



Peachtree City

Georgia

RESOLUTION

ADOPTION OF A PAY PLAN AND CLASSIFICATION STUDY

WHEREAS: The Mayor and City Council of the City of Peachtree City commissioned a Pay Plan and Classification Study to be performed by The Mercer Group; and

WHEREAS: The Mercer Group has completed their study and forwarded the results and recommendations to the City for review and action; and

WHEREAS: Compression concerns have been addressed by awarding increases for outstanding evaluation scores and a longevity schedule applied to all employees; and

WHEREAS: The City Council wishes to approve the plan and ensure implementation of the plan and the compression schedules.

NOW THEREFORE be it resolved that the Pay Plan and Classification Study submitted by The Mercer Group and the compression schedules are hereby adopted and staff is charged with implementation with a retroactive effective date of October 1, 2000.

This 2nd day of November, 2000

Robert L. Paul

Annie W. McMenamin

Art S. Brooks

Carol A. Fritz

Paul D. Jensen

Nancy Faulkner Attest
Nancy Faulkner, City Clerk

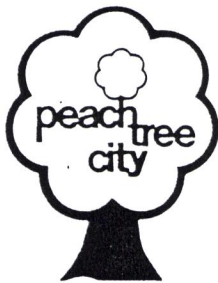
CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Clerk 
VIA: City Manager 
Director of Financial Services
DATE: October 13, 2000
SUBJECT: Alcohol License -Dark Horse Pub

An application for an alcoholic beverage license is attached for your consideration. The Dark Horse Pub, a sports pub, in Peachtree City will be located at 288 Highway 74 North. Mr. Mark Aasen has requested to be appointed as the Licensee and License Representative.

Mr. Aasen will not be able to attend the meeting on November 2nd. Mr. Tony Yeatman, an officer of the corporation will be present to answer any questions you may have.



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

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

Mark Raymond Aasen

Name

111 Belvedere Lane Peachtree City, GA 30269

Address

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

James V. Murray
Signature

Oct. 26, 2000
Date

Major M. Dufree
Witness

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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE 11/2/2000

Business Name: DARK HORSE Pub	Business Location: 288 N. HWY 74 PEACHTREE CITY GA 30269	C137714
Nature of Business: SPORTS Pub	Mailing Address: 288 N. HWY 74 PEACHTREE CITY GA 30269	Business Phone Number: 770-632-0832
Name of Licensee: MARK R. AASEN	Home Address: 111 BELVEDERE LANE PEACHTREE CITY GA 30269	Home Phone Number: 770-632-0832
Name of License Representative: 11	Home Address: 11	Home Phone Number: 11
Please indicate type of licenses applying for:		
☒ Retail Consumption Dealer	☐ Retail Package Dealer	☐ Wholesale Dealer
☒ Malt Beverage	☐ Malt Beverage	☐ Malt Beverage
☒ Wine	☐ Wine	☐ Wine
☒ Distilled Spirits	☐ Distilled Spirits	☐ Distilled Spirits
Please provide complete information according to type of business entity (use separate sheet if necessary):		
Individual - Owner Name:	Home Address:	Phone Number:
Partnership - Partner's Names: ANTHONY YEATMAN	Home Addresses: 111 BELVED 140 BRENNAN DR. TYRONE, GA 30290	Phone Numbers: 770-631-4914
Close Corporation Name: DARK HORSE VENTURES, LLC	Close Corporation Addresses: 288 N. HWY 74, PEACHTREE CITY GA 30269	Phone Number: 770-632-0832
Officers of Close Corporation: MARK R. AASEN ANTHONY YEATMAN	Home Addresses: 111 BELVEDERE LANE, PEACHTREE CITY, GA 30269 140 BRENNAN DR. TYRONE, GA 30290	Phone Numbers: 770-632-0832 770-631-4714
Directors of Close Corporation:	Home Addresses:	Phone Numbers:
Stockholders of Close Corporation:	Home Addresses:	Phone Numbers:
Corporation Name:	Corporation Address:	Phone Number:
Name of GA Registered Agent named for service process:	Home Address:	Phone Numbers:
Is any person who will own an interest in the license/licenses an employee of the City of Peachtree City? NO		

STATE OF GEORGIA
COUNTY OF FAYETTE

AFFIDAVIT

I, MARK R. AASEN, swear that I am at least twenty-one (21) years of age and am competent to provide this Affidavit.

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

I have or have not ever been ever arrested. (Please circle one). If you have been arrested for a crime, please list details below and the disposition of the arrest. Attach a separate sheet in necessary:

JAN 1992 DRIVING MOTORCYCLE WITHOUT LICENSE, HELMET, REGIST. - FINE

I have read the Peachtree City Ordinance regarding the sale of alcoholic beverages and I understand and will comply with the rules and regulations.

I, MARK R. AASEN, applicant for license representative, swear that I am a manager of the business, a resident of the State of Georgia, and my address is: 111 BELVEDERE LN.
PEACHTREE CITY, GA 30269

I solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for city license for sale of alcoholic beverages are true, and no false or fraudulent statement or answer is made herein to procure the granting of such license.


SIGNATURE OF APPLICANT

10/3/2000
DATE

I do hereby certify that the foregoing applicant is personally known to me, that he/she signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and under oath actually administered to me, has sworn that said statements and answers are true. This 3rd day of October, 19 2000.


NOTARY PUBLIC


MY COMMISSION EXPIRES
MARCH 2, 2001

10/3/2000
DATE

PEACHTREE CITY POLICE DEPARTMENT
CRIMINAL HISTORY CONSENT FORM

I hereby authorize the PEACHTREE CITY POLICE DEPARTMENT to receive any criminal history record information pertaining to me, which may be in the files of any state or local criminal justice agency.

