

City Council of Peachtree City
Agenda
August 21, 2008
7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
 - Remind Attendees to Turn Off Cell Phones
 - Recognize CERT Graduates
 - Recognize Employee of the Month – Tony Bernard
- IV. Public Comment
- V. Agenda Changes
- VI. Minutes
 - August 7, 2008, Regular Meeting
 - August 12, 2008, Workshop Minutes
- VII. Consent Agenda
 - 1. Consider Budget Adjustments – FY 2008
- VIII. Old Agenda Items
 - 03-08-01 Consider Comprehensive Revenue Analysis / Fee Changes
 - Recreation Facility Rental Fees and The Gathering Place User Fees
- IX. New Agenda Items
 - 08-08-11 Public Hearing – Consider Variance Request – SANY, Wetland Buffer
 - 08-08-12 Public Hearing – Consider Variance Request – American Tower, Senoia Road, Setback Encroachment
 - 08-08-13 Public Hearing – Consider Variance Request – Lake Forest, Setback Encroachment
 - 08-08-14 Consider Approval of Peachtree City Tourism Association Budget
 - 08-08-15 Consider Approval of Amendments to PCTA Bylaws and Articles of Incorporation
 - 08-08-16 Alcohol License – NEW – Center Cut at Peachtree City (Towne Club)
 - 08-08-17 Alcohol License – NEW – Irish Bred Pub
 - 08-08-18 Consider New Finance Ordinance
- X. Council/Staff Topics
- XI. Executive Session

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

City Council of Peachtree City
Minutes of Meeting
August 7, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, August 7, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognition

Mayor Logsdon recognized the Fire Department Explorer Post 209 members and sponsors for their outstanding performance at the recent Illinois Fire College National Hands-On Training. Logsdon recognized Police Captain Terry Ernst for 15 years of service to the City. Panasonic presented a check for \$13,000 to the Peachtree City Police Department to implement a K-9 program.

Public Comment

Al Yougel of Keep Peachtree City Beautiful (KPTCB) addressed Council and announced that copies of the Litter Attitude Survey being conducted by KPTCB were available at the meeting and at various City facilities.

Agenda Changes

There were none.

Minutes

Boone moved to approve the minutes of the July 17, 2008, Regular Meeting as amended. Haddix seconded. Motion carried unanimously.

Plunkett moved to approve the minutes of the July 30, 2008, Special Called Meetings as written. Boone seconded. Motion carried unanimously.

Monthly Reports

Plunkett noted that the Peachtree City Classic Road Race needed to be added to the Community Calendar. Plunkett asked the Financial Services Division to forward additional information on the bad debt item and on the Hotel/Motel Tax status. City Manager Bernard McMullen said that the City received a number of donations throughout the year without always giving recognition, and that item had been added to the monthly reports to ensure Council and the community were aware of the valuable contributions the City received during the year.

Consent Agenda

1. Alcohol License – Change in License Representative – Kroger #654
2. Alcohol License – Change in License Representative – Flat Creek Golf Course

3. Alcohol License – Change in License Representative – Braelinn Golf Course
4. Alcohol License – Change in License Representative – Planterra Golf Course
5. Alcohol License – Change in License Representative – Rite Aid 11778
6. Alcohol License – Change in License Representative – Rite Aid 11779
7. Consider Accepting Panasonic Donation to Police Department
8. Consider Surplus Sale of Fire Engine 85
9. Consider Ordinance for Use of Private Fire Hydrants
10. Consider Request to Surplus Obsolete Equipment

Plunkett moved to approve the Consent Agenda. Sturbaum seconded. Motion carried unanimously.

Old Agenda Items

05-08-05 Public Hearing – Consider Variance Request – Buffer, Northlake Drive/Aberdeen Parkway

Melissa Griffis of Rosenzweig, Jones, Horne and Griffis addressed Council on behalf of the applicant and said they had submitted the final plan on July 30, following multiple meetings with staff and the Mayor. The first variance request was to allow the applicant to place the stormwater control swales within the buffers adjacent to Aberdeen Parkway. This area would be disturbed due to the installation of the driveway. The applicant was committing to adding vegetation after installation. The second variance request was to reduce the 10-foot landscape strip along the rear of the property to a five-foot strip to allow the project to move away from Northlake Drive and Aberdeen Parkway. The final variance request was to reduce the required number of parking spaces from 44 to 36 spaces, which would still accommodate the development.

City Planner David Rast addressed Council and said the plan, with the exception of the drive and enhanced swale, maintained the 50-foot undisturbed buffer along Aberdeen Parkway. Likewise, the 25-foot landscape buffer adjacent to Northlake Drive would stay intact, with some additional vegetation returned around the drainage swale after installation. Rast continued that the Landscape Ordinance required a 10-foot distance between the parking area and the property line. In this case, the property to the side of the site was a cemetery, so it would not be impacted. The World Travel Partners building to the rear of the property was already developed and heavily wooded.

Rast said staff supported the three variances requested, and staff had worked closely with the applicant and their engineer. The variances would allow them to develop the site as planned and still abide by the majority of the City's development requirements.

No one spoke in favor of the request. Those speaking against the request included Robert Brown, Lynda Wojcik, Dale Moore, and Phyllis Aguayo. Their concerns included:

- The project should not have an entrance on Aberdeen Parkway.
- It was not the City's responsibility to assist developers by suspending the buffer requirements.
- This did not qualify as an extreme hardship for a variance.

- Aberdeen Parkway was one of the City's most beautiful roads and should be protected.
- The project was a big improvement over the original presentation, but should not be allowed to encroach into the undisturbed natural buffer.

Logsdon closed the Public Hearing.

Griffis readdressed the audience and noted the plan had originally been approved in March, and the applicant had since been working with staff to try to accommodate the buffers.

Plunkett asked if a variance was required for the entrance on Aberdeen Parkway. Rast confirmed that the entrance was already allowed, and only the swale was in question. Plunkett asked if reducing the strip beyond the parking area would leave enough trees or if more vegetation would need to be added. Rast indicated that there would be landscaping added as part of the landscape plan. Rast added that the vegetation within the required buffer would not count toward the site's landscaping requirements.

Rast said that, along Aberdeen Parkway, the lots that were part of Westpark included the 50-foot buffer, but their access was from Westpark Drive. This tract was an outparcel of the Aberdeen Shopping Center, and no limitations had been placed on their access to either Aberdeen Parkway or Northlake Drive. Boone reiterated that the curb cut on Aberdeen Parkway was allowed without a variance.

Haddix asked that, if there was any way at all for the developer to avoid the curb cut onto Aberdeen Parkway, they consider it. Boone echoed that he had concerns about safety with a drive in that location, which included a lot of trees and a significant curve. Rast said staff could work with the applicant, but thought the Fire Marshal might have a concern about removing one of the access points due to the length of the parking lot.

Haddix reiterated his request that the developer look for an alternative to the Aberdeen Parkway curb cut and moved to approve the variance request. Plunkett clarified that the drainage swale could encroach whether the drive was there or not, and Haddix agreed. Boone seconded the motion. Boone asked Rast to have the Fire Marshal and Police Department review the access and visibility issues. Motion carried unanimously.

06-08-08 Public Hearing – Consider Amendments, Specific Permitted Uses in Multiple Zoning Districts

Rast explained that staff had structured the presentation as a separate ordinance and motion for each zoning district in case Council had any concerns about individual proposals. Rast said that, over the past several months, staff had researched ordinances from over 20 jurisdictions in Georgia in an effort to update the City's zoning ordinances, many of which had not been updated since 1977. There were also districts that were no longer used, and staff recommended converting them to residual zoning districts to ensure no future zonings in that category were issued.

Sec. 1001, R-10, R-12, R-15 and R-22, One-family residential districts

This section had been updated to remove lighted golf courses, add recreational facilities, and tighten up some of the permitted uses. Rast said the majority of changes were housekeeping.

Former City Clerk Frances Meaders of Hip Pocket Road addressed Council and encouraged Rast to address definitions in the Zoning Ordinance once the permitted uses were completed. Logsdon closed the public hearing.

Plunkett moved to approve the changes to the ordinance amendment. Boone seconded. Motion carried unanimously.

Sec. 1002, R-43, One-family residential district

Rast said this was a residential district with a minimum lot size of one acre. Language was added to exclude mobile and manufactured homes, to allow neighborhood recreation centers, to add guest house as a conditional use with nine conditions, to remove cemeteries as a conditional use (had been rezoned Open Space), and to remove riding stables.

Robert Brown asked about guest houses and whether the condition ensured that the property would not be subdivided in the future. Rast said yes. Aguayo asked if the conditions ensured that the guest houses did not become permanent residences or rental units. Rast said those issues were addressed in the conditions. Meaders asked if daycare was still included in R-43, and Rast said that had been taken out.

Plunkett asked if an affidavit or notice could be filed with the deed when a guest house was involved, and City Attorney Ted Meeker said that was possible.

Plunkett moved to approve the ordinance amendment with the stipulation that staff develop some type of deed notice when guest houses were involved. Boone seconded. Motion carried unanimously.

Sec. 1002A VR, Villa residential

Rast said there was only one tract of land currently zoned Villa Residential, the TDK house on Peachtree Parkway North, and staff was recommending changing it to a residual zoning district.

No one spoke for or against the change. Boone moved to approve the ordinance amendment. Haddix seconded. Motion carried unanimously.

Sec. 1003 ER, Estate residential district

Rast said that the minimum lot size in this district was three acres. The permitted uses were essentially the same, with the same conditional requirements on guest houses, the deletion of cemeteries, and the deletion of private school.

No one spoke for or against the amendment.

Plunkett moved to approve the ordinance amendment with a notice attached to the deed on guest house restrictions. Boone seconded. Motion carried unanimously.

Sec. 1004 GR, General residential district

Rast said this district had been used for both single and multi-family development. The proposed changes included adding septic systems due to the existence of some, and deleting daycare and care homes. Rast noted that Southland Nursing Home was currently in a GR designation, but would be updated with the update of the zoning map.

No one spoke for or against the amendment

Plunkett moved to approve the ordinance amendment. Sturbaum seconded. Motion carried unanimously.

Sec. 1005 LC, Limited commercial district

Rast said two tracts in the City currently had this zoning, the Sherwin Williams and adjacent Davis Chiropractic tract, and staff was recommending making this a residual district.

No one spoke for or against the amendment.

Plunkett moved to approve the ordinance amendment. Sturbaum seconded. Motion carried unanimously.

Sec. 1005 OI, Office institutional district

Rast said the proposed changes included a more comprehensive list of professional services (a notation that the professional services could not include the sale of merchandise), to expand on the allowance for a Masonic Lodge to cover non-commercial club or lodge, the addition of banks and financial institutions, and of educational institutions.

No one spoke for or against the proposed amendment.

Plunkett moved to approve. Boone seconded. Motion carried unanimously.

Sec. 1006 GC, General commercial district

Sec. 1006A LUC, Limited use commercial

Plunkett and Haddix indicated there were some ongoing concerns over both the commercial zoning categories, and Plunkett moved to table the GC and LUC portions and public hearings. Haddix seconded. Meeker noted that the items would need to be re-advertised before coming back to Council. Motion carried unanimously.

Sec. 1007 LI, Limited industrial district

Rast said the changes proposed to the Limited Industrial district included changing the name from Limited to Light Industrial to differentiate more clearly from Limited Use

Industrial. Staff had a conditional use addressing indoor and outdoor athletic training facilities added to both the LI and GI districts, with conditions to protect the users of those types of facilities. One item they wanted to add was a designated travel route between the building and any outdoor portion of the facility to keep users separated from the industrial traffic.

Sturbaum noted that subsection 6 indicated children to be picked up by their parent, and he asked about changing it to parent, guardian, or authorized designee. Plunkett agreed that authorized designee should be the verbiage used.

Lloyd Thompson of The Home Plate asked if his proposed facility in the old TDK building would be compliant, and Council said yes.

Council by consensus held the vote on this item until the revised language could be reviewed later in the meeting.

Sec. 1008 GI, General industrial district

Rast said staff had removed golf courses as a permitted use, and the Planterra golf course would need to be rezoned to match the other two courses. Staff had added the verbiage about indoor/outdoor athletic training facilities.

Council by consensus held the vote on this item until the revised language could be reviewed later in the meeting.

Sec. 1009 OS, Open space and conservation district

Rast said the current classification was Open Space/Conservation District, and included greenbelts, golf courses, schools, some churches, and government buildings. The proposed language separated the category to Open Space – Public District (OSP) and Open Space-Conservation District (OSC) to help differentiate between the types of uses.

Undeveloped natural land, paths, trails, playgrounds, picnic areas, already established cemeteries, stormwater detention facilities, and utility distribution would be within the OSC district. The intent was to conserve and protect natural areas. Rast said OSP was also intended to preserve natural areas and would also allow public buildings and land, recreation facilities, public or private golf courses, public or private boat docks, telecommunications towers, and churches.

Lynda Wojcik said she was basically in favor of the changes, but asked that the undeveloped OS land be designated OSC so it would have to come back for rezoning before anything was built on it.

Plunkett said a map would be needed showing which City parcels would be zoned into which category.

Frances Meaders said she supported modifying the OS zoning to delineate where things might be built, and where they could not. Robert Brown said his concern was that that both government and private land that could fall under the OSP district, and some sites in that zoning category had buildings and some did not. He felt those issues should be separated.

Phyllis Aguayo said that, in the Comprehensive Plan process, the public was upset about the loss of trees, and that passive recreation and natural spaces needed to be retained and protected.

Richard Spain noted that, in another zoning category, the term "legitimate" was used when talking about places of worship, and he recommended making this section consistent.

Haddix moved to table this item. Sturbaum seconded. Meeker said the item would need to be re-advertised before coming back to Council. Motion carried unanimously.

Continued - Sec. 1007 LI, Limited industrial district

Rast clarified that condition 1007.3(7) should read, "Should the athletic training facility include both indoor and outdoor facilities, the owner of the property shall provide a designated sidewalk and/ or access route connecting the two facilities. The purpose of this designated connection is to separate patrons of the training facility from interacting with vehicular and/ or truck traffic."

Plunkett moved to approve the ordinance amendment with the change in wording regarding parent or authorized designee, and to include the wording Rast had outlined. Boone seconded. Motion carried unanimously.

Continued - Sec. 1008 GI, General industrial district

Plunkett moved to approve the ordinance amendment with the change in wording regarding parent or authorized designee, and to include the wording Rast had outlined regarding the designated connection. Boone seconded. Motion carried unanimously.

Sec. 1010 AR, Agricultural reserve district

Rast said the intent of district had been updated, and the changes were primarily housekeeping, with the exception of refining the guest house wording. Wording relating to riding stables was refined. On-site sewage was added to reflect existing uses.

Robert Brown noted a spelling error in item (g).

Plunkett moved to approve the ordinance amendment with a notice attached to the deed on guest house restrictions. Boone seconded. Motion carried unanimously.

Sec. 1011 R-1, One-family residential district

Rast said this was also recommended to be a residual zoning category. He noted that riding stable and cemetery had been deleted as conditional uses.

Meaders suggested adding language to help the older sections of town and to prevent older homes from becoming eyesores. She noted that there was a lot of rental property in the older neighborhoods and asked for some extra attention in those areas. Rast said that staff was in the beginning stages of looking at that issue throughout the City.

Boone moved to approve the ordinance amendment. Haddix seconded. Motion carried unanimously.

New Agenda Items

08-08-01 Public Hearing – Consider Step 1 Annexation Request, Peachtree East Shopping Center

Rick Lindsey, representing GDC Properties, said he had been before Council approximately two years ago when the client acquired the property. GDC Properties had acquired the property in late 2005 and wanted to bring it into the City. Lindsey had discussed the non-conforming issues with staff, and Lindsey had filed the application. The client understood that the approval allowed them to move forward with serious discussions with staff about possible annexation.

The biggest challenge was the signage at the center, all of which did not conform to the City's sign ordinance due to the internal lighting. Lindsey said his client found that it would cost between \$250,000 and \$300,000, and Rast had suggested establishing a seven-year period to replace as tenants changed.

Lindsey's client had withdrawn their initial application when Starbucks signed a lease, and their drive-through took out some of the parking. The applicant then decided to withdraw the application to ensure Starbucks could be secured for the center under the County requirements.

Lindsey said that the applicant was now ready to move forward with possible annexation so that conversations could move forward with staff to address the non-conforming issues.

Linda Wojcik recommended looking at the opportunity of what might be done with the center, and noted that the tax revenue might support additional police officers.

Robert Brown said he was not opposed to looking at it, but he would oppose the annexation unless it had significant enhancement and could be brought into conformance with City standards.

Phyllis Aguayo said the request had both advantages and disadvantages. However, she would hope that there would be more information on the impact, and there would be the

expectation that they would bring the property into conformance with City standards, especially the sign ordinance.

Plunkett said she agreed that a cost benefit analysis should be done, and she was concerned about the Publix sign. Haddix said that the general perception was that the development was part of the City. There were certainly conformance issues that could be addressed over time, and he felt it probably needed to be in the City.

