

City Council of Peachtree City
Minutes of Meeting
October 16, 1997
7:00 p.m.

The City Council of Peachtree City met in a regular session Thursday, October 16, 1997, at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those attending in the pledge of allegiance. Council members present were: Bob Brooks, Jim Pace, Caroline Price and Annie McMenamin.

ADDITION OF AGENDA ITEMS

There were no added agenda items.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox presented a ten-year service pin to Curtis Benson.

Mayor Lenox presented Employee of the Month Award to Kaye Brock.

Mayor Lenox presented Supervisor of the Quarter Award to Ron Mundy.

MINUTES

Price made a motion to approve the minutes of the October 2, 1997 meeting as presented. Pace seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

There were no old agenda items.

NEW AGENDA ITEMS

97-10-02 Approve Peachtree City Water & Sewerage Capital Budget

Basinger addressed Council and stated that the bond issue documents that acquired the Georgia Utilities Company did require the Council to approve the Capital Budget developed by the Peachtree City Water and Sewerage Authority and that the Director of Financial Services, Steve Rapson, had worked with the Authority and its Consulting Engineers in developing the Capital Budget. Basinger said staff had compared the bond documents with the Capital Budget to ensure that all improvements called for in the bond documents and financed with bond funds were, in fact, addressed in the Capital Budget. Basinger said further that all the improvements recommended by Hartman and Associates, the acquisition consulting engineers, had been addressed by the authorities' new consulting engineers, Piedmont Olsen Hensley. Basinger asked Council to note the explanations for each capital improvement item in the budget on pages 4 of 5 and 5 of 5 in the Capital Budget.

Basinger advised Council that Chairman John Gronner and representatives of its consulting engineers, Piedmont Olsen Hensley, were there to answer any questions.

Basinger pointed out that once all improvements in the Capital Budget were completed, the sewerage system would be in first-class condition, and all of those improvements would have been paid for with bond issue funds. Basinger stated further that he thought it was important for our citizens to know that, while the system needed significant repairs at the time of acquisition, the needed repairs were planned for and financed at the time of acquisition and Council's approval was only required for the Capital Budget.

Lenox thanked Peachtree City Water and Sewerage Authority members' John Gronner and Jim Cole for their work on the budget.

Price made a motion to approve the Peachtree City Water and Sewerage Authority Capital Budget as presented. Brooks seconded the motion. Motion carried unanimously.

10-97-03 Public Hearing - Discuss Amendment to the Land Development Ordinance Concerning Buffers

Lenox said this matter would be conducted as a public hearing and each side would be allowed equal opportunity to the floor and have one hour to present their case. During the presentation, City Council would become hearers and no action was in order until the hearing was declared completed. The applicant, and those supporting the issue, would be heard first, those opposing the issue would be heard second, and prior to closing the public input portion of the meeting, Council and any member of the public would be given the opportunity to ask questions of either or both sides and when he was assured that input was complete, the public hearing would be ended and Council would debate the issue in accordance with Roberts Rules of Order and reach a decision. Lenox called the public hearing to order and asked the Director of Developmental Services Jim Williams to state City staff's position concerning buffers.

Williams addressed Council and advised that informal surveys were made several years ago, when the City was working on the Recreation Plan, which indicated that residents moving to the City did so because they "liked the way it looked" due to the existence of trees, buffering and intensity of development and felt that most of the audience was there this evening because of the Peachtree City "look". Williams said that over the years the City and developers who worked in Peachtree City had done an outstanding job maintaining that look along the community's thoroughfares as part of the development process, and the way it worked was that when the projects were presented, City staff did their best through the development review process to get the buffers that were appropriate for each of the sites. Further, the developers made a good effort to preserve the characteristics that were important.