Full Name (printed) MARK RAYMOND AASEN

Address 111 BELVEDERE LANE

City/State/Zip PEACHTREE City GA 30269

Social Security Number 262 19 7084

Driver License Number/State 049901741 GEORGIA

Date of Birth 30 OCT 1955

Race CAUCASIAN Sex MALE

Authorizing Signature [Signature]

Notary [Signature]

Date 10/3/2000 MY COMMISSION EXPIRES
MARCH 2, 2001

How long have you resided at your current address? 1 YEAR

List Previous addresses for the last 10 years. _____

428 LOYD ROAD PEACHTREE City, GA 30269

450. S. PEACHTREE PARKWAY, PEACHTREE City, GA 30269

1060 COTTON GIN ROAD, GREENSBORO, GA

101 LINGER LONGER DR, GREENSBORO, GA

2549 GERONIMO CT, PARK City, UT 84060

7717 BUCKBOARD Dr., PARK City UT 84060

5630 RIVER HEIGHTS CROSSING, MARIETTA, GA

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Director of Developmental Services 

DATE: October 25, 2000

SUBJECT: Proposed Summit Rezoning

Summit Properties is currently developing a 399-unit apartment complex on a 27.273-acre parcel south of the Cedarcroft project off MacDuff Parkway. That is an actual density of 14.63 units per acre.

Authorization for this project was via a Development Agreement between the property owners and the City dated April 30, 1996 (Attachment "A"). That Agreement stipulated a maximum of 399 units at a density not to exceed 14.7 units per acre. The project under construction conforms to that Agreement.

Another stipulation of the Agreement was that the property be rezoned to the appropriate classification for the apartment project. Summit Properties has submitted an application to rezone their tract to GR-15 as required (Attachment "B").

At its meeting on October 9, 2000, the Planning Commission reviewed this proposed rezoning at a public hearing and voted to recommend that it be approved by Council.

Staff recommends approval as requested and as recommended by the Planning Commission.

JBW/jir

Attachments "A" – "B"

DEVELOPMENT AGREEMENT

EXHIBIT "A"

This development agreement is agreed to by CR Partners and Ravin Homes, Inc., ("Developers") to the City of Peachtree City, Georgia (the "City") to settle and resolve the issues raised in two declaratory judgment lawsuits pending in the Superior Court of Fayette County under Civil Action Nos. 95V-1571E and 96V-0164E and to provide for the orderly development of the property described herein.

1. This agreement provides for the development of the following two tracts of land which are the subject of the referenced litigation (collectively referred to as the "Property"):
 - (a) A tract of approximately 38 acres along Ga. Highway 54 to be developed by CR Partners for multi-family residential use (the "38 Acre Tract"); and
 - (b) A tract of approximately 63 acres adjoining the 38 Acre Tract, to be developed by Ravin Homes, Inc. for single family residential use (the "63 Acre Tract").
2. Developers agree to forego any multi-family development on the 63 Acre Tract, thereby giving up a 300 unit apartment development which was planned and approved for the 63 Acre Tract. Instead, the 63 Acre Tract will be developed by Ravin Homes, Inc. solely for single family homes, comprising up to 220 units at a density not to exceed four units per acre.
3. The multi-family housing component of the overall development will be moved to the 38 Acre Tract portion of the Property. The total number of residential units in this apartment community will not exceed 399 units and the density of the development will not exceed 14.7 units per acre.
4. Developers agree that the quality of the apartment development on the 38 Acre Tract will be equal to or better than the apartment complex in the City of Peachtree City named "Balmoral Village." In meeting the "equal to or better than" standard, the Developers agree to include the following features:
 - (a) Perimeter landscape buffers at least 50 feet wide;
 - (b) Heavy internal landscaping;
 - (c) Landscaped areas, including buffers, comprising at least 20% of the total site;
 - (d) Significant tree-save areas;
 - (e) Two swimming pools;
 - (f) Two lighted tennis courts or a working agreement, acceptable to the City of Peachtree City, with the Tennis Center;
 - (g) A play court with basketball and volleyball capability;
 - (h) A multi-purpose community room with space for parties, special events and tenant meetings;

- (i) Two laundry areas;
- (j) A fitness studio;
- (k) A central trash compactor, buffered from the living units;
- (l) Convenient areas for recycling solid waste;
- (m) Golf cart storage and recharge areas;
- (n) A covered facility for washing vehicles;
- (o) A viable tenant association that can work with management and coordinate with the City; and
- (p) A management group that has strict tenant rules, is willing and able to enforce those rules, is willing to work closely with the tenants to maintain and improve the project, and will participate with other management groups and City officials in a community-wide tenant improvement program.

All of the above-stated features will be accomplished in a manner that is consistent with City ordinances.

5. The City will cooperate with the Developers as it cooperates with any other developer to assist the Developers in obtaining sewer access to serve the 38 Acre Tract and the 63 Acre Tract. In the event the Developers are unable to acquire such sewer access in time to meet construction deadlines, nothing herein shall be construed to prevent Developers from seeking to obtain sewer access by other means.
6. The Developers will plan and design the development to allow access to Wynnmeade subdivision and will dedicate, at no cost to the City, sufficient right of way for such access; however, the cost of constructing the access, should the City elect to construct such access, will be borne by the City.
7. The City will not be required to pay any of the costs of infrastructure construction to serve Developers' projects. The Developers will reserve an 80-foot right of way for the proposed Line Creek Parkway and a 60 foot right of way for the proposed West Village Drive, as shown on the Conceptual Plan for Line Creek Village prepared by the Developers and submitted as part of this Development Agreement. The Developers will construct that portion of Line Creek Parkway from highway 54 north approximately 1700 feet to the entrance of the Cedarcroft subdivision to at least "Village Collector Standards" (as defined by City Ordinance) and will dedicate that road and its attendant right of way to the City at no cost to the City. The Developers will pay for and install a traffic signal and all necessary road improvements at the Georgia Highway 54 intersection with Line Creek Parkway in accordance with City and Georgia D.O.T. requirements.
8. The Developers will pay an impact fee of \$1,314.00 per dwelling unit if, under City ordinances, the impact fee assessment is made no later than January 1, 1997.
9. The Developers will comply with all City Ordinances and will perform all construction at least in accordance with established city standards.