Boone moved to approve the Step 1 Annexation request. Haddix seconded. Motion carried unanimously.

08-08-02 Public Hearing – Consider Step 1 Annexation Request, Hardy / Kidd / Whitlock / Wilksgrrove Tracts

Bob Rolader of Scarborough and Rolader, agent for the property owners, said this could be considered a housekeeping issue because the parcels were part of an existing unincorporated island. Rolader said his firm had no contract on the property and no interest other than cleaning up the island. The request would be to bring the property in at its existing AR Agricultural Reserve zoning.

Robert Brown said that, if there were a case for considering annexation, this appeared to be one.

Lynda Wojcik spoke against the request because the applicants were not specifying a zoning, and the City should know what would be done in the future when it annexed a piece of property.

Phyllis Aguayo said, while she liked the idea of bringing in property at the same zoning as it was in the County, AR was a holding category that would eventually be zoned to something else. The effort had always been to annex with zoning to assure what was going to happen on the site. She felt that, without that, there should be limits put on what could be developed, even if the zoning was not set at the time of annexation.

Beth Pullias said she was not necessarily against the annexation, but she attended the Atlanta Christian College task force meeting at which a Wieland representative said the land was being sold. She asked why it had not been annexed with the other properties.

Rolader said that, after speaking with the applicants, there were currently no contracts or offers on the property. The McWilliams property, already in the city, was the only one in play.

Haddix said that, at this point, it was appropriate to annex the property. Boone said he did not have a problem with approving Step 1.

Haddix moved to approve the Step 1 Annexation Request. Boone seconded. Motion carried unanimously.

08-08-03 Consider Adoption of FY 2009 Budget Resolution

Financial Services Director Paul Salvatore said that the only change since the public hearing was that the tax digest numbers had come in and had been slightly higher than estimated, reducing the use of reserves to balance the budget.

Plunkett moved to approve the FY 2009 Budget Resolution. Boone seconded. Motion carried unanimously.

08-08-04 Public Hearing – Millage Rates for 2008

Salvatore said the proposed millage rate for the 2008 tax year was 5.533 mills, the same as last year's rate. The current millage rate was broken down into two components – the bond millage rate of 0.548 mills and the Maintenance & Operation (M&O) millage rate of 4.985 mills. For 2008, the bond millage rate would be reduced by 0.137 mills to 0.411 mills, and the M&O millage rate would increase by 0.137 mills to 5.122 mills.

Salvatore continued that the M&O rollback rate was calculated at 4.976 mills, and the proposed rate was 5.122 mills. The difference of 0.146 mills (0.009 mills from rollback and 0.137 mills reallocated from bond millage) would generate approximately \$277,000 in tax revenue for FY 2009. For a property valued at \$245,000 fair market value, the annual tax increase was approximately 88 cents.

Salvatore said the 2008 City tax bill for a property valued at \$245,000 fair market value would be approximately \$3,400.89, which included the Fayette County School tax at \$2,304.96 (23.520 mills for both bond and M&O rates at 68% of the bill), the Fayette County incorporated tax at \$529.29 (5.400 mills at 16% of the bill), the City tax at \$542.23 (5.533 mills at 16% of the bill), and the state tax at \$24.50 (0.250 mills at 1%).

Robert Brown complimented staff and Council on holding the millage rate, and noted that he wished the School Board could have done the same.

Lynda Wojcik felt that the City should not be relying on reserves and should raise the millage rate to cover the shortfall.

McMullen said the citizens would not appreciate an increase in millage if, based on budget policies, the City did not really need it. Boone added that he agreed with a conservative approach in protecting reserves, but staff had made tremendous cuts to hold the millage rate, and he complimented staff on their efforts.

Logsdon declared the public hearing closed.

Sturbaum said 2008 had been a difficult economic year, and that 2009 could be even harder. He felt it was for the benefit of the City to adopt a budget without raising the millage rate.

08-08-05 Consider Adoption of the 2008 Millage Rates

Plunkett moved to adopt the bond millage of 0.411 and the maintenance and operation millage rate of 5.122, which included the .137 mills formerly in the bond millage rate and dedicated 0.019 mills to fund the annual appropriation to the Development Authority of Peachtree City, for a total millage rate of 5.533. Boone seconded. Motion carried unanimously.

08-08-06 Alcohol License – NEW – Kane Yama, 620 Crosstown Drive

Plunkett moved to approve an alcohol license for Kane Yama, with Mr. Tom Y.C. Huang as the Licensee and License Representative. Haddix seconded. Motion carried unanimously.

08-08-07 Consider Funding of Interchange Modification Report

McMullen said the item was discussed at the recent Association of Fayette County Governments meeting. The Tri-County Alliance [South Fulton, Fayette, and Coweta Counties (TCA)], of which the City was a member, was working to have the Georgia Department of Transportation speed up the improvements to the Highway 74/Interstate 85 interchange. The first step was to complete the Interchange Modification Report, which had a \$100,000 cost. Several other local entities were contributing funding (Fairburn and South Fulton Community Improvement District (CID) - \$50,000, Fayette County - \$40,000). McMullen asked Council to consider funding the remaining \$10,000 from Council Contingency funds.

Plunkett asked if Coweta County and Tyrone had been approached about contributing to the study. McMullen said that Joddie Gray of the South Fulton CID had asked, but no other funding had been proffered. Haddix noted that City residents were already funding a third of the \$40,000 from the County. Sturbaum said he would like to see Tyrone participate as well.

Plunkett said if the project was going to be cancelled due to lack of funding, then staff could come back to Council for the balance. She moved to approve funding in the amount of \$5,000 from Council Contingency, TCA to approach other entities to participate in the funding. Boone seconded. Motion carried 4-1 (Haddix).

08-08-08 Consider Proposal for Auditing Services

Salvatore said Requests for Proposal (RFP) had been sent to 13 firms, and six proposals had been submitted. The current audit firm (Mauldin and Jenkins) had scored highest on the technical proposals (75% of the score), but Moore & Cubbage was significantly less on the pricing (25% of the score). Staff recommended switching to Moore & Cubbage.

Plunkett moved to accept the proposal from Moore & Cubbage, LLP, for auditing services for the City for fiscal years 2008, 2009, and 2010, and to authorize the City Manager and Financial Services Director to enter into annual contracts for these services. Boone seconded. Motion carried unanimously.

08-08-09 Consider Extending Lease for Temporary Police Station

City Engineer Dave Borkowski said staff was recommending an additional 3-month extension to the lease for the temporary police facility. This was a new lease amount, \$12,560 plus the common area maintenance fees. The funds would be covered in the Bricks & Mortar fees for the renovations.

Plunkett asked if the time allotted would be adequate to complete the repairs, and Borkowski said yes.

Plunkett moved to approve the lease for three additional months in the amount of \$12,560 a month plus the common area maintenance fee of \$3,223.73, for a total amount of \$15,783.73 plus utilities, and to authorize the Mayor to sign the lease. Haddix seconded. Motion carried 4-1 (Sturbaum).

08-08-10 Consider Request from SouthTree Enterprises for a Water Line Easement on City-owned Property

Rast indicated that this pertained to the development on the site of the former Edward Jones office building on Highway 54, which was being redeveloped into offices for the Whitlock Financial Center. The size of the new building required automated fire sprinklers, but the water line to the site could not accommodate that. They had an option of boring under Highway 54 or accessing through City property to the water line on Waterwood Bend.

Rast said staff proposed three conditions:

- 1) The portion of the multi-use path disturbed by construction shall be reconstructed to current city standards immediately following construction activities;
- 2) The entire easement shall be fine graded, seeded and strawed immediately following construction activities; and
- 3) The applicant shall be responsible for paying all recording fees for the subject easement.

Plunkett moved to approve a 20-foot wide water line easement extending from Waterwood Bend to the Whitlock Financial Center with the proposed conditions. Boone seconded. Motion carried unanimously.

Council/Staff Topics

Logsdon introduced his intern, Brian Jack, who gave a brief presentation on Peachtree City's status in the annual CNN/Money Magazine "Best Places to Live" rankings. Jack indicated that the publication had only ranked cities with populations greater than 50,000 in 2006 and 2008, when Peachtree City had not been included. The comparisons also focused on different criteria each year.

Update on Energy Performance Based Contract

Public Services Director Tom Corbett gave a presentation (included in the official meeting file) on the Energy Performance Based Contract. In a comparison between February –June 2006 and 2008 (before and after the modifications were made), the

program had saved over \$6,000 at the Tennis Center and Amphitheater, and over \$29,000 at City Hall, the Library, and Kedron (for the five-month period).

Boone moved to go into executive session for a legal matter. Haddix seconded. Motion carried unanimously.

Plunkett moved to adjourn from executive session. Boone seconded. Motion carried unanimously.

There being no further business, Boone moved to adjourn the meeting. Haddix seconded. Motion carried unanimously. The meeting adjourned at 10:15 p.m.

Betsy Tyler, Acting City Clerk

Harold K. Logsdon, Mayor

City Council of Peachtree City
Workshop Minutes
August 12, 2008
6:30 p.m.

The Mayor and Council of the City of Peachtree City met in a workshop session on Tuesday, August 12, 2008. Mayor Logsdon called the meeting to order at 6:30 p.m. Other members in attendance were: Cyndi Plunkett, Doug Sturbaum, Steve Boone, and Don Haddix.

The purpose of the workshop was to discuss the proposed residential sanitation and recycling franchise and to discuss the consultant's report on City-wide impact fees.

Solid Waste/Recycling Franchise

City Manager Bernard McMullen introduced Al Yougel of Keep Peachtree City Beautiful (KPTCB), who had asked to address Council about recycling (a copy of Yougel's presentation is included in the official meeting file).

Yougel said the information packet provided by staff was very comprehensive as far as allowing Council to make an informed decision. The issue of a single provider and curbside recycling seemed obvious. The two perspectives he offered were as spokesperson for KPTCB and as a home owner association (HOA) president. As an HOA president, it made sense to have a single provider to save the streets. If it made sense for the 39 homes in his neighborhood, it would have to make sense for 10,000 homes. Yougel added that the life span of a standard street, as noted in the packet, did not reflect many of the already aging streets in the City. From the KPTCB perspective, the issue was far more complex than the cost of street repair. It was also an opportunity to put the foundation in place to reduce littering. Getting control of waste removal and disposal was only the beginning, but it demonstrated that the City was serious about the issue.

Yougel said several months ago he addressed Council regarding the need to change the community's attitude to curb litter. He added that a change in attitude might also be needed among Council and staff. Personal involvement was the key, and it needed to include every household. His own attitude had changed since working with Keep America Beautiful. The state had analyzed household waste and found that two-thirds of beverage containers were emptied in the home. An estimated 2.6 million tons of materials that could be recycled ended up in Georgia landfills, which drastically reduced the life span of landfills.

Yougel said the City had a reputation for being "green," but was resting on its laurels in some respects and needed to take steps to improve that. He asked Council to base their decision on the finances, the facts, and the future, when considering this issue. Yougel said community education would be important when a program was implemented, and he offered the assistance of KPTCB in that effort.

McMullen said staff had met a number of times with the interested waste haulers, and needed clarification before proceeding. The vendors indicated there were some elements that were

necessary to make the program successful. Rather than having staff finish the Request for Proposal (RFP) process and having the vendors preparing the proposals, he wanted to get Council's input.

The first option was an exclusive franchise. Plunkett had indicated a desire to let residents "opt out" of the franchise. McMullen noted the current distribution of providers, with Allied having 64% of the customers. He said staff had learned that, to provide trash service, a vendor needed a significant portion (at least 15%) of the City to be viable. If citizens were allowed to opt out of a franchise, nothing changed from the current status. Multiple vendors and multiple trucks would still be out on the streets each week.

The other option was choosing to take trash to the landfill. Staff felt that was not an advisable policy to implement because people would find other places to take trash, and it could end up as litter along roadways or dumped in greenbelts.

Staff recommended an exclusive provider with mandatory participation from all residents. Plunkett asked about the person who worked out of town and could not put out trash except on the weekends. If their service was Wednesday, their trash can would have to stay out Sunday night to Friday night. Elderly residents who paid extra for back door pickup also needed to be addressed.

Sturbaum asked if the number of trucks would actually increase if trash and recycling were mandated, in comparison to the current number of trucks on the road. Haddix added that some people took their trash out of the City to work to dispose of it. There were also older residents who shared cans and service.

McMullen prefaced his statement by saying many municipalities had exclusive arrangements, and he felt those issues were not unique to the City. Staff had brought up back door service with the vendors, who primarily wanted some type of physician letter or affidavit that the resident needed the service, and there was no discussion of extra cost.

McMullen said these issues were a science to the vendors regarding the percentages of different types of service. Plunkett said she had several constituents contact her who paid a premium for Saturday pickup. McMullen said that option could be added to the RFP.

Plunkett asked how billing would work. McMullen said staff's recommendation was that the vendor would do the billing, with the City providing a database of addresses. There would be an ordinance change to assist with payment enforcement.

Boone asked about rental properties, and whether the owner or occupant would be billed. Tyler clarified that City ordinance would require trash service for each residence. If an occupant did not pay, the vendor would discontinue service and notify the City. The City would then cite the occupant for failing to maintain garbage service.

Logsdon asked about the potential for reducing residents' monthly garbage bills. McMullen said the City would only get that information when the proposals came in. Yougel added that his discussions with people in the industry indicated that rates went down due to the increase in recycling.

Sturbaum asked about the apartment communities. McMullen said this proposal did not include those properties with common dumpsters that were served by a commercial sanitation service.

Logsdon said he was surprised at the potential ecological savings with City-wide recycling. He said people came to Council meetings to talk about saving trees, but the impact of recycling was mindboggling. The City had always been a progressive city, but needed to catch up when it came to recycling. Logsdon said he felt the finances would show that residents, overall, would save money, and there were some special circumstances that needed to be included in the proposal. He thought the time had come to move forward on the issue. The savings to the City alone would be significant.

Haddix said he had recycled for years, but he looked at some HOAs with contracts, and adding a recycling truck would double the number of trucks on their roads. Some homes had smaller garages that would not hold two containers, and some HOAs had strict rules about storing garbage cans outside. There were also a lot of items that could not be recycled, and if those things were thrown in, it would contaminate the batch and have the material end up in the landfill.

McMullen said he felt the City needed to start somewhere, and the best place to start was in educating the community's children. One of the requirements would be for the vendors to dedicate funds to education, especially in the schools. In terms of lack of space for the canisters, there were options in most homes. The vendors indicated that, as a community matured in recycling, the successful ones had the larger can for recycling and the smaller can for general waste. The literature indicated about 60% of items thrown away today could be recycled. Currently, only 1-2% of the City's trash was being recycled. The average for larger cities was 32%, with New York City achieving the high of 60%.

Plunkett asked how to address those who did not recycle. McMullen said that staff's proposal included mandatory recycling in terms of including recycling on all bills. Those who chose not to participate would not save any money. The rationale was that people were more likely to start recycling if they were already paying for it.

Plunkett clarified that those who were not putting out recyclables would not be penalized, and McMullen said that was correct. Plunkett said some cities had requirements to put out a recycling bin, or they would not pick up the trash. McMullen noted that another Georgia city addressed non-payment by pulling the Certificate of Occupancy on the house. Plunkett said that, in Florida, they imposed fines when recyclables were mixed in with the regular trash.

Yougel said that, once implemented, recycling will increase over time. It took an attitude change and education. He said staff had made a presentation for a wonderful concept for a

recycling center, but it would not do any good until the attitudes toward recycling changed in the homes.

Plunkett said that educating children was important, but as the retiree population grew, they also needed to be educated. Public Services Director Tom Corbett said his experience was that children and senior citizens were the best recyclers. Haddix said they tried recycling in his community and it had failed miserably, with only one resident opting to add the service.

Sturbaum asked about the inclusion of yard debris collection in the program. McMullen said the vendors would be required to pick up yard debris. Purchasing Officer Angela Egan noted that the frequency had not been determined, and the vendors had requested a maximum number of bags limit per pickup.

Sturbaum asked if there would be an audit program, noting that some news shows had found providers dumping recycling with the regular garbage. Egan said the ordinance and agreement would require the vendors to submit tickets validating their recycling. Logsdon said the controls would be in place.

Sturbaum returned to his earlier question on whether there would be a net change of the number of trucks on the road. Based on the numbers staff had gathered, the overall number of trucks would decrease, even with adding a second recycling truck.

Plunkett asked, if she paid the fee but did not want to participate, was there any reason she could not pay someone else to pick up her trash. Boone said this would be exclusive franchise. McMullen said staff's rationale for not recommending that was that there would not be a company that would come in for just a few customers. Unless the City allowed a significant number of homes to opt out, it was not a real option because no one would come pick up for only a few. Plunkett said the other option was that to include premium services, such as Saturday pickup, in the RFP. Egan noted that this was a very competitive industry, so the haulers were not necessarily putting all their options out there during the open discussion phase.

