

City Council of Peachtree City

Agenda

September 6, 2001

7:00 p.m.

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
 - Proclamation – VFW Post 9949
 - Proclamation – Hispanic Heritage Month (Library)
 - Recognize Police Department for winning the Fayette County Public Safety Games
- III. Minutes
 - August 4 Budget Workshop
 - August 16 Regular Meeting Minutes
- IV. Monthly Reports
- V. Consent Agenda
 - 1. Change in Alcohol Licensee - Pizza Hut
 - 2. Change in Alcohol Licensee – Don Pablos
 - 3. Consider Appointments to the Planning Commission
 - 4. Consider Amendment to the Soil and Sedimentation Ordinance
- VI. Old Agenda Items
 - 08-01-04 Public Hearing – Rezoning and Annexation Request – Wieland property, MacDuff Parkway
 - 01-01-10 Adoption of Charter Revisions and Administrative Ordinances
 - 08-01-06 Adoption of FY 2002 Budget
- VII. New Agenda Items
 - 09-01-01 Consider Amendments to the Golf Cart Ordinance
 - Allowing 12, 13, 14-Year Olds to Drive Golf Cart When Accompanied by Their Grandparents
 - Requiring Golf Cart Insurance Coverage
- VIII. Council/Staff Topics
- IX. Executive Session

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

City of Peachtree City of Peachtree City
BUDGET WORKSHOP
Minutes of Meeting
August 4, 2001
8:00 a.m.

The City Council of Peachtree City met in a workshop session on Saturday, August 4, 2001, 8:00 a.m., in the City Hall Council Chambers. Councilmembers attending were: Mayor Robert L. Lenox, Carol Fritz, Annie McMenamin, and Steve Rapson. Councilmember Dan Tennant was unable to attend.

Staff members present were: City Manager Jim Basinger, Finance Director Paul Salvatore, Public Information Officer/Deputy City Clerk Betsy Tyler, Developmental Services Director Jim Williams, Police Chief Jim Murray, Fire Chief Stony Lohr, Public Works Director Colin Halterman, and Leisure Services Director Randy Gaddo.

Basinger opened the meeting and told Council that Staff had reviewed every line item in each department budget since the July 19 workshop and prepared recommended net reductions. Staff reviewed all the general fund revenue projections and recommended a net increase. Staff also reviewed and recommended the elimination of all new positions. Staff also reviewed the five-year Public Improvement Program (PIP), including 2001, and recommended reductions. The five-year revenue and expense projections were reviewed and revised, and the Council Contingency Fund was reviewed and reductions were recommended. The recommended millage rate had also been reduced, Basinger reported.

Basinger recalled that staff presented a plan at the last budget workshop that recommended a millage rate of 4.75. The increase in the millage rate was based on staff concerns about the depletion of cash reserves, he said. Basinger pointed out that cash reserves were used this year to fund the pay plan, for new positions, and to support the millage rollback for FY 2001. Staff felt the City could not continue to use cash reserves to fund on-going expenses, Basinger stated. The revised budget also addressed that concern; however, staff had reduced the recommended millage rate. Basinger said the revised budget was based on the proposed millage rate of 4.06 mills. He added that the 24% increase that was proposed could be delayed until FY 2003, but he said staff would employ the same arduous process used for the FY 2002 budget to the FY 2003 budget and millage rate. He explained the millage rate could go up or down after going through the process again next year. Based on projections now, Basinger said it looked like there would certainly be a problem next year. Basinger said they would also present an alternate plan today for Council's consideration.

Basinger told Council that, from staff's perspective, a millage increase would be needed in the next few years to balance the budget. Staff would continue to do its best to hold millage increases at a minimum while still maintaining the current service levels. For FY 2002, staff cut the FY 2001 and 2002 PIP budgets; cut the operating budget, including all

new positions; reduced the Council Contingency Fund; and made more liberal revenue projections. Basinger gave an overview of the City budget based on the actions taken by staff. He said FY 2002 Appropriations were estimated at \$22.9 million; Carry-over Funds, \$3.5 million; Estimated FY02 Ending Cash, just over \$2.3 million. Total resources available were \$28.8 million. Basinger said that represented a decrease of approximately \$870,000 from the original proposed budget, which totaled \$29.7 million. He added that it also represented an increase of about \$600,000, or 2.7% over FY2001 projections.

Basinger explained that the changes in the proposed budget resulted in a decrease in proposed millage rate from 4.75 to 4.06, or a decrease of .69 mills from the original proposal. This would be a .22 mill increase, or 5.7% increase, over the current 3.84 millage rate. Basinger attributed most of the increase to the purchase of Drake Field as was discussed at Council Retreat.

Basinger went over the Recap of Proposed Millage Adjustments for the FY 2002 budget. He pointed out the mills associated with each item included so Council could see the impact of each item that was cut. Items delayed in the FY 2001 PIP until FY 2004 were the FY01 Facility Buildout Plan and the FY01 Satellite Auto Shop, which Basinger said totaled \$362,750 and would be put back in the budget for this year. There would be still \$234,000 in the FY 2002 PIP for the Buildout Plan. Basinger said Phase I of the Buildout Plan could be done in 2002, then finished in 2004. The phasing allowed for the essentials things to get done in 2002, and the plan would be finished in 2004. In the 2002 PIP, the library expansion had been delayed from 2002 and 2003 until 2004. Basinger said he felt the timing would be fine, assuming the City received a state grant in 2002. Playground funding was decreased from \$80,000 to \$40,000. Basinger said that was necessary if the bond issue did not pass. There were playground issues that needed to be dealt with, he added. By delaying the funding for the satellite auto shop until 2004, the debt service of \$10,920 was saved. Increases were recommended in two items in the FY 2002 PIP, Basinger continued. The City had \$250,000 in impact fees for a cart path bridge over the railroad tracks on Highway 54, as well as a state grant for \$200,000. An additional \$46,000 was needed to ensure adequate funding. The bridge was in the design process. At the August 2 meeting, staff recommended an additional \$25,000 in the stormwater management program. Basinger said \$50,000 was budgeted, so the addition would make it \$75,000. Operating Expense Cuts totaled just over \$75,000, including four new positions plus related expenses totaling \$118,775. The recommended reduction in Council Contingency Fund totaled \$150,000, and the Revised Revenue Projections were \$46,495. The Grand Total Adjustments to the Proposed FY 2002 Budget was \$870,137, Basinger said.

Basinger told Council the proposed departmental budgets now totaled just over \$14 million, a 4.55% increase over last year's departmental budgets. Basinger said it was a net decrease of \$193,905, or .154 mills, from the original proposed operating budget. The decrease was a result of changes to the departmental budget line items, as well as cuts in positions. He referred Council to Schedule A, Operating Budget Adjustments.

Basinger told Council that staff recommended eliminating the four new positions discussed at Retreat. Basinger said he had discussed the EMS lieutenant position with Chief Lohr. Lohr needed the position and also had an accreditation manager position that had not been filled. Basinger suggested converting that position to the EMS lieutenant position or taking one of the regular firefighter positions and promoting it into a lieutenant position. He added that Lohr had some options for resolving the problem.

Basinger then discussed the Leisure Services position at Kedron Fieldhouse. He said he talked with Gaddo about the possibility of having his parks crew assume some of the duties of the proposed building technician or janitorial service position at Kedron. Basinger stated there was some concern about cutting the fieldhouse leader position. Periodically, there were some problems at the fieldhouse and the concern was from a safety point of view, especially once the multi-purpose rink was completed. Basinger said that when the rink was completed, about six to eight months from now, staff would come back and ask to fill the position at that time. The position could help monitor both the fieldhouse and the rink. Someone was needed to move around at all times and the position added another set of eyes and ears, he said.

The auto mechanic position was for the satellite auto shop at the Police Department, Basinger explained. The auto shop has been delayed until 2004, so there was no need for the position.

The positions had a .094 impact on the millage rate and resulted in a decrease of \$118,775 in the proposed operating budget, Basinger said.

Fritz asked how eliminating the EMS lieutenant position would affect all the time, effort, and money spent to get the city's ISO rating. Basinger said he didn't think it would have an effect on the ISO rating since all the steps had been taken to get it upgraded to a 3, but it would delay the process for accreditation.

Lohr said eliminating the position would have a domino effect. Without an EMS lieutenant, he would have to make the accreditation captain the EMS lieutenant, which was the most critical need. He said the applications for the assessment center closed on Thursday. He wasn't able to assess other impacts in exact terms and dollars. He explained that the Fire Department needed 17 to 21 people on shift, and they had 12. If someone was taken off shift, he had to backfill with overtime and part-time, he said. The EMS lieutenant would impact all medical services, which comprised 74% of the Fire Department's mission.

Basinger said that, as a result of the budget review, General Fund revenues now totaled \$17.6 million, based on the 4.06 millage rate. The revenue projections were more liberal since the last workshop, Basinger said. The estimated revenue was increased by just over \$46,000. It represented a 6.7% increase over this year's projection, plus additional

revenue from the millage rate increase, he explained. The total increase was 8.05%, Basinger said.

Basinger looked at the changes made in the revenue projections. There were increases in the Occupational Tax/Licenses and the Alcoholic Beverage Licenses. Basinger said they felt comfortable with those increases because of the license fee increases. In taking a closer look at the building permits, electrical permits, and all the trade permits, staff felt the projections for those line items were too high and recommended reducing them. The net reduction in revenue projections was \$46,495, he said. Basinger said staff was marginally comfortable with revenue projections. He said they were still a little conservative, but that's where staff wanted to be.

Fritz asked Basinger if the increase in the occupational tax projection was realistic. Basinger said the City Clerk evaluated all current business licenses staff was very comfortable with the increase.

Salvatore commented that unfortunately the city was looking at future millage rate increases. Salvatore added that when the five-year plan was revised, the millage rate projection that originally topped out at 5.75 was now at 5.36 mills. He referred Council to Page 15 of their handouts (included in Council meeting packet). He pointed out that the Unreserved Cash Balance line projections went up each year. By 2004, the shortfall would be eliminated from the Reserve Target. On the millage rate line, Salvatore pointed out the millage rate increased to from 3.84 in 2001 to 4.06 in 2002, with a big jump to 5.06 mills in 2003. Salvatore said staff would look at that again next year and see what could be done to reduce it. In the out lying years, Salvatore pointed out the millage rate would increase to 5.36 as opposed to the 5.75 proposed in the former model. He reminded Council what the numbers were an estimate at this point and said the further out the projections went, the less accuracy there was since things could change.

Fritz stated she had a lot of concerns about the direction the City was going. She expressed concern over the move away from the city's conservative approach to the proposed budget. Salvatore replied that it was very conservative and tight and there wasn't a lot of fluff in it.

Salvatore looked at the PIP budget, which totaled \$3.6 million, a decrease of \$205,000 from the original proposed budget for FY 2002. The entire five-year PIP was reduced because of the cash rollback of \$362,750 from the FY 2001 PIP to the FY 2002 budget. The funds came from the delay of the Facilities Buildout Plan and the Satellite Auto Shop, Salvatore said. The Facilities Buildout Plan was originally scheduled for 2001 and 2002. A lot of the changes haven't been made yet so staff proposed holding on to the money and putting it as a cash contribution to next year's budget, Salvatore said. He added it would be a one-time cash windfall to supplement the FY 2002 budget. Phase II of the Buildout Plan was moved to FY 2004, and staff proposed that the Bricks & Mortar program fund both phases. The original plan was to pay half cash this year and the other half out of Bricks & Mortar next year, Salvatore said. The unspent portion of cash for the

Satellite Auto Shop was also returned as a one-time cash contribution to the FY 2002 budget. Salvatore pointed out that about \$16,000 was spent on a design for the facility. The Satellite Auto shop was moved to FY 2004 and would be funded by the Bricks & Mortar Program.

Fritz asked if the \$16,000 for plans was a loss or if the design would be used in FY 2004. Salvatore said the design would be used in FY 2004. Fritz asked how moving the Facilities Buildout Plan would affect work on the old police department and the ability to use it. Salvatore said the essential things for downstairs were put in the budget for next year to get it fixed up. It would affect Public Works more, as well as the elevator for downstairs. Fritz asked if that would meet the ADA standards. Lenox commented that the public could always drive around to the main entrance if they needed to. Basinger felt it would be more of an inconvenience for staff than the public. McMenamin said the public would need to be educated so they would know they couldn't come into one entrance and do everything. Basinger said no walls would be moved upstairs, and only the bare minimum would be moved downstairs. He added the biggest impact would be on Public Works, but that Public Works would still get the new roof that is needed and the air conditioning would be replaced. He pointed out that Public Works was an old metal building in the area of a nice complex and that, at some point, the aesthetic appearance should be improved.

McMenamin asked about the telephone system. Salvatore said the phone system was still there, but staff was looking at financing through Master Lease Agreement, so it would be funded by debt service. One thing that could be done would be to get just the base system for City Hall, in the range of \$50,000, and then eventually tie in the remote sites, but departments would have different phone systems. The whole thing was kept in FY 2002 for \$150,000.

Salvatore said projects moved from the FY 2002 PIP include Phase II of the Satellite Auto Shop, which was moved to FY 2004 and the Bricks & Mortar Program would fund both phases. The playground was moved to the Future list, but \$40,000 was left for improvements and repairs. The local share for the Library Expansion was moved to FY 2003.

Salvatore continued with FY 2003 PIP. Phase II of the Library Expansion was moved to FY 2004. The Huddleston/Dividend Intersection Improvements were moved to the Future List, which is 2007 and out, he said. Fritz asked why and said that was a critical project. Salvatore said staff hoped to get about \$120,000 in grant revenue for the project, so the cost would be about \$30,000. Basinger added that, unless Council was willing to condemn the property, the City might not get the right-of-way. Lenox commented that if the City had to condemn the land, the project would cost more than \$130,000. Basinger said if the City got the land, the funds shouldn't be a problem. Salvatore said there were funds in the PIP Contingency Fund, so the money would probably come from there.

There were some playgrounds and picnic areas moved from the Future List to 2003. The West Side Fire Station Land was in FY 2003, but was taken off since the land would, hopefully, be donated, Salvatore said. Salvatore continued that for FY 2002 –Future, \$10,000 in funds for the Tree City USA Program had been deleted, but there was money in the PIP Contingency if needed for projects. From 2003 to the Future List, the money for the Stormwater Management Program was deleted because another means of funding might be available, such as a rate structure built into the program, or a bond. Basinger said once there was a stormwater plan, and then staff would know the funding and the plan would make funding recommendations.

Rapson pointed out the only true hard dollar cuts on the schedule were the playgrounds. He said in other capital projects were either financed or moved to another year, and that was done all the time.

Salvatore went over the FY 2002 PIP and the impact of the program on the millage rate. He pointed out that the Smoke & Burn Training Facility cost \$245,000. Its impact on the City each year would be \$23,604, or 0.019 mills, and was the biggest project on the list. During Retreat, Council looked at the projects in the PIP and the equipment that could be financed through the Master Lease Agreement so the millage rate was kept down and the cost was spread out over several years. Salvatore said it let future residents share in the cost over the years. Salvatore said staff reviewed the projects in the PIP every year. He added it was an arduous process every year for the department heads to sit and go through the PIP. This year, it was done a second time and more cuts were made and items were moved. He said they could look at it some more if Council wanted.

Salvatore explained that the GMA Bricks & Mortar Program was a 15-year loan for facilities while the GMA Master Lease Agreement was a 5-7 year program for equipment. Rapson asked Salvatore if he was talking about having a Bricks & Mortar loan and a Master Lease Agreement loan in 2002, and then another Bricks & Mortar loan in 2004. Salvatore said that was correct. He explained that there was no point in borrowing the money now for things down the road and there would be separate Bricks & Mortar loans for each project.

Salvatore pointed out that the FY2002 Non-Debt Financed (Cash) PIP projects would have more of an impact on the millage rate because the whole amount of cash would come out of the budget.

Basinger explained that the \$17,500 for the Gerald Reed Memorial Park under Non-Debt Financed was for design. Basinger told Council the project had not yet been funded, but there was a design that would be brought to Council. Salvatore added a plan had been proposed for \$84,000 for next year, but the City couldn't afford that. The \$17,500 was for some minimal things to clean the area up and make it look nice, he added.

Salvatore emphasized the importance of maintaining adequate Cash Reserves and not depending on them as a means of balancing the budget. He said Cash Reserves were

crucial for funding emergency public health and safety situations and for stabilizing the millage rate during economic downturns. With a little cushion in the Cash Reserve and Council's desire to hold the millage rate steady, Council could go to the Cash Reserve for funding in the future as long as it wasn't a significant amount of money, he continued. Salvatore said the model projected cash reserves to have increased back to acceptable levels by the FY 2004 target date. He said that wasn't a luxury, but a necessity. To maintain the Cash Reserves, a one mill (24.6%) increase was projected for FY 2003. Salvatore said considering a millage rate other than 4.06 for FY 2002 could mitigate that situation. He explained that if the rate was a little higher this year, the increase in FY 2003 didn't need to be 24.6%. Salvatore referred to the \$263,000 put back in the proposed FY 2002 budget as a one-time cash windfall. In general, Salvatore said he did not advocate using a one-time cash windfall to fund on-going expenditures. Salvatore recommended putting the cash back in the budget to help rebuild the Cash Reserves, but not taking credit for the .29 mill reduction that went along with it. Based on that, the revised millage rate would be 4.35. He presented an alternate plan for FY 2001-2006 that called for a 4.35 millage rate in 2002 and spread the increase in the millage rate out. He said bond-rating agencies would like the alternate plan better than a big jump and using cash windfalls to keep the millage down. Salvatore felt it also put everything on a more even playing field so voters would understand more realistically what taxes should be before going into a bond issue. He referred to another chart that compared the impact of both plans on a household. Plan A (4.06 mills) would add an additional \$17.60 annually, or \$1.47 monthly, to the tax bill for a home valued at \$200,000. Plan B (4.35 mills) added \$40.80 annually, or \$3.40 a month, to the tax bill.

Basinger commented that when talking about future increases, the further out the projections went, the less accurate they were. He added that going through the arduous budget process every year might help keep the increases down.

Fritz asked about the \$25,000 cut in gasoline for the Police Department. Salvatore explained that the shop superintendent suggested budgeting at \$2.00 a gallon because of high gas prices and to make sure the department was covered. Salvatore said the other departments budgeted gas at \$1.35 a gallon, so the Police Department's gas budget was dropped to \$1.35. Another crunch in oil prices would mean the budget would have to be amended, he said.

Fritz said she was greatly concerned and thought it was unrealistic to stay at 3.84 mills. She felt it was a disservice to the city and its employees, and to the public. The City wouldn't be able to provide services at the level the citizens expected. She added it would affect the morale of the staff if the employees weren't given the tools to do their jobs.

Rapson said he went through the same seven steps as he had before the last workshop. The first step was to evaluate the revenue stream. He said he had been working closely with Salvatore during the week and they looked at the forecast. Rapson said he felt the forecast numbers were still extremely conservative; however, he said he owed Basinger

an apology. Rapson explained that after going over the numbers for building permits again, he agreed with the building permit decreases Basinger had projected. However, Rapson felt the figures for the LOST could be increased by \$100,000, the Recording Intangible Tax by \$5,000, the Court Fines by \$15,000, and Recreation Programs by \$50,000. Rapson said the \$50,000 for Recreation Programs would be added on the expenditure side and would actually be a wash, but it got the Rec Department's expenditures closer to reality.

Rapson also addressed vacancies in the Police and Public Works Departments. He said he conducted a vacancy analysis for the last two years. He recommended taking the dollars from four of the police vacancies, not lowering the number of authorized people. The Peachtree City Police Department was nationally recognized and the standards were the best in the state, Rapson said. After a few years here, the FBI, GBI, and other agencies recruited the officers. Over the past 24 months, however, there had been at least four vacancies. Rapson said there was no time that the Police Department dropped below four vacancies during the past 24 months.

Rapson noted that during the last 24 months, there were times that Public Works dropped below two vacancies. Rapson said that Public Works had historically been at 91% for a 22-month period. Rapson said it was not a reflection upon Murray or Halterman, but was the nature of the beast. The vacancy rate year-to-date last year was about five for the Police Department and three and a half for Public Works. For the first 10 months of this fiscal year, the Police Department had just over five and Public Works was just short of three. Rapson recommended taking the dollar amount associated with the positions, using lowest paid officer's salary and the lowest paid Public Works employee to come up with the projection, and putting that money back into the budget. He said the positions that were cut were needed. Rapson continued that even though the project for the mechanic was delayed, there were problems keeping public safety and public works vehicles on the road. His recommendation was to put the money from the vacancies back into the budget to fund the four positions. One of the key things this did was to use a reoccurring savings to fund a reoccurring expense, Rapson said.

Rapson said his approach would keep the millage rate at 3.84. He added that the reason he wanted to do that was because of the bond referendum. Rapson felt a lot of things in the bond referendum would pass. He asked Council to look at page 2 of his 6-page handout and pointed out that the City would be in the same financial position this time next year. He continued that Salvatore had to make sure the budget complied with all resolutions and ordinances established by Council and one of those was to have the established fund balances in 2004. Rapson said to do that would mean hefty millage rate increases, but he wasn't advocating increasing the millage rate by 24% this year or next year. He said his approach was to consistently look at the seven steps during the budget process. He said the best that could be done was a three or four year projection. Rapson said it was all good, sound financial practice. He realized from a city perspective, that the budget had not been done this way before, but emphasized the approach was a sound internal control that worked for larger and smaller municipalities.

Salvatore said he realized the bond stood a better chance of passing if the millage rate stayed at 3.84. Fritz added that if the millage rate were not raised this year, then next year with the bond, taxpayers would be hit with a double whammy.

Lenox said the argument was more about the City and how Council wanted to run it rather than the millage rate. The city had budgeted conservatively since it was founded. Lenox said in business, he purposely underestimated revenues and overestimated costs. He said it was a philosophy and that what was being done was changing from conservative budgeting to very aggressive budgeting. Lenox continued that when that change was made there was one, or maybe two, years where the tax rate wouldn't increase. It also narrowed that cushion in the numbers that allowed for errors, problems, and catastrophes, he added. He felt Fayette County had been very fortunate in terms of LOST collections because of the rapid growth of retail space; however, it would soon come to a screeching halt. He expressed concern that there would be a real dip in LOST collections because everyone had become more conservative in their spending habits, and next year, it would show up in LOST collections.

Lenox said the second thing he was concerned about was what Peachtree City was. He explained that Peachtree City had the lowest employee to citizen ratio of anywhere he knew of and, by comparison, the lowest millage rate of typical cities. Peachtree City also had the highest service level, he continued. The city had been fortunate to keep the millage rate down because of growth, and the growth was gone. The millage rate had to go up, Lenox said. Lenox said to not raise the millage rate because of the bond this year would be duping the public. The whole exercise had made a better budget, but he added he couldn't hold the budget knowing next year the tax rate would jump. The City had made a decision to cut growth. At least 2,000 houses amounting to \$4 million in front end fees and cash had been cut, but the PIP wasn't cut. On top of not getting the fees, the City also was not getting the ongoing ad valorem taxes, Lenox said. Low density cost a lot of money in terms of Public Works, Police, and Fire, especially, he said. How would the City get to where it had to be, Lenox asked. Lenox said he knew that in two or three years, the millage would have to be at 4.75 and he would rather get there honestly. He felt the City's citizens would understand.

Fritz stated that she just returned from a class where she talked to people from all over Georgia. When she told them how many employees per capita the City had, she said their mouths dropped open and they said they didn't know how the City functioned. Fritz added that she told people one of the wonderful things about the City was it had the fewest employees per capita and the bad thing about the City was it had the fewest employees per capita. She said it was a catch-22 and that the City had something good going. Fritz felt keeping the millage rate at 3.84 was unfair and didn't do justice to the City.

Salvatore had concerns about the salary vacancy factor. He asked Chief Murray how it would affect the Police Department and how long the slots would be vacant. Murray said

it was a two-sided question and added that when the department was at full staff it wasn't at full staff. He said the department got 60,000 calls per year and was filling in with half the manpower a city this size normally had. He explained that it had been a pay question for years. The Department would be getting an award for having the highest education levels in the United States for police officers, but that it cost money to do that. He said he had to recruit in a marketplace that was very fluid. Starting pay jumped all over the place and starting at \$38,000 wasn't unusual, he said. Murray said he hoped to be at full staff in September. He said he would love to be at full staff all the time, but when the standards were set high, it was dangerous to cut them. Murray said he specifically tried to run the department the best he could with limited manpower, but the trends in the City were going to change drastically. There were certain areas of the City where there had been dramatic changes in the crime rate, and the department had to stay on top of it. He said he was out beating the bushes for officers, but the department wasn't going to lower the standards. If someone doesn't make the grade, they won't work here, Murray stated.

McMenamin asked Murray if he was at seven vacancies now, and he maintained a four-vacancy level, what made him say he would be at full staff by September.

Murray explained their recruitment was dictated by the academy and getting people certified. There were only four academies each year, so there might be vacancies now. In September, five people would be hired to fill the vacancies and attend the academy. The state required officers to be certified before becoming a road officer. McMenamin commented that, as she understood it, and as Rapson had noted, statistically that as the Police Department gained officers, it also lost officers. Basinger added that as the Chief had pointed out there was a significant salary increase for the Police and Fire Departments due to the new pay plan and hopefully, he would be at full staff in September. Basinger said he and Murray had discussed that Murray expected to be at full staff in September regardless of historical numbers.

Rapson said the problem was a function of the public safety environment and said Fulton County had eight public safety officials for whom he budgeted 94% of salaries and they unsuccessfully tried to prove him wrong every year. In Peachtree City, the vacancies were also a function of the department's standards, which were higher than anywhere else in the state, Rapson continued.

Basinger said it still impacted the carryover funds. He said it was "pay me now, or pay me later," and if the savings were taken up front, it would not be there at the end. Lenox said in business and in government, there was always a vacancy factor in salaries, but it was a one-time thing. He added that just because the Chief didn't spend it this year didn't mean it would provide revenue for next year. If the money was taken away this year, it could not be put back next year, Lenox said. If the Department got lucky and was at full staff, the money wouldn't be there, he continued.

Rapson pointed out that if those salary dollars weren't freed up, then other needed areas couldn't be funded. Salvatore said Rapson showed the salary dollars as funding for new

staff, when it was already being used as a revenue source for next year. For argument's sake, Rapson said the Police Department would always have a 95% salary rate because of its nature. He said to leave the authorized staff numbers alone, and sometimes the department might have a full staff, but the bottom line was at the end of the year the department would still only have 95% of the salaries it needed to pay for. He said the only departments he was talking about were those that had year-to-date vacancy rates of 6%, Police and Public Works.

Basinger questioned the one-time savings since those dollars wouldn't be a carryover. He said in future years, it would be a wash. Rapson said it was a one-time revenue source, basically an expenditure opportunity savings.

McMenamin agreed it would be a wash in future years. She stated she would rather provide additional funding for the other positions than take it from the Police Department.

Murray said overtime in the department was paid only after an officer worked 80 hours and it came out of the overtime line item. Everything else came out of the salary line item. For instance, Murray suggested someone might take holiday pay for the 80-hour pay period, then go to court for eight hours. They would not be paid eight hours overtime because it was their day off, but they were paid straight time out of the salary line item because they did not earn overtime when they took time off during that 80-hour period. He added that was why his salary line item was at 98% with all the vacancies. He pointed out that's how overtime was paid when it wasn't earned at time and a half. If the money was taken away, it would have to come from somewhere and the vacancies had allowed him to pay that overtime without coming up short.

Basinger expressed concern about revenues. He said the City had always budgeted conservatively and he felt Rapson's recommendations came dangerously close to a revenue shortfall. He explained that with the economy the way it was no knew what would happen next year. He said there were shortfalls this year in some of the revenue sources, such as franchise taxes. There was a \$39,000 shortfall in the Georgia Power franchise this year and there would probably be a \$6,000 shortfall in the Coweta-Fayette EMC franchise. The EMS revenues were not there this year either. He pointed out that, particularly with the franchise taxes, it had been a mild summer and if there was a mild winter, the City would take a big hit in reduced revenues from Georgia Power and the EMC. While revenues had been under budgeted in some areas, they were probably over budgeted in other areas, but when all was said and done at the end of the year, revenues should exceed projections, he said.

Rapson said he added \$100,000 to LOST revenue projections. He pointed out that historically speaking, LOST revenues increased almost 11% in 1997. In 1998, the LOST revenues increased 19% and increased 14.6% in 1999. In 2000, it increased 6.8% and only a 4% increase was budgeted this year. Lenox added that the LOST revenues were very susceptible to economic activity.

McMenamin pointed out that the population was aging and that purchasing was more for necessities. Right now, The Avenue was the draw, but there would be two more major shopping centers on the south side in the next five years, she added.

Basinger stated that shopping centers drew from an area around Fayette County and there were only so many dollars that could be generated in Fayette County through business. Whether the money was spent in Peachtree City or Fayetteville, the City's share of the dollars was the same, he said.

Rapson and Salvatore had worked on a LOST analysis that showed the trends. Rapson said his projection should be more than a \$100,000 increase based on what was seen and said 4% was very conservative. Another reason for being conservative was that the City's percentage of the LOST would be renegotiated in 2002, Rapson continued. He said historically everything stayed the same and no one signed it, but this year it had to be signed and population would drive the signing. He said the City's percentage wouldn't change a lot; the City couldn't ignore the fact. He said his figures were very sound and reasonable.

McMenamin said she could not justify a low to no millage increase this year, and then a considerable jump next year. She said her reasons for that were basic. First, she said she had a hard time explaining that to the public. Second, it was a political year and it looked like a political move. McMenamin continued that it was deceptive to the public to do anything other than maintain more consistently the tax millage rather than a jump. She felt the tax rate should go up this year and then be maintained. McMenamin reminded Council that concern was expressed last year that it would be the last time the millage rate would ever be lowered. McMenamin said she disagreed with the mayor that adding 7,000 people would not increase services. All of the City's facilities were maxed out. If the bond passed, the City would just maintain again because "you build it, they will come." If the City added 7,000 more people, it just added to the already built out facilities, she said. Both McMenamin and Lenox said the City would have to be more diligent in making sure only Peachtree City and Fayette County residents used the facilities.

Basinger pointed out that if the budget were not right next year, the City staff would be responsible. He said staff had given Council a budget representing their best efforts based on a number of years of experience.

Rapson reminded Council he had said all along that the rollback was a mistake. Rapson said he would consider increasing the millage rate back to the rollback. Regardless, Rapson said if Council approved the recommended 4.06 millage rate, next year's Council would be in the same position as this year in regards to how to phase in millage increases that were associated with the bond issue and the budget projections, he continued.

Fritz pointed out other options were presented in addition to the 4.06 millage rate. Rapson said regardless the next Council would have to make some decisions. He said he wasn't sure what his decision would be on any increase at all. Rapson referred to all the things added last year for a mill and a quarter and stated that it took more than a couple of years to get over that kind of reoccurring debt overlaid from the year before. He said the goal for cash balances in 2004 were lofty, given the history that had occurred.

Salvatore stated that he couldn't overemphasize the importance of having the cash reserves. With the new tax laws, even if the millage rate was at 3.84, the City would still have to advertise for a tax increase and hold three public hearings, Salvatore explained. From the public point of view and in the newspapers, it would still be a tax increase, he said. Council agreed that was a good point.

Lenox said he would like to add the EMS lieutenant, the fieldhouse leader and the Huddleston/Dividend Road intersection and put the millage rate in the 4.25 to 4.35 range. The best thing that could happen was the City would get another \$100,000 out of the LOST, save money from the vacancies, and build up the cash reserves, Lenox said.

Fritz asked if the 4.35 millage rate alternative included the Huddleston/Dividend Road improvements, the EMS lieutenant, and other items, and if not, how much extra would it be.

Salvatore said it could be left at 4.06, then not be as aggressive in increasing the cash reserves quickly. It could be set at 4.35 and put the positions and the Huddleston/Dividend project back in, he said.

McMenamin and Fritz both stated their support for the Huddleston/Dividend project and said it must be as functional as possible.

Salvatore said the fieldhouse position was only \$14,000 a year, and if it was added halfway through the year, it was only \$7,000. The fieldhouse position and the Huddleston/Dividend project, at around \$37,000, would not be as disastrous to the unreserved cash balance and left the millage rate alone, he stated. The EMS lieutenant would have the biggest impact at \$45,750. Including the benefits, supplies, and uniforms, the cost would be about \$50,000, he continued. The total of all the items was less than \$100,000. Salvatore said unreserved cash was scheduled to go up \$600,000 or \$700,000, but if it went up only \$500,000, the City could live with that. He added that was if all the revenue projections were met and the budget was met in all areas. He pointed out that he was particularly concerned about health insurance costs next year. He said an increase was planned for 2003 anyway, but they might have to look at what to do to the millage that year and on a permanent basis.

Fritz asked how close the City was on getting the information on health insurance. Basinger said it was out for bid now and the information should be in within the next couple of Council meetings.

Salvatore asked Council if they were in agreement about the EMS lieutenant and fieldhouse leader positions and the Huddleston/Dividend project. All agreed but Rapson. McMenamin said she was concerned about safety. She recalled there had been problems at Kedron Fieldhouse before and she didn't want an unsafe situation in what was supposed to be a fun environment.

Salvatore said the budget could take a hit to the unreserved cash at the 4.35 millage rate to fund those things. At 4.06 the unreserved cash grew at only half the rate, Salvatore suggested added the associated millage of the items to the 4.06.

Rapson commented he would be in favor of adding all of those if the savings from position vacancies were included.

McMenamin said if she thought the vacancies were eight months out she would feel differently, but she was willing to give Chief Murray until the end of September.

Salvatore looked at Rapson's recommended increases to the revenue projections and said he could go along with the additional \$5,000 in Recording Intangible Tax and \$15,000 in Court Fines. He said there were two different techniques used for projecting LOST revenues this year. Prior to this recommendation, he and the City Manager took the first 10 months of actual and figured an average for a month and used the average for the last two months. The method used by Rapson took the first 10 months actual but, instead of using an average for the last two months, added in what was used during the first two months last year. He said when you do that, in particular September which historically looked heavier than other months, it bumped up the projections. He explained that when you bumped up the projections and added in the 4% increase, it gave the additional \$100,000. He said the approach used by himself and the City Manager was just more conservative. He figured the \$100,000 was only about .4% of the total funds, and when looked at in comparison to a \$23 million budget, there was not a lot of wiggle room. He admitted it was a big dollar amount.

Rapson said if the majority of Council was going to increase the millage rate, then the \$100,000 was a fine line. He said his projection would be closer to reality. He pointed out that LOST was seasonal, and not a straight line. Straight lines used an average, which was why he looked at the actual rate the City received for the past three years and looked at the percentages, and he felt they were reasonable and in line. It changed the baseline enough so that a 4% increase was \$100,000 more money, Rapson said.

Basinger expressed concern that no one knew what would happen with the economy and they knew they wouldn't meet projections in other areas. He pointed out that they needed to be over in some areas to make up for being under in other areas. Basinger commented that \$100,000 was a lot of money. He recalled there were times when the LOST revenues were \$200,000 or \$300,000 more than projected. He was concerned that they were getting too close to the edge and would be gambling to meet all the revenue projections

for the year. Basinger said he hoped the City exceeded the revenue projections by \$170,000 and that would be good fiscal management if it happened. He said that was consistent with the way budgeting had been done in the past and saw no reason to change the way revenue projections were calculated.

McMenamin pointed out that Council had to become more conservative, too. The input she got from citizens was they wanted Council to stop designing flags and frivolous stuff and get down to the business of the City.

McMenamin asked Chief Murray about the time police officers spent in court and having to pay them for court. She asked if the officers were there at 8 a.m. and sat there all day until their cases came up, and if so, was there any way to fine tune it. Murray said some officers might be out in three or four hours, while some would be in court until 3 p.m. or 4 p.m., and that was just municipal court. Some officers might be in court seven or eight hours on their day off. Fritz pointed out that code enforcement had the same problem and could also be tied up in court all day. Murray discussed alternative court procedures, including having criminal court on one day and traffic court on another, but they would impact court and judge costs as well.

Rapson commented that he knew the City Manager, Salvatore, and the department heads had been working very hard on the budget. He appreciated the fact they had gone through the budget and embraced the seven steps concept he discussed at the July 19 workshop. He said he knew it had not been an easy process and that Council and Staff didn't always have to agree with one another.

McMenamin said she agreed and that she appreciated the effort Rapson put into the budget. She also appreciated staff coming in on a Saturday morning to let Council go over the budget. She said it helped Council to sit down and hash things out in a manner without time restraints.

Basinger said staff would prepare the budget for public hearing. Salvatore said the public hearing was scheduled August 16 with formal adoption on September 6.

Rapson said he felt the staffing positions were needed. He added he had a problem with increasing a reoccurring expenditure and offsetting it by an increase in property taxes. He knew everyone wasn't comfortable with the vacancy rate, as well as increasing the LOST revenues. He supported the staff positions but not through a property tax increase.

Lenox said he understood the questions about the vacancies. He said he was leery of the message it sent to the police chief. Lenox commented that he harbored the hope there would be a year when the department was fully staffed for the whole year. McMenamin said she hoped that next year they wouldn't be looking at a year of six vacancies. She said Council had to make sure police and fire services were provided. Murray explained that when an officer was recruited, it took six to eight months before the officer was certified and on the road. Every time there was an opening, it was eight months before

the position was filled. McMenamin said she had a problem with retention. Murray said with the changes in the pay plan and retirement plan, he hoped it would eventually work out.

Lenox went over what he felt Council wanted. He said to leave the vacancies as had been done in the past, use the 4.35 millage rate, add back the two positions and the Huddleston/Dividend funding, and increase LOST. He said that would wash out the increase in the unreserved cash, but that it would eventually be there. He said next year, Council would face another millage increase. He felt there would be more flexibility this time next year and more cash on hand. He said Council had learned a lot from this process. Lenox said the sales tax would be renegotiated and the tax equity battle would be adjudicated.