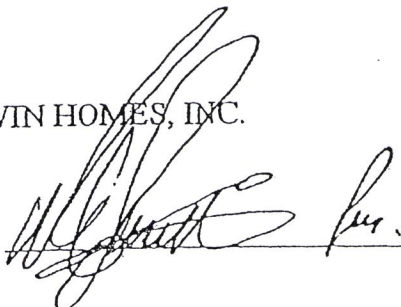
10. The City, at its election and at City expense, is entitled to make a subdivision entrance road connection between the Line Creek Parkway and the Wynnmeade Subdivision at or near the point where West Village Drive intersects with Line Creek Parkway. Developers will donate the right of way for this entrance to the City.
- * 11. As part of an overall development agreement, the Developers will consent to initiate a rezoning of the Property to single family and multi-family residential classifications which reflect the actual uses of the Property, after the consent order and judgment contemplated in paragraph 14 has been entered.
12. The details of implementing this agreement will be handled by Developers and the Peachtree City Planning Commission and a site plan will be prepared and submitted to the Planning Commission for approval.
13. Developers acknowledge that, as an integral part of this Development Agreement, City Council will adopt a resolution concerning this Development Agreement (a true and accurate copy of said Resolution is attached hereto and reflects additional obligations and agreements of the parties). Developer agrees to abide by the terms of the said Resolution as though those terms were set forth herein.
14. The terms of this agreement will be incorporated into a consent order and judgment to be prepared by counsel for Developers and the City and filed in Court to resolve the two lawsuits referenced above.

Executed this 30 day of ~~March~~^{April}, 1996.

C R PARTNERS

BY: _____

RAVIN HOMES, INC.

BY:  _____

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property: _____

THE SUMMIT APARTMENTS TRACT ON MAC DUFF PARKWAY
(SEE ATTACHED SURVEY) 27.273 ACRES, 399 UNITS
ACTUAL DENSITY = 14.63 UNITS/ACRE

This property is presently zoned: GC GENERAL COMMERCIAL

The proposed zoning classification is: GIL-15 GENERAL RESIDENTIAL

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

Signature: 

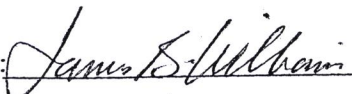
Owner: SUMMIT PROPERTIES PARTNERSHIP, L.P.

Agent: ROBERT P. TRUJILLO - Vice President - Summit Properties

Address: 6151 POWERS FERRY ROAD - Suite 500 - Atlanta, GA 30339

Phone: 770-980-0980 Date: Sept. 11, 2000

This request, along with the required fee and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature:  JAMES B. WILLIAMS

Title: ZONING ADMINISTRATOR

Date: SEPTEMBER 18, 2000

Request Number: 2000-07

Date of Planning Commission Public Hearing: OCTOBER 9, 2000

Date of City Council Public Hearing: NOVEMBER 2, 2000

SUMMIT

PROPERTIES

September 15, 2000

Mr. James B. Williams
Director of Developmental Services
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

RE: Summit Apartments

Dear Jim:

Per your request, please find enclosed the rezoning application, \$273.00 check, a stamped plat of the property and a legal description.

We are requesting this rezoning be filed in order to comply with the requirements of the Development Agreement dated April 30, 1996, to accurately reflect the actual use of the property.

Should you have any questions or need additional information, please feel free to contact me.

Sincerely,

Summit Properties Partnership, L.P.
By: Summit Properties, Inc., General Partner



By: Robert P. Trujillo
Vice President

RPT/csf

Enclosures



6151 Powers Ferry Road ♦ Suite 500
Atlanta, Georgia 30339
Telephone: (770) 980-0980
Facsimile: (770) 980-2030
www.summitproperties.com

*A Passion
For Life*

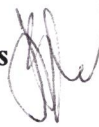
Attachment "B"
Page 2 of 3

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Director of Developmental Services 

DATE: October 25, 2000

SUBJECT: Proposed Rezoning: Lexington Commons

The owner of the Lexington Commons property at the corner of GA 54 and Walt Banks Road has requested the property be rezoned to reduce the amount of retail space and increase the number of dwelling units.

The request was heard by the Planning Commission at its meeting on October 23, 2000. At that time, with the concurrence of the applicant, the Commission voted to continue the public hearing to its next meeting on November 13, 2000, to allow the applicant time to respond to a number of unresolved issues.

Consequently, the public hearing scheduled for the Council meeting on November 2, 2000, will need to be continued to the next meeting on November 16, 2000. The staff recommends that the applicant be granted this continuance.

