

City Council of Peachtree City
Agenda
October 5, 2006
7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Recognize Dennis Payton for Service on the Planning Commission
Recognize Carol Lavin for 10 Years of Service
- IV. Public Comment
- V. Minutes
September 7, 2006, Regular Meeting Minutes
September 19, 2006, Regular Meeting Minutes
- VI. Monthly Reports
- VII. Consent Agenda
1. Consider Approval of Condition of Sale of MAXIMUS
- VIII. Old Agenda Items
09-06-03 Update and Consider Actions for Lake Peachtree Buffer Issues
- IX. New Agenda Items
10-06-01 Consider Amendments to Sign Ordinance
- X. Council/Staff Topics
Update from Development Authority of Peachtree City
- XI. 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 7, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, September 7, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon read a proclamation for Patriot's Day and presented the proclamation to members of the Starr's Mill chapter of the Daughters of the American Revolution.

Public Comment

Bob Brown addressed Council regarding the TDK extension. He said Council needed to do what was necessary for the citizens of the City and to support the City. Council needed to stop the extension due to the huge flow of traffic.

Minutes

Rutherford moved to approve the August 7, 2006, workshop minutes and the August 17, 2006, regular meeting minutes. Kourajian seconded. The motion carried unanimously.

Monthly Reports

Rutherford asked Police Chief James Murray if the difference between a theft and a burglary was the amount. Murray explained that a theft was shoplifting or entering an auto; a burglary was entering a home.

Logsdon asked Murray if, based on the information in the reports, that crime had increased between 15% and 20% the first seven months of the calendar year. Murray said that was correct. Logsdon noted that the City needed to address the increase.

Kourajian asked if there was a topic for the October 3 workshop yet. McMullen said there had been a request to discuss personnel. Plunkett asked if they would also discuss the manpower needs at Public Works. McMullen said they would go over all the departments individually.

Logsdon asked Finance Director Paul Salvatore if the City's finances were on target. Salvatore said he had looked at the budget that day, and revenues were still on target with projections.

Consent Agenda

1. Alcohol License – Change in License Representative – Carrabba's
2. Alcohol License – Change in License Representative – Aberdeen Woods
3. Alcohol License – Change in Licensee and License Representative – Moe's
4. Consider Appointments to Planning Commission – Larry Roach, Anna Williams (Alternate)
5. Consider Ordinance Exempting Water Treatment Basins from the Stormwater Fee
6. Appoint Solicitor Pro-Hac
7. Consider Master Lease Agreement – Draw #3

8. Consider Ordinance Establishing Speed Limits
9. Consider Surplus of Items in the Police Department

Rutherford moved to approve the Consent Agenda. Boone seconded.

Kourajian noted that the master lease agreement (Consent Agenda #7) was for a large amount. He felt it should not have been included on the Consent Agenda and should be under New Agenda Items, even when it was a second approval. He asked staff to go over the items. City Manager Bernard McMullen said that Council had looked at the items twice, during the budget approval process and when the purchase was approved. He noted that the master lease agreement was for the police vehicles in the FY 2006 budget. The vehicles had been ordered in December or January, and were received in late June and early July. Chief Murray said the last vehicle had been on the road for two weeks.

Kourajian asked what determined whether a residential speed limit should be 25 mph or 30 mph (Consent Agenda #8). Chief Murray said the state determined the speed limit. If a street was on the radar permit, the speed limit had to meet the criteria. State law for residential areas was 30 mph unless otherwise marked. Rutherford noted that the City had to get a special permit in order to run radar on residential streets with a 25 mph speed limit.

The motion carried unanimously.

New Agenda Items

Logsdon noted there had been a request to move "Agenda Item 09-06-03 Update and Consider Actions for Lake Kedron/Lake Peachtree Buffer Issues" to the top of the agenda.

09-06-03 Update and Consider Actions for Lake Kedron/Lake Peachtree Buffer Issues

Rutherford moved to table this agenda item since information was still being gathered. Plunkett seconded. The motion carried unanimously.

Rutherford clarified that the item was tabled until the next meeting.

09-06-01 Consider PCTA Budget

David Ring, chairman of the Peachtree City Tourism Association, presented the budget for FY 2006-2007. He said that the PCTA staff was also in attendance to answer questions.

Rutherford asked if the PCTA's fiscal year ran from October 1 to September 30. Ring confirmed the PCTA's fiscal year was the same cycle as the City's.

Kourajian referred to page 78 in the Council packet, which included a line item in the General Fund for allocated personnel expenses. McMullen said that a certain amount of the executive director's and the administrative staff's time was spent supporting the Tennis Center and Amphitheater. A portion of the expenses were allocated to those venues in order to have more realistic cost of what it cost to operate the venues. If those expenses were not allocated to the venues, it would be included in the PCTA General Fund. Kourajian asked if the expenses for the executive director's salary were accounted for twice. McMullen said no. Plunkett said there was an increase in personnel funds in the General Fund, the Amphitheater fund, and the Tennis

Center fund. She asked if fees were up. McMullen said there were a couple of reasons to include salary increases, increases in the cost of medical insurance, and one person was going from part-time to full-time.

Rutherford asked if an amphitheater director would be hired. McMullen said they were not hiring a director for the amphitheater, but an administrative position was changing from part-time to full-time. Rutherford asked if there was a full-time director in the budget. McMullen said the position was still in the budget, but at the last meeting the board voted not to fill the position. Kourajian asked Rutherford if she wanted to pull the position out of the budget. Rutherford said she preferred to table the budget until the PCTA corrected, or aligned the budget, with what they were doing.

Plunkett asked if and how the City staff time was charged to the PCTA. Rutherford said the PCTA paid the City a fee that was budgeted under services. McMullen said the PCTA paid a \$10,000 fee to the City to cover the expenses for the staff support. Rutherford asked if the \$10,000 fee was sufficient to cover those expenses. McMullen said he and Salvatore had discussed the matter, and Salvatore would talk to the PCTA. According to the assessment done by the City, the fee more than covered the time. An hour-by-hour reimbursement was under consideration, but there would have to be changes in the lease agreement. The short answer was the fee was covering the expense. Rutherford clarified that the City was reimbursed for accounting fees. McMullen said yes, as well as IT support. He added that a lot of the accounting and financial responsibilities initially done by the City had been picked up by the PCTA.

Plunkett moved to table the budget for two weeks to make the corrections on the salaries. Rutherford seconded. The motion carried unanimously.

09-06-02 Consider Award of Restroom Contract for Picnic Park

Leisure Services Director Randy Gaddo requested that Council award the design/build for the restroom facility to Trison Group for \$132,800. There had been two responses to the proposal – Trison Group and Lester Construction (\$128,627). Gaddo said the bids were evaluated based on common criteria in the Request for Proposal (RFP). Although the bids were very close, Gaddo said the key reasons for recommending Trison were due to adherence to the scope of services; experience in design/build projects; the choice of subcontractors, including architects and engineers; and references. He continued that Lester had experience with one design/build project – a retaining wall. Trison built the restroom/concession buildings adjacent to the BMX track and the Kedron multi-purpose rink. Trison also built the concession stand at Riley Field several years ago. The projects were all completed on time and on budget. Trison also had a very experienced team of subcontractors, which was critical in a design/build project. Gaddo added that Lester originally did not have an architectural and engineering firm or a grading contractor. He said the site was challenging. Trison would use the same architectural and engineering firm (CDH Partners) and grading company (Bradbury and Son Grading), which had done excellent work for the City in the past. Gaddo said funds were available in the PIP.

Rutherford asked where the structure would be located. Gaddo said it would be at the road end of the Picnic Park parking lot due to the floodplain. It was the only area out of the floodplain.

Plunkett asked about the aesthetics of the building since it was in a highly visible location. Gaddo said the structure would not be as large as the BMX building since there it would be restrooms only. It would have the same stone exterior as City Hall and Library.

Boone moved to award the Picnic Park restroom to Trison Group for \$132,800. Rutherford seconded.

Rutherford suggested using the difference between the cost and the budgeted funds for landscaping. Plunkett agreed.

Kourajian asked why only two companies responded. Gaddo said it often depended on the timing. The RFP went out in the summer when larger builders were already working on other contracts. Gaddo said the RFP was sent to dozens of companies. Kourajian it was difficult to determine which proposal was the best since there were only two. Gaddo added that the City had built two restroom/concession buildings in the four years, both for approximately \$150,000. If the concession area were pulled out of those projects, then the proposals were in line.

Plunkett asked if there would ever be a need for concessions at Picnic Park. Gaddo said that they had looked at that closely, but felt it was not needed with the picnic shelters in the area. If an event was held that required concessions, a tent would be set up.

The motion carried unanimously.

09-06-03 Consider Amendment to Retirement Plan

Administrative Services Director/City Clerk Jane Miller addressed Council concerning a proposed amendment to the Defined Benefits Pension Plan. She noted that Council had approved an amendment to the City's retirement plan regarding early retirement (age 55) for Public Safety employees in 2004. At that time, there had been an unintended change that eliminated the option of a vested employee who left City employment prior to age 55 from being able to draw the pension before age 65. Prior to that, a terminated vested employee was able to come back to the City and draw a reduced pension between the ages of 55 and 65.

Miller continued that the issue came to light when a former employee came to the City regarding their pension benefits. At that time, the pension consultant said the former employee had to wait until age 65 to receive the pension. Miller continued said that was not what was intended. She said a change to the language was required to add "early retirement for a vested employee." She added that, in talking with the pension consultant, there had also been a reduced pension for those who retired early. The pension consultant suggested that there be a separate retirement schedule for terminated vested employees. The consultant came up with equivalence factors that were revenue neutral and totally self-supporting.

Rutherford moved to approve the amendment to the City's Defined Benefit Pension Plan as requested. Boone seconded.

Kourajian asked whether the changes affected all employees, or just Public Safety. Miller said it affected all employees.

Kourajian asked whether an employee who was imprisoned due to doing wrong by the City would be able to collect a pension. He noted that was happening in Atlanta. Miller said there was a section in the pension plan that dealt with embezzlement and making a determination as to whether or not an employee should receive a pension. Kourajian asked Miller to send him that section.

The motion carried unanimously.