Williams said it had been suggested that City staff develop a set of standards in ordinance form so that when a developer came to town, a package could be provided to inform the developer about what needed to be done regarding site plans to meet the test of the buffering along the thoroughfares. Further, City staff had looked at every single lot, which would be affected by the ordinance. Williams said City staff had made the effort to look at everything which would be impacted by this ordinance, apply the standards to it, and make appropriate modifications so that some pieces of property would not be overly burdened. The main objective was to create a more orderly process and make sure everyone understood that part of the objective was to reduce the intensity of development by spreading it out a little bit, getting some open space into it, and reducing traffic congestion that occurs along major thoroughfares when you put commercial development beside commercial development.

Williams explained the four main categories of major thoroughfares which were affected by this proposal: Arterial highways - Highway 54 and 74; Community Collector Roads - main streets in town other than the arterials which essentially run through town and out of town - Crosstown Road, Peachtree Parkway, etc.; Village Collector Roads - which go within the community from one point to another allowing for circulation within the villages - Braelinn Road; Scenic Roads - Peachtree Parkway North (in the area north of the commercial development along Highway 54 and south of the commercial development along Highway 74) - Aberdeen Parkway and Riley Parkway.

Williams summarized the following ordinances, which are attached and made a part of this official record:

An Ordinance to Amend the Peachtree City Land Development Ordinance to Establish Buffer Standards for Property along Major Thoroughfares in the City, and for other Purposes - Section 707 of the Land Development Ordinance entitled "Buffer Standards for Major Thoroughfares."

An Ordinance to Amend the Peachtree City Land Development Ordinance to Add New Definitions Related to Buffer Standards, and for Other Purposes - Section 201 of the Land Development Ordinance entitled "Definitions".

Williams concluded by stating that he felt the formula worked well in the past because the wonderfully designed and implemented, and for the most part, successful businesses were due in large part to the standards which were embodied in the ordinance and applied on a case-by-case basis up to the present time.

City Landscape Architect Mike Lorber addressed Council and requested that Council table this matter so that recommendations could be made for individual plats.

The following residents spoke in favor of the amendments to the ordinances for the following reasons:

George Cadell, Lloyd Black, Valcar Bowman, Mildred Harris, Dennis Chase, Vivian Conduff, Phyllis Aguayo, Walt Mashburn:

- Developers in Peachtree City thought they had a right to make a maximum profit and that the concerns of the City and its citizens were immaterial.
- Moved here for the “look” and wanted as much greenbelt and vegetation buffers as possible.
- Felt that Council should take the advice of the Planning Commission and support the Ordinances.
- Buffers provided a great amount of protection for the wide variety of organisms that live in the area and along the roads, as well as provide sediment control for vegetation along streams.
- Amendments to the ordinances would reclaim something Peachtree City had at one time, but had lost.
- Amendments to the ordinances outlined the minimum standards that Peachtree City had been trying to apply all along.
- By providing natural landscape buffers, builders would be improving the value of their own property.

The following people spoke in opposition to the amendments to the ordinances for the following reasons:

- John McGinn - Felt that if buffers were increased on certain property as proposed, then the property would not be developed to its highest use and could not be developed under the criteria it was purchased under and felt it would be taking without compensation.
- John Proffitt - Felt it would reduce the buildable area.
- Attorney Douglas Dillard, who represented Peachtree City Development Corp., addressed Council and provided a letter outlining their concerns, (attached and made a part of this official record). Dillard commented they were opposed to the amendment to the ordinances as they were currently drawn, but were not opposed to an ordinance that prescribed reasonable buffers and landscape standards for the development of property along the thoroughfares. Dillard said that PCDC had been a major contributor to the quality of life since the City’s inception; however, their concerns were the ordinance’s purpose, the way it was drafted, and the effect that it had, not only on PCDC, but also property owned by others. Dillard encouraged Council to strike a balance and advised that a property owner should have the right to use his property for any lawful purpose and

that local government had the right and the power to regulate the use of the land to a reasonable exercise of police power. Dillard asked Council to address these areas before a vote was taken.