Sturbaum asked if the City had identified the possible vendors. McMullen said yes, and that there had been two mandatory meetings that the vendors had to attend, so only they would be eligible to submit proposals. Egan estimated that nine firms were currently in the running, two of which were probably going to merge. She said the City would probably end up receiving proposals from about five of those vendors.

Boone said one of his concerns related to vendors with older trucks that spilled fluids on the streets. He said he was concerned about a vendor low-balling the bid but using substandard equipment. McMullen and Tyler indicated that one of the issues under consideration was requiring the vendors to have catch pans on all the trucks to prevent this problem. Tyler indicated that another benefit of having a single provider was being able to identify who had made the mess to require cleanup. That process was pursued currently, but was impossible if there was not a witness who could identify which truck caused the spill.

McMullen said one final item he wanted to discuss with Council was the concept of single-stream recycling, where the vendor would perform the sorting, possibly at the City recycling center. One of the City's options for the recycling center was to acquire the property adjacent to the Police Station. If the costs to the City to acquire the property and make the improvements were \$1 million (a figure for example purposes only), one option to finance that was to obtain a revenue bond through a County authority and add a fee that would be billed to the customers included in the franchise.

McMullen said that if the City retained the Recycling Center and the vendor operated it, the current site was not going to be usable. The City spent sent \$61,000 per year to operate the center. If the vendor was operating the center, people could take items to the center more often, and it would be at a more centralized location in the city.

Haddix said his big concern was how much government control was too much. Boone said there was a lot of citizen opposition to the franchise due to the desire to have a choice, but could see the need for the franchise due to the number of trucks on the roads and the need for recycling. He said the RFP needed to go out for Council to make a final decision, and education would be a crucial part of the process.

Council consensus was to move forward with the RFP.

Development Impact Fees

City Planner David Rast introduced Bill Ross with Ross and Associates, with whom the City had contracted to evaluate the Impact Fee program. One of the issues under consideration was having impact fees for development other than residential development. Rast said they wanted to come to Council in a workshop format for Ross to give an overview of the process.

Ross said most of his firm's work was in comprehensive plans, zoning ordinances, and land development regulations. His firm had developed about two-thirds of the current impact fee programs in the state, and they had been successfully tested in court. Since 2001, they had been closely involved with Georgia Department of Community Affairs and how they evaluated impact fees. He said his firm strongly recommended charging impact fees for all development categories, including non-residential. The fees could be charged for four categories of costs: parks, library, police, and fire. Generally, parks and library costs were only charged on residential, but all types of development had an impact on public safety.

Ross outlined the process, saying the City would essentially end its current impact fee program, which had been based on recouping costs for existing projects. However, the City now had a good idea of build out, which gave a good frame of reference for what would be needed in the future. Ross noted that, at some point in the future, the City would be done with impact fees because it would only be seeing redevelopment.

The intent of the methodology report was to calculate the most that could be charged in impact fees. It gave the ceiling, but Council needed to decide the policy within that ceiling. Ross said it was not necessarily helpful to look at what other communities were charging because these costs

would be unique to the City and the services the City wanted to maintain. Ross noted that the report also contained a section to allow for modifying the calculations.

The impact fee was based on extending the current level of service into the future. The only really different component was fire, and there was a long-range plan to achieve the total coverage they were working for.

For residential development, the fee was based on a dwelling unit. For non-residential land, the fee was based on variables, including square footage or acreage, ultimately designed to calculate the number of employees involved in that non-residential activity. Ross said new development had a demand for service, and owed an impact fee for that service.

Ross noted a tool that was available to the City – an exemption for extraordinary economic development and job growth. This would allow exempting a land use or project from the fee to help attract a specific type of business. Ross said most of their clients had the exemption in place, but few had actually used it.

The next steps were to create the Capital Improvements Plan (CIP) amendment to the Comprehensive Plan (replacing the current one), modify the ordinance on impact fees, hold a public hearing, and send the CIP to the Regional Development Council for review.

Haddix said the models he had seen currently viewed retail in two categories, high and low impact. He asked if the fee could also be tiered. Ross said there could actually be several categories of retail, and the fee was based on a square footage ratio.

Ross said that one of the changes was creating a single, citywide service area, rather than the administrative work required for the current multiple service areas model. Rast added that the current service areas and subservice areas were difficult to manage from an administrative and accounting standpoint. One question he had about the ordinance revision was the change from the current impact fee committee, who reviewed and made a recommendation to Council. Rast asked if the committee was required by state law, or if the consultant process replaced that. Ross clarified that the committee was no longer required by state law. However, it was not a bad idea to keep the committee in place to evaluate changes. Ross said he had no problem making a presentation to the committee.

Plunkett asked who the changes would apply to if they were adopted by Council. Specifically, she wanted to know where the cut-off point for current and pending development was. Ross responded that the fee was charged with the issuance of the building permit, and there was a certification process that would allow applicants to obtain a 180-day window to build under the old fee. If a building was permitted and underway, or if a building was started within the 180-day certification window, the old fee would apply. All others would pay the new fee.

Plunkett noted there was not a lot left in the City to build, and she wondered what the purpose would be to change the impact fee structure at this point. Ross said that, by the City's forecast

for growth, there would be approximately 1,400 new dwelling units. Employment growth would continue beyond that in the non-residential sector.

Plunkett asked if a cost benefit analysis had been done. McMullen said no more than for any other ordinance change, and Ross pointed out that staff time would be changed. McMullen said this also addressed Council's request to look at the possibility of charging impact fees for commercial and industrial development. He pointed out that there were still 400 acres of undeveloped industrial property, in addition to the property in the West Village.

McMullen asked if Council wanted staff to proceed with the policy change, and asked if they wanted to include the non-residential uses. He encouraged Council to update the existing ordinance whether the fees were expanded to other uses. McMullen said the City Attorney had reviewed the material and was comfortable with it.

Rast said that Ross had worked closely with the police, fire, and leisure services departments to ensure their programs were included for future needs.

Logsdon said he heard a consensus to move forward on this, and Council agreed.

There being no further business to discuss, the meeting adjourned at 8:00 p.m.

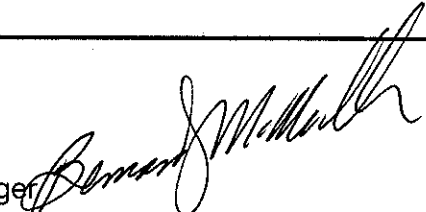
Betsy Tyler, Acting City Clerk

Harold Logsdon, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Bernard J. McMullen, City Manager 

FROM: Paul J. Salvatore, Financial Services Director *P.S. jc*
Janet I. Camburn, Assistant Finance Director *JC*

DATE: August 14, 2008

SUBJECT: Budget Amendments – Fiscal Year 2008

August 21, 2008 City Council Consent Agenda

Recommendation:

It is Staff's recommendation that City Council approve the attached fiscal year 2008 budget amendment.

Discussion:

Attached please find budget amendment 08-018 for the Keep Peachtree City Beautiful (KPTCB) Fund. This City fund has recently been used to accept donations for the KPTCB committee. The committee just received notice of their 501(c)(3) status. With that notice, the City will turn over all unspent donated funds to this newly created entity, Keep Peachtree City Beautiful, Inc. This budget amendment brings the budgeted revenues and expenditures up to date at this point and establishes an expenditure account in the fund to transfer the current cash balance to the new entity.

Budget Impact:

The net affect of the budget amendment is to increase both the budgeted revenues and expenditures of the City fund by \$1,312.

If you have any questions, please do not hesitate to contact Finance Department Staff.

Thank you for your attention to this matter.

Attachments

CITY OF PEACHTREE CITY**BUDGET AMENDMENT****NUMBER** 08-018**DATE** August 21, 2008

ACCOUNT	PJT	DESCRIPTION	INCREASE	DECREASE
265-00-37-1000	xxx	Donations	1,285	
265-00-36-1100	xxx	Interest Earnings	27	
265-6190-52-3300	xxx	Advertising	40	
265-6190-52-3700	xxx	Education & Training	275	
265-6190-57-2001	xxx	Transfer to KPTCB - Non-Profit	1,105	
265-6190-53-1175	xxx	Operating Supplies		108

TOTAL \$ 2,732 \$ 108

To adjust budgeted revenues and expenditures in the KPTCB Fund to cover actual expenditures that donations and interest earnings have already been received to cover the expenditures. This is in anticipation of closing this fund and turning the excess donations over to KPTCB to manage now with their 501(c)(3) status.

ENTERED _____**APPROVED** _____

CITY OF PEACHTREE CITY
INTEROFFICE MEMORANDUM

TO: City Council

VIA: City Manager *Bernard J. McCall*
Assistant City Manager *AK*
Finance Director *P.S.*

FROM: Director of Leisure Services *WJ*

DATE: Aug. 11, 2008

SUBJECT: Consider Fee Recommendations, Recreation & Library
For August 21, 2008 City Council Meeting

Recommendation: That Council considers various fees as outlined below.

Discussion:

Gathering Place access fee: As a result of a work session with City Council and interested seniors on April 22, and follow up discussions with facility users, the following Gathering Place Access Fee recommendation is made: **\$10 per year for Peachtree City and other Fayette County residents and \$20 per year for out of county users, effective January 2009.** This does not include rentals or people taking instructional classes offered by the Recreation Department at the Gathering Place. Guest passes would be allowed to enable card holders to occasionally bring guests without having to pay. We plan to use a swipe card process to enable people to quickly check in and to have an automated system to provide reports on attendance. We can use a feature of our existing program scheduling and facility reservation system (Activenet). Staff anticipates the cost to implement this system to be about \$1,000 for start-up and minimal cost thereafter for card stock.

Room Rental Fees for churches, schools and civic groups: Fees to groups previously not charged, i.e. church, school and civic groups

- **PTC** churches, schools, civic groups
 - 3-No-Fee bookings/yr {can be bumped up to one week before event for rental or instructional class}
 - 3-No-Fee based on "organizational" events, not individual classes or sub-groups
 - 3-No-Fee civic groups: must be PTC based and be prepared to show IRS "Letter of Determination" proof of 501 c(3) status
- 3-No-fee reservations on first-come, first-served basis and can be bumped up to one week before event by paid rental or recreation program;
- After 3-No-Fee, can schedule bookings on fee basis (new fee schedule) no more than one month in advance; but can't be bumped
- All other rules of rental/reservation per facility would apply (Exempt those w/written city agreements)
- Outside PTC in these categories are on full fee basis

- Recommend this becomes effective Jan. 1, 2009, and that any group already scheduled before that date to use a room under the existing rules be exempted on a one time basis. Est. \$5,000 - \$8,000 additional revenue based on 2007 usage.

Staff met on Aug. 8 with representatives from a cross section of these groups to explain the proposal and obtain input. We had good interchange of information and some ideas we might want to implement later. Those present understood the reason for the fee recommendation and felt it was a reasonable proposal.

Change in Fee Schedule for rental of sports fields: In order to accommodate requests from local hotels and businesses and youth associations who would like to sponsor more tournaments here, we have adjusted our fees for rental of sports fields. We previously had a per-game fee, which could be quite pricy for a large tournament. Also, it was impossible for staff to monitor. We polled other venues with facilities that host tournaments and found a variety of methods, but a common measure was to set an hourly rate per field, with a daily cap per field. We have adjusted our fee scale so that we do not discourage tournaments but still realize a moderate revenue stream from them. The revised fees are shown in the attached fee schedule. It is unrealistic to attempt to project a revenue amount because there has never been a trend established for tournaments; but over time revenue can increase if more tournaments are held here. The positive impact on local businesses must also be considered.

Proctoring Fee at Library: Staff would like to establish a flat fee of \$10 per test for test proctoring for Fayette County residents and \$20 for out of county residents. See attached memo from Jill Prouty relative to this proposal.

Budgetary Impact: Estimated new revenue from Gathering Place Access Fee, \$5,000
Estimated new revenue from church/school/civic, \$5,000 - \$8,000. Estimated new revenue from Library Proctoring fee, \$2,000.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Leisure Services Director

FROM: Library Administrator 

DATE: May 19, 2008

SUBJECT: Consider Fee for Test Proctoring at Library
August 21, 2008, Council Meeting

Recommendation:

Staff recommends that Council establish a flat fee for test proctoring at \$10.00 per test for residents of Fayette County and \$20.00 per test for non-residents.

Discussion:

Peachtree City Library is the only public library in the county that offers test proctoring for distance learners. While test proctoring is not defined as a basic library service, and thus not covered by Flint River Regional Library System policy, Peachtree City Library staff firmly supports distance learning through accredited colleges and universities. However, the time it takes to schedule the tests and administer them does take staff away from their primary functions. The number of tests proctored has increased in recent years, partly due to the county library discontinuing their test proctoring service. For example, in March we proctored 15 exams for 12 students from 12 different universities, each having their own separate requirements. Staff feels a reasonable fee would help to defray the costs associated with providing the service.

Staff has contacted other public libraries within the PINES system to find out what the range of charges for test proctoring might be. The results are as follows:

- Jackson-Butts County Public Library - \$15
- Union County Public Library - free
- Houston County Public Library - \$10
- Richmond Hill Public Library – free, in county only
- Lafayette Walker Public Library - \$20
- Henry County Library System - \$10
- Southwest Georgia Regional Library System – free

- Henry County Library System - \$10
- Southwest Georgia Regional Library System – free
- Hall County Library System - \$20
- Twin Lakes Library System – free for PINES cardholders in good standing; all others \$5
- Chestatee Regional Library – Free
- Rome/Floyd County Public Library - \$5

Staff feels that establishing a charge of \$10 per test for Fayette County residents and \$20 per test for non-residents is reasonable, and that the staff time involved in proctoring tests would be covered by these fees.

Budget Impact:

This item will have an estimated budget impact of approximately \$2,000 in revenue per year.

Recreation Facility & Field Rental Fees

Facility	Civic Church School	Peachtree City & Fayette Resident	Peachtree City & Fayette Commercial	Out of County Res/Commerical	*Deposit Required
Basketball (outdoor)		10.00 /hr	20.00/hr	40.00/hr	50.00
BMX Track		150.00/day	250.00/day	375.00/day	50.00
ATHLETIC FIELDS: (rate is per/hour, per/field used)					
per hour:	\$10.00	\$20.00	\$25.00	\$30.00	\$50.00
per day:	\$50.00	\$75.00	\$100.00	\$125.00	\$50.00
WITH USE OF LIGHTS:					
per hour:	\$20.00	\$30.00	\$35.00	\$40.00	50.00
per day:	\$75.00	\$100.00	\$125.00	\$150.00	50.00
GAZEBOS:		20.00/hr	30.00/hr	65.00/hr	50.00
PAVILIONS:					
Pavilions		25.00/hr	50.00/hr	75.00/hr	50.00
MP Court-PP		25.00/hr	50.00/hr	75.00/hr	50.00
PARKS:					
Beaver Dam Park		25.00/hr	40.00/hr	60.00/hr	50.00
Drake Field		25.00/hr	40.00/hr	60.00/hr	50.00
Huddleston Park		25.00/hr	40.00/hr	80.00/hr	50.00
Picnic Park & Pav.		40.00/hr	80.00/hr	110.00/hr	50.00
POOLS:					
Clover Reach		30.00/hr	60.00/hr	90.00/hr	75.00
Glenloch		40.00/hr	80.00/hr	120.00/hr	75.00
Pebblepocket		40.00/hr	80.00/hr	120.00/hr	75.00
Kedron Small (s)		40.00/hr	80.00/hr	120.00/hr	75.00
Kedron Small (w)		50.00/hr	100.00/hr	125.00/hr	75.00
Kedron Lap (s)		50.00/hr	100.00/hr	125.00/hr	75.00
Kedron Lap (w)		60.00/hr	120.00/hr	150.00/hr	75.00
Ked. 2 pools (s)		75.00/hr	150.00/hr	185.00/hr	75.00
Ked. 2 pools (w)		100.00/hr	200.00/hr	300.00/hr	75.00
ROOMS:					
G PI- Sm Room	20.00/hr	35.00/hr	70.00/hr	85.00/hr	100.00
G. PI-Lg Room	25.00/hr	50.00/hr	110.00/hr	135.00/hr	100.00
Kedron Room 2	30.00/hr	60.00/hr	110.00/hr	135.00/hr	75.00
Kedron Room 3	20.00/hr	40.00/hr	80.00/hr	95.00/hr	75.00
Gym 1/2 Court	25.00/hr	50.00/hr	90.00/hr	140.00/hr	75.00
Gym Full Court	40.00/hr	80.00/hr	140.00/hr	180.00/hr	75.00
Full Gym- 2 Courts	65.00/hr	130.00/hr	240.00/hr	300.00/hr	75.00
TENNIS COURTS:					
Courts/Lights		25.00/hr	50.00/hr	75.00/hr	50.00
Courts/Unlighted		20.00/hr	35.00/hr	55.00/hr	50.00

*Deposits are refundable so long as facility or park is undamaged and cleaned up after use

L=Lighted s=summer w=winter

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager *Benjamin McMillan*
Developmental Services Director
City Engineer *David A. Bolonchuk*

FROM: City Planner/ Zoning Administrator *David*

DATE: August 12, 2008

SUBJECT: SANY America - consider variance to wetland buffer encroachment
August 21, 2008 City Council agenda

Recommendation

Continue the variance request until the September 4, 2008 meeting.