09-06-04 Consider Ordinance Requiring Foundation Surveys on Construction Projects

Building Official Tom Carty explained that the proposed change to Section 18-10 of the Code of Ordinances to separate residential, commercial, and industrial construction projects and to require a foundation survey on all future commercial and industrial construction projects. The change also clarified the requirement for foundation surveys on all construction projects. The changes would ensure that small industrial and commercial projects would not encroach, by accident, into restricted setback areas. The monetary costs to remove an encroachment would be less if the encroachment was discovered prior to construction.

Carty said that, under Section 18-10(a), staff recommended that the residential foundation survey requirement be changed from two feet to five feet of a setback line. He added that, for all new residential construction, they were running at 95% requirements for foundation surveys due to the five feet from the property. He said five feet was recommended and should not affect residential builders much, but could affect homeowners planning a small addition. However, the requirement for the survey would keep everyone out of trouble. Two feet was very close to a setback.

Rutherford clarified that if a drawing looked to be five feet or less from the setback, then a survey would be required first. Carty said they would get approval to pour the cement, but they would have to bring back a survey prior to putting up the lumber. Rutherford said she did not want the cement poured. Carty said a foundation survey could not be done without pouring the cement. He said there should be a survey done before there was an addition. If there was nothing on the ground, there was no alternative, but to pour the cement. Carty said if he looked at a set of plans and felt the project would encroach into the setback, then Section 18-10(b) allowed the Building Department to require a foundation survey for any structure the Department felt encroached into the setback regardless of how it was shown on the proposed site plan.

Carty continued that the big change was to Section 18-10(c). It did not affect the large commercial buildings that were required to submit foundation surveys and asbuilts, but it kept the smaller commercial projects from requiring a variance. The change was to require the foundation survey for all commercial projects.

Plunkett asked what the requirement would add to the cost. Carty said the cost for staking a property was approximately \$300, then another \$300 to get a survey after the cement was poured. Rutherford noted that was cheaper than tearing something down. Plunkett asked whether one or the other had ever been required. Carty said someone that have lived in their home for many years and knew where the pins were might not need a survey, but a second owner probably would.

Kourajian asked Carty to explain the rationale for going from two feet to five feet for the requirement for a residential survey. Carty explained that setbacks were the limits of construction on the property. Subdivision setbacks varied. Some cluster projects had zero setbacks. If there was a zero setback and the language in the ordinance said two feet, then a survey would be required. There were other impacts in the building codes, such as the three-foot requirement for windows for the fire laws.

Rutherford moved to adopt the changes the changes to Section 18-10 of the Code of Ordinances to change the requirements for residential/commercial/industrial construction foundation survey submittal to require a foundation survey for all commercial and industrial construction projects. Boone seconded. The motion carried unanimously.

09-06-06 Consider Purchase of Public Works Truck Due to Accident

Public Services Director Tom Corbett told Council there had been an unfortunate overturn of an older vehicle. The City did get some insurance money. The City solicited bids from 15 Ford dealers for the purchase of a Ford F-250 pickup, and four bids were returned. The bids were very close and met all the specifications. The lowest bid was from Legacy Ford at \$20,288. The City was still getting an excellent price on pick-up trucks, and the bid was about \$4,000 less than what had been expected.

Rutherford asked why it had to be a Ford. Corbett said the Ford truck was the City's standard. The shop would have to double its inventory to purchase another brand. The mechanics all had gone through Ford certification and received up-to-date training annually. The City was also working with Ford to obtain permission to do warranty work.

Rutherford asked what the City was not buying in order to purchase the new truck since the funds were coming out of the machinery and equipment line item. Corbett said staff had recommended putting off the purchase of the boom mower for another year in order to buy another piece of equipment along with it. The truck was not budgeted, so Council approval was needed.

Plunkett asked if another vehicle was involved in the accident and whether there were any injuries. Corbett said the incident occurred at the Recycling Center, and no other vehicles or people were involved.

Rutherford moved to award the bid for the 2007 Ford super duty pick-up truck to Legacy Ford of McDonough for a bid of \$20,288, with money coming from the payment from the insurance company and the difference of \$17,504.75 from line item 100-4100-54-2050, Machinery and Equipment, from the 2006 Public Services operating budget. Kourajian seconded. The motion carried unanimously.

Council/Staff Topics

Plunkett noted that the welcome sign at the GA 74/GA 54 intersection was not owned by the City. Corbett said the City maintained all the grass and shrubbery. Plunkett said the City did not maintain the signs, and other clubs wanted to be included on the sign. She asked why the City was maintaining the area. Assistant City Manager Colin Halterman said the sign had been

donated to the City. Plunkett said the Rotary Club believed the club still owned the sign. McMullen said he had no idea, and he would have to look into it.

Update on Subdivision Entrance Maintenance and Right-of-Way Mowing

Corbett said the Landscape Crew maintained more than 250 subdivision entrances (signs, shrubbery, trees, flowers, plantings, 79 irrigation systems, some lighting), more than 400 additional planted areas within the subdivisions, landscaping on all highway medians (including GA 54 and GA 74), the areas around detention ponds, and the grounds at City Hall. (A copy of the PowerPoint presentation is included in the official meeting file.) Rutherford asked if the City paid the water bills for the irrigation systems. Corbett said the City paid the bills, but turned the systems off at the end of the season. Corbett continued that the Landscape Crew checked and took care of all reported tree problems on City properties and greenbelt areas and took care of a number of special projects. The Landscape Crew accomplished subdivision entrance maintenance and all other landscaping duties with a Landscape Supervisor and four two-man teams, a total of nine employees. Each team worked in a sector of the City maintaining subdivision entrances and planted areas and was moved to other duties by the Supervisor.

Corbett continued that it took approximately five weeks to make the complete circuit of all the subdivision entrances, all city-landscaped acreages within the subdivisions, all medians, and all detention ponds. City Hall received special treatment once a week. Possible ways to increase frequency of maintenance included hiring additional temporary employees during the growing season, outsourcing the right-of-way mowing, and moving some existing Public Works personnel to landscaping operations. Other options included eliminating landscaping at detention ponds and replacing with grassed areas, outsourcing median landscaping on state routes, and creating arrangements with homeowners associations to assume some of the subdivision entrance maintenance.

Rutherford said she would prefer to have more low-maintenance landscaping. Plunkett asked if there were any estimates on the outsourcing costs. Corbett said he had talked to other municipalities in the metro area, and he was surprised at the feedback. Hapeville outsourced landscaping and maintenance by the railroad tracks at far less than the cost in-house. Corbett added that the City was in a good market for grass-cutting and landscaping outsourcing. He was following up by looking at the contracts the other municipalities had, and he was looking at testing the market in early to mid-winter. Rutherford asked Corbett to define summer. Corbett said it was everything but November, December, January, and February. Corbett said the City cut grass right up until it stopped growing and started as soon as the first weed appeared in a subdivision bed. Kourajian asked what the high-growing season was. Rutherford said there could be an opportunity to hire college students part-time during the growing season. Plunkett noted that the City was also nearly built-out, so there should not be many more subdivision entrances or landscaped areas deeded to the City. She wanted to see a plan to get the maintenance done the way everyone wanted it.

Corbett said the Right-of-Way (ROW) Crew cut and trimmed approximately 357 acres of grass on City and state rights-of-way, medians, Fire and Police Department properties, and the Public Works complex. The ROW Crew was also responsible for routine and special litter collection activities on rights-of-way, as well as a variety of building maintenance activities. The ROW Crew had 13 employees – 10 employees and a supervisor were dedicated to right-of-way

mowing, and two employees were assigned to litter removal on major roads and rights-of-way, one of whom operated the Recycling Center on Wednesday afternoons and Saturdays.

During the growing season (March through October), the ROW Crew's primary function was grass cutting and trimming. The estimated mowing time for 357.61 acres was 274.25 hours, plus 256 hours for trimming. It typically took two weeks to complete a full round of right-of-way grass cutting, with secondary roads often taking two and one-half weeks. Fire and Police properties were cut and maintained weekly. The ROW Crew leader also spent a good deal of time working on facility maintenance activities and supervising teams in the non-growing season in such activities as painting, carpentry, electrical, lighting and plumbing fixture repairs and replacements, and a number of other building and facility-related repair functions. The weather played a significant role in the schedule, since the machinery would operate correctly after heavy rains, and drought presented another set of problems.

Plunkett asked who determined the priority. She noted that the grass had not been cut at the site for the recent triathlon. She wanted to ensure the grass was cut for special events. Plunkett said there had to be a way to ensure the City looked good for such events, even if the cost had to be passed on to the sponsoring organizations. Corbett said that there was not a provision to bump or move the schedule for special events, which threw the entire schedule off. The workload was heavy, and the time frame was tight. The Department did not have the flexibility to take care of special events without throwing the schedule off almost beyond repair. He said that was something to look at taking care of with the alternatives.

Corbett continued that the grasses found in the rights-of-way were not typical lawn coverings, but a collection of scrub grasses that tended to not hold up well between cuttings. The rights-of-way were infested with Bahia grass, which grew and spread quickly (over 12 inches within 48 hours of cutting). The seed pods traveled with the wind. Bahia grass was a livestock feed, and there were no specific herbicides to eradicate it. The grass also thrived in drought conditions, but Bahia grass growth was inhibited by cold and wet winter weather. Recent winters had been warm and dry. The two-week cutting cycle allowed abundant growth of Bahia and the other scrub grasses. A possible solution would be to outsource some portions of the rights-of-way grass cutting to supplement existing mowing operations, with the goal of increasing frequency on primary routes. Corbett reiterated that he had been very impressed with the outsourcing information he was getting from other municipalities. Rutherford said she wanted to see the costs of maintaining the landscaping in the medians versus medians that only required mowing. Corbett said that Halterman had compared the costs several years ago, and he would get the information to Rutherford. It was far less expensive to take care of grass. Rutherford said that was the information needed to make an informed decision.

Resident Bob Brown, who had served as the landscape chairman for the Planterra Ridge Homeowners Association, said the Homeowners Association budgeted \$50,000 annually to maintain the landscaping, including some on City property from the Planterra clubhouse to GA 54. The City's five-week cycle was not adequate to keep the area looking nice. He said the annual cost to maintain the subdivision entrance landscaping and grass, plus a few areas inside the subdivision, in the Governor's Row three times a month was \$2,400. He noted that, as part of his job, he did an efficiency study on the Public Works employees in Madison County,

Mississippi. Madison County worked 50 hours a week during the summer so they could get more work done, and the employees took comp time in the winter.

