

City Council of Peachtree City
Agenda
October 6, 2005
7:00 p.m

- I Prayer
- II Pledge of Allegiance
- III Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Recognize Ray Green for Service on Planning Commission
- IV Minutes
September 15, 2005, Regular Meeting Minutes
- V Monthly Reports
- VI Consent Agenda
 - 1 Consider Extension of Big Box Moratorium
 - 2 Consider Amendment to Fire Protection and Prevention Ordinance
 - 3 Consider Budget Amendments
- VII Old Agenda Items
 - 09-05-15 Public Hearing – Consider Rezoning Wilks/Booker Tracts,
Old Senoia Road (AR to LUR)
- VIII New Agenda Items
 - 10-05-01 Public Hearing – Consider Amendment to Article VII, Section 704, Annexations
 - 10-05-02 Public Hearing – Consider Amendment to Article XI, Section 1108,
Landscape Plan Requirements
 - 10-05-03 Public Hearing – Consider Amendment to Article IX, Section 908,
Accessory Uses for Outdoor Displays
 - 10-05-04 Citizen Request to Address Use of Amphitheater for September 11 Observance
 - 10-05-05 Consider Appointment of Solicitor Pro-Hac
 - 10-05-06 Consider Approval of Sanitary Sewer Easement for Delta Financial Center
- IX. Council/Staff Topics
- X. Executive Session

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

City Council of Peachtree City
Minutes of Meeting
September 15, 2005
7:00 p.m.

The City Council of Peachtree City met Thursday, September 15, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:05 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Art Swahlen was recognized as the Employee of the Month. Mayor Brown read the proclamation for Hispanic Heritage Month in English, and Marta Maria Ramos read the proclamation in Spanish. A proclamation for Constitution Week was read.

Minutes

Rutherford moved to approve the September 1, 2005, regular meeting minutes as written. Rapson seconded. The motion carried 4-0-1 (Kourajian).

Consent Agenda

1. Alcohol License – Change in Licensee – Eckerd #2026, #3458, #6743
2. Alcohol License – Change in License Representative – Eckerd #2026
3. Alcohol License – Change in Location, Licensee, and License Representative – Georgia Shrimp Company
4. Alcohol License – Change in License Representative – Romano's Macaroni Grill

Weed suggested combining all of the Consent Agenda items since they were all alcohol license-related items. Weed moved to approve each of the alcohol license changes referred to under V 1,2,3, and 4 under the agenda. Kourajian seconded. The motion carried unanimously.

Old Agenda Items

09-04-17 Consider Alcohol License for Three Dollar Café

Administrative Services Director/City Clerk Jane Miller addressed Council. She explained that the license had been granted last year and paid for, but had expired due to the delays in getting the business open. She continued that the 2005 fee had been paid in December, but the business had not opened within the required six-month time frame. The owner had again applied for a license for the facility. No additional fees were due for this year, but he would be required to pay for 2006.

Clyde Cornell, the licensee and license representative for the business, told Council that the remaining construction should begin at the end of the month. The business should open in 45 days.

Rutherford moved to grant the alcohol license for the Three Dollar Café. Rapson seconded. The motion carried unanimously.

New Agenda Items

09-05-09 Consider Amendments to Motorized Cart Ordinance (Registration)

Miller noted that Council had approved the timeline and fee schedule for the proposed program at the August 4 meeting. She continued that the information the City had on the carts was no longer valid. All carts would be re-registered during 2006 using a staggered program. After the discussion in August, the ordinance needed to be modified to reflect the new registration and fees.

Miller continued that another change in the ordinance had been added – a prohibition on modifying golf carts beyond the manufacturer's specifications as far as speed, height, width, and noise emission. She explained that many carts no longer looked like golf carts, and staff was concerned that they might no longer technically be golf carts. Some were too high to go through tunnels, and many were too wide for the paths. Brown said that meant no more 15-inch mud tires or lift kits. Miller added that the amendments also reflected a requirement for golf cart registration every five years. Rutherford asked if the changes included the fact that emissions certificates were no longer required for gas-powered carts. Miller said that requirement had been struck since it was not permitted by the state.

Rutherford asked City Attorney Ted Meeker if he had read the proposed ordinance. Meeker said he had and the wording was fine.

Brown asked what could be done about the older gas golf carts. He noted that many were very noisy and smoky. The newer models ran much cleaner. Meeker said there was nothing the City could do under state law as currently written. The carts qualified under state law.

Rutherford moved to approve the amendments to the motorized cart ordinance. Kourajian seconded.

Cliff Stern asked if he could address Council regarding the proposed amendments. He asked how the City would check to see if a golf cart had been modified beyond the manufacturer's specifications. He also asked if the rules would be published, and how the plan would be implemented. Meeker said it was up to the police, or whoever brought the charge, to determine if a cart had been modified, which included getting the specifications from the manufacturer. One that appeared to be modified would be checked.

Stern asked why the changes were under consideration. Brown said there were issues with the lift kits. The vehicles were tearing up culverts. Meeker added that the wear and tear of the larger vehicles on the cart paths as well as speed were concerns. The modifications allowed the vehicles to go much faster, which created safety issues on the paths.

Stern asked if this was an issue of a few driving too fast. Everyone owned cars that exceeded the City speed limits. Weed said cars could not be driven on the paths, which involved pets, children, runners, and walkers. Stern agreed, and added that if he

exceeded the speed limit he would get a ticket. Stern continued that carts could be regulated or programmed to go 15 or 19 miles per hour (mph). He said "speed" should be clarified. Rutherford said that the ordinance clarified the issue. She continued that Global Electric Motorcars (GEMs) were required to have governors so they could not go over 20 mph, but were allowed on streets with a speed limit of 35 mph or lower. On the cart paths, the GEMs had to have a governor.

Stern pointed out there were different sized motors for golf carts. He questioned whether it would be against the ordinance to replace a smaller motor with a larger motor made by the manufacturer. Rutherford said it probably would not be in violation because of the ratios. She had to buy a golf cart that the motor fit. Stern asked if extended carts fell under the same category. Brown said length did not apply. Meeker said motorized carts were defined by state law in terms of speed and number of occupants. Brown described the typical six-seat golf cart and asked Meeker if that would be prohibited. Meeker said length was not mentioned in the ordinance, only speed, height, width, and noise emission. Rutherford noted manufacturers did make six-seat carts. Brown said some were also cut and modified to six seats. There was a shop in town that did those modifications.

Stern asked if the rules would be published. Brown said yes. Rutherford asked Stern if he had read the ordinance. Rutherford added that the ordinance was very specific and listed each thing. The police could not randomly decide a cart was modified. Stern asked if carts currently modified could be re-registered. Rutherford said those carts could not be re-registered. Rapson said he had only seen a few of the modified carts on the path. Stern said they were only seeing the visually modified carts. Rapson said the officers would not be doing modification checks on the paths, but would stop those that were obviously modified. Rutherford said there had been a question whether they were allowed or not under the current ordinance. The amendments clarified the situation. Rapson said the clarification was due to safety. Stern said people who drove recklessly would drive that way anyway.

Roger Weston told Council he was concerned about the manufacturer's specifications. He said a higher horsepower motor was put in stretch carts to ensure they could go up hills, which was a change to the specifications of the cart in its original form. If they could not change the motors, then they could not meet the customers' needs. Not meeting the specifications was specific. He said he had concerns as a dealer in trying to meet the letter of the law, yet trying to satisfy the customer's needs. Brown asked Meeker if that was covered. Meeker asked for time to answer.

Rapson suggested tabling the agenda item so the dealers could look at the ordinance. Brown said common sense told people that a heavier cart needed a bigger motor. Rapson said the ordinance constantly referred to manufacturer's specifications, and he doubted staff knew the manufacturer's specifications for most of the carts. It could be more than a length problem. Kourajian agreed that it would be better to take three weeks to work on something that could last for 30 years. Rutherford withdrew her motion.

Rapson moved to table the agenda item. Rutherford seconded. The motion carried unanimously.

09-05-10 Consider Resolution for Peachtree City Disaster Mitigation Plan

Fire Chief Stony Lohr addressed Council. He said staff recommended Council approve the resolution for the 2005 Fayette County/Peachtree City Pre-Disaster Hazard Mitigation Plan. The plan was prepared under the direction of the Fayette County Pre-Disaster Planning Board, which included representatives from the County, Peachtree City, Fayetteville, Tyrone, Brooks, Woolsey, and the Georgia Emergency Management Agency. It also included input from the Fayette County Local Emergency Planning Committee, the National Weather Service, the Board of Education, and the County Tax Assessor's Office. The public notice announcing the plan was available for public review and comment had been posted in the City's legal organ and on the City website. One citizen reviewed the plan, and no comments had been received.

The plan complied with the Federal Disaster Act of 2000. Identified hazards included flooding, with six significant events in the last 10 years. The areas primarily targeted included Tinsley Mills, property and contents valued at \$8.3 million, and the Perthshire/Stratford Court area, property and contents valued at over \$2 million. The City had three tornadoes in 25 years, 86 severe thunderstorms in 54 years (the most common occurrence), winter storms, nine in 15 years, drought, 12 in 53 years, and various haz-mat releases, 32 occurred at fixed facilities and 20 transport releases in the last 20 years. Four of the eight dams in the County were considered high risk, but none of those were located in the City. The dams were considered high risk because they were not in compliance with current laws and regulations.

The Georgia Emergency Management Agency and Federal Emergency Management Agency had approved the plan, which must be updated every five years. It was a working document, so things that were missed could be added. The City of Fayetteville had adopted the plan. Adoption of the plan was required to maintain eligibility for federal disaster mitigation funds, such as the funds the City received for the Tinsley Mill flooding mitigation. There was no cost to approve the plan, but if not approved, Lohr reiterated the City would lose eligibility for federal mitigation funding.

Rutherford moved to approve the resolution for Peachtree City Disaster Mitigation Plan. Rapson seconded. The motion carried unanimously.

09-05-11 Consider Resolution Changing Airport Authority Terms to Three Years

09-05-12 Consider Resolution Changing Water and Sewerage Authority Terms to Three Years

Brown noted there was an additional document on the dais – a letter to Mayor and Council from the Airport Authority dated September 15, 2005, regarding the term limits proposal position of the Airport Authority. Brown noted that Council had previously discussed changing the terms on the authorities to three years in an effort to create a sense of accountability and to provide Council with an opportunity to make any changes that might be needed.

Rutherford clarified that Council was not limiting the number of terms an authority member could serve. The proposal was to change the length of the terms, which was very different from term limits.

Weed corrected a misstatement of fact in the letter. He said he was not the author of the idea, but he did concur with it in broad terms. Airport Authority Chairman Jerry Cobb clarified that the reason the letter used the word "attributed" was due to a newspaper account.

Cobb told Council it would not be in the best interest of the airport to change the terms to three years. The Airport Authority (PCAA) opposed the change. Cobb continued that the PCAA dealt with long-range projects, but had no control over the funding process. Funding was from user taxes of the aviation system, which was part of the Federal Aviation Administration's airport improvement program. He said there was no chance of a member finishing even the simplest project in three years. There also would not be much continuity. New people would be coming in to manage projects they did not start. Cobb said the members felt they had done a good job and had responsibly managed approximately \$12 million in federal funding. The PCAA also received approximately \$125,000 in hotel/motel taxes from the City, which came from visitors, not the taxpayers. He continued that it was difficult to get motivated qualified members and would put the real responsibility in the hands of the manager who worked for the PCAA. He needed "worker bees," not meeting attenders. Changing the members every three years put the real responsibility in the hands of the manager of the airport, who worked at the pleasure of the authority.

Brown told Cobb he was assuming that people would change every three years. He said he could only recall one occasion that a member who applied for reappointment was not reappointed. Cobb said he realized that, but the possibility was there that the most senior person on the PCAA would have served only three years. Council wanted to change a charter that had been in place since 1984. Brown agreed it was in the realm of possibility, but was not realistic based on the historical decisions.

Rutherford said the terms in the charter were those requested at the time. There was another side to the argument. At the end of a three-year term, a member might be willing to handle three more years, but might not want to serve another five years. She said more people might be willing to consider themselves "worker bees" for three years rather than five years. The PCAA and WASA had talked about term limits in their letters. She said Council was not limiting the number of terms a person could serve.

Brown said the essential point was there had been problems with an authority and the members' longevity had not helped. People who served three years and had done a good job would get reappointed. If a person was doing a horrible job and not acting in the best interest of the citizens, Council could get them out in three years. The City had no accountability for authorities. It was easier to remove all the Council Members than authority members. Members could only be removed if they broke the law or had not met the attendance requirement.

Cobb said that very few people served the entire five years. He knew of four who had not finished their terms on the PCAA since he had been on the authority. There was movement. Rutherford noted those people left without a great deal of detriment. Cobb noted that the Councils that followed this one might not feel the same way. Brown told Cobb his conclusion was not relevant to the facts.

Weed said there was always some institutional memory built into the system by staggering the terms. Cobb said the members were also accountable to each other, and the PCAA had asked members to leave. He pointed out that in those cases Council had only received the resignation letter. No one was trying to build their own kingdom. The PCAA's business and mandate was not in the political arena, but to take fiduciary responsibility for funds used at the airport.

Rapson said the issue was very emotional for everyone. His concern was the message Council was sending to the volunteers in the community. The purpose of an authority was to remove the political influence that judged the decisions. The members were supposed to be the people that had the extensive expertise and knowledge to run the authorities. There were strategic issues and an extensive learning curve. Both of the authorities were healthy, financially well run, had excellent reputations, and open communication. The members were the best and brightest. He did not think the system was broken, however, he understood both sides of the argument. Rapson did not see the need to reduce the term length. He did not think the state would change the terms.

John Gronner, WASA chairman, told Council that a high turnover rate on the authority could be detrimental. He noted that WASA had also delivered a letter to Council and read the letter to Council. WASA's letter addressed many of the same issues as the PCAA's letter.

Brown asked if reappointing members who did a good job would hamper the authority if the terms were for three years. Gronner said that members did move on after their terms were up. He said they needed, and wanted Council to appoint people with long-term goals. Gronner said there would be a decrease in the base knowledge if the terms were shortened.

Kourajian asked what was so magic about five years. Gronner said five years was a good number because the authority made decisions on rates, and other issues, that did not have to involve the Council. Kourajian told Gronner that his argument was the reason he liked three or four-year terms. Part of Council's responsibility was to appoint people to authorities. He had a say in the process if the terms were four years. Kourajian said he did not disagree that three years might be too short a term, but he did not support five-year terms. Gronner said a member became a functional part of the board with a five-year term. Brown said if the member did a good job they could be reappointed and serve six years or more. Gronner said they always had people who did not want to be reappointed. Brown said there were people serving on authorities and commissions who looked like they did not want to be part of the boards. It would be better to get them off the boards.

Kourajian asked if there was a standard for authority terms. Brown said the terms varied greatly. Weed said he had read hundreds of authority documents and there was no standard.

Rapson said WASA was a complex operation that was highly regulated. He read a list he compiled based on Gronner's remarks that covered the qualifications and knowledge required for members. The same list also applied to the PCAA. Even with five-year terms, Council could replace at least two members. Gronner said people who were bored would not apply for reappointment. He did not recall anyone who left early.

Weed said if authority members were happy with what they were doing, they were usually reappointed. Historically, incumbents were usually reappointed. Gronner said there was a trust relationship between WASA and Council. He did not see why anything needed to change. He said their process was not broken. He agreed that many people only served one term. If so, the term should be five years since time was needed for the learning curve. Brown said he had seen people that, by their fourth year, were just attending meetings and were not pulling their weight. Gronner agreed that might happen on other authorities, but it was not happening on WASA.

Kourajian said he did not believe in the "if it ain't broke, don't fix it" adage. The adage meant status quo. He said they should always be looking for ways to improve things.

Brown said the proposed change was no reflection on the authorities' performance. Both were doing a great job and had excellent staffs. However, situations could arise where Council had to be accountable. The authorities had no accountability to the citizens. Gronner said anyone could be removed for misconduct.

Cobb reiterated that three-year terms did not fit project lines. The projects generally ran four to five years. It was difficult to bring new members up to speed, and newer members were not totally productive until the third year. The airport was not a tax burden for the citizens. Brown agreed that none of the authorities were supposed to be a tax burden, but that did not mean they would not, or would not request to become a tax burden.

Weed said the discussion had been very civilized. He was always suspicious when power was concentrated in a few that were not accountable to the people. The proposed amendments had nothing to do with the people currently serving on the authorities. It was a basic philosophy of good government. Good government was accountable to the people. Council was the group most accountable to the public. After an authority member was appointed, they almost had to commit an ax murder in the street to be removed. Weed agreed with Kourajian that a reasonable compromise was four years, which equated to a Council term. Brown said he had no problem with the compromise.

Kourajian said he felt three years was just too short and did not give a member much productive time. Five years meant that at least one person was not accountable to the sitting Council. Rapson said Council should select at least a majority of the authorities even with five-year terms.

Rutherford said her interest was a lot of people were left behind because they could not commit to five years, which she thought lost a lot of good people. Rutherford said she had spoken to people who were interested in serving on the authorities, but felt they could not commit to an entire term. Five years was a long time. Some would not apply for reappointment because five years was too long. Potentially good people were lost because of the term lengths.

Rapson said that by shortening the terms Council was saying they did not trust the volunteer boards. Rutherford said it did not say that to all of Council. She saw shortening the terms as getting the best people to the table. Weed asked Rapson if he was against term limits. Rapson said people who were doing a good job should be reappointed as many times as they wanted. He was delegating some of his authority to an authority member. Rapson said he was more agreeable to four-year terms. He did not think the Legislature would approve the change.

Rapson asked Cobb and Gronner what they thought. Cobb said if he had an option then he would take four years. He said respected Rutherford's position. He questioned whether there would be a better quality or sampling of people on Council if the terms were two years. Brown said the State legislators' terms were two years. Rutherford said Council terms should be three years, and she had been surprised Council terms were four years. Gronner said if he had a choice, then four years was better. There never seemed to be a lack of candidates.

Kourajian reiterated that it was a matter of accountability to him. Whoever served on Council should see all the authority and commission members during their time on the dais. Brown noted that that Council had made several appointments because members could not fulfill their terms. Rapson asked how long the Development Authority terms were. McMullen said they were four years. Rutherford added that commission terms were all three years.

Rapson moved that, in the spirit of compromise, Council look at four years and send that to the Legislature. Kourajian seconded. The motion carried unanimously.

Weed moved the same for the next agenda item (WASA terms). Rutherford seconded. The motion carried unanimously.

Brown noted for the record that there was an additional document on the dais for agenda item 09-05-10 – a letter to Mayor and Council from WASA Chairman John Gronner dated September 13, 2005, regarding the proposal to change the WASA terms to three years.

09-05-13 Consider Adoption of Revised Election Resolution

Rutherford moved to approve the adoption of the revised election resolution. She noted that the revision was to hold a run-off election, if needed, the first week of December rather than November 29. Rapson seconded. The motion carried unanimously.

09-05-14 Consider Authorization for Transportation Enhancement Grant Submittals

Brown noted there was an additional document on the dais – a memo to Mayor and Council from the City Planner dated September 9, 2005, with the subject, “Authorization to submit Transportation Enhancement grant applications.”

Developmental Services Director Clyde Stricklin addressed Council. There were two applications – one for GA 54 West median landscaping and one for the Lake Peachtree multi-use bridge widening. Stricklin explained that the median landscaping would fill in the 40-foot gap that would be left when the widening was completed. The total cost was \$300,000. The grant request was \$240,000, with a 20% City match, or \$60,000. Rutherford asked if the City knew there would be a gap. Stricklin said they knew about the gap, but had not known where the money would come from.

Stricklin said the wooden bridge would be expanded to 12 feet. He said they were not sure about the existing pylons, which would increase the cost. The costs could rise more in the next few months due to the hurricane and the increasing cost of steel. The total project cost was \$1.5 million. The grant request was \$1 million, with the City's 20% match of \$500,000. Brown said the expansion would allow traffic to go two ways on the bridge.

Stricklin asked Council to approve the applications and the resolution of support, authorize staff to submit the applications, and the required budget adjustments. Stricklin said using staff to install the project would cut down on costs. The City's share of the GA 54 landscape enhancements would come from \$20,000 in FY 2006 budgeted staff time and the remaining \$40,000 would be included in the FY 2007 budget, when the widening was complete.

The City's share for the bridge replacement would come from reallocated SPLOST funds combining \$304,100 from the 74 North multi-use bridge replacement, \$74,340 from the MacDuff Parkway improvements that were no longer needed, and the \$121,560 already allocated for the bridge improvement. Stricklin said more people used the 54 bridge. He continued that they could apply for the 74 North bridge later when a funding source was identified. The 54 bridge was a higher priority. Rapson asked if there was another project that the MacDuff Parkway money could go to. Stricklin said the money was earmarked for widening MacDuff from two to four lanes. McMullen added that a study showed the widening was not required. The widening of MacDuff was a SPLOST project, so the money could not go to another project.

Kourajian asked why the SPLOST money could not be reallocated to another project. McMullen said the SPLOST money set aside for the widening of MacDuff Parkway could not be used for the design of the extension of the parkway since that would be adding a new project to the SPLOST list. The money could go to projects on the SPLOST list that would cost more, but they could not change the SPLOST list. The 54 bridge was on the SPLOST list.

Rapson said they were reallocating existing projects on SPLOST to leverage the grants. If the grants fell through, the money would go back into the original projects. McMullen said that was correct.

Kourajian asked why they wanted to replace the multi-use bridge. He noted that \$500,000 was a lot of money. He asked how old the bridge was. McMullen said it was approximately 10 years old. Rapson said the match was closer to 33%. McMullen said the maximum grant amount was \$1 million. Rutherford said she was troubled by \$1.5 million to expand the bridge. She asked if the City could keep the money if the cost came in under the estimate. Kourajian said they should be able to as long as they paid the 20%. McMullen agreed. Rutherford said she was troubled that the cost was so much.

Kourajian asked why the bridge was chosen for replacement, when there were other projects. Stricklin said they wanted to replace the wooden bridge with a structure built to new standards. He said the bridge's condition had not been evaluated, but they preferred to replace it before it had to be replaced. Rutherford asked why the bridge was at the top of the list. Stricklin said the bridge was located in the center of the City, was the most used bridge in the City, and was not the best bridge to hold that distinction. Of the four eligible projects, staff felt this was the priority. Kourajian said he could support the grant request if the bridge was falling apart, but he could not support it if that was 10-12 years away. Stricklin said part of the concern was how long it would take DOT to decide to fund the project. It could take years.