Discussion

As a part of the development of the overall 228-acre SANY America tract, the Applicant is proposing to clear, fill and grade approximately 471 linear feet of an unnamed intermittent stream and 0.54 acres of associated buffer as well as 4.77 acres of existing wetlands and their associated buffers.

Applications have been submitted to the Department of Natural Resources and the United States Army Corps of Engineers requesting permits for these activities. The Applicant must also secure variances from the following Land Development Ordinances:

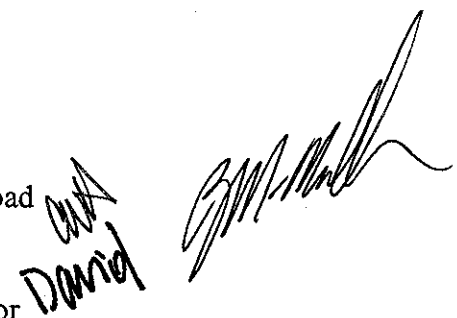
- *Section 1004(b)(2) of the Watershed Protection Ordinance;*
- *Section 1012.5.1 of the Metro North Georgia Water Planning District stream buffer protection ordinance; and*
- *Section 1005.4 (c)(15) of the Soil and Erosion and Sedimentation Control Ordinance.*

Integrated Science and Engineering, representing SANY America, submitted a request for a variance from Section 1004(b)(2) of the Watershed Protection Ordinance on July 28, 2008. Staff did not realize until earlier this week that the request did not include requests for variances from the other ordinance sections. Because of this, the legal advertisement did not include references to the additional ordinance sections. The legal ad will be modified and re-advertised, and this item will appear on the September 4 agenda.

POSITION PAPER

Proposed Variance: 137 Senoia Road
American Tower

City Planner/ Zoning Administrator
August 12, 2008



Situation:

Mr. Kenneth Grantham and Ms. Marilyn Craigmyre own the property located at 137 Senoia Road. The property owners entered into a lease agreement with PacTel Cellular of Georgia on April 11, 1994, to allow the construction of a telecommunications tower and associated tower facilities on their property. A final site plan for the referenced tower was submitted to and approved by the Planning Commission on July 6, 1995, and the tower and associated infrastructure was constructed shortly thereafter. The existing tower is approximately 100' in height, and the equipment compound at the base of the tower is located within a 35' x 20' lease area and surrounded by a wood enclosure with brick columns.

The city's Telecommunication Towers and Antennas ordinance was amended on March 19, 1998, to restrict the location of towers to specific zoning categories, limiting the height of new towers and establishing setbacks from adjoining property (Attachment "A"). The intent of these amendments was to encourage collocation of antenna on existing towers as opposed to permitting new towers throughout the city. When this ordinance was adopted, the existing tower and associated tower compound at 137 Senoia Road became non-conforming because they did not comply with the new setback restrictions.

The lease for the existing tower was amended on January 19, 2000, to allow the owner of the telecommunications tower to expand the lease area at the base of the tower as needed for additional equipment. The new owner of the tower (American Tower) submitted an application for a Sprint collocation on the existing telecommunications tower on October 20, 2006. The application included a 16' x 20' expansion of the existing tower facilities at the base of the tower to provide additional space for equipment as additional wireless carriers collocated on the existing tower. Because the expansion did not comply with the required setbacks from the existing property boundaries, the Applicant applied for and received a variance to permit this encroachment (Attachment "B").

The Applicant has indicated that Verizon Wireless desires to update and replace their existing equipment within the existing compound at the base of the tower and, in order to do so, they must relocate the recently installed Sprint/ Nextel equipment slightly to the east. Because of space limitations within the existing compound, they are seeking to extend the existing compound 6' to the east and increase the overall size of the compound by 120 SF (6' x 20'). The expanded area would be enclosed with brick columns and a wooden fence to match the existing facility.

Proposed Variance: 137 Senoia Road

August 12, 2008

Page 2

Because this would be a further encroachment into the required setback, the Applicant has applied for a variance to permit this expansion (Attachment "C").

Facts:

1. The subject tract is zoned AR Agricultural Reserve, which permits the installation of telecommunications towers and associated infrastructure.
2. The final site plan for the existing telecommunications tower and associated infrastructure was approved on July 6, 1995 and complied with the telecommunications ordinance at that time. This approval was granted with the condition that the fencing material around the base of the tower would consist of brick columns and wooden slats.
3. The tower and associated infrastructure was constructed shortly thereafter. The existing lease area at the base of the tower is located 106.4' from the right-of-way of Senoia Road; 25.1' from the property line adjoining the Carmichael Funeral Home; and 74.7' from the property line adjoining the AMLI Apartments property.
4. The city amended the Telecommunication Towers and Antennas Ordinance on March 19, 1998, which included specific setbacks for telecommunication towers and associated tower facilities. Section 18-380 (f) of this ordinance establishes a minimum 200' setback between tower facilities and residential property lines; 200' between tower facilities and street right-of-way lines; and 50' between tower facilities and non-residential property lines. Because the existing tower and associated tower facilities were constructed prior to the adoption of these revisions, they do not comply with these new requirements.
5. Section 18-378 (b) states: *"Pre-existing towers and antennas shall not be required to meet the requirements of this article, except for those requirements specified in section 18-380 (c), (d), and in section 18-381."* These sections address FAA requirements, building and electrical code compliance and certification requirements.
6. Including the proposed expansion of the tower facilities at the base of the existing tower, the new lease area/ tower compound would be located 106.4' from the right-of-way of Senoia Road and 68.7' from the property boundary adjacent to the AMLI Apartments property (Attachment "F"), both of which do not comply with the setbacks identified within Section 18-380 (f) of the telecommunications ordinance. The Applicant is requesting a variance to permit this encroachment.

Proposed Variance: 137 Senoia Road

August 12, 2008

Page 3

Review criteria/ Staff response:

Based on the recently amended variance criteria established within the city's Zoning Ordinance, City Council shall not grant the request unless all of the following findings can be made:

- (a) **There are special circumstances applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this ordinance denies the property of privileges enjoyed by other property in the vicinity and under identical zoning district classification;**

Staff response: The subject tract was platted many years ago. The owners of the property entered into a lease agreement with a telecommunications tower company several years before the city amended our Telecommunications Ordinance. The purpose of this ordinance was to identify locations throughout the city where towers might be appropriate and then identify specific criteria that would be required in order to approve a tower.

With the adoption of this ordinance, the existing tower on the subject tract became a legal non-conforming use. The tower is located on the extreme southern portion of the property. The property separating the subject tract from SR 74 is owned by AMLI apartments and is heavily wooded. This portion of the AMLI tract cannot be developed because of our setback and buffer requirements. In essence, this portion of the AMLI tract provides a heavily vegetated buffer separating the tower from SR 74. The proposed lease area would not be visible from SR 74 due to existing vegetation.

- (b) **The strict or literal interpretation and application of this ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Ordinance, or would deprive the Applicant of privileges granted to others in similar circumstances;**

Staff response: The existing tower and associated tower facilities at the base of the tower were permitted prior to the adoption of the amended telecommunications ordinance. When the tower was approved and initially constructed, it complied with the setbacks established at that time.

One of the parameters of adopting a revised ordinance was to encourage collocation of new equipment on existing towers throughout the city. The Applicant is proposing to upgrade and replace the mechanical equipment for an existing carrier on the tower. In order to do so, they have indicated there is no room available within the existing lease area. The new lease area would not be visible from SR 74 or from Senoia Road. The

Proposed Variance: 137 Senoia Road

August 12, 2008

Page 4

Applicant is proposing to screen views into the new lease area by extending the existing wood fence and brick columns.

Should the variance not be approved, the Applicant will be unable to replace the existing mechanical equipment or to upgrade the services of an existing carrier located on the tower.

- (c) **There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property which preclude the applicant from complying with this ordinance and that do not apply generally to other property in the same zoning district and which prevent the applicant from complying with existing regulations;**

Staff response: *With the adoption of the amended telecommunications ordinance, the existing tower and associated equipment is a legal non-forming use. In accordance with our ordinance, any expansion of this facility would need to meet current ordinance requirements.*

Due to the location of the existing facility, meeting these requirements is not possible. In order to expand the lease area, a variance would be required. The Applicant applied for and received a similar variance several years ago when a new carrier desired to collocate on the existing tower.

None of the existing vegetation on the site would be removed to accommodate this expansion. Due to its location on the site and the fact the lease area would be located behind the existing tower compound, the new lease area would not be visible from SR 74 or Senoia Road.

- (d) **The granting of such variance will not constitute the granting of special privileges inconsistent with the limitations on other property in the same zoning district; and**

Staff response: *Telecommunications towers are restricted to the AR, OS, LI and GI zoning districts. The existing tower was approved several years ago and provides services to the central portion of the city adjacent to SR 74. Through the years, several carriers have collocated on the existing tower, eliminating the need for a new tower in this area (it must be noted the existing tower at the former Comcast facility on SR 74, which is located several hundred feet to the south of this site, was dismantled several years ago and many of these carriers were able to collocate on the existing tower on this site).*

Proposed Variance: 137 Senoia Road

August 12, 2008

Page 5

Our telecommunications tower ordinance encourages the collocation of carriers and wireless equipment on existing towers. A variance was granted in 2006 for a similar expansion of the lease area. In this case, the lease area was expanded 320 SF (16' x 20') for a Sprint collocation and associated infrastructure. The Applicant is requesting a variance to accommodate a 120 SF (6' x 20') lease expansion to upgrade and replace the existing infrastructure for an existing carrier.

- (e) **The granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located; and,**

Staff response: The proposed lease area will not be visible from SR 74 or Senoia Road, nor from the rear of the adjoining Carmichael Funeral Home. The Applicant is proposing to enclose the expanded lease area with a wood fence and brick columns to match the design of the existing enclosure.

- (f) **The granting of such variance will not create inconsistencies with any objective of the Comprehensive Plan.**

Staff response: One of the items discussed within the comprehensive plan is the desire to preserve the aesthetics of the major thoroughfares throughout the city. The city has attempted to address this concern by adopting a stringent buffer ordinance and design guidelines ordinance as well as updating our landscape ordinance, lighting ordinance and sign ordinance.

When we were researching and developing our telecommunications ordinance several years ago, we invited representatives from all of the wireless carrier companies to work with us with the intention of identifying methods to encourage collocation of their equipment on existing or new towers in the city. We identified key locations within the city's "grid" where towers might be needed, and then encouraged each carrier to collocate within these areas.

This exercise has been beneficial as it allowed us to limit the number of new towers throughout the city and to work with individual carriers to locate them in such a manner as they would not become a visual blight along the major thoroughfares.

If it is found that the request is not in conformance with these requirements or may possibly have an adverse effect on the surrounding area, the City Council shall deny the request in writing, stating the reasons for the denial.

Proposed Variance: 137 Senoia Road

August 12, 2008

Page 6

Recommendation:

It is our position the proposed variance meets the intent of the review criteria established within the city's variance process. City Staff recommends that the variance be approved subject to the following understandings and conditions:

1. *The variance shall be limited to a new lease area extending no more than 6' x 20' into the established setback.*
2. *The new lease area/ tower compound shall be enclosed with brick columns and a wooden fence to match the existing enclosure.*
3. *Clearing of existing vegetation for the proposed expansion shall be limited to only that area required to accommodate the new lease area.*
4. *A minimum of seven wax myrtle shrubs (minimum 5-gallon) shall be planted at no greater than 5' on center along the north and south sides of the fenced area to assist in screening the compound area from view.*

Attachments

ARTICLE XIV. TELECOMMUNICATION TOWERS AND ANTENNAS*

***Editor's note:** Article XIV was formerly article XI.

Cross references: Community antenna television systems, ch. 26.

Sec. 18-376. Purpose.

The purpose of this article is to establish minimum guidelines for the siting of telecommunication towers and antennas, to advocate the joint use of new and existing tower sites, and to help provide telecommunication services to the community effectively and efficiently. The guidelines in this article are designed to configure towers and antennas in a way that, while conforming to the mandates of federal law, minimizes the potential adverse impact they may have on nearby properties by locating them in nonresidential areas and to discourage their proliferation throughout the city.

(Ord. No. 894, § 1, 12-7-2006)

Sec. 18-377. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Antenna means any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electro-magnetic waves.

Building official means the building official of the City of Peachtree City.

City planner means the city planner of the City of Peachtree City.

Code enforcement officer means the code enforcement officer of the City of Peachtree City.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna.

Preexisting towers and antennas means any tower or antenna for which a permit has been properly issued prior to March 19, 1998.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or mono-pole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Tower facilities means towers, antennas, all accessory buildings, and tower anchors.

(Ord. No. 894, § 1, 12-7-2006)

Cross references: Definitions generally, § 1-2.

Sec. 18-378. Applicability.

(a) All towers and antennas erected within the city shall comply with the requirements of this article; except that this article shall not govern any tower or antenna that is owned and operated by a federally licensed amateur radio or citizen band radio operator, or any antenna that is used exclusively for receive-only purposes.

(b) Preexisting towers and antennas shall not be required to meet the requirements of this article, except for those requirements specified in subsections 18-380(c) and (d), and in section 18-381.

(Ord. No. 894, § 1, 12-7-2006)

Sec. 18-379. Application.

(a) All applications for the installation of towers and antennas must be prepared, reviewed, approved and implemented in accordance with the city's established site plan review process.

(b) All information in an application of a technical nature must be certified by a professional in the appropriate field who is licensed to practice in the state.

(c) The owner or agent of the owner of the property on which a tower or antenna is proposed to be located must sign the application along with the representative of the company that owns the tower or antenna.

(d) Any application submitted for approval must meet all the requirements outlined in section 18-380.

(e) The city shall consider the following factors in determining whether to approve an application:

(1) Height of the proposed tower, including consideration of the proposed structure's distance from the runway surface at Peachtree City-Falcon Field Airport and the potential for such structure penetrating any protected associated airspace;

(2) Proximity of the tower to residential areas;

(3) Nature of uses on adjacent and nearby properties;

(4) Surrounding topography;

(5) Surrounding tree coverage and existing vegetation;

(6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

(7) Proposed ingress and egress.

(f) In granting its approval, the city, through the council or its designee, may impose special conditions it feels are necessary to minimize the adverse effect of a proposed tower or antenna on adjoining property.

(g) No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the city that no existing tower nor any towers in the approval process can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:

(1) That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.

- (2) That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- (3) That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
- (4) That the applicant's proposed antenna would cause electro-magnetic interference with the antennas on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (5) That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing exceed the cost of new tower development.
- (6) That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable, other than economic reasons.

(h) If it is determined that the applicant cannot feasibly locate an antenna on an existing tower, the applicant must then demonstrate that the proposed new tower is designed so that it can accommodate as many additional antennas as possible. No single-purpose towers will be permitted unless conclusive proof can be submitted that there is no other feasible alternative.

(Ord. No. 894, § 1, 12-7-2006)

Sec. 18-380. Requirements.

(a) Towers and antennas may be considered to be either principal or accessory uses on a particular zoning lot. For purposes of locating a tower or antenna on a particular lot, the dimensions of the entire lot shall control, even though the tower or antenna may be located on a leased parcel within the overall lot.

(b) Towers and antennas shall not be located on any zoning lot that is determined to be nonconforming, or on any zoning lot on which there exists a nonconforming use.

(c) All towers and antennas must comply with current standards or regulations of the FAA, the FCC, or any other agency of the federal government with the authority to regulate such towers or antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense and shall result in appropriate action by the code enforcement officer.

(d) All towers and antennas must comply with all current building and electrical codes which have been adopted by the city, as well as the applicable standards of the Electronic Industries Association, as amended. If upon inspection the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance with such standards, appropriate action will be taken by the code enforcement officer.

(e) Towers and antennas should not exceed 350 feet in height and may be located only within the following zoning districts without a special variance as provided in section 18-382:

- (1) AR agricultural reserve;
- (2) OS open space;

- (3) LI limited industrial; and
- (4) GI general industrial.
- (f) In addition, no tower facilities shall be located in the following areas:
 - (1) Within 200 feet of a residential property line, or a distance equal to the height of the tower and its antennas, whichever is the greater distance from the residential property line;
 - (2) Within 200 feet of a public street right-of-way line; and
 - (3) Within 50 feet of a nonresidential property line.
- (g) All tower facilities, except for tower anchors, shall be secured by an appropriate fence or wall that is designed and installed in accordance with section 18-337 et seq. of this chapter.
- (h) All tower facilities shall be appropriately landscaped in accordance with the city's landscaping ordinance, appendix B, section 1101 et seq. Existing vegetation on the site shall be preserved as much as possible.
- (i) All tower facilities shall be separated from adjoining residential property by a suitable buffer consisting of a fence or wall at least six feet in height, or by a planting screen at least six feet in height at the time it is planted. It is intended that the required buffer at least provide a reasonable visual separation between the residential property and the lower portions of the tower facilities.
- (j) Towers and antennas shall not be lighted in any way except as may be required by the FAA, the airport authority, or the city for purposes of public safety; nor shall any tower or antenna contain any signage.