Update on Vacant Positions

Miller noted that Council had asked for an update on vacant positions. Currently, there were three full-time positions open – stormwater manager, police officer, and maintenance technician on the street crew, which had been posted since June 13. The police officer position was new and was created in September. The stormwater manager position was created in February and had been posted for several months. There had been several interviews, but no one had been hired. Miller added they could be close. Four part-time positions were open – a planning assistant (open since July 20), two firefighter/emergency medical technicians (one since August and one just a week ago by someone moving to full-time), and two crossing guards (one part-time and one part-time alternate).

Chief Murray reported that he had an interview scheduled the next day for the crossing guard position at the Walt Banks/Peachtree Parkway intersection. There had been a lot of applicants, but anyone working with children required an intensive background investigation. He hoped the Walt Banks/Peachtree Parkway crossing guard would be on duty in another week. Plunkett asked for an update on police officer positions. Murray said there would be four positions on October 1. He had three officers attending the Police Academy, and three were out on disability.

Update on Golf Cart Registrations

Miller reported that as of that day slightly over 6,000 carts had been registered. Forty-four percent were walk-ins, 33% were done on on-line, and 23% had been mailed in. Miller estimated there were approximately 2,500 to 3,000 carts still not registered, and the deadline was the end of September. The last round of mailings had just been sent out. She said staff was trying to get the word out and putting announcements in the newspaper. A fine of \$80 had been established for unregistered carts. October would be a grace period.

Discuss Coweta County Development

City Planner David Rast gave an overview of the potential impacts of the existing and proposed Developments of Regional Impact (DRIs) planned in Coweta County. The DRIs had been submitted to the Chattahoochee/Flint Regional Development Center, which covered Coweta County, and the Georgia Regional Transportation Authority (GRTA).

Rast said the Twin Lakes (DRI # 728) development had been annexed into the City of Senoia and was located off Rockaway Road. The project included 760 acres and 663 homes. Primary access was from Rockaway Road and Stallings Road. It was a phased project. The number of car trips per day was estimated at 5,926. The projected buildout was 2012. In addition to various improvements within Fayette and Coweta Counties, the GRTA Notice of Decision required intersection improvements within Peachtree City at Rockaway Road at Holly Grove Road/GA 74, GA 54/GA 74, and GA 74 /TDK Boulevard. GRTA also required the extension of TDK Boulevard to intersect with McIntosh Trail dependent on acquisition of right-of-way, and the City filed an objection to that requirement. He said the decision was modified so the requirement was dependent on the acquisition of the right-of-way. If the City was not able to acquire the right-of-way for the extension of TDK Boulevard, then the requirement would be pulled out of the Notice of Decision. Kourajian questioned whether GRTA required the road to

be built if the City acquired the right-of-way. City Attorney Ted Meeker said that GRTA's position was that if the City acquired the right-of-way for TDK, then the road had to be built or risk losing transportation money. Rast said if the improvements were not completed, then the City would be the loser in transportation funding. It would not fall back to Senoia or the developer.

Rutherford asked if the City had objected to the Twin Lakes DRI. Meeker said the City had joined Fayette County to argue about the conditions placed on both jurisdictions. The conditions did not change. Fayette County requested that the City not pursue the decision legally, and the Council, at that time, agreed with the County not to pursue it. Plunkett asked what the County's position was now. Rutherford asked if the City should pursue legislation action regarding what GRTA could do. Meeker said the legislation was not clear on whether GRTA could impose conditions outside the territory making the decision. Meeker said that was the basis of the appeal argued before the board. Rutherford said that was an issue that should be addressed with the legislative delegation in January. Plunkett asked about impact fees to cover the costs. Meeker said one of the arguments was that the City could not impose those requirements on the developer since the project was in another jurisdiction. Rast added GRTA's Notice of Decision stated that Senoia was required to impose the traffic improvement requirements on the applicant. Meeker said the onus was not on the applicant, but on the local jurisdiction. Rutherford pointed out that the City had no jurisdiction. Meeker said that was the argument last year.

Meeker continued that there was also concern about the requirement to make the improvements prior to buildout. If a lot was purchased, but it there was no construction on that lot, the question was whether or not a project was built out. Rutherford noted that three of the road improvements were not near the proposed development. Meeker said GRTA was set up to look at the totality of the road issues, not just in one area. Rutherford said everyone affected should have a voice at the table. If the legislation did nothing more than that, everyone should at least have a voice at the table. Logsdon asked if the DRI was considered the City's voice, since the City had the ability to respond. Meeker said it was part of the City's voice. Rast added that the GRTA decision included other improvements in Senoia and Fayette County. He said the preliminary plans for Rockaway Road had been prepared, but they were not the final documents. Some of the intersection improvements GRTA imposed were above and beyond those that DOT had planned for the GA 74/Rockaway Road intersection. GRTA expected Senoia or the developer to do the improvements. Meeker said that Senoia's position was that Senoia could not require the developer to do projects in other jurisdictions.

Plunkett asked if impact fees could be used when there were requirements to build a road in another City. Meeker said that could not be done with impact fees. Meeker said Rast illustrated a point that had become clear during the process, and that was there was no communication between GRTA and DOT. All of the improvements were included in the City's transportation plan. DOT had plans for what they would do during the GA 74 widening process, but those specifications were different from what GRTA wanted to see based on the DRI. Logsdon asked Meeker to help him formulate questions for a meeting he had with DOT Commissioner Harold Linnenkohl the next week. Rutherford added they should also bring all of these issues forward to the legislative delegation. Logsdon said he had spoken with Senator Ronnie Chance, who set up the meeting with the DOT. Rutherford said all the City residents should call; there should be a groundswell.

Rast reviewed the information on the Pathways tract (DRI # 923) in Sharpsburg. The project included 486 acres with 800 single-family homes, 69 townhomes, 100 assisted living units, 152,000 square feet of retail, 43,000 square feet of office, and a 10,000 square-foot day care. The primary access would be from Highway 54, McIntosh Trail, Reese Road, and North Road. There would be an estimated 15,049 trips per day. The projected buildout was 2011. In addition to various improvements within Fayette and Coweta Counties, the GRTA Notice of Decision required that TDK Boulevard be extended to intersect with McIntosh Trail, as well as the widening of McIntosh Trail from two to four lanes from TDK Boulevard extension to GA 54. GRTA also required the installation of a second southbound exclusive turn lane on GA 74 at Crosstown Drive, a second outbound eastbound lane on Crosstown Drive to receive second southbound turn lane, and changing the southbound left turn phasing to protected-only. Rast said he understood there were some conflicts between the Town of Sharpsburg and Coweta County concerning the project. Rast continued that none of the DRIs had looked at the intersection of Dividend Drive/TDK. They had all looked at GA 74 and McIntosh Trail, but not at an intersection with a four-way stop. Meeker said there was just a flat open-ended requirement in this DRI, which could be assessed against the developer.

Plunkett asked if GRTA had considered the fact the TDK extension was to relieve the current traffic congestion. Meeker said he had been very frustrated with GRTA throughout all the processes. He recalled that he, the City Manager, and the City Engineer spend a great deal of time looking over the backup to determine why the TDK extension was even included in the Notice of Decision for the Senoia development. The backup showed that only two percent of the traffic would travel on TDK. Plunkett said they should look at where they could go from here.

Rast said the McIntosh Trail Village (DRI # 1191) would be located in unincorporated Coweta County. The proposed project was 1,600 acres with 3,000 single-family homes, 164 live/ work residential units, 946,050 square feet of retail, and 119,650 square feet of office space. The plan showed six access points on McIntosh Trail, one on Byrom Road, and three on the proposed TDK Boulevard extension. The estimated new trips per day were 43,953. The projected buildout was 2016. Kourajian asked if the road trip estimates included the trips people from the City would take to get to the retail. Boone agreed with Kourajian that there would be more trips with an estimated one million square feet of retail.

Rast said that he was not sure if the projected traffic figures in each DRI included the projections from the other DRIs. He continued that GRTA held a methodology meeting with the developers and had asked the City to respond to what was submitted at that meeting. Rast said staff had found quite a few inconsistencies, but they had not been included in the project summary. Staff planned to send a letter to GRTA asking that the inconsistencies be considered. When the TDK extension was designed, the traffic projection had been an estimated 7,800 trips per day. Kourajian said the requirement would be to four-lane the TDK extension.

Rutherford asked IT Administrator Matt Robinson to e-mail the PowerPoint presentation to Council.

Kourajian asked how much undeveloped land remained in Coweta County. McMullen said there was a significant amount.

Plunkett asked what the Coweta County Commissioners' position was about the DRIs. McMullen said he spoke with Theron Gay, the County Manager, who indicated the Commissioners would support the McIntosh Village proposal, but in maybe not in the exact numbers or configuration. Coweta was also getting ready to approve its updated comprehensive plan, which called for the construction of village centers. They felt TDK was an important artery in terms of supporting the McIntosh development. McMullen said he asked Gay if he and Coweta County's planning director would make a presentation on Coweta County's comprehensive and transportation plans to the City Council, and Gay indicated that was something they were willing to do. Plunkett asked what Coweta's current population was. Meeker said 105,000. McMullen said that, according to Gay, Coweta expected the population to grow four to five percent per year.

Boone asked Rast what the other route on the Coweta County side of TDK was. Rast said it was McIntosh. Rast said that, according to the methodology report, Coweta County was studying the intersections in the unincorporated area, but projected that the majority of people in the development would use GA 154 to get to I-85. They were analyzing the Thomas Crossroads intersection to I-85 as opposed to any intersection along GA 74. Rast said staff felt each of the intersections along GA 74 in the City and in Tyrone should also be analyzed. Meeker noted there were very few east-west corridors between GA 154 and GA 54. Rutherford said they would use TDK because it was closer to their homes, and the work on GA 74 would be near completion.

Plunkett said the village concept was live and work, but she did not see much work other than retail. She noted there was no industrial. Rast said there was 120,000 square feet of office space planned.