Brown noted that the bridge was not built to the current standards, or what was now considered adequate. Kourajian agreed, but asked if they should tear down everything that did not meet the newest standards. There were many other projects that needed help.

Weed asked Stricklin if there was time to do an analysis on the bridge. Stricklin said the deadline for the application was September 23. Kourajian asked if they could apply for the grant next year. Rutherford asked when the City knew the deadlines. Stricklin said they found out about the deadline on July 8. The consultants were asked to look at the projects and make recommendations, which staff got on August 11.

Brown said the bridge was heavily used. He would rather put the money in something on the ground than into two new projects. Rapson said they would not have to do the project just because they got a grant. Council would have to ratify the acceptance of the grant. Rutherford said they could not apply for the grant until the money was set aside. Kourajian said he would not support the grant application unless the bridge needed to be replaced in a year. Brown said they had to determine how long the process would take; it could be four years. Kourajian said the money could be spent on many other things.

Brown suggested putting a conditional approval in the motion. Weed asked if they could get an answer to Kourajian's questions. Stricklin said they could if Council authorized staff to submit the grant subject to having an inspection to make the determination. Meeker asked what the condition would entail. Weed said the motion would be pending on the report from a structural engineer as to the viability and lifespan of the wooden

bridge. Brown said if the lifespan exceeded the funding and engineering cycle, then the motion would be null and void. Meeker said that was pretty indefinite.

Kourajian asked how long it would take to get someone to look at the bridge and how much an evaluation would cost. Stricklin estimated the cost at \$2,000-\$3,000

Rapson asked McMullen what he recommended based on his engineering experience. McMullen said the bridge was heavily used and was narrower than the other bridges. It was a safety issue. If a cart was on the bridge, no one else could be on it.

Kourajian asked Stricklin if he would have brought the project to Council if they did not have the SPLOST funds. Stricklin said no. McMullen clarified that they would have waited longer to bring a lot of the SPLOST projects to Council, including the bridge project. Rapson said they either had to rely on the staff recommendation and the experts and consultants, or they had a bad list of projects. Rapson said the project must be within the five-year window since it was on the list. McMullen said the bridge project was on the SPLOST list for 2007. Rapson recalled that Council made the point when the list was presented that all the projects were equally weighted and would have to come back before Council. Staff was supposed to be looking for ways to leverage the grant money. Rapson said staff was just following the plan. McMullen said the issue was that the initial estimate had been done in-house without a detailed engineering study. The figures had been adjusted for inflation, but had not been thoroughly studied. Hopefully, the current estimates were more realistic. Rapson noted the current price of steel and oil, and added that there was no way to include the dramatic increases as part of inflation. McMullen added that the list had been compiled quickly and there had not been time to do a detailed estimate of each project. Rapson said they still had to live within the confines of the list.

Rapson noted that Council would not have to fund the project until staff came back to Council to let the contract. Brown said the projects were not new and Council had approved all of them. Council needed to make a choice and decide whether or not to take advantage of the granting cycle. Council needed to realistically decide which projects could fall in the 80-85% of the projects that could be done with the SPLOST funds. Rapson said Brown's reasoning was sound. The dollars should be leveraged for grants.

Rutherford said they had more items on the SPLOST list than there would be money to pay for them. The cost was going to be more than the estimates in reality. They were going to have to go to outside vendors because the County would not be able to keep up with the work. The vendors would be going to the Gulf coast so the projects would cost more. She asked if the cycle for DOT was four years. Stricklin said the average cycle was four years, but it depended on the project. The project had to get there first.

Brown asked Council if they wanted to do the project. Kourajian said there was no need to if the bridge had 30 years left. Rapson asked how much of the SPLOST money was allocated to the project. Stricklin said \$121,000 was allocated. Rutherford said need was relative as well. It was probably structurally sound, but it was too narrow. Stricklin said the bridge was six feet wide. It might be possible to reuse the existing pylons now

because they were sound and make them last longer. Weed asked Kourajian if he still needed to see an engineer's report. Kourajian said he felt the bridge was structurally sound, but did not need to see a report in eight days. The report should be done within the next year.

Rapson moved to approve staff's recommendation for the attached resolution in support and authorize staff to submit applications for funding for the 2006-2007 Transportation Enhancement Program as reflected. Weed seconded. Rutherford asked when the City would know if the grant requests were approved. Stricklin said they should find out in November. Rapson said they could address Kourajian's concerns by then. The motion carried 4-1 (Kourajian).

09-05-15 Public Hearing – Consider Rezoning Wilks/Booker Tracts, Old Senoia Road (AR to LUC)

Brown said the applicant had agreed to continue the hearing due to a problem with advertising the rezoning. Rutherford moved to continue the agenda item until October 6. Rapson seconded. The motion carried unanimously.

Rutherford directed that any public hearings be placed first on agendas. The other members said there should be an option to move a hearing to the end of the agenda.

09-05-16 Presentation on Use of Pesticides on Athletic Fields

Brown noted there was an additional document on the dais – a memo from Leisure Services Director Randy Gaddo to Mayor and Council dated September 13, 2005, with the subject, "Use of Pesticides on Athletic Fields."

Mike Jackson of TruGreen, the contractor responsible for the City's athletic fields, addressed Council. Jackson said there was no point in speaking to those who had made up their minds. There was a great deal of polarization on the subject and he was not going to debate. TruGreen was a service provider, and the City's residents were their customers. If the residents did not want pesticides applied to the fields, then they would not. Pesticides were a tool used in servicing the athletic fields.

Jackson said he helped develop their program 14 years ago. A certified toxicologist consulted with the company and was willing to make a presentation to the soccer organization. The offer had been accepted, but the presentation had not been scheduled. Jackson's subject was agronomy. He gave a quick overview of his background, which included using natural alternatives. If the City wanted a natural organic program, his company could do that. As a subject matter expert, there were no viable effective alternatives to the standard products used today. His company had tried them and was still searching. His company could use natural products, however, the City could expect the investment of the taxpayers to decline over time. Weeds would emerge. Jackson said he had discovered that a pesticide had been applied to the City's organic test field. The class of chemistry used in the herbicides were used in pesticides and also used in drugs that controlled Type 2 diabetes.

Jackson said he probably would not be at the meeting if not for the blue coloring used when the fields were treated. TruGreen had been the City provider for seven years, and also serviced the U S Environmental Protection Agency (EPA). The EPA specifically requested the company treat the children's playground. The EPA was created to protect people from irresponsible use of pesticides, among other things. Jackson said he used the service on his own lawn for 10 years and his 10-year old daughter was perfectly healthy. He could only give anecdotal stories, but the toxicologist that would come to the soccer meeting would be able to specifically address those issues with parents.

Jackson continued that there had been vicious attacks against his company. They did not apply anything classified as a poison or known human carcinogen. The industry was well regulated. Jackson pointed out that people could not assume that natural organic substances were safe. Many of the products had not been tested for human or for environmental safety. The fields were created for everybody, not just small vocal groups.

Weed asked Jackson how long it would take before the fields lost their quality. Jackson explained that weeds ran in cycles. There were annual (spring and winter) and perennial weeds. The next application for the soccer fields was scheduled on September 19, and was the perfect time to start preventing winter annual weeds. He said there would not be a decline overnight, but probably in three to six months. The grass was dormant in the winter. The City's facilities were among the finest in the state. He said the City might be jeopardizing a good investment. Weed asked if there were any non-synthetic alternatives that would keep the fields at the current level. Jackson said they would patent them if there were and they would use them. His company rejected manmade substances that did not work, too.

Corinne Risch represented the parents who opposed the pesticide spraying and gave a PowerPoint presentation on in support of their position. She said the argument was that the pesticides were safe in their diluted form, but notices would not be posted if the pesticides were totally safe. Risch agreed that it was not in their interests to let the fields decay. She said it was not known how significant the exposure to the chemicals had been over the years, but they had become aware of the exposure because of the use of the blue/green dye. Two children had been rushed to the emergency room with life-threatening allergic reactions. Many were sick with headaches and malaise. Toxins built up over time. Risch continued that the studies done on animals did not parallel the human experience. The EPA and FDA studies did not reflect real life. Children were more susceptible due to the nature of their play. A teaspoon of poison was more toxic for children than adults. The Council Members were given Material Safety Data Sheets (MSDS) that were required to be available to the public from companies that used chemicals, according to Risch. She said she had the MSDS for five of the 13 chemicals used on the fields, which Risch said were toxic and carcinogenic. Risch presented data from a peer study that showed a relationship between pesticide exposure and tumors.

Risch introduced Bill Langworthy, the father of one of the children who suffered a severe reaction. He told Council his daughter was one of the children rushed to the emergency room. Langworthy was told her condition was an allergic reaction to the chemicals. She had also other less severe reactions.

Weed asked Risch what the parents wanted and what Council could do. Risch said they wanted healthy children and healthy fields. She asked that no taxpayer money go to fund toxic products on the athletic fields or public park areas. The parents were asking for alternative turf and for the City to contract with a company that provided suitable alternative turf care and pest control. She said the Recreation Department had designated a test field that was evaluated every six months. They would also like a field set aside that would not be treated at all. She said they were asking for three to six months to make a determination, not two years. The use of pesticides was an unacceptable risk to children's health.

Dennis Chase told Council that he sympathized with the parents, but they had jumped to a conclusion beyond the evidence. It was clear there was a problem, but it was not clear what had caused the problem. Chase continued that he told Council in 1995 that there was a problem with the water used on the fields based on the toxicity in Line Creek at that time. The problem had not been solved. He referred to some work he was doing with mussels in Line Creek. He checked them in July, but they were dead when he checked them in August. Chase said something was going down the stream. The parents were asking the City to take drastic action that might not be prudent. Pesticides did not equate to the problem. Millions of children played on grass treated with pesticides and this could not be the only place with problems. The first step should be to verify if other areas in Georgia and in the southeast were facing the same problem. If so, pesticides might be the problem. Something was obviously wrong. Chase had previously recommended the City sample the water and the sediment in the holding pond. The toxic, or dangerous, material could settle out over time. The tests on the water at that time had been negative, but that did not mean something was not there. Chase added that most companies recommended people stay off the fields for at least 24 hours after treatment. If pesticides were the problem, the problem should be statewide. There needed to be a better analysis of what was happening. Chase said he was not down playing the issue, but they should be careful before taking action.

Rutherford asked if the fields were still watered from the same source. McMullen said they were. Kevin Pheifer said this was a huge nationally recognized issue. Seventeen states had passed regulations. Council could do the research themselves. If the solution was letting weeds grow, so be it.

Debbie White, the president of the soccer association, addressed Council. She said the association fully supported a safe environment for the children. There was also an obligation to maintain the City's investment in the soccer fields. They also supported a test field for alternative methods. She asked that the City keep looking for a suitable alternative. She said that, in addition to closing the fields for 24 hours after treatments, practices were optional for 48 hours after spraying. If a link was established, the company would be out of business due to the lawsuits that would be filed. This was a legitimate concern.

Tim Wedemeyer said the green dye was used to see if pesticides had been applied and if they were still wet. He questioned whether there was a procedural problem. He

suggested that no chemicals be applied and that a blue ribbon panel be set up to look for another solution.

Jackson asked to correct some misstatements. An MSDS was not a public document, but a document OSHA required be provided to workers who handled the concentrates in the warehouse. His company provided the documents when asked because there was no reason not to do so. Companies also provided pesticide fact sheets. Earlier this year, his company had been contacted by the Department of Agriculture, which found TruGreen had not violated any laws. Some mistakes were made. The applicator ran out of flags on the last field and failed to post the field. The field that was not flagged was not the field in question. He continued that the FDA approved the blue dye as a food additive. The dye was used as a training tool for technicians so they could tell when they missed an area. A lot of people also thought not enough pesticides were applied. There was no debate when the dye was seen. Customers were notified with an invoice and a flag that was placed in the front of the yard.

Weed asked Jackson how long his company had been spraying the fields. Jackson said since 1998. Recreation Administrator Sherry McHugh said the City had sprayed the fields for the 12½ years she had been with the City. The City had used ChemLawn prior to TruGreen.

Kourajian asked about the dye. Jackson said the FDA approved the active ingredient in the dye as a food additive. Kourajian said he would like to see the information on the dye. Jackson said he would send the information. Brown noted that the City used the dye, too.

Rapson said he was uncomfortable putting pesticides on the fields not knowing if they were the problem or not. The kids' reaction led him to believe they were a problem. He asked if it would harm the City if the fields were not treated on September 19. Rapson said he was not attacking TruGreen. The water could be the problem. Jackson said the definition of "safe" was the absolute absence of danger in any form whatsoever. A decision could be made in 10 years that something was not safe. The National Cancer Institute had studied 32,600 TruGreen employees and found no association between the application of pesticides and the health problems of the applicators. Rapson again asked what would it do to wait 30 days until the issue was figured out. Council might, or might not, have an answer, but they would have more information. Jackson said the City could wait, but the risk was when the winter weeds germinated. If the City wanted the company to stop using pesticides, they would.

Kourajian asked if there was a window of time to treat the fields. Jackson noted that some products had dates to begin their use. There was significant risk if the pre-emergent was not put down in early September, but it also depended on the condition of the fields and the competitive level of the turf against the weeds. If weeds came up, they would have to be reactive and might need to apply more pesticides to correct the problem. He urged the City not to wait. The reason the date was set was for agronomic reasons.

Brown said staff had applied one natural application that had not worked. Natural applications also contained bio-solids that were not all filtered out and had not been tested. Brown said natural was not always safe. Too much of a natural product could also be detrimental.

McMullen clarified that no pesticides had been applied since September 2004. Jackson agreed. The test field had an infestation of army worms. McMullen asked if pesticides or insecticides were needed to kill the worms. Jackson said pesticides were classified as killing living organisms. Pesticides were not necessarily insecticides. The City had to deal with the army worms on the test field. Jackson said it was too late for his company to do anything if there were worms. They were not hard to control, but were difficult to get rid of. McMullen said Leisure Services Director Randy Gaddo notified him that the September 19 application would not be put down until further discussion with TruGreen. McMullen recommended doing something about the worms on the test field.

Rapson asked Jackson how much time he needed to get information to City staff. Rutherford asked how much damage would be done to the field. Jackson said it was a spectrum. The plants would continue to germinate and there would be gradual infestation. There was not a specific date. Langworthy said there might be more weeds, but they were talking about children's health. They needed to look at the available options. Brown pointed out that substantially more product might have to be applied to make the problems go away.

Rapson recommended that staff test the water in the pond and gather information from TruGreen, then compile the information and give Council a risk analysis. Rutherford said they needed to check the water and sediment. If the fields were watered at approximately the same time the fields were treated, then the problem could be the water or the sediment. Rutherford asked Jackson where they got the water used in their tanks. Jackson said it was City water.

McMullen said that Council was asking difficult questions. He did not know if staff could provide scientifically reliable information in 30 days. It was an unrealistic expectation. They could get experts from both sides and do some research. He said everything people did everyday was a risk. Kourajian agreed with McMullen. Staff would draw an unqualified conclusion based on the information received. McMullen continued that the lawn chemical industry was regulated and had standards. The organic industry had no standards to his knowledge. He was prone to rely on information from an industry that had standards. He was more concerned about putting something on the fields that was not regulated.

Rutherford said they needed to address Chase's concerns regarding the water and sediment. She reiterated that the September 19 application had been suspended. Gaddo was to come back with a recommendation on what to do about the fields. Rutherford said someone at the Recreation Department should have the experience to know when a field had a problem. Council could not make that decision for staff.

Weed said Council would make a decision based on the available information. There would be a drop-dead date eventually. The information would not be perfect. Council might make the wrong decision, they could take action and miss the problem. In the short term, the City should not do anything and gather up the blue panel committee to look at the science. Ultimately, it would be a political decision based on what Council believed the science said. Kourajian said there could be other issues besides the pesticides and the water. Weed said they could only cover the most likely scenarios.

Brown said it would eventually be the choice that Council wanted. There were people on both sides of the issue. Weed said they could not quantify the risks. Rapson said staff would test the water and sediment, and Council would err on the side of safety for the children, and do nothing at this point. McMullen asked Council to let him get the testing company, and talk to Chase to find out what tests should be done.

Risch said they had found five alternative companies and that Gaddo had made the decision on which one to hire for the test field. She was not aware the company used bio-solids. The experiment had failed. Another company used a vegetable-based material, but the company said they did not receive the RFP. Risch said the Recreation Department said the RFP was sent to them. There was apparently some miscommunication. Active participation was needed. She continued that the studies were believable enough that the City needed to move away from chemicals. The blue-green dye was not the issue. It just alerted the parents to the chemicals on the field.

Weed told Risch she had come to the right place, but at the end of the day Council would make a decision based on the evidence presented. Hopefully, it would be the right decision.

09-05-18 Consider Request from Fayette County to Lower Lake Peachtree in October for Repairs

Brown noted the additional document on the dais – a memo to Mayor and Council from the City Manager dated September 13, 2005, with the subject, “Request to Lower Lake Peachtree in October.”

Rutherford moved to approve the request to lower the lake. Rapson seconded. Brown said the request had been made so the spillway could be repaired. McMullen said staff would notify the homeowners association. Kourajian suggested sending notice to the newspapers, also. Rutherford asked to include information regarding the two warning sirens located in the City. The motion carried unanimously.

09-05-18 Consider Resolution for Special Election on Homestead Exemption

Brown noted there were two additional documents on the dais – a memo to Mayor and Council from the City Clerk dated September 14, 2005, with the subject, “Consider Resolution Calling for a Special Election on Homestead Exemption,” and a copy of the resolution. Rutherford moved to approve the resolution for the special election on the homestead exemption. Rapson seconded. The motion carried unanimously.

09-05-19 Consider Request for Waiver of Fees for Use of Kedron Fieldhouse

Brown noted there was an additional document on the dais – a memo to Mayor and Council from the City Manager dated September 14, 2005, with the subject, “Request for Waiver of Fees for Use of the Kedron Gymnasium.” Weed moved to approve the request to waive the fees for the Kedron Fieldhouse. Rutherford seconded.

Rutherford asked Council to note that the request was for a project to raise funds, and was not just a request to waive the fee.

Kourajian asked McHugh if there was anything else scheduled at the fieldhouse that day. McHugh said the calendar was clear. Kourajian said this was a terrific opportunity, but asked if this would set a precedent to waive fees at City facilities for non-profit uses. Brown said the City routinely provided support for non-profit events, such as the Alzheimer’s Walk. McMullen said staff could not waive fees without Council approval. The City’s regulations said a fee had to be charged. Kourajian said the causes were good, one for SAT tutorial classes and one to assist the displaced students in the County schools. He supported the request, but wanted Council to be aware that they could have other requests.

Alice Jones, Youth Council advisor for the Fayette County NAACP, said the students took on the projects to help their fellow students. The displaced students would also need to take the SAT. There was a cost to pay the tutors. Rutherford clarified that Hurricane Katrina displaced the students. Jones said it would take some time for those students to catch up.

Weed said, hopefully, there would not be another Katrina-sized disaster, which would help Council differentiate between this request and other good causes. Jones said the SAT classes were an ongoing program, but were specifically for evacuee students this year.

The motion carried unanimously.

Council/Staff Topics

Brown thanked Matt Robinson, McMullen, and everyone involved in installing the new projection equipment. A meeting attendee commented that it was difficult to hear those speaking at the podium. Robinson noted that problem was often because the person was not close enough to the microphone. Robinson said he would also move the podium off to the side so everyone would be able to see the screen.

Brown noted that the library looked great. He said staff had done a great job managing the project.

Weed asked to respond to a recent Letter to the Editor, which indicated that the Tourism Association received hotel/motel tax. Weed said the Tourism Association did receive the tax, but the letter indicated there was some wrongdoing. He pointed out that the Development Authority had accepted the hotel/motel tax under unknown circumstances. The difference was that the Tourism Association was not using the tax for the operation.

of the venues. The association was using the funds for things related to tourism and taken some of the burden off the City, which was using different money to do those things. It was a completely different situation. Brown asked Meeker if there was a scam. Meeker said that as long as the Tourism Association expended the funds for tourism-related functions as required by the state he was not aware of any scam. Rapson said the Tourism Association was doing what the Development Authority had done, but the difference was the venues were breaking even. The money the Development Authority had used to subsidize the two venues was now paid to the City for use on tourism-related activities. Weed corrected Rapson. He said one venue was not breaking even, but the company was.

Rapson moved to extend the meeting past 11:00 p.m. Rutherford seconded. The motion carried unanimously

Rutherford moved to convene in executive session for pending or threatened litigation and a personnel matter. Kourajian seconded the motion. The motion carried unanimously

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

Rutherford moved to deny the claim of Paul Graffeo as the guardian of Alex Repczynski. Brown seconded. The motion carried unanimously

Rutherford moved to deny the claim of Angela M. Rice as such claim was presented. Rapson seconded. The motion carried unanimously

There being no further business to discuss, Rapson moved to adjourn. Weed seconded the motion. Motion carried unanimously. The meeting adjourned at 11:28 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

2005 City Event Calendar

<u>October</u>	<u>November</u>	<u>December</u>
10/6 – City Council Meeting, 7 pm 10/8 & 9 – Great Georgia Air Show 10/15 – Peachtree City Classic Road Race 10/16 – Fire Department Open House, Leach Station, Noon – 5 PM 10/20 - City Council Meeting, 7 pm 10/29 – Library Grand Opening, 7 PM 10/31 – Halloween (the City does not set or change the date for trick-or-treating)	11/3 – City Council Meeting, 7 pm 11/8 – Peachtree City General Election 11/17 - City Council Meeting, 7 pm 11/24 & 25 – Thanksgiving Holiday, City Offices closed	12/1 – City Council Meeting, 7 pm 12/3 – Peachtree City Hometown Holiday Celebration & Tree Lighting 12/6 – Runoff Election (if needed) 12/15 – City Council Meeting, 7 pm 12/23 & 26 – Christmas Holiday, City Offices closed

2006

<u>January</u>	<u>February</u>	<u>March</u>
1/5 – City Council Meeting, 7 pm 1/7 – Christmas Tree Recycling 1/19 – City Council Meeting, 7 pm	2/2 – City Council Meeting, 7 pm 2/16 – City Council Meeting, 7 pm	3/2 – City Council Meeting, 7 pm 3/16 – City Council Meeting, 7 pm
<u>April</u>	<u>May</u>	<u>June</u>
4/6 – City Council Meeting, 7 pm 4/20 – City Council Meeting, 7 pm	5/4 – City Council Meeting, 7 pm 5/18 – City Council Meeting, 7 pm 5/29 – Memorial Day, City Offices Closed Memorial Day Celebration, 7.30 am at City Hall	6/1 – City Council Meeting, 7 pm 6/15 – City Council Meeting, 7 pm
<u>July</u>	<u>August</u>	<u>September</u>
7/4 – Independence Day – City Offices Closed 7/6 – City Council Meeting, 7 pm 7/20 – City Council Meeting, 7 pm	8/3 – City Council Meeting, 7 pm 8/17 – City Council Meeting, 7 pm	9/7 – City Council Meeting, 7 pm 9/4 – Labor Day, City Offices Closed 9/21 – City Council Meeting, 7 pm

ADMINISTRATIVE SERVICES MONTHLY REPORT

For Month of: August 2005

	<u>July-05</u>	<u>August-05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
<u>Human Resources</u>				
Workers Compensation Claims Filed	5	5	28	29
City Vehicle / Equipment Accidents	1	2	15	15
Lawsuit Legal Fees	\$4,611.99	\$8,006 67	\$93,009 01	\$44,058 15

Municipal Court

Fines Collected	\$122,096 51	\$141,087 00	\$1,240,472.96	\$1,349,032.57
Online Transactions	122	183	1,636	1,493
Citations Closed	679	936	7,569	8,016
Jail Fund Balance	\$2,513 15	\$2,989 88	\$68,620.55	\$32,894 43

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

Public Information

New Businesses Registered	29	29	311	277
Public Contacts, Questions & Complaints	71	111	815	581

This includes 4 complaints against Comcast Cable Company, 4 complaints against EPI - Environmental Partners, and 3 Open Records/Lawsuit Discovery Requests.