(Ord. No. 894, § 1, 12-7-2006)

Sec. 18-381. Tower certification.

- (a) An annual tower certification shall be required for any tower or antenna in the city, including those legally in use on the effective date of this article. Certification shall be submitted to the city planner and shall be signed and notarized by the tower owner or his authorized representative by January 31 each year.
- (b) A tower certification shall consist of a current description of the tower's location, height, physical condition, antennas, support facilities and other important characteristics specified by the city.
- (c) Any towers or antennas, including preexisting towers and antennas, that are not in use for a continuous period of 12 months shall be considered abandoned. The owner of such antenna or tower shall remove the tower within 90 days of receipt of notice from the city officially notifying the owner of such abandonment. If such antenna or tower is not removed within the 90-day period, the code enforcement officer shall take appropriate enforcement action.
- (d) If there are two or more authorized users of a single tower, a tower shall not be considered abandoned until all authorized users cease using the tower.

(Ord. No. 894, § 1, 12-7-2006)

Sec. 18-382. Variances.

Each telecommunication tower or antenna shall comply with the provisions of this chapter, unless a written request is filed and approved to waive this requirement. All variance procedures shall

be held in strict conformance with the procedures for variances as set forth in article XII, section 1202.2 of the city's zoning ordinance. Under no circumstances shall a variance be granted to allow a tower or antenna to be located within an established residential area.

(Ord. No. 894, § 1, 12-7-2006)

December 11, 2006

Ms. Jill House
American Tower
400 Regency Forest Drive
Cary, N.C. 27518

RE: Variance Request – 137 Senoia Road

Dear Ms. House:

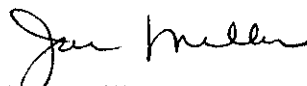
At the December 7, 2006, meeting, the City Council approved your request for a variance from the setback requirements in order to expand the compound for the existing telecommunications tower with conditions. The conditions include the following:

1. Approval is based on the revised drawings presented at the City Council meeting identifying the correct location of the compound expansion; and,
2. Any vegetation removed to accommodate the compound expansion must be replaced; and,
3. The expanded compound enclosure must be enclosed with materials similar to the existing compound enclosure.

Please retain this letter for your records.

If you have any questions, you may contact me at 770-487-7657.

Sincerely,



Jane Miller
City Clerk

cc: Zoning Administrator
Building Official



Please use blue or black ink to fill out this form.

VARIANCE APPLICATION

153 Willowbend Rd, Peachtree City, GA 30269

P: 770-487-5731

F: 770-631-2552

WWW.PEACHTREE-CITY.ORG

Admin. Variance Fee: \$25.00

Variance Fee: \$250.00

Receipt # 00130082

Date Filed 07/28/08

Case # V-2008-09

Office Use Only

VARIANCE LOCATION	Street Address <u>137 Senoia Rd</u> <u>Peachtree City</u>	PROPERTY OWNER	Name <u>Kenneth Grantham & Marilyn Craigingle</u>
	Zoning District: <u>AR</u> ☐ Residential ☐ Multi-Family ☐ Commercial/Industrial/Office Variance Type: ☐ Administrative ☐ Special Exception ☒ Variance (check one below) Variance from which ordinance: ☐ Sign ☐ Fence ☐ Land Development ☒ Zoning		Phone <u>(770) 617-2886</u>
APPLICANT	Name <u>American Tower - Dequere Corp</u>	PROPERTY INFO	Subdivision: _____
	Address <u>900 Circle 75 Parkway, Suite 300</u>		Phase: _____ Lot # _____
APPLICANT	City, State, Zip <u>Atlanta, GA 30339</u>	SUPPORTING DOCUMENTS	Please submit the following evidentiary items in support of this application and the requested variances. (Please check off the items that are attached to this application) ☒ Site plan (with property lines and proposed work) ☒ A detailed report justifying the requested variance ☐ Letters of support from adjacent property owners ☒ Digital Photographs \ Renderings (CD or Email) ☒ Other Items Demonstrating Need (topo. Survey, etc)
	Phone # <u>(770) 226-6467 - Barry Gannon</u>		
	Email <u>barry.gannon@americantower.com</u>		

ADMINISTRATIVE VARIANCE	1.) Is a current survey included with the application?	☐ Yes ☐ No	Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	2.) Does the application pertain to a zoning setback?	☐ Yes ☐ No	
	3.) Is the violation an existing setback violation?	☐ Yes ☐ No	
	4.) How long has the violation existed?	_____ Years	
	5.) What is the required setback?	_____ Feet	
	6.) How much of a variance is being requested?	_____ Feet	
	7.) Were you the owner of the property when the violation occurred? (If not, who was?)	☐ Yes ☐ No	

SPECIAL EXCEPTION	1.) Is a current survey included with the application?	☐ Yes ☐ No	Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	2.) Has property been rezoned or deed restrictions?	☐ Yes ☐ No	
	3.) Is the violation an existing setback violation?	☐ Yes ☐ No	
	4.) Application for a bldg setback, fence, or parking?	(Circle One)	
	5.) What is the required setback, height, or spaces?	_____	
	6.) How much of a variance is being requested?	_____	

VARIANCE	Please review the ordinances and instructions on the back of this page.		Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	1.) Is a current survey included with the application?	☒ Yes ☐ No	
	2.) How much of a variance is being requested?	_____ Feet	<u>Need Additional Compound Space</u> <u>for Verizon Wireless & Sprint/Nextel</u> <u>Air-buch</u>
	3.) Were you the owner of the property when the violation occurred? (If not, who was?)	☐ Yes ☒ No	

I hereby certify that I am the owner of the property on which a variance is being requested and that all information provided as a part of this application is true and correct.

Signature of Owner/Agent: Barry Gannon

Date 7/25/08

OFFICE ONLY

ADMINISTRATIVE VARIANCE	Signature: _____
Date of Acceptance: _____	Date of Hearing: _____
	☐ Approved ☐ Denied ☐ Approved with Conditions
SPECIAL EXCEPTIONS & VARIANCE FROM ORDINANCES	This application, along with the required fee and all necessary supplemental documents, has been properly submitted and is hereby accepted for consideration by the City Council at a public hearing in the City Council Chambers at 7:00 PM on the date shown below:
Signature: <u>David E. Port</u>	Date of Acceptance: <u>07-28-08</u> Date of Public Hearing: <u>08-21-08</u>

Variance Application Form
Revised 6/2/00

www.peachtree-city.org

Fax: 770-631-2552

RECEIVED JUL 28 2008

Attachment "C"



AMERICAN TOWER

July 25, 2008

Mr. David Rast, City Planner
City of Peachtree City
153 Willowbend Road
Peachtree City GA, 30269

RE: Variance Request for Compound Expansion at 137 Senoia Road.

Dear David:

We are requesting a variance from the setback requirements outlined in Sec.18-380(f)(1)(2)(3). As you recall the City approved a similar request Case 12-6-01 on December 7, 2006. In that request the existing compound was expanded an additional 15'x20' to the east to accommodate a collocation by Sprint/Nextel. This expansion and the collocation of Sprint/Nextel's equipment have taken place.

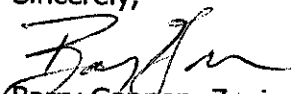
Verizon Wireless who was the original builder of the facility needs to install additional ground equipment within the existing fence compound. Verizon's proposed equipment must be placed directly adjacent to its existing equipment shelter. In order to do this Sprint/Nextel's ground equipment area needs to be moved slightly to the east.

In order to do this we need to expand the fenced compound an additional 6'x20' to the east. We will match the existing fence type which is constructed of brick pillars with wood fencing between. No vegetation will need to be removed to accommodate this expansion. In addition, no changes are being made to the monopole. Expanding to the east is the best choice as it will remain invisible from Senioa Road.

The original facility was built by Verizon (Airtouch) in 1995 prior to the City's adoption of its current ordinance regulations pertaining to telecommunication facilities. The facility as it is located does not meet the setback requirements in the current ordinance. It has been the industry and the City's preference to utilize existing structures rather than construct new facilities. Granting this variance to expand the compound will not cause detriment to surrounding properties or impair the purpose or intent of the City's ordinance.

We respectfully request approval for these dimensional variances. Please feel free to contact me if you have any additional questions. I can be reached by phone at (770) 226-6467 or by email at barry.gannon@americantower.com.

Sincerely,


Barry Gannon, Zoning Specialist
American Tower Corporation



ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 156 OF THE 7TH DISTRICT OF
FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY OF SENOA ROAD (HAVING AN 80-FOOT RIGHT-OF-WAY) WITH THE RIGHT-OF-WAY OF STATE ROUTE 74, THENCE RUNNING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY OF SENOA ROAD 536.22 FEET TO A POINT; THENCE, NORTH 05°48'02" WEST, 37.24 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY OF SENOA ROAD, SOUTH 89°14'53" EAST, 108.27 FEET TO THE ENDING AT A POINT.

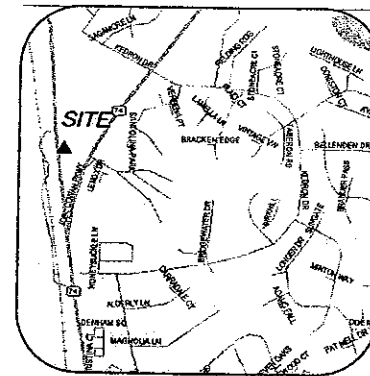
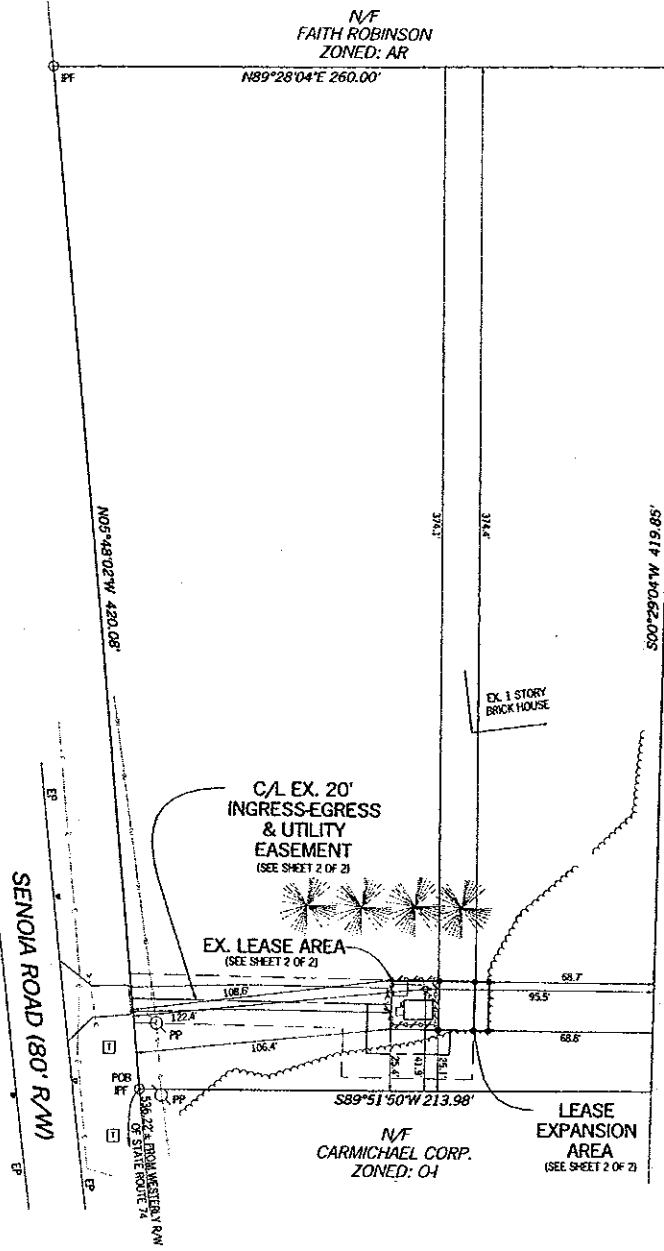
TOGETHER WITH A 20' INGRESS-EGRESS AND UTILITY EASEMENT LYING AND BEING IN LAND LOT 156 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE NORTHEASTLY RIGHT-OF-WAY OF SENOA ROAD (HAVING AN 80'00" RIGHT-OF-WAY) WITH THE RIGHT-OF-WAY OF STATE ROUTE 74, THENCE RUNNING ALONG SAID NORTHEASTLY RIGHT-OF-WAY OF SENOA ROAD 536.22 FEET TO A POINT; THENCE, NORTH 05°48'02" WEST, 37.24 FEET TO A POINT; THENCE LEAVING SAID NORTHEASTLY RIGHT-OF-WAY OF SENOA ROAD, SOUTH 89°14'53" EAST, 98.27 FEET A POINT AND THE TRUE POINT OF BEGINNING; THENCE RUNNING, SOUTH 00°45'07" WEST, 20.00 FEET TO A POINT; THENCE, SOUTH 89°14'53" EAST, 35.00 FEET TO A POINT; THENCE, NORTH 00°45'07" EAST, 10.00 FEET TO THE ENDING AT A POINT.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 156
OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY OF SENORA ROAD DRAIVING AN 80-FOOT RIGHT-OF-WAY WITH THE RIGHT-OF-WAY OF STATE ROUTE 74, THENCE RUNNING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY OF SENORA ROAD 536.22 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 05°48'02" WEST, 420.08 FEET TO A POINT; THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY OF SENORA ROAD RUNNING, NORTH 28°04'45" WEST, 60.00 FEET TO A POINT; THENCE, SOUTH 08°29'04" WEST, 415.85 FEET TO A POINT; THENCE, SOUTH 85°11'50" WEST, 213.98 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.

SAND TRACT CONTAINS 2.2796 ACRES (99,298 SQUARE FEET), MORE OR LESS.



VICINITY MAP
NOT TO SCALE

THIS EASEMENT SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF AMERICAN TOWER CORPORATION AND EXCLUSIVELY FOR THE TRANSFERRAL OF THE LEASEHOLD AND THE RIGHTS OF EASEMENT SHOWN HEREON AND SHALL NOT BE USED AS AN EXHIBIT OR EVIDENCE IN THE FEE SIMPLE TRANSFERRAL OF THE SUBJECT PROPERTY NOR ANY PORTION OR PORTIONS THEREOF.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS-OF-WAY NOT SHOWN HEREON.

EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA TCR 1103 ROBOTIC

THE FIELD DATA UPON WHICH THIS EASEMENT SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,000+ FEET AND AN ANGULAR ERROR OF 5.0" PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES.

THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 100,000+ FEET.

THE 1' CONTOURS SHOWN ON THIS EASEMENT SURVEY ARE ADJUSTED TO NAVD 83 DATUM AND HAVE A VERTICAL ACCURACY OF $\pm .5'$. CONTOURS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.

BEARINGS SHOWN ON THIS EASEMENT SURVEY ARE FROM TRUE NORTH AND BASED
ON A SOLAR OBSERVATION BY LOCAL HOUR ANGLE METHOD.

NO PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD AREA AS PER
F.L.R.M. COMMUNITY PANEL NO. 1311300060 DATED MARCH 18, 1996.