Dillard explained he thought the purpose of the ordinance was to provide for orderly development; however, the stated purpose of the ordinance was to reduce density and if the City took a piece of property that was zoned for residential use (at so many units per acre) or industrial or office or commercial (at so many thousand square feet per acre), and the City imposed a buffer which would reduce the ability to use the property for the purpose for which the City had previously zoned it, then the City would not only be taking his property for use as a buffer, but would be taking away the value for that piece of land. Dillard said you could not do that unless you paid for it and considered it "unconstitutional taking."

Dillard discussed the "other" purposes of the ordinances (listed below), which he thought were not addressed and requested Council to, not only clarify and justify the standards for distances, but define the following:

- The reduction of adverse impact of traffic congestion and unsafe driving conditions
 - Curb cuts and access through buffers (except as otherwise stated in the Land Use Development Ordinance)
 - Definition of undisturbed buffers
 - Definition of "mature" trees
- Lloyd Black - Said the measures explained previously could cause some problems and felt the public had to bear the price of the benefit being sought. Black said he could not tell from reading the ordinance at what point the buffer would be established as being City owned and asked if it would be established at the moment of enactment of the ordinance or would it be established at some future point in time? Williams responded that it would be established when the subdivision's plat was recorded. Black said he joined Mr. Dillard in saying he thought this was an "unconstitutional taking" as well and opposed the ordinance in the form in which it was presented.
 - Jim Fulton - 313 Lilac Path - Stated he owned property at 360 Highway 74 North as well as Highway 54 West - both of which would be affected by this ordinance. Fulton said he supported the intent of the ordinance; however, his utilization of his property on Highway 74 North would be reduced from 79% to 61% and felt the utilization should be in the 75% range.

- J.D. Holmes - 140 Old Mill Court - Did not understand why the setbacks should be tripled from 20 feet to 60 feet.
- Dennis Chase addressed Council and requested that a representative from a Peachtree City citizen be allowed to participate in the negotiation sessions between the City and the developers. Lenox answered, yes - certainly.

Lenox called the public hearing to a close and asked if there were any questions or comments.

Brooks asked Williams what the average established buffer was at present for the Highway 74/54 corridor. Williams said from Kedron Center to Georgian Park, the current established buffer was 50 feet (undisturbed), and on the other side of the street it varied in the residential areas from about 50 feet to several hundred feet in places. Additionally, further south it ranged from 30 to 40 feet - so that a good average would be 40 feet, and Williams thought a buffer in that range would give the type of flexibility possible to get a good project regardless of what the conditions were behind it. Williams said if most of the rest of the property along Highway 74 were developed in the 30 to 40 foot range of buffers, depending on the size of the tract, the City would have a look that would compare to the best of what you see along Highway 74 at present.

City Attorney Jim Webb said the ordinance was arguably vague because it was difficult to establish standards that apply to every single parcel of property. Webb advised that if Council chose to enact this ordinance, there would probably be parcels that would be impacted adversely and unfairly and that was one reason there was a variance procedure in place.

City Attorney Rick Lindsey explained that fairness for one property owner or another should be decided case by case.

Lenox agreed that there would probably be parcels which would be unfairly impacted, but that it was of major importance to have relief mechanisms in place (i.e., variance procedures, limited use zonings, etc.). However, the fact of the matter was there were a relatively small number of these parcels in total, and it would be entirely feasible under this ordinance, or any variation that might be written over a period of time, to meet with every property owner on every affected parcel and collectively design what is best for that parcel.

McMenamin asked Williams if he had included an exemption to allow for hardship on a particular lot. Webb responded by saying there was some discretion written into the ordinance regarding reducing the size of the buffer with increased landscaping within the reduced buffer, but did not believe the ordinance contemplated the discretion under the ordinance to deal with a special circumstance. Webb said additionally that the ordinance

could be redrafted to say something like “.. if any property owner felt they were being aggrieved by the strict enforcement of this ordinance and the property owner went through some type of due process proceeding where their property would be considered...”, which might be preferable to a variance procedure. Webb said he would discuss this with City staff.

McMenamin said her concern was for people who had owned lots for a long time and wanted to make sure the City would have a way to accommodate them to avoid hardship.