**PEACHTREE CITY BUILDING DEPARTMENT
FY 2005**

	Jul-05	Aug-05	Fiscal Y-T-D 2005	Fiscal Y-T-D 2004
DEVELOPMENT PERMITS:	17	11	137	279
BUILDING PERMITS:				
Single Family Residential	10	22	109	249
Multi-Family Residential	0	0	9	5
Misc -Pools/fences/additions	54	40	564	647
Commercial/Industrial	14	19	134	94
TOTAL INSPECTIONS:	448	532	6,080	8,431
CERTIFICATE OF OCCUPANCY:				
Residential	4	9	142	272
Commercial	6	2	40	36
Multi-Family Residential	0	0	3 *	19
CODE ENFORCEMENT:				
Sign Violations	163	103	958	2070
Rehab	25	36	211	158
Notice of Violations	326	372	3214	3,753
Citations	1	7	25	34
Stop Work Orders	9	8	83	132
Complaints From Citizens	19	26	208	268
PERMIT FEES COLLECTED:	26,330	54,691	384,371	549,812
POPULATION:	35,761	35,780	35,780	35,434
Based on 2.09 of completed occupancy				

***Fire rebuild in Twiggs Corner, not added to population figure.**

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT
(UNAUDITED)
AS OF AUGUST 31, 2005

Fund	Cash Balance	Total Investment	Total Cash and Investments	YTD Interest
General Fund	\$ 1,175,214	\$ 7,109,403	\$ 8,284,617	\$ 240,658
Neighborhood Parks Fund	14,084	-	14,084	19
DARE Fund	1,099	-	1,099	25
Federal Seizures Fund	8,973	-	8,973	83
HAZMAT Fund	5,172	-	5,172	52
Library Sales Tax Fund	11,295	-	11,295	241
Police Tuition Fund	3,999	-	3,999	71
Youth Council Fund	1,132	-	1,132	19
Fire/EMS Grant Fund	-	-	-	-
PD Cert/GEMA Grant	(25,596)	-	(25,596)	-
Athletic Assoc. Funds	33,619	-	33,619	664
Hotel/Motel Tax Fund	-	-	-	-
Library Construction Fund	(15,328)	1,745,584	1,730,256	80,337
S P L O S T	370,749	-	370,749	671
Public Improvement Funds	705,315	956,095	1,661,410	48,663
Debt Service Funds	138,581	20	138,601	47
Municipal Court Fund	57,356	-	57,356	-
Landscape Deposit Fund	120,040	-	120,040	-
Total Collateralized Funds	\$ 2,605,704	\$ 9,811,102	\$ 12,416,806	\$ 371,550
Pension Trust Fund	-	7,379,274	7,379,274	-
Grand Total	\$ 2,605,704	\$ 17,190,376	\$ 19,796,080	\$ 371,550

Collateral Analysis as of August 31, 2005		
Safe-keeping Bank	Bank	Total Held
Bank of New York	Wachovia	\$ 14,607,195
Bank of New York	Peachtree National Bank	490,940

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)
GENERAL GOVERNMENTAL FUNDS BUDGET COMPARISON
FOR ELEVEN MONTHS ENDED 8/31/05

REVENUES BY MAJOR CATEGORIES				
Description	2005 Amended Budget	YTD Actual	Dollar Difference	Percentage To-Date
General Property Taxes	\$ 8,642,166	\$ 8,484,805	\$ (157,361)	98.18%
Franchise Taxes	1,942,633	1,847,415	(95,218)	95.10%
Local Option Sales Tax	6,338,418	5,662,155	(676,263)	89.33%
Other Sales & Use Taxes	644,013	564,985	(79,028)	87.73%
Business Taxes	1,825,422	1,875,935	50,513	102.77%
Licenses & Permits	909,228	756,742	(152,486)	83.23%
Grants	204,616	54,000	(150,616)	26.39%
Charges for Services	1,293,091	951,231	(341,860)	73.56%
Fines & Forfeitures	975,667	970,230	(5,437)	99.44%
Investment Income	81,134	240,658	159,524	296.62%
Surplus Carryover	1,674,679	-	(1,674,679)	0.00%
Other Revenue	91,635	95,507	3,872	104.23%
Other Financing Sources	502,436	316,990	(185,446)	63.09%
Total General Fund	\$ 25,125,138	\$ 21,820,653	\$ (3,304,485)	86.85%
Hotel/Motel Tax Fund	946,308	920,312	(25,996)	97.25%
Total General & Hotel/Motel Tax Funds	\$ 26,071,446	\$ 22,740,965	\$ (3,330,481)	87.23%

EXPENDITURES BY DIVISION AND/OR TYPE PERCENTAGE OF BUDGET YEAR COMPLETED - 91.67%				
Division and/or Type	2005 Amended Budget	YTD Actual	Dollar Difference	Percentage To-Date
Administrative Services	\$ 1,379,922	\$ 1,118,620	\$ 261,302	81.06%
Developmental Services	1,631,595	1,211,048	420,547	74.22%
Financial Services	751,573	632,973	118,600	84.22%
Leisure Services	4,469,991	3,837,579	632,412	85.85%
Public Safety	9,084,393	7,540,019	1,544,374	83.00%
Public Works	4,463,407	3,131,111	1,332,296	70.15%
Council Contingency	86,000	-	86,000	0.00%
Non-Profit Organizations	15,000	15,000	-	100.00%
Grant Incentive Program	50,000	-	50,000	0.00%
Transfer to Development Authority	35,000	35,000	-	100.00%
Transfers to Other Funds	3,375,772	2,986,770	389,002	88.48%
Liability Insurance	87,855	87,821	34	99.96%
Legal Services	165,400	137,242	28,158	82.98%
General Administration	38,230	-	38,230	0.00%
Other	(509,000)	-	(509,000)	0.00%
Total General Fund	\$ 25,125,138	\$ 20,733,183	\$ 4,391,955	82.52%
Hotel/Motel Tax Fund				
Transfer to General Fund	315,436	279,113	36,323	88.48%
Transfer to Tourism Fund	630,872	558,226	72,646	88.48%
Total General & Hotel/Motel Tax Funds	\$ 26,071,446	\$ 21,570,522	\$ 4,500,924	82.74%

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)

SUMMARY OF MAJOR EXPENDITURES BY CITY MANAGER AUGUST 2005			
Description	Vendor	Award	Date
LifePak 12	Medtronic Physio-Control	\$ 20,773 87	08/04/05
Cart Path Design	Haines, Gipson & Assoc.	10,350 00	08/10/05
Computers	Dell Computers	33,827 62	08/23/05
Aluminum Bleachers	Leisure Lines, Inc.	22,880 00	08/31/05

PURCHASING REPORT FOR ELEVEN MONTHS ENDED AUGUST 31, 2005 AND AUGUST 31, 2004		
Activity	Fiscal Year 2005	Fiscal Year 2004
Purchase Orders / Requisitions Processed	2,600	2,117
City Store Requisitions Processed	118	109
Sealed Bids Requested	61	32
Requests for Proposals	14	12
Bids Awarded	48	28
Requests for Proposals Awarded	11	8
Contracts Prepared	16	15
Fixed Assets Purchased	62	24

INFORMATION TECHNOLOGY REPORT AUGUST 2005 AND YEAR-TO-DATE		
Activity	Current Month	Fiscal Year 2005
Work Orders Created	110	1,326
Work Orders Closed	93	1,209
Work Orders Open	16	50
Corrective Work Orders	33	537
Project Work Orders	7	79
Technical Support	70	406
Website Visits	39,021	302,884

**PEACHTREE CITY FIRE/EMS DEPARTMENT
2005 MONTHLY REPORT**

	Jul. 05	Aug.05	2005 Y-T-D	2004 Y-T-D
FIRE/ACCIDENT CALLS				
Actual Residential Fires	3	4	39	27
Actual Business/Industrial Fires	2	2	13	9
¹ Rescue/EMS Assist	139	162	1534	508
¹ Vehicle/Golfcart Accidents	18	22	228	88
¹ False Alarms	39	21	281	61
² Other	32	22	323	1381
Total Engine Response	233	233	2418	2074
 Dispatched Fire Calls	 77	 51	 679	 489
 Response Time Fire	 4 44	 4.27	 4 45	 4.31
 RESCUE/EMS				
Trauma	72	101	781	573
Medical	93	108	966	741
Total # Patients	165	209	1747	1314
 Patients Transported	 71	 96	 820	 604
 Dispatched EMS Calls	 159	 187	 1758	 1605
 Total Medic Response	 196	 215	 2141	 1594
 Dispatched Fire/EMS Total	 236	 238	 2437	 2094
 Response Time EMS	 4 30	 4.25	 4 15	 4 19
 EMS BILLING				
Patients Billed	63	90	923	850
 Revenue Generated	 24,545	 35,363	 358,788	 327,273
 ³ Total Revenue Received	 33,729	 30,192	 276,600	 251,874

¹Previously categorized as Other

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

³Revenue Received on All Outstanding Accounts

LEISURE SERVICES MONTHLY REPORT

August 2005

<u>Activity Description</u>	<u>Unit</u>	<u>August 05</u>	<u>FY 2005 YTD</u>	<u>FY 2004 YTD</u>
Library				
Books Circulated	number	18,713	183,968	198,522*
Internet Usage	visits	2,485	26,060	26,468*
Computer Lab Use	hours	31	217	307*

*Library Closed to Move to Temp Location

Recreation

Class/Program Revenue	\$	\$5,389	\$53,494	\$57,132
Playing Surface Mowing	hours	537	3,459	3,263
Playing Field Preparations	hours	825	7,277	5,726
Building Maintenance	hours	407	4,633	4,875
Safety Inspections	visits	50	550	520
Litter Removal	hours	294	3,230	3,080
Complaints answered	number	1	13	21

**PEACHTREE CITY POLICE DEPARTMENT
2005 MONTHLY REPORT**

	AUGUST 05	JULY 05	2005 CYTD	2004 CYTD
PART I CRIMES				
Murder	0	0	0	0
Rape	0	1	3	2
Robbery	0	0	2	0
Aggravated Assault	0	1	5	5
Arson	0	0	6	1
Auto Theft	5	4	45	36
Theft	24	34	163	178
Burglary	5	2	14	15
TOTAL PART I CRIMES	34	42	238	237
ALCOHOL/DRUG ARRESTS				
DUI – TOTAL	22	12	154	175
DUI – ADULT	18	10	138	150
DUI – UNDERAGE	4	2	16	25
MINOR IN POSSESSION OF ALCOHOL	11	15	67	96
DRUG ARRESTS	10	3	66	132
ARRESTS				
PROPERTY CRIMES	13	10	73	104
PERSON CRIMES	11	9	53	44
CITY ORDINANCES	67	55	345	418
OTHER	151	121	717	783
AVERAGE RESPONSE TIME	5 53	3 49	4 98	5 49
CALLS ANSWERED	6428	6467	50,550	51,524
TRAFFIC				
CITATIONS ISSUED	781	591	5077	6775
WARNINGS	542	444	3722	5385
ACCIDENTS	102	108	766	755

TOP 5 ACCIDENT LOCATIONS – MONTH

HWY 54 / HWY 74	6
HWY 74 / CROSSTOWN ROAD	5
HWY 54 / COMMERCE DRIVE	4
HWY 54 / PLANTERRA WAY	3
HWY 54 / ROBINSON ROAD	3

TOP 5 ACCIDENT LOCATION – Y T D

HWY 54 / HWY 74	40
HWY 54 / PEACHTREE PARKWAY	23
HWY 54 / PLANTERRA WAY	22
HWY 74 / CROSSTOWN ROAD	22
HWY 54 / HUDDLESTON DR	19

PUBLIC SERVICES MONTHLY REPORT**AUGUST 2005**

		<u>August 2005</u>	<u>YEAR TO DATE FY2005</u>	<u>YEAR TO DATE FY2004</u>
Street Patching	(Hrs.)	508	1,606	3,137
Street Crack Sealing	(Hrs.)	0	461	488
Drainage Maintenance	(Hrs.)	416	4,241	1,840
Street Sweeping	(Hrs.)	15	329	367
Cart Path Paving	(Ft.)	3,852	14,257	21,444
Cart Path Litter Removal	(Hrs.)	0	989	696
Cart Path Drainage Maint.	(Hrs.)	0	1,018	1,605
R.O W Mowing	(Hrs.)	912	4,338	4,652
R.O W Litter Removal	(Hrs.)	300	3,000	3,624
R.O W General Maint.	(Hrs.)	320	3,779	5,110
Landscape Mowing				
(Subdivision Entrances)	(Hrs.)	905	6,025	5,478
Landscape Maintenance	(Hrs.)	73	868	1,017
Landscape Planting/Mulch	(Hrs.)	0	1,938	2,342
Landscape Litter Removal	(Hrs.)	0	14	56
Sub-Division Sign Maint.	(Hrs.)	63	355	550
Traffic Sign Maintenance	(Hrs.)	173	1,678	1,270
Vandalism Repairs	(Hrs.)	22	122	110
Vandalism Repairs	(Dls.)	\$330	\$2,247	\$325
Citizen Complaints Answered	(Num.)	147	1,316	747
Community Service	(Hrs.)	36	139	124
<u>RECYCLING SITE</u>				
Manhours	(Hrs.)	56	714	928
<u>Participants</u>				
Recycling	(Num.)	340	2,660	4,309
Composting	(Num.)	1,273	16,537	13,727
Mulch Picked-Up	(Num.)	89	1,091	2,357

DAVIS & MEEKER, L.L.C.

ATTORNEYS AT LAW
6631 WATSON STREET
UNION CITY, GEORGIA 30291

(770) 964-0228
FAX (770) 964-9730

THEODORE P MEEKER, III
E-MAIL: tmeeker@fairburn.com

TO Mayor and Council
City of Peachtree City

FROM Theodore P Meeker, III
City Attorney

DATE September 29, 2005

RE Moratorium on Commercial Structures over 32,000 square feet

On March 19, 2005, the Council adopted a moratorium on the issuance of building permits, or receipt of site plans, which reference or pertain to commercial structures in excess of 32,000 square feet. That moratorium has been extended, and is scheduled to expire on October 21, 2005. Since that date, staff has been coordinating with a planning consultant so as to examine the need for the City's current "Big Box" regulations, and to provide planning support for such regulations.

The planning consultant has provided information regarding the effects of large retail developments, and the consultant is in the process of preparing a report outlining such effects. In addition, the consultant has suggested a review process for large retail developments. Staff is working on a draft ordinance which will be disseminated to the Council and Planning Commission within the next week. A joint work session between the Council and Planning Commission is being contemplated so as to move this issue forward within the next sixty (60) days. Extending the moratorium for an additional sixty (60) days, as is being requested, will provide the necessary time periods for advertising the required public hearings, and will also allow for the possible work session.

The moratorium resolution will be identical to the original resolution that was discussed and adopted by the City Council on March 19, 2005.

TPM/bf

CITY OF PEACHTREE CITY
STATE OF GEORGIA

RESOLUTION No. _____

A RESOLUTION TO ADOPT A MORATORIUM ON THE ACCEPTANCE OR APPROVAL OF APPLICATIONS FOR BUILDING PERMITS FOR COMMERCIAL STRUCTURES IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT IN EXCESS OF 32,000 SQUARE FEET, OR THE ACCEPTANCE OR APPROVAL OF CONCEPTUAL SITE PLANS, OR FINAL SITE PLANS WHICH REFERENCE OR INCLUDE COMMERCIAL STRUCTURES IN EXCESS OF 32,000 SQUARE FEET WITHIN THE CITY OF PEACHTREE CITY, GEORGIA, TO REPEAL CONFLICTING LAWS AND RESOLUTIONS, TO PROVIDE FOR SEVERABILITY, AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Peachtree City, Georgia, is the duly authorized governing body of the City; and

WHEREAS, decisions by the City Council are binding law upon all persons within the corporate boundaries of the City of Peachtree City, Georgia, and

WHEREAS, the City Council of the City of Peachtree City has adopted regulations for commercial structures within the General Commercial (GC) zoning district, limiting the size of such structures to be occupied by any single use, owner, occupant or tenant that exceeds 32,000 square feet, as codified in the Zoning Ordinance of the City of Peachtree City; and

WHEREAS, the City Council of the City of Peachtree City desires to review and potentially revise and amend the regulations applicable to commercial structures to be occupied by any single use, owner, occupant or tenant that are in excess of 32,000 square feet within the General Commercial (GC) district; and

WHEREAS, the City Council will refer to the Planning Commission and staff for a review of the regulations applicable to commercial structures within the General Commercial (GC) district and the requirements for the construction thereof and determine if a revision to the Zoning Ordinance of the City of Peachtree City is necessary; and

WHEREAS, the Planning Commission should consider the review at its October 2005 meeting and the City Council should consider the report of the Planning Commission in October 2005, and

WHEREAS, the City Council has determined that it is in the best interest of the citizens and property owners in the City of Peachtree City that a moratorium on the acceptance of applications for, or the issuance of, building permits for new construction of commercial structures to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet within the General Commercial (GC) zoning district, and the acceptance or approval of conceptual or final site plans for developments zoned General Commercial (GC) upon which a commercial structure to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet is indicated, be adopted during the pendency of the review and consideration of and the possible adoption of a text amendment to the Zoning Ordinance for the City of Peachtree City

THEREFORE, BE IT RESOLVED that the City Council of Peachtree City does hereby impose a moratorium on the acceptance and approval of applications for building permits for commercial structures within the General Commercial (GC) zoning district to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet, and upon the acceptance and approval of conceptual site plans and final site plans for parcels zoned General Commercial (GC) and upon which it is indicated that any commercial structure to be occupied by any single use, owner, occupant or tenant will be in excess of 32,000 square feet, for a period of sixty (60) days from the date of adoption of this resolution, or until such time as revisions to the General Commercial (GC) zoning district be adopted by the Mayor and Council, whichever is sooner;

BE IT FURTHER RESOLVED that this moratorium shall not apply to any applications for building permits received by the City as of the date of this Resolution for commercial structures to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet, or to any applications for building permits received by the City for commercial structures within the General Commercial (GC) zoning district to be occupied by any single use, owner, occupant or tenant in excess of 32,000 square feet which are located in a development for which the conceptual site plan and/or the final

site plan for such development has been approved as of the date of this Resolution, provided that such structure(s) was indicated on the approved conceptual or final site plan.

IT IS SO RESOLVED, this 6th day of October, 2005

ATTEST

City Clerk

Steve Brown, Mayor

Judi-ann Rutherford, Council-member

Stuart Kourajian, Council-member

Steve Rapson, Council-member

Murray Weed, Mayor Pro-Tem

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Assistant City Manager 

FROM: Administrative Services Director / City Clerk 

DATE: September 28, 2005

SUBJECT: Amendment to the Fire Protection And Prevention Ordinance (numbering)
October 6, 2005, City Council Meeting

Recommendation

Staff recommends that Council adopt the attached ordinance amendment.

Discussion

In January 2004, Council adopted the National Fire Codes and implemented penalties for repeated preventable false fire alarms. At that time, one of the code sections included in the ordinance was inadvertently misnumbered, and was codified as such. Correcting this oversight is a housekeeping issue that will assist in enforcement of the ordinance.

Budget Impact:

This item has no budgetary impact.

ORDINANCE NO _____

AN ORDINANCE TO AMEND ARTICLE II, CHAPTER 38 FIRE PROTECTION AND PREVENTION, BE AMENDED TO PROVIDE FOR FALSE ALARM PENALTIES AND FINES, FOR CLARIFICATION, AND FOR OTHER PURPOSES

Section 1. That Article II, Chapter 38 Fire Protection and Prevention, Section 35-36 (sic) of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended by renumbering the section to read and to be codified as follows.

Section ~~35~~38-36. False alarm penalties and fines.

Section 2. This ordinance shall be in full force and effect upon its official adoption by the City Council.

Done, Ratified and Passed this _____ day of _____ 2005

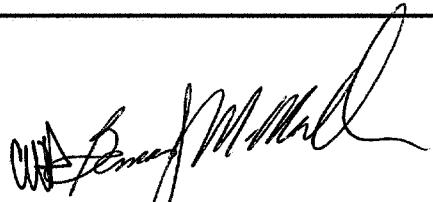
Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO Mayor and City Council

VIA. Bernard J McMullen, City Manager 

FROM Colin W Halterman, Assistant City Manager
Paul J Salvatore, Financial Services Director
Janet I Camburn, Assistant Finance Director 

DATE. September 28, 2005

SUBJECT Budget Amendments – 2005 Budget
October 6, 2005 City Council Consent Agenda

Recommendation.

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

Discussion.

Attached please find one budget amendment for fiscal year 2005 submitted for your approval

- Budget amendment 05-028 increases expenditures in the CERT Grant Fund for additional spending authorized by GEMA.

Explanations also appear on each attached budget amendment.