JBW/jir

PALM BEACH DEVELOPMENT, INC. _____

505 South Flagler Drive, Suite 1300
West Palm Beach, Florida 33401
(561) ~~407~~-659-4422

October 18, 2000

Mr. Jim Basinger, City Manager
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

Re: Rezoning of Property Walt Banks Road and Hwy 54

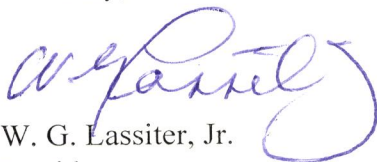
Dear Mr. Basinger:

As a safeguard for both the City and the property owner of the above-referenced property, as part of the submittal of the rezoning application we ask that if it is determined that the property will not be developed in substantially the same manner as depicted on the conceptual site plan submitted earlier this month, and each condition of that plan be substantially complied with, that the zoning of this property shall revert back to the zoning the property currently holds (LUC-15) - only upon written notification by the property owner within 90 days of formal rezoning action by the City Council.

The purpose of this request is similar to the request made as part of the previous rezoning earlier this year from LUC-7 to LUC-15.

Please include this letter as part of the submittal for rezoning so that Planning Commission and City Council is able to include the 90-day reversionary period in any formal motion to rezone.

Sincerely,



W. G. Lassiter, Jr.
President
Palm Beach Development Corp.

WGL/mro

cc: Mr. Rick Lindsey, City Attorney
City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Clerk

VIA: City Manager 
Director of Financial Services

DATE: October 26, 2000

SUBJECT: Discussion of City Council Meeting Rules and Procedures

Councilmember Fritz asked that this item be placed on the agenda for discussion when the ordinance was adopted in May of this year. A copy of the ordinance is enclosed for your reference. Staff does not have any recommendations to change the ordinance at this time.

DIVISION 1. GENERALLY

Secs. 2-21--2-30. Reserved.

DIVISION 2. CITY COUNCIL MEETING PROCEDURES AND RULES*

***Editor's note**--Ord. No. 721, adopted Oct. 21, 1999, repealed § 2-31 in its entirety. Formerly, § 2-31 pertained to the rules of council meetings and derived § 2-1 of the 1980 Code; Ord. No. 708, adopted Feb. 4, 1999; and Ord. No. 714, adopted July 1, 1999. Ord. No. 721, added new provisions as herein set out.

Sec. 2-31. General provisions.

- (a) *Scope of rules.* These rules shall govern the conduct of the city council and shall be interpreted to ensure fair and open deliberations and decision making.
- (b) *Matters not covered.* Robert's Rules of Order shall govern for any matter, order or procedure otherwise not covered by these rules.
- (c) *Interpretation.* These rules are intended to supplement and shall be interpreted to conform with the statutes of the state and the city.
- (d) *Quorum.* The mayor and three council members, or four council members without the mayor shall constitute a quorum as defined in the Charter, section 4. The presence of a quorum is necessary for council to take official action on an item; however, three affirmative votes are necessary for any motion to pass. To avoid the appearance of impropriety, no more than two members of city council (including the mayor) shall meet to discuss any public matter, official business, or policy unless such meeting is held accordance with the Georgia Open Meetings Law (O.C.G.A. 50-14-1 through 50-14-6).

(Ord. No. 721, 10-21-99; Ord. No. 729, 1-20-00; Ord. No. 731, 2-3-2000; Ord. No. 737, 5-4-2000)

Sec. 2-32. Time and place of meeting.

- (a) *Regular meetings.* Regular meetings of the city council of the city shall be held the first and third Thursday of each month at 7:00 p.m. in the city council chambers. However, the mayor shall be authorized to cancel meetings and make temporary changes in meeting dates when such actions are for the convenience of the public. Appropriate notice of such cancellation or change in meeting date shall be provided to the public and council members.
- (b) *Special meetings.* Special meetings shall be called by the mayor as needed. Any council member may request the mayor to call a special meeting and such meeting shall be called. At least 24 hours notice to the public must be provided.
- (c) *Time to end meetings.* No agenda item of an open meeting other than one under consideration will be discussed after 11:00 p.m. Council shall have the authority to suspend this requirement and adopt other procedures by majority vote.

(Ord. No. 721, 10-21-99; Ord. No. 737, 5-4-2000)

Sec. 2-33. Agenda.

- (a) *Preparation of agenda.* Prior to each regular council meeting, the city clerk shall publish an agenda, which contains all items the council anticipates acting upon at the meeting. A notice shall be placed on the agenda stating: "This agenda may change at any time up to 24 hours prior to the meeting." The agenda shall be published the Friday prior to each regular scheduled meeting.
- (b) *Consent agenda.* In preparing an agenda the city clerk, may separately designate items as "consent agenda", which may be acted upon by the council as described in 2-36(f) of this article. The consent agenda shall consist of routine, noncontroversial items, which (in the city manager's determination) can be appropriately considered in bulk at the council meeting.
- (c) *Agenda item request.* Any person may request to have an item placed on the agenda, by filing such request in writing with the city clerk prior to 5:00 p.m. on the Friday preceding the council meeting. Such item may not be placed on the agenda if council has already decided the issue within 180 days.
- (d) *Extra items.* Items requested, or filed after 5:00 p.m., on the Friday preceding a council meeting shall not be included on the agenda unless the mayor, a council member, the city manager, or the assistant city manager deems the item of sufficient urgency to warrant immediate council action. These additional items shall be added no less than 24 hours prior to the scheduled meeting. The city clerk shall record the name of the person adding the item on the agenda.
- (e) *Reconsideration of agenda items.* The city clerk shall not place on the agenda any matter for reconsideration within 180 days of council action unless sponsored by a council member or mayor who voted on the originally prevailing side or who was absent at the time of the original action.
- (f) *Staff withdrawal of items.* Only the person (or designated representative) requesting the placement of an item on the agenda may withdraw the item prior to the council meeting. Council shall be advised of the reason why the item is being withdrawn. The item withdrawn may, nonetheless, be acted upon in the discretion of the council.
- (g) *Council action to defer, (table), continue or not act.* The mayor or a council member wishing council to defer action or continue an item has a right to make a motion to continue, defer or not act on any item considered before any other action, which council may consider.