Williams used the Banks property on Highway 74, which was a very small lot (less than 200 feet deep), as an illustration and explained that Paragraph 2 under “Special conditions for Arterial Highways” would immediately exempt the property from the proposed buffer requirements. However, if Mr. Banks wanted to build a big, commercial building on that site, a lot of variances would have to be discussed. Williams said his intention was not to overburden anyone unnecessarily, but felt the exemption addressed this concern.

Lenox said he was concerned about visual pollution, maintaining the integrity of transportation corridors, and allowing no degradation in the quality of Peachtree City’s development on major transportation corridors because that would impact all of them as property owners in the City. In addition, Lenox said it was important to pay attention to density insofar as it impacted protection of the watershed. Lenox explained that eventually the City would be under a mandate in any area that is a drinking water, watershed area - which almost all of Peachtree City was - and that the EPD would mandate that the impervious surface coverage be no more than 25% in total within those areas. Lenox said his inclination was to pass the ordinance and define, amend, and seek fairness relative to individual parcels.

Pace said he agreed with the intent of the ordinance; however, what was being discussed was basically the development of a fairly small portion of Highway 74 North (if the industrial park was included). Pace said as a whole, that area remaining to be developed was a menagerie and thought the City should develop a vision of what that area should look like. In addition, Pace said he was also concerned that some of the areas in the City, which were the most beautiful, would not be possible under this ordinance. Further, the landscaping along Kedron Drive was exceptional, and if that type of landscaping was not allowed, the City would lose some of the natural beauty previously created. Pace said the City should try to encourage people to landscape out to the pavement.

Price said she thought City staff had done an excellent job arriving at numbers that were workable, and as long as property owners had the right to continue to work with City staff and the Planning Commission, and also if the City Landscape Architect continued to be involved on a site-by-site basis and negotiate the value of the points for each site, she would be in favor of the ordinance.

Pace said there was a series of similar sites with similar problems, and in the past, LUC-type zonings were used to address those specific concerns (i.e., the Westpark area). Pace asked if the City could look at some of those similar sites like the thin ones on Highway 74 which had similar problems and lump them into an LUC zoning - that would address those specific sites and try to get a little better control in a professional business manner, which would not be defeated in court.

Williams said he thought the buffer ordinance was a vital first step towards the process and that with the good intentions of the property owners, a win-win situation could be won.

Brooks said he felt the greater good would be accomplished by getting the ordinance on the books, and that there were a number of exemptions already built into the ordinance to help some of the smaller, non-conforming lots. Brooks said further that the willingness by City staff, Council, and the Planning Commission could turn this into a win-win situation.

Brooks moved to adopt the ordinance on buffer standards as presented, Section 707, in its entirety, and also adopt the definitions (Section 201); to direct City staff and legal counsel to review the definitions for the purpose of refining them and eliminating any potential legal problems that were pointed out; to direct City staff to schedule sessions with landowners to pin point problem areas; to develop a more specific variance procedure as well as determine whether there were some zoning conditions that could be changed, and to waive the variance fee for variance requests which strictly deal with buffer issues. Price seconded the motion. Motion carried unanimously.

10-97-04 Consider Agreement on Municipal Elections

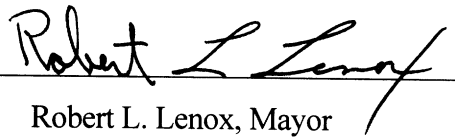
Basinger addressed Council and stated that the County Board of Elections office had counted ballots for a number of years for City elections, and that the cost for labor and use of the computerized, ballot-counting machine normally ran approximately \$200. Basinger said further that the County wanted to contract with the City to provide the service this year and that the City Attorney had drafted a new Section 8-2 in Article 1 of Chapter 5 (attached and made a part of this official record), which would authorize the Mayor to sign this agreement (attached and made a part of this official record) with the board as well as future agreements for this service. Basinger said staff recommended Council approve the new Section 8-2.