Budget Impact:

The proposed budget amendment increases the CERT Grant Fund revenues and expenditures by \$800 bringing the 2005 CERT Grant Fund revenues and expenditures to \$50,430

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

Attachments

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER

TRANSACTION

DATE

05-028

September 28, 2005

ACCOUNT

DESCRIPTION

INCREASE

DECREASE

			800	
			800	

TOTAL

\$ 1,600

\$ -

To increase budget for CERT grant per attached information from GEMA

ENTERED

APPROVED

Janet Camburn

From Stan Pye
Sent: Wednesday, September 28, 2005 1 07 PM
To Janet Camburn
Subject: cert

The overage amount for the printing of student manuals is an allowable expenses as long the expenditures does not exceed the amount of \$800 00 over the originally agreed upon allocation

Jami F Leverett, MPA
Volunteer Programs Coordinator
Georgia Emergency Management Agency
P O Box 18055
Atlanta, Georgia 30316-0055

CITY OF PEACHTREE CITY

BUDGET AMENDMENTS - FISCAL YEAR 2005

October 6, 2005

CERT Grant Fund

Budgeted Revenue and Expenditures before amendments

\$ 49,630

Budget Amendments:

Additional GEMA Funding

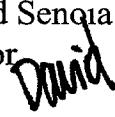
800

Budgeted Revenue and Expenditures after amendments

\$ 50,430

POSITION PAPER

Proposed Rezoning: Wilks/ Blocker tracts, Old Senoia Road
City Planner/ Zoning Administrator
September 13, 2005



Situation:

Mr D Chadwick Floyd of Chadwick Homes has acquired an interest in the 4 567-acre Wilks tract and the 3 884-acre Blocker tract on Old Senoia Road. Both parcels are currently zoned AR Agricultural Reserve Mr Floyd is proposing to combine both parcels and rezone the entire 8 451-acre tract to LUR Limited Use Residential to accommodate the development of a 32-lot single-family cluster subdivision. Because the property is not currently zoned for residential use, the Applicant is requesting that it be rezoned to an appropriate classification. A copy of the application is included as Attachment "A"

Facts:

- 1 The subject parcels are bordered on the south by the AMF Industrial Park, to the east by a 25'-wide City-owned greenbelt separating these tracts from the Ardenlee subdivision, to the north by the 6.2-acre Jones tract, and to the west by Old Senoia Road. An active CSX rail line is located immediately west of Old Senoia Road.
- 2 The industrial development to the south is zoned LI Limited Industrial, the Ardenlee subdivision is zoned GR-4 General Residential (4 units/ acre), and the Jones tract to the north is zoned AR Agricultural Reserve
- 3 The recent update to the City's Land Use Plan reaffirmed the previous land use designation for these tracts, as well as the adjoining Jones tract to the north, as SFC Single Family Cluster (Attachment "B")
- 4 The property could be developed in accordance with the GR-4 General Residential standards, with a maximum of four dwelling units per gross acre This zoning classification is similar to the adjoining Ardenlee subdivision and would yield a maximum of 32 lots However, the City would be unable to assign site-specific zoning restrictions or increased buffering if the parcel was rezoned to GR-4
- 5 The Applicant is proposing to develop the tracts under the LUR Limited Use Residential zoning criteria and has developed a concept plat for the overall site The plat proposes to develop the site as a cluster project with lots of approximately 5,500 SF in size and generous buffers around the perimeter of the site

Proposed Rezoning: Wilks/ Blocker tracts

September 13, 2005

Page 2

- 6 The proposed entrance to the subdivision would be located at the crest of a hill on Old Senoia Road. The subdivision would connect to the existing multi-use path system within the Ardenlee subdivision through an existing greenbelt. Additionally, the Applicant has committed to constructing the tot lot on the parcel between Lots 25 and 29 within the Ardenlee subdivision.
- 7 At their meeting on August 22, 2005, the Planning Commission voted unanimously to recommend that the proposed rezoning be approved as submitted (Attachment "C")

Recommendation:

City Staff recommends that the proposed rezoning of the Wilks/ Blocker tracts on Old Senoia Road from AR Agricultural Reserve to LUR Limited Use Residential be forwarded to City Council with a recommendation that it be approved subject to the following understandings and conditions

- 1 *The proposed rezoning applies to both the 4 567-acre Wilks tract and the 3 884-acre Blocker tract. A plat, which combines both parcels into one 8 451-acre tract, must be prepared and recorded prior to submittal of the concept plat.*
- 2 *The concept plat is intended only to suggest a concept and shall not be considered the final approved development plat. That plat must be prepared and approved as part of the regular plat approval process*
- 3 *There shall be no more than 32 residential lots within the overall subdivision.*
- 4 *In addition to the 50' greenbelt adjacent to Old Senoia Road required by the City's Buffer Ordinance, all portions of the site identified on the concept plat as buffer area shall be deeded to the City and designated as greenbelt.*
- 5 *The Applicant shall provide colored renderings of the typical elevations of the homes, including exterior building materials, for review and approval as a part of the concept plat submittal process*
- 6 *The side elevations of the homes on Lots 1, 6, 29 and 32 visible from the internal roads shall include architectural detailing to avoid creating a blank wall facing the public streets*

Proposed Rezoning: Wilks/ Blocker tracts

September 13, 2005

Page 3

- 7 *All internal streets shall conform to current city design guidelines and standards for public streets. Additionally, the multi-use path connection shall be constructed to City standards.*
- 8 *Equipment for the proposed tot lot shall be submitted to and approved by the City's Recreation Department prior to installation.*
- 9 *The City Engineer shall approve the location of the entrance off of Old Senoia Road to assure adequate sight distance and other necessary safety considerations.*
- 10 *The developer shall be responsible for paying the Kedron service area impact fee in addition to the above additional project costs.*

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property:
All that tract or parcel of land lying and being in Land Lot 155 of the
7th district of Fayette County and bounded by Easterly right of way of
Old State Route No 74 (80' R-o-w); East along Jones property
South along the western boundary of Ardenlee and West along the
boundary of Big Chief Investments meetin back to Old State Rd 74.
This property is presently zoned. A-R

The proposed zoning classification is. G-R LVR

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

Signature: [Signature]

Owner: (print) 3 F, LLC

D. CHADWICK FLOYD (MEMBER)

Agent: (print) _____

Address: P.O. BOX 3590 P.T.C. GA 30269

Phone: 770-719-7111

Date: 7-07-05

481-2432

$$25 \times 8 = 200 = \$200 =$$

This request, along with the required fee (\$600 + \$25/acre) and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature: David E. Rant

Title: City Planner / Zoning Administrator

Date: 07-21-05

Request Number: 2005-05

Date of Planning Commission Public Hearing: August 8 2005

Date of City Council Public Hearing: September 1, 2005

07/01/01

RECEIVED JUL 8 2005

P. 3

770-254-9380

Tyler Morris

Jun 29 05 09:55a

Attachment "A"

Received

JUL 19 2005

Office of City Planner
Peachtree City, GA

WILKS & BLOCKER PROPERTY

LUR ZONING REQUEST



View From Old Senoia Road
(Looking North East)

RECEIVED JUL 19 2005

A Zoning Request For Wilks & Blocker Properties

8 451 Acres on Old Senoia Road (AKA Old Highway 74)
Peachtree City, Georgia

CONTENTS:

1. Introduction
2. Proposal
3. Analysis
4. Maps
5. Address of Neighbors

Submitted By
Chadwick Homes
PO Box 3590
Peachtree City, Georgia
770/719-9117

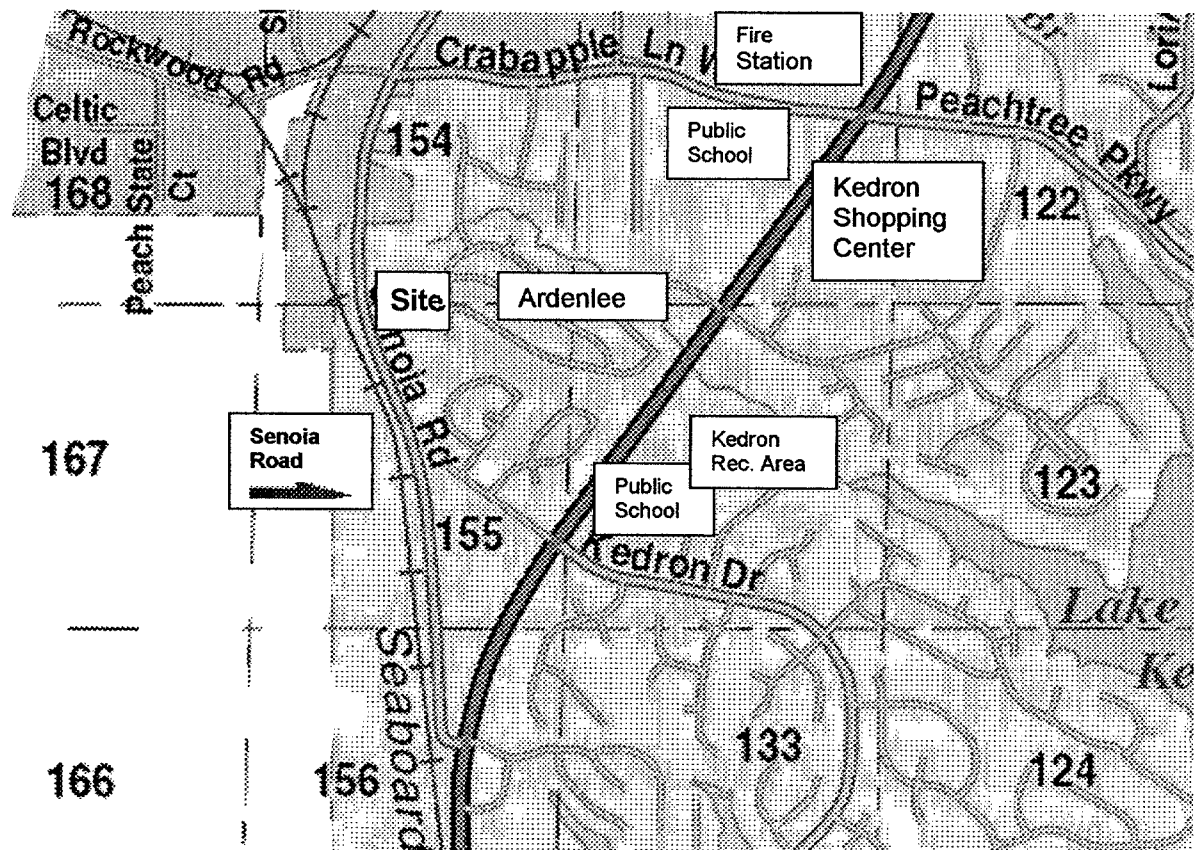
Prepared By
Becky B. Morris
Landscape Architect
Planner
July, 2005

1.Introduction

The existing properties near Georgia Highway 74 in the upper most northern quadrant of Peachtree City (Kedron Village area) are going through final land development. Activity in this area has occurred over the last several years, subdivisions built, shopping areas developed, public services improved, and new schools near by. Located on the western backside of the Ardenlee subdivision and facing Senoia Road, sits 8.45 acres that is being requested for rezoning.

This area of land is currently two parcels, owned by the Wilks family at 4.567 acres and the Blocker parcel at 3.884 acres. The existing zoning is AR (Agricultural Reserve) which is the interim holding zoning category.

The request is to combine the two properties and rezone them to LUR (Limited-Use Residential) at a unit of 4 lots to the acre. The concept plan shows a total of 32 home lots. This proposed zoning is consistent with the existing surrounding neighborhood Ardenlee, zoned GR4.



2. Proposal

Combining the two parcels into one neighborhood of 8.45 acres and rezoning from AR (Agricultural Reserve) to LUR (Limited-Use Residential) at 4 units per acre will allow for 32 lots. The proposed concept plat illustrates the 32 lots nested into the site with a total of 2.6 acres of dedicated city-owned greenbelt consisting of a 50' greenbelt along Senoia Road and 20' wide greenbelt that expands in many places along the sides and back. A storm water detention system will be designed in the southeast quadrant of the subdivision that is proposed to facilitate the most current standards for erosion control, storm water handling and will provide extra buffering between the lots (15 through 20) that back up to it. The development is oriented internally utilizing the outermost existing vegetation that can remain in the greenbelt. This is a concept that the City of Peachtree City has promoted and has been very successful in years past.

The homes along the west side of the neighborhood behind the 50' green belt, shall be designed with the knowledge that the railroad is across Old Senoia Road and extra insulation will be implemented into each home to aid in the reduction of noise from the passing train. The homes along the east side will have the proposed greenbelt of this subdivision and back up to the existing city owned greenbelt buffer from Ardenlee Subdivision, separating the lots by a minimum of 45 feet.

Approximately in the center and eastside of this neighborhood, the cart path connection is proposed. It will extend into Ardenlee Subdivision and through its connection this developer will construct, the tot lot in Ardenlee that was designated in this subdivision between lots 129 and 125 as shown on the proposal. This passive recreation will be an asset for both subdivisions to enjoy.

The entrance way is positioned carefully into the neighborhood for the best possible site distance and there will be no driveways accessed onto Senoia Road.

3. Analysis

Layout: The frontage of the combined properties along Senoia Road is about 640' long and about 526' deep in the center of the property. The combined parcels equal about 8.45 acres that are located in the upper northwest side of Peachtree City as a part of the Kedron Village.

The Land. The topography indicates that the property has its highest elevation about 933' on the Wilks tract about 200 feet from the northwest corner and continues sloping downward to the east and southeast across the Blocker parcel toward Big Chief Investments property and the southeast corner of Ardenlee. The storm water detention area is proposed along the southeast corner of the Blocker parcel to take advantage of this natural drainage pattern.

The Wilks site is totally vegetated with a mix of hardwood and pine trees. It is evident by the observation of berms or small ridges running parallel to the slope, this land was once farm land. There are no existing buildings on this parcel.

The Booker land is a home site that has the remains of a front yard, abandoned home with driveway and a wooded back yard. Both native and ornamental vegetation exist in an overgrown condition. There are a number of trees along the property line of both parcels that will be preserved to help buffer the back yards Ardenlee and the north and south side of the subdivision.

The Utilities Utilities can be accessed through the connection into Ardenlee and at the entrance onto Old Senoia Road.

The Taxes The taxes generated from the addition of 32 homes will generate more than the current housing situation. An example of the taxes could be

$32 \text{ New Homes} \times \$250,000 = \$8,000,000 \times 40\% (\text{accessed}) \times 5.28 \text{ mils} = \underline{\$16,896 \text{ PTC tax}}$

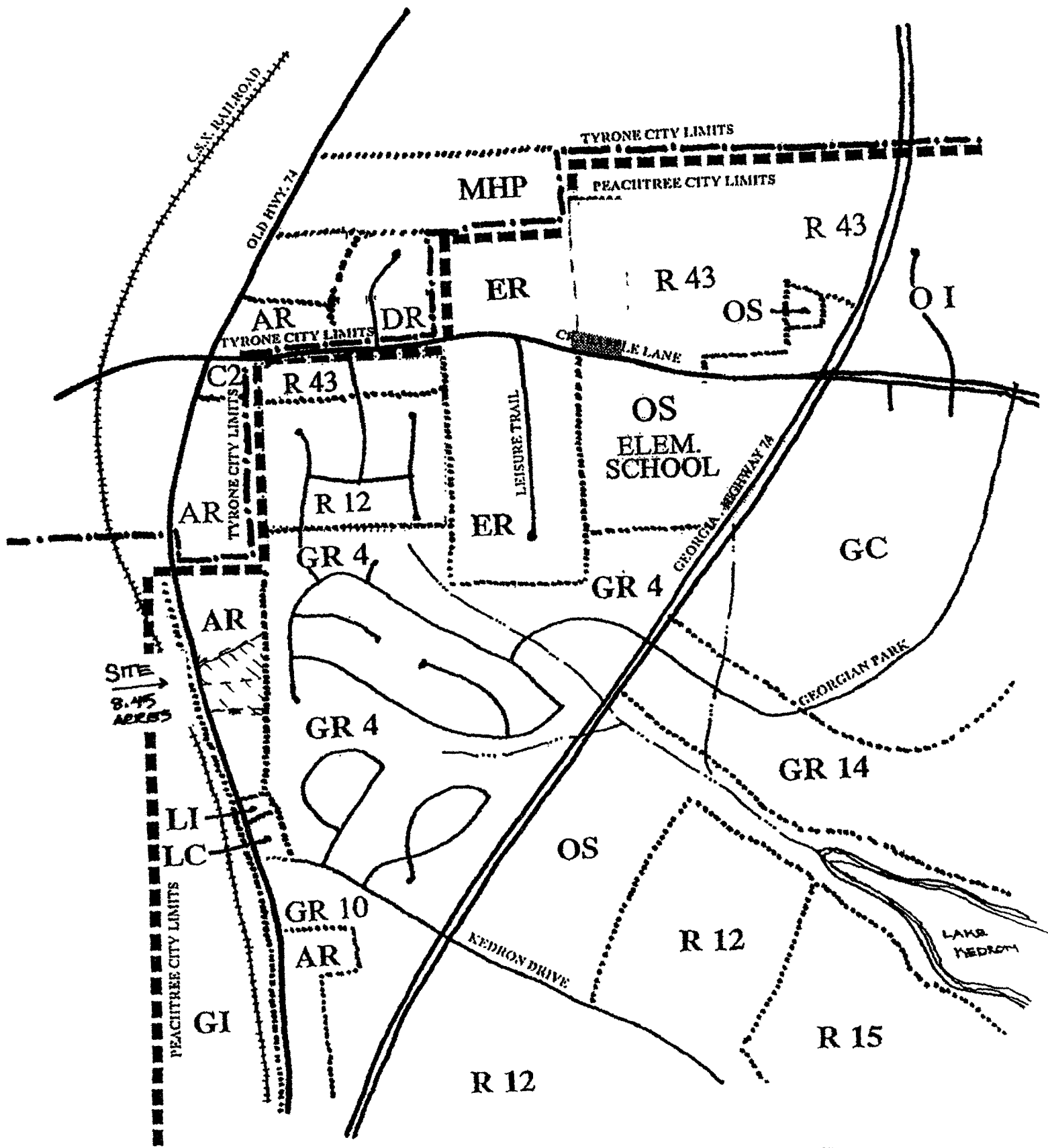
Police/Fire & EMS The Emergency services are provided by the Sally Satterthwaite Fire Station #84 located on Crabapple Road and Highway 74.

Public Education. The Fayette County School system has two schools near the subdivision that can be accessed by the cart path system.

Recreation Program. The addition 32 homes will contribute to the Kedron impact fee that is in place. These moneys cover their share of the recreation program.

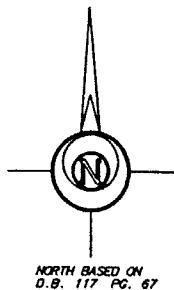
Environmental Protection. By building the home lots internally and preserving the greenbelt, the impact will be reduced then if each lot were clear cut. All water quality issues with the development will be in accordance with the most current requirements set by the City and the State

Transportation The opportunities of Peachtree City's cart path system are readily available to the residences of this subdivision for recreational and shopping travel. The traffic signal at GA Highway 74 and Crabapple will facilitate vehicular travel heading north on to Highway 74 and the intersection of Senoia Road and GA Highway 74 south can provide an access for the residences heading South on Highway 74



EXISTING ZONING MAP
AR AGRICULTURAL RESERVE





The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 38,223 ft. and an angular error of .01" per angle point, and is UNADJUSTED. A 6125-RTD was used to obtain linear and angular measurements.

It is my professional opinion, that this plat is true and correct representation of the land platted, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 100,000 ft.

LEGEND

A/C = AIR CONDITIONER
APF = ALUMINUM PIPE FOUND
B/L = BUILDING LINE
BOD = BACK OF CURB
CATV = CABLE TV BOX
CB = CATCH BASIN
C/L = CENTERLINE
CMF = CONCRETE MONUMENT FOUND
CO = CLEAN OUT
D.E. = DRAINAGE EASEMENT
DI = DROP INLET
FES = FLARED END SECTION
FI = FIRE HYDRANT
G/L = GAS LINE
G/T = GREASE TRAP
GV = GAS VALVE
HM = HEADWALL
IPS = IRON PIN SET (1/2" REBAR)
JB = JUNCTION BOX
L/P = LIGHT POLE
OVP = OVERHEAD POWER
OVP-T = OVERHEAD POWER & TELEPHONE
OVT = OVERHEAD TELEPHONE
P.B. = POWER BOX
P/L = PROPERTY LINE
P.M. = POWER METER
P.O.B. = POINT OF BEGINNING
PP = POWER POLE
S.E. = SANITARY SEWER EASEMENT
S.S.H. = SANITARY SEWER MANHOLE
T/B = TELEPHONE BOX
WM = WATER METER
WV = WATER VALVE

TOTAL AREA = 8.451 ACRES

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP Community No. 13007B 0080 D
Dated: MARCH 18, 1998

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

CURVE TABLE

#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	2463.87	08°37'32"	300.00	298.85	130.18'	S 15°00'36" E
2	2463.87	01°47'55"	78.28	78.28	38.14'	S 18°21'43" E

N/T
JACQUELYN L. JONES
D.B. 117, PG. 87

TRACT I
4.567 ACRES

TRACT II
3.884 ACRES

LOT 132

LOT 131

LOT 130

LOT 129

ARDENLEE ~ 60' R/W

ARDENLEE - PHASE III

S.M.H.
TOP = 898.69
INV. OUT = 885.85

S.M.H.
TOP = 891.78
INV. IN = 880.28
INV. OUT = 890.13

DL
TOP = 882.18
INV. = 884.36

30" BODMP
INV. = 884.01

LOT 125

S.M.H.
TOP = 891.96
INV. IN = 878.48
INV. OUT = 878.24

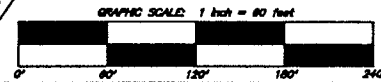
LOT 124

1 STORY BRICK
WITH BASEMENT

GRAVEL DRIVE

1/2" REBAR
FOUND

NOT TO SCALE



W.D. Gray and Associates, Inc.

land surveyors - planners

103 WESTPARK DRIVE SUITE C PEACHTREE CITY

GEORGIA 30289

PH. 770-486-7552 FAX 770-486-0498

PREPARED FOR:

CHADWICK HOMES

LAND LOT: 155

DATE OF SURVEY: 05/18/05

7th DISTRICT

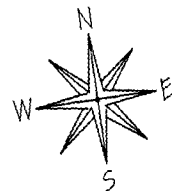
DATE OF DRAWING: 07/07/05

FAYETTE COUNTY, GA

REF:

SCALE: 1" = 80'

JOB NO. 0505040



Concept Plat
PROPOSED SINGLE FAMILY SUBDIVISION
Old Senola Road
Fayette County, Ga.