(Ord. No. 721, 10-21-99; Ord. No. 737, 5-4-2000)

Sec. 2-34. Conduct of meetings.

- (a) *Call to order.* The mayor or mayor pro tem shall call the meeting to order at the appointed hour. The presiding officer shall control discussion of the council on each agenda item to assure full participation in accordance with these rules.
- (b) *Order of consideration of agenda.* Except as otherwise provided in these rules, each agenda item shall be considered in numerical order. The presiding officer shall separately announce each agenda item for the purposes of discussion and consideration. To announce an item, it shall be sufficient to identify the item by its

number unless someone in attendance requests greater specificity.

- (c) *Discussion.* A council member shall speak only after being recognized by the presiding officer. A council member recognized for a specific purpose shall limit remarks to that purpose. A council member, after being recognized, shall not be interrupted except by the presiding officer to enforce these rules.
- (d) *Presiding officer's right to enter into discussion.* The mayor, or other presiding officer, as members of the council, may enter into any discussion.
- (e) *Limit on remarks.* Each council member shall limit his or her remarks to a reasonable length.
- (f) *Presiding officer's right to speak last.* The presiding officer has the right to speak last on any item.
- (g) *Closing debate.*
 - (1) At any point during a debate, except when a council member is speaking, the mayor or presiding officer may close the debate and either make a motion, which concerns the subject of the debate or request that such a motion be made. If the motion is seconded, then the mayor or presiding officer shall call for the vote on the motion unless a council member makes a superseding motion to re-open the debate. If this superseding motion is seconded, the mayor or presiding officer shall call for the vote on the superseding motion. If a majority of the mayor and council members vote to continue the debate, then the debate shall be continued.
 - (2) At any point during a debate except when the mayor or another council member is speaking, a council member may make a motion to limit the additional time to debate the issue or close the debate. If the motion is seconded, then the mayor or presiding officer shall call for a vote on the motion to either limit or close the debate. If a majority of the mayor and council members vote to limit or close the debate, then the debate shall be limited or closed.

(Ord. No. 721, 10-21-99; Ord. No. 737, 5-4-2000)

Sec. 2-35. Public participation.

- (a) *Right to address council.* Persons other than council members may be permitted to address the council only upon specific agenda items. Any person that is publicly disparaged during the meeting by a city employee, or appointed official/contractor shall, upon request, be granted one opportunity to address council for up to three minutes and respond to the remarks that were made.
- (b) *Manner to address council.* A person who desires to address the council shall raise their hand to be acknowledged by the mayor or presiding officer. They shall then step to the podium, state his or her name, address, and group affiliation (if any) and speak clearly into the microphone.
- (c) *Time limit on public remarks.* Persons granted permission to speak shall limit their comments to three minutes speaking time per item unless the presiding officer grants additional time. The presiding officer can limit the total time allocated for public input on a subject. A majority vote of the council may extend the time limitations of this rule.
- (d) *Public comment to be germane.* Public comments must be directed to the subject under consideration. The presiding officer shall rule on the germaness of public comments. Anyone making personal, impertinent, or slanderous remarks shall be barred by the

presiding officer from further comment before the council during the meeting.

- (e) *Applause.* The mayor or presiding officer can determine individuals to be out of order for applauding public comments. Applause for public comment is discouraged as it may discourage individuals with opposing views from speaking.
- (f) *Matters not on the agenda.* The council may, in its discretion, allow citizens who wish to raise a matter not on the agenda and who have not filed a request, to address the council at the end of the regular agenda. If action is required by council, the item will be placed on a future agenda.

(Ord. No. 721, 10-21-99; Ord. No. 737, 5-4-2000)

Sec. 2-36. Council action.

- (a) *Motion and second required.* A member of the council or the mayor shall move all action requiring a vote. Motion must be seconded before the call for vote or it shall die for a lack of a second.
- (b) *Motion to reconsider.* A motion to reconsider must be made by a council member or the mayor who was on the prevailing side in the original action or by a council member absent at the time of the original action.
- (c) *Motion by presiding officer.* The presiding officer can make and second motions.
- (d) *Call for vote.* At the conclusion of debate, the presiding officer shall call for a vote; however, a majority of the council may also require a vote on any item.
- (e) *Separate consideration.* Except as otherwise provided by these rules, each agenda item shall be voted upon separately.
- (f) *Action on consent agenda.* Except as herein provided, the consent agenda shall be considered in bulk and voted upon with a single motion. At the time of consideration of the consent agenda, a council member or the mayor may announce items they wish to speak about or vote against. The presiding officer may also ask if any person in attendance wishes to speak on any item. Such items shall be considered separately and not as a portion of any motion to call for action on the remainder of the consent agenda. The city clerk, on all matters contained in the consent agenda, shall record the yes and no votes on each item separately as if each item had been moved and voted upon separately.
- (g) *Consideration out of order.* With the consent of the council, any agenda item may be considered out of the order listed on the agenda.
- (h) *Recording names of moving members.* The city clerk shall record the name of the council member or the mayor making each motion and the member who seconded the motion.
- (i) *Consideration of matters not on agenda.* Any member of the council or the mayor may (at the close of the regular agenda) bring a matter not on the agenda to the council's attention. Council shall not act upon such matter until it has been included on a later agenda.

(Ord. No. 721, 10-21-99; Ord. No. 737, 5-4-2000)

Sec. 2-37. Miscellaneous.

- (a) *Waiver of ordinance readings.* A council member or the mayor may move to pass an ordinance, as presented, in written format without reading it for the record.