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN CORRESPOND ALL SUCH UTILITIES IN THE AREA. EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR WAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

OWNER: KENNETH GRANTHAM AND MARILYN CRAGGLEY

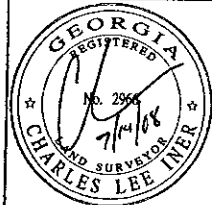
SITE ADDRESS: 137 SENIOR ROAD
PEACHTREE CITY, GA

TAX ID #: 07-35-00-024

AREA: 2.2796 ACRES

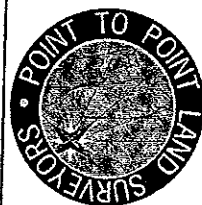
204ED 19

REFERENCE: PLAT BOOK 1587 PAGE 3



NO.	DATE	REVISION
1	11-16-06	PER COMMENTS - JDW
2	12-05-06	PER COMMENTS - HDC
3	07-11-08	ADDED LEASE EXP. #2
4	07-14-08	PER COMMENTS - CLC

POINT TO POINT
 LAND SURVEYORS
 810 Jackson Street
 Locust Grove, Georgia 30248
 (p) 678.565.4440 (f) 678.565.4497
 (w) pointtopointsurvey.com



EASEMENT SURVEY PREPARED FOR:

AMERICAN
TOWER
CORPORATION

900 CIRCLE 75 PARKWAY, SUITE 300
ATLANTA, GA 30339

'ATC TYRONE'

SITE NO.
82030

LAND LOT 156, 7TH DISTRICT
CITY OF PEACHTREE CITY,
FAYETTE COUNTY, GEORGIA

DRAWN BY: HDC	SHEET:
---------------	--------

CHECKED BY: C. INER

© 2004 Blackwell Publishing Ltd *Journal of Internal Medicine* 255: 103–110

RECEIVED: 5. 2008

DATE: 05 OCT 2006

SHEET-

100

570

100%

1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 156 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE
NORTHEASTERLY RIGHT-OF-WAY OF SENOA ROAD (HAVING AN 80-FOOT RIGHT-OF-WAY)
WITH THE RIGHT-OF-WAY OF STATE ROUTE 74, THENCE RUNNING ALONG SAID
NORTHEASTERLY RIGHT-OF-WAY OF SENOA ROAD 536.22 FEET TO A POINT; THENCE,
NORTH 05°48'02" WEST, 37.24 FEET TO A POINT; THENCE LEAVING SAID
NORTHEASTERLY RIGHT-OF-WAY OF SENOA ROAD, SOUTH 89°14'53" EAST, 108.27
FEET TO A POINT; THENCE, NORTH 09°45'07" EAST, 10.00 FEET TO A POINT AND THE
TRUE POINT OF BEGINNING; THENCE, NORTH 89°14'53" EAST, 20.00 FEET TO
A POINT; THENCE, SOUTH 00°45'07" WEST, 20.00 FEET TO A POINT; THENCE, NORTH
89°14'53" WEST, 20.00 FEET TO A POINT; THENCE, NORTH 09°45'07" EAST, 20.00
FEET TO A POINT AND THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.0092 ACRES (400 SQUARE FEET), MORE OR LESS.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 156 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

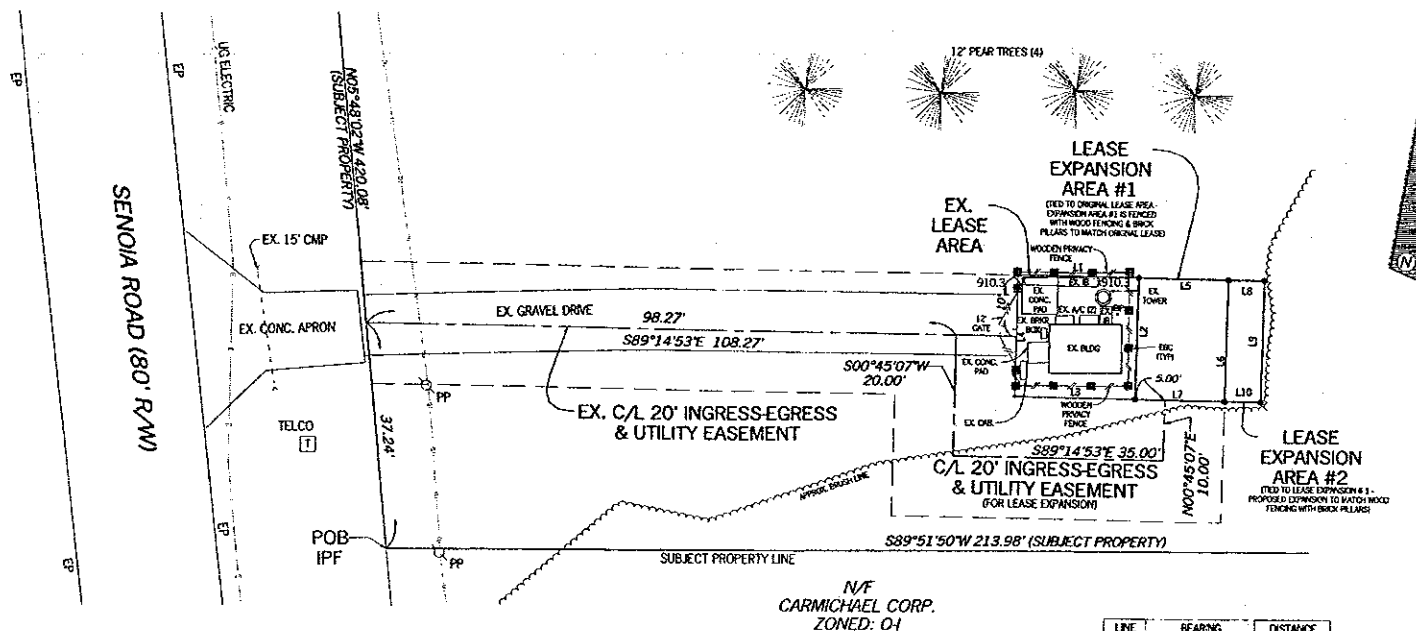
TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY OF SENOA ROAD LEAVING A KEYED RIGHT-OF-WAY WITH THE RIGHT-OF-WAY OF STATE ROUTE 74, THENCE RUNNING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY OF SENOA ROAD 536.22 FEET TO A POINT; THENCE, NORTH 05°48'02" WEST, 37.24 FEET TO A POINT; THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF SENOA ROAD AND RUNNING, SOUTH 89°14'53" EAST, 98.27 FEET TO A POINT; THENCE, SOUTH 00°45'07" WEST, 20.00 FEET TO A POINT; THENCE, SOUTH 89°14'53" EAST, 35.00 FEET TO A POINT; THENCE, NORTH 00°45'07" EAST, 10.00 FEET TO A POINT; THENCE, NORTH 89°14'53" WEST, 5.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE RUNNING, NORTH 00°45'07" EAST, 20.00 FEET TO A POINT; THENCE, SOUTH 89°14'53" EAST, 35.00 FEET TO A POINT; THENCE, SOUTH 00°45'07" WEST, 20.00 FEET TO A POINT; THENCE, NORTH 89°14'53" WEST, 15.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.

SAD TRACT CONTAINS 0.0069 ACRES (300 SQUARE FEET), MORE OR LESS.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 156 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY OF SENOA ROAD (30' WIDE) AND SENOA BOFCOT (RIGHT-OF-WAY) WITH THE RIGHT-OF-WAY OF STATE ROUTE 74, THENCE RUN 100.00 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY OF SENOA ROAD 536.22 FEET TO A POINT; THENCE, NORTH 05°40'02" WEST, 37.24 FEET TO A POINT; THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, OF SENOA ROAD AND RUNNING, SOUTH 89°14'53" EAST, 98.27 FEET TO A POINT; THENCE, SOUTH 04°50'07" WEST, 20.00 FEET TO A POINT; THENCE, SOUTH 89°14'53" EAST, 35.00 FEET TO A POINT; THENCE, NORTH 00°45'07" EAST, 10.00 FEET TO A POINT; THENCE, NORTH 89°14'53" WEST, 5.00 FEET TO A POINT; THENCE, NORTH 04°50'07" EAST, 20.00 FEET TO A POINT; THENCE, SOUTH 89°14'53" EAST, 15.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING, THE RUNNING, SOUTH 89°14'53" EAST, 6.00 FEET TO A POINT; THENCE, SOUTH 04°50'07" WEST, 10.00 FEET TO A POINT; THENCE, NORTH 89°14'53" WEST, 6.00 FEET TO A POINT; THENCE, NORTH 00°45'07" EAST, 20.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.

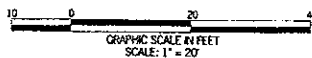
SAID TRACT CONTAINS 0.0028 ACRES (120 SQUARE FEET), MORE OR LESS



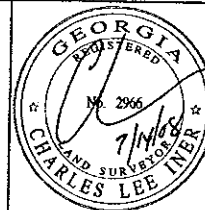
EXISTING LEASE AREA = 400 SQUARE FEET (0.0092 ACRES)
LEASE AREA EXPANSION #1 = 300 SQUARE FEET (0.0069 ACRES)
LEASE AREA EXPANSION #2 = 120 SQUARE FEET (0.0028 ACRES)

LATITUDE = 33°25'34.2" (NAD 83)
AT CENTER OF EXISTING TOWER
LONGITUDE = 84°36'14.5" (NAD 83)

ELEVATION AT CENTER OF EXISTING TOWER = 921' A.M.S.L.

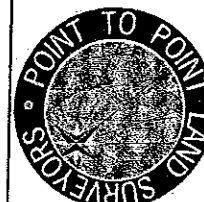


LINE	BEARING	DISTANCE
L1	S89°14'53"E	20.00
L2	S00°45'07"W	20.00
L3	N89°14'53"W	20.00
L4	N00°45'07"E	20.00
L5	S89°14'53"E	15.00
L6	S00°45'07"W	20.00
L7	N89°14'53"W	15.00
L8	S89°14'53"E	6.00
L9	S00°45'07"W	20.00
L10	N89°14'53"W	6.00



NO.	DATE	REVISION
1	11-16-06	PER COMMENTS - JCW
2	12-05-06	PER COMMENTS - HOC
3	07-11-08	ADDED LEASE EXP. #2
4	07-14-08	PER COMMENTS - CLC

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Locust Grove, Georgia 30248
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w) pointtopointsurvey.com



EASEMENT SURVEY PREPARED FOR:

AMERICAN
TOWER
CORPORATION

900 CIRCLE 75 PARKWAY, SUITE 300
ATLANTA, GA 30339

"ATC TYRONE"

SITE NO.
82030

LAND LOT 155, 7TH DISTRICT
CITY OF PEACHTREE CITY,
FAYETTE COUNTY, GEORGIA

DRAWN BY: HOG	SHEET:
---------------	--------

CHECKED BY: C. MED

CHECKED BY: C. IVER

APPROVED: C. McCANN

DATE: 05 OCT 2006 **L**

P2P JOB NO: 2006.574 OF 2

2

OF 2

POSITION PAPER

Proposed Variance: 101 Lake Forest Drive
Lot 20, Lake Forest subdivision

City Planner/ Zoning Administrator
August 12, 2008

David
David

Situation:

Ms. Sally Griffis owns the property located at 101 Lake Forest Drive within the Lake Forest subdivision (Attachment "A"). She desires to construct a covered screen porch on the rear of her home that would extend 9.7' into the established rear building setback (Attachment "B"). The 12' x 20' addition would encompass 240 SF and be located over an existing patio.

Ms. Griffis has been working with Ms. Kristin Pierce of Elegant Home Additions, LLC to develop building plans and elevations for the screen porch, which would include a gable roof to match the existing roof of the home. Because the proposed addition would extend into the established rear building setback, the Applicant has submitted a request for variance to permit this encroachment (Attachment "C").

Facts:

1. Lot 20 within the Lake Forest subdivision is zoned GR General Residential, which requires a minimum rear building setback of 30'. The existing structure complies with this setback.
2. A concrete patio extends the length of the rear of the home. Several rooms within the home have sliding glass doors that open onto the patio.
3. The rear property line of Lot 20 adjoins the side property line of Lot 21 within the Lake Forest subdivision. The home on Lot 21 fronts onto Martingale Drive. A decorative wood fence separates the rear of the subject tract from Lot 21.
4. The rear of the existing home sits 6'-8' lower than Martingale Drive. A low retaining wall and existing vegetation buffer views into the back yard from the road.
5. The roof of the proposed sunroom would be a gable-type roof, which would match the roofline of the existing home.
6. Neither the rear or side property lines of the subject tract adjoin a city-owned greenbelt. Even if the proposed screen porch were relocated to another portion of the rear of the home, a variance would still be necessary in order to accommodate construction.

Proposed Variance: 101 Lake Forest Drive

August 12, 2008

Page 2

7. There is no Homeowner's Association within the Lake Forest subdivision. The Applicant has provided letters of support for the variance from several of her neighbors within the subdivision.

Review criteria:

Based on the review criteria established within Article XII. Variances and Appeals of the city's Zoning Ordinance, City Council shall not grant the request unless all of the following findings can be made:

- (a) **There are special circumstances applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this ordinance denies the property of privileges enjoyed by other property in the vicinity and under identical zoning district classification;**

Staff findings:

- *The subject tract is located within an approved cluster subdivision.*
- *The subject tract is located on a corner lot. As such, the front building setback is measured from both Lake Forest Drive and Martingale Drive.*
- *The finished floor elevation of the home sits approximately 6'-8' lower than Martingale Drive. A low retaining wall and natural vegetation buffer views into the back yard from Martingale Drive.*
- *A decorative wooden fence and landscaping separate the subject tract from the adjoining lot to the rear.*
- *An existing concrete patio extends the entire length along the rear of the home.*

- (b) **The strict or literal interpretation and application of this ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Ordinance, or would deprive the Applicant of privileges granted to others in similar circumstances;**

Staff findings:

- *The minimum rear building setback for detached homes within the GR zoning district is 20'. The Lake Forest subdivision was platted with a 30' rear building setback.*
- *The existing home meets applicable building setbacks.*
- *There is no other location on the rear or side of the home where this addition could occur without the need for a variance.*

- (c) **There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property which preclude the applicant from complying with this ordinance and that do not apply generally to**

Proposed Variance: 101 Lake Forest Drive

August 12, 2008

Page 3

other property in the same zoning district and which prevent the applicant from complying with existing regulations;

Staff findings:

- *The subject tract is similar in size and shape to many of the lots within the Lake Forest subdivision.*
- *The existing home does not extend beyond the established building setback lines.*
- *The home is located 2.3' inside the rear building setback. Any expansion to the rear of the home exceeding 2.3' would require a variance.*

- (d) The granting of such variance will not constitute the granting of special privileges inconsistent with the limitations on other property in the same zoning district; and**

Staff findings:

- *The minimum lot size for detached homes within the GR zoning district is 4,000 SF.*
- *The GR zoning district permits up to 10 detached dwelling units per acre.*
- *The GR zoning designation has been utilized primarily for cluster and/ or multi-family residential developments.*
- *The building footprint of many of the homes within existing cluster subdivisions extends from building setback line to building setback line.*

- (e) The granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located; and**

Staff findings:

- *Both the Lake Forest and the adjoining Belle Grove subdivisions are zoned GR and were developed many years ago. Both subdivisions are fully developed.*
- *The proposed addition would provide additional living space for the owner.*
- *The proposed addition would be similar in design to the architecture of the existing home.*

- (f) The granting of such variance will not create inconsistencies with any objective of the Comprehensive Plan.**

Staff findings:

- *Many of the discussions pertaining to the update to the city's Comprehensive Plan included a need to include provisions to protect the character of existing neighborhoods as well as to encourage redevelopment and reinvestment within these neighborhoods.*
- *The Applicant desires to enhance her property with this addition.*

Proposed Variance: 101 Lake Forest Drive

August 12, 2008

Page 4

If it is found that the request is not in conformance with these requirements or may possibly have an adverse effect on the surrounding area, the City Council shall deny the request in writing, stating the reasons for the denial.

Recommendation:

Based on our review of the information submitted by the Applicant in accordance with our established variance procedures, Staff finds that the proposed variance does not meet the review criteria established within Article XII. Variances and Appeals of the city's Zoning Ordinance.

Staff recommends that the variance not be approved.