LL 35 7th District
Fayette County Ga.

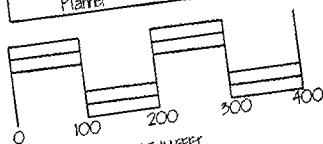
Fayette County

TOTAL AREA = 8.451 ACRES

Becky B Morris
Landscape Architect
Planner

1960 Hwy 54
Shawnee, Ga. 30277

Office-770-294-0777
770-294-9780



DEVELOPER
CHADWICK HONES
PO BOX 3590
PEACHTREE CITY GA 30269
770-719-9117

Legal Description

All that tract or parcel of land lying and being in Land Lot 155 of the 7th District of Fayette County and being more particularly described as follows

To arrive at the POINT OF BEGINNING, COMMENCE at the intersection of the Northwesterly right-of-way of Belvedere Drive (50' right-of-way) and the North-easterly right-of-way of Kedron Drive (right-of-way varies), THENCE in a North-westerly direction along the Northeasterly right-of-way of Kedron Drive a distance of 395 44 feet to a point on the west line of a Peachtree City City Greenbelt, THENCE leaving the right-of-way of Kedron Drive in a Northerly direction along the West line of said City Greenbelt a distance of 759 67 feet to a 1/2" rebar and the POINT OF BEGINNING, THENCE leaving said City Greenbelt South 84 degrees 55 minutes 43 seconds West a distance of 393 31 feet to a 5/8" rod on the Easterly right-of-way of Old State Route No 74 (80' right-of-way), THENCE along said right-of-way the following courses and distances North 19 degrees 56 minutes 39 seconds West a distance of 269 32 feet to a point on a curve, THENCE along a curve to the right having a radius of 2,493 93 feet, a delta of 08 degrees 41 minutes 27 seconds, an arc length of 378 28 feet, and a chord which bears North 15 degrees 54 minutes 56 seconds West having a chord distance of 377 92 feet to a 3/4" crimped pipe, THENCE leaving the right-of-way of Old State Route No 74 North 70 degrees 01 minutes 00 seconds East a distance of 641 03 feet to a 1/2" rebar, THENCE South 01 degrees 26 minutes 40 seconds West a distance of 399 78 feet to a 1" crimped pipe, THENCE South 00 degrees 43 minutes 39 seconds West a distance of 401 28 feet to a 1/2" rebar and the POINT OF BEGINNING, and containing 8 451 acre(s) of land, more or less



LL 35 7th District
Fayette County Ga.

TOTAL AREA = 8.451 ACRES

Becky B Morris
Landscape Architect
Planner

7960 Hwy. 54
Sharpsburg Ga. 30217
Office-770-291-1033
Fax-770-294-9580



Adjacent Property Owners

Michael Chang, 178 Ardenlee Peachtree City, GA 30269
Kevin & Sonya Snyder, 176 Ardenlee, Peachtree City, GA 30269
Debra Wigner, 174 Ardenlee, Peachtree City, GA 30269
Stephen & Laura Jones, 172 Ardenlee, Peachtree City, GA 30269
Alen & Maria Cordeiro, 168 Ardenlee, Peachtree City, GA 30269
Geo & Kathern DeLa Torre, 166 Ardenlee, Peachtree City, GA, 30269
Dave Archbold, 164 Ardenlee, Peachtree City, GA, 30269
Martin & Maria Giorgi, 162 Ardenlee, Peachtree City, GA 30269

Eric Scheulin, 500 Dunnella Lane Peachtree City, GA 30269
Joseph Maskery, 260 Clifton Lane Peachtree City, GA 30269

Big Chief Investments, 802 London Lane Peachtree City, GA 30269

Martha Lee, 13177 Panhandle Road, Hampton, GA 30228

City of Peachtree City, 300 Willowbend Road, Peachtree City, GA 30269

KEDRON K-VIII			KEDRON NORTHWEST NEIGHBORHOOD		
	Tract	Existing Land Use	Proposed Land Use	Existing Zoning	Notes
1 000	Carmichael Funeral Home	OFF	OFF	OI	
2.000	Senoia Road Residential Tracts.				
2.001	Grantham	OFF	OFF	AR	Potential Limited Use
2.002	Robinson	OFF	OFF	AR	Potential Limited Use
2.003	McGill	OFF	OFF	AR	Potential Limited Use
2.004	Wilson	OFF	OFF	AR	Potential Limited Use
3 000	Amli Apartments	MF	MF	GR-10	
4 000	Undeveloped, Pathway	COM	COM	LC	
5 000	Industrial Tract	IND	IND	LI	
6.000	Senoia Road Residential Tracts:				
6.001	Residence	SFC	SFC	AR	Potential Limited Use
6.002	Residence	SFC	SFC	AR	Potential Limited Use
7 000	Ardenlee Park	SFM	REC	GR-4	Adjust Zoning to OS
8 000	St. Paul's Lutheran Church/School	MF	CS	GR-4	Adjust Zoning to OS
9 000	Ardenlee S/D	SFC	SFC	GR-4	
10 000	Sagamore S/D	SFC	SFC	GR-4	
11 000	Belvedere S/D	SFC	SFC	GR-4	

EXCERPT OF MINUTES
OF PLANNING COMMISSION MEETING

August 22, 2005

PH-05-07 Proposed Rezoning, Wilks / Blocker Tracts, Old Senoia Road.

Mr Chad Floyd was in attendance to represent Chadwick Homes. He was interested in the 4 567-acre Wilks tract and the 3 883-acre Blocker tract on Old Senoia Road. Mr Floyd was proposing the combination of both parcels and rezoning the entire 8 451-acre tract to LUR Limited Use Residential from the current zoning of AR Agricultural Reserve. The subdivision would include 32 lots.

Mr Rast stated the City's Land Use Plan designated both tracts as SFC single-family cluster, and that the proposed subdivision was in conformance with this designation. One benefit of utilizing the LUR Limited Use Residential zoning classification would be the ability to impose site-specific restrictions on the subdivision. He indicated this would not be possible if the property was zoned GR-4 or GR-12, which was the zoning of the adjoining Ardenlee and Sagamore subdivisions.

Mr Rast presented a PowerPoint presentation showing the tracts of land and the schematic layout of the subdivision. The plat provided a 25-foot greenbelt to separate the tracts from the Ardenlee subdivision. He also identified an existing 25'-wide greenbelt behind the existing lots in Ardenlee, which would allow for a 50' greenbelt separating the two subdivisions. The schematic plat identified additional green space around the perimeter of the subdivision, and Mr Rast recommended that all areas not platted as residential lots be dedicated to the City as greenbelt. He pointed out that the Town of Tyrone had recently zoned property immediately adjacent to the Crabapple Woods subdivision for industrial uses, and that warehouses were being constructed adjacent to these homes.

Mr Rast further stated that the Applicant was proposing a single-access drive off of Old Senoia Road, as well as a multi-use path connection to the existing path system within Ardenlee. The Applicant had committed to installing a tot lot on the City-owned tract within Ardenlee that had been designated as a tot lot location for some time.

Mr Payton inquired as to where lots 1, 6, 29 and 32 were located. Mr Rast showed where the lots were and stated that the lots were multiple frontage lots and Staff would like for the sides of these homes to include additional architectural detailing rather than a blank wall adjacent to the street.

Mr Rast stated that impact fees for the Kedron service area would apply when the final plat was recorded. Mr Johnson asked that the impact fee be explained. Mr Rast stated that Peachtree City adopted impact fees in the early to mid 90's, and service areas were established within the City and specific projects were identified. In Kedron some of the fees were used for road improvements, recreation, the police station, the library and others. The fee for each lot was \$1,283 00

No one else spoke in favor of or in opposition to the proposed rezoning

Mr Floyd stated that they were still investigating the noise infiltration from the railroad, and would most likely utilize soundproof windows and cellulose type insulation. He also noticed that the train did go by, but it did not blow the horn near the proposed neighborhood.

Mr Mullin inquired as to who determined the length of the deceleration lanes Mr Rast responded that would be reviewed by the City Engineer as a part of the plat review process, and he would be working closely with the Civil Engineer for Chadwick Homes to ensure this was a safe intersection. Mr Mullin also asked what the industrial setback was next to a subdivision. Mr Rast responded that there was a 75-foot building setback. He also stated that there was a 20-foot buffer for residential use

Mr Mullin also asked what size the homes would be, and Mr Floyd responded the homes would range from 2,200 SF to 2,900 SF Mr Mullin also asked if there was a minimum size requirement for homes within the City Mr Rast stated he was not certain this was identified, and Mr Mullin said the City should develop guidelines for minimum size requirements After reviewing the Zoning Ordinance, Mr Rast confirmed that minimum size requirements were indeed included in each zoning district. For detached single-family homes within the GR-4 zoning district, the minimum size requirement was 800 SF and within the LUR zoning district the minimum size requirement was 1,000 SF

After discussion, a motion was made by Mr Green, seconded by Mr Johnson, and unanimously adopted to forward to City Council the proposed rezoning of the Wilks / Blocker Tracts on Old Senoia Road from AR to LUR with a recommendation for approval subject to the following conditions

- 1 The proposed rezoning applies to both the 4 567-acre Wilks tract and the 3 884-acre Blocker tract. A plat, which combines both parcels into one 8 451-acre tract, must be prepared and recorded prior to submittal of the concept plat.*

- 2 *The concept plat is intended only to suggest a concept and shall not be considered the final approved development plat. That plat must be prepared and approved as part of the regular plat approval process*
- 3 *There shall be no more than 32 residential lots within the overall subdivision.*
- 4 *In addition to the 50' greenbelt adjacent to Old Senoia Road required by the City's Buffer Ordinance, all portions of the site identified on the concept plat as buffer area shall be deeded to the City and designated as greenbelt.*
- 5 *The Applicant shall provide colored renderings of the typical elevations of the homes, including exterior building materials, for review and approval as a part of the concept plat submittal process*
- 6 *The side elevations of the homes on Lots 1, 6, 29 and 32 visible from the internal roads shall include architectural detailing to avoid creating a blank wall facing the public streets*
- 7 *All internal streets shall conform to current city design guidelines and standards for public streets. Additionally, the multi-use path connection shall be constructed to City standards*
- 8 *Equipment for the proposed tot lot shall be submitted to and approved by the City's Recreation Department prior to installation.*
- 9 *The City Engineer shall approve the location of the entrance off of Old Senoia Road to assure adequate sight distance and other necessary safety considerations*
- 10 *The developer shall be responsible for paying the Kedron service area impact fee in addition to the above additional project costs*

**AN ORDINANCE TO AMEND THE PEACHTREE CITY ZONING
ORDINANCE TO REZONE THE 4.567-ACRE WILKS TRACT AND THE
3.885-ACRE BLOCKER TRACT ON OLD SENOIA ROAD
FOR A SINGLE-FAMILY DETACHED CLUSTER NEIGHBORHOOD,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that a 4 5669-acre parcel and an adjoining 3 8845-acre parcel on Old Senoia Road be rezoned from their current designation of AR Agricultural Reserve to LUR Limited Use Residential by amending Section 1013A Specific limited-use residential districts and adding Section 1013A.12 as follows

Two tracts of property described below shall be rezoned from their present classification of AR Agricultural Reserve to LUR Limited Use Residential Said properties are more particularly described as follow

Wilks tract:

All that tract or parcel of land lying and being in Land Lot 155 of the 7th District of Fayette County and being more particularly described as follows

To arrive at the POINT OF BEGINNING, COMMENCE at the intersection of the Northwesterly right-of-way of Belvedere Drive (50' right-of-way) and the Northeasterly right-of-way of Kedron Drive (right-of-way varies), THENCE in a Northwesterly direction along the Northeasterly right-of-way of Kedron Drive a distance of 395 44 feet to a point on the west line of a Peachtree City City Greenbelt; THENCE leaving the right-of-way of Kedron Drive in a North direction along the West line of said City Greenbelt a distance of 759 67 feet to a 1/2" rebar; THENCE continuing along said City Greenbelt North 00 degrees 43 minutes 39 seconds East a distance of 401.28 feet to a 1" crimped pipe and the POINT OF BEGINNING, THENCE leaving said City Greenbelt South 78 degrees 02 minutes 34 seconds West a distance of 526 09 feet to a point on the Easterly right-of-way of Old State Route No 74 (80' right-of-way), THENCE along said right-of-way along a curve to the right having a radius of 2,493 93 feet, a delta of 06 degrees 53 minutes 32 seconds, an arc length of 300 00 feet, and a chord which bears North 15 degrees 00 minutes 59 seconds West having a chord distance of 299 82 feet to a 3/4" crimped pipe, THENCE leaving the right-of-way of Old State Route No 74 North 70 degrees 01 minutes 00 seconds East a distance of 641 03 feet to a 1/2" rebar on the west line of a Peachtree City Greenbelt; THENCE along said City Greenbelt South 01 degrees 26 minutes 40 seconds West a distance of 399 78 feet to a 1" crimped pipe and the POINT OF BEGINNING, and containing 4 567 acre(s) of land, more or less

Blocker tract:

All that tract or parcel of land lying and being in Land Lot 155 of the 7th District of Fayette County and being more particularly described as follows

To arrive at the POINT OF BEGINNING, COMMENCE at the intersection of the Northwesterly right-of-way of Belvedere Drive (50' right-of-way) and the Northeasterly right-of-way of Kedron Drive (right-of-way varies), THENCE in a Northwesterly direction along the Northeasterly right-of-way of Kedron Drive a distance of 395 44 feet to a point on the west line of a Peachtree City City Greenbelt; THENCE leaving the right-of-way of Kedron Drive in a North direction along the West line of said City Greenbelt a distance of 759 67 feet to a 1/2" rebar and the POINT OF BEGINNING, THENCE leaving said City Greenbelt South 84 degrees 55 minutes 43 seconds West a distance of 393 31 feet to a 5/8" rod on the Easterly right-of-way of Old State Route No 74 (80' right-of-way), THENCE along said right-of-way the following courses and distances North 19 degrees 56 minutes 39 seconds West a distance of 269 32 feet to a point on a curve, THENCE along a curve to the right having a radius of 2,493 93 feet, a delta of 01 degrees 47 minutes 55 seconds, an arc length of 78.28 feet, and a chord which bears North 19 degrees 21 minutes 42 seconds West having a chord distance of 78.28 feet to a point; THENCE leaving the right-of-way of Old State Route No 74 North 78 degrees 02 minutes 34 seconds East a distance of 526 09 feet to a 1" crimped pipe on the west line of a Peachtree City City Greenbelt; THENCE along said City Greenbelt South 00 degrees 43 minutes 39 seconds West a distance of 401 28 feet to a 1/2" rebar and the POINT OF BEGINNING, and containing 3 884 acre(s) of land, more or less

A survey of both parcels is shown as Exhibit "A" and a general development concept is shown as Exhibit "B", both of which are included with this ordinance as attachments
The overall development of the tract is subject to the following conditions

- 1 The proposed rezoning applies to both the 4 567-acre Wilks tract and the 3 884-acre Blocker tract. A plat, which combines both parcels into one 8 451-acre tract, must be prepared and recorded prior to submittal of the concept plat.
- 2 The concept plat is intended only to suggest a concept and shall not be considered the final approved development plat. That plat must be prepared and approved as part of the regular plat approval process
- 3 There shall be no more than 32 residential lots within the overall subdivision
- 4 In addition to the 50' greenbelt adjacent to Old Senoia Road required by the City's Buffer Ordinance, all portions of the plat identified on the concept plat as buffer area shall be deeded to the City and designated as greenbelt.
- 5 The Applicant shall provide colored renderings of the typical elevations of the homes, including exterior building materials, for review and approval as a part of the concept plat submittal process

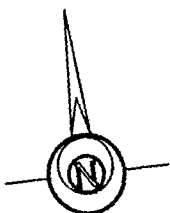
- 6 The side elevations of the homes on Lots 1, 6, 29 and 32 visible from the internal roads shall include architectural detailing to avoid creating a blank wall facing the public streets
- 7 All internal streets shall conform to current city design guidelines and standards for public streets. Additionally, the multi-use path connection shall be constructed to City standards
- 8 Equipment for the proposed tot lot shall be submitted to and approved by the City's Recreation Department prior to installation
- 9 The City Engineer shall approve the location of the entrance off of Old Senoia Road to assure adequate sight distance and other necessary safety considerations
- 10 The developer shall be responsible for paying the Kedron service area impact fee in addition to the above additional project costs

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

Done, Ratified, and passed this ____th day of _____, 2005

Mayor

Attest: _____
City Clerk



NORTH BASED ON
D.B. 117 PG. 87



The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 34,223 ft. and an angular error of 0.1 foot in 34,223 ft. and is UNADJUSTED. A QDS-2110 per angle point, and is UNADJUSTED. A QDS-2110 was used to obtain linear and angular measurements. It is my professional opinion, that this plat is true and correct representation of the land as shown, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 100,000 ft.

LEGEND

A/C = AIR CONDITIONER
APF = ALUMINUM PIPE FOUND
B/L = BUILDING LINE
B/C = BACK OF CURB
CATV = CABLE TV BOX
CB = CATCH BASIN
C/L = CENTERLINE
C/M = CONCRETE MONUMENT FOUND
C/P = CLEAN OUT
D.E. = DRAINAGE EASEMENT
DI = DROP INLET
FES = FLEET END SECTION
PH = FINE HYDRANT
G/L = GAS LINE
G/T = GREASE TRAP
GV = GAS VALVE
HV = HEADWALL
IPS = IRON PIN SET (1/2" REBAR)
J/S = JUNCTION BOX
L/P = LIGHT POLE
L/P = OVERHEAD POWER
OHP-T = OVERHEAD POWER & TELEPHONE
OHP-T = OVERHEAD TELEPHONE
OHP-T = OVERHEAD TELEPHONE
P.B. = POWER BOX
P.L. = PROPERTY LINE
P.M. = POWER METER
P.O.B. = POINT OF BEGINNING
P.O.P. = POWER POLE
P.S. = POWER SPLITTER
S.E. = SANITARY SEWER EASEMENT
S.M.H. = SANITARY SEWER MANHOLE
T/B = TELEPHONE BOX
W/M = WATER METER
W/V = WATER VALVE

TOTAL AREA = 8.451 ACRES

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP Community No. 130078 0000 D Dated: MARCH 18, 1998

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

Exhibit

W.D. Gray and Associates, Inc.
planners

CURVE TABLE		Delta	Length	Chord	Tangent	Chord Bearing
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2	2463.87'					

N 70°00'00" E
D.B. 117, PG. 87

**TRACT I
4.567 ACRES**

**TRACT II
3.884 ACRES**

1 STORY BRICK
WITH BASEMENT

N/F
BIG CHIEF INVESTMENTS, LLC
D.B. 1590, PG. 132

CHADWICK HOMES

LOT 132

LOT 131

LOT 130

LOT 129

ARDENLEE ~ 60' R/W

ARDENLEE - PHASE III

S.M.H.
TOP = 898.68
INV. OUT = 893.83

S.M.H.
TOP = 891.78
INV. IN = 890.28
INV. OUT = 890.15

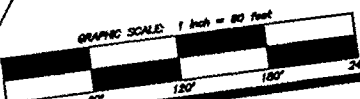
PEACHTREE CITY
CITY GREENBELT

OL
TOP = 898.18
INV. = 894.36

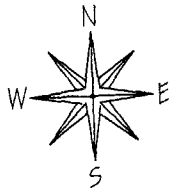
30" BCCUP
INV. = 894.01

LOT 125

LOT 124



LAND LOT: 155	DATE OF SURVEY: 05/18/05
7th DISTRICT	DATE OF DRAWING: 07/07/05
FAYETTE COUNTY, GA	REF:
SCALE: 1" = 60'	JOB NO. 0303040



Concept Plat

PROPOSED SINGLE FAMILY SUBDIVISION

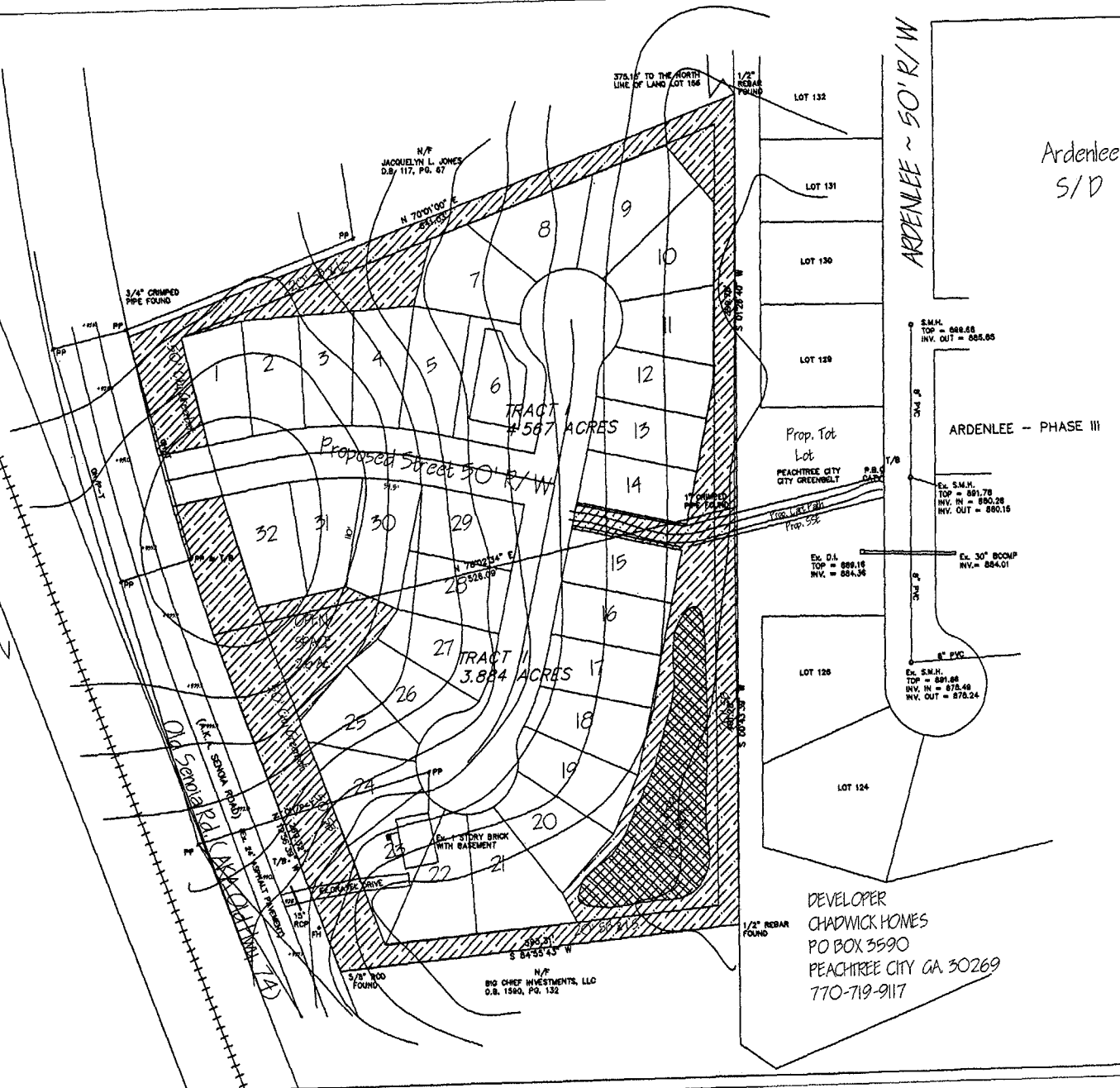
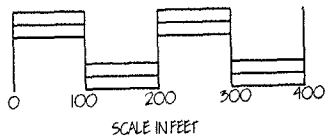
Old Senola Road
Fayette County, Ga.