Lenox said the Huddleston/Dividend project should go on an agenda. Basinger said it would go on the agenda, but staff hadn't given up. One of the property owners had just gotten back in town, Basinger said.

Basinger thanked Council. The meeting adjourned at 10:15 a.m.

Betsy Tyler, Deputy City Clerk

Robert L. Lenox, Mayor

City Council of Peachtree City
Minutes of Meeting
August 16, 2001
7:00 p.m.

The City Council of Peachtree City met in regular session on Thursday, August 16, 2001, 7:00 p.m., in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the Pledge of Allegiance. Other Councilmembers present were: Carol Fritz, Annie McMenamin and Steve Rapson. Dan Tennant was unable to attend.

Announcements, Awards, Special Recognition

Mayor Lenox read and presented proclamations of congratulations to the Peachtree City U-19 Arsenal who were named Boys State Champions in the Gatorade soccer tournament and to the 87 Lazars White girls soccer team who were the 2000-2001 Georgia State Cup Champions and the 2000-2001 United States Region III U-14 girls champions.

Lenox presented Al Hardy of Coweta-Fayette EMC with a plaque in recognizing the EMC as the first platinum sponsor (donations of \$10,000 or more) for the Luther Holt Memorial All Children's Playground. McMenamin also presented Gerri Holt of the All Children's Playground with a \$2,620 check from the parents of the children she babysat this summer.

Lenox recognized Nancy Jurchenko of the Peachtree City Library as the July Employee of the Month.

Approval of Minutes

McMenamin moved to approve the minutes of the July 19 budget workshop. Fritz seconded. The motion carried unanimously. McMenamin moved to approve the minutes of the August 2 Workshop with the Wynnmeade Homeowners Association. Fritz seconded. The motion carried unanimously. McMenamin moved to approve the minutes of the August 2 Council meeting. Fritz seconded. The motion carried unanimously.

Consent Agenda

- Holly Grove Cart Path Tunnel
- Consider Alcohol License Representative Change – Don Pablo's
- Consider Ordinance Amendment – Occupational Tax Rate

Lenox said the Holly Grove Cart Path Tunnel had been removed from the PIP because it was too expensive and had engineering problems. It would have to be an at-grade crossing. McMenamin asked him to point out the problems for the benefit of the public. Lenox explained that Council had wanted to put a cart path tunnel under the Holly Grove Road extension and had earmarked \$60,000 in the budget for the project. At that time, there had been no engineering studies and Council thought the tunnel was feasible, he said. Since then, a sewer line would have to be placed below the tunnel in addition to a high water table and poor soils, Lenox said. To try to build a tunnel would be asking for an enormous amount of trouble in the future after spending an enormous amount of money, Lenox stated. The City was left with little choice but to put in

an at-grade crossing with the appropriate marking and signage, he continued. McMenamin moved to approve the consent agenda. Fritz seconded. The motion carried unanimously.

Old Agenda Items

01-01-10 Adoption of Charter Revisions and Administrative Ordinances

City Attorney Rick Lindsey told Council he had revised three ordinances since the August 4 meeting. Two new ordinances and a minor clarification were also to be considered.

Ordinance No. 763 Organizational Structure of the Government – Lindsey reminded Council that they wanted the ordinance to clearly state that all six divisions of the city government report to the City Manager. Clarifications were made in the City Clerk responsibilities (Sec. 2-126(a)(1)) and in the Public Safety Division (Sec. 2-126(a)(5)). He pointed out that now Jane Miller served as Administrative Services Director and as City Clerk and that was reflected in the clarification. The Council could easily amend any changes in the City Clerk position in the future, Lindsey said. The Public Safety Division clarification specified that the Police Department and Fire Departments were to be regarded as separate divisions.

Fritz asked Lindsey whether Sec. 2.19 of the charter should read “Officers elected by Council to perform described duties and give bonds” or “Officers appointed by Council to perform described duties and give bonds.” Lindsey said it should read “appointed.”

Ordinance No. 764 Procedure for Appointing Councilmembers or Mayor, and for Other Purposes – Lindsey said he changed #6 and who ever received the lowest score would get the Council seat. Rapson commented that if someone was asked to rank a person they typically gave 4 as the best and 1 as the worst. He added as long as it was clear, it was fine.

Ordinance No. 769 Punishment of Individuals Found to be in Contempt of Council by the Mayor – Lindsey said he had better defined the term “contempt” and explained to the public that contempt meant someone who was so disruptive that Council could not conduct business, not just someone who was unhappy with what was going on. Lindsey reviewed the contempt definition

Fritz asked if there was anything in other ordinances that would cover this issue. Lindsey said no and explained that the problem was balancing personal rights with government getting business done. The person might not be in violation of the law as a disorderly person, but need to be out of the meeting so the meeting could go on, while allowing them to come back to the next meeting.

McMenamin commented that what was violent behavior to her might not be violent behavior to someone else. She said if someone was that out of control, the mayor should not have to look it up to see if they were complying with the law or not. She said she wasn’t in favor of this type of ordinance.

Lenox said he had always felt he had the right to ask anyone to leave the meeting if he thought they were disruptive. If that happened, Lenox said he would first ask them to leave politely, once, and then he would call the police if the person continued.

Rapson said one of the things that made Peachtree City great was that everyone got their five or 10 minutes at the podium. Any citizen could voice their concerns to Council. He didn't feel Council needed an ordinance to define when things got out of control and that common sense played into it.

Lindsey explained that the charter referred to an ordinance regarding contempt at meetings and added that whenever the charter referred to an ordinance, he included an ordinance for Council to consider. He said he was just addressing the places in the charter that said the City had an ordinance or might have an ordinance.

He asked Council if they wanted to drop the ordinance at this time. He added that, if Council felt the ordinance was needed later, it could be considered then. Council agreed to drop the ordinance.

Ordinance 771 Provide for the Procedure for Appointing Chief of the Police Department, Accountability of Police Department Personnel and for Other Purposes and Ordinance 772 Provide for the Procedure for Appointing Chief of the Fire Department, Accountability of Fire Department Personnel and for Other Purposes – Lindsey said that Council wanted the authority to appoint the Chief of Police and the Fire Chief upon recommendation of the City Manager. He said the new ordinances almost paralleled each other.

Ordinance 774 Provide for the Definition of Chief Administrative Officer – Lindsey stated throughout the ordinances the term "chief administrative officer" was used. He pointed out that the "chief administrative officer" was now called the "city manager." The charter used the term "city manager," as did the new ordinances. Section 1-2, the definition section, would now say when you find the term "chief administrative officer" it also meant the "city manager." Lindsey said the ordinance just clarified the matter and cleaned house.

Lindsey commented that he went through the entire ordinance book and looked for other problems and conflicts and that none jumped out at him. He said he didn't read each one in detail, and then think about them for 15 or 20 minutes, but nothing had jumped out. There could be problems down the road and Council would have to address them if they arose. He said the ordinances, with the exception of No. 769, and the charter were ready for adoption. After adoption by Council, Lindsey said he would give the charter to the city's elected representatives and have the General Assembly adopt it when it came back into session.

Fritz said she would like more time to look the ordinances and charter to ensure she didn't have a problem with anything else. Lenox asked Lindsey where the charter and ordinances stood as far as public hearings were concerned. The last public hearing was held in June and Council was now legally able to adopt the charter. Lenox said it would be on the agenda for the next meeting, Sept. 6, and that would give everyone one last opportunity to look everything over.

Lindsey said there was no problem meeting the deadlines for submitting the charter to the General Assembly and that he would talk to Rep. Kathy Cox and State Senator Mitch Seabaugh well in advance of the deadline so it might get taken care of within the first few days of the start of the General Assembly.

06-01-02 Discussion of City Attorney Costs

Lenox introduced Murray Weed who completed a report on City Attorney costs for Council (a copy of the report is included in the official meeting file). Weed worked on the report with Rapson and Paul Salvatore, the City's Financial Services Director. Weed stated he had been a County Attorney and was currently working as a City Attorney. He told Council they tried to give the broadest possible picture in the report. GMA was contacted and he dealt with Susan Pruitt and Ted Baggett, GMA's counsel who had collected information from across the United States and included it in the report. Rapson and Salvatore provided a spreadsheet with estimated costs of what they thought it would take to provide in-house counsel. Weed said they also asked the City's current counsel to provide their estimated costs for 2002. He added that he contacted the mayor and in-house counsel for Warner Robins, the only similar city in Georgia with in-house counsel, and interviewed them. The accounting firm of Tomassello, Plageman, and Miller also performed a cost analysis with the information provided.

Based on the information provided to the Department of Community Affairs, the only like city near Peachtree City in size (33,000) was Warner Robins with a population of just over 49,000. Murray asked the City's current counsel to provide their estimated costs in 2002. Salvatore and Rapson had estimated the first-year cost of in-house counsel at \$380,000. The total figure given by current counsel was \$189,000. Weed said it was true costs would decrease in the second year, but their estimates for second-year costs would be around \$340,000. Weed said he asked current counsel to break the figures into overall expenditures and what was being done just for the solicitor's position. He noted that the current counsel was performing two functions for the City by acting as general counsel and as solicitor, while Warner Robins' in-house counsel did not provide prosecutor services.

Weed had a private accounting firm look at Rapson's and Salvatore's figures and he said they generally agreed with them. The firm felt the computer costs should be higher than estimated. Warner Robins' attorney was paid \$86,000. Weed said he collated all the GMA information and pointed out that an in-house attorney could also be hired for less than \$125,000. The City's quality of life was so good, that he said the City could bargain and get someone for less money since it was such a good place to live.

Weed continued that current counsel had access to 10 legal minds. If Council decided to go with in-house counsel, he said the numbers would never equate. It said it would never be a bargain to go with in-house counsel. In-house counsel was a de facto department head, a de facto assistant city manager, and an ambassador to the public. Weed pointed out that 10 minds were better than one, but that it was highly unlikely all 10 minds would be engaged in City business; however, it was likely that three or four minds would be engaged in City business.

Weed presented one other option. He suggested that Council consider hiring a staff attorney, which he said would be economically feasible. He said he didn't think the City was ready to

abandon outside private counsel, but should reconsider it when the population reached 55,000. An in-house staff member who would not be a department head, who would not need a secretary, who generated their own documents, who did their own research, and who had about five years experience could be hired for about \$55,000 and could do many of the things outside counsel could do. A staff attorney would write ordinary ordinances, review contracts, perform charter reviews, and serve as prosecutor in municipal court; however, they would still have access to outside counsel if something complicated came up.

McMenamin commented on the staff attorney option. She felt the City Attorney would be using entry-level attorneys and paralegals to do research and she felt there would be hidden costs such as law books, and computer needs. Weed agreed and said that cost-wise the City would always have a savings with outside counsel. McMenamin said accessibility was also important and felt a local attorney was always important. The City Attorney was very accessible, she added.

Rapson said the report was very thorough and suggested looking at the costs every two to three years, just as the City looked at privatization in other areas every few years. He said that, when they started looking at people with four or five years of experience with municipalities for a staff attorney, the cost would be \$75,000 to \$80,000. He said the numbers were all within \$20,000 to \$30,000, but said Council should look at it every two or three years just like everything else. He thanked Weed for his objectivity in preparing the report.

New Agenda Items

08-01-03 Public Hearing - Variance – 647 North Fairfield

Lenox read the rules for public hearings and set the time limit at 20 minutes per side.

Property owner Michelle Dean addressed Council regarding her request for a variance to build a 16-foot wide, 12-foot deep deck that would encroach 11.1 feet into the rear setback area at 647 North Fairfield. Dean told Council the only usable space in her backyard was at the basement level. She wanted to build the deck to allow her mother access to the outdoors from the living level of the home. She said the deck would not have stairs, which would possibly be a danger. She added the deck would improve the quality of her mother's senior years and add value to her home.

City Planner David Rast stated that all of the homes in the Fairfield subdivision were close, if not on, the setback lines. He said the first level of the home was the main living level and nothing would be done below the deck. The backyard backed up to a city-owned greenbelt, he added. Staff had recommended approval of the variance.

Phyllis Aquayo commented that staff and Council might want to keep the variance in mind in regards to cluster homes since Council had to grant the homeowner a variance for a deck. She said Council might want to revisit the ordinances concerning cluster homes to keep this from happening in the future.

Rapson said he had talked to Dean's neighbors and looked at the site. The deck would be very unobtrusive and backed up to nothing, he said.

Rapson moved to approve the variance request. McMenamin seconded. The motion carried unanimously.

**08-01-04 Public Hearing - Annexation and Rezoning Request/Multi-Family
Moratorium – Wieland property, MacDuff Parkway**

Lenox told Council that staff had requested the public hearing be continued until the September 20 meeting because the County had not completed its review. Lenox said there was also a question about whether or not the Multi-Family Moratorium would need to be lifted since there was a small town home component planned for the project. He added that lifting the moratorium was a technicality so the plan could be discussed with staff. Under the city ordinance, town homes were defined as multi-family and lifting the moratorium was the correct way to do it. Lenox moved to lift the Multi-Family Moratorium on multi-family development relative to the Wieland property on MacDuff Parkway for the discussion of the town home element with staff. McMenamin seconded. The motion carried unanimously. Lenox moved to continue the public hearing until September 6. Fritz seconded. The motion carried unanimously.

Rapson pointed out there were representatives from the School Board present and asked if they had anything to say. Mike Satterfield, Facilities Manager for Fayette County Schools, said he appreciated the cooperation from the staff and from Dan Fields of Wieland Homes. The proposed school location was good, but he said there were some concerns. It was a 22-acre tract and the school system needed 17½ to 18 usable acres. The usable acres were reduced to 15½ after taking out the wetlands and the one-acre site for a fire station, he explained. He said they had discussed moving a road that connected to MacDuff Parkway from the north side of the school location to the south side, as well as a different location for the fire station, which would provide more usable acres.

The elevation of MacDuff Parkway compared to that of the school site was another major issue, Satterfield continued. He said they needed to balance the elevation of the school site at 865 feet with the road elevation of 880 feet, which caused problems for the bus loop. They would need 100,000 cubic yards of dirt to bring the elevation up to about 870 feet and that wasn't feasible, Satterfield said. There were also a few more hurdles that needed to be worked out.

Lenox stated it was appropriate on many levels to have a few more weeks to work on the project. He said everyone had worked hard on it. Satterfield said the school system had not performed any geo-technical work on the property yet, but could potentially run into rock, which would be another sizable expense.

08-01-05 Bond Referendum Presentation/Consider Adoption of Bond Resolution

City Manager Jim Basinger introduced the bond referendum presentation (a copy of the bond referendum presentation is included in the official meeting file). He told Council that following the presentation and discussion, they would need to vote on whether to adopt the bond resolution.

BOND QUESTION #2 – City Planner David Rast presented the bond question on Drake Field, the 10.3-acre tract located between City Hall and Lake Peachtree. The City was purchasing the

property from the Development Authority with funds provided from the Governor's Greenspace Program. Most of the property would have to be for passive recreation, and the bond improvements would include soft-surface trails, picnic areas, directional/interpretive signage, benches, bike racks, landscaping, and bike riding. An adjacent wetland area would be restored and a boardwalk would be built in the wetlands. He added that the shoreline would be restored and the existing driveway and parking lot would be removed from the property. A paved connection from the access road in front of City Hall to the access road behind City Hall would be built. A natural parking area would provide overflow parking for City Hall, the library, and court.

Rast said the Drake Field Bond Committee felt the park should be designated as a passive park and access should be limited to pedestrians only. Parking would be provided at the park entrance and all trails would be mulch or natural materials. Sports vehicles would not be permitted under the Greenspace Program guidelines. If approved, the bond funding would pay for everything suggested, Rast said. The committee also developed a Phase II master plan that would add other features, and that private, corporate, and public funds would be raised to pay for the additional amenities.

Rapson asked if golf carts could park in the main portion of the park. Rast replied the main portion of the park would be open to pedestrians only. The Greenspace Program had stringent guidelines about what kind of activities could take place on properties acquired using the funds. Rast said the committee felt that golf carts, roller blades, and active recreation wouldn't be in keeping with those guidelines.

Lenox said about 75% of the acquisition cost was paid by the Greenspace Program and 25% was funded by the city, and the bond issue would provide the improvement funding. Rast said the property would be purchased in three installments based on the amount of Greenspace funds allocated to the City each year. The Department of Natural Resources had designated Drake Field as the property to be purchased those first three years. After that, if the Greenspace program were still on track, the City would be able to look at other properties for purchase. Drake Field would provide a front lawn for the City, Rast said.

Lenox said he liked the concept, but was concerned about the amount of parking space. He pointed out it was a popular place now, especially on weekends. He added it would be great to have the parking lot gone and he liked the pervious parking. He said he wanted to be sure there was enough parking, especially with the planned library expansion and the plans for Drake Field. Rast said more parking should be available.

Rapson said the biggest bonus was it was not commercial, which was the current zoning of the property. Rast said staff had looked at plans for an intense mixed-use development for the parcel, which would have greatly changed the area. McMenamin commented that a lot of people had always believed the City owned the property. She added it was a great benefit for the City to acquire the property.

BOND QUESTION #3 – Leisure Services Director Randy Gaddo presented the information for this question that dealt with the construction of four new playgrounds and two new picnic

shelters for \$200,000. Two playgrounds would be located at the South 74 Baseball/Soccer Complex; one playground would be located at the Luther Glass Park (Three Ponds), and one at the new multi-purpose rink. All the playgrounds would be similar to the All Children's Playground, but would not be as fully accessible as the All Children's Playground. Gaddo said the playgrounds would meet ADA guidelines and would be designed for children ages two years and older. One of the picnic areas would be located near the Tennis Courts at the Glenloch Recreation Center and the other would be located the McIntosh Trail Complex adjacent to the BMX track.

BOND QUESTION #4 – Gaddo also presented the information for the expansion to the Kedron Fieldhouse facility. The cost in the bond resolution for the expansion was \$1,735,000. The expansion included one full-size basketball gymnasium, a multi-purpose activity room, an office, storage for the multi-purpose room, restrooms, and storage to replace the present storage room (currently the basement of the Recreation Administration Building) with additional space to house the bubble for the pools.

Gaddo commented that once the expansion was completed, Glenloch Recreation Center would become the dance recreation area. The bubble for the Kedron pools currently was loaded on a semi then taken to the Recreation Administration Building for storage. Gaddo added this would save money and manpower in that respect.

QUESTION #5 – Gaddo said this question involved the purchase of Braelinn Baptist Church at the intersection of Crosstown and Robinson Roads for use as a community center. The church was built in 1994 and included 18 classrooms as well as office space, a 600-seat auditorium, stage, a good quality sound and light system, full-service kitchen, restrooms, stairways, and an elevator. He pointed out the City currently only had five rooms, three at Kedron and two at Glenloch, and more than 200 activities scheduled for the rooms. Gaddo briefly went over the agreement between the City and the church to share the facility for 18 months, until a new church was built. Gaddo said the facility would need to be a revenue-producing facility from the start to help offset the costs it would incur. He explained that revenue did not mean profit. He said the staff did not ever envision the revenues exceeding the costs of operating the facility. A public recreation facility normally wasn't built to be a commercial enterprise, Gaddo continued. While the building wouldn't make a profit, it would generate significant revenue. Staff recognized their operational plan must focus on revenue-producing activities. He said the "pay to play" approach would be used to ensure the people and groups who use the facility would pay their fair share for the service they would get.

McMenamin asked if the church was purchased, if the rooms that were part of the Kedron expansion would be justified. Gaddo replied yes because those rooms were designed for advanced levels while the rooms at the community center were not designed for much more than beginning levels.

Lenox commented that the church purchase was truly a bargain and that the building couldn't be replicated for an additional \$1 million. It also spread major recreation facilities throughout the city. Gaddo said that the time the church and City shared the building would be used to develop

programs. Lenox added that if a community center were built, it would cost \$4 million and the City would have wait 18 months while it was built.

Rapson said that it was good to get such an amenity to another part of town. He added that people thought of Kedron Fieldhouse as a north facility. He commended Gaddo and said he felt the numbers in the bond were justified.

Lenox said the City learned a lot from the bond referendum in the early 1990s, which built the original Kedron Fieldhouse and the Baseball/Soccer Complex. Peachtree City was a community where people felt they were part of the place and Lenox credited the Recreation Department with an enormous part of that feeling.

QUESTION #1 – Financial Services Director Paul Salvatore explained the City could save approximately \$120,000 in interest by refinancing \$1,620,000 of Airport Authority debt. Salvatore said the Airport Authority debt was paid by the Hotel/Motel tax and those receipts would continue to pay the debt. Because of that, there would be no associated millage rate increase with the debt refinancing.

Salvatore then gave an overview of the bond issue. The total cost for the bond issue was \$6,920,112, plus estimated bond-closing costs of approximately \$176,000. Salvatore added that when it was time for the bond closing, staff would look at the 1993 bonds and would refinance them also if there would be a savings. He said there was about \$3.5 million left outstanding on those bonds. He said it was a 25-year bond.

Lenox asked that if the voters approved all of the bond questions and if the existing bonds were refinanced that the total debt would be \$10.7 million. Salvatore replied yes. The City's borrowing capacity was \$100 million.

Rapson pointed out that the reason the existing bond hadn't been refinanced was because the City had a good rate. If the bond referendum was approved and the City could piggyback the existing bond and reduce interest, then it would make sense to refinance those as well.

Phyllis Aquayo asked if the Drake Field project could go ahead its own merit if the bond were not approved. Lenox said the City would acquire the land no matter what, but the improvements would be more gradual. Lenox added that paying cash for everything in the City really wasn't fair. There was a place in the City for a certain amount of bond indebtedness and \$15 to \$20 million was reasonable. Aquayo commented that she was glad Drake Field would be in the City's possession.

Another citizen asked if a non-profit organization wanted to use the community center, would it have to pay a fee. Gaddo said a fee schedule would be built with non-profit groups on the low end. The citizen asked why and if sports organizations had to pay also. Gaddo said the sports organizations put thousands of dollars back into the fields. The Pacers swim team paid a fee. He added the organizations also provided a service by providing hundreds of volunteers to run the programs. He said if the City had to put on the programs, the millage rate would have to go up. The citizen commented that the arts organizations got zip, while the sports organizations got

everything. He wanted to see some parity. Lenox agreed. He said the City wasn't investing all the money so it would be cost prohibitive to anyone who wanted to use it. If a small group could only afford \$10, then it would be \$10, he said. Big groups that could provide volunteer hours would also be considered. Lenox added that to him there was a tremendous need in the community for exactly this kind of thing. The citizen said it was not going to cost arts groups a fortune to use the facility and he told Lenox he took that as a commitment.

Salvatore went over the financial details of the bond issue, which included debt service and annual O&M costs (These were included in the bond presentation packet filed in the official meeting file). He pointed out that as the City's tax digest grew, the associated millage rate for each project decreased. As examples, Salvatore said a resident that owned a \$200,000 home would pay \$3.92 per year for the Drake Field improvements and \$1.44 per year for the playgrounds and picnic areas. The cost per year for the Kedron Fieldhouse expansion was about \$12.00 (\$11.92). The cost per year per \$200,000 homeowner for the community center would take a significant jump when the City and Braelinn Baptist Church no longer shared the facility after 18 months. Salvatore said the homeowner would pay \$20.24 until the facility was no longer shared, then the cost would be \$31.20 per year. The total debt service for all the questions, if they all passed, would be around \$384,940 a year. The total with debt service and O&M costs for 2003 would be \$631,491, or 0.467 mills. If all the bond questions passed, the \$200,000 homeowner would pay \$37.36 for the new projects in 2003 and \$47.39 for the new projects per year in 2004 and beyond. Lenox stated that was basically \$4 per month for the taxpayers.

Rapson stated the projections looked realistic and gave the big picture, especially after the 18-month period when the City had to fully staff the community center. Lenox recalled that the O&M costs for the last bond issue weren't estimated correctly and that staff had put a lot of time in trying to make sure they captured the operating costs for these projects. Salvatore said they looked at the costs of building a similar facility and that the costs would be significantly more.

McMenamin said the most important thing for her was that the bond issue came from the citizens' needs and requests. The bond issue put it in one package. Fritz agreed and commended staff for the work they did putting everything together. Rapson said it was like refinancing your house and that residents could walk through and "touch" the projects.

Rapson moved to approve the referendum resolution to regulate and provide for the calling of the election and to call for an election to determine the issuance or non-issuance by Peachtree City of General Obligation Bonds in an aggregate principal amount not to exceed \$7,140,000 consisting of airport refinancing bonds, Drake Field improvements bonds, playgrounds and picnic shelters bonds, Kedron Fieldhouse expansion bonds, and community center bonds. McMenamin seconded. The motion carried unanimously.

Basinger said to make sure the public understood that the referendum would be on the ballot during the November election. Lenox explained that by the law the City could no longer advocate for, or against, the passage of the bond issue with its funds or personnel. The Council, as the leadership of the community, had to take on that job and an organizational meeting was scheduled next week for those interested in helping to get the information out to the community.

Lenox said anyone at the meeting who wanted to serve on the committee should contact Betsy Tyler or Gloria Reid. The meeting was scheduled Monday, August 27, 5 p.m., at The Gathering Place.

08-01-06 Public Hearing – FY 2002 Budget

Lenox opened the public hearing. Basinger reminded Council there had been two workshops on the budget. The extended process was necessary since the City was nearing build out, which had resulted in a significant reduction in the rate of increase in revenues. Basinger added that a reduction in the millage rate in 2001, coupled with significant increases in operating costs, required almost \$1.5 million from the cash reserves to balance the 2001 budget. At the first workshop, Council asked staff to review and identify possible reductions in the proposed operating budget and Public Improvement Program (PIP), and to further review staff's revenue projections. Staff presented the results at the August 4 workshop. Basinger then went over the changes to the operating budget and PIP (a copy of the presentation is included in the official meeting file). Basinger and Salvatore presented the proposed FY2002 Budget that totaled \$29,424,118. The revisions in the PIP included delaying the Satellite Auto Shop and Facility Build-out Plan (Phase II) to FY 2004 for a \$362,750 reduction; delaying the library expansion from FY 2002 to FY 2003 for a \$137,063 reduction; cutting playground costs in half for a \$40,000 reduction; and delaying the Satellite Auto Shop (Phase II) to FY 2004 to reduce the FY 2002 debt service by \$10,920. Increases in the FY 2002 PIP included reinstatement of the funds for the Huddleston/Dividend intersection improvements at a \$40,000 net increase; increasing the CSX Railroad cart path bridge by \$46,000; and increasing the funding for the start-up of the Storm Water Management Program by \$25,000. Operating Budget changes for FY 2002 include reducing Division operating expenses by \$75,124 and reducing costs for new positions by \$58,257. The Council Contingency Fund was reduced by \$150,000 and revenue projections were increased \$146,500. The budget was reduced by \$869,619. Staff proposed the millage rate be increased from 3.84 to 4.35. The only item not mentioned from the workshops was the proposal to increase recreation program revenues by \$50,000. Basinger said Council did not take a firm stand on that at the workshop. The revenues were projected at \$454,193 and staff would feel comfortable increasing the revenues to \$500,000. Basinger said that would be reflected on the expense side of the ledger and would essentially be a wash. Staff recommended the Council approve the budget and take action to replenish Cash Reserves. Basinger said to do that the millage rate must be increased from 3.84 to 4.35.

Salvatore reviewed the projects in the FY 2002 PIP and the five-year PIP. He said street resurfacing and cart path resurfacing were included each year. The total for the FY 2002 PIP was \$3.7 million, which included \$185,459 for contingency. In FY 2003, the projects totaled \$3.8 million. The total for PIP projects in 2004 was \$3 million. The PIP for 2005 totaled \$2.5 million. In 2006, the PIP totaled \$1.39 million. Salvatore said as the City approached build-out the PIP was expected to shrink in the out years.

Basinger said no action was required on the budget at this meeting. Lenox asked if it was the first of three public hearings. Salvatore replied that only one public hearing was required on the budget itself, but that three were required for the millage increase prior to setting the millage rate.

Aquayo asked if the Tree City USA program was cut just to save money. Lenox replied that it wasn't a significant amount of money and Council wasn't sure exactly what the City was getting for the money. He added staff would be looking at it. Salvatore said ample money was left in the PIP Contingency for it.

Fred Wellman asked if the playgrounds were in the PIP as a way to have them if the bond issue didn't pass. Lenox said that was one of the items highly ranked by citizens in a recreation survey and recreation plan update. He pointed out when one looked at the totals the playground dollars weren't a lot. Rapson added the playgrounds had been a bond referendum question since day one. Rapson asked staff if one of the playgrounds included in the FY 2002 PIP could be flagged as the Wynnmeade playground. Wellman said that was also what he was thinking about.

Rapson said he was pleased staff reduced the original 23.7% tax increase to 13.3%. He said the majority of Council still believed a millage increase was needed this year, but he proposed leaving it at 3.84 mills. He added that this was his area of expertise and in his professional opinion a millage rate increase was not needed. Every budget should be reviewed with the tenacity of this review. He said he could not support the increase and felt it was not warranted. He said it was a good budget document and moved closer to where he would like it to be.

Salvatore pointed out that the ending Cash Reserves were \$800,000 less than at the beginning of the year.

Lenox said it was not a difference of opinion over a talent, but a difference opinion relative to a philosophy. He said Rapson's revisions had validity, but the staff had more of a concern over the state of the economy. Lenox commented that he had recently talked to the City's representative from Georgia Power. Every year the City received approximately \$650,000 from Georgia Power based on power usage. This had been a mild summer in terms of heat and people hadn't been running their air conditioners, so this year it the Georgia Power franchise fee would be about \$50,000 less. Council felt the need to increase reserve dollars and was way behind as many municipalities were. Council agreed, including Rapson, that the City was looking at a higher millage rate in the future. The other members of Council felt it was better to move forward in steps rather to have a big increase next year. Rapson said he agreed and that the budget should be closely reviewed every year. He added that Council had been concerned about the economy for the last two or three years.

Basinger said the FY 2002 budget would be on the agenda for Council action on Sept. 6.

Council/Staff Topics

Basinger said he needed selection committee to recommend an appointment to the Development Authority. Lenox and McMenamin volunteered.

Murray Weed commented that the Rockspray Ridge subdivision street sign was missing. Fritz said there were several signs missing in the area. Public Works was looking into the matter.

Lenox moved to adjourn into Executive Session after a five-minute break to discuss a personnel matter. McMenamin seconded. The motion carried unanimously.

Executive Session

Council discussed a personnel matter. No action was taken.

McMenamin moved to adjourn the meeting. Fritz seconded. The motion carried unanimously.

There being no further business to discuss, the meeting adjourned at 10:15 p.m.

Attest: Robert L. Lenox, Mayor

Jane Miller, City Clerk

As of 8/31/01

Problem/Complaint	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD	YTD	% of
													2001	2000	2001
Animal Control	1												1	0	1%
Business Complaint	1	1		1									3	0	3%
Development													0	1	0%
Garbage Company	3		1	1	1		2						8	20	7%
AT&T (InterMedia) Cable	4	6	8	14	5	7	22						66	13	59%
AT&T (Media One) Cable													0	1	0%
Ordinance/Code Violations	9	6	1	1		1							18	5	16%
Public Works Repair Request	1		1	1		3							6	0	5%
Recreation						1							1	0	1%
Traffic							1						1	2	1%
Utility Company	2		2	1		2							7	4	6%
Other													0	4	0%
TOTAL	21	13	13	19	6	14	25						111	50	100%

[illegible]

% Response Time for response / action on same day	90%	100%	92%	100%	100%	79%	100%
							95%

Revised

BUILDING DEPARTMENT 2001 MONTHLY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2001 YEAR-TO-DATE	2000 YEAR-TO-DATE
DEVELOPMENT PERMITS:	15	9	38	22	44	14	20	15	18				195	122

BUILDING PERMITS:														
Single Family Residential	12	10	25	14	27	18	20	11	14				151	101
Multi-Family Residential	0	0	0	0	0	0	0	0	0				0	399
Misc.-Pools/Fences/additions	33	40	55	64	74	61	78	52	51				508	582
Commercial/Industrial	15	12	29	4	8	9	10	8	8				103	82

TOTAL INSPECTIONS:	838	789	749	551	555	686	631	899	700				6,398	3,778
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CERTIFICATE OF OCCUPANCY:														
Residential	10	12	17	8	12	16	11	15	24				125	141
Commercial	2	7	16	15	6	8	2	6	4				66	18
Multi-Family Residential	69	35	0	0	0	83	0	212	0				399	0

CODE ENFORCEMENT:														
Sign Violations	84	46	152	97	166	187	171	113	87				1,103	0
Rehab	16	11	13	31	18	13	13	2	1				118	0
Notice of Violations	282	195	234	376	260	282	240	233	194				2,296	3,002
Citations *	1	2	2	4	4	0	0	4	36				53	15
Stop Work Orders	7	3	4	12	7	5	5	1	7				51	48
Complaints From Citizens	14	8	13	25	29	6	16	5	16				132	3,397
Assessments	135	176	115	294	79	58	61	4	1				923	0

PERMIT FEES COLLECTED:	21,956	30,692	47,309	16,939	23,856	33,109	32,766	36,149	37,036				279,812	334,964
POPULATION: Based on 2.9 of completed occupancy	32,158	32,294	32,343	32,366	32,401	32,688	32,720	33,378	33,448				33,448**	31,849**

*35 citations to AT&T Broadband
**Adjusted to reflect
2000 Census figures

2001 MONTHLY REPORT

BUILDING PERMITS:

TOTAL INSPECTIONS:

CERTIFICATE OF OCCUPANCY:

CODE ENFORCEMENT:

PERMIT FEES COLLECTED:

POPULATION: Based on 3.05 of completed occupanc	34,061	34,204	34,256	34,280	34,317	34,619	34,653	34,653	33,655
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PEACHTREE CITY PRISONERS
FAYETTE COUNTY JAIL
JULY 2001

DATE	MISD.	FELONY	TOTAL
07/02	12	3	15
07/03	11	3	14
07/05	10	3	13
07/06	10	3	13
07/09	10	3	13
07/10	10	3	13
07/11	10	3	13
07/12	11	3	14
07/16	11	3	14
07/17	10	3	13
07/18	10	3	13
07/19	10	3	13
07/20	10	2	12
07/23	12	3	15
07/24	10	4	14
07/25	10	3	13
07/26	7	3	10
07/27	5	3	8
07/30	7	3	10
07/31	10	3	13
AVERAGE	9.8	3	12.75

FAYETTE COUNTY JAIL FUND PAYMENTS:

January	\$6,666.73
February	\$7,101.58
March	\$5,090.68
April	\$6,986.11
May	\$6,542.81
June	\$7,7072.52
July	\$5,984.89

STATUS OF FUNDS AS OF JULY 31, 2001									
Fund	Cash		Total		Total Fund		YTD		
	Balance	Investment	Balance	Interest	Balance	Interest			
General Fund	\$127,130	\$2,803,324	\$2,930,454	\$159,522					
Land Reserve Fund	\$7,297	\$0	\$7,297	\$7,658					
Library Sales Tax Fund	\$48,082	\$0	\$48,082	\$1,537					
Public Improvement Fund	\$429,928	\$2,018,747	\$2,448,675	\$100,245					
Police Station Lease	\$0	\$334,261	\$334,261	\$40,574					
Self Insurance Fund	\$10,307	\$895,754	\$906,061	\$40,137					
Debt Service Fund	\$4,625	\$0	\$4,625	\$403					
Bond Fund	\$0	\$0	\$0	\$0					
Municipal Court Fund	\$129,401	\$0	\$129,401	\$1,311					
Develop & Impact Fees	\$382,981	\$311,392	\$694,373	\$50,290					
Neighborhood Parks/Rec.	\$20,940	\$0	\$20,940	\$1,651					
Governor's Greenspace Prg	\$261,638	\$0	\$261,638	\$1,702					
Federal Seizures Police Fd	\$3,974	\$0	\$3,974	\$30					
Police Tuition Account	\$3,009	\$0	\$3,009	\$34					
Escrow Account	\$289,302	\$0	\$289,302	\$9,592					
Grand Total	\$1,718,613	\$6,363,479	\$8,082,092	\$414,685					

General Fund Budget Comparison									
Revenues - By Major Category									
Description	2001 Budget	Actual YTD	Difference	%					
General Property Taxes	\$4,672,069	\$4,619,786	(\$52,283)	99%					
Franchise Taxes	\$1,880,054	\$1,596,264	(\$283,790)	85%					
Local Option Sales Tax	\$5,541,890	\$4,703,945	(\$837,945)	85%					
Other Sales & Use Taxes	\$1,031,622	\$843,158	(\$188,464)	82%					
Business Taxes	\$1,020,302	\$1,047,962	\$27,660	103%					
Licenses & Permits	\$386,632	\$486,983	\$100,351	126%					
Grants	\$201,606	\$64,759	(\$136,847)	100%					
Charges for Services	\$723,073	\$754,592	\$31,519	104%					
Fines & Forfeitures	\$629,685	\$613,081	(\$16,604)	97%					
Investment Income	\$151,770	\$168,746	\$16,976	111%					
Surplus Carryover	\$2,048,586	\$0	(\$2,048,586)	0%					
Other Financing Sources	\$0	\$0	\$0	0%					
Total	\$18,287,289	\$14,899,275	(\$3,388,014)	81%					

Purchasing Monthly Report									
For Calendar Year		2001		2000		MTHLY %			
		TOTAL YTD		TOTAL YTD		INC/(DEC)			
Purchase Requisitions Processed		1,296		986		31.44%			
City Store Requisitions Processed		120		124		-3.23%			
Sealed Bids Requested >\$10,000		12		21		-42.86%			
Requests for Proposals		7		N/A		100.00%			
Requests for Proposals Awarded		1		N/A		100.00%			
Written Quotes Req \$5,000-10,000		62		55		12.73%			
Verbal Quotes Requeste		181		151		19.87%			
Total # Purchase Orders Issued		1,385		1,181		17.27%			
Total # of Bids Awarded		25		14		78.57%			
Contracts Required >\$10,000		6		6		100.00%			
# of Fixed Assets Purchased >\$500		54		48		12.50%			
Total \$ of Fixed Assets Purchased		\$566,405		\$514,908		10.00%			

Collateral Analysis as of July 31, 2001									
Security Location		Bank		Total Held					
Bank of New York		First Union		\$6,083,774					
Bank of New York		Peachtree National		\$5,372,600					
				\$11,456,374					

General Fund Budget Comparison									
Expenditures by Division YTD									
Division	2001 Budget	Actual YTD	Difference	%					
Administrative	\$990,359	\$804,944	\$185,415	81%					
Developmental	\$821,197	\$625,551	\$195,646	76%					
Finance	\$454,135	\$323,470	\$130,665	71%					
Leisure Services	\$2,971,120	\$2,397,259	\$573,861	81%					
Public Safety	\$5,444,999	\$4,241,171	\$1,203,828	78%					
Public Works	\$2,297,553	\$1,800,030	\$497,523	78%					
Trfr to PCDA/PCAA	\$449,321	\$368,995	\$80,326	82%					
Council Cont. Res.	\$675,000	\$63,375	\$611,625	9%					
Land Acquisition	\$161,221	\$160,000	\$1,221	99%					
Transfer to PIP	\$2,823,227	\$2,823,227	\$0	100%					
Transfer to Self Ins	\$1,199,157	\$1,199,157	\$0	100%					
Total	\$18,287,289	\$14,807,179	\$3,480,110	81%					

Summary of Major Expenditures by City Manager									
Description	Budget	Award	Svgs/Short	Date					
N/A									

PEACHTREE CITY FIRE/EMS DEPARTMENT **2000/2001 MONTHLY REPORT**

Fiscal Yr. Fiscal Yr.