- (b) *Applicability of rules.* These rules shall apply to the council when meeting in any form.
- (c) *Suspension of rules.* These rules, or any part thereof, may be suspended for a specific purpose by a majority of the council.
- (d) *Informal relations.* A member of the council or the mayor, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations, or opinions of the city manager, assistant city manager, city attorney or any city employee.

(Ord. No. 721, 10-21-99; Ord. No. 737, 5-4-2000)

Sec. 2-38. Public hearings.

- (a) The city clerk shall prepare, as separate portions of the agenda, a schedule of public hearings.
- (b) The following public hearing procedures shall apply to any zoning matters pending before the city council or the planning commission.
 - (1) The mayor or chairperson will allow each side equal opportunity to the floor and establish time limits.
 - (2) Members of the city council or planning commission will become hearers. No action on their part is in order until the mayor or chairperson declares the hearing complete.
 - (3) The applicant, and those supporting the issue, including the city staff position (if appropriate) will be heard.
 - (4) Those opposing the issue, including the city staff (if appropriate) will be heard.
 - (5) Prior to closing the public hearing input portion of the meeting, the hearers and any member of the public will be given the opportunity to ask questions of either or both sides of the issue.
 - (6) When the mayor or chairperson is assured that input is complete, the public hearing shall be ended and the appropriate body will then debate the issue and render a decision.
- (c) Any appeal or variance that may be brought before the city council or any commission will follow the procedures outlined above. Exceptions are budget hearings and administrative hearings dealing with alcoholic beverage violations.

(Ord. No. 721, 10-21-99; Ord. No. 737, 5-4-2000)

Secs. 2-39--2-65. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

***Cross reference(s)**--Any ordinance fixing the salary of any city officer or employee saved from repeal, § 1-6(4); personnel, ch. 62.

State law reference(s)--Personal liability of councilmembers and other municipal officers,

O.C.G.A. § 36-33-4; power to define, regulate and alter the powers, duties, qualifications, compensation and tenure of municipal officers, agents and employees, O.C.G.A. § 36-34-2(2); municipal or county governments not to require residence as condition of employment, O.C.G.A. § 45-2-5.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Clerk

VIA: City Manager 
Director of Financial Services

DATE: October 26, 2000

SUBJECT: Term Limits for Commissions/Authorities

Councilman Tennant asked for this item to be placed on the agenda. A copy of the current ordinance regarding Commission/Authorities is attached for your reference.

The City Attorney has researched the matter. In the attached legal opinion he determines that Council does not have the power to adopt an ordinance to limit the number of terms a member may serve on any of the three Authorities.

ARTICLE V. BOARDS, COMMISSIONS AND AUTHORITIES*

*State law reference(s)--Development Authorities Law, O.C.G.A. § 36-62-1 et seq.

DIVISION 1. GENERALLY

Sec. 2-336. Commission and authority, appointments, attendance.

(a) *Commission and authority selection process.*

- (1) The administrative services division shall advertise vacancies, acknowledge applications, schedule appointments with selected applicants and notify applicants of decisions of the selection committee.
- (2) The selection committee shall be comprised of two members of the city council, to be appointed by the mayor, and the chief administrative officer.
- (3) The chief administrative officer shall serve as selection committee coordinator and ensure compliance with all requirements of this section.
- (4) The selection committee shall:
 - a. Conduct interviews with applicants as scheduled by the personnel office.
 - b. Select and recommend to the extent possible a representative cross section of the citizenry as appropriate to serve on the commission/authority.
 - c. Forward the recommended selections to the city council.

(b) *Applicant eligibility requirements.* Applicants must:

- (1) Be a legal resident of the state and have been a resident of the city for at least six months prior to the date of the application;
- (2) Not be an elected official of any governmental jurisdiction in the county or employee of the city; and
- (3) Meet any other qualifications established by the enabling legislation creating the particular commission or authority.

(c) *Filling of unexpired terms.* If a member of a commission or authority resigns before completing his term of office, the city council can appoint an interim member to fill an unexpired term of six months or less from the pool of previous applicants.

(d) *Attendance criteria.* Each member shall maintain an 80 percent attendance record at all regular and called meetings for the previous 12 months. Members failing to maintain such an attendance record, or who are absent at any three regularly scheduled meetings, shall be immediately dismissed from the commission or authority by the mayor based on a recommendation by the chairman. However, the chairman may excuse an absence for medical reasons.

(Code 1980, § 2-8)

WEBB, STUCKEY & LINDSEY, LLC

Attorneys-At-Law

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

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Karen C. Gainey
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**Tennessee & District of Columbia
†Illinois
††Texas

October 26, 2000

Mayor Robert L. Lenox
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

City Council Members
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

RE: Term Limitations for Members of the Airport Authority
and Water and Sewerage Authority

Dear Mayor and Council:

The question presently pending before you is the possible term limitations for the Authority members and the Commission members. As I briefly stated in the meeting of October 5, 2000, I had some concerns about the City Council's power to pass an ordinance or resolution to limit the terms of the Authorities' members.

The Airport and Water and Sewerage Authorities were created by special local legislation of the Georgia General Assembly. These two entities are separate and distinct from the City of Peachtree City. The Development Authority was created by local ordinance pursuant to State law. It is also a separate and distinct entity from the City.

First, the Airport Authority was created in 1984 by the Georgia General Assembly. In Section 3 of its Charter, membership on the Authority is appointed by the City Council of Peachtree City. Once a member has been appointed, the City Council has extremely limited authority to remove a member from office and can only do so for "misconduct or in the event [the member moved his or her] residence from Peachtree City."