LL 35 7th District
Fayette County Ga.

TOTAL AREA = 8.451 ACRES

Becky B Morris
Landscape Architect
Planner

7960 Hwy 54
Shaples, Ga. 30277
Office: 770-291-0379
Fax: 770-234-9160



DEVELOPER
CHADWICK HOMES
PO BOX 3590
PEACHTREE CITY GA. 30269
770-719-9117

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: City Planner/ Zoning Administrator *David*

VIA: City Manager *Bernard M. Muth*
Developmental Services Director *CVS*

DATE September 26, 2005

SUBJECT Amendment to Article VII, Section 704 Annexation
October 6, 2005 City Council agenda

Recommendation:

Staff recommends that Council adopt the proposed amendment to Section 704 Annexation (Attachment "A") and authorize Staff to incorporate the amended ordinance into the City's Land Development Ordinance

Discussion:

At the August 8 Planning Commission meeting, the referenced ordinance amendment was discussed in a Public Hearing (Attachment "B") The establishment of time periods between submittals was discussed at the June 2, 2005 City Council meeting. The transcript of this portion of the meeting (Attachment "C") indicates Councilman Rapson desired to see language inserted into the annexation process to require a minimum of six months between application submittals if a request to annex property was denied by City Council.

The proposed amendment establishes a six-month waiting period between applications for annexation requests, which is identical to the time period already established for applications for rezoning requests. The proposed amendment was discussed in a Public Hearing at the September 12 Planning Commission meeting. At that meeting, the Planning Commission recommended unanimously to forward the proposed recommendation to City Council with a recommendation that it be approved (Attachment "D")

Budget impact:

There are no budget impacts associated with this request.

Attachments

**AN ORDINANCE TO AMEND ARTICLE VII, SECTION 704,
OF THE PEACHTREE CITY ZONING ORDINANCE
TO ESTABLISH TIMEFRAMES FOR THE SUBMITTAL OF APPLICATIONS
FOR ANNEXATION REQUESTS,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 704 related to annexations be amended as follows

Sec. 704. Annexation

These regulations are designed to set forth the principles which shall apply to annexation of property into the city limits of the city. The following principles shall apply:

- (a) Support and enhance the existing economic value and environmental control of property within the city limits
 - (b) Primary consideration will be given to complementary zoning within the current land use plan of the city and contiguous jurisdictions
-
- (704 1) Priority will be given to raw land that can be developed consistent with current city standards. Secondary considerations will be given to harmoniously adjacent developed parcels
 - (704 2) The city shall provide written notification to the appropriate governmental jurisdiction as soon as practicable following the initiation of any annexation
 - (704 3) It is desirable, but not essential, that all property have natural boundaries, but in no instance create unnatural division for convenience sake
 - (704 4) Each of the following factors will be reviewed on each area to be annexed according to economic and service feasibility on its own merit within the framework of existing plan for the entire city:
 - a Water/sewer
 - b Road/street access
 - c Police/fire protection
 - d Zoning compliance
 - (704 5) Whenever the owner of a piece of property outside the city limits wishes to request that certain property be annexed into the city

limits of Peachtree City, such person or their designated agent shall follow a two-step review process as adopted by City Council at their meeting on August 5, 2004, and formally identified as the "Annexation Review Process " A copy of this document is kept on record at City Hall and is available from the City Planner/ Zoning Administrator

The first step of this process is intended to provide a general overview of the proposed annexation and identifies how the annexation may or may not be compatible with the established goals within the City's Comprehensive Plan This information will be reviewed by City Staff and other governmental agencies and will then be forwarded to City Council for review

Should City Council recommend that the proposed annexation request continue through the established review process, step two of this process requires the submittal of additional and detailed information pertaining to the impacts of the proposed annexation and subsequent development. The recommendation that the annexation request continue through the review process in no way implies that the City Council will ultimately approve the property for annexation

Until such time that the City Council votes to accept an application for annexation, City Staff shall not take any action or make any recommendations with respect to such application

If the application for annexation is rejected by City Council, no further action will be taken by the City regarding such application

- (704 6) A property owner may not apply for annexation of the same parcel more often than once every six months, provided that a property owner, with the consent of the city council, may voluntarily withdraw the annexation application once prior to the time same is acted upon by the city council, and the six-month waiting period shall not apply to a subsequent annexation application for the same parcel, the "same parcel" is one which includes any portion of a parcel for which a annexation application has been submitted previously; and
- (704 7) If an applicant [application] for annexation is denied by action of the city council, then the same property may not again be reconsidered for annexation until the expiration of at least six months immediately following said denial

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

Done, Ratified, and Passed this _____ day of _____ 2005

Stephen D Brown, Mayor

Attest _____
City Clerk

**EXCERPT FROM MINUTES
OF
PLANNING COMMISSION MEETING**

August 8, 2005

PH-05-10

Proposed Amendments to Article VII, Section 704 Annexation.

Mr Rast explained that this proposed amendment would put a time frame on the annexation schedule. It would add the same language that was in the rezoning application to the annexation application and would require the Applicant to wait six months before resubmitting an application for the same piece of property

Mayor Brown wondered if an extension would be warranted if the City made a request of the Applicant, e.g., a traffic study or an environmental impact report.

Mr Rast explained that this amendment would apply after the application had been submitted and Council had received all of their requested information and ultimately denied the request.

Mr Mullin thought some type of criteria was needed in order to understand what the Applicant would bring to City Council for Step One. During this step of the process, the proposal would be discussed in general terms and then, if Council thought the request warranted further discussion, the specifics required in Step Two would also be spelled out.

Mr Payton thought the items that would definitely be required should be described and that it should be left open for additional site-specific items.

Mayor Brown suggested that the first step possibly could be a workshop Mr Payton and Mr Mullin liked that idea and the term "workshop" Mayor Brown noted that there would have to be an approval for the proposal to move to the next phase so it could not be a workshop per se. He thought possibly it could be a "general overview" The point was that he thought if the City put a burden on the Applicant, there should be something in the language of the Ordinance that gave the Applicant additional time to comply

Mr Green stated that Staff's proposal was only addressing the time period that must elapse before an annexation request could be resubmitted for the same piece of property

Mr Rast explained that the proposal dealt with the first step, the general overview, of the proposal. If and when Council denied the Applicant's request, they could not resubmit an application for that property, nor could anyone else, for six months. It was not putting a time limit on the amount of time an applicant would have to provide information or that Council would have to review it.

Mayor Brown said that his understanding was that Council wanted a time limitation for the whole process Mr Payton noted that there was not a time limitation associated with this proposal, and he did not feel 12 months would be sufficient time for the entire annexation

Excerpt of Minutes

Planning Commission Meeting of August 8, 2005

Page 2

process. In some cases it would be, but in others it would not. He felt that the worst-case scenario in terms of size and potential issues that could be involved should be considered.

Mr Rast recommended that the six-month cooling-off period remain a part of the process but thought further discussions with Mayor Brown and Councilman Steve Rapson as well as the City Attorney were warranted.

Mr Mullin repeated his request for a list of items that would need to be included in each step of the process.

After discussion, a motion was made by Mr Green, seconded by Mr Scott, and unanimously adopted to continue Public Hearing PH-05-10 to the next available Planning Commission meeting.

Mr. Rapson had two issues.

- 1 He wanted to clarify for the record the motion that was made in regard to annexation. He had been hearing all kinds of different scenarios in regard to things that were going to be proposed. He believed that the City actually had not gotten anything from Wieland in regard to the annexation proposal for Phase Two. He wanted to be sure the Board was in agreement as to the parameter of the box that they tried to define that was going to Phase Two. He read Mayor Brown's motion.

Brown moved to take the request to the next step in the annexation process with the concept of residential lots only with no multi-family, that 360 be used as the conceptual number, and that Wieland would cover the cost of Staff time up to \$20,000. It was seconded by Stuart and passed by 3-2 with Rapson and Weed voting against it.

Mr. Rapson had heard rumors that it was going to be some type of mixed use, it was going to have some commercial, maybe some retail, be more than 360. He just wanted to make sure they were all in agreement that that was the box that they had defined and that what he anticipated Staff working on in regard to Phase Two would not have anything other than what was implied in that motion. Mayor Brown noted that Mr. Rapson had read the motion.

2. Another thing Mr. Rapson wanted to bring up was that he thought in regard to the process they had actually put into place with Phase One/Phase Two, he would like to see a requirement added into Phase One that basically stated that if an annexation request did come before this Board and it was denied, the Applicant who brought that annexation would have to wait six months before they brought back another version so Council would not be continually churning and burning these things. Rutherford pointed out that Council had never denied that request. Rapson knew that but pointed out that right now there was nothing in the phase that would prohibit them from bringing one back each week until they got it right.

Kourajian asked if there was a cost associated with bringing in an annexation request. Rutherford said there was not with Phase One. Rapson said there was not and that was why he wanted to direct Staff to modify the annexation policy to show in Phase One, if it is denied, that there would be a period of six months before they could bring it back.

Mayor Brown said there were two scenarios. If they bring something up and it's really close, we could table it and go back. We have that option. If it's so far off that everyone says this one is out of here, he didn't have any problem with six months. If it's just a matter of tweaking that and tweaking this, we can say bring this back to us at the next meeting and then we can go to Phase Two.

**UNAPPROVED EXCERPT OF MINUTES
OF PLANNING COMMISSION MEETING**

September 12, 2005

PH-05-10 Proposed Amendments to Article VII, Section 704 Annexation.

Mr Rast stated that these amendments had been reviewed at the August 8 Planning Commission meeting and would bring the submittal time frame for annexations in line with the language in the rezoning section of the Ordinance. If an applicant submitted the documents for annexation and Council determined that they did not want to approve it, there would be a six-month waiting period before a new application could be made for that particular piece of property.

Mr Rast further explained that there had been a question as to the intent of Councilman Rapson's comments made at the June 2, 2005, City Council meeting. In researching the minutes of that meeting, Staff found that Staff's proposal was exactly what Councilman Rapson wanted to see. Consequently, no changes had been made to Staff's proposal and it was recommended the Planning Commission forward the proposed amendments to City Council with a recommendation that they be approved.

No one else spoke in favor of or in opposition to the proposed amendments.

Mr Payton wanted to confirm that all of the Planning Commission's comments had been incorporated into the recommendations. Mr Rast stated that they had.

After discussion, a motion was made by Mr Scott, seconded by Mr Johnson, and unanimously adopted to forward to City Council the proposed amendments to Article VII, Section 704, Annexation with a recommendation for approval.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: City Planner/ Zoning Administrator *David*

VIA: City Manager *Benjamin McMillan*
Developmental Services Director *aw*

DATE: September 26, 2005

SUBJECT: Amendments to Article XI, Section 1108, Landscape plan requirements
October 6, 2005 City Council agenda

Recommendation.

Staff recommends that Council adopt the proposed amendments to Section 1108, Landscape plan requirements (Attachment "A") and authorize Staff to incorporate the amended ordinance into the City's Land Development Ordinance.

Discussion.

The City's Buffer Ordinance was established in 1997, with the intent of preserving natural vegetation adjacent to the major thoroughfares throughout the city as development of these sites progressed. City Staff and the Planning Commission have worked very closely with developers and property owners as plans have been submitted to determine the extent of vegetation that can be removed from these areas to open views into the property from the adjoining roads. To date, this has been handled on a case-by-case basis and for the most part, has been successful in maintaining natural vegetation within these areas.

However, we have run into a few situations where developers have removed vegetation from these areas without authorization from the City or vegetation has died and has not been replaced. To try and avoid these situations, we were asked to develop a method of documenting what vegetation is within these tree save and landscape buffers as well as determine a way to monitor what vegetation is removed from these areas without authorization.

The proposed amendments require that a tree survey be prepared for all vegetation 2" in caliper and above as a part of the initial submittal to City Staff. This survey will identify the types, size and location of all significant vegetation within these buffers. Prior to removal of any vegetation within these areas, the owner of the property, his Landscape Architect and his landscape contractor must meet on-site with City Staff to review the condition of the vegetation within the buffer and determine to what extent vegetation can be removed or to what extent lower limbs can

Amendments to Article XI, Section 1108, Landscape plan requirements

September 26, 2005

Page Two

be removed from existing trees to open views into the site. Once vegetation is removed from these areas, Staff will re-visit the site and note the removed vegetation on the tree survey/landscape plan.

The proposed ordinance amendments were discussed in a workshop format at the July 11 Planning Commission meeting (Attachment "B") and in a Public Hearing at the August 8 (Attachment "C") and September 12 Planning Commission meetings. At the September 12 meeting, the Planning Commission voted unanimously that the proposed amendments be forwarded to City Council with a recommendation that they be approved (Attachment "D")

Budget impact:

There are no budget impacts associated with this request.

Attachments

**AN ORDINANCE TO AMEND ARTICLE XI, SECTION 1108,
OF THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
SPECIFICALLY TO ADD LANGUAGE PERTAINING TO THE REMOVAL
OF VEGETATION WITHIN TREE SAVE AND LANDSCAPE BUFFERS,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 1108 Landscape plan requirements be amended as follows

Section 1108 Landscape plan requirements.

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

- (a) A Registered Landscape Architect licensed to practice in the State of Georgia shall prepare the plan
- (b) All areas not devoted to structures, site development features, and natural vegetation shall be landscaped
- (c) The plan shall include a detailed calculation of all impervious area on a project site, including total square footage of all buildings, accessory structures, parking areas, drive aisles, service courts, sidewalks, patios, etc or any area where water cannot penetrate the earth. Stormwater detention ponds or other structures designed to hold water shall be considered impervious surfaces
- (d) The plan shall include one canopy tree with a minimum trunk caliper of 2 ½ inches measured at 6" above finish grade for every 1,000 square feet of impervious area on the site
- (e) The plan shall include one understory tree for every 1,000 square feet of impervious area on the site
 - (1) Deciduous understory trees shall be a minimum of 2" in caliper measured at 6" above finish grade
 - (2) Multi-trunk trees used as understory trees shall have a minimum of three canes, each of which shall be a minimum of 1" in caliper measured at 6" above finish grade
 - (3) Evergreen understory trees shall be a minimum of 15-gallon in size or a minimum of six feet (6') in height above finish grade at the time of planting
- (a) Preservation of existing vegetation within a project site, other than those trees or other vegetation located within tree save and/ or landscape

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

Tree credit shall be determined as follows:

$$\frac{\text{Total SF of project site designated as tree save area}}{\text{Total SF of project site that can be developed}} \times 100 = \text{Potential tree credit (\%)}$$

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

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

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

- (g) If a development involves an addition or modification to the side or rear of an existing building or structure which is already properly landscaped, and the addition is not visible from any street, the landscape plan for the new development shall be prepared assuming a 50 percent reduction in the canopy tree replacement requirements. All understory trees required by this ordinance shall be provided for the new development.
- (h) All required landscaping shall be maintained in a horticulturally healthy and aesthetically pleasing manner. All planting beds and lawn areas should include an underground irrigation system with a programmable timer and operational rain shut-off device. If an underground irrigation system is not available, all planting areas shall be located no more than one hundred feet from a watering source and assurances shall be furnished to the city landscape architect that water will be available and appropriate watering shall take place.
- (i) The city landscape architect, upon site inspection and conceptual landscape plan review, may require an applicant to naturalize areas which visually impact public rights-of-way. The intent of this requirement is to supplement tree requirements with small caliper material (one-gallon maximum) in areas where screening or landscape visual continuity is required.
- (j) **The landscape plan shall include a tree survey of all vegetation two inches (2") in caliper and above within designated tree save and landscape buffers. This survey shall be prepared by a Registered**

Land Surveyor Once the site is cleared and graded and prior to the removal of any vegetation within these buffers, the Applicant, his landscape architect and his landscape contractor shall schedule a meeting on-site with the city landscape architect to review the tree survey and condition of the existing trees and vegetation within these buffers

The city may allow the removal of those trees and vegetation

- 1 that are damaged, diseased or pose a threat to other trees, vegetation, or structures,**
- 2. whose roots have been damaged or disturbed by construction activities; or,**
- 3 that are growing in close proximity to other trees and, in the opinion of the city landscape architect may inhibit the healthy growth or development of existing trees or vegetation**

Should any vegetation within a designated tree save and landscape buffer be removed, the remaining vegetation shall be identified and documented on the approved landscape plan Should any of this vegetation be removed without City approval, the owner of the property shall be required to replace the total caliper inches of vegetation removed within the tree save and landscape buffer at the discretion of the city landscape architect.

- (k) The city landscape architect shall work with the property owner or landscape contractor to identify the natural vegetation that can be removed and the extent that existing trees can be limbed up to open views into the site from the adjoining roadway In no instance shall more than 50% of the existing trees and vegetation within a designated tree save and landscape buffer be removed. After all work has been completed, the property owner shall provide an updated tree survey showing all remaining trees and vegetation**

Once natural vegetation has been removed from a tree save or landscape buffer area, this area will be maintained in accordance with section 1113 of this ordinance

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

Done, Ratified, and Passed this _____ day of _____ 2005

Stephen D Brown, Mayor

Attest:

City Clerk

EXCERPT FROM MINUTES

PLANNING COMMISSION WORKSHOP MEETING

July 11, 2005

Proposed Amendment to Section 1108, Landscape Plan Requirements Pertaining to Removal of Vegetation within Designated Tree Save and Landscape Buffers.

Mr. Rast explained that this Ordinance dealt with tree save and landscape buffers on sites throughout the City. He noted that the City Ordinance required tree save and landscape buffers on parcels that fronted on major thoroughfares throughout the City. Depending on their location, these buffers ranged from 40 to 60 feet. The Applicant was required to preserve the vegetation in the buffer but was allowed to thin out the underbrush and some of the smaller trees, vines, weeds, etc.

Mr. Rast explained the specifics of the process and stated that the system had worked well. However, one member of City Council had requested that this process be more formalized and also asked that Staff develop an amendment that would set some guidelines as to how the clearing and thinning would be done and what would happen if the site was over-cleared. He stated that essentially they wanted to require the Applicant to provide a tree survey of the remaining vegetation within the tree save and landscape buffer. In this way, Staff would have a record of the vegetation in the area and would allow the City to require that plant material be added when it did not survive or was removed without Staff's permission.

Mr. Rast explained the ordinance amendments that were proposed. Specifically, all vegetation within the tree save and landscape buffer that was 2" in caliper would need to be identified on the landscape plan that was presented for Planning Commission and Staff review.

Mr. Rast noted that since the Buffer Ordinance was adopted in 1998, he had not allowed any removal of vegetation within the tree save and landscape buffer until the site was cleared and graded. In no instance would the City allow any more than 50 percent of the vegetation to be removed.

Mr. Rast also stated that when developers chose to reduce the landscape buffer along a major thoroughfare such as Highway 74, they were required to add additional plant material to enhance the remaining vegetation in the buffer.

The Commissioners were in agreement with the proposed amendment to the ordinance. Mr. Mullin wondered if the landscape architect would provide the survey or if a

surveying company would survey the trees. Mr Rast stated that a landscape architect, an arborist, or a surveyor could do the survey. However, it was noted that unless the work was done by a land surveyor, it would not be location specific. Mr Mullin highly recommended that the land be surveyed to obtain this information.

Mr Rast pointed out that the intent of the Buffer Ordinance was not to totally block the view of the site from the street but to preserve the treescape along the road. He noted that thinning the trees also resulted in a healthier stand of trees.

Staff and the Commissioners agreed that the landscape architect should be required to attend the on-site meeting that was held prior to any tree removal so they would understand the City's requirements. Mr Green thought appropriate language should be added to the ordinance to address this issue.

In response to a question from Mr Scott, Mr Rast stated that the landscape plan review included a separate calculation when the size of the buffer had been reduced. He noted that one part of the recent amendment to the Vegetation Protection Ordinance dealt specifically with residents and developers who cleared areas without authorization. The penalty was based on the total caliper inches of the trees that had been removed from the buffer.

The Commissioners also thought the penalty for removing trees should be addressed in this ordinance and that the penalty should be substantial. Mr Green stated that he knew that some municipalities required astronomical penalties, some as high as \$40,000 per tree.

Mr Rast stated that he would make the changes the Commissioners recommended and then forward the proposed amendment to the City Attorney for review. A public hearing would be scheduled for the August 8, 2005, Planning Commission meeting.

**EXCERPT FROM MINUTES
OF
PLANNING COMMISSION MEETING**

August 8, 2005

PH-05-11 Proposed Amendments to Article XI, Section 1108, Landscape Plan Requirements.

Mr Rast explained that this section would amend the Landscape Ordinance that was approved several months ago. It would add two paragraphs to establish guidelines for the preservation and/or removal of vegetation within the tree save and landscape buffers.

Mr Rast stated that in the past, he had been meeting with the landscape contractor to walk the site and flag the trees that were to remain. After the other trees were removed, they would go back to thin out the vegetation and limb up some of the trees to open views into the site from the thoroughfare. This amendment would put that process in writing and add a requirement that all of the vegetation within the designated tree save and landscape buffer that was 2 inches in caliper and greater would have to be shown on the site plan. In this way, when Staff met with the contractor to do the flagging and initial clearing, there would be a record of what was out there as well as what was left after the clearing was completed.