Oct. 00 Nov. 00 Dec. 00 Jan. 01 Feb. 01 Mar. 01 Apr. 01 May. 01 Jun. 01 Jul. 01 Aug. 01 Sept. 01 2001 Y-T-D 99/00 Y-T-D

Fire/Accident Calls

Residential	2	5	4	6	2	5	4	2	4	2	36	19
Business/Industrial	1	1	3	1	0	0	0	1	0	2	9	9
Other	99	116	116	156	150	133	164	189	147	154	1424	1052

Total Engine Response	102	122	123	163	152	138	168	192	151	158	1469	1080
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Dispatched Fire Calls	46	43	42	53	30	37	38	34	33	39	395	474
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Response Time Fire	4:25	4:11	4:15	4:45	4:02	5:03	4:44	4:26	5:13	4:02	4:39	4:23
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Rescue/EMS

Trauma	91	65	72	51	51	50	39	85	59	62	625	634
Medical	65	78	107	74	79	85	97	91	75	63	814	794

Total # Patients	156	143	179	125	130	135	136	176	134	125	1439	1428
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Patients Transported	70	77	85	72	70	78	75	78	77	71	753	754
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Dispatched EMS Calls	114	128	157	110	122	101	130	158	124	115	1259	1212
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Total Medic Response	174	167	204	146	145	135	166	183	152	140	1612	1566
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Dispatched Fire/EMS Total	160	171	199	163	152	138	168	192	157	154	1654	1686
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Response Time EMS	4:14	4:24	4:03	3:54	4:10	4:27	4:23	4:32	4:08	4:16	4:12	4:03
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EMS BILLING

Patients Billed	64	76	62	98	60	74	74	72	74	76	730	711
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Revenue Generated	21,840	26,725	23,080	34,515	20,850	25,910	25,680	25,620	26,750	26,620	257,590	145,187
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*Total Revenue Received	10,078	11,800	15,773	12,103	13,682	17,672	14,438	18,867	15,983	20,384	150,780	108,491
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***Revenue Received on All Outstanding Accounts**

DEPARTMENT

2001 MONTHLY REPORT

REPORT PERIOD	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	2001 YTD TOTAL	2000 YTD TOTAL
1. Authorized Permanent Positions	223	223	223	223	223	223	223						223	211
2. Positions Open	14	12	11	9	9	13	15						-----	-----
3. Workers Comp. Claims Filed	2	2	1	5	4	4	2						20	19
4. City Veh./Equip. Accidents	2	0	1	1	1	0	1						6	7
5. Health Insurance Claims	\$80,652	\$ 43,314	\$55,208	\$72,246	\$53,759	\$ 29,660	\$ 79,563						\$414,402	\$ 363,704
6. Law Suit Legal Fees	\$ 3,490	\$ 8,126	\$4,407	\$ 6,168	\$10,827	\$ 7,264	\$ 832						\$41,114	\$ 21,659

LEISURE SERVICES MONTHLY REPORT 2001

ACTIVITY DESCRIPTION	UNIT	January	February	March	April	May	June	July	August	September	October	November	December	2001 Year to Date	2000 Year to Date
LIBRARY															
1. Books Circulated	Num.	14,747	14,227	15,771	14,082	14,609	20,359	18,480	0	0	0	0	0	112,275	93,281
2. Average Daily Traffic															
a. Monday - Saturday	Num.	561	577	557	526	529	644	620	0	0	0	0	0	569	539
b. Sunday	Num.	287	368	420	346	365	275	247	0	0	0	0	0	358	286
3. Story Time Participants	Num.	74	93	112	108	47	0	0	0	0	0	0	0	* 434	* 2,766
4. Revenue from Overdue Books	Dis.	1,828	1,659	1,679	2,187	1,633	1,762	1,817	0	0	0	0	0	12,565	8,791
5. Revenue from Copy Machine	Dis.	717	796	736	946	731	384	584	0	0	0	0	0	4,894	4,893
6. Reference Assistance	Num.	1,303	853	915	787	915	975	854	0	0	0	0	0	6,609	6,609
7. Internet Usage	Num.	1,406	1,472	1,479	1,283	1,430	1,469	1,508	0	0	0	0	0	10,047	6,335
8. Renewals by Phone	Num.	927	618	868	786	665	622	834	0	0	0	0	0	5,320	5,642
Leisure Programs															
1. Adult Athletics															
a. Ongoing Programs	Num.	1	2	2	2	2	3	3	0	0	0	0	0	15	12
b. New Programs	Num.	0	0	0	0	0	1	0	0	0	0	0	0	1	2
c. Participants	Num.	240	240	1,248	1,058	1,058	1,288	850	0	0	0	0	0	5,982	5,604
d. Revenues	Dis.	0	0	18,158	7,500	146	10,713	855	0	0	0	0	0	37,372	42,445
e. Expenses	Dis.	0	0	0	10,977	2,833	10,837	2,511	0	0	0	0	0	27,158	18,616
f. Refunds	Dis.	0	0	0	0	0	0	351	0	0	0	0	0	351	1,190
g. Balance (+ or -)	Dis.	0	0	18,158	-3,477	-2,687	-124	-2,007	0	0	0	0	0	9,863	\$22,640.00
RECREATION															
Leisure Programs															
1. Classes/Programs															
a. Classes/Programs	Num.	105	118	125	122	110	102	111	0	0	0	0	0	793	694
b. Participants	Num.	3,229	3,037	1,954	3,090	2,871	2,301	2,193	0	0	0	0	0	18,675	15,587
c. Revenues	Num.	19,450	23,601	27,710	25,093	19,998	35,521	26,635	0	0	0	0	0	178,008	147,588
d. Expenses	Dis.	15,950	18,665	20,585	19,779	15,816	26,339	23,001	0	0	0	0	0	139,737	114,989
e. Refunds	Dis.	125	107	1,608	153	90	2,276	623	0	0	0	0	0	4,981	1,801
f. balance (+ or -)	Dis.	3,775	4,828	5,518	5,160	4,092	6,905	3,011	0	0	0	0	0	\$33,289.77	\$30,788.62
2. Special Events															
a. Events	Num.	4	4	3	4	7	0	1	0	0	0	0	0	23	19
b. Participants	Num.	210	245	190	4,852	1,405	211	10,101	0	0	0	0	0	17,214	11,620
c. Revenues	Dis.	0	2,251	15	0	0	19,824	10,660	0	0	0	0	0	32,750	1,780
d. Expenses	Dis.	0	2,220	0	1,534	2,352	13,908	8,504	0	0	0	0	0	28,518	2,301
e. Refunds	Dis.	0	3	15	0	0	285	90	0	0	0	0	0	393	280
f. balance (+ or -)	Dis.	0	28	0	-1,534	-2,352	5,631	2,066	0	0	0	0	0	\$3,838.47	(\$601.00)
Sports and Facilities															
1. Playing Surface Mowing	Hrs.	31	0	220	350	355	357	372	0	0	0	0	0	1,685	1,466
2. Playing Field Preparation	Hrs.	284	725	711	560	502	424	168	0	0	0	0	0	3,354	3,576
3. Building Maintenance	Hrs.	168	200	136	40	60	32	25	0	0	0	0	0	661	895
4. Parks/Pools/Tennis Courts															
a. Safety Inspections	Num.	32	32	32	32	24	32	32	0	0	0	0	0	216	120
b. General Repairs/Maint.	Hrs.	112	109	95	80	85	104	80	0	0	0	0	0	665	802
c. Grounds/landscape Maint.	Hrs.	512	281	281	211	275	286	197	0	0	0	0	0	2,305	740
5. Litter Removal	Num.	96	120	136	175	175	195	213	0	0	0	0	0	1,110	760
6. Vandalism Repairs	Dis.	0	0	120	55	25	273	43	0	0	0	0	0	516	0
7. Complaints Answered	Num.	3	4	3	4	4	3	5	0	0	0	0	0	26	0

* 2001 figures do not include Summer Reading Program figures as did 2000

CRIME REPORT - JULY 2001

PART I CRIMES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD 2001	YTD 2000
MURDER	0	0	0	0	0	0	0						0	0
RAPE	0	0	0	0	0	0	0						0	1
ROBBERY	0	0	0	0	1	0	0						1	1
AGGRAVATED ASSAULT	0	2	2	0	0	0	2						6	6
ARSON	0	0	0	1	0	1	0						2	1
AUTO THEFT	1	6	1	11	1	13	6						39	46
THEFT	16	12	8	11	19	16	20						102	120
BURGLARY	2	1	2	0	1	3	3						12	6
TOTAL PART I CRIMES	19	21	13	23	22	33	31						162	181
ALCOHOL/DRUG ARRESTS														
DUI - TOTAL	16	15	27	18	19	13	25						133	103
DUI - ADULT	15	15	26	14	18	11	17						116	88
DUI - UNDERAGE	1	0	1	4	1	2	8						17	15
OTHER UNDERAGE														
ALCOHOL ARRESTS	9	7	0	13	9	11	16						65	123
DRUG ARRESTS	7	18	21	14	8	5	4						77	77
ARRESTS														
PROPERTY CRIMES	8	12	4	14	8	8	2						56	42
PERSON CRIMES	4	3	9	10	5	6	10						47	41
CITY ORDINANCES	43	33	52	48	47	47	62						332	345
*OTHER	81	72	67	85	73	74	88						540	524
ADMINISTRATIVE AVERAGE RESPONSE TIME	5.21	5.22	5.12	5.32	5.54	5.29	5.41						5.30	5.34
CALLS ANSWERED	5094	4165	4863	5182	5177	5069	5518						35,068	32,186
TRAFFIC CITATIONS ISSUED	659	585	661	740	788	521	497						4451	4361
WARNINGS ISSUED	725	576	676	611	649	425	472						4134	3400
ACCIDENTS - TOTAL	63	60	74	83	86	82	101						549	497

TOP 5 ACCIDENT LOCATIONS - MONTH TOTAL #

- HWY 54 / WYNNMEADE PARKWAY 9
- HWY 54 / HUDDLESTON RD. 6
- HWY 54 / HWY 74 6
- HWY 74 / ABERDEEN PARKWAY 2
- HWY 54 / PEACHTREE PARKWAY 2

TOP 5 ACCIDENT LOCATIONS - YEAR TOTAL #

- HWY 54 / HWY 74 39
- HWY 54 / HUDDLESTON RD. 25
- HWY 54 / WYNNMEADE PARKWAY 16
- HWY 54 / PEACHTREE PARKWAY 14
- HWY 74 / CROSSTOWN DR. 12

Activity Description	Unit	January	February	March	April	May	June	July	August	September	October	November	December	YEAR-TO-DATE	YEAR-TO-DATE
CART PATHS															
1. Const./Reconst./Overlay	Ft.	0	0	12	1,250	1,000	0	1,200						3,462	8,821
2. Drainage Maintenance	Hrs.	270	297	465	291	164	296	143						1,926	598
3. General Maintenance	Hrs.	201	164	201	134	248	163	77						1,188	1,356
4. Mowing	Hrs.	0	0	0	92	105	211	60						468	525
5. Litter Removal	Hrs.	75	60	60	53	71	75	51						445	425
FLEET MANAGEMENT															
1. Equipment Maintenance	Hrs.	16	59	40	5	15	58	4						197	174
2. Equipment Repairs	Hrs.	138	89	105	135	257	205	196						1,125	1,006
3. Vehicle Maintenance	Hrs.	168	134	115	201	131	178	164						1,091	849
4. Vehicle Repairs	Hrs.	262	212	229	251	225	177	261						1,617	1,671
5. Fleet Down Time	Hrs.	595	505	498	599	629	623	659						4,108	3,695
RIGHT OF WAY															
1. Litter Removal	Hrs.	410	400	369	329	281	312	288						2,389	2,311
2. Right-of-Way Mowing	Hrs.	0	0	0	540	849	849	915						3,153	3,374
3. General Maintenance	Hrs.	656	649	1,084	186	347	460	251						3,633	4,313
LANDSCAPE															
1. Litter Removal	Hrs.	0	30	38	12	36	66	63						245	571
2. Mowing (Sub. Entrances)	Hrs.	0	0	158	888	732	860	680						3,318	2,902
3. General Maintenance	Hrs.	1,045	443	617	277	441	284	83						3,190	2,628
4. Planting	Hrs.	90	267	8	0	0	14	0						379	176
RECYCLING SITE															
1. City Employees Hours	Hrs.	184	78	81	72	155	79	68						717	757
2. City Employees Salaries	Dis.	3,361	1,296	1,305	1,201	2,979	1,397	1,436						12,975	10,248
3. Revenues	Dis.	652	495	529	504	497	89	585						3,351	4,546
4. Participants															
a. Recycling	Num.	641	605	634	626	1,991	801	463						5,761	4,706
b. Composting	Num.	1,166	1,124	1,043	1,522	1,542	1,419	1,177						8,993	8,674
c. Mulch (Pick Up)	Num.	70	177	137	265	432	230	182						1,493	1,421
SIGN MAINTENANCE															
1. Building Maintenance	Hrs.	21	20	22	16	21	20	5						125	149
2. Subdivision Sign Maintenance	Hrs.	76	78	87	41	85	76	37						480	684
3. Traffic Sign Maintenance	Hrs.	156	156	174	72	148	148	25						879	949
STREETS															
1. Street Sweeping	Hrs.	137	17	23	8	8	16	9						218	197
2. Pavement Patching	Hrs.	0	45	75	158	123	353	224						978	1,338
3. Drainage Maintenance	Hrs.	113	150	227	137	62	247	0						936	775
4. General Maintenance	Hrs.	491	761	573	483	634	454	445						3,841	2,041
MISCELLANEOUS															
1. Vandalism	Dis.	149	161	205	97	127	90	0						829	685
2. Complaints Answered	Num.	28	24	47	47	36	47	51						280	261
3. Wash Police Cars	Hrs.	0	6	23	2	2	12	30						75	230

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Council
FROM: City Clerk 
DATE: August 13, 2001
SUBJECT: Consider Alcohol Licensee Change – Pizza Hut

A request for a change in the Licensee has been submitted for Pizza Hut. Mr. John Murphy has requested to be appointed as the Licensee. The application is attached for your consideration. Mr. Murphy is currently a resident of Plano, Texas; therefore, Ms. Mary Hildebrant, the current License Representative will be present at the September 6th Council meeting to answer any questions you may have.

JSM:gr

Attachments



Peachtree City

Georgia

State of Georgia

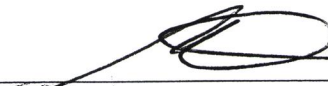
City of Peachtree City:

I, Captain of Police Stan Pye, for the City of Peachtree City, do hereby certify that:

John Murphy
Name

6513 Hidden Creek Ct. Plano, Tx. 75024
Address

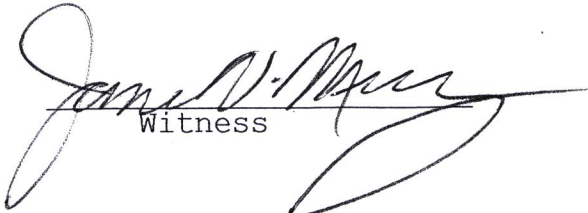
has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal drugs within five (5) years prior to the date of the application for this license.



Signature

08 739

Date



Witness



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: PIZZA HUT #621306	Business Location: 1110 CROSSTOWN PARKWAY, PEACHTREE CITY 770/487-4700	
Nature of Business: RETAIL RESTAURANT	Mailing Address: 14841 DALLAS PARKWAY DALLAS, TX 75254	Business Phone Number: 972/338-8675
Name of Licensee: JOHN J. MURPHY, PRESIDENT	Home Address: 6513 HIDDEN CREEK COURT PLANO, TX 75024	Home Phone Number: 972/625-3889
Name of License Representative: MARY L. HILDEBRANT	Home Address: P. O. BOX 3237 LAGRANGE, GA 30241	Home Phone Number: 706/882-2776

Please indicate type of licenses applying for:

Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer	
XXX	Malt Beverage		Malt Beverage		Malt Beverage
	Wine		Wine		Wine
	Distilled Spirits		Distilled Spirits		Distilled Spirits

Please complete information below (use separate sheet if necessary):

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc. CORPORATION NAME: X	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
PIZZA HUT OF AMERICA, INC.	14841 DALLAS PARKWAY DALLAS, TX 75254	972/338-8675
CONTACT: PATSY WARD LICENSE SPECIALIST	14841 DALLAS PARKWAY DALLAS, TX 75254	972/338/8675

Is any person who owns an interest in the license an employee of the City of Peachtree City? NO

CITY OF PEACHTREE CITY
INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Clerk 

DATE: August 29, 2001

SUBJECT: Alcohol License – Licensee Change - Don Pablos

A request for a change in the Licensee has been submitted for Don Pablo's. Mr. Robert Anthony Andreaottola has requested to be appointed as the Licensee. The application and affidavit are attached for your review.

Mr. Andreaottola will attend the September 6th Council meeting to answer any questions you may have.

JSM:gr

Attachments



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

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

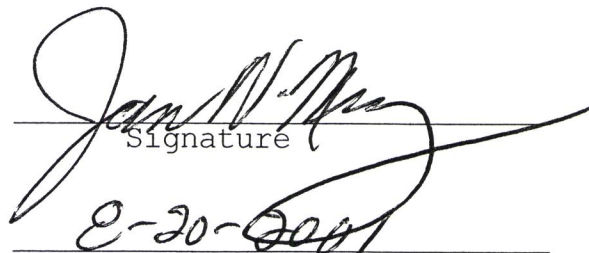
Robert Anthony Andreottola

Name

1660 Apalachee Woods Tr. Buckhead, GA 30265

Address

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


Signature
8-20-2007
Date


Witness



146

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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: Don Pablo's	Business Location: 100 Market Place Blvd Peachtree City, GA 30269	
Nature of Business: Mexican Restaurant	Mailing Address: 150 Hancock St. Madison, GA 30650	Business Phone Number: 706-342-4552
Name of Licensee: Robert Andreottola	Home Address: 11660 Apalachee Woods Tr. Buckhead, GA 30625	Home Phone Number: 706-342-3294
Name of License Representative: Alfred Bishop	Home Address: 138 Summerquinn Place Peachtree City, GA 30269	Home Phone Number: 678-364-8374

Please indicate type of licenses applying for:

Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer	
☒	Malt Beverage	☐	Malt Beverage	☐	Malt Beverage
☒	Wine	☐	Wine	☐	Wine
☒	Distilled Spirits	☐	Distilled Spirits	☐	Distilled Spirits

Please complete information below (use separate sheet if necessary):

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
Glenda Ross - Lic. Coordinator	150 Hancock St. Madison GA	706-342-4552
Joyce Bryd - TAXES	150 Hancock St. Madison GA	706-342-4552

Is any person who owns an interest in the license an employee of the City of Peachtree City? **NO**

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers
FROM: Jim Basinger 
DATE: August 22, 2001
SUBJECT: APPOINTMENTS TO THE PLANNING COMMISSION

The Selection Committee, composed of Mayor Lenox, Councilmember Fritz, and myself, interviewed fifteen (15) applicants for the vacancies on the Planning Commission.

It is the recommendation of the committee that Mr. Robert Buckley be appointed to serve a term from 10/1/01 through 9/30/03, and that Mr. Wes Saunders be reappointed to serve a term from 10/1/01 through 9/30/03. We further recommend that Mr. Robert P. Learnard be appointed to serve as an alternate to fill any vacancy that may occur.

Copies of their applications are attached for your review. Copies of all other applications are available at City Hall for your review.

JB/gr

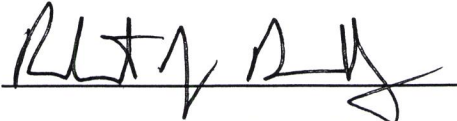
Attachments

cc: Director of Developmental Services

PLANNING COMMISSION
APPLICATION FOR APPOINTMENT

NAME: ROBERT J. BUCKLEY
ADDRESS: 306 TEMPEST DRIVE
PEACHTREE CITY, GA 30269
TELEPHONE: (404) 715-3499 **Work**
(678) 364-1077 **Home**
(404) 213-1001 **Cell**

SIGNATURE/DATE

 8/7/01

1. How long have you been a resident of Peachtree City?

Just over two years.

2. Why are you interested in serving on the Planning Commission?

I respect the thought and care which has gone into creating Peachtree City. I have lived most of my life in New York and while I have come to enjoy Atlanta, I have fallen in love with Peachtree City. I am also comfortable with the government process and enjoy working with people.

3. What qualifications and experience do you possess that would benefit the Planning Commission?

I am a municipal and state tax attorney with my BA from Duke University and my LLM in Tax law from NYU School of Law. I have worked as a consultant to major corporations in this field for 15 years. I have excellent government negotiation and technical skills. Since last year (when I was chosen as the first alternative to the Planning Commission), I have studied up on the land use code of Peachtree City.

4. List major jobs you have held during your working career to include name of company and position.

Delta Air Lines, Inc.	8/99 - current	Director State & Local Tax
PricewaterhouseCoopers	8/96 - 7/99 and 8/86 - 3/89	Managing Director in State Tax Services
GE Capital	4/89-7/96	Director of State Tax

5. Do you have any past experience relating to City planning? If so, describe.

I was very active in the Beautification and Downtown Renewal Project of my former hometown, Rockville Centre, NY.

6. Have you attended any Planning Commission meetings in the past year and, if so, how many?

I regularly attend the meetings and often speak with Jim Williams.

7. Would there be any possible conflict of interest between your employment and you serving on the Planning Commission?

Delta encourages its Directors and Officers to participate in community affairs.

8. Describe your current community involvement.

My wife and I teach Religious Education on Sundays, and are generally active in our church. We are also active in the Community Association of The Point on Lake Kedron of which I have advised on legal matters.

**PLANNING COMMISSION
APPLICATION FOR APPOINTMENT**

Thank you for your interest in being considered for appointment to the Planning Commission. Applicants must be a legal resident of the State of Georgia and have been a resident of Peachtree City for at least six months prior to the date an application is submitted. Elected officials of any governmental jurisdiction in the County and City employees are not eligible for appointment.

The Planning Commission is comprised of five members appointed to three-year terms. Meetings are held on the second and fourth Monday of each month at 7:00 p.m. Members are required to attend a minimum of eighty percent (80%) of all meetings. The Commission is responsible for assisting in the administration of the City Zoning Ordinance and Land Development Ordinance and for reviewing site plans and landscape plans for commercial and industrial development.

Please take a few minutes to complete the form below and answer the questions on the reverse side of this form and return it with a resume, if available, to Gloria Reid, Peachtree City Hall, 151 Willowbend Road, Peachtree City, GA 30269 by **5:00 p.m. on Friday, August 17, 2001.** The City will contact you within two weeks of the application closing date.

If you have any questions, please contact Gloria Reid at 487-7657.

NAME Wes Saunders

ADDRESS 110 Hermitage Pl

PTC

30269

TELEPHONE (Day Time) (404) 373-1427

(Evening) (770) 486-0818

(Fax No:) Day (404) 289-1139

(Email:) owsptc@yahoo.com

Wes Saunders

Signature

8-16-01

Date

1) How long have you been a resident of Peachtree City?

We have lived in Peachtree City for approx 6 years and 3 months.

2) Why are you interested in serving on the Planning Commission?

First, there are several "projects" I would like to help begin and see through to completion including:

- developing guidelines and ordinances for the inevitable redevelopment of existing commercial, office and residential sites
- reviewing by Planning Commission members of all ongoing and recently completed developments
- initiating (and reviving!) active interaction with other surrounding planning commissions
- establishing protocols for Planning Commission members

Second, because of my experience on the Planning Commission, I believe I can help maintain continuity and stability with the upcoming City Council transition.

Third, I have enjoyed (well, most of the time!!) my service on the Commission.

3) What qualifications and experience do you possess that would benefit the Planning Commission?

For over eleven years, I have served on two different planning commissions in two very divergent situations. The past four plus years on our Planning Commission coupled with my professional background and my temperment enable me to work with fellow members, staff, council, developers and PTC citizens toward the goal of a better Peachtree City.

4) List major jobs you have held during your working career to include name of company and position.

- 1973-1978 Seitzingers/Evans Metal Corp(lead smelters/refiners/manufacturer)
 - Supervisor, Plant Engineer, Plant Manager
- 1978-1984 Atlanta Processing Co(red meat renderer)
 - Plant Manager, Director of Manufacturing
- 1985-Now MAACO Auto Painting & Bodyworks
 - Owner/Operator

5) Do you have any past experience relating to City planning? If so, describe.

As noted above, I have served over eleven years as a planning commission member. Also, in college I took several courses that relate to planning.

6) Have you attended any Planning Commission meetings in the past year and, if so, how many?

I have attended all but one Planning Commission meeting.

7) Would there be any possible conflict of interest between your employment and you

serving on the Planning Commission?

No conflict because my business is in Decatur/Dekalb County. My house is the only financial holding I have in Peachtree City/Fayette County.

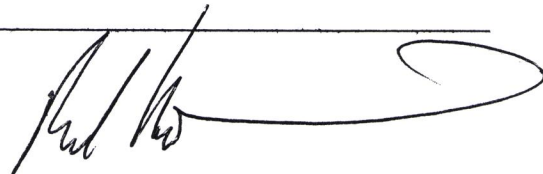
8) Describe your current community involvement.

- work with PTC Clean and Beautiful (my street is Riley Pkwy)
- active member of Christ Our Shepherd Lutheran
- involved with neighborhood association
- assorted children activities including Little League, Cub Scouts, PTA

**PLANNING COMMISSION
APPLICATION FOR APPOINTMENT**

Name: Robert P. Learnard
Address: 109 Loblolly Circle
Peachtree City, GA 30269

Daytime Phone: 770 486-9060
Evening Phone: 770 486-5580
Fax: 770 486-0579
Email: learnard@mindspring.com



ROBERT P. LEARNARD

How long have you been a resident of Peachtree City?

20 months

Why are you interested in serving on the Planning Commission?

To be able to give something back to our community by using my 18 years of experience in the commercial real estate industry to assist the Planning Commission in its stated responsibilities, and to be able to make a positive impact on our community.

What qualifications and experience do you possess that would benefit the Planning Commission?

- Bachelor of Science degree in Civil Engineering, University of Florida
- Membership in IDRC/NACORE, an organization focused on the trends, research, and professional development in the Corporate Real Estate industry
- Three years experience in commercial construction, both in the field and in the office
- Fifteen years experience in providing Schedule Consulting and Owner's Representative/Project Management service to the commercial real estate industry
- Managed the start-up and growth of an Owner's Representative/Project Management services firm serving large Corporate clients. Our firm now has offices in Atlanta, Tampa, Phoenix, Washington DC, Spokane, Philadelphia and Hartford
- I am currently a partner in a medium-sized full-service commercial real estate firm, responsible for day-to-day operations and growth of the Project Management division of our company
- Served as Chairman of the Architectural Review Board for our former North Fulton County homeowner's association

List major jobs you have held during your working career to include name of company and position.

CLW Real Estate Services Group: Principal (partner in charge of the Project Management division), 1993 to present

Davis International: Senior Consultant, Partner, 1986 - 1993

Raymond International: Engineer/Superintendent, 1983 - 1986

Do you have any past experience relating to City planning? If so, describe.

None

Have you attended any Planning Commission meetings in the past year and, if so, how many?

None

Would there be any possible conflict of interest between your employment and you serving on the Planning Commission?

Not likely. My company's clients and prospects are all national corporations (i.e. Aetna, Travelers, PricewaterhouseCoopers, EMC, Liberty Mutual, The Hartford Insurance Group, Cox Enterprises) with offices located on Atlanta's north side. There is very little potential for a conflict of interest arising based upon our client list.

Describe your current community involvement.

- Coach, Peachtree City Recreation Department girls' fast pitch softball
- Coach, Peachtree City Recreation Department T-ball
- Corporate Sponsor, Booth Middle School Science Olympiad, National Science Olympiad competition

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: City Manager 
FROM: Director of Developmental Services 
DATE: August 30, 2001
SUBJECT: Soil Erosion and Sedimentation Control Ordinance

We have been informed by the Department of Natural Resources that we need to update our Soil Erosion and Sedimentation Control Ordinance by October 1, 2001, or risk losing our ability to issue land disturbance permits.

Attached for your review is a copy of our current ordinance with the proposed changes shown in bold type. These changes occur on pages 5, 6, 9, 15, and 16.

Staff has no objection to the proposed changes and recommends that the updated ordinance be adopted as requested by the State.

JBW/jir

Attachment

AN ORDINANCE TO AMEND
THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
TO PROVIDE FOR SOIL EROSION AND SEDIMENTATION CONTROL
AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 1004 of the Land Development Ordinance be deleted in its entirety and replaced with a new Section 1004 to read as follows:

Sec. 1004. Soil erosion and sedimentation control.

1004.1 Title.

This ordinance will be known as the Peachtree City Soil Erosion and Sedimentation Control Ordinance.

1004.2 Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

- (1) *Best Management Practices (BMP's):* A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.
- (2) *Board:* The Board of Natural Resources.
- (3) *Buffer:* The area of land immediately adjacent to the banks of State Waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
- (4) *Commission:* The State Soil and Water Conservation Commission.
- (5) *Cut:* A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.
- (6) *Department:* The Department of Natural Resources.
- (7) *Director:* The Director of the Environmental Protection Division of the Department of Natural Resources.

- (8) *District*: The Towaliga Soil and Water Conservation District.
- (9) *Division*: The Environmental Protection Division of the Department of Natural Resources.
- (10) *Drainage Structure*: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.
- (11) *Erosion*: The process by which land surface is worn away by the action of wind, water, ice or gravity.
- (12) *Erosion and Sedimentation Control Plan*: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. Also known as the "plan."
- (13) *Ground Elevation*: The original elevation of the ground surface prior to cutting or filling.
- (14) *Fill*: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.
- (15) *Finished Grade*: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
- (16) *Grading*: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
- (17) *Issuing Authority*: The governing authority of any county or municipality which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an Issuing Authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or the Division in those instances where an application for a permit is submitted to the Division.
- (18) *Land-Disturbing Activity*: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in subsection 1004.3(a)(5).
- (19) *Metropolitan River Protection Act (MRPA)*: A state law referenced as O.C.G.A. 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

- (20) *Natural Ground Surfaces*: The ground surface in its original state before any grading, excavation or filling.
- (21) *Nephelometric Turbidity Units (NTU)*: Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.
- (22) *Permit*: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
- (23) *Person*: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.
- (24) *Project*: The entire proposed development project regardless of the size of the area of land to be disturbed.
- (25) *Roadway Drainage Structure*: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
- (26) *Sediment*: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.
- (27) *Sedimentation*: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
- (28) *Soil and Water Conservation District Approved Plan*: An Erosion and Sedimentation Control Plan approved in writing by the Towaliga Soil and Water Conservation District.
- (29) *Stabilization*: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

- (30) *State Waters:* Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, natural drainage systems, springs, wells, wetlands, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation. Wetlands shall also be considered jurisdictional waters of the United States, as that term is defined by 42 CFR and the regulations promulgated thereunder.
- (31) *Structural Erosion and Sedimentation Control Measures:* Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
- (32) *Vegetative Erosion and Sedimentation Control Practices:* Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
 - b. Temporary seeding, producing short-term vegetative cover; or
 - c. Sodding, covering areas with a turf of perennial sod-forming grass.

Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

- (33) *Watercourse:* Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
- (34) *Wetlands:* Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

1004.3 Exemptions.

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- (a)
 - (1) Surface mining, as the same is defined in O.C.G.A. 12-4-72, "Mineral Resources and Caves Act";
 - (2) Granite quarrying and land clearing for such quarrying;
 - (3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which may result in only minor soil erosion;
 - (4) **The construction of single-family residences, when such are constructed by or under contract with the owner for his or her own occupancy, or the construction of single-family residences not a part of a platted subdivision, a planned community, or an association of other residential lots consisting of more than two lots and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in Section 1004.4 of this ordinance;**
 - (5) Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions," to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chicken, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; forestry land management practices, including harvesting and farm buildings and farm ponds;
 - (6) **Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraph (15) of Section 1004.4(c) of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;**

- (7) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
 - (8) Any project involving one and one-tenth acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within 200 feet of the bank of any State Waters, and for purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves one and one-tenth acres or less, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
 - (9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that such projects shall conform to the minimum requirements set forth in subsection 1004.4(b) and (c) of this ordinance; **provided further that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb five or more contiguous acres of land shall be subject to provisions of Code Section 12-7-7.1; and**
 - (10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, provided that any such land-disturbing activity shall conform to the minimum requirements set forth in subsection 1004.4(b) and (c).
- (b) Where this section requires compliance with the minimum requirements set forth in subsection 1004.4(b) and (c) of this ordinance, Issuing Authorities shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.

1004.4 Minimum Requirements for Erosion and Sedimentation Control Using Best Management Practices.

- (a) *General Provisions.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not excluded by this ordinance shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the Erosion and Sedimentation Control Plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of subsection 1004.4(b) and (c) of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.
- (b) *Minimum Requirements/BMP's.*
 - (1) Best Management Practices as set forth in subsection 1004.4(b) and (c) of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of Best Management Practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. 12-5-30(f). As used in this subsection, the terms "proper design" and "properly designed" mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year, 24-hour rainfall event.
 - (2) A discharge of stormwater runoff from disturbed areas where Best Management Practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or of any general permit for construction activities issued by the Division pursuant to O.C.G.A. 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director.
 - (3) Failure to properly design, install, or maintain Best Management Practices shall constitute a violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or of any general permit for construction activities issued by the Division pursuant to O.C.G.A. 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such failure occurs.

- (4) The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
- (c) The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, Best Management Practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
- (1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 - (2) Cut-fill operations must be kept to a minimum;
 - (3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
 - (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 - (6) Disturbed soil shall be stabilized as quickly as practicable;
 - (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
 - (8) Permanent vegetation and structural erosion control measures shall be installed as soon as practicable;
 - (9) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
 - (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
 - (11) Cuts and fills may not endanger adjoining property;

- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (14) Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection 1004.4(b)(2) of this ordinance;
- (15) **There is established a 25-foot buffer along the banks and boundaries of all State Waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director or Issuing Authority determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director or Issuing Authority pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, the buffers of at least 25 feet established pursuant to Part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act," shall remain in force unless a variance is granted by the Director or Issuing Authority as provided in this paragraph. The following requirements shall apply to any such buffer:**

No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- (d) Nothing contained in this chapter shall prevent an Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain requirements that exceed the minimum requirements in subsection 1004.4(b) and (c) of this ordinance.

- (e) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

1004.5 Application/Permit Process.

- (a) *General.* The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinances, flood damage prevention ordinance, this ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the Issuing Authority. However, the property owner is the only party that can obtain a permit.
- (b) *Application requirements.*
 - (1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Peachtree City without first obtaining a permit from the Building Department to perform such activity.
 - (2) The application for a permit shall be submitted to the Building Department and must include the applicant's Erosion and Sedimentation Control Plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection 1004.5(c) of this ordinance. Soil Erosion and Sedimentation Control Plans shall conform to the provisions of subsections 1004.5(b) and (c) of this ordinance. Applications for a permit will not be accepted unless accompanied by four (4) copies of the applicant's Soil Erosion and Sedimentation Control Plans.
 - (3) A fee in the amount of \$100.00 shall be charged for each disturbed acre or fraction thereof in the project area.
 - (4) Immediately upon receipt of an application and plan for a permit, the Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the Erosion and Sedimentation Control Plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by subsection 1004.4(c)(15) and bonding, if required as per subsection 1004.5(b)(5)b., have been obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.

- (5) a. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Issuing Authority may deny the permit application.
- b. The Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Issuing Authority with respect to alleged permit violations.

(c) *Plan Requirements.*

- (1) Plans must be prepared to meet the minimum requirements as contained in subsection 1004.4(b) and (c) of this ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia* published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws.
- (2) Data required for site plan.
 - a. Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
 - b. Description of existing land use at project site and description of proposed project.
 - c. Name, address, and phone number of the property owner.