Kourajian suggested finding out the positions of the Fayette County Board of Commissioners, the Fayette County Chamber of Commerce, and the other municipalities. There needed to be a discussion very soon. He asked Meeker to find out what could be done legally and what the City was required to do based on the documents already signed. Council needed to know all the options and needed a better understanding of what was happening in Coweta County. Kourajian said the retail area planned in the DRIs would kill Braelinn Village and would cost the County major tax revenue. Rutherford added that the purpose of the TDK extension was another route for industrial park employees; the residents in those areas would not be providing support for the City's industrial park. Plunkett said the City should do whatever it could.

Kourajian also wanted to speak to Dennis Chase. He understood the McIntosh DRI was going to put in its own wastewater treatment system, and he wanted to know if the streams could handle that. McMullen said the plan was to use a land application system for the sewer. McMullen said that, according to WASA Executive Director Larry Turner, 280 acres would be needed for that type of system, but Coweta County disagreed. McMullen said Lake McIntosh was waiting for permits, plus there was some litigation concerning the tri-state water issues.

Kourajian and Plunkett both expressed concern about the possibility of 6,000 homes under the flight path to Falcon Field. Kourajian asked if the air space was used just because it was open, or if the airport had to get permission or pay for it. McMullen said the instrument approaches and flight patterns to Falcon Field had been cleared and approved by the FAA and were published in

FAA documents. There was the potential for a significant impact. The City had also addressed that concern with GRTA. Logsdon asked about avionic easements, and whether the airport would have to buy them. McMullen said the airport would not have to purchase any easements, but people would complain about the noise as the project developed. Logsdon asked what would happen if there was a water tower in the area. McMullen said anything that would stick up into the runway slopes would have to get FAA clearance for clearance. Rutherford noted that Senoia built a water tower without asking anyone. McMullen said Senoia had been required to seek permission, but had not.

Plunkett asked how long it would be before the DRIs were approved. Rast answered that Twin Lakes and Sharpsburg had been approved. The McIntosh Village DRI had just started the process. Meeker said the process was 30 to 60 days. Rast added that once the process started, it moved quickly.

Phyllis Aguayo told Council the proposed DRIs and the potential TDK traffic was worse than she had envisioned. She added that GRTA, ARC, and DOT had no concern for the City. Rutherford pointed out that the ARC was not involved in the process. Aguayo said the City should not let the entities trample on the City's plan. She added that DOT was six-laning GA 74 in order to move traffic from out of the City through the City. The City was not going to be ruled from the outside; it was time to say no.

Plunkett asked to look at the ordinance regarding how many unrelated people could live in a single dwelling. She wanted to look at the constitutionality of the ordinance and see where the City was. Plunkett said it could help with some issues. Rutherford said they also needed to look at on-street parking.

Rutherford moved to convene in executive session for threatened or pending litigation, real estate, and a personnel issue. Kourajian seconded. The motion carried unanimously.

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

There being no further business to discuss, Kourajian moved to adjourn. Rutherford seconded the motion. The motion carried unanimously. The meeting adjourned at 10:59:30 p.m.

Jane Miller, City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary

City Council of Peachtree City
Minutes of Meeting
September 21, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, September 21, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon proclaimed September 17-23 as Constitution Week.

Public Comment

Lynda Wojcik addressed Council regarding the burning of yard waste between October and May. She told Council there was an ordinance against smoking in restaurants, which was a choice people could make, and asked them to consider limiting outdoor burning to one week a month. She said she was allergic to smoke and could not breathe when she was outdoors or when she had her windows open. Wojcik had photos of the smoke, which were scanned in and shown to Council. (Copies of the photos are included in the official meeting file.)

Richard Spain addressed Council concerning the TDK Boulevard extension. He said he had only lived in the City for a few months and had been trying to get information. He had also e-mailed Council on the issue. He noted that no answer was passive acceptance. He asked if Council could stop the road and asked for a resolution to either accept or deny the project. Spain told Council they should go on record so the residents would know how the members felt during the next election cycle.

Robert Brown told Council he was extremely disappointed to read that Council had not taken action regarding the TDK Boulevard extension. He said Council needed to make a decision and to be prepared for the political consequences. If Council felt it was not good for the City, then the City Attorney should find a way to get out of it. There were a lot of pluses for Coweta County and the developers, but not for the City. The Council worked for the City, and they should let the people know where they stood.

Minutes

Rutherford moved to approve the September 12, 2006, workshop minutes and the September 12, 2006, special called meeting minutes as written. Plunkett seconded. The motion carried unanimously.

Consent Agenda

- 1. Consider Declaring Surplus Property**
- 2. Consider Assignment Agreement of APAC-Southeast, Inc., Contract**
- 3. Consider Request for Easement from Newnan Utilities**

Logsdon referred to Consent Agenda Item #2 and noted that C.W. Matthews Contracting Company, Inc., bought APAC. He disclosed that his son-in-law was an accountant for C.W. Matthews. Rutherford noted that the agreement was on the agenda so it would cover the road work done by APAC-Southeast, Inc. McMullen said that was correct.

Rutherford moved to approve the Consent Agenda. Kourajian seconded.

Plunkett asked if the surplus property from the Police Department had been confiscated. Police Chief James Murray said it was a combined list.

Rutherford asked if there was anything on the list, such as the bicycles, that could be auctioned online. Assistant Finance Director Janet Camburn said the City had sold one vehicle on-line. Most of the items were inexpensive and would take more time to sell online than to take to the auction. Rutherford said she understood, but thought the bikes might go better online.

The motion carried unanimously.

Old Agenda Items

09-06-01 Consider Approval of PCTA Budget

Peachtree City Tourism Association Chairman David Ring noted there had been a question regarding the Amphitheater monies. It had been re-categorized from Amphitheater personnel to the contingency fund. He deferred any specific questions to the PCTA Finance Committee to answer.

Rutherford moved to approve the PCTA budget. Kourajian seconded. The motion carried unanimously.

09-06-03 Update and Consider Actions for Lake Kedron/Lake Peachtree Buffer Issues

City Engineer Dave Borkowski said that staff would discuss the west side of Lake Peachtree after meeting with the homeowners associations. Staff made the following recommendations for the Lake Kedron reservoir and the east side of Lake Peachtree:

1. All access to the lake should be restricted to the boat docks only, and all boats and trailers should be removed.
2. Violations of any of the buffers and setbacks delineated on the subdivisions recorded Final Plats should be corrected.
3. Violations of the Watershed Protection Buffer (100 feet) and Impervious Surface Setback (150 feet) that are not platted shall be grandfathered. Any new activities shall comply with what is delineated on the recorded plat. Any subdivision that is revised in the future shall delineate the new Watershed Protection Buffer and Setback.
4. Violations of the State Water Buffer (25 feet), the platted Watershed Protection Buffer and Setback, and City Greenbelt should be corrected. This area should be allowed to grow back naturally.
5. City Ordinances should be reviewed for consistency and changes made as appropriate. The City should create a permit process and update educational information to inform citizens of what they could and could not do in the various buffers and setbacks.
6. The homeowners should be notified of what will be required to be in compliance and be given a specific time frame to implement corrective action.

Borkowski recommended the following for the east side of Lake Peachtree:

1. All violations to City property and City greenbelt should be corrected and the area allowed to grown back naturally. All encroachments should be removed.
2. Violations of the Watershed Protection Buffer (100 feet) and Impervious Surface Setback (150 feet) that are not platted shall be grandfathered. Any new activities shall comply with what is delineated on the recorded plat. Any subdivision that is revised in the future shall delineate the new Watershed Protection Buffer and Setback.

Borkowski explained that a lot of people did not understand what was a violation of the different buffers, which could be very confusing. All violations to buffers that were not platted would be grandfathered. He said staff and City Attorney Ted Meeker had discussed the issue with the Georgia Environmental Protection Division (EPD). Borkowski continued that, if the recommendations were approved, staff would begin a review of all the ordinances and make the changes needed to make the ordinances more concise and clearer. He said staff would also establish a good written enforcement procedure and policies, as well as good educational materials to give to people. He said staff would meet with the affected homeowners associations to discuss the issues. Lastly, there would be lot-by-lot inspections to locate all the violations, then get together with the owners regarding the violations.

Borkowski continued that the City mailed letters to approximately 114 homeowners that abutted City greenbelt property last week regarding possible greenbelt violations. As for the other buffers, the first step was to develop a good written procedure and permit, as well as developing some good educational information so people would understand what was a violation and what they were allowed to do.

Borkowski reiterated that there would be a meeting with the residents of the west side of Lake Peachtree, and staff would present the recommendations for that part of the reservoir at another time.

Plunkett moved to table the discussion on the west side of Lake Peachtree for two weeks (October 5). Kourajian seconded. The motion carried unanimously.

Rutherford noted that the recommendations had a lot of “shoulds” that needed to be made “wills.” She said the City had to be very clear about what was grandfathered and whether it was grandfathered just for the current homeowner or for perpetuity. Borkowski said that was a good question. If the 50-foot buffer was platted for one subdivision, then that was what those lots and subdivisions would be held to for the duration. Meeker clarified for the duration, or until the property was replatted. Kourajian asked why something would be replatted. Meeker said someone could buy lots, combine them, and redevelop an area.

Rutherford recalled that there were some lots on Lake Kedron where the buffers were unclear. Meeker said the buffers were depicted on the plats, and they had been able to ascertain what the platted buffers were on the individual lots. Plunkett asked if they had heard from anyone with no plat or no buffer. Meeker said they had not heard from anyone.

Boone said he had walked the shoreline on the south side of Lake Kedron. A lot of the properties were in compliance, but properties on the other side of the lake appeared to be clear

cut to the water line. He added that he did not walk along the north side of the lake. He said he had walked along some paths that were supposed to have been in existence prior to the development, and he had no problem with that.

Plunkett suggested, under the rationale that Lake Kedron was County property, that the City would follow the County's rules and regulations. She said that wording would keep the City in compliance with the County in the event the County changed its rules. Rutherford asked what would happen if the County's rules became less restrictive than what the City imposed. Plunkett said that was possible, but the City needed to either follow the County's regulations or be more restrictive. She added she did not know if that was possible since the lake was County property. Rutherford said that, at the very least, the City had to follow the County's regulations. Logsdon said he agreed with Plunkett. Meeker said it was County property, and the County had to make that decision. Meeker said they could not rule out every possibility, but the water standards got tougher every year. He did not foresee those standards getting less restrictive any time soon.