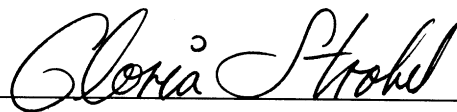
After some discussion regarding the ballot-counting machine, McMenamin made a motion to approve the ordinance revision regarding elections. Pace seconded. Motion carried unanimously.

Lenox made a motion to take a brief recess before convening in executive session for a lawsuit update. McMenamin seconded the motion. Motion carried unanimously and the meeting adjourned at 9:45 p.m.

EXECUTIVE SESSION

No action was taken in executive session. Price made a motion to adjourn the meeting. McMenamin seconded the motion. Motion carried unanimously and the meeting adjourned at 9:55 p.m.

Attest: 
Robert L. Lenox, Mayor


Gloria Strobel, Acting City Clerk

AN ORDINANCE TO AMEND
THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
TO ADD NEW DEFINITIONS RELATED TO BUFFER STANDARDS,
AND FOR OTHER PURPOSES

BE IT ORDAINED by the Mayor and Council of Peachtree City, and it is hereby ordained by authority of the same, that Section 201 of the Land Development Ordinance entitled "Definitions" be amended as follows:

- (a) Existing paragraph (mmm) shall be deleted in its entirety.
- (b) The following new paragraphs shall be added in their proper alphabetical order, and all paragraphs shall be re-lettered as necessary:
 - (1) *Arterial Highway.* An arterial highway is a thoroughfare intended primarily to move traffic through the city.
 - (2) *Commercial Street.* A commercial street is a minor road within a commercial area intended primarily to provide access to adjoining property.
 - (3) *Community Collector Road.* A community collector road is a thoroughfare intended primarily to move traffic from one village to another, or to an area outside the city.
 - (4) *County Collector Road.* A part of the Fayette County road system that is designed and built to county thoroughfare standards with a minimum right-of-way width of 80 feet and a minimum pavement width of 24 feet and, generally, no curb and gutter.
 - (5) *Existing Lot.* An existing lot is any lot that has been legally platted and established prior to the adoption of the new buffer standards. That lot may be developed for a use in accordance with the existing zoning or it may be in an undeveloped state.
 - (6) *Industrial Street.* An industrial street is a minor road within an industrial area intended primarily to provide access to adjoining property.
 - (7) *Neighborhood Collector Road.* A neighborhood collector road is a thoroughfare intended primarily to move traffic through a particular residential neighborhood.

- (8) *Private Street.* Private street means any parcel of land set aside to provide access to development and which will not be dedicated or deeded to the city. These streets shall be constructed to standards adopted by the City of Peachtree City.
- (9) *Public Street.* Public street shall mean any right-of-way dedicated or deeded to and accepted by the city for purposes of public travel. Public streets shall be constructed to standards adopted by the City of Peachtree City.
- (10) *Public Street, Low Density.* Shall mean any public right-of-way located in Estate Residential (ER) or Agricultural Reserve (AR) zoning districts which meet the following conditions:
 - a. That planned or possible future development will not exceed thirty (30) lots being served by such a street.
 - b. That all lots served by such a street have a minimum width of two hundred fifty (250) feet on said street.
 - c. That design criteria for drainage requirements meet or exceed those adopted for such streets.
- (11) *Residential Street.* A residential street is a minor road within a residential area intended primarily to provide access to adjoining property.
- (12) *Road.* A road is an open way intended primarily for the passage of vehicles and pedestrians.
- (13) *Scenic Road.* A road which, because of its distinctive character and the natural beauty of its surroundings, is deserving of special treatment in its design, engineering, construction, and maintenance.
- (14) *Service Road.* A thoroughfare which runs roughly parallel to an arterial highway and is primarily intended to provide access to non-residential property that is adjacent to the arterial highway.
- (15) *Thoroughfare.* A thoroughfare is a major road or highway intended primarily for traffic that is passing through an area.