- d. Name and phone number of 24-hour local contact who is responsible for erosion and sedimentation controls.
 - e. Size of project, or phase under construction, in acres.
 - f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in **bold letters**, that "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities."
 - g. Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
 - h. Vegetative plan for all temporary and permanent vegetative practices, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
 - i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.
 - j. Maintenance statement - "Erosion and sedimentation control measures will be maintained at all times. Additional erosion and sedimentation control measures and practices will be installed if deemed necessary by on site inspection."
- (3) Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. The certified plans shall contain:
- a. Graphic scale and north point or arrow indicating magnetic north.
 - b. Vicinity maps showing location of project and existing streets.
 - c. Boundary line survey.
 - d. Delineation of disturbed areas within project boundary.

- e. Existing and planned contours, with contour lines drawn with an interval in accordance with the following:

Map Scale	Ground slope	Contour Interval (feet)
1 inch = 100 ft. or larger scale	Flat (0%--2%) Rolling (2%--8%) Steep (8% +)	0.5 ft. or 1 ft. 1 ft. or 2 ft. 2 ft., 5 ft. or 10 ft.

- f. Adjacent areas and features areas such as streams, lakes, residential areas, etc., which might be affected should be indicated on the plan.
- g. Proposed structures or additions to existing structures and paved areas.
- h. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.
- i. Delineate the specified horizontal buffer along designated trout streams, where applicable.
- j. Location of erosion and sedimentation control measures and practices using coding symbols from the *Manual for Erosion and Sediment Control in Georgia*, Chapter 6.
- (4) Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

(d) *Permits.*

- (1) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary.
- (2) No permit shall be issued by the Issuing Authority unless the Erosion and Sedimentation Control Plan has been approved by the District and the Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance; any variances required by subsection 1004.4(c)(15) are obtained; bonding requirements, if necessary, as per subsection 1004.5(b)(9)b. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

- (3) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (4) The permit may be suspended, revoked, or modified by the Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved Erosion and Sedimentation Control Plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (5) No permit shall be issued unless the applicant provides a statement by the Fayette County Tax Commissioner certifying that all ad valorem taxes levied against the property, and that are due and owing, have been paid.

1004.6 Inspection and Enforcement.

- (a) The Building Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- (b) The Building Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- (c) No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- (d) The Districts or the Commission or both shall periodically review the actions of counties and municipalities which have been certified as Issuing Authorities pursuant to O.C.G.A. 12-7-8(a). The Districts or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission

shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

- (e) The Division may periodically review the actions of counties and municipalities which have been certified as issuing authorities pursuant to O.C.G.A. 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinances and review of conformance with an agreement, if any, between the District and the governing authority. If such review indicated that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7(d), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as an Issuing Authority. If the county or municipality does not take necessary correction action within 30 days after notification by the Division, the Division may revoke the certification of the county or municipality as an Issuing Authority.

1004.7 Penalties and Incentives.

- (a) *Failure to Obtain a Permit for Land-Disturbing Activity.* If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Issuing Authority.
- (b) *Stop Work Orders.*
 - (1) **For the first and second violations of the provisions of this ordinance, the Director or the Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or Issuing Authority shall issue an immediate stop-work order in lieu of a warning.**
 - (2) **For a third and each subsequent violation, the Director or Issuing Authority shall issue an immediate stop-work order; and**
 - (3) **All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.**

- (c) *Bond Forfeiture.* If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of subsection 1004.5(b)(5)b. The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- (d) *Monetary Penalties.*
- (1) **Except as provided in paragraph (2) of this subsection, any person who violates any provisions of this ordinance, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director or Issuing Authority issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.**
 - (2) **The following penalties shall apply to land-disturbing activities performed in violation of any provision of this ordinance, any rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this ordinance:**
 - (a) **There shall be a minimum penalty of \$250.00 per day for each violation involving the construction of a single-family dwelling by or under contract with the owner for his or her own occupancy; and**
 - (b) **There shall be a minimum penalty of \$1,000.00 per day for each violation involving land-disturbing activities other than as provided in subsection (a) of this paragraph.**

1004.8 Administrative Appeal, Judicial Review.

- (a) *Administrative Remedies.* The suspension, revocation, modification or grant with condition of a permit by the Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the City Council within 30 days after receipt by the Issuing Authority of written notice of appeal.
- (b) *Judicial Review.* Any person, aggrieved by a decision or order of the Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Fayette County.

1004.9 Effectivity, Validity and Liability.

- (a) *Effectivity.* This ordinance shall become effective on the 1st day of October 2001.
- (b) *Validity.* If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.
- (c) *Liability.*
 - (1) Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Issuing Authority or District for damage to any person or property.
 - (2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
 - (3) No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

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

Done, Ratified, and Passed this _____ day of _____, 2001.

Mayor

Attest: _____
City Clerk



Peachtree City

Georgia

September 7, 2001

Harold F. Reheis
Director, Georgia Department of Natural Resources
205 Butler Street, S.E., East Floyd Tower
Atlanta, GA 30334

RE: Erosion Certification

Dear Mr. Reheis:

Enclosed is a copy of our updated Soil Erosion and Sedimentation Control Ordinance. This ordinance, which was adopted by Council on September 6, 2001, is in accordance with the model ordinance provided by your office.

We expect that this ordinance will meet the requirements of the State with respect to our Issuing Authority status. If you have any questions or concerns on this matter, please let me know.

Sincerely,

Robert L. Lenox
Mayor

RLL/pd
Enclosures

Cc: City Manager
Developmental Services Director
City Engineer

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Director of Developmental Services 

DATE: August 30, 2001

SUBJECT: Proposed Annexation and Zoning: Wieland/Katz Tract

The public hearing on this request was continued on August 16, 2001, in order to allow more time for the Fayette County Board of Commissioners to respond. That response was received on August 27, 2001, and is included with the attached Position Paper. Also, the Position Paper has been revised since the draft that was provided to you prior to the August 16 meeting. These revisions were based on continuing discussions with the applicant, the Board of Education, the Water and Sewer Authority, and City Staff.

JBW/jir

Attachment

STAFF RECOMMENDATIONS FOR CONDITIONS OF APPROVAL

PROPOSED ANNEXATION AND ZONING

WIELAND/CENTENNIAL SUBDIVISION

- a. The developer, JWH, shall dedicate to the Board of Education, at no cost to the Board, a tract of land within the proposed annexation area for a future elementary school site. The tract should be at least 20 acres of land that is suitable for the development of a school, and it must be land that is acceptable to the Board;
- b. The developer shall extend MacDuff Parkway to a location on the school site that will provide service to all access drives to the school, as dictated by the typical site plan for elementary schools that has been prepared by the Board. This extension must be done at no expense to the Board or the City, and it must be completed prior to the completion of construction of the school. Also, the developer shall agree to grade the portion of MacDuff Parkway that extends adjacent to the school site to an elevation of 870 at the request of the Board of Education staff;
- c. The developer shall extend MacDuff Parkway at least to the southern boundary of the school property as a part of the initial phase of the development of the Centennial Subdivision. Also, the developer shall extend the properly sized water and sewer lines to the southern boundary of the school property at the time the Board of Education officially indicates it is ready to start construction of the school. All these extensions shall be at no cost to the Board or the City;
- d. The developer shall dedicate to the City, as a part of the initial phase of the development of the Centennial Subdivision, a 50-foot wide right-of-way from MacDuff Parkway to the western boundary of the annexation area along the southern boundary of the proposed school site and in a location acceptable to the City Engineer. The purpose of this right-of-way will be to provide a northern access route from the Wynnmeade area to MacDuff Parkway. The developer will not be responsible for any costs associated with building the road within this right-of-way;
- e. The developer shall dedicate to the City, at no cost to the City and as a part of the initial phase of the development of the Centennial Subdivision, a tract of land within the annexation area for a future fire and rescue station. The tract must be at least one acre of land that is suitable for the development of a fire and rescue station, and it must be acceptable to the City. The developer shall extend MacDuff Parkway to the site prior to the completion of construction of the fire and rescue station;

- f. In order to meet the requirements of the Traffic Impact Ordinance, the developer shall contribute a sum of \$34,000 to the contractor responsible for the GA 54 Home Depot/Wal-Mart improvements. This contribution will be specifically for the portion of the improvement project that is the developer's responsibility;
- g. The developer shall install a water main within the Centennial Subdivision that is sized as required by the Fayette County Water System and the Peachtree City Fire Department. An easement shall be provided, if needed, to allow for the creation of a loop with a similar water main to be installed in the Wynnmeade area;
- h. The developer shall establish deed covenants for the Centennial Subdivision that shall limit rental units within the subdivision to no more than 20 percent of the total number of dwelling units in the subdivision. The covenants shall provide for the strict enforcement of the limit on rental units, and the developer shall establish the administrative structure for that enforcement prior to the sale of the first dwelling unit in the subdivision;
- i. All residential units in the annexation area shall be separated from the developed lots in the Wynnmeade Subdivision with a buffer that provides for a reasonable visual separation between the properties;
- j. At all times during construction of the Centennial Subdivision, the developer shall maintain the City cart path from Wynnmeade to the pedestrian bridge over GA 74 in a condition that is both safe and fully functional; and
- k. The plan submitted as a part of the annexation request is illustrative only. The developer shall prepare a detailed development plan which must be approved by the Planning Commission as a part of the concept plat process.

Lenox moved that the annexation be approved with the area being annexed to be zoned GR-4 with the following conditions:

1. Subject to all of the recommendations as revised by staff and presented here and agreed to by the applicant tonight
2. That it is Council's intention in perpetuity that on the entire combined sites no more than 350 units will be permitted
3. That specifically the plan was a substantial representation of what will ultimately be developed subject to Planning Commission's input.
4. That the 20-acre school site shall, in perpetuity, be either a school site or open space and that the mechanism for meeting the requirements of the developer, the school board, and the City shall be worked out by those parties and returned to Council for approval at the convenience of the parties.

REQUEST FOR ANNEXATION
CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to annex the following described property into Peachtree City: 80.65 acres located in
Land Lot 164, 7th District, Fayette County, Georgia

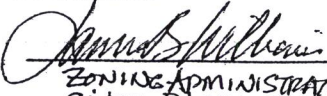
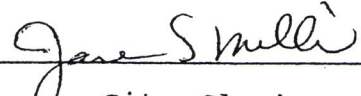
This request for annexation is being made for the following reasons: Support and enhance current economic value and environmental
control; compliment zoning within the current land use plan; ensure land is
developed consistent with city standards.

I certify that I am the owner, or duly authorized agent of the owner of the property described above, and that I have submitted all information and documents required to properly evaluate this request:

Owner: John Wieland Homes and Neighborhoods, Inc.
Agent: Dan Fields, Vice President
Address: 1950 Sullivan Road, Atlanta, GA 30337
Phone: (770) 996-2400, ext. 149 Date: _____

To be completed by the City

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

Signature:  Signature: 
Title: ZONING ADMINISTRATOR Title: City Clerk
Date of Acceptance: 6/29/01 Request Number: 2001-06
Public Hearing - Planning Commission: JULY 23, 2001
Public Hearing - City Council: AUGUST 16, 2001

REQUEST FOR REZONING

CITY OF PEACHTREE CITY, GEORGIA

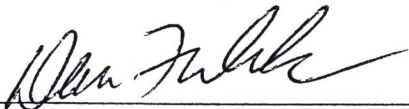
A request is hereby being made to change the zoning classification of the following described property:

80.65 Acres located at McDuff Parkway

This property is presently zoned: R-75 (Fayette County)

The proposed zoning classification is: GR-4

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

Signature: 

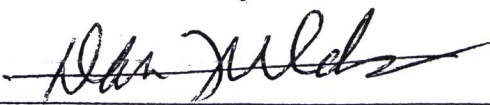
Owner: (print) John Wieland Homes and Neighborhoods, Inc.

Agent: (print) Dan Fields, Vice President

Address: 1950 Sullivan Road, Atlanta, Georgia 30337

Phone: (770) 996-2400, ext. 140 Date: 6/22/01

This request, along with the required fee (\$10/acre, minimum \$200) and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council: (\$806.50)

Signature:  

Title: ~~Vice President~~ ZONING ADMINISTRATOR

Date: ~~6/26/01~~ JUNE 29, 2001

Request Number: 2001-06

Date of Planning Commission Public Hearing: ~~JULY 9, 2001~~ JULY 23, 2001

Date of City Council Public Hearing: AUGUST 16, 2001

VI. Statement of Intent

John Wieland Homes, Inc., the Petitioner, respectfully requests that the 80.65 acre tract of land lying in District 7, Land Lot 164, Fayette County, Georgia be annexed and rezoned into the City of Peachtree City, Georgia ("City").¹

The property subject to this request is currently zoned by Fayette County as R-75. The Property is bordered to the north by undeveloped land presently zoned R-70, and to the west and south by the Wynnmeade subdivision, zoned R-1. East of the Property is the Petitioner's Centennial neighborhood, zoned GR-4. Cedarcroft is adjacent to the south is currently under development.

The annexation policy states that areas "land-locked" between Peachtree City and Tyrone should be examined for possible annexation into Peachtree City. The Property is a peninsula of land and is substantially surrounded by Peachtree City to the south, west and east, and is ideally suited for annexation. Most notably, this annexation would rid the City of the unnatural geographic division created by the Property's unincorporated status. Additionally, this annexation would help build stronger links between the Wynnmeade subdivision, along the residential enclave in the area, and the rest of Peachtree City.

Rezoning conditions of the adjacent property owned by the Petitioner limit the number of residential units to 350, including the Property. No changes in those conditions are contemplated or requested in this annexation request. There will be no additional units resulting from the rezoning. Annexation would simply increase the efficiency and desirability of the overall land plan. Annexation and rezoning of the Property would provide compatible development, zoning, signage, road construction and road names for the primary access road to the Centennial neighborhood.

It is anticipated that annexation would properly address fire and police issues raised by the Fayette County Board of Commissioners' earlier this year. In other words, the primary access for the Property is through Peachtree City. County safety vehicles would be required to access the Property through city streets. Annexation would clear up any matters related to service areas.

¹ A request for rezoning was approved by the Fayette County Board of Commissioners earlier this year. Property is being developed concurrently with this annexation request.

VII. Supplemental Information

Impact Analysis

LAND LOTS: 164
DISTRICT: 7
ROAD NAME: McDuff Parkway
ZONING REQUEST: R-75 to GR-4
PETITIONER: John Wieland Homes and Neighborhoods, Inc.
ADDRESS: 1950 Sullivan Road, Atlanta, GA 30337
CONTACT PERSON: Dan Fields, Vice President
DAYTIME PHONE #: (770) 996-2400, ext. 140

The following analyzes the impact of the above-proposed zoning:

Tax Base

The estimated additional property tax revenues of the proposed zoning would be approximately \$12,000, based on its development of an additional 14 single-family homes. In addition, Impact Fees and other permitting fees would result from the development and construction of these 14 homes.

Public Education

Since there is no request to increase the density of residential homes already allowable on the Property, there should be no impact on the school system. However, the Petitioner intends to donate an elementary school site (condition of the adjacent property's rezoning approval).

Emergency Services

The Property currently lies in Zone # 1 for police services, with the nearest station located approximately 2 miles to the southeast at 153 Willow Bend Road. The residential development planned for the Property should not have a significant, detrimental impact on the police department's ability to provide services to the community.

Currently, the nearest fire station and emergency medical services unit is Station # 1, located at Paschall Road & Highway 74, approximately 2 1/2 miles southeast of the Property. Additionally, two other stations, one at Peachtree Parkway North and Highway 54 and another at Crabapple Lane, may serve the Property as secondary units. The Applicant has agreed to discuss the possibilities of dedicating a fire station site to Peachtree City.

Recreation

In accordance with the City's land use plan objective to encourage recreational facilities in single-family residential developments, on-site amenities are planned, including a clubhouse, two lighted tennis courts, a pool, and tot lot.

Other major recreational facilities near the site include football and baseball fields at the Riley Fields Recreation Center at 176 Wisdom Road, and the Kedron Fieldhouse and Aquatic Center, which houses two pools, two basketball courts, and a game room, at 202 Kedron Drive and The Peachtree City Tennis Complex.

City Development Plan

The proposed zoning complements the neighboring uses and encourages use of Property consistent with other residential developments in the northwest Peachtree City area.

The proposed zoning will enhance safety and protect the integrity of the existing and the developing residential area.

Existing Zoning Classifications

The Property is located in unincorporated Fayette County City and is currently zoned R-75. Adjacent zonings are as follows:

- Contiguous to the west and south, the Wynnmeade subdivision, lying to the west and southwest of the Property, is currently zoned R1;
- The property to the southwest is currently being developed by Ravin Homes as General Residential-4 ("GR-4");
- The land to the immediate east of the Property, is owned by John Wieland Homes and Neighborhoods and is zoned GR-4 (conditional);
- The land east of Highway 74, south of Wisdom Road, is zoned GC;
- The land to the north of the Property is zoned R-70 and is owned by Peachtree City Holdings, LLC.

Public Services Available to Property

Utility availability letters have been obtained from Peachtree City Water and Sewerage Authority, Fayette County Water System, Coweta-Fayette Electric Membership Corporation, and Georgia Natural Gas Company and will be supplied upon request. Sewer will also be available to the property, but is discussed in detail in the analysis of impact on utilities.

Public Access To Property

Cart paths would be provided within the greenbelts and would connect with existing cart path located at the southern boundary. Several years ago, the Property owner entered into an agreement with Peachtree City to allow the cart path to be built across Property. The agreement also granted the Property owner vehicular access to Highway 54. It is the intent of the Owner and Applicant to continue McDuff Parkway through the Property to the northern boundary (as indicated on the approved site plan).

Centennial Annexation Legal Description

All that tract or parcel of land lying and being in Land Lot 164 of the 7th District, Fayette County, Georgia and being more particularly described as follows:

BEGINNING at a nail found at the Land Lot corner common to Land Lots 157, 158, 164 and 165; thence along the Land Lot line common to Land Lots 158 and 164 South $00^{\circ}09'17''$ East, a distance of 206.42 feet to a square rod; thence continuing along said Land Lot line South $00^{\circ}09'17''$ East, a distance of 2839.44 feet to a point at the Land Lot corner common to Land Lots 158, 159, 163 and 164; thence along the Land Lot line common to Land Lots 163 and 164 South $89^{\circ}56'57''$ West, a distance of 1151.97 feet to a crimp top pipe found; thence North $00^{\circ}02'30''$ West, a distance of 3069.50 feet to a crimp top pipe found on the Land Lot line common to Land Lots 164 and 165; thence along said Land Lot line South $88^{\circ}52'07''$ East, a distance of 1146.20 feet to a nail found being the POINT OF BEGINNING. Said tract contains 80.650 acres.

6/27/01

POSITION PAPER
Proposed Annexation and Zoning of the Wieland/Centennial Subdivision Tract
Director of Developmental Services
August 30, 2001

Situation:

John Wieland Homes (JWH), the developer of the Centennial Subdivision, has requested the annexation and zoning of the 80.6-acre tract which adjoins the subdivision (Attachment "A").

Facts:

1. At its meeting on May 17, 2001, Council lifted the moratorium on annexation so this request could be considered (Attachment "B").
2. The 80.6-acre tract proposed for annexation is bordered by Peachtree City on three sides. On the east, it is bordered by the existing Centennial Subdivision Tract; on the south, it is bordered by the Wynnmeade Subdivision; and on the west, it is bordered by both the Wynnmeade Subdivision and the proposed new Live Oaks Subdivision (North Wynnmeade) (Attachment "C").
3. The annexation tract is bordered on the north by undeveloped land in the unincorporated portion of Fayette County owned by Pathway Communities and currently zoned R-75 (2-acre minimum lot size) (Attachment "C").
4. The portion of the Centennial Subdivision Tract in Peachtree City is currently zoned GR-4 General Residential, while the Wynnmeade Subdivision and the North Wynnmeade Subdivision Tract are currently zoned R-1 Residential (Attachment "C").
5. The Wynnmeade Subdivision is fully developed with single-family detached homes on lots of at least 12,000 square feet.
6. The North Wynnmeade Tract is undeveloped at this time, but a concept plat was approved by the Planning Commission at its meeting on August 13, 2001. It is called the Live Oaks Subdivision.
7. A concept plat of the Centennial Subdivision Tract that is currently within the City was approved by the Planning Commission on January 22, 2001. It included 101.6 acres with a maximum of 350 dwelling units. It was anticipated that some of these units would be developed on the adjoining parcel that is now proposed for annexation. It was also anticipated that a site for a new elementary school would be reserved in the proposed annexation area.
8. Based on the current Fayette County zoning, JWH anticipates it could put about 14 of the total 350 units on the annexation parcel.
9. If the annexation is approved, JWH has indicated a desire to put about 104 dwelling units on the annexation parcel and reduce the number of units on the portion already in the City to 246 (Attachment "D").
10. The staff at the Fayette County Board of Education has been notified of the proposed annexation and the proposed site for a new elementary school. The staff has indicated that the site would be acceptable to the Board upon verification that its standard plan would properly fit on the site and that the site did not contain unexpected areas of sub-surface rock that would make grading prohibitively expensive.

11. The Fayette County staff and the Board of Commissioners have been notified of the proposed annexation. At its meeting on August 23, 2001, the Board voted to not oppose the proposed annexation but asked that Peachtree City provide assurances the total housing count for the subdivision would not exceed the stipulated 350 units, and the designated school site would not be used to increase residential density if the Board of Education decides to not use the site for a new school (Attachment "E").
12. The proposed 350-dwelling-unit subdivision has been tested by the GA 54 Traffic Impact Model. The subdivision was approved with the condition that JWH build a 250-foot length of deceleration lane with a 100-foot taper on GA 54 eastbound at Huddleston Road; and
13. At its meeting on July 23, 2001, the Planning Commission voted unanimously to recommend that the proposed annexation be approved (Attachment "F") with the following conditions:
 - a. The developer, JWH, shall dedicate to the Board of Education, at no cost to the Board, a tract of land within the proposed annexation area for a future elementary school site. The tract must be at least 20 acres of land that is suitable for the development of a school, and it must be land that is acceptable to the Board.
 - b. The developer shall extend MacDuff Parkway to a location on the school site that will provide service to all access drives to the school, as dictated by the typical site plan for elementary schools that has been prepared by the Board. This extension must be done at no expense to the Board or the City, and it must be completed prior to the completion of construction of the school.
 - c. The developer shall extend MacDuff Parkway at least to the southern boundary of the school property as a part of the initial phase of the development of the Centennial Subdivision. Also, the developer shall install water and sewer lines, properly sized, at least to the southern boundary of the school property as a part of the initial phase of the development of the Centennial Subdivision. All these extensions shall be at no cost to the Board or the City.
 - d. The developer shall dedicate to the City, as a part of the initial phase of the development of the Centennial Subdivision, a 50-foot wide right-of-way from MacDuff Parkway to the western boundary of the annexation area in a location acceptable to the City. The purpose of this right-of-way will be to provide a northern access route from the Wynnmeade area to MacDuff Parkway. The developer will not be responsible for any costs associated with building the road within this right-of-way.
 - e. The developer shall dedicate to the City, at no cost to the City and as a part of the initial phase of the development of the Centennial Subdivision, a tract of land within the annexation area for a future fire and rescue station. The tract must be at least one acre of land that is suitable for the development of a fire and rescue station, and it must be acceptable to the City. The developer shall extend MacDuff Parkway to the site prior to the completion of construction of the fire and rescue station.

information on timing with the DOT, and if the pole in the MacDuff median was removed by May 25 and the signal relocation would be completed by July 17, he felt Summit's request was reasonable. However, Lenox felt strongly that if the signal was not operational by July 17, no additional COs would be issued.

Wynnmeade resident John Dillahunt said that he did not see anything overly alarming about Lenox's proposal, noting that he had been very concerned about the pole in the median. He said that he did not see a problem with the situation for two months, but if the signal was not moved on time, it could be a problem due to the children using Wynnmeade Parkway to walk and ride bicycles. He felt strangers driving on Wynnmeade Parkway might be surprised by the pedestrian traffic. McMurrain said he was amenable to installing cautionary signage and speed humps to improve safety. McMenamin said McMurrain would have to determine what was needed with the Police Chief. Rapson asked Chief Murray if this proposal would be unsafe. After noting that The Avenue developers got a signal relocated in three days, Murray said the temporary solution of using the Wynnmeade signal was safer than vehicles trying to turn onto 54 with no signal.

Lenox made a motion, conditional upon the removal of the pole in the MacDuff median and the subsequent opening of the Wynnmeade entrance on MacDuff, and conditional upon the completed building inspections, that Certificates of Occupancy be issued for two additional buildings at the Summit Apartments, with the understanding that the signal will be relocated to MacDuff Parkway by July 17, and that no more COs be issued until that was completed; and that the developers work with the Police Chief and the residents of Wynnmeade on traffic calming to ensure a safe situation. McMenamin seconded the motion. Motion carried 4-1 with Rapson opposed.

05-01-06 Consider New Alcohol License – Beef O'Bradys – A Family Sports Pub

Lenox said that Mr. Robert Ishmael, Jr., had purchased the Mexican restaurant at 100 Peachtree Parkway North to open a Beef O'Bradys Family Sports Pub, and had requested a new alcohol license, with himself appointed as the Licensee and License Representative. McMenamin made a motion to appoint Robert Ishmael, Jr., as the Alcohol Licensee and License Representative for Beef O'Bradys. Fritz seconded the motion. Motion carried unanimously.

05-01-07 Public Hearing – Consider Lifting Annexation Moratorium Relative to the Wieland Property (Centennial Subdivision).

Lenox read the rules for a public hearing and opened the floor to comment. Dan Fields, Vice President of John Wieland Homes, addressed Council, saying that in 2000 the city had rezoned about 100 acres at the northern end of MacDuff Parkway. The rezoning included conditions that affected the adjacent 80 acres in the unincorporated county, surrounded on three sides by Peachtree City, allowing a total of 350 lots for the combined properties with the understanding Wieland would donate a school site. Fields presented a list of issues on why the unincorporated 80 acres should be annexed, including allowing the design of a better plan and the coordination of public safety services, which would have to be provided by Peachtree City as that avenue offered the only access to the property. Fields noted that this request would not increase the number of homes on the property, but would allow the city to be appropriately reimbursed for the services provided to all the

homes and would give the city impact fees for all the homes, while eliminating septic tanks on a portion of the property and providing the city with development control of the entire neighborhood.

Lenox said that he had two requests: 1) that the traffic model requiring Wieland to make improvements be included in any discussions with staff; and 2) that space for a fire station be considered in the revised plan if that worked as part of the city's plan. Fields indicated a willingness to discuss that. Fritz also asked that the school site not have any time limitations for development, and Fields said they were open to discussion, adding that they would like to team up with the school to make the school of mutual benefit and have it constructed while the system had the funds to do so. Rapson said he had spoken to Jerry Whitaker with the school system about the site, and he was in favor of the site, but they requested that the road be moved further east. Rapson also wanted to ensure that the zoning in place was not changed. Lenox said that if they came back with an annexation petition, the zoning would be incorporated. Fields said they were looking at maintaining the GR-4 zoning with the 350-unit limit. Rapson said this site was somewhat unique because it was bordered on three sides by the city, and McMenamin said an annexation would even up the border.

Lenox asked if anyone else would like to speak in favor of the moratorium. Resident Steve Brown of Terrane Ridge gave a handout and addressed Council, saying that, although the original residential zoning for the property was a mistake, it could be made better through annexation. Brown felt developing for seniors would be better for traffic and the schools. He also said a lot of good things could happen with this site, but the city needed to play its cards right.

No residents spoke in opposition to lifting the moratorium, and Mayor Lenox called the public hearing to a close.

Basinger noted that Wieland's current traffic plan required a right turn lane, and asked Fields about the timing of that project. Fields said the plan was prepared and would be submitted to DOT the following week, and if they could emulate The Avenue, perhaps they could start in three days. He said the project was a priority, and McMenamin said Council would be discussing some other projects in the area so the information was helpful.

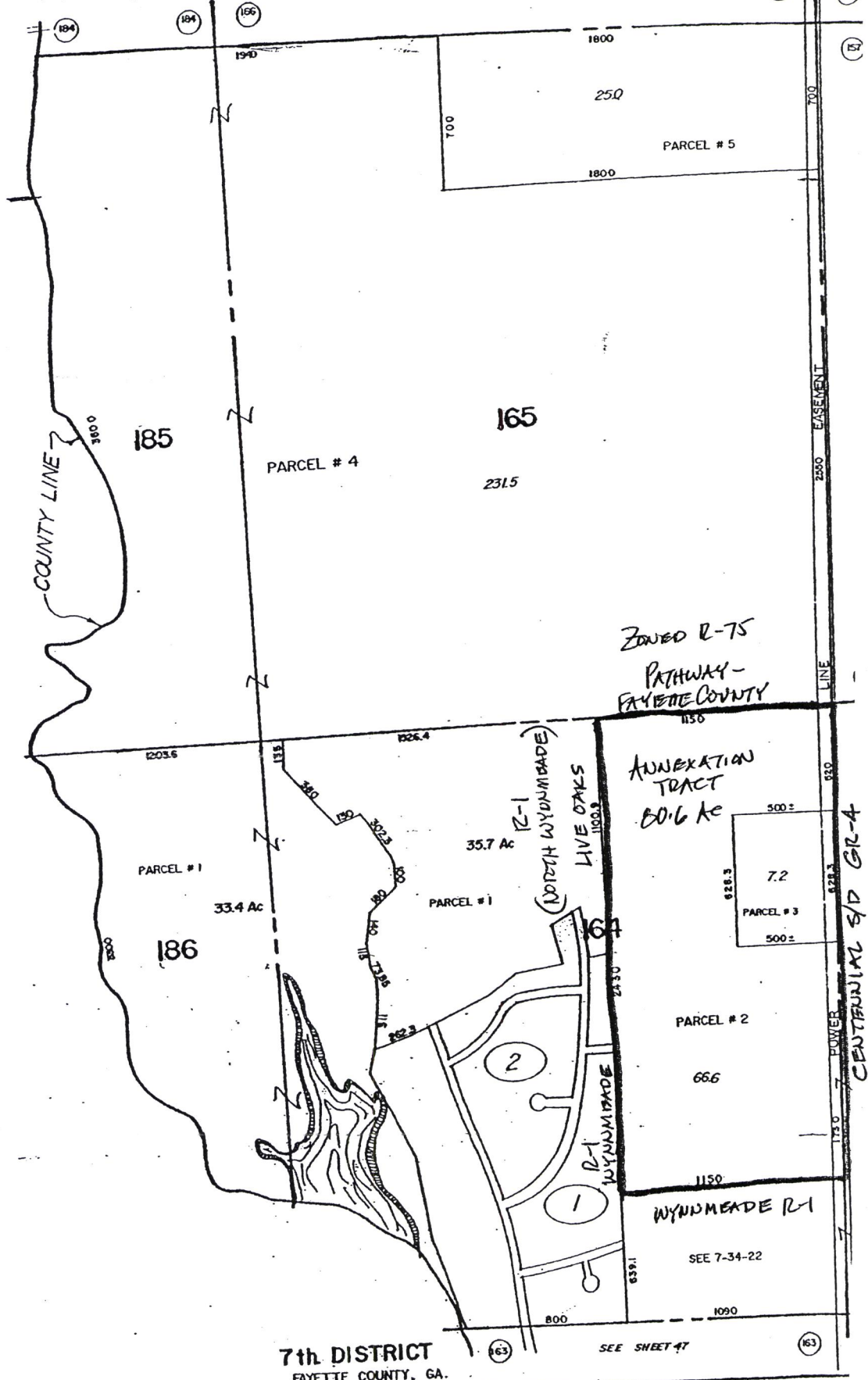
The Mayor and Councilmembers each said the concept made sense, although Lenox pointed out they weren't supporting a plan they had not seen. McMenamin noted the city would be providing services to the school, and Fritz said she had contacted the school system and they were supportive of annexation. Rapson asked if the moratorium were lifted, would it be specific to this site, and Lenox said it would only be for consideration of this site. McMenamin made a motion to lift the Annexation Moratorium to consider the annexation of the Wieland/Centennial Subdivision property. Rapson seconded the motion. Motion carried unanimously.

05-01-08 Proposed Financial Policies

Financial Services Director Paul Salvatore said that City Auditor Ed Wetherington was present and had reviewed the policies, and that Todd Barnes of A.G. Edwards had reviewed the debt policy and had made a couple of suggestions. On policy #7, Barnes had suggested that everything following the comma be removed to eliminate the 15% debt limitation. He had also recommended that on the

COWETA COUNTY

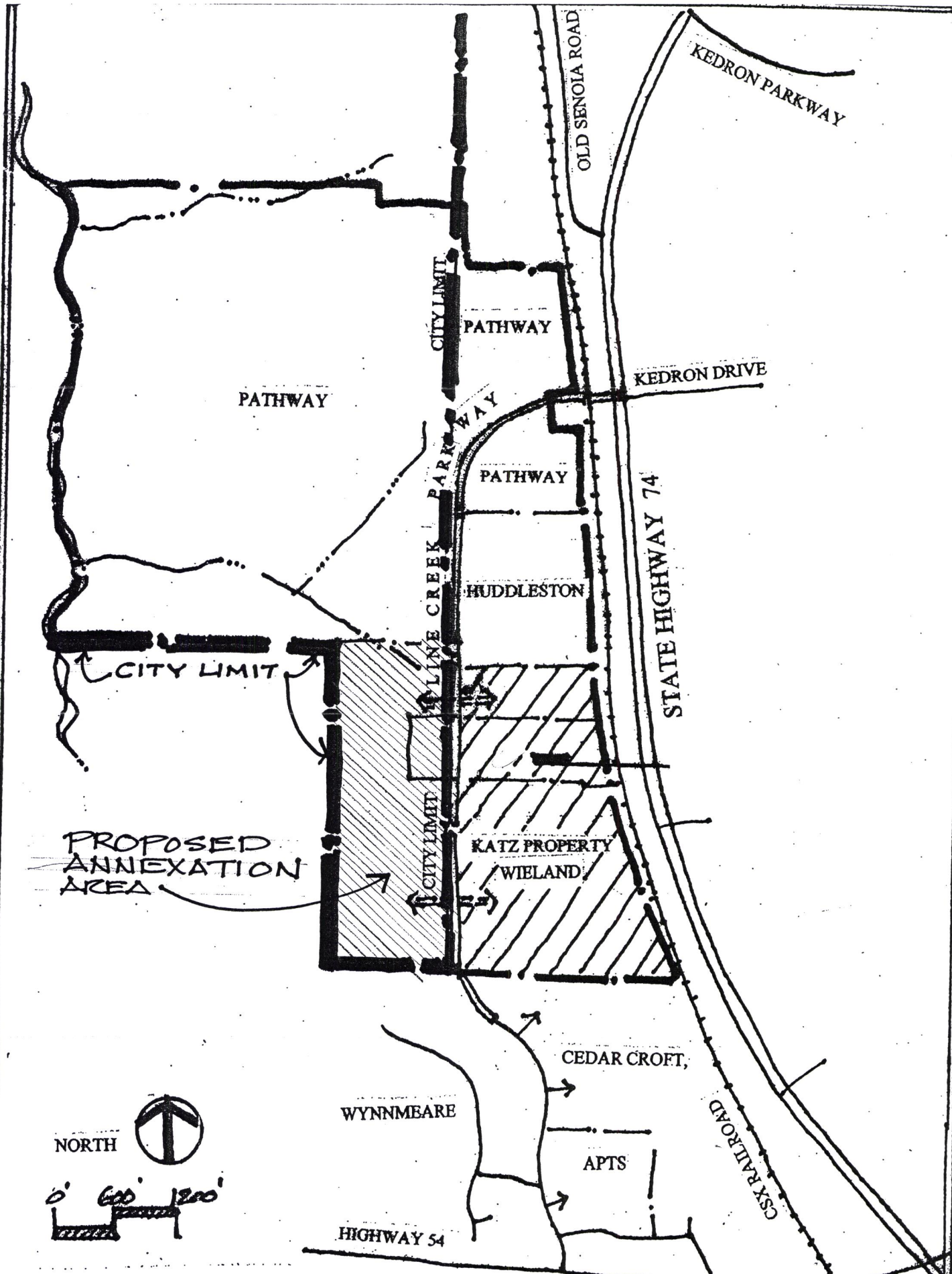
COUNTY LINE



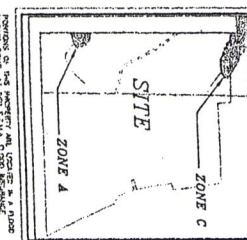
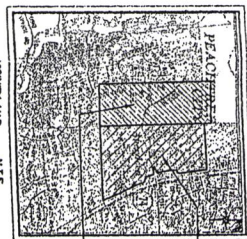
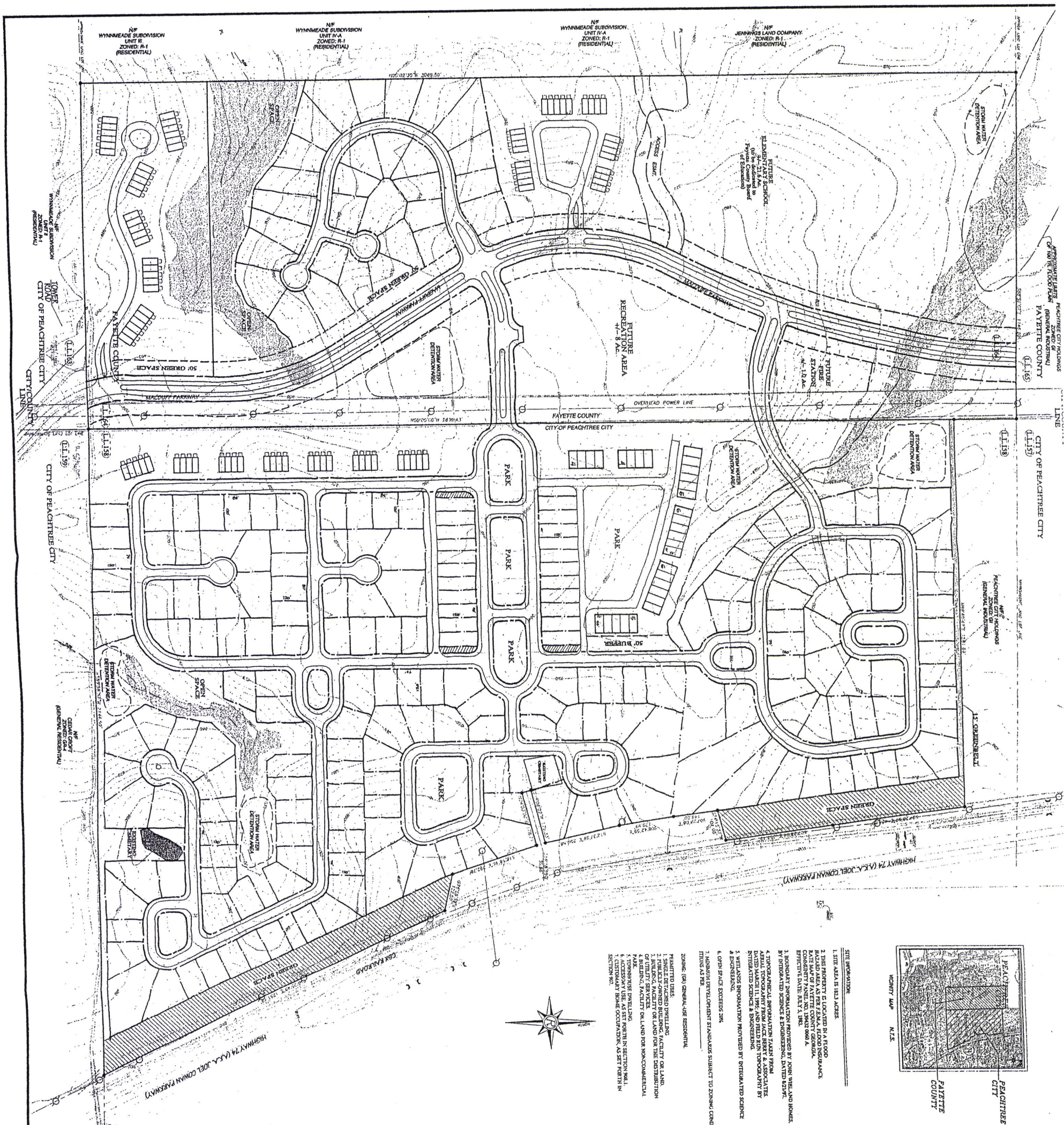
7th DISTRICT
FAYETTE COUNTY, GA.