Logsdon noted that there were three additional documents on the dais – a revised memo to Mayor and Council dated September 14, 2006, with the subject "Lake Kedron Reservoir and lake Peachtree Reservoir Buffer Update;" an e-mail from Karen Avidano dated September 20, 2006; and an e-mail from Barb Phenicie dated September 20, 2006.

Residents who addressed Council on this matter included Dale Phenicie, Karen Avidano, Elliot Stotler, Walt Mashburn, and Dan Skelly. Their concerns included the following:

- The tone of the recent letter from the City was very stern.
- Things done across Lake Kedron were not necessarily done by homeowners, but when the development was done.
- There were many inconsistencies in how different things had been handled during the development of the area.
- Many residents did not know what they were doing wrong.
- No one had approached the homeowners in an organized fashion to discuss the issues.
- There were concerns if the overstory in the buffers destroyed the understory, which would affect the water quality.
- Cart paths were located in the no impervious surface zones.
- There should be reasonable guidelines for everyone to use the area.
- Everyone should work together to keep area around the lake clean and safe.
- There would be more cooperation if there were more workshops or meetings to inform people.
- One resident had a letter from Code Enforcement that addressed what could be done in the buffer.
- Many residents were out-of-town for the summer and were not aware of the workshop.
- The City had had buffers since it started, and the buffers had been enforced.
- Everyone should work together to protect the City.
- People paid for the view of the lake from their lots.
- Many residents have abided by the neighborhood covenants.
- Fayette County Tax Office told one homeowner they owned to the lake.

Meeker said there was no inherent right to use a lake, whether it was publicly or privately owned. There were no specific use rights conveyed to the property owners that abutted Lake Kedron. He continued that just because a public body owned a property did not mean the public could use it. The City of Griffin recently built a reservoir, and there was no access allowed.

Logsdon said homeowners participated in a workshop with Council that was held in August. Plunkett asked how the information was distributed. Rutherford noted there were 60 to 70 people at the workshop. McMullen said the workshop notice was published. Code Enforcement Officer Tami Babb clarified that the first set of letters to go out about the Council workshop went out approximately six weeks ago to 204 homeowners. The letters that addressed the greenbelt issues were mailed approximately two weeks ago. She put copies of the letters in the Council mail boxes.

Meeker said there was a 100-foot undisturbed buffer that was a dedicated City greenbelt on one of the lots specifically discussed at the meeting. McMullen pointed out that there was an easement on the properties in that area for the cart path and utilities. The first 100 feet from the lake to the property line was the undisturbed buffer.

Rutherford said the City needed to go to each homeowner and tell them what they could and could not do on their lot. Kourajian asked what the process was now. He asked if the homeowner would let the City know what they were going to do. McMullen clarified that the discussion was about what was being done in the City greenbelt, which was City property. The City would enforce the rules in the City greenbelt just as in the other parts of the City. Plunkett asked what the ramifications were if it were proven that Code Enforcement had allowed people to limb up trees on City property. Meeker said there were none. He said that a single code enforcement officer could not alter a policy adopted by the Council.

Meeker said there was a misconception about the greenbelt and the buffers. People could walk through the greenbelt and buffer down to the lake; the problem was clearing the vegetation and storing or launching boats in the areas. Rutherford said some people had inadvertently landscaped or built into the greenbelt, and the City had them tear it out or move it, then replant the greenbelt. She said there were two different issues – the City greenbelt and the natural buffers required by the state. Meeker reiterated that an undisturbed buffer was an undisturbed buffer. The City could not do anything in an undisturbed buffer either. Kourajian asked who was responsible for monitoring the 100-foot buffer. Meeker said Code Enforcement, citizens, and neighbors helped with the monitoring.

Meeker clarified that certain work could be done in the undisturbed area once a permit was obtained from the City. Plunkett asked if there was a different rule because it was on the lake. Meeker said it was undisturbed whether it was lake front or along the golf course. City Planner David Rast said it was still recommended, but there was a separate permit, which gave the City the ability to track what was being done. Rast said vines could be trimmed with a permit unless it was within 25 feet of the edge of the lake, which the state had mandated. Rast said that was different from what had been allowed in the past, and was one of the changes recommended for adoption.

Borkowski said the second letter regarding the greenbelt issues was sent because Code Enforcement would start to enforce issues on City property. He said the recommendation for the state buffers was to review ordinances and make them clear and concise. A formal policy needed to be written that stated what things could be done and where so everyone understood. Borkowski said they would not go out right away and issue citations for violations.

Logsdon clarified Borkowski's recommendations. There would be a review of the ordinances, the recommendations would be developed, and then the City would go to the homeowners. Borkowski said that was correct; however, the City greenbelt issues were cut and dried. Logsdon said he would have preferred 30 days rather than 15 days for compliance.

Plunkett said there had been a lot of input, and more was coming in, and the recommendations would be different for different properties. There should be citizen input during the process.

Rutherford moved to move forward with reviewing the definitions and start the process of reviewing the ordinances and policies for consistency with the federal regulations, the state regulations, and the County regulations. Kourajian seconded. The motion carried unanimously.

Rutherford moved to table further discussion until either the Council had another workshop where all the homeowners were invited or the homeowners on the lake got together with the Developmental Services people. The homeowners needed to be involved. The time frame was one month. Kourajian seconded. Meeker said the City could send a notice about a meeting, but could not make people participate. Plunkett said the information would be out there, and the City would do the best it could. The motion carried unanimously.

New Agenda Items

09-06-07 Consider Alcohol License – NEW – D.J. Gezzo's Surf & Grille

Rutherford moved to approve the application for the new alcohol license for D.J. Gezzo's Surf & Grille on GA 54 West. Boone seconded. The motion carried unanimously.

09-06-08 Consider Proposed Uses within Starr's Mill Professional Center

Rast said gave an overview of the proposed annexation. Fayette County had sent an objection after being informed that the annexation application was submitted. The property was currently zoned O-I Office Institutional in the County. Staff was asking for guidance as far as the uses to be considered on the property. Fayette County said it would move forward with a formal objection if the retail component stayed in the plan.

Rutherford asked if this was not putting the cart before the horse since Group VI had not come back with Step Two yet. Rast said the Step Two annexation application had been received and was under review at the staff level. Logsdon said everything was out of sequence. The City sent a courtesy letter to the County about the application, and they had responded to that.

Mike Amos of Group VI said they had applied for annexation and zoning a few weeks earlier. Council had recently approved the Step One application. A master plan had been submitted, and they were currently building a medical office building on the site. The master plan had included three office buildings and 11,000 square feet of retail, which had been presented to the Planning Commission during a workshop. The County objected to the retail component. Amos said his

company was flexible and would compromise. The proposed use had taken into account the City's Limited Use Commercial (LUC) and OI zoning standards, as well as the County's OI standards. They took the retail component out of the master plan.

Rutherford said she had a problem voting on usage for a property that had not been annexed into the City. Amos said he was not expecting a vote; he was here to discuss the issue. The fourth building was just a building at this point. There was not an intended use yet for either the third or fourth building, but under the master plan guidelines of the annexation ordinance the two buildings were in the master plan. All four buildings combined would be in the 90,000 to 100,000 square-foot range.

Meeker said that, under state law, Council should agree to the mitigation measure proffered by the County by the next day. If not, then the mediation process would begin. It was essential Council take action in order to avoid mediation. He recommended Council accept the mitigation effort set forth by Fayette County.

Kourajian moved to accept the mitigation measure set forth by Fayette County. Rutherford seconded. Rutherford reiterated this had nothing to do with the annexation. Amos said he understood that. They were to appear before the Planning Commission on October 9. The motion carried unanimously.

09-06-09 Consider Stormwater Project – Hydraulic and Hydrologic Modeling – Cherry Branch Watershed and Tinsley Mill Village

Borkowski explained this was a task order form for \$55,075 to do a hydraulic and hydrologic master plan for the watershed. The predominant reason was to meet the requirement from the Metro North Georgia Water Planning District to model at least 10% of the City's watersheds per year for the future floodplain conditions. It was also a requirement in the new model floodplain ordinance that would be adopted in the future. An additional benefit would be to determine if any improvements were needed to the City's facilities and detention ponds that might be causing some additional flooding in Tinsley Mill, as well as determine the level of service of some of the road crossings.

Rutherford moved to approve the attached task order form #35 from ISE for the amount not to exceed \$55,075 for the Cherry Branch hydraulic and hydrologic master plan. Boone seconded.

Kourajian asked when the project would start. Borkowski said the project would start quickly. It was also tied into the Tinsley Mill grant and would help determine what improvements were needed. He was not sure how long it would take. Rutherford asked how much longer the grant was in effect. Borkowski said there was about another year. Kourajian asked if the project would disrupt anything. McMullen said it was primarily survey work, mostly in the greenbelt and detention ponds.

The motion carried unanimously.

09-06-10 Consider Intergovernmental Agreement with WASA

Finance Director Paul Salvatore said the agreement was a housekeeping item. He continued that the City had provided support services to WASA for many years to basically to avoid duplication of services. The arrangement had been mutually beneficial, but now staff wanted to firm it up with a contract that would be a controlling document in the event there were ever any discrepancies or conflicts. It also spells out exactly what the City was doing, as well as the fees. Rutherford asked how it was determined what to bill WASA. Salvatore said it was based on the cost of the salary of the people doing the work and the cost of the fuel. The employees kept track on their time sheets, and the time was charged to the project code. Kourajian clarified that WASA had approved and signed the agreement. Salvatore said they had, and the City Attorney had also looked over the agreement.

Kourajian moved to approve the intergovernmental agreement with WASA and to authorize the Mayor to sign it on behalf of the Council. Rutherford seconded. The motion carried unanimously.

Kourajian asked if there were any other agreements that would be coming to Council. Salvatore said Council had recently approved the agreement with the Development Authority. The only other agreement dealt with tourism-type events with the PCTA, which was under review by the PCTA. Rutherford asked if the City still did the bookkeeping for the PCTA. Salvatore said most of that had been turned over to the PCTA staff.

09-06-11 Consider Reclassification of Fire Lieutenant/EMS Operations Officer

Logsdon noted there was another document on the dais – a memo to Mayor and Council from Assistant Chief Ed Eiswerth dated September 19, 2006, with the subject “Response to ‘Concerned Citizen’ e-mail.”