- (16) *Tree-Save/Landscape Buffer.* A buffer area within which it is permitted to remove understory vegetation and tree limbs in order to allow for development on adjacent property to be seen from a major thoroughfare. Modification of a buffer can only be done with the approval of the City Landscape Architect. In addition to understory clearing and limbing, it can include limited grading, berming, and re-landscaping, provided none of the modifications to the buffer adversely affect the existing mature trees in the buffer.
- (17) *Village Collector Road.* A village collector road is a thoroughfare intended primarily to move traffic from one area of a village to another area in that same village.

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

Done, Ratified, and Passed this _____ day of _____, 1997.

Mayor

Attest: _____
City Clerk

AN ORDINANCE TO AMEND
THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
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AND FOR OTHER PURPOSES

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- (17) *Village Collector Road.* A village collector road is a thoroughfare intended primarily to move traffic from one area of a village to another area in that same village.

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

Done, Ratified, and Passed this _____ day of _____, 1997.

Mayor

Attest: _____
City Clerk

DILLARD & GALLOWAY, LLC

ATTORNEYS AT LAW

230 PEACHTREE STREET, N.W.
SUITE 2200
ATLANTA, GEORGIA
30303

G. DOUGLAS DILLARD
DIRECT DIAL NUMBER:
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(404) 965-3680
FACSIMILE
(404) 965-3670

October 16, 1997

Mr. Jim Pace
City Council Member, Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

Re: Proposed Ordinance Establishing Buffer Standards for Property Along Major
Thoroughfares; Section 707 of the Land Development Ordinance (the "Ordinance")

Dear Councilman Pace:

We have been retained to represent Peachtree City Development Corporation for the purpose of reviewing the aforementioned Ordinance.

The Ordinance states as its purpose the reduction of overall density and calls for a grant or gift of greenbelts and/or imposition of tree save/landscape buffers of various widths. The Ordinance then provides special conditions and exceptions which permit a reduction of these greenbelts/buffers, however, it is not clear how these special conditions and exceptions would apply. In all respects, the definitions for the buffers and the degree they could be reduced delegates uncontrolled discretion to the City Landscape Architect and the Planning Commission. Without going into the specifics of each and every paragraph affected by the comments as stated hereinabove, this letter will serve to put you on notice that Peachtree City Development Corporation contends that this Ordinance is unlawful, unconstitutional, null and void in that it violates due process and equal protection of the laws as guaranteed by the Fourteenth Amendment of the United States Constitution and the 1983 Constitution of the State of Georgia.

Likewise, the enabling legislation for this particular Ordinance is not based on a proper exercise of police power in that its purpose is not the protection of the public's health, safety and welfare, but is only for the purpose of trying to control density in an arbitrary way. This purpose in and of itself is not a sufficient public benefit to justify the imposition of these unreasonable regulations. Additionally, the regulations constitute a taking of valuable property rights without first paying fair, adequate and just compensation to the property owner in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

DILLARD & GALLOWAY, LLC

Mr. Jim Pace

October 16, 1997

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The passage of this Ordinance would constitute an arbitrary and capricious act by you without any rational basis therefor constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Ordinance gives uncontrolled discretion to the City Landscape Architect and the Planning Commission and constitutes an unlawful delegation of your legislative authority wherein you fail to give adequate standards and criteria by which the Landscape Architect and the Planning Commission can make decisions relative to special conditions and exceptions as called for in the Ordinance.

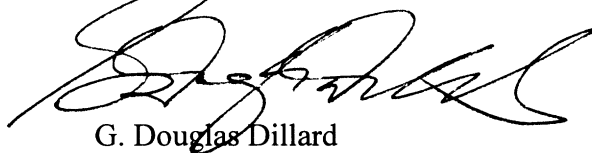
Additionally, Peachtree City Development Corporation has owned land in Peachtree City since its incorporation many years ago. They have developed property under the existing Ordinance and have acquired vested rights in all of these developments under the existing zoning classification. Any application of the proposed Ordinance to to any development in which they have vested rights cannot be accomplished without you paying them damages in the form of adequate compensation for the depreciating effect of this proposed Ordinance on their property. This will put you on notice that there are several properties that will be affected by the takings as set forth herein-above and the total for the commercial, industrial and office properties which will be affected by these buffers is at least \$806,707.00.