He explained that there had been instances in the past where more trees had been cleared than were initially approved. He added that in the past couple of months, the buffers had been photographed as they were cleared which sometimes worked and sometimes did not work. The proposed amendment would require that a tree survey be provided to show what was on the site and would also identify the process that allowed thinning of the buffer. It would also give a calculation that no more than 50 percent of the existing trees within the tree save and landscape buffers could be removed.

Mr Rast noted that this would put more of a burden on the Applicant but would also provide the City more documentation about what was left on the site after it was developed. He referred to the Newnan Coweta Bank facility as an example of how this process, with the exception of the requirement for the tree survey, had worked in the past. Mr Mullin noted that it was a denser buffer but it was cleaned up.

Mayor Brown said he thought this requirement should be retroactive so that anyone who had thinned a buffer would have to do a survey in order to be able to continue to thin that buffer. It was noted that anything that was in the approved landscape plan had to be replaced if it died or otherwise was removed from the site.

There was considerable discussion about whether the requirement to replace vegetation would apply when trees were removed by natural causes, e.g., a hurricane, a tornado, etc. Mayor Brown noted that it would only apply if the property owner had thinned the buffer. In those instances, the owner was responsible for the vegetation that remained because by removing and limbing up the trees, the remaining trees were more susceptible to damage.

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After discussion, a motion was made by Mr Johnson, seconded by Mr Mullin, and unanimously adopted to continue Public Hearing PH 05-11 to the next available Planning Commission meeting.

**UNAPPROVED EXCERPT OF MINUTES
OF PLANNING COMMISSION MEETING**

September 12, 2005

PH-05-11 Proposed Amendments to Article XI, Sections 1108 Landscape Plan Requirements.

Mr Rast explained that these ordinance amendments were discussed in a workshop at the July 11 Planning Commission meeting and in a public hearing at the August 8 Planning Commission meeting. He noted that the recommendations of the Planning Commission had been incorporated into the Ordinance. Those recommendations were

- that the tree survey be prepared by a registered land surveyor and
- that language be added to the Ordinance to require that property owners replace any vegetation that died or was removed within a tree save or landscape buffer after it had been limbed up or thinned.

No one else spoke in favor of or in opposition to the proposed amendments

Mr Rast noted that Mayor Brown had mentioned making these requirements retroactive. Mr Rast stated that the City Attorney did not feel this could be done, and the requirements would apply from the date the ordinance amendment was adopted forward.

Mr Johnson wondered whether a penalty had been established for unauthorized tree removal. Mr Rast said there had not been a penalty in the past, but now there was. He noted that it was in a separate section of the Landscape Ordinance.

Mr Green was concerned about the language that said that trees and vegetation could be removed if their roots were damaged by construction activities. He knew from his experience on construction sites that unwanted trees and vegetation were sometimes damaged intentionally.

Mr Stricklin pointed out that erosion control fences were installed in tree save buffers before any clearing could take place on the site.

Mr Rast stated that 6-8 months ago, the City had begun a policy that before the Development Inspector would issue a land disturbance permit, he would meet with the City Engineer and the developer and contractor and go over the final site plan issues. This process seemed to be reducing occurrences where trees and vegetation were damaged during construction activities. He added that the Development Inspector, the

Engineering Assistant, the Planning Assistant, and others were also out in the field to monitor the sites.

Mr Payton and Mr Mullin felt there should be discussion at the time of the tree survey that stipulated that both trees and root systems must be protected.

Mr Rast further stated that there had been instances where a significant or specimen tree required both tree save fencing and a wooden barrier be installed before any clearing took place

Mr Green's concern was that, unless there was a substantial financial penalty, the construction worker on the site did not care about protecting the trees He stated that there must be something that put the contractor on notice that the City was serious about protecting the trees

Mr Rast stated again that this was discussed in greater detail in another section of the Ordinance

After discussion, a motion was made by Mr Green, seconded by Mr Johnson, and unanimously adopted to forward to City Council the proposed amendments to Article XI, Section 1108 with a recommendation for approval.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: City Planner/ Zoning Administrator *David*

VIA: City Manager *Bernard J. Muller*
Developmental Services Director *Chas*

DATE: September 26, 2005

SUBJECT: Article IX, Section 908, Accessory uses
October 6, 2005 City Council agenda

Recommendation:

Staff recommends that Council adopt the proposed amendments to Article IX, Section 908, Accessory Uses (Attachment "A") and authorize Staff to incorporate the amended ordinance into the City's Zoning Ordinance

Discussion:

When the City's Sign Ordinance was amended several months ago, the section of the ordinance addressing the outdoor display of merchandise was removed from the Sign Ordinance. The purpose of this was to either write a new ordinance specifically addressing outdoor display or to move this section into an existing ordinance better suited for handling outdoor display

Staff is recommending that Section 908, Accessory uses, be amended to include the outdoor display ordinance, and that specific sections within the accessory use ordinance be amended to address the outdoor display of merchandise.

The proposed ordinance amendments were discussed in a Public Hearing at the September 12 Planning Commission meeting. At that meeting, the Planning Commission recommended unanimously to forward the proposed recommendation to City Council with a recommendation that it be approved (Attachment "B")

Budget impact:

There are no budget impacts associated with this request.

Attachments

**AN ORDINANCE TO AMEND ARTICLE IX, SECTION 908,
OF THE PEACHTREE CITY ZONING ORDINANCE
TO ESTABLISH THE OUTDOOR DISPLAY OF MERCHANDISE AS AN
ACCESSORY USE AND TO IDENTIFY RESTRICTIONS PERTAINING TO THE
OUTDOOR DISPLAY OF MERCHANDISE,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 908 related to accessory uses be amended as follows

Sec 908 Accessory uses

In addition to the principal uses permitted within the zoning districts established by this ordinance, it is intended that certain uses customarily incidental or accessory to such principal uses shall also be permitted

For the purposes of this ordinance, each of the following uses is considered to be a customary accessory use, and may be situated on the same zoning lot as the principal use or uses for which it serves as an accessory

(908 1) Uses accessory to dwellings

- (a) Private garages
- (b) Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds
- (c) Structure for a children's playhouse and the storage of children's play equipment.
- (d) Private kennel in any R-12, R-15, R-22, R-43 or ER zoning districts for no more than three dogs or cats four months of age or older. A permitted kennel shall not be maintained in such a way as to constitute a nuisance to any adjoining property
- (e) Private swimming pool and bath house or cabana
- (f) Private tennis courts provided that lights are not used in conjunction with their use in any residential zoning district other than R-43, ER and AR. A private tennis court as contemplated by this section may be surrounded by a fence up to ten feet in height; and if said fence is a chain link fence, it must be coated with green vinyl
- (g) Noncommercial garden, including a greenhouse and other customary garden structures not over eight feet in height.
- (h) Private boat docks and boathouses on zoning lots adjoining a water body to which the residents of the principal building have legal access rights
- (i) Pump and well houses for on-site water systems
- (j) Decks, patios, bar-b-que grills and other such facilities

- (k) Fences, walls, exterior lighting fixtures, and other general landscaping and site development facilities
- (l) No trailer, recreational vehicle, travel trailer, camper pick-up coach, motorized home, boat trailer or boat shall be permitted to be parked in front of or at the side of the main building or within 20 feet of the rear lot line, unless same is parked or stored completely within an enclosed garage or roofed carport.
- (m) No accessory use permitted by this section shall be constructed for the purpose of conducting commercial activities outside a permitted dwelling on a zoning lot.
- (n) No accessory use permitted by this section shall be constructed for the purpose of providing separate, self-contained living quarters outside a permitted dwelling on a zoning lot, except in ER estate residential, AR Agricultural[-Reserve], and R-43 residential zoning districts. Self-contained living quarters are considered as a minimum to include kitchen facilities, a bath, and a bedroom area.
- (o) For purposes of interpreting and administering paragraphs (m) and (n) above, accessory uses cannot be attached to and made a part of a permitted dwelling by extended hallways or breezeways, rather, in order to qualify for use as an area for a home occupation or for living quarters, the space must be within and be an integral part of a permitted dwelling (Ord No 171, 9-13-1979, Ord No 215, 10-2-1980, Ord No 358, 3-28-1985, Ord No 366, § 19, 5-22-1985, Ord No 563, 5-16-1991)

(908.2) Uses accessory to churches

- (a) Off-street parking area for the use of members and visitors to the church
- (b) Religious education building, including an assembly room that may be used for church-related recreation activities
- (c) Parsonage, pastorium or parish house, including any use accessory to a dwelling as permitted in subsection (908 1)
- (d) Fences, walls, exterior lighting fixtures, and other general landscaping and site development facilities

(908 3) Uses accessory to businesses and industries

- (a) Off-street parking areas for customers, clients, and employees
- (b) Off-street loading facilities
- (c) Central trash collection dumpsters, provided they are effectively screened from view from any adjoining streets
- (d) Completely enclosed buildings for the storage of supplies, stock, merchandise, and equipment.
- (e) Repair or service facility incidental to the principal use, provided that the operation of the repair or service facility does not constitute a nuisance to adjoining properties, and the operation is not otherwise specifically prohibited in the zoning district.
- (f) Exterior display and sales facilities including on-site signs, provided such use is not otherwise specifically prohibited in the zoning district.

- (g) The open, outside storage of building materials, junk, salvage, and inoperative vehicles is prohibited unless specifically permitted in the zoning district, and such use is properly screened from view from adjoining streets and properties
- (h) Fences, walls, exterior lighting fixtures, and other general landscaping and site development facilities
- (i) **Outdoor display of merchandise, provided that the display of merchandise is in compliance with Section 908.7 of this ordinance.**

(908 4) Uses accessory to agriculture

- (a) Dwellings, including any use accessory to a dwelling as permitted in subsection (908 1)
- (b) All structures and facilities commonly associated with the operation of the permitted agricultural activities, unless otherwise specifically prohibited

(908 5) Uses accessory to open space

All structures and facilities commonly associated with the operation of the permitted uses in OS zoning districts, provided such structures and facilities are not otherwise specifically prohibited in the district.

(908 6) Accessory use standards

- (a) No accessory use structure shall be located in the rear setback area of any residential zoning lot that is less than 50 feet wide at the rear property line
- (b) If a residential zoning lot is at least 50 feet wide at the rear property line, a single accessory use structure with an area of no more than 100 square feet may be located in the rear setback area
- (c) If a residential zoning lot is at least 100 feet wide at the rear property line, two accessory use structures may be located in the rear setback area provided the total combined area of the structures does not exceed 125 square feet.
- (d) No accessory use structure which is allowed to encroach into the rear setback area of any residential zoning lot in accordance with the provisions of this ordinance shall be located closer than three feet to the rear property line, nor shall any encroaching structure exceed eight feet in height above the existing ground at its eave line or 12 feet above the existing ground at the highest point of its roof
- (e) The color scheme of an accessory use structure shall blend with the colors of the primary structure on the same zoning lot, or shall be earth tones
- (f) No accessory use structure intended to store flammable materials shall be located closer than 20 feet to the primary structure on the zoning lot, or any other primary or accessory structure
- (g) The location and design of swimming pools and pool accessories are regulated by article X of the building and construction ordinance, [chapter 18]

(Ord No 404, 8-21-1986, Ord No 562, 4-18-1991, Ord No 698, 11-5-1998)

(908 7) Outside display standards:

- (a) Commodities that are for sale or for lease as well as any other products and materials that are associated with a particular business shall not be displayed or stored outside in any commercial area unless:**
 - (1) They are in an approved, permanent, fully enclosed space, and they are reasonably screened from public view; or**
 - (2) They are stored or displayed in accordance with the specific understandings and conditions of a site plan that has been approved by the planning commission as a part of the site plan review process; or**
 - (3) They are confined to an area no more than six feet from an exterior wall of the primary building on a zoning lot and they comply with the following requirements**
 - a. They do not encroach into a zoning setback area, a required buffer, or a landscaped area,**
 - b. They do not interfere with pedestrian or vehicular traffic on the site,**
 - c. They do not occupy more than 12 lineal feet of space along an exterior wall,**
 - d. They are not stored or displayed outside for more than 24 consecutive hours; and**
 - e. There is no sign that is legible offsite that is associated with the materials that are stored or displayed; or**
 - (4) A temporary use permit is secured for such display or storage.**
- (b) A temporary use permit may be issued by the zoning administrator in accordance with the following criteria:**
 - (1) No more than four temporary use permits may be issued for any zoning lot in any calendar year.**
 - (2) No single temporary use permit shall be issued for more than seven consecutive days**
 - (3) Prior to the issuance of a temporary use permit, an applicant must submit an application to the city planner for city staff review and approval in order to assure that the proposed temporary use will not pose a health or safety hazard or be detrimental to the public welfare.**
 - (4) No sign that is legible offsite shall be displayed in conjunction with the temporary use permit.**
- (c) Trucks making a delivery to a business in a commercial area shall not park in that area for more than two hours after the delivery is made. Trucks that are not making a delivery shall not park in a commercial area unless the owner of the truck is the owner of a business in the commercial area or unless the truck driver is actually doing business in the commercial area.**

- (d) No vehicle which displays advertising for a business in a commercial area (with the exception of a door panel sign not more than four square feet in area and no more than 48 inches above the ground) shall be parked so that the advertising is legible from a public street.
- (e) Trucks over 20 feet in length, trailers, and tractors designed to be used with detachable trailers shall not be stored in a commercial area for more than two hours unless they are stored at a designated loading dock or at some other area designated for such storage on a site plan that has been approved by the planning commission as a part of the site plan review process
- (f) Products shall not be sold from any truck or trailer parked or stored in a commercial area unless they are in an area that has been designated for such use on a site plan that has been approved by the planning commission as a part of the site plan review process.
- (g) No occupant of any vehicle that is parked in a commercial area for any reason shall be allowed to sleep overnight within that vehicle

(Code 1980, § 5-125(D)(8); Ord No 742, 10-5-00)
Secs 66-170--66-190 Reserved

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

Done, Ratified, and Passed this _____ day of _____ 2005

Stephen D Brown, Mayor

Attest: _____
City Clerk

**UNAPPROVED EXCERPT OF MINUTES
OF PLANNING COMMISSION MEETING**

September 12, 2005

**PH-05-12 Proposed Amendments to Article IX, Section 908 Accessory
Uses.**

Mr Rast explained that this was essentially a housekeeping item. The section of the Ordinance pertaining to the outside display of merchandise was previously a part of the Sign Ordinance. However, when the Sign Ordinance was amended, it was removed. The City Attorney felt this language should be within another section of the Zoning Ordinance since it did not deal with signage.

Mr Rast further stated that Staff was recommending that the exact same language that was in the former Sign Ordinance be moved to Section 908, Accessory Uses. He noted that this amendment would apply to retail, commercial, and industrial developments. It would also require that plans be brought back to the Planning Commission to get approval for an area that would be used for outside display of merchandise. He reiterated that this was the exact same language that was in the previous Sign Ordinance.

No one else spoke in favor of or in opposition to the proposed amendments.

Mr Johnson wondered if there was some punctuation missing in Section 908 1(l). As written, there was reference to a "camper pickup coach", and there was confusion as to what this meant. It was thought this referred to the unit that fit into a pickup truck to make it into a camper. Mr Rast would confirm this description and change it, if necessary.

After discussion, a motion was made by Mr Mullin, seconded by Mr Green, and unanimously adopted to forward to City Council the proposed amendments to Article IX, Section 908, Accessory Uses with a recommendation for approval subject to Staff's confirmation of the definition of a "camper pickup coach."

To : Ms Jane Miller

**Subject : Peachtree City Council Metering
Thursday October 6, 2005**

**: To be placed on agenda to address Council concerning
charges to have 911 observance at the Fred Brown Amphitheater
William J. Aleshire, citizen of Peachtree City.**

I would like to address the council relative to the subject.



William J Aleshire

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
VIA: City Manager 
Assistant City Manager 
FROM: Administrative Services Director / City Clerk 
DATE: September 29, 2005
SUBJECT: Consider Appointment of Solicitor Pro-Hac
October 3, 2005 City Council Agenda

Recommendation.

Consider appointment of David J Studdard as Solicitor Pro-Hac to handle solicitor duties in the absence of the City's solicitor

Discussion

City Council directed staff to again solicit candidates for appointment as Solicitor Pro-Hac. An RFP was prepared and forwarded to 19 attorneys. The City received responses from two attorneys. Mr. David J. Studdard submitted the lower fee of \$65.00 per hour and his resume is attached for your review. The other attorney to respond, Mr. Jason Thompson, quoted a fee of \$100.00 per hour. Staff does believe Mr. Studdard has the qualifications necessary to perform the duties of Solicitor Pro-Hac and does recommend his appointment.

Budget Impact

Staff anticipates that Mr. Studdard would normally be needed for no more than three court days a year at a cost of approximately \$1,560.

/jsm

Attachment

DAVID J. STUDDARD & ASSOCIATES, LLC.
ATTORNEYS AT LAW
180 North McDonough St.
Jonesboro, Georgia 30236
Phone (770) 471-2211 Fax (770) 471-4497

August 19, 2005

Ms. Angela Egan
Purchasing Agent
151 Willowbend Rd.
Peachtree City, Ga. 30269

Re: Municipal Court Solicitor Pro-Hac

Dear Ms. Egan,

I am submitting this letter in response to the City of Peachtree City's solicitation for a Municipal Court Solicitor Pro-Hac. I am very interested in serving in that position.

Enclosed please find my resume which details my experience and education along with my civic activities. Our firm currently has only two lawyers however; I would be the only lawyer in this firm providing service as a Solicitor Pro-Hac for Peachtree City Municipal Court. I was sworn into the State Bar of Georgia in June of 2004 and have worked as a criminal defense attorney representing clients in municipal, state and superior court. I provide indigent defense in Clayton County and have gained a great deal of experience working in Jonesboro City Municipal Court, as well as municipal courts in and around the Jonesboro-Clayton County area.

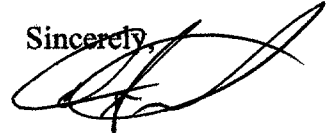
I have never represented a client in the Municipal Court of Peachtree City. I can assure you that should I be selected to this position, I will not represent clients in the Municipal Court of Peachtree City.

As a retired law enforcement officer, I am very enthusiastic about working in a prosecutorial capacity. I find that I am very comfortable in the role of prosecutor. I participated in a Law School Externship in the Office of the Solicitor General for the State Court of Fayette County where I participated in all aspects of misdemeanor prosecution including plea negotiations, bench and jury trials and probation revocations.

I am willing to make myself available as often as needed to serve as Municipal Court Solicitor Pro-Hac for the City of Peachtree City. I propose that I would be compensated at a rate of \$65.00 per hour.

Thank you for your consideration. If you need any additional information or you wish to speak to me in person, please do not hesitate to contact me at the above telephone number and or address. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'David J. Studdard', written over the word 'Sincerely,'.

David J Studdard

David Jay Studdard

Home- 430 Merrydale Dr Fayetteville, Ga. 30215 (770) 461-7013/ Cell 404-217-5076
Office- 180 N. McDonough St. Jonesboro, Ga. 30236 :(770) 471-2211 davidstuddard@aol.com

Education

Admitted to Georgia Bar, June 23, 2004
John Marshall Law School, Atlanta GA, Juris Doctor, Dec. 2003,
Mercer University, Atlanta, Ga, Bachelor of Science, Criminal Justice, May 1999

Experience

Associate Attorney, James W Studdard and Associates, LLC, Jonesboro, GA
June 2004 until present.

- Criminal defense; case evaluation, represent clients at bench and jury trials
- Family law;
- Juvenile practice
- Civil litigation
- Discovery, including written discovery and depositions (conducting/defending);
- Issue resolution through mediations and hearings;
- Client contact and advisement of legal and issue handling strategies for case resolution.

Extern, Fayette County Solicitor General's Office, May 2002- September 2002

- Police report review and prosecution recommendations;
- Probation revocations;
- Responded to suppression motions;
- Assisted in trial preparation.
- Conducted bench and jury trials

Employment

Atlanta Police Department, Detective (Ret), June 2004

- August 2003- June 2004, Detective, Special Victims Unit
- January 2000-August 2003 Detective, Homicide Unit
- February 1994-January 2000 Atlanta Police S.W.A.T team/ bomb squad
- March 1990-February 1994, Atlanta Police "Red Dog" narcotics task force
- September 1988-March 1990, Cadet, Atlanta Police Academy/ Patrol officer Zone 4 (Southwest Atlanta)

United States Navy,

September 1984-1988, (Honorably Discharged)

Honors and Activities

John Marshall Law School, Moot Court Honors Board- August, 2003- December, 2003

Winner, John Marshall Moot Court Trial Competition- October, 2002

Member, John Marshall Trial Competition Team- March, 2004

Member of the Metro Atlanta Chapter of the Blue Knights, a national and international organization of law enforcement officers who, through various organized motorcycle riding events, raise money and concerns primarily for families of slain law enforcement officers

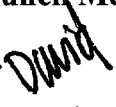
Member of the Clayton and Fayette County Bar Associations

Member of the Fayette County Kiwanis club

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: City Planner 

VIA: City Manager 
Developmental Services Director 

DATE September 29, 2005

SUBJECT: Approval of Sanitary Sewer Easement for Delta Financial Center
October 6, 2005 City Council agenda

Recommendation:

Staff recommends that City Council authorize the Delta Financial Center to utilize an existing cart path easement to install a storm sewer line from their development to the existing storm sewer system within the Fairfield subdivision.

Discussion:

City Staff is currently reviewing the final site plan for the Delta Financial Center at the intersection of GA 74 North and Wisdom Road. Staff is also working with residents of the Fairfield subdivision in an effort to alleviate numerous flooding problems within the subdivision. As a part of his review of the Hydrological Study, the City Engineer recommended that the Applicant connect their storm drain system to the existing storm drain system within the adjoining Fairfield subdivision as opposed to discharging their stormwater within the right-of-way of Wisdom Road.

When the Fairfield subdivision was platted, a 20'-wide cart path easement was granted to the City between Lots 11 and 12 for the construction of a future cart path connection. The property owner on Lot 11 is experiencing runoff problems at the rear of their property from the existing development on the Ergle tract. The regrading of this site and the installation of an underground stormwater storage system, along with a closed system to move stormwater to an existing storm drain within South Fairfield Drive, will alleviate this situation and flooding problems on other lots within this portion of the subdivision.

The City Engineer and the Applicant have met with the property owner of Lot 11 who has signed a Temporary Construction Easement and Permanent Easement for the work proposed on their property (Attachments "A" and "B") Since this easement was granted in favor of the City, Council authorization is necessary to allow the Applicant to move forward with this work.

Approval of Sanitary Sewer Easement for Delta Financial Center

September 29, 2005

Page Two

Budget impact:

There are no budget impacts associated with this request.