Fire Chief Stony Lohr addressed Council regarding the reclassification of the fire lieutenant/EMS operations officer to captain effective October 23, 2006. Lohr continued that the position had been established in October 2001, and the incumbent had served with great success. The position provided supervision of all medical personnel and served as the primary link with a multitude of external sources.

Lohr continued that medical calls were over 76% of the Department’s responses and would probably increase. The officer was the Department’s representative on the Region IV EMS Board, which established the rules and guidelines for this area, and was the primary contact for the Department with numerous hospitals and medical facilities. The officer was also responsible for the Assistant Chief of Operations’ duties when he was away.

The shift commanders were being changed to captains effective October 23, so reclassifying the EMS officer position at the same time would better promote effectiveness and credibility both internally and externally. The budget impact for the reclassification was \$3,850, which Lohr said he could cover with his existing budget.

Rutherford moved to approve the reclassification of the Fire Department medical operations officer position from lieutenant to captain effective October 23, 2006. Boone seconded.

Kourajian asked if the reclassification was for the position or the person. Lohr said it was for the position and the person. Kourajian asked if the person was qualified to be a captain. Lohr said the person was very qualified.

The motion carried unanimously.

Council/Staff Topics

Briefing on ARC Market Salary Survey

Administrative Services Director/City Clerk Jane Miller said it would take several months for the ARC to complete the assessment and revision of the City's performance evaluation process. Staff had a preliminary meeting with the directors and chiefs to go over the form. The ARC was asked to do a salary survey of 33 benchmark positions. The City's salaries, for the most part, were in line with other municipalities, with the exception of one position that was significantly lower than the other jurisdictions. Miller said staff asked the Mercer Group, the company that did the initial salary survey, to evaluate the position. Miller continued that she was pleased with the results of the survey since it showed, overall, the City was not out of line. The ARC selected the jurisdictions to survey because they competed for the same body of employees.

Rutherford asked for an update on the Flat Creek cart path bridge since the design had been approved. Borkowski said the final geotechnical information was in, and the plans should be ready in a week. From there, the project would go out to bid.

Plunkett asked if the bridge over GA 54 near Best Buy would stay orange, and when the bridge would be connected. Borkowski said it would look like the one over GA 74. McMullen said the DOT approval process was very complicated, and they were going through almost the same process as putting in a road. They had to certify that the cart path would not have an impact on clean air.

Plunkett asked if there were still plans to landscape MacDuff Parkway in October. Rast said staff was finalizing the landscape plan now. Landscape architect Mike Lorber had donated his time to the project. Rast said they hoped to lump the MacDuff project in with several other smaller landscape projects and put it out to bid. The planting should be done in November or December.

Plunkett asked if it had been determined if the welcome sign at GA 54/GA 74 intersection was the Rotary Club's or the City's. Meeker said the sign belonged to the City. Plunkett asked who organizations should contact if they wanted to be on the sign. Miller added that the Rotary Club had maintained the responsibility for organizations on the signs. McMullen said there was not an agreement, but one was needed. Miller said there was an understanding. Plunkett said there were some issues with groups that wanted to be on the sign, and there should be some guidelines. McMullen said the City had not been aware of the problem. Logsdon asked that the Rotary Club send a letter regarding the issue.

Rutherford moved to convene in executive session for threatened or pending litigation, real estate, and a personnel issue. Kourajian seconded. The motion carried unanimously.

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

Rutherford moved to approve the form of the easement agreement between Peachtree City and Sequoia Golf regarding the TDK land acquisition. Boone seconded. The motion carried unanimously.

Rutherford moved to authorize the filing of a counterclaim against Group VI regarding the Tennis Center project. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Kourajian moved to adjourn. Rutherford seconded the motion. The motion carried unanimously. The meeting adjourned at 9:55 p.m.

Jane Miller, City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary

2006 City Event Calendar

<u>October</u>	<u>November</u>	<u>December</u>
10/3 - City Council Workshop (Tentative), 6:30 pm 10/5 - City Council Meeting, 7 pm 10/14 & 15 - Great Georgia Air Show 10/19 - City Council Meeting, 7 pm 10/21 - PTC Classic Road Race 10/31 - Halloween	11/2 - City Council Meeting, 7 pm 11/7 - City Council Workshop (Tentative), 6:30 pm 11/16 - City Council Meeting, 7 pm 11/23 & 24 - Thanksgiving Holiday - City offices closed	12/7 - City Council Meeting, 7 pm 12/5 - City Council Workshop (Tentative), 6:30 pm 12/21 - City Council Meeting, 7 pm 12/25 & 26 - Christmas Holiday - City offices closed.

2007 City Event Calendar

<u>January</u>	<u>February</u>	<u>March</u>
1/01 - New Years, City offices closed 1/02 - City Council Workshop (Tentative), 6:30 pm 1/4 - City Council Meeting, 7 pm 1/15 - MLK Day, City offices closed 1/18 - City Council Meeting, 7 pm	2/1 - City Council Meeting, 7 pm 2/6 - City Council Workshop (Tentative), 6:30 pm 2/15 - City Council Meeting, 7 pm	3/1 - City Council Meeting, 7 pm 3/6 - City Council Workshop (Tentative), 6:30 pm 3/15 - City Council Meeting, 7 pm
<u>April</u>	<u>May</u>	<u>June</u>
4/3 - City Council Workshop (Tentative), 6:30 pm 4/5 - City Council Meeting, 7 pm 4/26 - City Council Meeting, 7 pm	5/4 - City Council Workshop (Tentative), 6:30 pm 5/6 - City Council Meeting, 7 pm 5/17 - City Council Meeting, 7 pm 5/28 - Memorial Day, City offices closed	6/5 - City Council Workshop (Tentative), 6:30 pm 6/7 - City Council Meeting, 7 pm 6/21 - City Council Meeting, 7 pm
<u>July</u>	<u>August</u>	<u>September</u>
7/3 - City Council Workshop (Tentative), 6:30 pm 7/5 - City Council Meeting, 7 pm 7/19 - City Council Meeting, 7 pm	8/2 - City Council Meeting, 7 pm 8/7 - City Council Workshop (Tentative), 6:30 pm 8/16 - City Council Meeting, 7 pm	9/4 - City Council Workshop (Tentative), 6:30 pm 9/6 - City Council Meeting, 7 pm 9/20 - City Council Meeting, 7 pm

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

Updated 9/22/06

ADMINISTRATIVE SERVICES MONTHLY REPORT

For Month of: August 2006

	<u>July-06</u>	<u>August-06</u>	<u>FY 2006 YTD</u>	<u>FY 2005 YTD</u>
<u>Human Resources</u>				
Workers Compensation Claims Filed	3	2	22	28
City Vehicle / Equipment Accidents	1	1	14	21
Lawsuit Legal Fees	\$4,267.48	\$5,810.29	\$50,873.24	\$62,728.46

Municipal Court

Fines Collected	\$85,898.04	\$108,130.02	\$1,289,610.77	\$1,240,472.96
Online Transactions	129	145	1,779	1,636
Citations Closed	475	461	7,344	7,569
Jail Fund Balance	-\$1,355.99	-\$3,275.82	\$81,563.25	\$68,620.55

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	33	38	331	311
Public Contacts, Questions & Complaints	80	89	911	815

This includes 8 complaints against Comcast Cable Company, 2 sanitation company complaints, and 8 Open Records/Discovery Requests.

**PEACHTREE CITY BUILDING DEPARTMENT
FY 2006**

	Jul-06	Aug-06	Fiscal Y-T-D 2006	Fiscal Y-T-D 2005
DEVELOPMENT PERMITS:	7	5	142	137
BUILDING PERMITS:				
Single Family Residential	2	3	123	109
Multi-Family Residential	0	0	0	9
Misc.-Pools/fences/additions	41	56	567	564
Commercial/Industrial	18	18	169	134
TOTAL INSPECTIONS:	550	685	7,239	6,080
CERTIFICATE OF OCCUPANCY:				
Residential	12	14	100	142
Commercial	9	9	53	40
Multi-Family Residential	0	0	0	3
CODE ENFORCEMENT:				
Sign Violations	307	167	2,216	958
Rehab	21	19	198	211
Notice of Violations	252	266	2,720	3,214
Citations	4	11	40	25
Stop Work Orders	16	21	141	83
Complaints From Citizens	4	7	158	208
PERMIT FEES COLLECTED:	22,284	36,517	491,446	384,371
POPULATION:	36,012	36,041	36,041	35,780
Based on 2.09 of completed occupancy				

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)
AS OF AUGUST 31, 2006

Fund	Cash Balance	Total Investment	Total Cash and Investments	YTD Interest
General Fund	\$ 1,371,112	\$ 7,396,491	\$ 8,767,603	\$ 473,261
Neighborhood Parks Fund	3,294	-	3,294	128
DARE Fund	1,405	-	1,405	86
Federal Seizures Fund	10,447	-	10,447	373
HAZMAT Fund	901	-	901	88
Library Sales Tax Fund	8,398	-	8,398	469
Police Tuition Fund	4,021	-	4,021	194
Youth Council Fund	1,081	-	1,081	44
Fire/EMS Grant Fund	(3,569)	-	(3,569)	-
PD Cert/GEMA Grant	891	-	891	-
Athletic Assoc. Funds	54,737	-	54,737	2,525
Special Events	1,048	-	1,048	-
Hotel/Motel Tax Fund	-	-	-	-
Library Construction Fund	-	-	-	18,051
S.P.L.O.S.T.	-	1,857,929	1,857,929	53,034
Public Improvement Funds	303,964	1,482,397	1,786,361	118,841
Debt Service Funds	116,269	-	116,269	-
Stormwater Utility Fund	343,981	-	343,981	6,466
Municipal Court Fund	52,056	-	52,056	-
Landscape Deposit Fund	129,040	-	129,040	-
Total Collateralized Funds	\$ 2,399,076	\$ 10,736,817	\$ 13,135,893	\$ 673,560
Pension Trust Fund	-	9,277,019	9,277,019	-
Grand Total	\$ 2,399,076	\$ 20,013,836	\$ 22,412,912	\$ 673,560

Collateral Analysis as of August 31, 2006		
Safe-keeping Bank	Bank	Total Held
Bank of New York	Wachovia	\$ 14,577,320

CITY OF PEACHTREE CITY
GENERAL GOVERNMENTAL FUNDS BUDGET COMPARISON (UNAUDITED)
FOR THE ELEVEN MONTHS ENDED AUGUST 31, 2006