We, thus, ask that you not act on this Ordinance at this time; that you consider these comments; and that the Ordinance be redrawn in order to make it lawful and reasonably related to the protection of the public health, safety and welfare of all the citizens of your fine city.

As always, we look forward to visiting with you this evening and if you have any questions, please do not hesitate to call on me.

Very truly yours,

DILLARD & GALLOWAY, LLC

A handwritten signature in black ink, appearing to read "G. Douglas Dillard", is written over the printed name.

G. Douglas Dillard

GDD/drd

STATE OF GEORGIA
COUNTY OF FAYETTE

This Agreement entered into between the City of Peachtree City, a municipal corporation lying wholly within the County of Fayette, Georgia, hereinafter referred to as the "CITY" and Fayette County, a political subdivision of the State of Georgia, hereinafter referred to as the "COUNTY."

WITNESSETH:

WHEREAS, the CITY in the performance of its governmental functions will hold the election hereinafter described; and

WHEREAS, under the provisions of the Georgia Municipal Election Code, particularly Section 21-3-10 of the Official Code of Georgia Annotated, the CITY may by ordinance authorize the COUNTY to conduct any part of such election and the CITY has heretofore adopted such an ordinance:

NOW, THEREFORE, for and in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This contract shall govern the counting of the ballots of the following election hereinafter referred to as the "ELECTION," including any and all run-offs which may be necessary: City of Peachtree City General Election to be held on November 4, 1997.

2.

The Fayette County Board of Elections shall count the ballots and certify the results of the aforementioned election.

3.

The cost of counting the ballots of such ELECTION shall be the responsibility of the CITY. All expenses and charges incurred in the counting of the ballots will be forwarded to the CITY for payment.

4.

The COUNTY shall not be financially responsible for any liability resulting from or furnishing of any services in the form of legal services and defenses in connection with any litigation arising by reason of the ELECTION. All legal services and defenses of litigation required by any Board or person arising from the ELECTION under this contract shall be furnished by the City Attorney for the CITY. Should the City Attorney for any reason fail to provide the legal services referred to in this paragraph, the Superintendent shall have the authority to engage the COUNTY'S Attorney at the expense of the CITY; provided, however, that all requests for legal assistance by the COUNTY from the City Attorney to provide such services shall be communicated in writing before the CITY will be obligated to pay for legal services under this paragraph; provided, further, that the failure of the City Attorney's office to respond to a request made hereunder, within a reasonable time, shall be deemed to be a refusal to furnish such services. The COUNTY shall notify the CITY in writing of its determination that the CITY has failed to respond as contemplated hereinabove before incurring legal fees on its own behalf for which the CITY shall be responsible.

6.

Should it be necessary to comply with legal requirements that any of the COUNTY'S personnel shall be sworn in as a temporary officer or employee of the CITY; such formality shall be observed without limitations.

FAYETTE COUNTY BOARD OF
ELECTIONS

Robert L. Lenox

Bob Lenox, Mayor

10-16-97

Stephen Kiser, Chairman Board of Elections

AN ORDINANCE to add a new Section 8-2 to the Peachtree City Code of Ordinances to enter into Agreements with Fayette County relating to Elections.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of same, that a new Section 8-2 be added to Chapter 8, Article I of the Code of Ordinances to read as follows:

CHAPTER 5, ARTICLE I, Section 8-2: Agreements on Municipal Elections

The Mayor, on behalf of the City of Peachtree City, is authorized to enter into Agreements with Fayette County to perform any or all functions of conducting municipal elections permitted by Georgia Law under OCGA Sec. 21-3-10 (a).

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

Done, Ratified, and Passed this 16th day of October, 1997.

Robert L. Leaf
MAYOR

Robert B. Smith
James J. Pace Jr.

Bernie W. McMenamin

Caroline L. Strice

ATTEST: Corina Strobel
CITY CLERK