Attachments

Lot 20

Now or Formerly
Phogus Lane Company

PEACHTREE PARKWAY 140' R/W

MARTINGALE DRIVE
(PREVIOUSLY PLATTED)

LAKE FOREST DRIVE 50' R/W

FOX FALL
(PREVIOUSLY PLATTED)
50' R/W

BELLE GROVE II

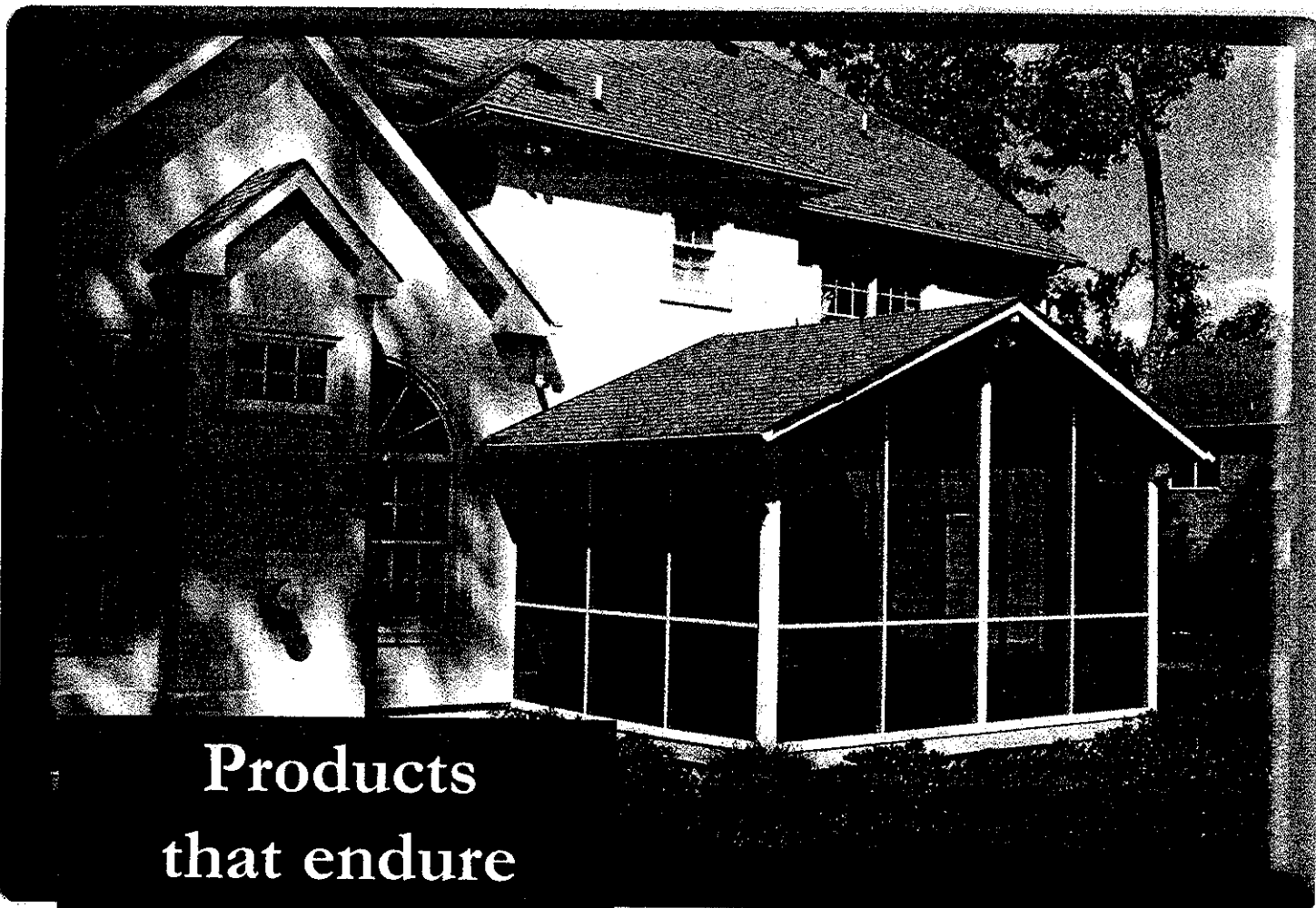
FINAL PLAT
LAKE FOREST
AT
PEACHTREE CITY, GEORGIA
LAND LOT 96 - 7th DISTRICT
FAYETTE COUNTY, GEORGIA

NOTE LOT 38 IS REVISED ON THIS SHEET TO
SUPERSEED LOT 38 AS RECORDED IN BELLE
GROVE, SECTION 2 PLAT BOOK 8, PAGES
6 & 7, FAYETTE COUNTY RECORDS.

Prepared By
BENCHMARK ENGINEERING CORP.
Atlanta, Georgia

Scale: 1" = 50'
Date: 7-5-78
Sheet: 2 of 2

Attachment "A"



**Products
that endure
time and nature.**

SCREEN ENCLOSURES

There is something special about rising early to greet the new day,
to spend a quiet hour enjoying the serenity and beauty

Mother Nature has to offer.

Our Screen Enclosures offer the perfect environment
to capture these special moments.



Please use blue or black ink to fill out this form.

VARIANCE APPLICATION

153 Willowbend Rd, Peachtree City, GA 30269

P: 770-487-5731

F: 770-631-2552

WWW.PEACHTREE-CITY.ORG

Admin. Variance Fee: \$25.00

Variance Fee: \$250.00

Receipt # 00129866

Date Filed 7/23/08

Case # V-2008-07

Office Use Only

VARIANCE LOCATION	Street Address <u>101 Lake Forest Dr</u> <u>Ptree City GA 30269</u>	PROPERTY OWNER	Name <u>Sally Griffin</u>
	Zoning District: ☐ Residential ☐ Multi-Family ☐ Commercial/Industrial/Office	PROPERTY INFO	Phone <u>770 631 3582</u>
APPLICANT	Variance Type: ☐ Administrative ☐ Special Exception ☐ Variance (check one below)	SUPPORTING DOCUMENTS	Email _____
	Variance from which ordinance: ☐ Sign ☐ Fence ☐ Land Development ☐ Zoning		Subdivision: <u>Lake Forest #</u>
			Phase: _____ Lot # <u>20</u>
Name <u>Sally Griffin</u> Address <u>101 Lake Forest Dr</u> City, State, Zip <u>Ptree City GA 30269</u> Phone # <u>770 631 3582</u> Email _____		Please submit the following evidentiary items in support of this application and the requested variances. (Please check off the items that are attached to this application) ☒ Site plan (with property lines and proposed work) ☒ A detailed report justifying the requested variance ☒ Letters of support from adjacent property owners ☒ Digital Photographs \ Renderings (CD or Email) ☒ Other Items Demonstrating Need (topo. Survey, etc)	

ADMINISTRATIVE VARIANCE	1.) Is a current survey included with the application?	☐ Yes ☐ No	Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	2.) Does the application pertain to a zoning setback?	☐ Yes ☐ No	
	3.) Is the violation an existing setback violation?	☐ Yes ☐ No	
	4.) How long has the violation existed?	_____ Years	
	5.) What is the required setback?	_____ Feet	
	6.) How much of a variance is being requested?	_____ Feet	
	7.) Were you the owner of the property when the violation occurred? (If not, who was?)	☐ Yes ☐ No	

SPECIAL EXCEPTION	1.) Is a current survey included with the application?	☐ Yes ☐ No	Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	2.) Has property been rezoned or deed restrictions?	☐ Yes ☐ No	
	3.) Is the violation an existing setback violation?	☒ Yes ☐ No	<u>Screen Room encroaches</u> <u>into 30' Boundary Line</u> <u>by 7'</u>
	4.) Application for a <u>big setback</u> fence, or parking?	(Circle One) <u>30'</u> <u>7'</u>	
	5.) What is the required setback, height, or spaces?		
	6.) How much of a variance is being requested?		

VARIANCE	Please review the ordinances and instructions on the back of this page.		Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	1.) Is a current survey included with the application?	☐ Yes ☐ No	
	2.) How much of a variance is being requested?	_____ Feet	
	3.) Were you the owner of the property when the violation occurred? (If not, who was?)	☐ Yes ☐ No	

I hereby certify that I am the owner of the property on which a variance is being requested and that all information provided as a part of this application is true and correct.

Signature of Owner/Agent: Sally B. Griffin

Date 7-23-08

OFFICE ONLY

ADMINISTRATIVE VARIANCE	Signature: _____
Date of Acceptance: <u>07-24-08</u>	Date of Hearing: _____
☐ Approved ☐ Denied	
☐ Approved with Conditions	

SPECIAL EXCEPTIONS & VARIANCE FROM ORDINANCES	This application, along with the required fee and all necessary supplemental documents, has been properly submitted and is hereby accepted for consideration by the City Council at a public hearing in the City Council Chambers at 7:00 PM on the date shown below: <u>21</u>
Signature: <u>David E. Rant</u>	Date of Acceptance: <u>07-24-08</u> Date of Public Hearing: <u>08-07-08</u>

www.peachtree-city.org

VARIANCE & APPEALS ORDINANCE

Sec. 1201. Purpose

The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance is a request for relief from the provisions of the zoning ordinance. The power to grant a variance does not extend to use restrictions established within a particular zoning district.

Sec. 1202. Administrative Variance

An application for a variance may be submitted only by the owner of the property for which a variance is desired or his authorized agent. Application requirements shall be as described herein. Variances may be considered in all districts and shall only be granted upon showing that:

- Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the zoning ordinance; or
- The application of the particular provision of the zoning ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

Sec. 1203. Variance Types

The zoning administrator shall determine the type of variance required, and shall classify the request as:

- Administrative variance.
- Special exception variance.
- Variance.

Sec. 1204. Administrative Variance

Review and approval of a request for an administrative variance shall be administered by a special administrative variance committee consisting of the zoning administrator, the city manager and a member of city council. Applications may be considered only if the following requirements are met:

- The request only pertains to a zoning setback requirement;
- The request only pertains to an existing setback violation;
- The request is for an encroachment that would not exceed 25 percent of the required setback, up to a maximum of ten feet;
- The setback violation being requested has been existing for at least one year; and
- The property owner making the request is not the same property owner who was responsible for the violation.

In reviewing the application, the administrative variance committee shall analyze the application to determine whether granting the request would cause substantial detriment to other property owners in the surrounding area or would impair the purposes of the zoning ordinance. If it is found that the request is in conformance with these requirements and does not adversely affect the area, the administrative variance committee shall issue an official determination in writing approving the request. The property owner, the city clerk, and the building official shall be provided with a copy of this determination.

If it is found that the request is not in conformance with these requirements or may possibly have an adverse effect on the surrounding area, the administrative variance committee shall deny the appeal in writing, stating the reasons for the denial.

The administrative variance committee shall act on all appeals within 15 working days after the application is deemed complete by the zoning administrator.

If a request for an administrative variance is denied by the administrative variance committee, the property owner may appeal this decision to the city council in accordance with the procedures identified herein.

Sec. 1205. Special Exception Variance

A special exception variance is recognized as having a potential impact on only the immediate neighborhood and adjoining properties. Review and approval of special exception variance requests shall be administered by the zoning administrator, city staff (as applicable), the planning commission and city council.

A special exception variance may be considered for only the following:

- A decrease of not more than 25 percent of the minimum building setback; provided that the property line in question and the associated building setback adjoins a city-owned greenbelt or open space and there is no other possible location on the property that would accommodate the proposed building expansion without encroaching into the established building setback.
- A decrease of not more than 25 percent in the minimum number of parking spaces required by the city's parking ordinance; provided the applicant identifies on the site plan where this parking would be located if needed in the future.
- An increase in the maximum height of a fence or wall; provided that:
 - Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the surrounding neighborhood;
 - Such greater height is justified by requirements for security of persons or property in the area;
 - Such greater height is justified for topographic reasons; or
 - Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

In no case shall a special exception variance be granted from the conditions of approval imposed on a parcel through a zoning change granted by the city council.

Sec. 1206. Variance

A variance is recognized as having potential impact on the larger area and may affect enforcement of the zoning ordinance elsewhere in the city. A request for variance shall be reviewed by the zoning administrator, city staff (as applicable), and city council.

Sec. 1207. Appeal Process

In reviewing a request for a variance, the city council shall not grant the request unless all of the following findings can be made:

- There are special circumstances applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this ordinance denies the property of privileges enjoyed by other property in the vicinity and under identical zoning district classification;
- The strict or literal interpretation and application of this ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning ordinance, or would deprive the applicant of privileges granted to others in similar circumstances;
- There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property which preclude the applicant from complying with this ordinance and that do not apply generally to other property in the same zoning district and which prevent the applicant from complying with existing regulations;
- The granting of such variance will not constitute the granting of special privileges inconsistent with the limitations on other property in the same zoning district; and

- The granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located.
- The granting of such variance will not create inconsistencies with any objective of the comprehensive plan.

If it is found that the request is not in conformance with these requirements or may possibly have an adverse effect on the surrounding area, the city council shall deny the request in writing, stating the reasons for the denial.

Sec. 1208. Review Procedures

All variance applications shall be filed with the zoning administrator on forms provided by the zoning administrator.

Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.

An application fee, as established within the city's schedule of fees, shall accompany each variance application.

Upon receiving an application, the zoning administrator shall have no less than ten working days to review the application for compliance with these requirements. Once the application is deemed complete, the zoning administrator shall schedule public hearings with the planning commission and/or city council (as appropriate). Such hearings shall take place within 45 days after the application is deemed complete.

A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than ten days prior to a planning commission meeting and not less than 15 days prior to a city council meeting, as appropriate.

A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear not less than ten days prior to a planning commission meeting and not less than 15 days prior to a city council meeting, as appropriate.

At the public hearing, the applicant may appear in person or be represented by an agent or attorney.

Sec. 1209. Limitations on Jurisdiction

The authority and jurisdiction of individuals as provided herein shall be limited as outlined in the following. In exercising this jurisdiction, each individual shall have authority to determine whether it has jurisdiction.

- There shall be no variances to permitted uses or accessory uses as specified in the zoning district regulations, administrative/use permit or conditions of approval imposed on a parcel through a zoning change granted by the city council.
- There shall be no variances to the minimum lot area or the minimum district size requirements in each zoning district.
- There shall be no variances to the minimum lot frontage on a street as required in designated zoning districts.
- There shall be no modification to increase the density or change the use approved under the zoning case except as to allow the development of a conservation subdivision.
- There shall be no modification to revise a site plan that, as determined by the planning commission and/or city council, results in a significant change in the approved concept.

Sec. 1210. Appeals Procedures

Appeals to the city council based on decisions of the zoning administrator (administrative variance) shall be filed with the city clerk in writing and shall clearly specify the grounds for the appeal. All documents constituting the record of the action which is being appealed shall be transmitted to the city council by the city clerk.

- Action shall not be initiated on the same appeal by the same applicant more than once in every 12 months.
- Any communication relative to an appeal will be regarded as information only until a proper application is filed with the city clerk.
- An application fee, as established within the city's schedule of fees, shall accompany each request for appeal.
- Before acting on any appeal, the city council shall hold a public hearing as described herein.
- The city clerk shall place notice of the time, place, and subject matter of the hearing in the newspaper of general circulation which serves as the legal organ for the city not less than 15 days prior to the hearing.
- The process of advertising the public hearing, holding the public hearing, and rendering a decision on the appeal shall not be unduly delayed.

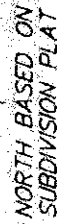
Sec. 1211. Appeal to City Council Decision or Action

Any person or persons severally or jointly aggrieved by any decision on any appeal for variance may appeal such decision to the Superior Court of Fayette County by writ of certiorari.

SUPPORTING DOCUMENTS

Site Plan: An applicant is required to submit a scaled site plan/survey showing: - Name of the project, address, boundaries, date, north arrow, and scale. - Existing lot lines, easements, and rights-of-way, including area in acres or square feet, abutting land uses, proposed or existing driveways and structures within 200 ft. of the boundary of the development site. - The location of steep slopes, significant stands of trees; creeks, watercourses, stormwater detention and drainage ways, floodplains, and any environmentally sensitive features. - A description, rendering or drawing of the general characteristics of the proposed buildings, landscaping, and buffering. - Any additional information deemed necessary by the Zoning Administrator.
Detailed Report: An applicant is required to submit a detailed report justifying the granting of the requested variance. In preparing the report, please address (a) - (f) in: <u>Section 1207 Review Criteria</u>
Letters of support from adjacent property owners: An applicant is required to submit letters of support from all adjacent residential property owners.
Digital Photographs/Renderings: An applicant is required to submit a CD with digital photographs or send photos as an attachment to an email to planner@peachtree-city.org . Photos will serve as evidence in supporting your request, please make sure they are good quality and show the items you want reviewed.
Other items demonstrating need: An applicant is required to provide any other evidentiary items that they want staff to review as support for their request. If it is not submitted with the variance application it will not be discussed as part of the review. Items could include: topographical surveys, aerials, statistics, articles, etc.

MARTINGALE DRIVE (50' R/W)



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

Graphic Scale: 1 inch = 20 feet

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP.



Written Justification for Alteration(s) Requested

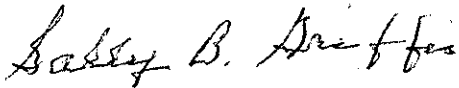
I, Sally Griffis of 101 Lake Forest Dr respectfully submit an application for a variance to build a new screen room for general outdoor space at the rear of residential property (address as stated). The screen room encroaches into the ~~30'~~ boundary line by approx. 7'.

The new screen room will be specified and engineered to meet all current GA building / construction code requirements. The screen room will be constructed of aluminum frame with a shingled composite roof.

With the configuration of the back yard this is the only suitable place where a sunroom of practical dimensions could be constructed, has the least impact on boundary intrusions could be constructed and complements the existing building. It will have limited visibility from the street and I have obtained signed agreements from neighbors on both side and rear of property.

I trust that you will regard this application favorably. I would be pleased to answer any questions that you may have on this matter.

Sincerely



Home Owner

Sally Griffis

101 Lake Forest Dr

770.631.3582

To Whom It May Concern:

Sally Griffis is planning to add a 12'x20' screened porch with gabled (not flat) roof on her existing concrete slab. Due to her lot shape the proposed screened porch does not comply with the requirements of the current Peachtree City Code. Sally's address is 101 Lake Forest Drive. Living next door, I have no objections to her planned screen porch.

Sincerely,

A handwritten signature in cursive script that reads "Teonna J. Price". The signature is written in dark ink and is positioned above a horizontal line.

Teonna J. Price

114 Larkspur Ln
Address

To Whom It May Concern:

Sally Griffis is planning to add a 12'x20' screened porch with gabled (not flat) roof on her existing concrete slab. Due to her lot shape the proposed screened porch does not comply with the requirements of the current Peachtree City Code. Sally's address is 101 Lake Forest Drive. Living next door, I have no objections to her planned screen porch.