REVENUES BY MAJOR CATEGORIES				
Description	2006 Budget	YTD Actual	Dollar Difference	Percentage To-Date
General Property Taxes	\$ 9,119,954	\$ 9,006,934	\$ (113,020)	98.76%
Franchise Taxes	2,100,128	1,846,839	(253,289)	87.94%
Local Option Sales Tax	6,554,692	6,351,082	(203,610)	96.89%
Other Sales & Use Taxes	635,702	591,302	(44,400)	93.02%
Business Taxes	1,921,788	2,031,081	109,293	105.69%
Licenses & Permits	945,801	996,515	50,714	105.36%
Grants	310,929	58,320	(252,609)	18.76%
Charges for Services	1,197,915	882,149	(315,766)	73.64%
Fines & Forfeitures	1,174,904	903,526	(271,378)	76.90%
Investment Income	281,208	473,261	192,053	168.30%
Surplus Carryover	1,947,240	-	(1,947,240)	0.00%
Other Revenue	88,551	12,818	(75,733)	14.48%
Other Financing Sources	395,891	412,029	16,138	104.08%
Total General Fund	\$ 26,674,703	\$ 23,565,857	\$ (3,108,846)	88.35%
Hotel/Motel Tax Fund	999,413	973,800	(25,613)	97.44%
Total General & Hotel/Motel Tax Funds	\$ 27,674,116	\$ 24,539,657	\$ (3,134,459)	88.67%

EXPENDITURES BY DIVISION AND/OR TYPE PERCENTAGE OF BUDGET YEAR COMPLETED -91.67%				
Division and/or Type	2006 Budget	YTD Actual	Dollar Difference	Percentage To-Date
Administrative Services	\$ 1,603,147	\$ 1,346,423	\$ 256,724	83.99%
Developmental Services	1,852,302	1,473,560	378,742	79.55%
Financial Services	845,258	747,270	97,988	88.41%
Leisure Services	4,821,193	4,081,521	739,672	84.66%
Public Safety	9,516,800	8,328,819	1,187,981	87.52%
Public Works	4,624,521	3,366,841	1,257,680	72.80%
Council Contingency	47,000	-	47,000	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	3,520,277	2,664,981	855,296	75.70%
Liability Insurance	73,486	90,280	(16,794)	122.85%
Legal Services	155,125	103,090	52,035	66.46%
General Administration	75,000	17,187	57,813	22.92%
Other	(559,406)	-	(559,406)	0.00%
Total General Fund	\$ 26,674,703	\$ 22,269,973	\$ 4,404,730	83.49%
Hotel/Motel Tax Fund				
Transfer to General Fund	333,138	324,600	8,538	97.44%
Transfer to Tourism Fund	666,275	649,200	17,075	97.44%
Total General & Hotel/Motel Tax Funds	\$ 27,674,116	\$ 23,243,773	\$ 4,430,343	83.99%

CITY OF PEACHTREE CITY FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)
AS OF AUGUST 31, 2006

SUMMARY OF MAJOR EXPENDITURES BY CITY MANAGER AUGUST 2006			
Description	Vendor	Award	Date
City's Outfall Inventory-Stormwater	Integrated Science & Engineering	\$ 39,780.00	08/09/2006
Design of Detention Facility-Stormwater	Professional Engineering Consultants	12,800.00	08/14/2006
Tennis Center - Flood Mitigation	Southeastern Engineering, Inc.	15,500.00	08/17/2006
Annual Water Quality Sampling	Integrated Science & Engineering	29,850.00	08/24/2006

PURCHASING REPORT FOR MONTH ENDED AUGUST 31, 2006 AND AUGUST 31, 2005		
Activity	Fiscal Year 2006	Fiscal Year 2005
Purchase Orders / Requisitions Processed	329	277
City Store Requisitions Processed	7	9
Sealed Bids Requested	6	8
Requests for Proposals	2	1
Bids Awarded	0	4
Requests for Proposals Awarded	2	0
Contracts Prepared	0	2
Fixed Assets Purchased	8	6

INFORMATION TECHNOLOGY REPORT AUGUST 2006 AND YEAR-TO-DATE		
Activity	Current Month	Fiscal Year 2006
Work Orders Created	126	1,318
Work Orders Closed	119	1,162
Work Orders Open	5	122
Corrective Work Orders	69	758
Project Work Orders	9	92
Technical Support	44	375
Website Visits	44,756	577,168

**PEACHTREE CITY FIRE/EMS DEPARTMENT
2006 MONTHLY REPORT**

	Jul. 06	Aug. 06	2006 Y-T-D	2005 Y-T-D
FIRE/ACCIDENT CALLS				
Actual Residential Fires	1	3	25	39
Actual Business/Industrial Fires	2	1	9	13
¹ Rescue/EMS Assist	145	136	1583	1534
¹ Vehicle/Golfcart Accidents	17	18	264	228
¹ False Alarms	38	30	254	281
² Other	34	30	296	323
Total Engine Response	237	218	2431	2418
 Dispatched Fire Calls	 76	 71	 624	 679
 Response Time Fire	 4:50	 4:43	 4:44	 4:45
 RESCUE/EMS				
Trauma	37	31	603	781
Medical	128	122	1346	966
Total # Patients	165	153	1949	1747
 Patients Transported	 92	 67	 922	 820
 Dispatched EMS Calls	 162	 148	 1818	 1758
 Total Medic Response	 224	 194	 2476	 2141
 Dispatched Fire/EMS Total	 238	 219	 2442	 2437
 Response Time EMS	 4:21	 4:17	 4:14	 4:15
 EMS BILLING				
Patients Billed	76	53	812	823
 Revenue Generated	 29,668	 21,776	 319,819	 358,788
 ³ Total Revenue Received	 15,610	 33,853	 255,466	 276,600

¹Previously categorized as Other

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

³Revenue Received on All Outstanding Accounts

LEISURE SERVICES MONTHLY REPORT

Aug-06

<u>Activity Description</u>	<u>Unit</u>	<u>August 2006</u>	<u>FY 2006 YTD</u>	<u>FY 2005 YTD</u>
Library				
Books Circulated	number	25,776	241,508	183,968
Internet Usage	visits	4,231	31,790	26,060
Computer Lab Use	hours	36	512	217

Recreation

Class/Program Revenue	\$	\$5,019	\$50,968	\$53,493
Playing Surface Mowing	hours	518	2,916	2,922
Playing Field Preparations	hours	826	7,563	7,277
Building Maintenance	hours	414	4,734	4,633
Safety Inspections	visits	50	550	550
Litter Removal	hours	296	3,160	3,230
Complaints answered	number	1	18	13

**PEACHTREE CITY POLICE DEPARTMENT
2006 MONTHLY REPORT**

	JULY 06	AUGUST 06	2006 CYTD	2005 CYTD
PART I CRIMES				
Criminal Homicide	0	0	1	0
Rape	0	1	1	3
Robbery	1	2	4	2
Aggravated Assault	1	2	5	5
Arson	0	0	1	6
Motor Vehicle Theft	12	5	44	45
Theft	17	14	190	163
Burglary	1	2	21	14
TOTAL PART I CRIMES	32	26	267	238
ALCOHOL/DRUG ARRESTS				
DUI – TOTAL	24	20	162	154
DUI – ADULT	20	19	143	138
DUI – UNDERAGE	4	1	19	16
MINOR IN POSSESSION OF ALCOHOL	12	3	49	67
DRUG ARRESTS:				
MARIJUANA	5	9	47	56
METHAMPHEDIMINE	1	1	5	19
COCAINE	0	0	3	4
OTHER (opium, etc)	1	2	3	0
ARRESTS				
PROPERTY CRIMES	25	12	107	73
PERSON CRIMES	4	8	38	53
CITY ORDINANCES	58	24	297	345
TRAFFIC OFFENSES	58	55	461	305
OTHER	29	38	340	412
AVERAGE RESPONSE TIME	6.02	5.30	5.50	5.34
CALLS ANSWERED	6,027	6,594	48,345	50,550

TRAFFIC

CITATIONS ISSUED	631	421	4,818	5,077
WARNINGS	471	502	3,719	3,722
ACCIDENTS	82	82	722	768

TOP 5 ACCIDENT LOCATIONS – MONTH

HWY 54 / HWY 74	5
HWY 54 / PEACHTREE PARKWAY	4
HWY 54 / LINE CREEK	2
HWY 74 / CROSSTOWN DR	2
HWY 74 / CRABAPPLE LN	2

TOP 5 ACCIDENT LOCATIONS – Y T D

HWY 54 / COMMERCE DRIVE	40
HWY 54 / HWY 74	38
HWY 74 / CROSSTOWN DRIVE	20
HWY 54 / PEACHTREE PARKWAY	15
HWY 54 / HUDDLESTON DR	13

PUBLIC SERVICES MONTHLY REPORT

AUGUST 2006

<u>Activity Description</u>	<u>Unit</u>	<u>AUGUST 2006</u>	<u>YEAR TO DATE FY2006</u>	<u>YEAR TO DATE FY2005</u>
Street Patching	(Hrs.)	0	2,238	1,606
Street Crack Sealing	(Hrs.)	0	591	461
Drainage Maintenance	(Hrs.)	294	1,576	4,241
Street Sweeping	(Hrs.)	0	380	329
Cart Path Paving	(Ft.)	1,053	37,371	14,257
Cart Path Prepped for Paving	(Ft.)	70	14,543	---
Cart Path Litter Removal	(Hrs.)	56	1,202	989
Cart Path Drainage Maint.	(Hrs.)	76	1,874	1,018
R.O.W. Mowing	(Hrs.)	1,111	4,386	4,338
R.O.W. Litter Removal	(Hrs.)	330	4,207	3,000
R.O.W. General Maint.	(Hrs.)	328	3,054	3,902
Mowing (Subdivision Ent.)	(Hrs.)	755	5,259	6,025
Landscape Maintenance	(Hrs.)	122	784	868
Landscape Planting/Mulch	(Hrs.)	0	3,667	1,938
Litter Removal	(Hrs.)	0	0	14
Sub-Division Sign Maint.	(Hrs.)	18	262	355
Traffic Sign Maintenance	(Hrs.)	185	1,657	1,678
Vandalism Repairs	(Hrs.)	8	74	120
Vandalism Repairs	(Dls.)	130	2,191	2,247
Citizen Requests Answered	(Num.)	118	809	1,316
Community Service	(Hrs.)	0	174	87
<u>RECYCLING SITE</u>				
Manhours	(Hrs.)	74	688	714
<u>Participants</u>				
Recycling	(Num.)	186	2,527	2,660
Composting	(Num.)	626	10,576	16,537
Mulch Picked-Up	(Num.)	31	1,068	1,091

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager
Assistant City Manager *OWA*

FROM: Administrative Services Director / City Clerk *[Signature]*

DATE: September 29, 2006

SUBJECT: Consider Approval of Condition of Sale of MAXIMUS
October 5, 2006, Council Agenda

Recommendation:

Authorize the Mayor to sign the attached agreement between MAXIMUS, Inc and Peachtree City required due to the proposed acquisition of MAXIMUS, Inc. by Providence Services Corporation (PSC).