Second, the Water and Sewerage Authority was created in 1987 by the Georgia General Assembly. The power to appoint the members of this Authority is found in Section 2(b). As with the Airport Authority, the City Council has extremely limited power to remove a member from office and can only do so under the same circumstances as permitted for the Airport Authority.

Both charters for these Authorities remain silent on term limitations; however, because of the extremely limited power of the City Council to remove members and since these entities are separate and distinct from the City Council, it is my opinion that the City Council cannot enact an ordinance which purports to limit the terms of the members of these two Authorities. The Council, on the other hand, can refuse to appoint any applicant for membership in the Authorities for any lawful reason. Thus, as a practical matter, Council has, and always has had, the ability to limit any particular member's term on either Authority. It does not take an ordinance to give to the City Council this practical authority. However, as I stated above, I believe it is illegal for the Council to adopt an ordinance or resolution which mandates a limit of the members' terms.

Third, as stated above, the Development Authority is also a separate legal entity, but it was created through an ordinance pursuant to general state law. The general state law is found at O.C.G.A. §36-62-1, *et seq.* In O.C.G.A. §36-62-4, the State law grants to the governing body of the municipality the power to appoint the members. As with the Airport and Water and Sewerage Authorities, the State law is silent on the issue of term limits. Since the only powers granted to municipalities to create Development Authorities is found in the above-cited statute and since the law is silent on the issue of term limitations, it is my opinion that the City does not have the power to limit the number of terms a member can serve by and through the adoption of an ordinance or resolution. However, the Council always has had and continues to have the practical power to limit the terms of the members of the Development Authority.

Therefore, and in summation, it is my opinion that the Council does not have the power to adopt an ordinance or resolution purporting to limit the number of terms a member may serve on any of the three Authorities. The Council has the right not to appoint a person to any of these Authorities for any reason except those prohibited by the constitutions of the United States and of the State of Georgia which include such things as race, creed, natural origin, sex, etc.

If you wish to discuss this matter further, please do not hesitate to contact me.

Best regards.

Sincerely,

WEBB, STUCKEY & LINDSEY, LLC



Richard P. Lindsey

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

VIA: Jim Basinger

FROM: Jane Miller

DATE: October 12, 2000

SUBJECT: City Flag

Councilman Tennant has asked that a discussion on the City flag be held at the November 2, 2000 Council meeting. A number of years ago a contest was held to design a City flag. One of the designs submitted was selected and an order placed for a number of flags in that design. The City flag flew at the old City Hall building for several years until all flags other than the original had been flown and discarded when they had become weather worn. A decision was made at that time not to order any more flags. The design and colors in the flag were somewhat dated, which I believe was part of the reason the flag was "retired." The original flag is now in Jim Basinger's office should any Councilmember want to take a look at it.

/jsm

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

VIA: Jim Basinger

FROM: Jane Miller

DATE: October 23, 2000

SUBJECT: Televising Council Meetings

Councilmember Dan Tennant has requested that a discussion on televising Council meetings be added to the November 2 Council agenda. As you will recall, Council discussed this matter in February and March of 1998 (meeting minutes attached as attachment 1). A survey was done to determine citizen interest and, at that time, Council decided not to proceed with this process. There did not seem to be enough citizen interest to justify the cost.

At that time Intermedia had indicated that it would cost \$16,850 to equip the building for live broadcast. Staff had obtained a price proposal from a company to tape each meeting at a cost of \$1,000 per meeting (attachment 2). Since Councilmember Tennant asked staff to look into this matter again, staff has met with Mr. Kenny Faust, General Manager of AT&T, and he has agreed to equip the building at no cost. Staff believes that there would still be significant expense to hire a firm to video the meetings.

/jsm

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Brooks said he felt the remaining violations were adjacent to buffers and would not impact anyone. He also felt it would not be aesthetically appealing to bring the violations into compliance by cutting off part of the decks.

Brooks made a motion to approve the variance for the remaining 6 violations with the condition that the other violations were brought into compliance through the purchase of additional property. Pace seconded the motion. Motion carried unanimously.

→ 02-98-9

Consider Request to Televis Council Meetings

Lenox explained that this item would be conducted as a public forum and asked that anyone with comments on the issue address Council at the podium. Vivian Conduff addressed Council and requested they consider televising council meetings. She felt that many citizens were not well informed because only 20% voted in the recent election. She said many citizens she asked said they would watch the meetings if they were on television and that it was not a new concept because many cities did televise their meetings. She said she investigated the cost involved said the cost would depend on how elaborate the system was.

Dan Lech from Danovision, a company that televises meetings, spoke in favor of the idea. He explained in great detail the technical aspects of televising meetings and the possible costs involved. He quoted a price of \$1,000 per meeting for his company to record the meetings.

Bill Wheeloch addressed Council and opposed the idea. He did not feel it would accomplish the objective of informing the citizens and he did not want the Council to spend money on the project. He felt the presence of a television camera would make actors out of people at the meetings and would cause the objective of the meetings to be lost.

Mildred Harris spoke in favor of televising meetings.

McMenamin felt Peachtree City was a small community and felt Council encouraged people to attend meetings. She felt if they had a choice of watching City meetings or prime time shows, they would not watch the city meetings. She could not justify spending money on televising meetings but would support the high school if they would like to tape meetings. She also believed that televising meetings might inhibit people from speaking their minds.

Lenox said it would not cost the City anything to "air" meetings on the City's information channel but he did not want the meetings televised unless it was done on a professional level. He said based on the information given to them by Mr. Lech, they could televise

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24 meetings for about \$24,000 a year. He did not know if citizens would be interested enough in watching the meetings to warrant spending \$24,000.