Attachments

After recording, return to

Theodore P. Meeker, III
Davis & Meeker, LLC
6631 Watson Street
Union City, GA 30291

TEMPORARY STORM WATER SEWER AND MULTI-USE PATH CONSTRUCTION EASEMENT

This Temporary Storm Water Sewer and Multi-use Path Construction Easement is given this 29 day of September 2005, by Angela L. Olivera, 120 Fairfield Drive, Peachtree City, Georgia (hereinafter "Grantor") to the Delta Employees Credit Union, a Georgia corporation (hereinafter "Grantee")

WITNESSETH

WHEREAS, The Grantor is the owner of said property know as all that tract of land lying and being in Land Lot 158 of the 7TH District of Fayette County, Georgia, being Lot 11 of Fairfield Subdivision, Phase 1A as per plat recorded in Plat Book 23, Pages 122-123, Fayette County, Georgia and further described therein, and,

WHEREAS, The Grantee has requested that the Grantor grant and convey to the Grantee a temporary construction easement over, upon, across, and under and through a portion of the property of the Grantor for the purpose of construction, operating, maintaining, repairing, inspecting and reconstructing a storm water sewer and multi-use path and appurtenances and the Grantor has agreed to do so

NOW, THEREFORE, the Grantor, for and inconsideration of the sum of One Dollar (\$1 00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, has given, granted and conveyed, and by the presents does give, grant, and convey unto the Grantee, its successors and assigns, the temporary right, privilege and easements to construct, operate, maintain, repair, inspect and reconstruct a multi-use path and appurtenances over upon, across under and through the above referenced property of the Grantor, said temporary easements being described as follows

TEMPORARY EASEMENT A nonexclusive temporary easement for purposes of constructing the storm water sewer and multi-use path and appurtenances together with the full right of access to and egress from said temporary easements, said temporary easements over, across and through that portion of the above-described property more particularly described on Exhibit "A", attached hereto, incorporated herein and made a part hereof by reference

The Grantee agrees to restore the topography of said easement area after installation of the storm water sewer and multi-use path and appurtenances to the same condition as existing before said installation and to remove any waste or spoils including excess dirt, debris and rocks

The Grantor shall have the right to pass over and upon said temporary easement with appropriate roadways for the full use of their property, provided, however that the construction, maintenance and use of said roadway shall in no way interfere with the storm water sewer and multi-use path constructed within said easement.

The Grantor shall not construct any permanent structure that would interfere with the maintenance or repair of the storm water sewer and multi-use path in the permanent easement or place any additional fill with the permanent easement, without permission of the Grantee and shall not allow additional utilities with the permanent easement except with approval of the Grantee

TO HAVE AND TO HOLD said temporary easement unto said Grantee, its successors and assigns upon the terms and for the time period's set forth above

The Grantor covenants to and with the Grantee, its successors and assigns, that the Grantor is lawfully seized in fee simple of said lands and premises and has full right and power to convey these easements to the Grantee, and that said lands and premises are free from any and all encumbrances, and that they will and their successors and assigns shall forever warrant and defend the title to said easements unto the Grantee, its successors and assigns, against the lawful claims of all persons whomsoever

PERMANENT EASEMENT A nonexclusive permanent easement will be executed by all parties upon construction completion. The permanent easement will be for purposes of construction, operating, maintaining, repairing, inspecting and reconstruction the storm water sewer and multi-use path, together with such appurtenances as from time to time may be required, and for purposes of inspecting said permanent easement, including but not limited to, archaeological and environmental studies, and together with the full right of access to and egress to and egress from said permanent easement.

IN WITNESS WHEREOF, the grantor has hereunto set their hands and seals, or if corporate, have caused this document to be executed by its duly authorized officers and its seal to be hereunto affixed, as of this day and the year first above written.

OWNER:

By: Angela L. Olivera
Printed Name

Angela L. Olivera
Signature

By: ANGELA OLIVERA
Printed Name

Signature

Signed, sealed and delivered in the presence of

WITNESS.

Debra C. Lee
Printed name

Debra C. Lee
Signature

NOTARY

Patricia Beavers Payton
Printed name
Patricia Beavers Payton
Signature

My Commission expires

SEAL

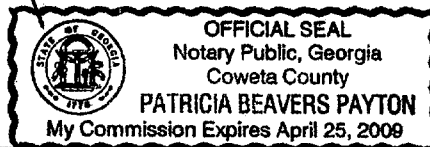


EXHIBIT A

Legal Description 15' Cart Path Easement

All of that tract or parcel of land lying and being in Land Lot 158 of the 7th District, Fayette County, Georgia and being more particularly described as follows

Commencing at a point located at the intersection of the north right of way line of Wisdom Road with the east right of way line of State Route No 74, thence along said north right of way line of Wisdom Road (having a 80 foot right of way) North 78°06'30" East, a distance of 78.02 feet to a point; thence along a curve to the right having a radius of 1,885.25 feet and an arc distance of 126.34 feet and being subtended by a chord bearing of North 80°38'37" East, a distance of 126.32 feet to a point; thence continuing along said right of way line of Wisdom Road and along a curve to the right having a radius of 1,885.25 feet and an arc distance of 95.35 feet and being subtended by a chord bearing North 84°05'45" East, a distance of 95.34 feet to a point, thence North 87°53'27" East, a distance of 88.22 feet to a axle found, thence leaving said right of way line of Wisdom Road North 09°21'05" West, a distance of 304.33 feet to a point (said point being the rear property corner common to Lots 10 and 11 of Fairfield Subdivision) and **THE TRUE POINT OF BEGINNING**, thence North 09°21'05" West, a distance of 19.60 feet to a point; thence North 40°34'20" East, a distance of 102.15 feet to a point on the westernmost right of way line of South Fairfield Drive, thence along a curve to the right having a radius of 98.07 feet and an arc distance of 15.63 feet and being subtended by a chord bearing of South 33°20'16" East, a distance of 15.61 feet to a point; thence leaving said right of way line of South Fairfield Drive and along the southernmost property line of Lot 11 (Fairfield Subdivision) South 40°34'20" West, a distance of 110.44 feet to a point and **THE TRUE POINT OF BEGINNING**

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND
BEING IN LAND LOT 158 OF THE 7TH DISTRICT,
FAYETTE COUNTY, GEORGIA AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

STATE ROUTE 74

WISDOM ROAD (80' R/W)

L1	$A=15.05^\circ$, $R=98.07^\circ$, $C=15.4$ 53320'16"
L2	$A=5.40^\circ$, $R=98.07^\circ$, $C=5.40$ 52731'46"
L3	50921'05" 19.66"
L4	50921'05" 6.05"



foresite
group

Forestate Group, Inc.
3047 Tolcom's Bridge Rd.
Suite G2
Norcross, Ga. 30071

01770.360.1399
11770.360.1944

www.forestgroupinc.com

SEN:

Delta Employees
Credit Union
▲ Delta

HIGHWAY 74 &
WISDOM ROAD
PEACHTREE CITY, GEORGIA

DEVELOPER:

LEVEL:

100 HARTSFIELD CENTER PARKWAY
SUITE 100
ATLANTA, GA 30354
(404) 761-0008
CONTACT: KARE KRATHIA

REVISIONS:

LAYOUT COORD:	KAL
PLANNING MGR:	KAL
DRAWING BY:	MDT
DATE:	AUGUST 8, 2008
JOB NUMBER:	060.006.000
DRG. FILE:	060.006.000-LEVELS-PINEAPPLE CITY/IND
TITLE:	DRAINAGE EASEMENT

9477 NUMBER

1 OF 2

COMMENTS



IF YOU GAG GEORGIA.
CALL US FIRST!
1-800-282-7411
(770) 623-4344
(W/INTL ATLANTA ONLY)
BARRICK "PROTECTOR" CENTER
IT'S THE LAW

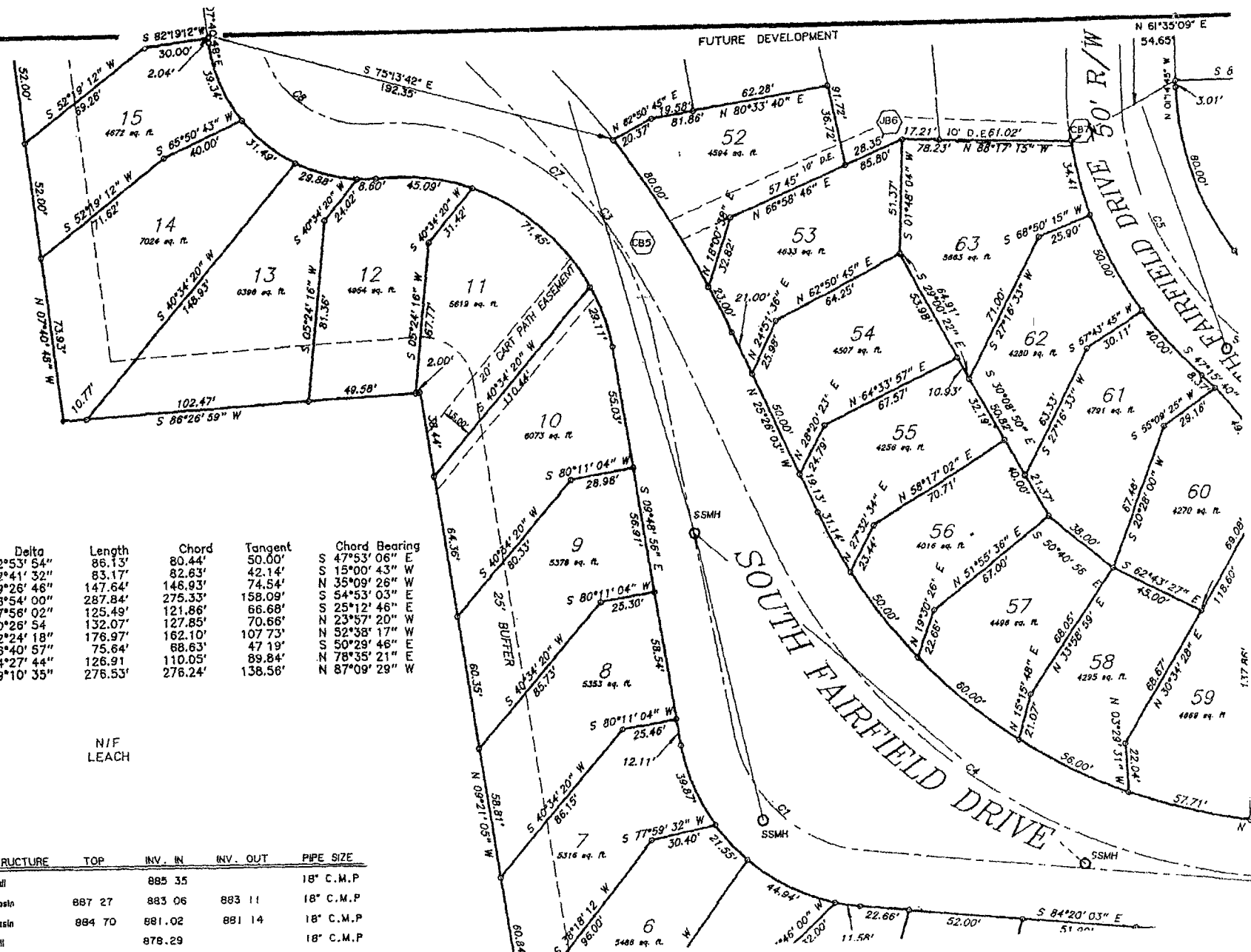


CURVE TABLE

#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	67.70'	72°53'54"	86.13'	80.44'	50.00'	S 47°53'06" E
2	210.00'	22°41'32"	83.17'	82.63'	42.14'	S 15°00'43" W
3	435.00'	19°26'46"	147.64'	146.93'	74.54'	N 35°09'26" W
4	280.00'	58°54'00"	287.84'	275.33'	158.09'	S 54°53'03" E
5	150.00'	47°56'02"	125.49'	121.86'	66.68'	S 25°12'46" E
6	150.00'	50°26'54"	132.07'	127.85'	70.66'	N 23°57'20" W
7	123.04'	82°24'18"	176.97'	162.10'	107.73'	S 52°38'17" W
8	50.00'	86°40'57"	75.64'	68.63'	47.19'	S 50°29'46" E
9	69.61'	104°27'44"	126.91'	110.05'	89.84'	N 78°35'21" E
10	1728.62'	09°10'35"	276.53'	276.24'	136.56'	N 87°09'29" W

N/F
LEACH

NO.	TYPE STRUCTURE	TOP	INV. IN	INV. OUT	PIPE SIZE
HW1	Headwall		885.35		18" C.M.P
CB2	Catch Basin	887.27	883.06	883.11	18" C.M.P
CB3	Catch Basin	884.70	881.02	881.14	18" C.M.P
HW4	Headwall		878.29		18" C.M.P
CB5	Catch Basin	885.06		877.59	18" C.M.P



After recording, return to

Theodore P. Meeker, III
Davis & Meeker, LLC
6631 Watson Street
Union City, GA 30291

**STATE OF GEORGIA
COUNTY OF FAYETTE**

EASEMENT

THIS INDENTURE, made and entered into this 29 day of September in the year 2005, between ANGELA L. OLIVERA, 120 South Fairfield Drive, Peachtree City, Georgia, as party of the first part, hereinafter referred to as "GRANTOR", and DELTA EMPLOYEES CREDIT UNION, a Georgia corporation, as party of the second part, hereinafter referred to as "GRANTEE" (GRANTOR" and "GRANTEE" to include their respective heirs, successors and assigns where the context requires or permits)

WITNESS THAT Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these present does hereby grant, bargain, sell, alien, convey and confirm unto the said Grantee the following

A perpetual non-exclusive easement over, through, under and across certain property described below being a permanent easement approximately fifteen (15) feet in width as described in the Legal Description (Exhibit "A") Such exhibit is, by this reference, incorporated herein and made a part hereof That certain property, upon which this easement crosses, is more fully described within the Plat of same (Exhibit "B") which is also attached hereto and is, by this reference, incorporated herein and made a part hereof

The purpose of the grant of easement is to allow the Grantee, through its agents and employees, the right and privilege to install, construct, maintain, and use a storm water sewer and multi-use path from the property of Grantee to South Fairfield Drive, together with all necessary and required pipes, conduits and apparatus, over, through, under, and across the subject property The storm water sewer and the multi-use path may be used by the general public pursuant to the laws and ordinances of the City of Peachtree City, Georgia and the State of Georgia. The permanent easement herein granted shall be perpetual in duration.

The Grantor shall assume no liability for injuries or damages to public users of the storm water sewer and multi-use path, and Grantor shall forfeit no other property rights by virtue of the existence of this easement on his property

This instrument shall be binding upon the heirs, successors and assigns of the Grantor herein and shall inure to the benefit of the successors in interest of the grantee herein

IN WITNESS WHEREOF, the grantor has hereunto set their hands and seals, or if corporate, have caused this document to be executed by its duly authorized officers and its seal to be hereunto affixed, as of this day and the year first above written.

OWNER.

By Angela L. Olivera
Printed Name

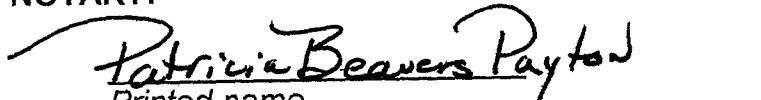

Signature

Signed sealed and delivered,
In the presence of

WITNESS:


Witness

NOTARY.


Printed name

Signature

My Commission expires:

SEAL

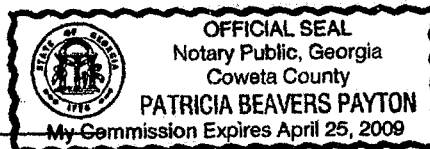


EXHIBIT A

Legal Description 15' Cart Path Easement

All of that tract or parcel of land lying and being in Land Lot 158 of the 7th District, Fayette County, Georgia and being more particularly described as follows

Commencing at a point located at the intersection of the north right of way line of Wisdom Road with the east right of way line of State Route No 74, thence along said north right of way line of Wisdom Road (having a 80 foot right of way) North 78°06'30" East, a distance of 78.02 feet to a point; thence along a curve to the right having a radius of 1,885.25 feet and an arc distance of 126.34 feet and being subtended by a chord bearing of North 80°38'37" East, a distance of 126.32 feet to a point; thence continuing along said right of way line of Wisdom Road and along a curve to the right having a radius of 1,885.25 feet and an arc distance of 95.35 feet and being subtended by a chord bearing North 84°05'45" East, a distance of 95.34 feet to a point; thence North 87°53'27" East, a distance of 88.22 feet to a axle found, thence leaving said right of way line of Wisdom Road North 09°21'05" West, a distance of 304.33 feet to a point (said point being the rear property corner common to Lots 10 and 11 of Fairfield Subdivision) and **THE TRUE POINT OF BEGINNING**, thence North 09°21'05" West, a distance of 19.60 feet to a point; thence North 40°34'20" East, a distance of 102.15 feet to a point on the westernmost right of way line of South Fairfield Drive, thence along a curve to the right having a radius of 98.07 feet and an arc distance of 15.63 feet and being subtended by a chord bearing of South 33°20'16" East, a distance of 15.61 feet to a point; thence leaving said right of way line of South Fairfield Drive and along the southernmost property line of Lot 11 (Fairfield Subdivision) South 40°34'20" West, a distance of 110.44 feet to a point and **THE TRUE POINT OF BEGINNING**

LEGAL DESCRIPTION TO DRAIN EASEMENT

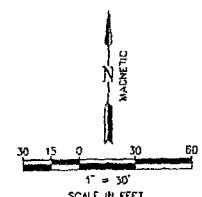
ALL OF THAT TRACT OR PARCEL OF LAND LING AND
BEING IN LAND LOT 100 OF THE FIRST DISTRICT,
FAYETTE COUNTY, GEORGIA AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED AT THE
INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF
WISDOM ROAD WITH THE EAST RIGHT OF WAY LINE OF
STATE ROUTE NO. 74, THENCE ALONG SAID NORTH
RIGHT OF WAY LINE OF WISDOM ROAD (HAVING A 60
FOOT RIGHT OF WAY BOUNDARY 2000.30' EAST),
DISTANCE OF 78.00 FEET TO A POINT, THENCE ALONG
A CURVE TO THE RIGHT HAVING A RADIUS OF
100.00 FEET AND AN ARC DISTANCE OF 100.00
FEET TO A POINT, THENCE CONTINUING ALONG SAID
RIGHT OF WAY LINE OF WISDOM ROAD AND ALONG A
CURVE TO THE RIGHT HAVING A RADIUS OF 100.00
FEET AND AN ARC DISTANCE OF 100.00 FEET AND
BEING BOUNDARY BY A CHORD BEARING NORTH
00°45'45" EAST, A DISTANCE OF 165.24 FEET TO A
POINT, THENCE NORTH 00°45'45" EAST, A DISTANCE
OF 165.24 FEET TO A POINT, THENCE LEAVING
SAID RIGHT OF WAY LINE OF WISDOM ROAD NORTH
00°45'45" WEST, A DISTANCE OF 165.24 FEET TO A
POINT (SAY POINT B) BEING THE PLAIN PROPERTY
CORNER COMMON TO LOTS 10 AND 11 OF PARCELS
2400000000 AND 2410000000 WEST, A DISTANCE OF 165.24
FEET TO A POINT, THENCE NORTH 00°45'45" EAST, A
DISTANCE OF 165.24 FEET TO A POINT ON THE
WESTERLY RIGHT OF WAY LINE OF 2000.30' BOUNDARY
RIGHT OF WAY OF WISDOM ROAD, THENCE ALONG A CURVE TO THE
RIGHT HAVING A RADIUS OF 100.00 FEET AND AN ARC
DISTANCE OF 100.00 FEET AND BEING BOUNDARY BY A
CHORD BEARING SOUTH 00°45'45" EAST, A
DISTANCE OF 165.24 FEET TO A POINT, THENCE
LEAVING SAID RIGHT OF WAY LINE OF WISDOM ROAD
SOUTH 00°45'45" WEST, A DISTANCE OF 165.24 FEET
TO A POINT AND

STATE ROUTE 74

WISDOM ROAD (80' R/W)

11	A=10.00', B=10.00', C=10.00'
12	A=10.00', B=10.00', C=10.00'
13	A=10.00', B=10.00', C=10.00'
14	A=10.00', B=10.00', C=10.00'



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Credit Union
▲ Delta

HIGHWAY 74 &
WISDOM ROAD
PEACHTREE CITY, GEORGIA

DEVELOPER:

LEVEL

100 HARTSFIELD CENTER PARKWAY
SUITE 100
ALPHARETTA, GA 30004
(404) 761-0000
CONTACT: RALPH WILKINSON

REVISIONS:

LAYOUT CORR: HNL
PLANNING MOD: HNL
DRAWING BY: MDT
DATE: AUGUST 8, 2008
JOB NUMBER: 080.006
DWG. FILE: 080.006/LEVELS-PEACHTREE CITY/DWG
TITLE:

DRAINAGE EASEMENT

SHEET NUMBER:

1 OF 2

COMMENTS:



CURVE TABLE

#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	67.70'	72°53'54"	86.13'	80.44'	50.00'	S 47°53'06" E
2	210.00'	22°41'32"	83.17'	82.63'	42.14'	S 15°00'43" W
3	435.00'	19°26'46"	147.64'	146.93'	74.54'	N 35°09'26" W
4	280.00'	58°54'00"	287.84'	275.33'	158.09'	S 54°53'03" E
5	150.00'	47°58'02"	125.49'	121.86'	66.68'	S 25°12'46" E
6	150.00'	50°26'54"	132.07'	127.85'	70.68'	N 23°57'20" W
7	123.04'	82°24'18"	176.97'	162.10'	107.73'	N 52°38'17" W
8	50.00'	86°40'57"	75.64'	68.63'	47.19'	S 50°29'48" E
9	69.61'	104°27'44"	126.91'	110.05'	89.84'	N 78°35'21" E
10	1726.62'	09°10'35"	276.53'	276.24'	138.56'	N 87°09'29" W

N/F
LEACH

NO.	TYPE STRUCTURE	TOP	INV. IN	INV. OUT	PIPE SIZE
HW1	Headwall		885.35		18" C.M.P
CB2	Catch Basin	887.27	883.06	883.11	18" C.M.P
CB3	Catch Basin	884.70	881.02	881.14	18" C.M.P
HW4	Headwall		878.29		18" C.M.P
CB5	Catch Basin	885.06		877.59	18" C.M.P