Discussion:

MAXIMUS, Inc. has provided probation services for the City of Peachtree City Municipal Court for a number of years. The company is being acquired by another probation services company, Providence Services, Inc. As a part of the acquisition, it is necessary for the City to acknowledge that MAXIMUM, Inc. is not in breach or otherwise in default of any terms or conditions of our contract with them. They are in compliance with all terms of the contract so it would be appropriate for the Council to authorize the Mayor to sign the agreement.

As a matter of information, it is time for the City to send out an RFP for probation services for 2007, and we should be doing so during the month of October.

Budget Impact:

None

/jsm

Attachment

MAXIMUS[®]

HELPING GOVERNMENT SERVE THE PEOPLE[®]

September 22, 2006

Ms Jane Miller
Peachtree City Municipal Court
151 Willow Bend Road
Peachtree City, GA 30269

Dear Customer:

The MAXIMUS Management Team and staff providing probation services in your jurisdiction are pleased to announce that The Providence Services Corporation (PSC) is to acquire the Probation Services business from MAXIMUS.

PSC has been in business for ten years and through its family of approximately 40 owned or managed entities provides direct human services in over 30 states including all the states we currently serve. We strongly believe that this change will be beneficial to our customers and employees.

This ownership change is based on the decision made by MAXIMUS that the corrections market is not a core or strategic direction for the company. However, it is an important and strategic service for PSC and is quite like other services PSC provides.

PSC's wholly owned subsidiary, Providence Community Corrections, Inc., will employ existing MAXIMUS staff, therefore no change in services or operations will occur

The PSC family of companies are established providers of drug court programs, juvenile services, including behavioral health and foster care, and understand probation, community accountability and safety, and restorative justice. There is also a strong history in behavior outcomes and PSC has considerable experience in delivering services that make a difference in local communities. PSC is known for successful operation of decentralized business. This is important as it will increase our ability to tailor programs to meet your local needs.

To obtain additional information regarding PSC please view the website at www.provcorp.com

In conjunction with this change, we are requesting that our customers assign existing MAXIMUS contracts to Providence Community Corrections, Inc. as indicated by the attached assignment form. We would greatly appreciate your support in making this assignment. Providence Community Corrections, Inc. will honor all terms of the existing contract and execution of the assignment serves only to allow your existing staff to continue serving you.

Thank you for your assistance. Should you have any questions, please feel free to call me at 770.761.7328 or email at stevemerrefield@maximus.com.

Sincerely,



Steven P. Merrefield
Senior Vice President

September 22, 2006

Agreement between MAXIMUS, Inc. and Peachtree City Municipal Court (the "Agreement")

Dear Sir or Madam:

As you may be aware, The Providence Service Corporation ("Providence"), is currently negotiating the purchase of certain assets and operations related to the misdemeanor probation business of MAXIMUS, Inc. ("MAXIMUS"), with the closing for such purchase scheduled to occur on September 30, 2006. The purpose of this letter is to request that you indicate your consent to the assignment of the Agreement from MAXIMUS to Providence with respect to periods following the closing of the proposed acquisition by signing this letter where indicated below.

In connection with the acquisition, Providence will honor the terms, including services and pricing, of the Agreement. If the substitution of Providence for MAXIMUS under the Agreement is acceptable to you, please have this letter signed where indicated below and return a signed copy of the letter to my attention. By signing, you acknowledge that as of the date of your signature, MAXIMUS is not in breach or otherwise in default under any of the terms and conditions of the Agreement. If possible, please fax this signed consent to me at 770.761.7342 on or before September 30, 2006 to assist us in preparing for the closing.

Written notice of the closing and the effective date of the closing will be delivered to you promptly following the closing of the proposed acquisition. Please also note that if for any reason the acquisition does not close, the Agreement will remain solely between you and MAXIMUS.

Please contact me at 770.761.7328 or stevenmerrefield@maximus.com with any questions or need for additional clarification you might have. Thank you.

Sincerely,



Steven P. Merrefield
Senior Vice President

AGREED:

Sign

Title

Date

1332208v1

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager
Developmental Services Director *MM*
Building Official *Dr*
City Planner *David*
Senior Code Enforcement Officer *Thall*

FROM: City Engineer *David A. Borowski*

DATE: September 26, 2006

SUBJECT: Lake Kedron Reservoir and Lake Peachtree Reservoir Buffer Update
October 5, 2006, City Council Meeting

Recommendation:

Staff recommends the following courses of action for the West side of the Lake Peachtree Reservoir:

1. Violations of the Watershed Protection Buffer (100ft) and Impervious Surface Setback (150ft) that are not platted shall be grandfathered. Any new activities shall comply with what is delineated on the recorded plat. Any subdivision plat that is revised in the future shall delineate the new Watershed Protection Buffer and Setback
2. City staff should coordinate with the Homeowners Association to establish rules for lake recreation usage which would be incorporated into the City Ordinances
3. City should acknowledge vested rights of the homeowners and grandfather all existing encroachments into State Waters Buffer.
 - Rational - Subdivisions were platted in the 1960s prior to the existence of State Waters Buffer. However any new activities would be subject to the State Waters Buffer and the Watershed Protection Buffer and Impervious Surface Setback.

Discussion:

Staff has had several meetings with the City Attorney and conversations with the Georgia Environmental Protection Division (EPD). Based on these discussions, staff has made the above recommendations. If City Council approves the above recommendations, City Staff will implement the following:

1. Review existing ordinances and make recommendations to Council for revisions to make them consistent, clearer and more concise. One of the first recommendations will be for the City to adopt the Fayette County Water System's Reservoir Management Plan by reference into City's ordinances. In addition to issues around Lake Peachtree and Lake Kedron, the buffer restrictions also apply to all tributaries of the lakes within a seven (7) mile radius. Ordinance changes and clarifications will also address any issues in this area.
2. Establish written enforcement policies and procedures. Develop a permit for buffer encroachments with the Planning Department.
3. Establish educational programs on buffer requirements to include the general public, Peachtree City Developmental Services staff, Fayette County Health Department, Peachtree City Water and Sewage Authority, Peachtree City Public Works Department and the Peachtree City Recreation Department. Update existing educational information.
4. Meet with affected Homeowners Associations to discuss ordinance requirements.
5. Perform lot-by-lot inspections.
 - Research lot buffers and all ordinances that apply to that lot.
 - Research building permits that have been approved for encroachments.
 - Identify and notify property owners of violations in writing. (Current Code Enforcement policy on this issue will be to give the violator 5 to 10 business days to abate the violation, depending on the extent of work to be completed. If not abated within the specified time frame, a written 48 hour warning will be given. If not abated within the 48 hour time frame, a citation will be written to the property owner into the Municipal Court of Peachtree City.)
 - Provide mitigation suggestions and set timetable to ensure compliance.
 - Follow up and re-inspections to occur in a timely manner.

The above ordinances related to the buffers and setbacks cannot be made less restrictive. The State Waters Buffer is a requirement in State Law, and we are required to enforce it if the City desires to continue to be an Issuing Authority for Land Disturbance Permits. Otherwise Land Disturbance Permits would have to be issued by the EPD. The Watershed Protection Buffers and Impervious Surface Setbacks are a requirement under the EPD Environmental Planning Criteria. The City is required to enforce these buffers and setbacks if we wish to keep our Qualified Local Government (QLG) status with the Department of Community Affairs. If we lose our QLG status we can lose existing grants and not be eligible for future ones. For example we could lose the existing grants for the CSX multi-use path bridge and connections, and the Flat Creek multi-use bridge.

eligible for future ones. For example we could lose the existing grants for the CSX multi-use path bridge and connections, and the Flat Creek multi-use bridge.

Staff and the City Attorney met Tuesday, September 5, 2006, with representatives from Lake Kedron and Lake Peachtree Homeowners Associations to discuss staff's recommendations.

Also, staff and the City Attorney will be meeting with representatives from Lake Peachtree Homeowners Association on Wednesday, October 4, 2006, to discuss staff's recommendations to Council. Staff will update Council on their concerns Thursday evening.

Budget Impact:

The City will expend a significant amount of staff time to inspect and ensure compliance with the above recommendations.

cc: City Engineer's File
Development Services

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager
Developmental Services Director *OWA*

FROM: City Planner/ Zoning Administrator *David*

DATE: September 27, 2006

SUBJECT: Amendments to Chapter 66. Signs
October 5, 2006 City Council agenda

Recommendation:

Staff recommends that Council adopt the amendments to Chapter 66 (Attachment "A") and authorize Staff to incorporate the amended ordinance into the City's Code of Ordinances.

Discussion:

Based on recently adopted legislation pertaining to the placement and duration of campaign signs, Staff is proposing several amendments to the current sign ordinance to bring it into compliance with these regulations. Additionally, Staff is proposing a number of minor "housekeeping" items to clarify several sections of the ordinance and to assist us in administering these regulations.

The attached ordinance identifies all amendments being proposed at this time in red. Once you have an opportunity to review and comment on these changes, we will create a clean copy of the ordinance for signature and codification. Staff and the City Attorney will be available to discuss these amendments and to answer any questions.

Budget impact:

There are no budget impacts associated with this request.

Attachments

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: Assistant City Manager *CWA*

DATE: September 29, 2006

SUBJECT: Update from Development Authority of Peachtree City
October 5, 2006, City Council Agenda

Development Authority Chairman Steve Fraas and other members of the Authority will provide an update on its activities.