Pace felt it was important to better inform citizens and suggested the City conduct a survey on the issue. He also felt they could televise meetings on a trial basis.

Brooks felt it was important to increase citizen awareness and felt that televising meetings would bring more recognition to employees and other people receiving awards. He agreed with Pace and felt it was important to conduct a survey on the issue before making a decision.

Brooks made a motion to table the issue and to put a survey in the next edition of the "UPDATE" and ask if citizens wanted to spend the money to televise meetings and if they would watch it. Pace seconded the motion. Motion carried unanimously. McMenamin requested that the original survey be sent to City Hall and that no copies be accepted.

02-98-10 Consider DOT ROW Agreement - Willow Road Storm Drain

Basinger explained the right-of-way agreement to be considered related to the signalization of the intersection of Highway 74 and Paschall Road. He said the project was going to result in the need for some work and improvements to the downstream drainage basins located above and below Willow Road. He said while the City earmarked local funds for the drainage work, DOT had agreed to assist in providing some funding through a DOT/City contract. He explained the contract was the first step in obtaining the DOT funds and would commit the City to provide and maintain the right-of-way to ensure all utilities are relocated, remove any obstructions and indemnify the DOT.

Brooks made a motion to approve the agreement. Pace seconded the motion. Motion carried unanimously.

Lenox made a motion to adjourn the meeting to Executive Session to discuss a legal matter. Brooks seconded the motion.

Executive Session

No action was taken in executive session and the meeting adjourned at 9:00 p.m.

Nancy Faulkner, City Clerk

Attest: _____
Mayor

City Council of Peachtree City
Minutes of Meeting
March 19, 1998
7:00 p.m.

The City Council of Peachtree City met in a regular session Thursday, March 19, 1998, at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those attending in the pledge of allegiance. Other council members present were: Carol Fritz, Annie McMenamin, Robert Brooks, and Jim Pace.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox announced the City Council Retreat to be held April 3 & 4 at the Wyndham Peachtree Conference Center.

Mayor Lenox presented the Employee of the Month award to Linda Gravley.

APPROVAL OF MINUTES

McMenamin made a motion to approve the minutes of March 5, 1998 as presented. Pace seconded the motion. Motion carried unanimously.

Mayor Lenox announced he would be out of town and would not be able to attend the April 16 City Council meeting at which a proposed smoking ordinance was to be presented to Council for consideration. He asked Council if anyone had an objection to rescheduling the hearing until May 7. No one objected and the hearing was rescheduled.

OLD AGENDA ITEMS

→ **02-98-9 CONSIDER REQUEST TO TELEVISION COUNCIL MEETINGS**

Jim Basinger, City Manager, explained that at Council's request, a survey asking for resident input regarding televising City Council meetings was included in the March issue of UPDATE Peachtree City. The UPDATE was delivered to local residences on March 3 and 4, and 208 responses had been returned to City Hall; a 2.1 % response rate. He said the results were as follows:

1. *Do you feel that televised City Council meetings, at a cost of \$1,000 per meeting, is a service that the City of Peachtree City should provide for its residents?*

YES	44	21 %
NO	264	79 %

2. *Would you watch televised City Council meetings?*

YES	65	31%
NO	139	67%

Brooks said it was apparent that most of the people who took the time to answer the survey were opposed to the issue and made a motion that Council not authorize the televising of Council meetings. Fritz seconded the motion. Pace said that perhaps the City could televise special events such as the Fourth of July celebration or the annual budget hearings. Lenox called for a vote on the motion. Motion carried unanimously.

NEW AGENDA ITEMS

03-98-05 Consider Alcoholic Beverage License - Kmart

Mayor Lenox explained that Kmart had submitted an application for a license to sell beer and wine. The manager of the store, Mr. Charles Baker had applied to be the license representative and Mr. John Ronan, an officer of the corporation and resident of Michigan had applied to be the licensee. Lenox explained that Mr. Ronan's criminal history background had not been received from Michigan. McMenamin asked Mr. Baker if he would contact the police department to ensure proper training was provided for his employees. He said he would.

McMenamin made a motion to approve the alcohol license contingent upon receiving favorable background information on Mr. Ronan and to appoint Mr. John Ronan as the licensee and Mr. Charles Baker as the license representative. Pace seconded the motion. Motion carried unanimously.

03-98-06 Consider Alcoholic Beverage License - Agnes and Muriel's

Mayor Lenox explained that a new restaurant, Agnes and Muriel's, had submitted an application for a license to sell beer and wine. The restaurant would be located at 217 Commerce Drive, formerly Famous Steaks and Seafood. The owner and manager of the store, Mr. Glenn E. Powell, had applied to be appointed as the licensee and the license representative.

Pace made a motion to approve the alcohol license and appoint Mr. Glenn Powell as the licensee and license representative. Brooks seconded the motion. Motion carried unanimously.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council
FROM: City Manager 
DATE: January 29, 1998
SUBJECT: Televising Council Meetings

A resident has requested that Council consider televising Council Meetings on Cable Channel 2. City Staff has gathered preliminary pricing for equipment and services that would be necessary to undertake this project.

Staff has held discussions with Mr. Jim Brown, General Manager of Intermedia, who has provided information on a one time cost to prepare this facility for live broadcast (Attachment 1). Mr. Brown plans to be at the Council meeting and can answer any questions you may have.

Estimated one time cost for live-broadcast equipment: **\$16,850**

Staff has also held discussions with Mr. Dan Lech of Danovision, who submitted a proposal for his company taping the council meetings (Attachment 2). Staff estimates no significant additional costs to broadcast the meetings live while recording.

Estimated per meeting cost to broadcast meetings (taped or live): **\$ 1,000**