SEE SHEET 47

MAY 1988



LOCATION MAP



SITE INFORMATION:

- [illegible]

NOTES

- [illegible]

[illegible]

OWNER & DEVELOPER.
JOHN WIELAND HOMES & NEIGHBORHOODS

MR. JERRY MARTIN 770/996-1405

ENGINEERING CONTACT

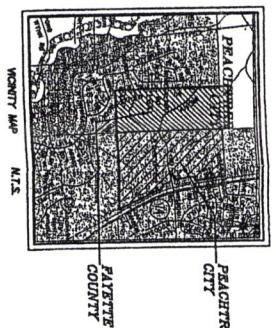
MR. STEVEN D. SPACE 770/718-0600

ROCHESTER & ASSOCIATES, INC.
MR. MARK BUCKNER 770/716-8123

REVISIONS

5	8/11/01	IPWOWDC, SMALL FAMILY
6	8/21/01	SCHOOL'S BFC, NEW, ACCESS DOW, FINE STA
7	8/27/01	IPWOWDC, SMALL FAMILY & CLINICAL PARK
8	9/10/01	IPWOWDC - 11, 26, 31 & 30 UNITS
NO	DATE	
		ATTACHED

Attachment "D"



- NOTES:**
1. A COMPREHENSIVE STORM WATER MANAGEMENT PLAN WILL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE PLAN WILL SHOW THE DRAINAGE PATTERNS, THE LOCATION OF STORM WATER COLLECTION SYSTEMS, AND THE LOCATION OF STORM WATER TREATMENT SYSTEMS.
 2. A COMPREHENSIVE TRAFFIC IMPROVEMENT PLAN WILL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE PLAN WILL SHOW THE LOCATION OF NEW STREETS, THE LOCATION OF NEW INTERSECTIONS, AND THE LOCATION OF NEW TRAFFIC SIGNALS.
 3. A COMPREHENSIVE UTILITIES IMPROVEMENT PLAN WILL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE PLAN WILL SHOW THE LOCATION OF NEW WATER MAINS, THE LOCATION OF NEW SEWER MAINS, AND THE LOCATION OF NEW GAS MAINS.
 4. A COMPREHENSIVE LANDSCAPE IMPROVEMENT PLAN WILL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE PLAN WILL SHOW THE LOCATION OF NEW TREES, THE LOCATION OF NEW SHRUBS, AND THE LOCATION OF NEW GRASS AREAS.
 5. A COMPREHENSIVE LIGHTING IMPROVEMENT PLAN WILL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE PLAN WILL SHOW THE LOCATION OF NEW STREET LIGHTS, THE LOCATION OF NEW PARK LIGHTS, AND THE LOCATION OF NEW BUILDING LIGHTS.
 6. A COMPREHENSIVE SECURITY IMPROVEMENT PLAN WILL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE PLAN WILL SHOW THE LOCATION OF NEW SECURITY CAMERAS, THE LOCATION OF NEW SECURITY LIGHTS, AND THE LOCATION OF NEW SECURITY BARRIERS.
 7. A COMPREHENSIVE FLOOD CONTROL IMPROVEMENT PLAN WILL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE PLAN WILL SHOW THE LOCATION OF NEW FLOOD WALLS, THE LOCATION OF NEW FLOOD GATES, AND THE LOCATION OF NEW FLOOD VALVES.
 8. A COMPREHENSIVE HISTORIC PRESERVATION IMPROVEMENT PLAN WILL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE PLAN WILL SHOW THE LOCATION OF NEW HISTORIC MARKERS, THE LOCATION OF NEW HISTORIC BUILDINGS, AND THE LOCATION OF NEW HISTORIC LANDSCAPES.
 9. A COMPREHENSIVE CULTURAL IMPROVEMENT PLAN WILL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE PLAN WILL SHOW THE LOCATION OF NEW CULTURAL CENTERS, THE LOCATION OF NEW CULTURAL MUSEUMS, AND THE LOCATION OF NEW CULTURAL THEATERS.
 10. A COMPREHENSIVE ECONOMIC IMPROVEMENT PLAN WILL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE PLAN WILL SHOW THE LOCATION OF NEW BUSINESSES, THE LOCATION OF NEW FACTORIES, AND THE LOCATION OF NEW OFFICES.

PEACHTREE CITY TO PEACHTREE CITY			
LAND USE	ACREAGE	DENSITY	YIELD
RESIDENTIAL	11.2	2.21	54
COMMERCIAL	1.0	-	-
INDUSTRIAL	20.0	-	-
PARK	8.8	-	-
WATER	1.0	-	-
WETLANDS	20.0	-	-
TOTAL	62.0	1.24	104

EXISTING PEACHTREE CITY			
LAND USE	ACREAGE	DENSITY	YIELD
RESIDENTIAL	4.2	1.36	31
COMMERCIAL	5.7	4.04	87
INDUSTRIAL	4.2	3.07	59
PARK	36.1	-	-
WATER	1.0	-	-
WETLANDS	10.7	-	-
TOTAL	101.7	2.43	246

PROJECT TOTAL			
LAND USE	ACREAGE	DENSITY	YIELD
RESIDENTIAL	15.4	1.43	59
COMMERCIAL	1.0	-	-
INDUSTRIAL	20.0	-	-
PARK	8.8	-	-
WATER	1.0	-	-
WETLANDS	20.0	-	-
TOTAL	126.2	1.43	216

OWNER & DEVELOPER
JOHN WYLAND HOMES & NEIGHBORHOODS
100 WYNNEBAGO DRIVE, SUITE 200
PEACHTREE CITY, GEORGIA 30092
(770) 998-1400

ENGINEERING CONTACT
ROCHESTER & ASSOCIATES, INC.
MR. STEVEN O. SPENCE 770/719-0600
SUNSET CONTACT
MR. MARK BUCKNER 770/719-5123

ANNEXATION PLAN for CENTENNIAL SUBDIVISION

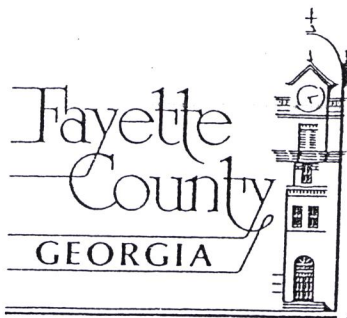
located in
LAND LOTS 1 & 2, 7th DISTRICT,
PEACHTREE CITY, FAYETTE COUNTY, GEORGIA

rochester
rochester & associates, inc.
Atlanta (404) 251-9334 • peachtree (770) 719-0600
Marietta (770) 451-6106 • fayetteville (770) 719-5123

DATE	04/13/91
SCALE	1"=100'
JOB NO.	0210105.RV
FILE NO.	CENTENNIAL

NO.	1	DESCRIPTION
DATE	04/13/91	2nd AL. SCHOOL SITE
NO.	2	DESCRIPTION
DATE	05/23/91	2nd AL. SCHOOL SITE
NO.	3	DESCRIPTION
DATE	05/23/91	2nd AL. SCHOOL SITE

GRAPHIC SCALE
0 50 100 200



Where Quality Is A Lifestyle

BOARD OF COMMISSIONERS

Gregory M. Dunn, Chairman
Linda Wells, Vice Chairman
Herbert E. Frady, Commissioner
Peter Pfeifer, Commissioner
A. G. VanLandingham, Commissioner
Chris Cofty, County Administrator
W. R. McNally, Attorney
Carol Chandler, Executive Assistant

August 27, 2001

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

Dear Mayor Lenox:

Re: Annexation Request of John Wieland Homes, 80.65 acres
Land Lot 164, 7th District, near McDuff Parkway near S.R. 54 West

In accordance with O.C.G.A. Section 36-36-11(a) and the terms of Intergovernmental Agreement known as "The Governments of Fayette County Annexation Dispute Resolution Process" (the "Annexation Agreement"), Fayette County hereby submits its response to the above named request for annexation, as presented to the County Commission Chairman on August 1, 2001. Appended you will find Form # 2.

While there are many aspects of this proposed annexation that are positive, the Fayette County Commission objects to the annexation as presented by Peachtree City. The projected land use is not in agreement with the land use for this property as set out by the County's Land Use Plan. The proposed annexation represents a drastic increase in the intensity of the use of the property in question, inasmuch as the density will increase from one unit on two acres to potentially four units per one acre. The potential exists for this acreage, along with the adjacent portion of Centennial Subdivision, to develop with as many as 600 or more units. Also, there is no protection, or step-down in density, between this site and the R-70 (2-acre) home sites to the north. Though the developer has stated an "intent" to limit the entire development to a total of 350 homes, the County is concerned that the City may be unable to enforce the developer's current "intentions" in the future. The County is also concerned that the parcel designated for a school site could be used for homes in the event a school is not built on it.

The attached Form # 2 contains proposed mitigation measures and conditions of development which would allay the concerns of the County. Pursuant to the Annexation Agreement, once Fayette County has lodged a bona fide objection, you, as the annexing City, have twenty (20) working days to provide a written response of your intentions to either: (a) agree to implement the County's stipulations and conditions; (b) agree with the County and take no further action on the annexation request; or (c) request a mediation hearing(s) and/or contest whether the County's objection is proper.

Attachment "E"
Page 1 of 5

Honorable Robert L. Lenox
August 27, 2001
Page 2

If you have questions, please do not hesitate to contact me or a member of the County staff.

Sincerely,

FAYETTE COUNTY COMMISSION

A handwritten signature in cursive script, appearing to read "Gregory M. Dunn".

Gregory M. Dunn
Chairman

JURISDICTION: Peachtree City

PROPOSED ANNEXATION SITE: 80.65 acres, LL 164, 7th Dist. near MacDuff Parkway off SR 54W

DUE TO JURISDICTION: August 29, 2001

APPENDIX A FORM # 2

COUNTY COMMENT FORM ON PROPOSED CITY ANNEXATION

1. How is the area proposed to be annexed designated on the County's future land use map?

Low Density Residential (0.5 to 1 acre per unit).

2. What is the current county zoning classification for the area proposed to be annexed?

R-75 (Single-Family Residential with 2-acre minimum lot size).

3. How would the City's development controls for the proposed land use classification of the area to be annexed differ from the County's current development controls (i.e. permitted density, allowed uses, required setbacks, height restrictions, permitted signage, etc.)?

The proposed GR4 zoning classification allows four units per acre. The County's R-75 zoning classification allows one unit on two acres.

See attached Comparison Sheets.

4. Would any of the uses allowed under the City's proposed land use classification of the area to be annexed have potentially negative impacts on the surrounding areas? If so, describe these.

The County has substantial acreage to the north which is zoned R-70 (2-acre lots). Four house to an acre contiguous to 2-acre lots will negatively effect county development. Drastic land use intensity change would provide no step-down to unincorporated county.

5. Identify any County-owned public facilities in the area proposed to be annexed. *None.*

6. Does the County have *bona fide* land use classification objections to the annexation? If so, list these and attach supporting information as needed to clarify the objections.

Yes. The proposed annexation represents a drastic increase in the intensity of the use of the property in question, inasmuch as the density will increase from one unit on 2 acres to potentially four units per one acre. The same developer/applicant, just 7 months ago (January 25, 2001), assured this Board that this property would not be developed beyond his request to build 14 homes and that he would set aside 20 acres for a school site. Now he is assuring you that he "intends" to build a total of only 350 homes. Our concern is that once the land is annexed and zoned GR4, how can either Peachtree City or Fayette County be assured that he will not change his "intentions" once again? Should the School System decide not to build a school, will the developer decide to put an additional sixty to eighty homes on the GR4 property? Worst case is that the developer could build in excess of 600 houses if he builds out the property to the same density of the current 336 houses on the Peachtree City portion of the property.

7. If the County objects to the City's plans for the area to be annexed, are there any mitigation measures or conditions of development that would allay the County's concerns? If so, list these.

Yes:

- Provide the County reasonable assurance that the developer will not once again change his "intentions", i.e. the City find some mechanism to enforce the 350 home limit on the total property;
- The County would like a commitment from the City that if a school is never built on the 20-acre parcel designated for a school site, the parcel will permanently remain either open space, greenspace, park land or a related use and will not be developed into more houses.

Form Completed By: Carol Chandler, Executive Assistant

Signature: Carol Chandler Date: Aug. 24, 2001

CITY OF PEACHTREE CITY - 80.65 ACRES - CENTENNIAL		
REQUIREMENTS	COUNTY	CITY
ZONING	R-75 (1 unit per 2 acres)	GR-4 (4 units per acre)
MINIMUM LOT SIZE	2 Acres	Townhouse - Width of Townhouse Single-Family - 4,000 Square Feet
MINIMUM HOUSE SIZE	2,500 Square Feet	Townhouse - 600 Square Feet Single-Family - 800 Square Feet
LOT WIDTH	125 Feet	Townhouse - 18 Feet Single-Family - 30 Feet
MAXIMUM HEIGHT	35 Feet	Townhouse - 10 Stories Single-Family - 3 Stories
SETBACKS	F-100 Feet Arterial F-75 Feet Collector F-50 Feet Minor S-25 Feet R-50 Feet	Townhouse Single-Family F-15 Feet Major F-20 Feet F-15 Feet Minor S-0 Feet F-20 Feet if R-20 Feet garage faces street S-0 Feet with 10 Foot Separation R-20' Feet
PERMITTED USES	Single-family dwelling; Accessory buildings and uses; and Growing crops, gardens.	Single detached dwelling; Publicly-owned building, facility or land; Buildings, facility or land for distribution of utility services; Building, facility or land for noncommercial park; Townhouse dwelling; Accessory use, as set forth in Section 906.1; Customary home occupation, as set forth in Section 907. Per the submitted Annexation Plan.
CONDITIONAL USES	Church, Temple, or Place of Worship; Developed Residential Recreational/Amenity Areas; Home Occupation; School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.	None
MAXIMUM IMPERVIOUS AREA	N/A	75% Maximum

PH-01-08 Proposed Annexation and Zoning, Wieland Tract

Mr. Saunders opened the public hearing at 7:13 p.m.

Mr. Dan Fields, Vice President of John Wieland Homes (JWH), the developer of the Centennial Subdivision, was in attendance to present the request for the annexation and zoning of the 80.6-acre tract which adjoined the Centennial Subdivision Tract. He noted that this property was bordered by Peachtree City on the east, south, and west. It was bordered on the north by undeveloped land in the unincorporated portion of Fayette County which was owned by Pathway Communities and currently zoned R-75 (2-acre minimum lot size).

Mr. Fields explained that the concept plat of the Centennial Subdivision was approved by the Planning Commission on January 22, 2001; and the rezoning was approved on September 20, 2000. The zoning stipulated that no more than 350 lots would be developed on the approximate 150 acres.

Mr. Fields also stated that when JWH proposed rezoning these 80.6 acres to the Fayette County Board of Commissioners, the Commissioners suggested they try to work out something with Peachtree City to address the fire and safety issues. JWH felt the best way to solve that issue would be to request annexation since the property was bordered on three sides by the City. They felt this option would allow them to develop a more desirable land plan that would benefit the adjoining property owners and the City.

Mr. Fields noted that if the annexation were approved, they would put about 104 dwelling units on the annexation parcel and reduce the number of units on the portion already in the City to 246. He added that the Board of Education felt the new school site they were proposing was better than the previous one that had been reserved.

Mr. Fields expressed the following concerns they had with Staff's conditions of approval:

1. They agreed to extend MacDuff Parkway to the northern City limits line but did not feel this should be tied to the first phase of development. However, they would be willing to build the road to the school site so it could be used when the school was ready to open.

2. They were willing to provide a buffer between lots in this subdivision and the Wynnmeade Subdivision but felt that "buffer" should be better defined, i.e., privacy fence.
3. They agreed to pay for their share of the road improvements (200 feet of right-turn lane) at Highway 54 and Huddleston Road. However, since they would not be building the turn lane, they would not be in control of the timing of that construction.

In response to a question from Mr. Finney, Mr. Fields stated that "pocket" parks would be provided throughout the subdivision. This amenity had proven very successful in other neighborhoods.

Mr. Williams presented the Staff position which supported the annexation. It was felt it would be hard to justify this area not being in the City. The biggest concern was tying this development into the other development in that area and how and when things should happen.

Mr. Williams noted that as the property on the western side of the railroad tracks was developed, it was very likely that there would be a second entrance into the West Side off of Highway 74 at the cable television office. An additional fire station was also planned to serve this area and the portion of Kedron Village across from the cable office. However, there were several issues that would need to be resolved before a location for that station could be finalized. Mr. Williams stressed the importance of the proximity of the fire station to the northern part of Wynnmeade so that better emergency access could be provided into the main part of that subdivision.

He added that Staff suggested some kind of creative buffering such as a wall, a fence, or landscaping be used to separate the two subdivisions.

Mr. Williams also stated that JWH was going to pay RAM Development to build the deceleration lane on GA 54 eastbound at Huddleston Road. The permit had already been issued to RAM so he felt they had met this obligation.

Mr. Mike Satterfield, Facility Director for the Fayette County Board of Education, was in attendance and wanted to clarify a few issues. He confirmed that the new site that was proposed for the school was better than the one that was originally proposed. However, he also stated that although labeled a 20-acre site, because of wetlands on the property, there were actually only 13-1/2 to 14 acres on which they could build. He felt that the issues of concern could be worked out. He also felt that the proposed school and fire

station should be designed on one plan and that the grading for both should be done at the same time.

Mr. Wayne Roberts was in attendance to voice some concerns of the Wynnmeade Homeowners Association. Those issues included the following:

1. Bringing the curbing on MacDuff Parkway up to standard before extending the road,
2. The impact that all of the construction planned in the area of Highway 54 and MacDuff Parkway would have on their subdivision,
3. The proximity of the town homes in the Centennial Subdivision to their subdivision and the probability of them becoming rental property,
4. The cul-de-sac of Tower Road,
5. The timetable for construction of both the school and the fire station,
6. Buffering between Centennial and Wynnmeade,
7. The impact of new development on the water supply to their subdivision, and
8. The possibility of MacDuff Parkway not being extended which would result in the Wynnmeade entrance being the only access the residents of the North Wynnmeade Subdivision would have to their subdivision.

Mr. John Dillahunt, a resident of Wynnmeade Subdivision, was concerned about what he perceived as reluctance on the part of JWH to extend MacDuff Parkway to a point where the new North Wynnmeade Subdivision could be tied directly into MacDuff.

Mr. Steve Brown, a resident of Planterra Ridge Subdivision, did not oppose the project but suggested that the restrictive covenants for the new subdivision limit the number of rental units that would be permitted.

Mr. Dillahunt wondered what would happen if the school was not built. He felt it would not be beneficial to the City or the subdivision to increase the density in that area by rezoning the school property to residential.

Mr. Satterfield stated that the School Board would require that MacDuff Parkway be paved to the entrance to the school site prior to accepting that location.

In response to the concerns cited, Mr. Fields noted that they were not proposing to increase the density of development above what had already been approved. In addition, he stated that the town homes would be in the \$150,000 to \$200,000 price range; and any rentals would be governed by the restrictive covenants. He noted that the exterior of the

units would be maintained by the Homeowners Association. Mr. Fields was not aware of a timetable for the school and the fire station and pointed out that it would be up to the Planning Commission to determine whether the density of the property would be increased if the school was not built.

Mr. Fields also explained that JWH paid Ravin Homes to build 1500 feet of MacDuff Parkway up to their property line. They felt that the developer of the North Wynnmeade Subdivision might need to do something similar to provide access to that site.

Mr. Roberts strongly emphasized the desire of the Wynnmeade residents that the school be built on this site as proposed because of the number of residences going into that area.

He also stated that if MacDuff Parkway were not extended to the northern end of the property, it would seriously impact the addition of North Wynnmeade. Without the extension, 200+ vehicles would be added to Wynnmeade Parkway two or three times a day; and he did not feel the road would tolerate that amount of traffic.

Mr. Williams stated that MacDuff Parkway could be extended as far as necessary to service the northern end of the school site. It would not have to go across the wetland area and up to the property line at this time.

Mr. Saunders closed the public hearing at 7:53 p.m.

In response to questions from Mr. Saunders, Mr. Williams stated that the 350 units had been determined. If the School Board did not accept the site, those 350 units would either extend into those 20 acres or there would be a large park.

In response to another question from Mr. Saunders, Mr. Williams stated that the construction of the fire station was proposed to occur within the next five years.

Mr. Finney asked about the timetable for the school. Mr. Williams felt that if the site were acceptable, it would probably also be scheduled for construction within the next five years.

In response to a question Mr. Payton asked about the curbing standards for MacDuff Parkway, Mr. Williams stated that Mr. Rast would be designing a landscape feature for the median which he felt would solve the problem of people cutting across the median and would also improve its appearance.

Mr. Williams stated that he had spoken to Mr. Tony Parrott of the Fayette County Water System who said that in order to provide water service to this area, he would want to see a line continued from Wynnmeade through the northern development and tied into a line on MacDuff. Mr. Williams thought both developers were planning to do that anyway.

Mr. Saunders asked about the buffering between the two subdivisions. Mr. Williams stated that Staff was suggesting that something be done that would provide a good visual buffer between the two. That could be a decorative wall such as the one that separated lots in Cardiff Park from the industrial/commercial areas on the backs of the lots. Decorative wooden fence or plantings of trees that provide good buffers could also be used.

There was some discussion about the possibility of requiring the deceleration lane on GA 54 eastbound at Huddleston Road to be completed prior to issuance of any certificates of occupancy. Mr. Saunders felt this was necessary because of some of the problems that had been encountered on other projects when road improvements were not completed as required. Mr. Williams stated it that should not be a condition of approval because Mr. Fields had no control over when the developer of Home Depot would complete those improvements.

In response to a question from Mr. Finney, Mr. Fields stated that the price range of the single-family homes would be in the \$200,000+ range, and the square footage would range from 1800 to 3600 SF.

Mr. Williams suggested adding conditions of approval to address (1) looping the water line to ensure the needs of the Fayette County Water Department and the Peachtree City Fire Department were met and (2) limiting the number of rental units that could occur to something less than 20 percent. Mr. Fields stated that he could provide Staff with covenants that would restrict the number of rental units.

In response to a question from Mr. Saunders, Mr. Williams stated that the sewer lines in this area could not handle the additional capacity the new development would create. A Water and Sewer Authority construction project which was expected to be completed by March of 2002, would solve the problem.

Although not normally in favor of annexation, Mr. Saunders felt this parcel of land should be a part of the City.

After discussion, a motion was made by Mr. Finney, seconded by Mr. Payton, and unanimously adopted to forward the proposed annexation and zoning to City Council with a recommendation for approval with the following understandings and conditions:

1. *The developer, JWH, shall dedicate to the Board of Education, at no cost to the Board, a tract of land within the proposed annexation area for a future elementary school site. The tract must be at least 20 acres of land that is suitable for the development of a school, and it must be land that is acceptable to the Board.*
2. *The developer shall extend MacDuff Parkway to a location on the school site that will provide service to all access drives to the school, as dictated by the typical site plan for elementary schools that has been prepared by the Board. This extension must be done at no expense to the Board or the City, and it must be completed prior to the completion of construction of the school.*
3. *The developer shall extend MacDuff Parkway at least to the southern boundary of the school property as a part of the initial phase of the development of the Centennial Subdivision. Also, the developer shall install water and sewer lines, properly sized, at least to the southern boundary of the school property as a part of the initial phase of the development of the Centennial Subdivision. All these extensions shall be at no cost to the Board or the City.*
4. *The developer shall dedicate to the City, as a part of the initial phase of the development of the Centennial Subdivision, a 50-foot wide right-of-way from MacDuff Parkway to the western boundary of the annexation area in a location acceptable to the City. The purpose of this right-of-way will be to provide a northern access route from the Wynnmeade area to MacDuff Parkway. The developer will not be responsible for any costs associated with building the road within this right-of-way.*
5. *The developer shall dedicate to the City, at no cost to the City and as a part of the initial phase of the development of the Centennial Subdivision, a tract of land within the annexation area for a future fire and rescue station. The tract must be at least one acre of land that is suitable for the development of a fire and rescue station, and it must be acceptable to the City. The developer shall extend MacDuff Parkway to the site prior to the completion of construction of the fire and rescue station.*
6. *The developer shall build, or pay to have built, the deceleration lane on GA 54 at Huddleston Drive that was identified for the proposed subdivision to meet the requirements set forth in the Traffic Impact Ordinance.*
7. *The developer shall install a water main within the Centennial Subdivision that is sized as required by the Fayette County Water System and the Peachtree City Fire Department. This main shall be extended to the western boundary of the annexation area to allow for the creation of a loop with a similar water main to be*

- installed in the Wynnmeade area. The developer shall not be responsible for extending the main onto the adjoining property;*
8. *The developer shall establish deed covenants for the Centennial Subdivision that shall limit rental units within the subdivision to no more than 20 percent of the total number of dwelling units in the subdivision. The covenants shall provide for the strict enforcement of the limit on rental units, and the developer shall establish the administrative structure for that enforcement prior to the sale of the first dwelling unit in the subdivision; and*
 9. *All residential units in the annexation area shall be separated from the developed lots in the Wynnmeade Subdivision with a buffer that provides for a reasonable visual separation between the properties..*

This item was scheduled to be heard at the August 16, 2001, City Council meeting.

OLD AGENDA ITEMS

07-01-01 Concept Plat, North Wynnmeade Subdivision

Mr. Marvin Isenberg, President of Piedmont Properties, Inc., was in attendance to present the concept plat for a proposed subdivision on the 81.3-acre tract of undeveloped land immediately north of the Wynnmeade Subdivision. The property consisted of about 42.1 acres of wetlands and floodplain and about 39.2 acres of upland area. Mr. Isenberg was proposing to subdivide the upland portion of the tract into 107 single-family lots averaging about 11,700 SF.

He informed the Commission, staff, and residents in attendance that this development would not be an extension of the Wynnmeade Subdivision and that none of the lots would be in the floodplain. He noted that when this property was zoned R-1 Residential approximately 30 years ago, four phases of Wynnmeade were proposed although only three were developed.

Mr. Isenberg stated that he did not have a problem with any of the staff conditions of approval but noted the following:

1. The minimum lot size for the zoning district was 10,000 SF, and Staff recommended the average lot size must be no less than 11,000 SF; their site plan showed lots that averaged 11,700 SF.

Jim Williams

From: Jim Basinger
Sent: Friday, August 10, 2001 9:26 AM
To: Jim Williams
Subject: FW: Annexation and Rezoning of 80.65 Acres

Jim, please see me on this opinion first thing this morning. jim

-----Original Message-----

From: Rick Lindsey [mailto:rlindsey@webb-firm.com]
Sent: Friday, August 10, 2001 8:51 AM
To: Jim Basinger
Subject: RE: Annexation and Rezoning of 80.65 Acres

Jim - The City Council may consider lifting the multi-family moratorium without first advertising such in the newspaper, etc. A case decided July 2, 2001, by the Georgia Supreme Court involving the City of Roswell held that the Zoning Procedures Law does not apply to situations like this. Therefore, the City has the authority to allow City Council to consider at the next meeting whether it wants to lift the moratorium. There is no need to specially advertise for this agenda item. It can be treated exactly like the other agenda items.

If you need to discuss this further, please let me know.
Rick

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help with personal injury, estate planning, divorce, criminal,
regulatory and corporate matters. To learn more visit us at
<http://www.webb-firm.com>.

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>

reply e-mail, and then destroy all copies of the transmission.

-----Original Message-----

From: Jim Basinger [mailto:citymgr@peachtree-city.org]
Sent: Wednesday, August 08, 2001 8:45 AM
To: Rick Lindsey
Cc: "Jane Miller"@peachcity.com; "Betsy Tyler"@peachcity.com
Subject: FW: Annexation and Rezoning of 80.65 Acres

Rick, please call me on this today. Thanks. Jim

-----Original Message-----

From: Dan Fields [mailto:Dan.Fields@JWHOMES.com]
Sent: Wednesday, August 08, 2001 8:15 AM
To: Jim Bassinger (E-mail); Jim Williams (E-mail)
Subject: Annexation and Rezoning of 80.65 Acres

It is my understanding that the multi-family moratorium was lifted for the Centennial subdivision. To avoid any further delays of the Centennial development, I wanted to confirm that the multi-family moratorium would not apply to the 80.65 acres. I met with Jim Williams last week and it appears that the county may cause some further complications and I just wanted to be sure we have no further surprises. As Jim suggested, we are modifying our plan to reduce the density of the townhomes in the southwest corner of the property. We have dispersed those along the power line (as Jim suggested) and a pod adjacent to the school. As soon as I get the revisions, I will share with Jim.

As you are probably aware, we have begun clearing and grading on the county property and anxiously await our permits in the City. Our interest clock has been clicking for quite some time and we have received substantial interest in Centennial. We think it will be a showcase neighborhood and would appreciate your assistance. Dan



Peachtree City

Georgia

September 10, 2001

John Wieland Homes and Neighborhoods, Inc.
ATTN: Dan Fields
1950 Sullivan Road
Atlanta, Georgia 30337

RE: Annexation and Zoning of the Wieland/Centennial Subdivision Tract

Dear Mr. Fields:

This letter is confirmation that your annexation and zoning request for GR-4 (General Residential-4) for the Centennial Subdivision Tract on MacDuff Parkway was approved by the City Council on September 6, 2001, with conditions. The conditions include the acceptance of all recommendations and conditions as reviewed by City staff and agreed to by the applicant at the meeting (these recommendations for conditions are included as an attachment to this letter); that no more than 350 units will be permitted on the entire combined sites; the conceptual site plan presented at the meeting is a substantial representation of what is ultimately developed subject to the Planning Commission's input; and that in perpetuity, a school site of 20 acres, more or less, shall be donated to the Board of Education which will revert to green space within seven years if not used by the Board of Education. The owner, the Board of Education, and the City will work out the details of whether a land trust or the homeowners' association will own the land.

Please retain this official notification for your records.

Sincerely,

Jane S. Miller
City Clerk

Attachment

cc: Developmental Services Director

STAFF RECOMMENDATIONS FOR CONDITIONS OF APPROVAL

PROPOSED ANNEXATION AND ZONING

WIELAND/CENTENNIAL SUBDIVISION

- a. The developer, JWH, shall dedicate to the Board of Education, at no cost to the Board, a tract of land within the proposed annexation area for a future elementary school site. The tract should be at least 20 acres of land that is suitable for the development of a school, and it must be land that is acceptable to the Board;
- b. The developer shall extend MacDuff Parkway to a location on the school site that will provide service to all access drives to the school, as dictated by the typical site plan for elementary schools that has been prepared by the Board. This extension must be done at no expense to the Board or the City, and it must be completed prior to the completion of construction of the school. Also, the developer shall agree to grade the portion of MacDuff Parkway that extends adjacent to the school site to an elevation of 870 at the request of the Board of Education staff;
- c. The developer shall extend MacDuff Parkway at least to the southern boundary of the school property as a part of the initial phase of the development of the Centennial Subdivision. Also, the developer shall extend the properly sized water and sewer lines to the southern boundary of the school property at the time the Board of Education officially indicates it is ready to start construction of the school. All these extensions shall be at no cost to the Board or the City;
- d. The developer shall dedicate to the City, as a part of the initial phase of the development of the Centennial Subdivision, a 50-foot wide right-of-way from MacDuff Parkway to the western boundary of the annexation area along the southern boundary of the proposed school site and in a location acceptable to the City Engineer. The purpose of this right-of-way will be to provide a northern access route from the Wynnmeade area to MacDuff Parkway. The developer will not be responsible for any costs associated with building the road within this right-of-way;
- e. The developer shall dedicate to the City, at no cost to the City and as a part of the initial phase of the development of the Centennial Subdivision, a tract of land within the annexation area for a future fire and rescue station. The tract must be at least one acre of land that is suitable for the development of a fire and rescue station, and it must be acceptable to the City. The developer shall extend MacDuff Parkway to the site prior to the completion of construction of the fire and rescue station;

- f. In order to meet the requirements of the Traffic Impact Ordinance, the developer shall contribute a sum of \$34,000 to the contractor responsible for the GA 54 Home Depot/Wal-Mart improvements. This contribution will be specifically for the portion of the improvement project that is the developer's responsibility;
- g. The developer shall install a water main within the Centennial Subdivision that is sized as required by the Fayette County Water System and the Peachtree City Fire Department. An easement shall be provided, if needed, to allow for the creation of a loop with a similar water main to be installed in the Wynnmeade area;
- h. The developer shall establish deed covenants for the Centennial Subdivision that shall limit rental units within the subdivision to no more than 20 percent of the total number of dwelling units in the subdivision. The covenants shall provide for the strict enforcement of the limit on rental units, and the developer shall establish the administrative structure for that enforcement prior to the sale of the first dwelling unit in the subdivision;
- i. All residential units in the annexation area shall be separated from the developed lots in the Wynnmeade Subdivision with a buffer that provides for a reasonable visual separation between the properties;
- j. At all times during construction of the Centennial Subdivision, the developer shall maintain the City cart path from Wynnmeade to the pedestrian bridge over GA 74 in a condition that is both safe and fully functional; and
- k. The plan submitted as a part of the annexation request is illustrative only. The developer shall prepare a detailed development plan which must be approved by the Planning Commission as a part of the concept plat process.

FAYETTE COUNTY BOARD OF EDUCATION

210 STONEWALL AVENUE WEST
P.O. BOX 879
FAYETTEVILLE, GEORGIA 30214-0879
PHONE: (770) 460-3535
FAX: (770) 460-8191

"Where Excellence Counts"

DR. JOHN D. DECOTIS, EdD
SUPERINTENDENT

September 6, 2001

BOARD MEMBERS:
MICKEY LITTLEFIELD, CHAIR
GREG POWERS, VICE-CHAIR
MARION KEY
TERRI SMITH
JANET SMOLA

MEMORANDUM

To: Jim Williams
City of Peachtree City

From: Mike Satterfield, Facilities Director
Fayette County Schools System *msf*

Subject: Preliminary Katz Property Evaluation

Paw
for Council
for

The Fayette County School System has completed a preliminary evaluation of the Katz Property. A copy of that evaluation, prepared by Integrated Science and Engineering, is attached for your review. The school system has found the Katz Property to be an acceptable site for construction of our prototype elementary school provided those recommendations, contained in the preliminary evaluation, are agreeable to John Wieland Homes and the City of Peachtree City. Assuming that those recommendations set forth in the evaluation are acceptable to all three parties, the Fayette County Board of Education requests a formal written agreement be developed to clearly define the conditions of acceptance of the Katz Property from John Wieland Homes.

If you have any questions, please do not hesitate to call.

MS:bg

Attachment

CC: Dr. John DeCotis
Mr. Fred Oliver
Mr. Klaus Darnall
Mr. Jerry Whitaker

**INTEGRATED**
**Science &
Engineering**

Atlanta / Jacksonville

275 South Lee Street, Fayetteville, GA 30214
(p) 770.461.4292 (f) 770.461.4801

Memorandum

To: Mike Satterfield
Company: FCBOE
From: Jason Walls
Date: August 31, 2001
Subject: Preliminary Katz Property Evaluation

Project No.: 01083.00

Copy to: Klaus Darnall
Ron Feldner
file

The purpose of this memo is to provide several site requirements for the proposed Katz Property (Centennial Subdivision) being considered by the FCBOE in Peachtree City, Georgia. This memo is to supplement our previous Preliminary Katz Property Evaluation memo dated August 14, 2001, and does not supercede the conclusions and recommendations detailed within that memo.

Subsequent to our last memo, ISE has performed a preliminary geotechnical investigation of the site and received a revised property boundary from JWH. ISE continued to evaluate the layout of the facility on this new property boundary, and met with Mike Satterfield to review several site issues. Based on the information from our previous memo, and our subsequent evaluations of site, ISE offers the following conclusions and recommendations regarding this property:

- The geotechnical investigation did not encounter mass bedrock within the proposed excavation elevations. The soils encountered appeared suitable for the planned construction activities. Smaller rock and/or boulders may be encountered during earthwork activities. ISE will provide a more detailed report of geotechnical investigation to the FCBOE within the next several weeks.
- The geotechnical investigation did not encounter groundwater within the planned site grades. Because of the close proximity to the creek and wetlands/flood plain area, it is likely that moist soils may be encountered during earthwork activities. Temporary and/or permanent groundwater control measures may be necessary during construction activities for the planned site layout, especially if the playground area is at a lower elevation than the schools finished floor elevation.
- ISE provided two layouts for the proposed school site, both with a significant amount of earthwork required to bring the site to the planned finished floor elevation of approximately 868 feet. Each plan will require structural fill material to be hauled in to the site. Playground area will be limited for this site.



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Memorandum

- Because of the location and topography of the site with respect to the City of Peachtree City's sewer system, the site appears difficult to be provided City sewer service. ISE recommends that sewer service be provided by JWH for the proposed school site. At a finished floor elevation of approximately 868 feet, a sewer invert of approximately 855 feet is required at the southeastern corner of the site. It is likely that a small lift station may be required to sewer this site.
- ISE recommends that the maximum elevation of McDuff Parkway immediately in front of the school be limited to 870 feet, based on the site datum provided.
- Two driveway cuts will be required for the site, preferably one on McDuff Parkway and one on the proposed connector road between Wynn Meade Subdivision and McDuff Parkway. The FCBOE should ensure that the proposed driveway cuts are acceptable to both JWH and Peachtree City.
- The property north of the northern creek/wetlands area should not be accepted by the FCBOE.

Please be advised that these conclusions and recommendations are based on a preliminary grading plan and conceptual site layout prepared by ISE. ISE recommends that the FCBOE work out a written agreement with JWH to ensure that the various issues are addressed prior to finalizing the FCBOE's commitment to accept this property. If you have any questions or comments, or require any additional information, please feel free to contact either Ron Feldner or me at the office.

**INTEGRATED**
Science &
Engineering

Atlanta / Jacksonville

275 South Lee Street, Fayetteville, GA 30214
(p) 770.461.4292 (f) 770.461.4801**Memorandum**

To: Mike Satterfield
Company: FCBOE
From: Ron Feldner *RAF*
Date: August 14, 2001
Subject: Preliminary Katz Property Evaluation

Project No.: 1083.00

Copy to: Klaus Darnall
Jason Walls
file

The purpose of this memo is to document our preliminary observations and evaluations with regard to the proposed Katz property (Centennial Subdivision) being considered by the FCBOE in Peachtree City, Georgia. It is our understanding that the FCBOE is contemplating the acceptance of approximately 22.2 acres of land in the form of a donation from John Wieland Homes (JWH) within the proposed Centennial Subdivision.

ISE has reviewed site topographic information (aerial topography) and site plan data obtained from Rochester & Associates regarding the proposed school site. The site has a creek traversing the northern end near the property line. Wetlands and flood plains are shown on the plan in this northern area of the site. The current design plans call for a connector road between the existing Wynnemeade Subdivision and the future MacDuff Parkway located on the northern portion of the proposed school site adjacent to the existing wetlands. Additionally, a small corner of the proposed school site is designated for a potential future Fire Station site (1 acre).

To preliminarily evaluate the proposed school site, ISE has taken the prototype elementary school facility layout (building, parking, driveways, playground, etc.) and laid it out on the property. We also developed a preliminary site layout and grading plan for the entire site. Based on this information, ISE has provided a preliminary evaluation of the property as detailed below:

1. Based on the initial proposed site layout, the prototype elementary facility layout poses some site-specific challenges related to the property shape (i.e. triangle) and topography. Some of the issues are as follows:
 - The playground area is smaller than the desired size by the school system as a result of site topography and shape.
 - The bus entrance will need to be shifted to the west to allow the tie in at the corner bend in the proposed connector road, and therefore offset with the exit doors.
 - The topographic relief between the proposed parkway and school site could be problematic as it relates to driveway access and road visibility (see item 3. below)



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(p) 770.461.4292 (f) 770.461.4801

Memorandum

2. ISE recommends removing the proposed Fire Station from the parcel all together and moving the proposed connector road to the southern end of the property. This layout will likely alleviate the two of the issues stipulated in item 1.
3. A significant/unacceptable difference in elevation between the future MacDuff Parkway and the FFE of the proposed school building could pose a problem without possible modification of the future parkway elevation. The current planned elevation of the parkway is 880 feet and the JWH recommended FFE elevation of the school building for sanitary sewer purposes is approximately 870 feet. However, the preliminary grading plan that results in a "balanced" site calls for a FFE for the school building of approximately 864.5 feet. Based on this information, the FCBOE should work out an agreement with JWH to ensure that the elevation discrepancy between the proposed school site and the future parkway does not adversely impact the site (i.e. unacceptable driveway slope). Several issues could be evaluated including lowering the elevation of the future parkway and/or importing additional fill soils to build up the school site. Either option has cost implications for both the FCBOE and JWH (i.e. a FFE of 870 feet requires greater than 75,000 cubic yards of haul-in fill material).
4. Sanitary sewer should extend to the school property and be designed at an elevation to service the school site without the FCBOE incurring the costs associated with a lift station. It is our understanding from preliminary discussions with JWH that the proposed sewer (as established by JWH) will service a site FFE of approximately 870 feet. A gravity sewer elevation of 870 feet would require approximately 75,000 (or more) cubic yards of fill be imported into the site at a cost of approximately \$5 to \$10 per cubic yard. The FCBOE may want to request that JWH provide a pre-graded site to an elevation that is acceptable with regard to all the utility issues and site layout issues.
5. ISE does not feel that the FCBOE should accept the property located on the opposite side of the northern creek. This area is wetlands lying in the flood plain, and is not suitable for development.
6. The proposed FCBOE facility will require two median openings along the parkway, one at each entrance. The FCBOE should ensure that the location of these curb cuts is acceptable to both JWH and Peachtree City.



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Memorandum

In addition to the issues outlined above, ISE recommends that the FCBOE perform the standard due diligence work that has been performed on previous sites to ensure site suitability. These due diligence issues would include the following:

1. Phase I ESA
2. Boundary Survey
3. Detailed Site Grading Plan (preliminary grading plan is complete)
4. Geotechnical Evaluations (i.e. rock within deep cuts)
5. Wetlands
6. State BOE required Risk/Hazard Assessment
7. Flood Plain Impact, if any
8. Preliminary Site Development Cost Analysis

Please be advised that ISE's comments are based on a preliminary grading plan and conceptual site layout prepared by ISE. Discussions with JWH staff indicate that several design related issues are still being worked out with regard to the subdivision and it is conceivable that potential revisions could significantly impact the proposed school site (i.e. sewer, connector road alignment, parkway alignment and elevation, etc.). As such, we recommend that the FCBOE staff review this memo and the preliminary site layout/grading plan to establish if any additional site related issues pose a concern. We also recommend that the FCBOE work out a written agreement with JWH to ensure that the various issues are addressed prior to finalizing the FCBOE's commitment to accept this property. If you have any questions or comments, or require any additional information, please feel free to contact either Jason Walls or me at the office.

- f. The developer shall build, or pay to have built, the deceleration lane on GA 54 at Huddleston Drive that was identified for the proposed subdivision to meet the requirements set forth in the Traffic Impact Ordinance.
- g. The developer shall install a water main within the Centennial Subdivision that is sized as required by the Fayette County Water System and the Peachtree City Fire Department. This main shall be extended to the western boundary of the annexation area to allow for the creation of a loop with a similar water main to be installed in the Wynnmeade area. The developer shall not be responsible for extending the main onto the adjoining property;
- h. The developer shall establish deed covenants for the Centennial Subdivision that shall limit rental units within the subdivision to no more than 20 percent of the total number of dwelling units in the subdivision. The covenants shall provide for the strict enforcement of the limit on rental units, and the developer shall establish the administrative structure for that enforcement prior to the sale of the first dwelling unit in the subdivision; and
- i. All residential units in the annexation area shall be separated from the developed lots in the Wynnmeade Subdivision with a buffer that provides for a reasonable visual separation between the properties.

Recommendation:

Staff recommends that the annexation and zoning be approved essentially as recommended by the Planning Commission but with the following additional understandings, conditions, and modifications noted in bold type:

- 1. Condition a. should be revised to read "The developer, JWH, shall dedicate to the Board of Education, at no cost to the Board, a tract of land within the proposed annexation area for a future elementary school site. The tract **should** be at least 20 acres of land that is suitable for the development of a school, and it must be land that is acceptable to the Board."
- 2. Condition b. should be revised to read "The developer shall extend MacDuff Parkway to a location on the school site that will provide service to all access drives to the school, as dictated by the typical site plan for elementary schools that has been prepared by the Board. This extension must be done at no expense to the Board or the City, and it must be completed prior to the completion of construction of the school. **Also, the developer shall agree to grade the portion of MacDuff Parkway that extends adjacent to the school site to an elevation of 870 at the request of the Board of Education staff.**"

3. Condition c. should be revised to read, "The developer shall extend MacDuff Parkway at least to the southern boundary of the school property as a part of the initial phase of the development of the Centennial Subdivision. **Also, the developer shall extend the properly sized water and sewer lines to the southern boundary of the school property at the time the Board of Education officially indicates it is ready to start construction of the school.** All these extensions shall be at no cost to the Board or the City."
4. Condition d. should be revised to read, "The developer shall dedicate to the City, as a part of the initial phase of the development of the Centennial Subdivision, a 50-foot wide right-of-way from MacDuff Parkway to the western boundary of the annexation area **along the southern boundary of the proposed school site and in a location acceptable to the City Engineer.** The purpose of this right-of-way will be to provide a northern access route from the Wynnmeade area to MacDuff Parkway. The developer will not be responsible for any costs associated with building the road within this right-of-way."
5. Condition f. should be revised to read, "**In order to meet the requirements of the Traffic Impact Ordinance, the developer shall contribute a sum of \$34,000 to the contractor responsible for the GA 54 Home Depot/Wal-Mart improvements. This contribution will be specifically for the portion of the improvement project that is the developer's responsibility.**"
6. Condition g. should be revised to read, "The developer shall install a water main within the Centennial Subdivision that is sized as required by the Fayette County Water System and the Peachtree City Fire Department. **An easement shall be provided, if needed, to allow for the creation of a loop with a similar water main to be installed in the Wynnmeade area.**
7. Add a new condition j. to read, "**At all times during construction of the Centennial Subdivision, the developer shall maintain the City cart path from Wynnmeade to the pedestrian bridge over GA 74 in a condition that is both safe and fully functional**";
8. Add a new condition k. to read, ^{change} "The plan submitted as a part of the annexation request is illustrative only.) **The developer shall prepare a detailed development plan which must be approved by the Planning Commission as a part of the concept plat process.**"

A complete listing of these recommended conditions is included as Attachment "G." They have been reviewed by the developer, who indicated they would be acceptable.

The staff further recommends that Council take action to lift the Multi-Family Moratorium prior to approving this annexation. This is necessary because the developer has indicated his intention to develop some town homes in the annexation area. The City Attorney states that Council could lift the moratorium at the beginning of the public hearing without having to first advertise the matter (Attachment "H").

Finally, the staff recommends that, in response to the concerns expressed by the Board of Commissioners, the motion for approval of the annexation should contain a separate paragraph that categorically states the entire 182.2-acre tract will be limited to no more than 350 dwelling units and, in the event the school site is not accepted by the Board of Education, the area will not be used to increase the total number of dwelling units beyond the 350 limit.

JBW/jir

Attachments "A" – "H"

RESOLUTION

WHEREAS, the owner of all of a certain tract of land consisting of 80.65 acres which presently lies outside of the city limits of Peachtree City and which is a part of the Centennial subdivision has requested that this tract be annexed into Peachtree City;

WHEREAS, the City Council received information from City staff, the Fayette County Board of Commissioners, the Board of Education, and the developer regarding stipulations on how the property would be developed;

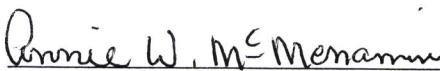
WHEREAS, after receiving and reviewing the stipulations, the City Council voted unanimously at its regular meeting of September 6, 2001, to annex the subject property with the stipulations entered into the Minutes of that meeting (a true and correct copy of those Minutes are attached hereto);

WHEREAS, to effectuate the completion of the annexation process, the City Attorney has prepared this Resolution which truly and accurately reflects the action taken by the City Council of Peachtree City on September 6, 2001.

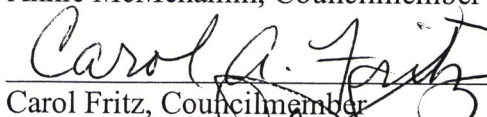
NOW, THEREFORE, the Mayor and City Councilmembers of September 6, 2001, hereby affix their signatures hereto.



Robert L. Lenox, Mayor



Annie McMenamin, Councilmember



Carol Fritz, Councilmember


Dan Tennant, Councilmember
Steve Rapson, Councilmember



Peachtree City

Georgia

September 10, 2001

John Wieland Homes and Neighborhoods, Inc.
ATTN: Dan Fields
1950 Sullivan Road
Atlanta, Georgia 30337

RE: Annexation and Zoning of the Wieland/Centennial Subdivision Tract

Dear Mr. Fields:

This letter is confirmation that your annexation and zoning request for GR-4 (General Residential-4) for the Centennial Subdivision Tract on MacDuff Parkway was approved by the City Council on September 6, 2001, with conditions. The conditions include the acceptance of all recommendations and conditions as reviewed by City staff and agreed to by the applicant at the meeting (these recommendations for conditions are included as an attachment to this letter); that no more than 350 units will be permitted on the entire combined sites; the conceptual site plan presented at the meeting is a substantial representation of what is ultimately developed subject to the Planning Commission's input; and that in perpetuity, a school site of 20 acres, more or less, shall be donated to the Board of Education which will revert to green space within seven years if not used by the Board of Education. The owner, the Board of Education, and the City will work out the details of whether a land trust or the homeowners' association will own the land.

Please retain this official notification for your records.

Sincerely,

Jane S. Miller
City Clerk

Attachment

cc: Developmental Services Director

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers
FROM: City Manager 
DATE: August 31, 2001
SUBJECT: Charter Revisions and Administrative Ordinances

At the last Council meeting, Council discussed the attached Charter revisions and the associated administrative ordinances, continuing the item to allow further time for review. As discussed on August 16, the ordinance addressing "Contempt of Council" has been removed.

The accompanying ordinances are as follows:

- Ordinance 763 – Organizational Structure of the Municipal Government
- Ordinance 764 – Procedure for Appointing Council Members or Mayor
- Ordinance 765 – Salaries and Expense Reimbursement for Council Members and the Mayor
- Ordinance 766 – Recording of Franchises
- Ordinance 767 – Maintenance of Council Meeting Minutes and Audio Tapes
- Ordinance 768 – Court Costs
- Ordinance 769 – Definition of Chief Administrative Officer
- Ordinance 770 – (Charter)
- Ordinance 771 – Appointment of Police Chief
- Ordinance 772 – Appointment of Fire Chief

Please advise if you have any questions or comments.

JB/bt

AN ORDINANCE TO ADD ARTICLE IV, SECTION 2-126 OF THE PEACHTREE CITY CODE OF ORDINANCES TO PROVIDE FOR THE ORGANIZATIONAL STRUCTURE OF THE MUNICIPAL GOVERNMENT AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 2-126 be added as follows:

ARTILCE IV. DIVISIONS

DIVISION 1. GENERALLY

Sec. 2-126 Organization

(a) The municipal government workforce shall be organized into six divisions **reporting to the City Manager** as follows:

(1) The Administrative Services Division, headed by the Administrative Services Director/**City Clerk**, shall be responsible for the Municipal Court, public information, human resources and City Clerk functions ~~and the operation of City Hall.~~

(2) The Developmental Services Division, headed by the Developmental Services Director, shall be responsible for planning, zoning, engineering, building inspection and code enforcement functions.

(3) The Financial Services Division, headed by the Financial Services Director, shall be responsible for the financial, accounting, treasury, information technology, purchasing, payroll, accounts receivable, accounts payable and budgeting functions.

(4) The Leisure Services Division, headed by the Leisure Services Director, shall be responsible for the Library, Recreation, parks and leisure facilities maintenance functions.

(5) The Public Safety Division shall be divided into two separate departments, **each of which shall be regarded as a division:**

(A) The Police Department, headed by the Police Chief, shall responsible for law enforcement, security, and safety educational functions.

(B) The Fire Department, headed by the Fire Chief, shall be responsible for fire suppression, fire prevention, fire inspections, fire investigations, public fire and life safety education, technical rescue, hazardous materials response and mitigation, emergency planning and management, and emergency medical

services functions.

(6) The Public Services Division, headed by the Public Services Director, shall be responsible for the Public Works functions, including the maintenance of city facilities, properties, infrastructure, vehicles and equipment, signage, and recycling functions.

(b) Each director or chief oversees the operations of the respective division and supervises the department heads within the division. The directors/chiefs report directly to the City Manager, serving in the capacity of Chief Administrative Officer, and, along with the city manager, comprise the city's senior management team.

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

Done, Ratified and Passed this ____ day of _____, 2001.

Mayor

City Council

City Clerk

AN ORDINANCE TO ADD SECTION 2-22 OF THE PEACHTREE CITY CODE OF
ORDINANCES TO PROVIDE FOR THE PROCEDURE FOR APPOINTING COUNCIL
MEMBERS OR MAYOR, AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 2-22 be added as follows:

In the event that city council is authorized to appoint an individual to fill a vacancy on the council, the following procedure shall be followed:

- (1) Within five (5) days of the occurrence of a vacancy on the city council, the mayor shall declare that a council seat is vacant and shall direct the city clerk to publish a notice in the legal organ of the city that the seat is vacant and that the city will accept applications from all citizens who are legally eligible to hold an elected council position.
- (2) Applications shall be accepted by the city clerk beginning Monday following the date the notice set forth in section 2-22(a) is published. Applications shall be accepted for one business week from 8:30 a.m. to 4:30 p.m. Monday through Friday unless such week contains a legal holiday in which case applications shall be accepted on the remaining business days of that week.
- (3) During the week following the acceptance of the applications on a date and time set by the mayor, the city council shall interview all of the applicants in a public meeting. The interviews shall consist of an oral presentation of no more than five minutes made by each candidate to the city council and no more than two questions from any single member of the city council to each applicant.
- (4) After all of the interviews are completed, each member of the city council shall rate the four applicants of whom he or she would like to have as a finalist for the appointment. The council members shall give a rating of "4" to his or her favorite applicant, a "3" to his or her next favorite, and so forth. If there are only three or four applicants, then the city council shall rate only two such applicants. If there are only two applicants, then the city council shall exclude this vote and proceed on to the procedure set forth in section 2-22(f).
- (5) The four applicants who receive the highest aggregate points shall be the four finalists. If more than one applicant ties for the fourth highest aggregate points, then all of those applicants who so tied shall also be included as a finalist. If the city council is only selecting two applicants to be finalist as provided in section 2-22(d), then the same procedure as set forth in this section shall be followed, but for only two finalists as opposed to four.

- (6) The finalists shall be further interviewed by the city council. After the interviews are completed, the mayor shall instruct the city council to rank each of the finalists in writing by assigning the number equal to the number of finalists for his or her favorite finalist (e.g., if there are four finalists, then the favorite would receive a ranking of "4"), a ranking of one less than the number of finalists for his or her second favorite (e.g., if there are four finalists, then the second favorite would receive a ranking of "3"), and so forth so that a numerical rating is given to each finalist. The finalist with the highest aggregate score shall be appointed as a council member for the vacant seat. In case there is a tie for the finalist with the highest aggregate score, then the mayor shall instruct the city council to vote publicly between the finalists who tied with the highest aggregate score. In the event the city council divides its vote equally between these finalists, then the finalist who received the highest aggregate score next to the two finalists who tied for the actual highest aggregate score shall be appointed to the city council. In the event of a tie for the next highest aggregate score, then the procedure set forth above shall continue until a finalist is selected to by the city council to fill the vacant seat.
- (7) All written votes shall be counted by the city manager and city attorney.
- (8) All written votes shall contain the name of the voting council member and shall be maintained following the meeting by the city clerk. All written votes are open records.

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

Done, Ratified and Passed this ____ day of _____, 2001.

Mayor

City Council

City Clerk Attest

AN ORDINANCE TO ADD SECTION 2-23 OF THE PEACHTREE CITY CODE OF ORDINANCES TO PROVIDE FOR THE SALARIES OF THE COUNCIL MEMBERS AND MAYOR, TO PROVIDE FOR THE REIMBURSEMENT OF CERTAIN EXPENSES INCURRED BY THE COUNCIL MEMBERS AND THE MAYOR, AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 2-23 be added as follows:

(a) The mayor shall receive \$9,000.00 annually which shall be paid to the mayor in twelve (12) equal monthly installments. This compensation is subject to all federal, state, and local taxes.

(b) The council members shall receive \$6,000.00 annually which shall be paid to each council member in twelve (12) equal monthly installments. This compensation is subject to all federal, state, and local taxes.

(c) The mayor and council members are entitled to reimbursement for all expenses incurred in the exercise of their responsibilities on behalf of the city. The mayor and council members shall follow the procedures established by the city for all city employees for reimbursements.

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

Done, Ratified and Passed this __ day of _____, 2001.

Mayor

City Council

City Clerk

AN ORDINANCE TO ADD SECTION 82-5 OF THE PEACHTREE CITY CODE OF
ORDINANCES TO PROVIDE FOR THE RECORDING OF ALL FRANCHISES GRANTED
BY THE CITY AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it
is hereby ordained by authority of the same, that Section 82-5 be added as follows:

A record of all franchises granted by the city council and the original of all written
franchise agreements shall be maintained by the city clerk. The record shall contain the name,
address, and telephone number of the entity holding the franchise, the term of the franchise, and
the location of the written agreement signed by the city with the franchise entity.

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

Done, Ratified and Passed this ___ day of _____, 2001.

Mayor

City Council

City Clerk

Attest

ORDINANCE NO. 767

AN ORDINANCE TO ADD SECTION 2-39 OF THE PEACHTREE CITY CODE OF ORDINANCES TO PROVIDE FOR THE MAINTENANCE OF COUNCIL MEETING MINUTES AND AUDIO TAPES AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 2-39 be added as follows:

The city clerk shall maintain all minutes and audio tapes of each city council meeting.

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

Done, Ratified and Passed this __ day of _____, 2001.

Mayor

City Council

City Clerk

AN ORDINANCE TO ADD SECTION 46-15 OF THE PEACHTREE CITY CODE OF ORDINANCES TO PROVIDE FOR THE ESTABLISHMENT OF COURT COSTS AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 46-15 be added as follows:

Unless otherwise established by ordinance, court costs shall be as determined by the judge of the municipal court.

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

Done, Ratified and Passed this ____ day of _____, 2001.

Mayor

City Council

City Clerk

AN ORDINANCE TO AMEND SECTION 1-2 OF THE PEACHTREE CITY CODE OF
ORDINANCES TO PROVIDE FOR THE DEFINITION OF CHIEF
ADMINISTRATIVE OFFICER

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that the definition of “Chief Administrative Officer” be added to Section 1-2 to read as follows:

Sec. 1-2 Definitions and rules of construction

Chief Administrative Officer. The term “Chief Administrative Officer” shall mean and be the same as the City Manager wherever found in this Code of Ordinances.

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

Done, Ratified and Passed this 16th day of August, 2001.

Mayor

City Council

City Clerk

ORDINANCE NO. 771

AN ORDINANCE TO DELETE SECTION 2-212 OF THE PEACHTREE CITY CODE OF ORDINANCES AND TO REPLACE IT WITH THE FOLLOWING ORDINANCE TO PROVIDE FOR THE PROCEDURE FOR APPOINTING CHIEF OF THE POLICE DEPARTMENT, ACCOUNTABILITY OF POICE DEPARTMENT PERSONNEL AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 2-212 be deleted and replaced with the following:

- (1) The chief of the police department shall be appointed by the mayor and council based upon recommendations received by the city manager. The chief of the police department shall serve without reappointment until terminated according to city policies or otherwise resigns.
- (2) All other police department personnel shall be accountable to the chief of the police department and to the city manager.
- (3) All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Done, Ratified and Passed this ____ day of _____, 2001.

Mayor

City Council

City Clerk Attest

ORDINANCE NO. 772

AN ORDINANCE TO DELETE SECTION 2-175 OF THE PEACHTREE CITY CODE OF ORDINANCES AND TO REPLACE IT WITH THE FOLLOWING ORDINANCE TO PROVIDE FOR THE PROCEDURE FOR APPOINTING CHIEF OF THE FIRE DEPARTMENT, ACCOUNTABILITY OF FIRE DEPARTMENT PERSONNEL AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 2-175 be deleted and replaced with the following:

- (1) The chief of the fire department shall be appointed by the mayor and council based upon recommendations received by the city manager. The chief of the fire department shall serve without reappointment until terminated according to city policies or otherwise resigns.
- (2) All other fire department personnel shall be accountable to the chief of the fire department and to the city manager.
- (3) All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Done, Ratified and Passed this ____ day of _____, 2001.

Mayor

City Council

City Clerk

AN ORDINANCE TO DELETE THE CHARTER IN ITS ENTIRETY AND TO REPLACE
WITH THE NEW CHARTER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that the charter for the city of Peachtree city be deleted in its entirety and replaced as follows:

ARTICLE I. IN GENERAL

Sec. 1.1 Reincorporation; corporate powers.

(a) Peachtree City, in Fayette County, and the inhabitants thereof, are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style Peachtree City, Georgia, and by that name shall have perpetual succession.

(b) Said city shall have full powers to govern itself by such ordinances, bylaws, rules and regulations for municipal purposes as may be deemed proper and not in conflict with this charter, the constitution or laws of this state or the United States.

(c) Said city shall have full power in and by said corporate name

(1) to contract and be contracted with;

(2) to sue and be sued;

(3) to plead and be impleaded;

(4) to purchase, hold, receive, enjoy, possess and retain for the use of and benefit of said Peachtree City or the inhabitants thereof in perpetuity or for any term, any estate, real or personal, or lands, tenements or hereditaments of any kind, within or without the limits of said city, for corporate purposes;

(5) to use, manage, improve, sell, convey, rent or lease any such estate or property;

(6) to have and use a common seal; and

(7) to perform all acts necessary or incident to its corporate existence or capacity.

(d) In addition, the city shall have all powers possible for a city to have as found in O.C.G.A. Sections 36-35-1 *et seq.* and as may be amended, Title 36 of the Official Code of Georgia and as may be amended, and all other provisions under the present or future constitution and laws of the state as fully and completely as though they were specifically enumerated in this charter.

(e) The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(f) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.

Sec. 1.2. Corporate limits.

(a) The boundaries of this city shall be and are defined as follows: All that territory and the inhabitants thereof embraced and contained in the sixth land district of Fayette County, Georgia, being

land lots numbered 24 to 63, inclusive, and portions of land lots numbered 19 to 21, inclusive, and all that territory and the inhabitants thereof embraced and contained in the seventh land district of Fayette County, Georgia, being land lots numbered 64 to 68, inclusive, and land lots numbered 90 to 103, inclusive, and land lots numbered 122 to 135, inclusive, and land lots numbered 155 to 162, inclusive, and portions of land lots numbered 63, 121, and 164, inclusive, and such tracts and parcels as shall be incorporated within the corporate limits of said city pursuant to law.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supercede for all purposes the earlier map or maps which it is designated to replace.

Sec. 1.3. Corporate authority and territorial jurisdiction of governing body and officers.

(a) The corporate authority of said city and the territorial jurisdiction of the governing body and the officers thereof shall extend, for police and sanitary purposes, over all lands which are controlled and all lands which may hereafter be owned or controlled by said city for waterworks, electric light, sewerage, drainage, or cemetery purposes outside of the territory as indicated in this Article.

(b) The governing body and officers of said city shall have full power and authority to make and enforce such ordinances, bylaws, rules and regulations as they may deem necessary to protect the land, premises, and other property referred to in this Article and all rights and interest of said city therein as fully and completely as if the same were located within the limits of said city proper as indicated in section 1.2 hereof.

ARTICLE II. GOVERNING BODY; DEPARTMENTS; APPOINTIVE OFFICERS

Sec. 2.1. Governing body; composition, quorum, meetings.

(a) The government of said city shall be vested in a mayor and four (4) councilmembers chosen as hereinafter provided, in such other officers and employees as required under the terms of the charter, and in such other officers and employees as the mayor and councilmembers consider necessary and proper to appoint and employ.

(b) The chief administrative and operational officer of the city shall be the city manager.

(c) The mayor and councilmembers of said city shall collectively be known as "Council of Peachtree City" (hereinafter sometimes referred to as "city council" or "council" and when so referred to shall be construed to mean the Council of Peachtree City), in which all legislative powers of said city shall be vested.

(d) Except as otherwise set forth below, the mayor and three (3) councilmembers, or four (4) councilmembers without the mayor, shall constitute a quorum of the city council. Less than a quorum may meet and compel the attendance of absentees as provided by ordinance. In the event the office of mayor and one or more offices of council shall become vacant or more than one office of council shall become vacant, then a quorum shall be the mayor and two (2) councilmembers, or three (3) councilmembers without the mayor. If two or more offices of council shall be vacant simultaneously or if the office of mayor and one or more offices of council shall be vacant simultaneously, then all of the remaining members of the council may meet to appoint persons to fill vacancies on the council, set the

date for a special election and qualification thereof, and, if necessary, appoint a provisional mayor pro tem.

(e) The city council shall meet at such specified time and place as may be provided by ordinance. Special meetings may be called at any time by the mayor upon giving not less than twenty-four (24) hours notice of said special meeting.

Sec. 2.2. Eligibility qualifications of mayor and councilmembers.

No person shall be eligible to hold the office of mayor or councilmember of said city unless he or she is twenty-one (21) years of age and is a qualified elector of said city who shall have continuously resided and maintained his or her domicile therein for at least six (6) months immediately preceding his or her election. Except as authorized by law, the mayor and councilmembers shall not hold any other city office or city employment during the term for which each such person was elected unless the mayor or councilmember affected shall first resign.

Sec. 2.3. Duties and authority of mayor.

The mayor shall be the chief executive officer of said city and it shall be his duty

- (1) to preside at all meetings of the city council;
- (2) to see that all meetings are conducted in a parliamentary manner;
- (3) to preserve order and decorum in such meetings;
- (4) to inflict such punishment upon any person guilty of contempt before said council as may be authorized by municipal ordinances;
- (5) to see that all laws, ordinances, rules, regulations and resolutions of the city council of said city are faithfully executed and enforced;
- (6) to appoint and be an *ex officio* member of all committees;
- (7) to see that all funds are properly accounted for and that all revenues are properly and promptly collected;
- (8) to inform the council from time to time of the general condition of said city and its affairs and recommend such measures as he may deem necessary or expedient for the welfare of said city;
- (9) to inspect or cause to be inspected by one or more of the councilmembers of said city the records and books of accounts of the city and see that they are properly and correctly kept to require such reports to be made by such city staff and given to the council;
- (10) to see that order is maintained in said city and that its property and effects are preserved;
- (11) to convene the council in extra session as frequently as he may deem proper;
- (12) to bind said city by signing any contract, obligation or other matter entered into and authorized by ordinance or resolution of the council of said city, properly passed in accordance with the provisions of this act; and
- (13) to do acts and things as may be proper and necessary in the proper conduct of the affairs of said city and as may be hereinafter authorized.

Subject to the limitations contained in this Charter, the said mayor shall exercise general supervision and jurisdiction over the affairs of the said city; however, the responsibility for the daily operation and administration of the city shall be delegated to the city manager who shall report on such activities to the mayor and councilmembers as hereinafter provided.

Sec. 2.4. Authority of mayor to vote.

The mayor shall be entitled to vote on all questions before the city council.

Sec. 2.5. Duties of mayor pro tem.

The mayor pro tem shall discharge the duties and exercise the powers and authority of the mayor in the absence, disability or disqualification of the mayor and during a vacancy in the office of mayor provided his rights and duties as councilmember shall remain unimpaired, except he shall not receive the salary or expense of a councilmember while receiving the salary and expense of mayor when there is a vacancy in the office of mayor.

Sec. 2.6. Duties of councilmembers.

Councilmembers shall work with the mayor in establishing city policies, drafting ordinances, handling budgetary matters, and addressing any other matters which come before city council in order to carry out the powers and responsibilities as enumerated in Sec.1.1.

Sec. 2.7. Date of municipal general election; election of mayor and councilmembers, post designation; assuming office; term; oath.

(a) Pursuant to the law commonly referred to as the Georgia Municipal Election Code, the municipal general election shall be conducted on the Tuesday next following the first Monday in November of odd numbered years.

(b) For the purposes of electing councilmembers, positions on the council shall be numbered as posts 1 through 4, respectively.

(c) In 1992, Peachtree City altered the length of the mayor and councilmembers' terms from two years to four years. After a period of transition, the elections for posts 1 and 2 are held every four years from 1995 forward. The elections for mayor and posts 3 and 4 are held every four years from 1993 forward. All persons elected shall assume office on the first meeting in January following the election except in the case of special elections when such elected official shall assume office at the first meeting following the certification of the election.

(d) After January 1, 1993, any mayor or councilmember who has been elected for two (2) consecutive four-year terms under the provisions of this Charter shall not be eligible to be elected for the same position of mayor or councilmember for the succeeding term; however, nothing contained herein shall prevent a person who has served as mayor for two (2) consecutive four-year terms to be eligible and qualified to be elected for a position as councilmember for the succeeding term. Likewise, nothing contained herein shall prevent a person who has served as councilmember for two (2) consecutive four-year terms to be eligible and qualified to be elected for a position as mayor for the succeeding term.

(e) The candidate for each respective office who shall receive the majority of votes cast for such office by the electors of said city shall be elected to such office.

(f) Candidates elected to office shall on or before the day of assuming office qualify by taking and subscribing before the municipal judge, the mayor, or some other officer authorized by law to administer oaths, the following oath: "I do solemnly swear or affirm that I will well and truly perform the duties of (mayor) (mayor pro tem) (councilmember) of Peachtree City by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of Peachtree City and that I will support and defend the Charter and ordinances thereof as well as the constitution and laws of the State of Georgia and of the United States of America. So help me God." Such oath shall be filed with the city clerk, who shall record the same upon the minutes of the meeting of the council of Peachtree

City, next following such filing, unless such oath is filed during a regular meeting of the said council in which latter case such oath shall be recorded upon the minutes of the meeting then in session.

Sec. 2.8. Filling vacancies on council.

(a) In the event that the office of mayor, or the office of any one or more of the councilmembers shall become vacant by death, resignation, removal or otherwise, and said vacancy or vacancies are for unexpired terms of twelve (12) months or less, then said vacancy or vacancies may be filled by appointment and selected by majority vote of the remaining members of the mayor and council in the case of vacancies in said council, and by the councilmembers in the case of a vacancy in the office of mayor.

(b) Persons so selected shall be duly qualified to fill such vacancies for the unexpired terms.

(c) Unless provided otherwise by ordinance, the mayor, or in the case of a vacancy in the office of mayor, the mayor pro tem, shall determine the procedure for council to follow in the appointment process; provided, however, that such procedure shall comply with the laws of the state and of the United States and, further, provided that such procedures are given to the members of council at least ten (10) days before the meeting during which such appointment is to be made.

(d) Should such vacancy or vacancies exceed twelve (12) months then a special election shall be called to determine the person who shall fill the unexpired term. The date of such special election shall comply with the laws of the state and of the United States. In the event of such vacancy or vacancies which exceed twelve (12) months, the city council may appoint an individual or individuals to fill such vacant office or offices until the date of the next available election. In no event shall any appointment be for a period exceeding one year.

Sec. 2.9. Declaration of vacancy in office of mayor or councilmember.

Should the mayor or any member of the council fail or refuse to perform the duties of his office for the term of three (3) consecutive months, or should any officer-elect refuse to qualify, the office may be, in the discretion of the majority of the remaining members of the council, declared vacant and the vacancy filled as above provided.

Sec. 2.10. Compensation of mayor and councilmembers as fixed; expenses of office allowable.

(a) The mayor shall receive an annual salary and each councilmember shall receive such annual salary as shall be established by ordinance during the proceeding term for which such official shall have been appointed or elected. Said salaries shall be paid in twelve (12) equal monthly installments on or before the last day of each month.

(b) In addition to their salaries, each councilmember may be reimbursed for actual out of pocket expenses incurred on behalf of the city as provided by ordinance.

(c) The city council may also provide for payment of all reasonable expenses which may be incurred by the mayor in the discharge of his duties, including such staff as may be appointed by the mayor.

Sec. 2.11. Organization of council; mayor pro tem; provisional mayor pro tem.

(a) The city council shall at its organizational meeting and thereafter at its first regular meeting in January of each year, elect one of its members mayor pro tem for a term of one year.

(b) Before entering on the discharge of his duties the mayor pro tem shall, in addition to the oath taken as councilmember, take the oath prescribed for mayor pro tem.

(c) In case neither the mayor nor mayor pro tem can attend to or discharge the duties of mayor, whatever the cause, the city council shall elect a provisional mayor pro tem to act until a mayor or mayor pro tem can act, from its membership, who shall take the same oath and be clothed with all of the rights, power and authority of mayor until a mayor or mayor pro tem can act.

Sec. 2.12. Council Interference with Administration.

The city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager except for purposes of gathering needed information which is of routine matters or is the type of information which such officers and employees can easily and quickly assemble. Except as provided above, the city council and its members shall not give orders directly to such officers and employees, either publicly or privately, but shall coordinate all orders and instructions through the city manager.

Sec. 2.13. Appointment of officers by council; removal.

The city council shall at its organizational meeting and thereafter at the discretion of city council appoint a clerk, a city attorney, a city auditor, a city judge, a city manager and any other city positions as required by ordinance. Such appointed individuals, after their initial appointment, need not be reappointed on an annual basis but shall serve subject to the pleasure of the mayor and council and may be removed from office by the council at any time; provided, further, that the mayor may suspend any such individual pending a meeting of the council to make a formal decision on the appropriate action to take.

Sec. 2.14. City Clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be the custodian of the official city seal and city records; maintain city council records as required by state law or by ordinance; and perform such other duties as may be required by the city council. The city clerk shall report to the city manager and shall be subject to all of the rights, privileges and obligations of the city's personnel policies; however, the city clerk can be terminated or removed from such position only by the city council. The city council may appoint the city manager to serve as the city clerk.

Sec. 2.15. City Attorney.

The city council shall appoint a city attorney, which may be a law firm, and shall provide for the payment of such attorney for the services rendered to the city. The city attorney shall be responsible for the representation and defense of the city in all litigation in which the city is a party and will coordinate such representation with all attorneys provided to the city through applicable insurance contracts, if any; shall be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney.

Sec. 2.16. City Auditor.

The city council shall appoint a city auditor who shall be a certified public accountant or accounting firm to ensure that the city's financial records are kept appropriately and according to the laws of this state and of the United States. The city auditor shall conduct an annual independent audit of all city accounts, funds and financial transactions. The audit shall be conducted according to generally accepted auditing principles.

Sec. 2.17. City Judge.

The city council shall appoint a city judge pursuant to the requirements of Section 8.2.

Sec. 2.18. City Manager

The mayor and council shall appoint and contract with a city manager who shall serve subject to the pleasure of the mayor and council for a term as set forth in the contract and according to state law. The title of such officer shall be city manager of the city. His salary shall be determined by the mayor and council and included as a part of the contract. Such officer shall be the chief administrative and operational officer of the city and shall perform such executive duties as may be delegated by the mayor and council. The city manager's job performance shall be evaluated and subject to review annually by the mayor and council.

Sec. 2.19. Officers appointed by council to perform described duties and give bond.

All officials appointed by said council shall discharge such duties in addition to those prescribed in this act as are, or may be, prescribed by ordinances of said council and shall give such bonds for the faithful discharge of their respective duties as said council may require; provided, the surety on the bond shall be a duly authorized guaranty or surety company, qualified to transact business in this state.

Sec. 2.20. Police department.

The city council shall create a police department which shall consist of a chief of police and such other police officers as the city council shall provide. Subject to the requirements of the laws of the state and of the United States, it shall be the duty of the chief of police and the police officers to make arrests, within and without the limits of said city of all persons violating any ordinance of said city, and to make arrests of all persons who have violated the penal statutes of this state or of the United States, either with or without warrant or summons therefor. They shall have power to release all persons upon such bond as may be prescribed by such ordinances. Said police force shall be so uniformed and armed as to be readily recognized by the public as peace officers, the arms and uniform to be furnished by the city and to remain the property of the city.

Sec. 2.21. Fire department.

The city council shall create a fire department which shall consist of a chief and such other officers as the city council shall provide. It shall be the responsibility of this department to provide the citizens of the city protection from fires and other such hazards as the city council shall deem appropriate. Additionally, the fire department may offer emergency medical services to the citizens of the city as deemed appropriate by the city council.

Sec. 2.22. Other divisions and departments; employees thereof.

The city council shall be and it is hereby authorized, without any further specific authorization on the part of the General Assembly, to create by proper ordinances such other divisions and departments and to prescribe their functions and the duties of the affairs and employees of such departments as it may deem necessary and for the best interest of the residents of Peachtree City.

ARTICLE III. REGISTRATION OF ELECTORS; ELECTIONS

Sec. 3.1. Qualifications of electors.

No person shall vote in any primary or election conducted by the city unless he shall be duly registered and possesses the qualifications prescribed by O.C.G.A. § 21-2-216 as now or hereinafter amended.

Sec. 3.2. Voting by person not qualified therefore.

Any person voting at any election of said city who is not a qualified voter according to the provisions of this charter, shall be guilty of a misdemeanor, and upon conviction therefor shall be punished as prescribed in the penal code of this state.

Sec. 3.3. Applicability of General Law.

All primaries and elections shall be held and conducted in accordance with the Georgia Municipal Election Code (Title 21, Chapter 3 of the Official Code of Georgia Annotated) as now or hereinafter amended.

ARTICLE IV. TAXATION; LICENSES; BORROWING

Sec. 4.1 Property Tax.

The city council may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of providing revenues to defray the costs of operating the city government, of governmental services, for the repayment of principal and interest on bonded indebtedness and other proper debts of the city, and for any other public purpose as determined by the city council in its discretion.

Sec. 4.2 Millage Rate; Due Dates; Payment Methods.

The city council, by ordinance, shall establish a millage rate for the city property tax with a due date as established by the Fayette County Tax Commissioner. The Fayette County Tax Commissioner shall be the official tax commissioner for the city; however, if the Fayette County Tax Commissioner fails or refuses to act as such, then the Director of Financial Services shall be the official tax commissioner for the city and shall have all the necessary duties and powers to carry out this position as permitted by law.

Sec. 4.3 General Obligation Bonds.

The city council shall have the power to issue bonds for the purpose of providing revenue to accomplish any project, program or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

Sec. 4.4 Revenue Bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such revenue bonds are to be serviced out of any revenue produced by the project, program or venture for which they were issued and shall not be a general obligation of the city.

Sec. 4.5 Short-Term Loans.

The city, with the approval of city council, may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

Sec. 4.6 Lease-Purchase Contracts.

The city, with the approval of city council, may enter into multi-year lease, purchase or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of section 36-60-13 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.

Sec. 4.7 Occupational, Business, and Other Taxes.

The city council by ordinance shall have the power to levy such occupation, business, and other taxes as are not denied by law. The city council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawful and may compel payment of such taxes as provided herein.

Sec. 4.8 Regulatory Fees; Permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business within the city to obtain a permit for such activity from the city and pay a regulatory fee for such permit. Such fees shall reflect the total cost to the city of regulating the activity, and if unpaid, shall be collected as provided herein.

Sec. 4.9 Franchises.

(a) The city council shall have the power to grant franchises for the use of the city's streets by telephone companies, electric companies, electric membership companies, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city council receives just and adequate compensation therefor. The city council shall provide by ordinance for the registration of all franchises.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of the city's streets for the purposes of railroads, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.

Sec. 4.10 Collection of Delinquent Taxes and Fees.

The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city by whatever means as are not precluded by law. This shall include providing for the dates when taxes or fees are due; late penalties and/or interest; issuance and execution of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

Sec. 4.11. Authority to license, regulate and control business and other activities.

Unless otherwise prohibited by law, the city council of said city shall have full power and authority to license, regulate and control all businesses and activities of every kind and character carried on within the corporate limits of said city unless prohibited from doing so by law.

Sec. 4.12. Revoking licenses and prohibiting operation.

(a) Unless otherwise prohibited by law, the city council of said city may revoke the license of, or prohibit the operation of, any business or establishment, in the event the same becomes a nuisance or is dangerous, hazardous or injurious to the health or morals of the inhabitants of said city.

(b) No revocation or prohibition shall occur without giving written notice to the person, firm or corporation conducting such business, said notice stating the reasons why such license is being revoked or prohibition is occurring, and affording such person, firm or corporation an opportunity to be heard on the question before the said council, the said notice setting forth the time and place of the hearing on the revocation or prohibition. At said hearing the person holding said license or conducting said business, or

the firm or corporation holding or conducting the same, may submit to said council whatever evidence he may desire touching upon the question of revocation of such license or prohibition of such business.

(c) The decision of the city council revoking any such license or prohibiting such business shall be final.

ARTICLE V. PERSONNEL

Sec. 5.1 Position Classification and Pay Plans.

The city manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan.

Sec. 5.2 Personnel Policies.

All employees serve at-will and may be removed from office at any time unless otherwise provided in this charter, by ordinance, or by adopted contract or personnel policies.

Sec. 5.3. Social security, hospitalization and workmen's compensation benefits for employees authorized.

The city council shall be authorized to provide insurance, retirement and other pension benefits, workmen's compensation benefits for its employees, their dependents and survivors, and shall be authorized to expend funds of said city. The city council shall be authorized to provide for social security benefits for its employees as provided by the laws of the United States.

ARTICLE VI. COUNCIL POWERS AS TO ANIMALS, EMINENT DOMAIN AND STREETS

Sec. 6.1. Council powers as to animals and fowl.

The city council of said city shall have the power and authority

- (1) to prevent all animals and fowl from running at large in said city;
- (2) to prevent and prohibit the keeping of grazing, herd, and other traditional farm animals within the city limits, or to regulate the manner in which they must be kept if allowed to remain;
- (3) to impound such animal, or animals as referred to above when found upon the streets of said city, and to charge such fees for same as they may prescribe, and in addition thereto charge for the keep of such animal or animals so impounded;
- (4) to sell such animals as referred to above when the owner or owners of such animal or animals so impounded, shall fail or refuse to pay the impounding fee and cost of keeping said animal or animals, and the proceeds applied to the payment of said fee and cost of keeping said animal or animals; or
- (5) to dispose of such animals under such rules and regulations as may be prescribed by said council.

Sec. 6.2. Condemnation of property for municipal purpose; eminent domain.

(a) The city council of said city shall have full powers and authority to condemn property to carry out any and all lawful purposes in the furtherance of its corporate functions, both governmental and proprietary, and when the power and authority granted by this section is exercised by said council it may be done, whether the land to be condemned is in the hands of an owner, trustee, administrator, guardian or

agent in the manner provided by Title 22 of the Official Code of Georgia Annotated and the acts amendatory thereof which by this reference thereto is incorporated herein as if set forth verbatim.

(b) This right of condemnation by the city shall extend beyond its corporate limits where the property to be condemned is needed by the city and is deemed useful by the council to afford and make available to the city such property for use in development and thereafter the operation, maintenance, repair, extension and improvement to any city facility, either governmental or proprietary.

(c) Without limiting the generality of the foregoing the city shall have full and complete power and authority to exercise the power of eminent domain to acquire rights to take water from navigable and nonnavigable streams and from lakes and other places within and without the corporate limits of said city and within and without the County of Fayette; and to exercise such power of eminent domain to acquire land or any interest therein, within and without the corporate limits of said city and within and without the County of Fayette, necessary for water, sewer, other utilities, and airport property and facilities, together with the usual and necessary appurtenances therefor, or such land or any interest therein necessary in order to lay out, grade, open, pave, straighten, maintain, elevate, lower, improve and relocate, streets, sidewalks, alleys, recreational paths, and ways on, in, across, along, through, under or over private property, and property already devoted to public use, and particularly Fayette County School District property; and also under, over or across the rights-of-way of public utility companies, railroads, and all others having the right to acquire private property by exercise of the power of eminent domain or any similar power.

Sec. 6.3. Street powers.

(a) Said city shall have full and complete power and authority to open, lay out, grade, widen, construct, pave, re-pave, curb, and otherwise permanently improve any and all publicly owned streets, sidewalks, alleys, recreational paths, and ways, and to maintain, relocate, repair, re-pave, extend, abandon or close them, and to construct, maintain, repair, replace and remove street curbing, streets, sidewalks, alleys, recreational paths, or ways.

(b) (i) To provide funds for the purpose of improving or removing sidewalks, curbing and sewer, the associated construction costs, except costs of sewers which cannot serve the abutting real estate nor the owners thereof, may be assessed against the abutting real estate and owners thereof, but only on the side of the street on which such improvements are made, if on one side only.

(ii) To provide funds for these purpose of improving or removing streets, alleys and ways, one-third of the associated construction costs may be assessed against abutting real estate and owners thereof on one side of such street, and one-third ($\frac{1}{3}$) against abutting real estate and the owners thereof on the other side, the city paying the remaining third. In real estate subdivisions all street construction costs may be assessed against the abutting real estate and owners thereof.

(iii) To provide funds for these purpose of improving or removing recreational paths, one-half of the associated construction costs may be assessed against the owners of and all real estate situated in a subdivision to which or in which such new recreational paths are constructed or removed. The city shall pay the remaining one-half.

(c) Cost of maintenance and repair of all city streets shall be paid out of the city treasury except in special cases provided for by city ordinance.

ARTICLE VII. PUBLIC IMPROVEMENTS; ASSESSMENT

Sec. 7.1 Improvement assessment.

(a) Provision shall be made by ordinance for all sewer, sidewalk, street, alley, recreational path, way, or street curbing construction, maintenance or repairs if any part of the cost thereof is to be assessed against abutting or other real estate or the owners thereof.

(b) After the first reading of such ordinance, notice that it has been introduced shall be published one time by the city clerk in the legal organ of the city to appear at least eight (8) days before final passage of said ordinance. Said notice shall state that such ordinance has been introduced in the council and shall include a general description of the improvement, its location, estimated cost, and shall state that the actual cost or such part thereof as the ordinance provides, will be assessed against the abutting real estate and the owners thereof, or against such real estate and the owners thereof as shall be benefitted by such improvement, and that anyone objecting to such improvement, or objecting to the amount of his or her assessment may appear and make such objections at the next regular meeting of the council after the expiration of said eight (8) days. Notice shall also be sent by the city clerk via certified mail to the owners of such property at the street address of all real estate which is affected by the assessment. Receipt of the notice by the owner of the real estate is not required. Information concerning names of owners and street addresses obtained from the Fayette County Tax Commissioner's Office shall be deemed to be adequate for the purposes of providing this notice. No other or further notice of any kind shall be required, but if some other notice is given or ordered to be given, failure to give such additional notice shall not invalidate such ordinance or the assessment of such costs or the lien herein created against such abutting or other real estate nor the ordinance assessing the costs of such improvement. The second reading of such ordinance shall not be waived until the expiration of said eight (8) days after said publication of notice required by this section. But after the expiration of said eight (8) day notice such ordinances may be taken up and adopted at any regular meeting of the council without further notice.

Sec. 7.2. Improvement assessment against public property.

When the city council orders any sewer, sidewalk, street, alley, recreational path, way, or street curbing paved or otherwise improved, upon which any public property abuts, the city council shall assess the cost of such improvements against said public property in the same manner and to the same extent as it does where private property is assessed. And when any sewer, sidewalk, street, alley, recreational path, way, or street curbing is paved or otherwise improved upon which public property abuts and the public officer or agency controlling such public property fails or refuses to pay the assessed cost of such improvements the city council shall enforce payment of the same by levy and sale, mandamus or other appropriate legal proceedings; provided, such action for collection of the assessed cost of such improvements upon which public property abuts may be defended by the authorities in control of said public property by proving that the amount claimed to be due, or some part thereof, is not justly due or owing by said authorities; and, provided further, that when any action is begun and said authorities admit that part of the amount claimed is due, the amount so admitted to be due shall be paid as a condition precedent before any defense shall be heard by any court.

Sec. 7.3. Scope of improvement assessment.

(a) Cost assessed against abutting or other property and the owners thereof for sewer, sidewalk, street, alley, recreational path, way, or street curbing shall, except as otherwise provided by this act,

include all cost of such improvement, including necessary engineering, surveying, ditching, back filling, grading, blasting, dynamiting, pipe, and all other labor and materials, and shall include tearing up and reconstructing, re-paving, repairing and replacing of sewer, sidewalk, street, alley, recreational path, way, or street curbing, and extending, relocating and regrading for any of these, to the private property line of the property assessed.

(b) Expense of maintenance and repairs of street, alley, recreational path, or way shall not be assessed against abutting real estate, but cost of maintenance and repairs of sidewalks, curbing and service sewers may be so assessed.

Sec. 7.4. Lien for improvement cost.

(a) To secure costs of sewer, sidewalk, street, alley, recreational path, way, or street curbing assessed against abutting or other real estate and the owners thereof, and costs of repair of any of these, said city shall have a lien against such abutting real estate and the owners thereof, or against the real estate and the owners thereof for the primary benefit of which such improvement is made, from the date of adoption of the ordinance providing for the work and assessing the cost, which lien shall be prior and superior to all other except state, county and city taxes, and said city shall have the right to sell and transfer all such liens and claims to third parties, who shall be protected by the same lien and rights as the city has and holds against such property and the owners thereof.

(b) Nothing in this section shall be construed to deprive the property owner of the right of paying for said improvement in cash at the completion of the work if he desires to do so.

Sec. 7.5. Installment payment of improvement assessments.

When any sewer, sidewalk, street, alley, recreational path, way, or street curbing or other improvement shall be constructed, reconstructed, repaired or replaced, pursuant to an ordinance providing for the same and providing for assessment of the cost thereof, or a part thereof, against the abutting or other real estate, the owners thereof shall be allowed to pay for the same, except in case of repairs, as follows: One-fifth ($\frac{1}{5}$) cash and the balance in four (4) equal annual installments within the next four (4) years thereafter, with interest on said deferred installments at the rate of seven (7) percent per annum from the date of adoption of the final assessment ordinance.

Sec. 7.6. Assessment of sidewalk cost.

Sidewalks shall be constructed on one side of a street and the cost thereof assessed against the abutting real estate and owners thereof on that side of such street if the owners of more than fifty (50) percent of the street frontage on that side of said street so request. Sidewalks may be constructed on either or both sides of a street, and the cost thereof shall be assessed against the abutting or other real estate and the owners thereof, without the consent of any of such abutting or other real estate owners when the city council deems it proper or desirable for such sidewalks to be laid and they are not laid for the primary benefit of persons other than such abutting or other real estate owner.

Sec. 7.7. Due date of improvement assessments.

Costs assessed against property and the owner thereof for sewer, sidewalk, street, alley, recreational path, way, street curbing or other like or similar work shall all become due and payable in full if any installment is not paid within sixty (60) days from the day it is due.

Sec. 7.8. Execution for improvement assessments.

The city council shall have full power and authority to enforce collection of amounts so assessed

by execution against the real estate so assessed and the owner thereof at the date of the ordinance providing for the work, which execution, if not paid, shall be issued by the clerk of the city and levied on such real estate by the chief of police, as city marshal, or his lawful deputy, and after advertisement as in cases of sales for Peachtree City taxes, such property shall be sold at public outcry to the highest bidder for cash, if such execution and costs have not been previously paid; provided such property owner shall have the right to file an affidavit denying that the whole or some part of the amount for which the execution issued is owing or due, and stating what amount, if any, he admits to be owing, which amount so admitted to be owing shall be paid to the levying officer before the affidavit shall be received, which affidavit when received shall be returned to the Superior Court of Fayette County and there tried and the issue determined, as in case of illegalities, subject to all the penalties provided by law in cases of illegality filed for delay only.

Sec. 7.9. Payment of street paving cost by railroads; street tax on public carriers.

(a) Any street railroad company or other railway company having a track or tracks running along or across a street, alley, recreational path, or way of the city shall be required to pay the cost in full for paving or otherwise improving such street, alley, recreational path, or way between their tracks and two (2) feet on each side thereof.

(b) Any bus company or other public transportation company shall also be liable for such street taxes as the council may lawfully impose.

ARTICLE VIII. MUNICIPAL COURT

Sec. 8.1. Creation. (a) There is hereby established a court to be known as the "Municipal Court of Peachtree City" which shall have jurisdiction and authority to try offenses against laws and ordinances of said city and to punish for a violation of the same.

(b) This court shall have the power

(1) to enforce its judgments by the imposition of such penalties as may be provided by law;

(2) to punish witnesses for nonattendance, and to punish also any person who may counsel or advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before said court, to go or move beyond the reach of the process of the court;

(3) to try all offenses within the territorial limits of Peachtree City constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to the extent of and in accordance with the provisions of such laws and all laws subsequently enacted amendatory thereof;

(4) to establish bail or recognizance to insure the presence of those charged with violations and to prescribe the conditions of forfeiture of the same; and

(5) to administer oaths and to perform all other acts necessary and proper to the conduct of said court.

(c) The presiding officer of such court shall be known as the judge.

(d) Said court shall be convened at such times as designated by ordinance or at such times as deemed necessary by the judge to keep current the dockets thereof.

(e) The court shall sit at a place designated by the council.

Sec. 8.2. Judge.

(a) No person shall be qualified or eligible to serve as judge unless he shall have attained the age

of twenty-one (21) years, and shall not have been convicted of a crime involving moral turpitude.

(b) No person shall be qualified or eligible to serve as judge unless he shall be a licensed member of the Georgia State Bar, in good standing, who is also licensed to practice law in the State of Georgia.

(c) Neither the mayor, any member of council, appointed officer, nor any employee of Peachtree City shall be qualified or eligible to serve as judge.

(d) The judge shall be appointed by the city council and shall serve at the discretion of the city council. The compensation of the judge shall be fixed by the city council.

(e) The judge pro hac vice shall serve in the absence or disqualification of the judge; shall have the same qualifications as the judge; and shall be appointed by the city council.

(f) Before entering on duties of his office, the judge or judge pro hac vice shall take an oath before the mayor or mayor pro tem, that he will truly, honestly and faithfully discharge the duties of his office to the best of his ability without fear, favor or partiality. This oath shall be entered upon the minutes of the meeting of the mayor and council.

Sec. 8.3. Jurisdiction.

(a) Unless a lesser penalty is provided by ordinance or a greater penalty is provided by general law, the judge shall have power to impose fines, costs and forfeitures for the violation of any law or ordinance of Peachtree City passed in accordance with this Charter as follows:

(1) to impose a fine in an amount not to exceed one thousand dollars (\$1,000.00) for each offense;

(2) to imprison offenders for a period of not more than six (6) months for each offense;

(3) to commit offenders to community service for not more than forty (40) hours per week for a period of not more than six (6) months for each offense; and

(4) to combine any one or more of these punishments in the discretion of the judge.

(b) Said judge shall not have the authority to inflict a greater punishment for contempt than to impose a fine of two hundred dollars (\$200.00) or imprisonment not exceeding ten (10) days, or any combination of the two.

(c) The judge shall be authorized to issue warrants for offenses committed within the corporate limits of Peachtree City, which warrants may be executed by any police officer of said city, and to commit the offenders to jail or admit them to bail or recognizance in bailable cases for their appearance at the next term of court of competent jurisdiction.

(d) The judge is hereby authorized to issue subpoenas to compel the attendance of witnesses to said municipal court, and to issue such other processes as may be necessary for the proper administration of said court.

(e) The municipal court shall also have concurrent jurisdiction with that of the magistrate over offenses against the criminal laws of the state committed within the corporate limits of the city.

(f) Except as may be herein otherwise specified, the judge is vested with all of the jurisdiction and powers as to the entire area within the corporate limits of Peachtree City.

(g) The municipal court is specifically invested with all jurisdiction and powers throughout the entire area within the corporate limits of the city granted by state laws generally to municipal courts and particularly such laws as authorized the abatement of nuisances.

(h) Said judge is hereby authorized to administer oaths.

Sec. 8.4. Right of judicial review of final judgments and sentences.

Any defendant who is dissatisfied with the judgment or sentence of the municipal court shall have the right to seek review of said judgment or sentence by filing a petition for the writ of certiorari in the superior court of Fayette County as provided by the general law of this state. Upon the filing of a notice of intention to petition for certiorari with the clerk of the municipal court in writing and within ten (10) days after the date of the final judgment, it shall be the duty of the judge of said court to assess a reasonable bond pending the review of the judgment of conviction, with such surety or sureties to be approved by the clerk of said court, and such bond, when filed and approved as provided herein, shall act as a supersedeas of judgment until the final judgment of the superior court.

Sec. 8.5. Court costs.

In all cases in the municipal court of Peachtree City, the costs incurred and allowable herein may be computed under the provisions of the laws of the State of Georgia fixing costs in the courts of said state or the city council may establish by ordinance a schedule of fees to defray the costs of operation. The council may also provide a uniform scale of costs of the clerk and police officers of said city for all services in the arrest and prosecution of offenders in the municipal court and in the issuance and collection of tax and other executions; and for their collections and payment into the city treasury.

Sec. 8.6. Rules for court.

With the approval of the mayor and council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the business of said court; provided, however, that the mayor and council may adopt in part or in toto the rules and regulations relative to the procedures to the operation of the superior courts under the general laws of the State of Georgia.

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.1. Existing Ordinances, Resolutions, Rules and Regulations.

All ordinances, resolutions, rules and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the city council.

Sec. 9.2. Existing Personnel and Officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges and powers shall continue beyond the time this charter takes effect until otherwise decided by the city council.

Sec. 9.3. Pending Matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city personnel or officers as may be provided by the city council.

Sec. 9.4. Severability.

If any article, section, subsection, paragraph, or sentence of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph and sentence be enacted separately and independent of each other.

Sec. 9.5. Gender.

The use of masculine pronouns in the charter shall include the feminine.

Sec. 9.6. Repealer.

All other laws and parts of laws in conflict with this charter are hereby repealed.

Sec. 9.7. Effective Date.

This charter shall become effective on its passage.

Done, Ratified and Passed this 6th day of September 2001.

Robert L. Long
Mayor

Carol A. Fritz
Jan T. Finner
Annie W. McMenami
Steve Ray
City Council

Jan D. Miller Attest
City Clerk

AN ORDINANCE TO ADD ARTICLE IV, SECTION 2-126 OF THE PEACHTREE CITY
CODE OF ORDINANCES TO PROVIDE FOR THE ORGANIZATIONAL STRUCTURE OF
THE MUNICIPAL GOVERNMENT AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it
is hereby ordained by authority of the same, that Section 2-126 be added as follows:

ARTILCE IV. DIVISIONS

DIVISION 1. GENERALLY

Sec. 2-126 Organization

(a) The municipal government workforce shall be organized into six divisions
reporting to the City Manager as follows:

(1) The Administrative Services Division, headed by the Administrative Services
Director/City Clerk, shall be responsible for the Municipal Court, public information, human
resources and City Clerk functions.

(2) The Developmental Services Division, headed by the Developmental Services
Director, shall be responsible for planning, zoning, engineering, building inspection and code
enforcement functions.

(3) The Financial Services Division, headed by the Financial Services Director,
shall be responsible for the financial, accounting, treasury, information technology, purchasing,
payroll, accounts receivable, accounts payable and budgeting functions.

(4) The Leisure Services Division, headed by the Leisure Services Director, shall
be responsible for the Library, Recreation, parks and leisure facilities maintenance functions.

(5) The Public Safety Division shall be divided into two separate departments,
each of which shall be regarded as a division:

(A) The Police Department, headed by the Police Chief, shall responsible
for law enforcement, security, and safety educational functions.

(B) The Fire Department, headed by the Fire Chief, shall be responsible
for fire suppression, fire prevention, fire inspections, fire investigations, public
fire and life safety education, technical rescue, hazardous materials response and
mitigation, emergency planning and management, and emergency medical

services functions.

(6) The Public Services Division, headed by the Public Services Director, shall be responsible for the Public Works functions, including the maintenance of city facilities, properties, infrastructure, vehicles and equipment, signage, and recycling functions.

(b) Each director or chief oversees the operations of the respective division and supervises the department heads within the division. The directors/chiefs report directly to the City Manager, serving in the capacity of Chief Administrative Officer, and, along with the city manager, comprise the city's senior management team.

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

Done, Ratified and Passed this 6th day of September 2001.

Robert L. Lutz
Mayor

Carol A. Fritz
Janet K. Krumm
Donnie W. McMenamin

John R. Rapp
City Council

Jan S. Miller Attest
City Clerk

AN ORDINANCE TO ADD SECTION 2-22 OF THE PEACHTREE CITY CODE OF ORDINANCES TO PROVIDE FOR THE PROCEDURE FOR APPOINTING COUNCIL MEMBERS OR MAYOR, AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 2-22 be added as follows:

In the event that city council is authorized to appoint an individual to fill a vacancy on the council, the following procedure shall be followed:

- (1) Within five (5) days of the occurrence of a vacancy on the city council, the mayor shall declare that a council seat is vacant and shall direct the city clerk to publish a notice in the legal organ of the city that the seat is vacant and that the city will accept applications from all citizens who are legally eligible to hold an elected council position.
- (2) Applications shall be accepted by the city clerk beginning Monday following the date the notice set forth in section 2-22(a) is published. Applications shall be accepted for one business week from 8:30 a.m. to 4:30 p.m. Monday through Friday unless such week contains a legal holiday in which case applications shall be accepted on the remaining business days of that week.
- (3) During the week following the acceptance of the applications on a date and time set by the mayor, the city council shall interview all of the applicants in a public meeting. The interviews shall consist of an oral presentation of no more than five minutes made by each candidate to the city council and no more than two questions from any single member of the city council to each applicant.
- (4) After all of the interviews are completed, each member of the city council shall rate the four applicants of whom he or she would like to have as a finalist for the appointment. The council members shall give a rating of "4" to his or her favorite applicant, a "3" to his or her next favorite, and so forth. If there are only three or four applicants, then the city council shall rate only two such applicants. If there are only two applicants, then the city council shall exclude this vote and proceed on to the procedure set forth in section 2-22(f).
- (5) The four applicants who receive the highest aggregate points shall be the four finalists. If more than one applicant ties for the fourth highest aggregate points, then all of those applicants who so tied shall also be included as a finalist. If the city council is only selecting two applicants to be finalist as provided in section 2-22(d), then the same procedure as set forth in this section shall be followed, but for only two finalists as opposed to four.

- (6) The finalists shall be further interviewed by the city council. After the interviews are completed, the mayor shall instruct the city council to rank each of the finalists in writing by assigning the number equal to the number of finalists for his or her favorite finalist (e.g., if there are four finalists, then the favorite would receive a ranking of "4"), a ranking of one less than the number of finalists for his or her second favorite (e.g., if there are four finalists, then the second favorite would receive a ranking of "3"), and so forth so that a numerical rating is given to each finalist. The finalist with the highest aggregate score shall be appointed as a council member for the vacant seat. In case there is a tie for the finalist with the highest aggregate score, then the mayor shall instruct the city council to vote publicly between the finalists who tied with the highest aggregate score. In the event the city council divides its vote equally between these finalists, then the finalist who received the highest aggregate score next to the two finalists who tied for the actual highest aggregate score shall be appointed to the city council. In the event of a tie for the next highest aggregate score, then the procedure set forth above shall continue until a finalist is selected to by the city council to fill the vacant seat.
- (7) All written votes shall be counted by the city manager and city attorney.
- (8) All written votes shall contain the name of the voting council member and shall be maintained following the meeting by the city clerk. All written votes are open records.

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

Done, Ratified and Passed this 6th day of September, 2001.

Robert L. Lutz
Mayor

Carol A. Fink
Ann W. McMenamin
[Signature]
City Council

[Signature] Attest
City Clerk

AN ORDINANCE TO ADD SECTION 2-23 OF THE PEACHTREE CITY CODE OF ORDINANCES TO PROVIDE FOR THE SALARIES OF THE COUNCIL MEMBERS AND MAYOR, TO PROVIDE FOR THE REIMBURSEMENT OF CERTAIN EXPENSES INCURRED BY THE COUNCIL MEMBERS AND THE MAYOR, AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 2-23 be added as follows:

- (a) The mayor shall receive \$9,000.00 annually which shall be paid to the mayor in twelve (12) equal monthly installments. This compensation is subject to all federal, state, and local taxes.
- (b) The council members shall receive \$6,000.00 annually which shall be paid to each council member in twelve (12) equal monthly installments. This compensation is subject to all federal, state, and local taxes.
- (c) The mayor and council members are entitled to reimbursement for all expenses incurred in the exercise of their responsibilities on behalf of the city. The mayor and council members shall follow the procedures established by the city for all city employees for reimbursements.

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

Done, Ratified and Passed this 6th day of September, 2001.

Robert L. Lauf
Mayor

Carol A. Fritz
Ann W. McMenamin
[Signature]
City Council

[Signature] Attest
City Clerk

AN ORDINANCE TO ADD SECTION 82-5 OF THE PEACHTREE CITY CODE OF
ORDINANCES TO PROVIDE FOR THE RECORDING OF ALL FRANCHISES GRANTED
BY THE CITY AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it
is hereby ordained by authority of the same, that Section 82-5 be added as follows:

A record of all franchises granted by the city council and the original of all written
franchise agreements shall be maintained by the city clerk. . The record shall contain the name,
address, and telephone number of the entity holding the franchise, the term of the franchise, and
the location of the written agreement signed by the city with the franchise entity.

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

Done, Ratified and Passed this 6th day of Sept 2001.

Robert L. Lauf
Mayor

Carol G. Fritz
Donna R. [Signature]
Annie W. McMenamin
[Signature]
City Council

[Signature] Attest
City Clerk

AN ORDINANCE TO ADD SECTION 2-39 OF THE PEACHTREE CITY CODE OF
ORDINANCES TO PROVIDE FOR THE MAINTENANCE OF COUNCIL MEETING
MINUTES AND AUDIO TAPES AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it
is hereby ordained by authority of the same, that Section 2-39 be added as follows:

The city clerk shall maintain all minutes and audio tapes of each city council meeting.

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

Done, Ratified and Passed this 14th day of September 2001.

Robert L. Long
Mayor

Carol A. Frost
June R. Russell
Annice W. McMenamin
Steven A. [Signature]
City Council

J. S. Miller Attest
City Clerk

AN ORDINANCE TO ADD SECTION 46-15 OF THE PEACHTREE CITY CODE OF
ORDINANCES TO PROVIDE FOR THE ESTABLISHMENT OF COURT COSTS AND FOR
OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it
is hereby ordained by authority of the same, that Section 46-15 be added as follows:

Unless otherwise established by ordinance, court costs shall be as determined by the
judge of the municipal court.

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

Done, Ratified and Passed this 6th day of September 2001.

Robert L. Long
Mayor

Carol A. Felt
James D. Felt
Annie W. McMenamin
John R. Felt
City Council

John R. Felt Attest
City Clerk

AN ORDINANCE TO AMEND SECTION 1-2 OF THE PEACHTREE CITY CODE OF
ORDINANCES TO PROVIDE FOR THE DEFINITION OF CHIEF
ADMINISTRATIVE OFFICER

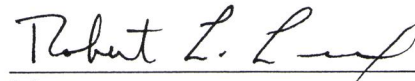
BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it
is hereby ordained by authority of the same, that the definition of "Chief Administrative Officer"
be added to Section 1-2 to read as follows:

Sec. 1-2 Definitions and rules of construction

Chief Administrative Officer. The term "Chief Administrative Officer" shall mean and be
the same as the City Manager wherever found in this Code of Ordinances.

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

Done, Ratified and Passed this ⁶~~16~~th day of ^{September}~~August~~, 2001.

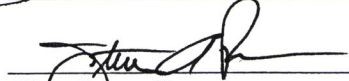


Mayor

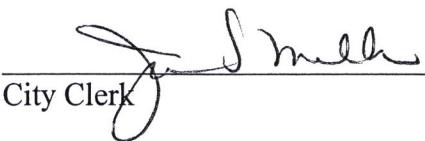








City Council



City Clerk

Attest

ORDINANCE NO. 772

AN ORDINANCE TO DELETE SECTION 2-175 OF THE PEACHTREE CITY CODE OF ORDINANCES AND TO REPLACE IT WITH THE FOLLOWING ORDINANCE TO PROVIDE FOR THE PROCEDURE FOR APPOINTING CHIEF OF THE FIRE DEPARTMENT, ACCOUNTABILITY OF FIRE DEPARTMENT PERSONNEL AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 2-175 be deleted and replaced with the following:

- (1) The chief of the fire department shall be appointed by the mayor and council based upon recommendations received by the city manager. The chief of the fire department shall serve without reappointment until terminated according to city policies or otherwise resigns.
- (2) All other fire department personnel shall be accountable to the chief of the fire department and to the city manager.
- (3) All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Done, Ratified and Passed this 6th day of Sept, 2001.

Robert L. Long
Mayor

Carol A. Fritz
Lou O'Brien
Annie W. McMenamin
Steve Ray
City Council

Jane S. Miller Attest
City Clerk

ORDINANCE NO. 771

AN ORDINANCE TO DELETE SECTION 2-212 OF THE PEACHTREE CITY CODE OF ORDINANCES AND TO REPLACE IT WITH THE FOLLOWING ORDINANCE TO PROVIDE FOR THE PROCEDURE FOR APPOINTING CHIEF OF THE POLICE DEPARTMENT, ACCOUNTABILITY OF POICE DEPARTMENT PERSONNEL AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 2-212 be deleted and replaced with the following:

- (1) The chief of the police department shall be appointed by the mayor and council based upon recommendations received by the city manager. The chief of the police department shall serve without reappointment until terminated according to city policies or otherwise resigns.
- (2) All other police department personnel shall be accountable to the chief of the police department and to the city manager.
- (3) All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Done, Ratified and Passed this 6th day of September 2001.

Robert L. Long
Mayor

Carol A. Fritz
David R. Smith
Annie W. M. Menam
John R. Smith
City Council

John R. Smith Attest
City Clerk

AN ORDINANCE TO AMEND
THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
TO PROVIDE FOR SOIL EROSION AND SEDIMENTATION CONTROL
AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 1004 of the Land Development Ordinance be deleted in its entirety and replaced with a new Section 1004 to read as follows:

Sec. 1004. Soil erosion and sedimentation control.

1004.1 Title.

This ordinance will be known as the Peachtree City Soil Erosion and Sedimentation Control Ordinance.

1004.2 Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

- (1) *Best Management Practices (BMP's):* A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.
- (2) *Board:* The Board of Natural Resources.
- (3) *Buffer:* The area of land immediately adjacent to the banks of State Waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
- (4) *Commission:* The State Soil and Water Conservation Commission.
- (5) *Cut:* A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.
- (6) *Department:* The Department of Natural Resources.
- (7) *Director:* The Director of the Environmental Protection Division of the Department of Natural Resources.

- (8) *District*: The Towaliga Soil and Water Conservation District.
- (9) *Division*: The Environmental Protection Division of the Department of Natural Resources.
- (10) *Drainage Structure*: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.
- (11) *Erosion*: The process by which land surface is worn away by the action of wind, water, ice or gravity.
- (12) *Erosion and Sedimentation Control Plan*: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. Also known as the "plan."
- (13) *Ground Elevation*: The original elevation of the ground surface prior to cutting or filling.
- (14) *Fill*: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.
- (15) *Finished Grade*: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
- (16) *Grading*: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
- (17) *Issuing Authority*: The governing authority of any county or municipality which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an Issuing Authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or the Division in those instances where an application for a permit is submitted to the Division.
- (18) *Land-Disturbing Activity*: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in subsection 1004.3(a)(5).
- (19) *Metropolitan River Protection Act (MRPA)*: A state law referenced as O.C.G.A. 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

- (20) *Natural Ground Surfaces*: The ground surface in its original state before any grading, excavation or filling.
- (21) *Nephelometric Turbidity Units (NTU)*: Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.
- (22) *Permit*: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
- (23) *Person*: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.
- (24) *Project*: The entire proposed development project regardless of the size of the area of land to be disturbed.
- (25) *Roadway Drainage Structure*: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
- (26) *Sediment*: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.
- (27) *Sedimentation*: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
- (28) *Soil and Water Conservation District Approved Plan*: An Erosion and Sedimentation Control Plan approved in writing by the Towaliga Soil and Water Conservation District.
- (29) *Stabilization*: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

- (30) *State Waters:* Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, natural drainage systems, springs, wells, wetlands, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation. Wetlands shall also be considered jurisdictional waters of the United States, as that term is defined by 42 CFR and the regulations promulgated thereunder.
- (31) *Structural Erosion and Sedimentation Control Measures:* Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
- (32) *Vegetative Erosion and Sedimentation Control Practices:* Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
 - b. Temporary seeding, producing short-term vegetative cover; or
 - c. Sodding, covering areas with a turf of perennial sod-forming grass.
- Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
- (33) *Watercourse:* Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
- (34) *Wetlands:* Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

1004.3 Exemptions.

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- (a) (1) Surface mining, as the same is defined in O.C.G.A. 12-4-72, "Mineral Resources and Caves Act";
- (2) Granite quarrying and land clearing for such quarrying;
- (3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which may result in only minor soil erosion;
- (4) **The construction of single-family residences, when such are constructed by or under contract with the owner for his or her own occupancy, or the construction of single-family residences not a part of a platted subdivision, a planned community, or an association of other residential lots consisting of more than two lots and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in Section 1004.4 of this ordinance;**
- (5) Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions," to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chicken, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; forestry land management practices, including harvesting and farm buildings and farm ponds;
- (6) **Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraph (15) of Section 1004.4(c) of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;**

- (7) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
 - (8) **Any project involving one and one-tenth acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within 200 feet of the bank of any State Waters, and for purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves one and one-tenth acres or less, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;**
 - (9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that such projects shall conform to the minimum requirements set forth in subsection 1004.4(b) and (c) of this ordinance; **provided further that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb five or more contiguous acres of land shall be subject to provisions of Code Section 12-7-7.1; and**
 - (10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, provided that any such land-disturbing activity shall conform to the minimum requirements set forth in subsection 1004.4(b) and (c).
- (b) Where this section requires compliance with the minimum requirements set forth in subsection 1004.4(b) and (c) of this ordinance, Issuing Authorities shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.

1004.4 Minimum Requirements for Erosion and Sedimentation Control Using Best Management Practices.

- (a) *General Provisions.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not excluded by this ordinance shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the Erosion and Sedimentation Control Plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of subsection 1004.4(b) and (c) of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.
- (b) *Minimum Requirements/BMP's.*
 - (1) Best Management Practices as set forth in subsection 1004.4(b) and (c) of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of Best Management Practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. 12-5-30(f). As used in this subsection, the terms "proper design" and "properly designed" mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year, 24-hour rainfall event.
 - (2) A discharge of stormwater runoff from disturbed areas where Best Management Practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or of any general permit for construction activities issued by the Division pursuant to O.C.G.A. 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director.
 - (3) Failure to properly design, install, or maintain Best Management Practices shall constitute a violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or of any general permit for construction activities issued by the Division pursuant to O.C.G.A. 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such failure occurs.

- (4) The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
- (c) The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, Best Management Practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
- (1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 - (2) Cut-fill operations must be kept to a minimum;
 - (3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
 - (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 - (6) Disturbed soil shall be stabilized as quickly as practicable;
 - (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
 - (8) Permanent vegetation and structural erosion control measures shall be installed as soon as practicable;
 - (9) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
 - (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
 - (11) Cuts and fills may not endanger adjoining property;

- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (14) Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection 1004.4(b)(2) of this ordinance;
- (15) **There is established a 25-foot buffer along the banks and boundaries of all State Waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director or Issuing Authority determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director or Issuing Authority pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, the buffers of at least 25 feet established pursuant to Part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act," shall remain in force unless a variance is granted by the Director or Issuing Authority as provided in this paragraph. The following requirements shall apply to any such buffer:**

No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- (d) Nothing contained in this chapter shall prevent an Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain requirements that exceed the minimum requirements in subsection 1004.4(b) and (c) of this ordinance.

- (e) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

1004.5 Application/Permit Process.

- (a) *General.* The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinances, flood damage prevention ordinance, this ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the Issuing Authority. However, the property owner is the only party that can obtain a permit.
- (b) *Application requirements.*
 - (1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Peachtree City without first obtaining a permit from the Building Department to perform such activity.
 - (2) The application for a permit shall be submitted to the Building Department and must include the applicant's Erosion and Sedimentation Control Plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection 1004.5(c) of this ordinance. Soil Erosion and Sedimentation Control Plans shall conform to the provisions of subsections 1004.5(b) and (c) of this ordinance. Applications for a permit will not be accepted unless accompanied by four (4) copies of the applicant's Soil Erosion and Sedimentation Control Plans.
 - (3) A fee in the amount of \$100.00 shall be charged for each disturbed acre or fraction thereof in the project area.
 - (4) Immediately upon receipt of an application and plan for a permit, the Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the Erosion and Sedimentation Control Plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by subsection 1004.4(c)(15) and bonding, if required as per subsection 1004.5(b)(5)b., have been obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.

- (5) a. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Issuing Authority may deny the permit application.
- b. The Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Issuing Authority with respect to alleged permit violations.

(c) *Plan Requirements.*

- (1) Plans must be prepared to meet the minimum requirements as contained in subsection 1004.4(b) and (c) of this ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia* published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws.
- (2) Data required for site plan.
 - a. Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
 - b. Description of existing land use at project site and description of proposed project.
 - c. Name, address, and phone number of the property owner.

- d. Name and phone number of 24-hour local contact who is responsible for erosion and sedimentation controls.
 - e. Size of project, or phase under construction, in acres.
 - f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in **bold letters**, that "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities."
 - g. Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
 - h. Vegetative plan for all temporary and permanent vegetative practices, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
 - i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.
 - j. Maintenance statement - "Erosion and sedimentation control measures will be maintained at all times. Additional erosion and sedimentation control measures and practices will be installed if deemed necessary by on site inspection."
- (3) Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. The certified plans shall contain:
- a. Graphic scale and north point or arrow indicating magnetic north.
 - b. Vicinity maps showing location of project and existing streets.
 - c. Boundary line survey.
 - d. Delineation of disturbed areas within project boundary.

- e. Existing and planned contours, with contour lines drawn with an interval in accordance with the following:

Map Scale	Ground slope	Contour Interval (feet)
1 inch = 100 ft. or larger scale	Flat (0%--2%) Rolling (2%--8%) Steep (8% +)	0.5 ft. or 1 ft. 1 ft. or 2 ft. 2 ft., 5 ft. or 10 ft.

- f. Adjacent areas and features areas such as streams, lakes, residential areas, etc., which might be affected should be indicated on the plan.
- g. Proposed structures or additions to existing structures and paved areas.
- h. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.
- i. Delineate the specified horizontal buffer along designated trout streams, where applicable.
- j. Location of erosion and sedimentation control measures and practices using coding symbols from the *Manual for Erosion and Sediment Control in Georgia*, Chapter 6.

- (4) Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

(d) *Permits.*

- (1) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary.
- (2) No permit shall be issued by the Issuing Authority unless the Erosion and Sedimentation Control Plan has been approved by the District and the Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance; any variances required by subsection 1004.4(c)(15) are obtained; bonding requirements, if necessary, as per subsection 1004.5(b)(9)b. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

- (3) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (4) The permit may be suspended, revoked, or modified by the Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved Erosion and Sedimentation Control Plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (5) No permit shall be issued unless the applicant provides a statement by the Fayette County Tax Commissioner certifying that all ad valorem taxes levied against the property, and that are due and owing, have been paid.

1004.6 Inspection and Enforcement.

- (a) The Building Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- (b) The Building Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- (c) No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- (d) The Districts or the Commission or both shall periodically review the actions of counties and municipalities which have been certified as Issuing Authorities pursuant to O.C.G.A. 12-7-8(a). The Districts or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission

shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

- (e) The Division may periodically review the actions of counties and municipalities which have been certified as issuing authorities pursuant to O.C.G.A. 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinances and review of conformance with an agreement, if any, between the District and the governing authority. If such review indicated that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7(d), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as an Issuing Authority. If the county or municipality does not take necessary correction action within 30 days after notification by the Division, the Division may revoke the certification of the county or municipality as an Issuing Authority.

1004.7 Penalties and Incentives.

- (a) *Failure to Obtain a Permit for Land-Disturbing Activity.* If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Issuing Authority.
- (b) *Stop Work Orders.*
 - (1) **For the first and second violations of the provisions of this ordinance, the Director or the Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or Issuing Authority shall issue an immediate stop-work order in lieu of a warning.**
 - (2) **For a third and each subsequent violation, the Director or Issuing Authority shall issue an immediate stop-work order; and**
 - (3) **All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.**

- (c) *Bond Forfeiture.* If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of subsection 1004.5(b)(5)b. The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- (d) *Monetary Penalties.*
- (1) **Except as provided in paragraph (2) of this subsection, any person who violates any provisions of this ordinance, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director or Issuing Authority issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.**
 - (2) **The following penalties shall apply to land-disturbing activities performed in violation of any provision of this ordinance, any rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this ordinance:**
 - (a) **There shall be a minimum penalty of \$250.00 per day for each violation involving the construction of a single-family dwelling by or under contract with the owner for his or her own occupancy; and**
 - (b) **There shall be a minimum penalty of \$1,000.00 per day for each violation involving land-disturbing activities other than as provided in subsection (a) of this paragraph.**

1004.8 Administrative Appeal, Judicial Review.

- (a) *Administrative Remedies.* The suspension, revocation, modification or grant with condition of a permit by the Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the City Council within 30 days after receipt by the Issuing Authority of written notice of appeal.
- (b) *Judicial Review.* Any person, aggrieved by a decision or order of the Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Fayette County.

1004.9 Effectivity, Validity and Liability.

- (a) *Effectivity.* This ordinance shall become effective on the 1st day of October 2001.
- (b) *Validity.* If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.
- (c) *Liability.*
 - (1) Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Issuing Authority or District for damage to any person or property.
 - (2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
 - (3) No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

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

Done, Ratified, and Passed this 6th day of September, 2001.

Robert L. Lutz
Mayor

Carol A. Fritz
Jane K. Kunkel
Annie W. McMenamin

John A. Kunkel

Attest: Joe S. Miller
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers

VIA: Jim Basinger, City Manager 

FROM: Paul Salvatore, Director of Financial Services

DATE: August 31, 2001

SUBJECT: FY 2002 Budget Resolution

In accordance with O.C.G.A. Code section 36-81-3 G and City Code of Ordinances section 34-61, I have attached hereto a resolution to adopt the FY 2002 budget. A summary of the balanced budget for each fund is also attached. We have already held two workshops, as well as the Public Hearing required by the referenced law, and several changes were made as a result of these meetings. Therefore, staff now recommends that Council take action to approve and adopt the FY 2002 budget as amended by approving the attached resolution.

The amended pages to your budget books that reflect the last change agreed upon, which was to increase the Recreation Programs revenue and expense accounts by \$50,000 each, have been inserted in your budget books. This change did not impact ending cash reserves or the millage rate of 4.35 mills on which the FY 2002 budget is based.

Additional public hearings will be required in order to adopt the millage rate, so Council only needs to take action to adopt the FY2002 budget on September 6.

PS/bt

**City of Peachtree City
Combined Budget
Fiscal Year 2001 - 2002**

Sources of Funds:

General Fund Revenues		\$16,916,003
PIP Fund Revenues (Ad Valorem Taxes)		1,242,716
Citywide Development Impact Fees		400,000
State/Federal Grants		655,000
County Grant (Recreation)		50,000
Loan Proceeds- Fire GMA		1,891,461
PIP Interest Earnings		279,518
Employee Contributions to Self-Insurance		31,000
Self-Insurance Interest Earnings		48,000
Carryovers:		
Total G/F Carryover	358,534	
Total PIP Carryovers	592,900	
Total Self Insurance Carryover	750,000	
Total Carryovers:		<u>1,701,434</u>
Total Sources of Funds:	\$	23,215,132

Uses of Funds:

Departmental Expenses	\$14,276,991
Council Contingency	550,000
Debt Service	\$1,586,650
Transfer to PCDA/PCAA	596,035
2002 New PIP Projects	3,786,920
Property & Casualty Expenses	\$1,359,037
Medical Expenses	<u>\$1,059,500</u>
Total Uses of Funds:	\$23,215,132

Rebudgeted Items (previously funded):

Confiscated Funds	\$3,986
Kedron Development Fees	\$25,484
Youth Sports Scholarship	\$7,061
Library Funds	\$48,082
Hazardous Materials Fund	\$3,189
2001 PIP Projects carried forward	<u>\$3,453,754</u>
Total:	\$ 3,541,556

Total New plus Rebudgeted Funds:	\$26,756,689
Estimated Cash Reserve at 9/30/02:	<u>\$2,717,430</u>
Total Budget:	\$29,474,119

**City of Peachtree City
General Fund Budget
Fiscal Year 2001 - 2002**

Financing Sources:

General Fund Revenues		\$16,916,003
G/F Carryovers:		
Department Savings	\$400,000	
Council Contingency Savings	\$582,000	
Surplus Carryover	(623,467)	
Total G/F Carryover:		<u>358,533</u>
Total Financing Sources:	\$	17,274,536

Financing Uses:

Departmental Expenses	\$14,276,991
Council Contingency	\$550,000
Transfer to Debt Service	\$261,974
Transfer to Self Insurance	\$1,589,537
Transfer to PCDA/PCAA	<u>\$596,035</u>
Total Financing Uses:	17,274,536

Rebudgeted Items (previously funded):

Confiscated Funds	\$3,986
Youth Sports Scholarship	\$7,061
Library Funds	\$48,082
Hazardous Materials Fund**	<u>\$3,189</u>
Total:	62,318

Total New plus Rebudgeted Funds: 17,336,854

Revenues

Account Title	F/Y 2002 Budget
Revenues:	
Ad Valorem (Real) Property	\$4,954,257
Motor Vehicle	\$527,050
Real Estate Transfer Tax	\$61,986
Recording Intangible Tax	\$73,783
GA Power Franchise Tax	\$703,969
Atlanta Gas Franchise Tax	\$234,979
Bell South Franchise Tax	\$242,903
EMC Franchise Tax	\$569,711
Intermedia Cable Franchise Tax	\$167,890
Local Option Sales Tax	\$5,900,051
Alcoholic Beverage Tax	\$414,382
Mixed Drink Tax	\$63,623
Hotel/Motel	\$939,922
Financial Institutions	\$46,806
Insurance Premium Tax	\$868,738
Occupational Tax/Licenses	\$210,724
Alcoholic Beverage Licenses	\$129,950
Building Permits	\$191,765
Electrical Permits	\$52,746
HVAC Permits	\$52,635
Plumbing Permits	\$39,854
Soil Erosion/Development Fees	\$9,718
Golf Cart Registration	\$13,775
Zoning/Subdivision Fees	\$3,811
EMS Revenues	\$169,499
Court Fines	\$638,600
Library Fines	\$11,579
Interest Earnings	\$172,688
Facility Rentals	\$20,160
Other Revenue	\$67,858
Tower Lease	\$92,349
Recycling Revenues	\$6,764
Recreation Programs	\$504,193
Totals	\$18,158,719
Other Revenue Sources:	
Citywide Development Impact Fees	\$400,000
State/Federal Grants	\$655,000
Operating Cash Carryover	(\$1,544,266)
Staff Savings - Previous FY @ 2.5%	\$400,000
PIP Contingency	\$592,900
Council Contingency Carryover	\$582,000
County Grant	\$50,000
Debt Proceeds	\$2,812,261
PIP Interest Earnings	\$279,518
Property & Casualty Carryover	\$750,000
Self Insurance Interest Earnings	\$48,000
Employee Contributions Self Insurance	\$31,000
Grand Total	\$23,215,132

Expenditures

Account Title	F/Y 2002 Budget
Operating Budgets	
City Hall/Court	\$1,050,028
Planning	\$219,900
Building	\$536,776
Engineering	\$113,664
Finance	\$283,141
Information	\$166,195
Purchasing	\$109,757
CCY	\$56,976
Kedron Fieldhouse	\$763,483
Library	\$664,271
Recreation	\$1,500,329
Communications	\$254,145
Police	\$3,082,773
EMS	\$215,197
Fire	\$2,484,909
Public Works	\$2,477,446
Subtotal	\$13,978,991
Self-Supporting Budgets	
Self-Supp Rec.	\$298,000
Grand Total Operating Budget	\$14,276,991
Council Contingency	\$550,000
Authorities	
Funding Allocation	\$596,035
Subtotal	\$1,146,035
General Fund Total	\$15,423,026
Public Improvement Program	\$3,786,920
Health/Property Insurance	\$1,318,537
Reserve Funding	\$1,100,000
Self Insurance	\$2,418,537
Existing Debt Service (G.O. Bonds)	\$442,798
Administrative Expense- Bonds	\$1,850
Police Station	\$228,524
Police Vehicles	\$249,875
Tennis Center/Amphitheater loan	\$260,124
FY2002 GMA Bricks & Mortar	\$167,668
GMA Master Lease additions	\$188,622
Sports Complex Lights	\$47,189
Debt Service	\$1,586,650
Grand Total	\$23,215,132

City of Peachtree City
General Fund Operating Budget
FY 2001 - 2002

<u>Division</u>	<u>Appropriation</u>
Police Department	\$3,082,773
Communications Department	\$254,145
Total Police/Communications	\$3,336,918
Fire Department	\$2,484,909
Emergency Medical Services	\$215,197
Total Fire/EMS	\$2,700,106
Public Works Department	\$2,477,446
Total Public Services	\$2,477,446
Commission on Children & Youth Services	\$56,976
Kedron Fieldhouse	\$763,483
Library	\$664,271
Recreation Department	\$1,798,329
Total Leisure Services	\$3,283,059
Planning Department	\$219,900
Building Department	\$384,919
Code Enforcement	\$151,857
Engineering	\$113,664
Total Developmental Services	\$870,340
City Manager	\$173,937
City Clerk	\$265,546
Court	\$252,419
Human Resources	\$162,059
Public Information	\$127,843
City Council	\$68,225
Total Administrative Services	\$1,050,028
Finance Department	\$283,141
Information Technology	\$166,195
Purchasing Department	\$109,757
Total Financial Services	\$559,093
Total All Divisions:	\$14,276,991

City of Peachtree City
Public Improvement Program Budget
Fiscal Year 2001 - 2002

Sources of Funds:

Ad Valorem Taxes	\$	1,242,716
Citywide Development Impact Fees		\$400,000
State/Federal Grants		655,000
County Grant (Recreation)		50,000
Loan Proceeds- GMA		1,891,461
PIP Interest Earnings		279,518
Carryovers:		
PIP Project Savings:	\$592,900	
Total PIP Carryovers:		<u>592,900</u>
Total Sources of Funds:	\$	5,111,596

Uses of Funds:

2001 New PIP Projects	\$3,786,920
Transfer to Debt Service	<u>\$1,324,676</u>
Total Uses of Funds:	\$ 5,111,596

Rebudgeted Items (previously funded):

2000 PIP Projects carried forward	\$3,453,754
Kedron Development Fees	<u>\$25,484</u>
Total:	\$3,479,238

Total New plus Rebudgeted Funds:	8,590,834
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Fiscal Year 2002
DEBT SERVICE

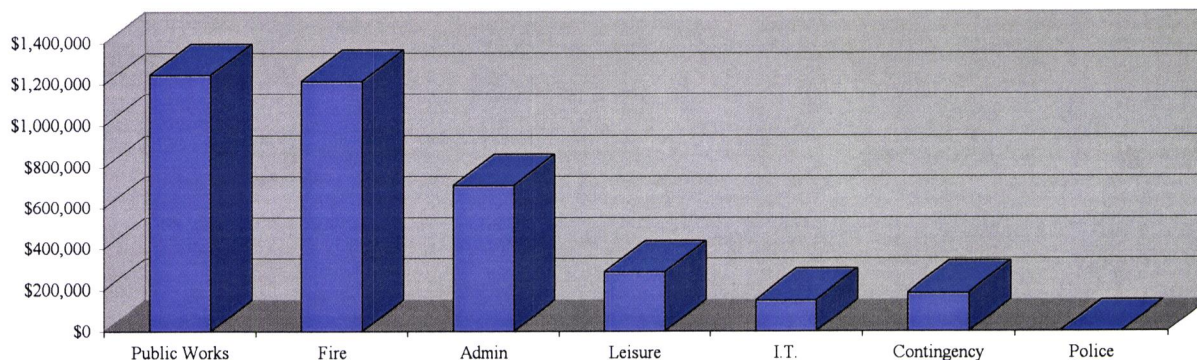
<i>FINANCING SOURCES</i>	<i>Current Year</i>		<i>Last Year</i>	
PIP Fund (Ad Valorem Taxes)	\$1,126,526		\$842,701	
Hotel Motel Tax	\$260,124			
Citywide Development Impact Fees	\$200,000	\$1,586,650	\$200,000	\$1,042,701
TOTAL FINANCING SOURCES		\$1,586,650		\$1,042,701

<i>FINANCING USES</i>				
1993 Bond Issue	\$442,798		\$447,225	
Administrative Fees	\$1,850		\$1,850	
Police Station Debt	\$228,524		\$282,354	
Police Vehicles (lease)	\$249,875		\$261,319	
GMA Master Lease	\$356,290			
Tennis Center/Amphitheater	\$260,124			
Sports Complex Lights (lease)	\$47,189	\$1,586,650	\$49,953	\$1,042,701
TOTAL FINANCING USES		\$1,586,650		\$1,042,701

2002 Public Improvement Program

Expenditures		Original	REVISED	5 Year Plan	* Departmental Totals *	
Division: Public Services		5 Year Plan	5 Year Plan	Variance	Original	REVISED
					5 Year Plan	5 Year Plan
PW-001	Street Resurfacing Program*	\$551,250	\$551,250			
PW-002	Cart Path Resurfacing Program	\$110,250	\$110,250			
PW-005	Tree City USA	\$10,000	\$0	-\$10,000		
PW-011	Compost Shredder	\$62,000	\$62,000			
PW-012	Asphalt Roller	\$50,000	\$50,000			
PW-013	Satellite Auto Shop Facility (moved to 04)	\$100,000	\$0	-\$100,000		
PW-014	Highway 54 West Railroad Cartpath Bridge*	\$250,000	\$246,000	-\$4,000		
PW-020	Huddleston/Dividend Intersection Improvements*	\$150,000	\$150,000			
PW-015	Storm Water Management Program	\$50,000	\$75,000	\$25,000	\$1,333,500	\$1,244,500
Public Works						
Public Services Total		\$1,333,500	\$1,244,500	-\$89,000	\$1,333,500	\$1,244,500
Division: Leisure Services						
RP-013	2 Playgrounds (Locations TBD) (reduced)	\$80,000	\$40,000	-\$40,000		
LS-013	G. Reed Memorial Park - Construction/Landscaping	\$17,500	\$17,500			
LS-014	Library Expansion Phase I-II (moved to 03)	\$262,063	\$0	-\$262,063		
LS-015	Maintenance/Storage Facility (Kedron)		\$100,000	\$100,000		
LS-016	South 74 Maintenance Building Expansion		\$75,000	\$75,000		
LS-017	Halfpipe Skateramp Replacement		\$25,000	\$25,000		
LS-018	Rubber Tire Fork Lift		\$25,000	\$25,000	\$359,563	\$282,500
Leisure						
Leisure Services Total		\$359,563	\$282,500	-\$302,063	\$359,563	\$282,500
Public Safety Services						
FD-016	Neely Station Improvements - Phase II-II	\$163,280	\$165,000	\$1,720		
FD-017	Smoke & Burn Training Facility	\$185,000	\$245,000	\$60,000		
FD-018	Replace 1995 Medic 81 - Ambulance Ford F-350 (Diesel)	\$92,000	\$92,000			
FD-019	Ladder Tower Truck & Equipment	\$600,000	\$600,000			
FD-020	Satterthwaite Station Generator Upgrade	\$25,444	\$26,444	\$1,000		
FD-021	Weber Station Generator Upgrade (50KW)	\$25,885	\$26,885	\$1,000		
FD-022	Training Facility Storage		\$20,000	\$20,000		
FD-023	Hose Wagon - Ford F-450	\$39,600	\$39,600		\$1,131,209	\$1,214,929
Fire						
None						
Police			\$0		\$0	\$0
Public Safety Total		\$1,131,209	\$1,214,929	\$83,720	\$1,131,209	\$1,214,929
Financial Services						
IT-023	Telephone System (City Hall/Expandable)	\$0	\$150,000	\$150,000	\$0	\$150,000
I.T.						
Administrative Services						
CC-001	Drake Field Land Acquisition*	\$475,000	\$475,000			
AS-023	Facility Buildout Plan	\$234,532	\$234,532		\$709,532	\$709,532
Admin						
Administrative & Financial Services Total		\$709,532	\$859,532	\$150,000	\$709,532	\$859,532
Contingency Funds						
PIP Contingency	Contingency		\$185,459		\$0	\$185,459
Total Expenditures		\$3,533,804	\$3,786,920	-\$157,343	\$3,533,804	\$3,786,920
Revenue Sources						
Dedicated P.I.P. Funds		\$2,182,429	-\$81,960	-\$2,264,389		
PIP Contingency - Cash Carryover Funding			\$592,900	\$592,900		
General Fund Transfer	\$0					
Loan Proceeds		\$600,000	\$1,891,461	\$1,291,461		
State/ Federal Grants* (LARP, R.R. Bridge, Hud/Div, Greenspace)			\$655,000	\$655,000		
County Grant		\$50,000	\$50,000			
Interest Revenue		\$279,518	\$279,518			
Citywide Development Impact Fees		\$400,000	\$400,000			
Total Revenues		\$3,511,947	\$3,786,920	\$274,972	\$3,511,947	\$3,786,920

2002 Public Improvement Program



FY2001 Project Carryover Summary & FY2002 PIP Program

Project	Project Name	FY01 PIP Plan	Projected Expenditures	Available	Carryover	Other	FY02 PIP Plan	FY02 Total
40020	Leach Fire Station (See Note 1)	\$189,773.00	\$194,765.21	(\$4,992.21)	\$0.00	\$0.00		\$0.00
40021	Neeley Fire Station Renovation	\$262,925.00	\$750.00		\$262,175.00	\$0.00	\$165,000	\$427,175.00
40022	Police Station (Design & Construction)	\$1,927,889.00	\$1,743,849.00	\$184,040.00	\$0.00	\$0.00		\$0.00
40024	Smoke/Burning Building	\$149,200.00	\$0.00		\$149,200.00	\$0.00	\$245,000	\$394,200.00
40039	Ladder Tower Truck & Equipment	\$600,000.00	\$0.00		\$0.00	\$0.00	\$600,000	\$600,000.00
40040	Replace 1994 Medic 83-Ambulance Equip	\$96,165.00	\$97,183.81	(\$1,018.81)	\$0.00	\$0.00		\$0.00
50001	Street Program	\$866,658.00	\$820,000.00		\$46,658.00	\$0.00	\$551,250	\$597,908.00
50060	CSX RR Bridge - 54/74	\$250,000.00	\$17,478.00		\$232,522.00	\$0.00	\$246,000	\$478,522.00
50090	Hwy 54 E. Landscape Enh 111	\$70,000.00	\$0.00		\$70,000.00	\$0.00		\$70,000.00
50093	Flat Creek Multi-Use Bridge	\$60,000.00	\$0.00		\$60,000.00	\$0.00		\$60,000.00
50097	Tree City USA	\$10,000.00	\$1,471.00		\$8,529.00	\$0.00	\$0	\$8,529.00
50100	Crosstown/Pwy Int 1-11	\$15,000.00	\$0.00		\$15,000.00	\$0.00		\$15,000.00
50125	Summer Road Construction	\$278,640.00	\$276,042.52		\$2,597.48	\$0.00		\$2,597.48
50155	Hwy 54 Flat Creek Traffic Signal	\$47,772.00	\$47,772.00		\$0.00	\$0.00		\$0.00
50190	Replace hwy 54/Wilowbend Rd. Signal Poles	\$34,360.00	\$34,360.00		\$0.00	\$0.00		\$0.00
50192	Holly Grove Church Driveway	\$110,872.00	\$110,872.00		\$0.00	\$0.00		\$0.00
50193	TDK Boulevard Extension	\$269,866.00	\$60,788.00		\$0.00	\$0.00		\$0.00
51048	Hydraulic Boom Excavator	\$70,000.00	\$60,788.00	\$9,212.00	\$0.00	\$0.00		\$0.00
51050	Satellite Auto Shop Facility	\$145,000.00	\$16,250.00	\$128,750.00	\$0.00	\$0.00	\$0	\$0.00
55001	Repair Carpaths	\$110,605.00	\$90,000.00	\$20,605.00	\$0.00	\$0.00	\$110,250	\$110,250.00
55010	ARC Cart Path Matching Project	\$26,596.44	\$24,700.00	\$1,896.44	(\$0.00)	\$0.00		(\$0.00)
55011	SR-54 Cart Path Bridge	\$157,687.00	\$155,925.00	\$1,762.00	\$0.00	\$0.00		\$0.00
55516	Sports Complex Lights Lease Agreement - Phase IV	\$5,956.00	\$0.00	\$5,956.00	\$0.00	\$0.00		\$0.00
55531	Recycling Center	\$80,000.00	\$0.00		\$0.00	\$0.00		\$0.00
55543	Braelinn Baseball Field Renovatoin	\$25,000.00	\$24,164.00	\$836.00	\$0.00	\$0.00		\$0.00
38	4 Baseball Sports Field	\$29,477.00	\$29,477.00		\$0.00	\$0.00		\$0.00
55547	Riley Football/Track Facility	\$350,414.00	\$350,414.00		\$0.00	\$0.00		\$0.00
55548	Multi-Purpose Risk Phase I-II	\$14,623.10	\$14,623.10		\$580,364.90	\$0.00		\$580,364.90
55550	Amphitheater Improvements	\$400,000.00	\$300,000.00		\$100,000.00	\$0.00		\$100,000.00
55552	Site Master Plan (Meade)	\$7,000.00	\$0.00		\$7,000.00	\$0.00		\$7,000.00
55553	Gathering Place Expansion/Generator	\$249,251.00	\$16,750.00		\$232,501.00	\$0.00		\$232,501.00
55554	Library Expansion Conceptual Design/Construction	\$20,000.00	\$4,950.00	\$15,050.00	\$0.00	\$0.00	\$0	\$0.00
55556	G. Reed Memorial Park	\$12,500.00	\$15,800.00	(\$3,300.00)	\$0.00	\$0.00	\$17,500	\$17,500.00
55557	Multi-Purpose Field-Lighted (Kedron) 775K - to 55548	\$0.00	\$0.00		\$0.00	\$0.00		\$0.00
55558	Huddleston/Dividend Intersection Improvements	\$0.00	\$0.00		\$0.00	\$0.00	\$150,000	\$150,000.00
60008	Digital Imaging	\$19,935.00	\$19,831.00	\$104.00	\$0.00	\$0.00	\$185,459	\$185,459.00
60011	PIP Contingency Carryover	\$72,795.00	\$72,795.00		\$0.00	\$0.00		\$0.00
60018	Wide Area Network/Replacement	\$14,706.00	\$14,706.00		\$0.00	\$0.00		\$0.00
60020	GIS Photography/Mapping/Conversion	\$55,355.00	\$0.00		\$55,355.00	\$0.00		\$55,355.00
60030	Governmental Software Upgrade	\$100,000.00	\$68,148.00		\$31,852.00	\$0.00		\$31,852.00
60040	Information Systems Upgrade/Replacement	\$79,700.00	\$79,700.00		\$0.00	\$0.00		\$0.00
60060	Facility Buildout Plan	\$234,532.00	\$532.00	\$234,000.00	\$0.00	\$0.00	\$234,532	\$234,532.00
	Drake Field Land Acquisition						\$475,000	\$475,000.00
	Compost Shredder						\$62,000	\$62,000.00
	Asphalt Roller						\$50,000	\$50,000.00
	Storm Water Management Program						\$75,000	\$75,000.00
	2 Playgrounds (locations tbd)						\$40,000	\$40,000.00
	Maintenance/Storage Facility (Kedron)						\$100,000	\$100,000.00
	S. 74 Maintenance Facility Expansion						\$75,000	\$75,000.00
	Rubber Tire Fork Lift						\$25,000	\$25,000.00
	Replace 1995 Medic 81 - Ambulance Ford F-350 Diesel						\$92,000	\$92,000.00
	Satterthwaite Station Generator Upgrade						\$26,444	\$26,444.00
	Weber Station Generator Upgrade (50KW)						\$26,885	\$26,885.00
	Training Facility Storage						\$20,000	\$20,000.00
	Hose Wagon Ford F-450						\$39,600	\$39,600.00
	Telephone System (City Hall-expandable)						\$150,000	\$150,000.00
	Tennis Center Expansion						\$1,600,000	\$1,600,000.00
	Halfpipe Skate Ramp Replacement				\$1,600,000.00		\$25,000	\$25,000.00

Total Expenditure Sources	\$10,600,617	\$5,873,962.64	\$592,900.42	\$3,453,754.38	\$0.00	\$3,786,920	\$7,240,674.38
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Cash & Investments On Hand:	\$1,987,341.59
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Other Items:	\$0.00
FY2002 PIP:	\$3,786,920.00

FY2001 PIP Carryover	\$3,453,754.38
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FY2001 Available:	\$592,900.42
Total:	\$4,046,654.80

BUDGET RESOLUTION

A RESOLUTION ADOPTING A BUDGET FOR THE FISCAL YEAR 2002 FOR EACH FUND OF PEACHTREE CITY, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES, ADOPTING THE ITEMS OF ANTICIPATED FUNDING SOURCES, PROHIBITING EXPENDITURES TO EXCEED APPROPRIATIONS, AND PROHIBITING EXPENDITURES FROM EXCEEDING ACTUAL FUNDING SOURCES.

WHEREAS, a proposed budget for each of the various funds of the City has been presented to the City Council and,

WHEREAS, appropriate advertised public hearings have been held on the FY 2002 Proposed Budget, as required by Federal, State and Local Laws and Regulations; and,

WHEREAS, the City Council has reviewed the proposed budget and has made certain amendments to funding sources and appropriations; and,

WHEREAS, the budget for each fund includes appropriations for Fiscal Year 2002, incorporates certain levies, assessments, fees and charges to finance these expenditures and fits the anticipated funding sources; and

WHEREAS, each of the funds has a balanced budget, such that anticipated funding sources equal proposed expenditures; and,

WHEREAS, there are adequate funds available in cash reserves to cover any unanticipated revenue shortfall;

NOW, THEREFORE, BE IT RESOLVED that this budget, a summary of which is hereto attached, is hereby adopted specifying the anticipated funding sources for each fund and making appropriations for proposed expenditures to the Divisions named in each fund.

SO RESOLVED, in open session assembled pursuant to law. This ____ day of _____, 2001.

Mayor

ATTEST: _____
Jane Miller, City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

VIA: City Manager 

FROM: Administrative Services Director/City Clerk 

DATE: August 30, 2001

SUBJECT: Consider Allowing 12, 13, 14-Year Olds to Drive Golf Cart When Accompanied by Their Grandparents

Councilmember Tennant requested that the above-referenced item be placed on the September 6th agenda for discussion. If Council approves allowing children who are 12 years of age, but not yet 15 years of age, to drive if a grandparent accompanies them, an amendment to Article III, Section 78-93 (c) of the Peachtree City Code of Ordinances is attached for your signatures.

JSM:gr

Attachment

**AN ORDINANCE TO AMEND ARTICLE III. MOTORIZED CARTS
OF THE PEACHTREE CITY CODE OF ORDINANCES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the
same, that Section 78-93 (c) be amended to read as follows:

Sec. 78-93. Operation regulations.

(c) Those persons who are 12 years of age, but not yet 15 years of age,
may drive a motorized cart on the recreation paths and/or streets and those
areas accessible by the public of the city if they are accompanied in the front
seat by a parent, grandparent, or legal guardian who holds a valid motor
vehicle drivers license.

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

Done, Ratified, and Passed this 6th day of September 2001.

Mayor

Attest: Jane S. Miller, City Clerk