Sincerely,

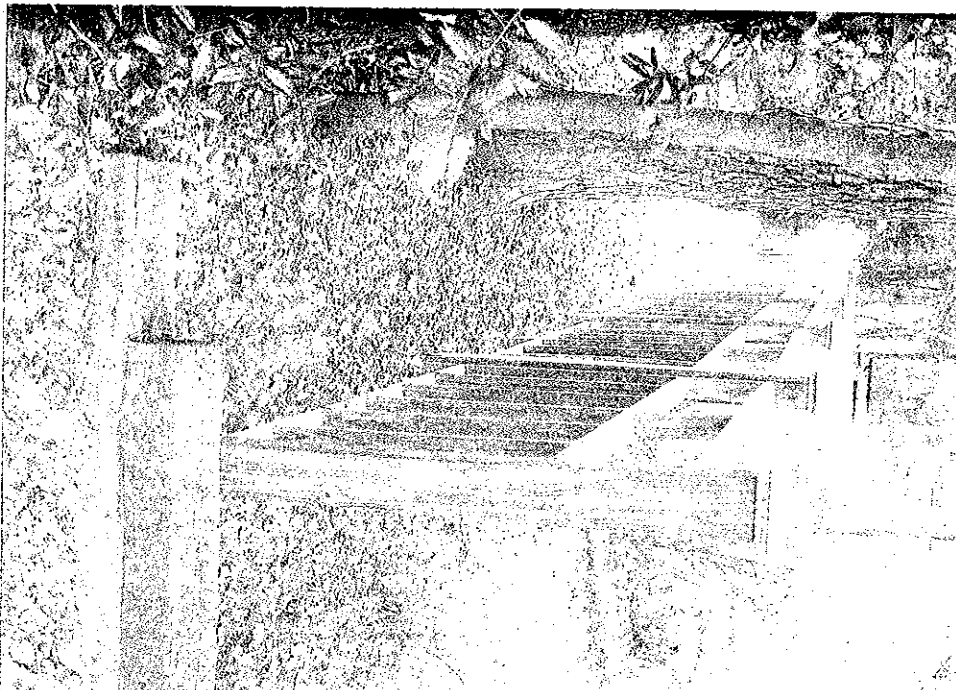
A handwritten signature in black ink, appearing to read "Tina M. Baker", written over a horizontal line.

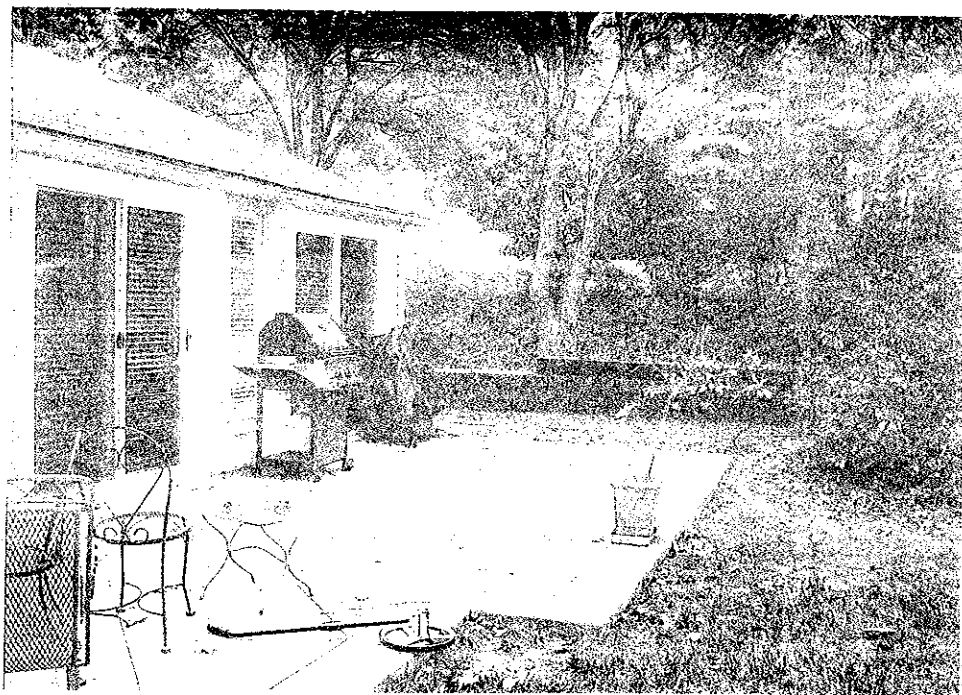
Name of Neighbor, Tina M. Baker

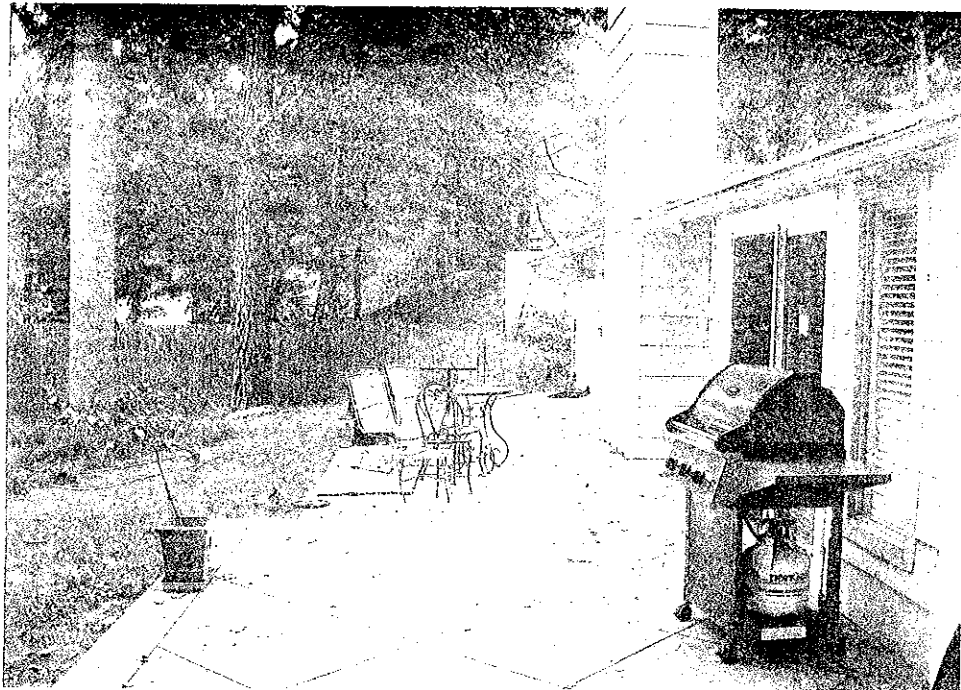
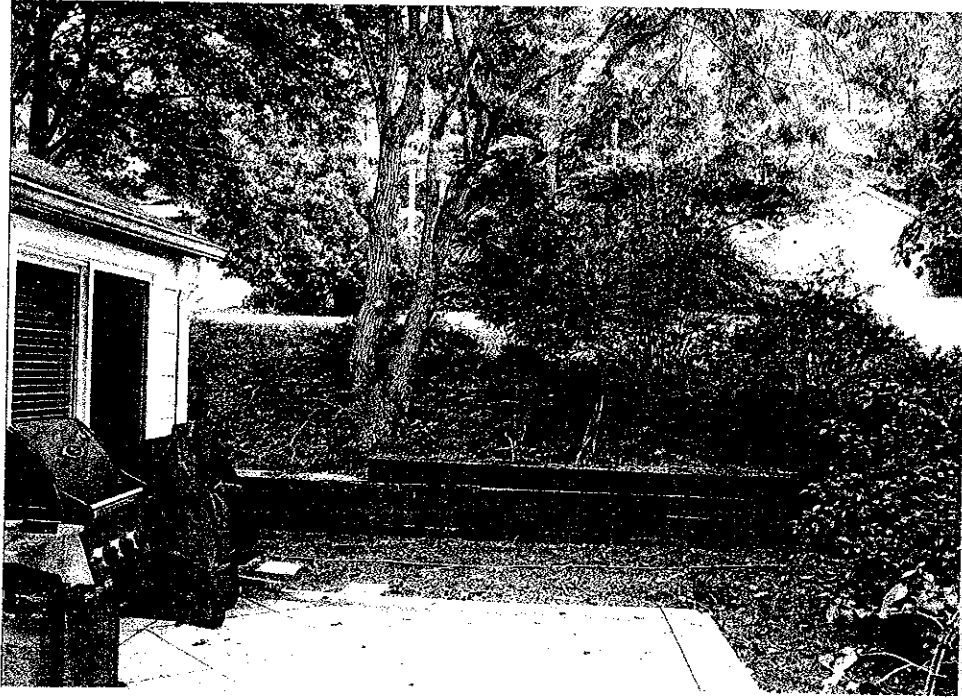
103 Lake Forest Drive
Address

Home on Right

GRIFFIS



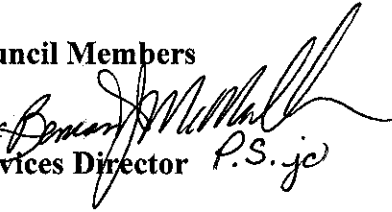




CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: City Manager 
Financial Services Director *P.S. jc*

DATE: August 14, 2008

SUBJECT: Peachtree City Tourism Association – FY 2009 Budget
August 21, 2008, City Council Meeting

Recommendation:

That Council approve the attached FY 2009 Budget for the Peachtree City Tourism Association (PCTA).

Discussion:

The FY 2009 PCTA Budget has already been reviewed and accepted by the PCTA Board of Directors and the PCTA Finance Committee. Per the PCTA By-Laws, the City Council must also approve the annual budget prior to final adoption by the PCTA.

Budget Impact:

Per State law, the PCTA shall receive two-thirds of the Hotel/Motel Tax collected by the City. In turn, PCTA remits 20% of their H/M tax receipts from the City to the Peachtree City Airport Authority to help fund their operations as well.

Attachment –

Proposed FY 2009 Budget for PCTA



Date: August 14, 2008

To: City Council

From: PCTA Board of Directors

RE: Approval of FY2009 Proposed Budget

Request:

Approve the FY2009 Budget that was approved by the Tourism Association Board of Directors at the July 16th, 2008 Regular Scheduled Meeting.

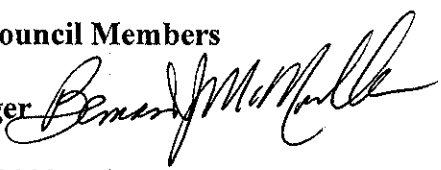
Summary:

- Hotel/Motel Tax is budgeted in FY2009 in the amount of \$675,080 which corresponds to the amount budgeted in the FY2009 Peachtree City budget.
- The budgeted amount for Series Ticket Revenue includes no increase in prices for Series Tickets and Individual Tickets. The concert series will be comprised of two series of 5 performers each with one concert per performer.
- The budgeted amount for Tennis Center Program Revenue has been calculated on a per class basis. The Tennis Center budgeted revenue also includes a year of office rental in the amount of \$1,000 per month. The restaurant rental income is budgeted at \$500 rent per month which reflects its use as a special event facility.
- The amount budgeted for Tourism Events expense will remain at \$57,000 in FY2009. Marketing expense for the Tourism Association will be budgeted at \$25,000 for FY2009 with Printing of Tourism marketing materials budgeted at \$7,500.
- Personnel expenses for the Tourism Association staff will be allocated to General Fund (50%), Amphitheater (29%) and Tennis Center (21%) to more accurately reflect the actual hours worked for each department.
- The FY2009 proposed personnel expense includes a cost of living raise of 2%.
- The Amphitheater Budget includes a contingency amount of \$69,465 that will be reserved for either an in-house amphitheater manager or an external amphitheater management company.
- Tennis Center Manager Position is included in the FY2009 Budget. The Head Tennis Professional position has been eliminated. The number of Tennis Professionals budgeted is the same as last year
- Overall the Tourism Association is budgeting for a surplus of \$47,399 for FY2009.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: City Manager 

DATE: August 14, 2008

SUBJECT: Consider Changes to the Peachtree City Tourism Association Articles of Incorporation and By-Laws
August 21, 2008, City Council Meeting

Recommendation:

That Council approve the proposed changes to the Tourism Association Articles of Incorporation and By-Laws.

Discussion:

In June, the Peachtree City Tourism Association adopted changes to the makeup of their membership. Both the Articles of Incorporation and the By-Laws, showing the proposed changes in red, are attached.

The proposed changes retain the seven-member board, but reduce the non-voting members from three to two, one of which remains a representative of the Fayette County Chamber of Commerce. The modifications removes the requirement to include a local hotel manager and a representative of the Fayette County Board of Education, and replaces them with a member of the community actively involved in economic and/or community development in Fayette County.

The final change allows for Council to appoint alternates to assume board seats that are vacated with an unexpired term of less than 12 months. This is the same as the appointment of alternates for Peachtree City's commissions and authorities.

Budget Impact:

This item has no budgetary impact.

BY-LAWS
OF
PEACHTREE CITY TOURISM ASSOCIATION, INC.

Incorporated as a Not-for-Profit Corporation
Under the laws of the State of Georgia

Incorporated _____, 2003.

ARTICLE ONE

Name, Location and Offices

1.1 Name. The name of this Corporation shall be:

“PEACHTREE CITY TOURISM ASSOCIATION, INC.”

1.2 Registered Office and Agent. The Corporation shall maintain a registered office in the State of Georgia, and shall have a registered agent whose address is identical with the address of such office, in accordance with the requirements of the Georgia Nonprofit Corporation Code.

1.3 Other Offices. The principal office of the Corporation shall be located at such places as designated by the Board of Directors. The Corporation may have other offices at such place or places, within or outside the State of Georgia, as the Board of Directors may determine from time to time or the affairs of the Corporation may require or make desirable.

ARTICLE TWO

Purposes and Governing Instruments

2.1 Not-for-Profit Corporation. The Corporation shall be organized and operated as a not-for-profit corporation under the provisions of the Georgia Nonprofit Corporation Code.

2.2 Purposes. The Corporation is an association of members the purposes of which, as set forth in the articles of incorporation, are not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual within the meaning of Section 501(c)(6) of the Internal Revenue Code. The Corporation was organized, and at all times shall be operated, to serve the needs and interests of tourism within the City of Peachtree City. The purposes of the Corporation shall include, but shall not be limited to, the following:

- Improve the availability of basic goods and services within the City of Peachtree City;
- Develop the educational, cultural and economic potential of the City of Peachtree City;
- Enlist the active interest and financial support of individuals and businesses in the development, improvement and beautification of the City of Peachtree City;

- Improve and maintain the appeal of the City of Peachtree City by improving and maintaining the physical, environmental and business conditions in the City;
- Increase City revenues by stabilizing the tax base, enhancing property values and increasing retail sales in the City;
- Contract with the City of Peachtree City to expend on behalf of the City of Peachtree City that portion of the hotel/motel tax authorized by Georgia law and other funding, and use the tax revenue and other funds to promote tourism, conventions and trade shows within the City. The Corporation's overall purpose will be to promote the welfare of the public, stimulate commerce and otherwise serve the public interest of the City of Peachtree City, as set forth in these Articles of Incorporation and the Bylaws, including the exercise of all other power and authority enjoyed by corporations generally by virtue of the provisions of the Georgia Nonprofit Corporation Code, within the subject to the limitations of Section 501(c)(6) of the Internal Revenue Code; and
- By contract with the City of Peachtree City to manage and operate the Frederick W. Brown, Jr. Amphitheater and the Peachtree City Tennis Center.

2.3 Governing Instruments. The Corporation shall be governed by its articles of incorporation and these bylaws.

2.4 The Corporation shall not lobby or otherwise attempt to influence legislation. The Corporation shall not in any manner or to any extent participate in or intervene in any political campaign on behalf of any candidate for public office. In the event of dissolution or liquidation of the corporation, the balance of all assets received by the Corporation for its operations, after the payment of all debts and obligations of the Corporation, shall be distributed to the City of Peachtree City (or an entity that is an integral part of the City of Peachtree City) provided that such entity's entire income is excludable from gross income under Section 115(1) of the Internal Revenue Code.

ARTICLE THREE

Board of Directors

3.1 Authority and Responsibility of the Board of Directors. The supreme authority of the Corporation and the government and management of the affairs of the Corporation shall be vested in the Board of Directors; and all the powers, duties, and functions of the Corporation conferred by the articles of incorporation, these bylaws, state statutes, common law, court decisions, or otherwise, shall be exercised, performed, or controlled by the Board of Directors, except as otherwise limited in these bylaws.

The governing body of the Corporation shall be the Board of Directors. The Board of Directors shall provide supervision, control and directions of the management, affairs and property of the Corporation; shall determine its policies or changes therein; and shall actively pursue its purposes and objectives and supervise the disbursement of its funds. The Board of Directors may adopt, by majority vote, such rules and regulations for the conduct of its business and the business of the Corporation as shall be deemed advisable, and may, in the execution of the powers granted, delegate certain of its authority and responsibility to an executive committee. Under no circumstances, however, shall any actions be taken which are consistent with its articles of incorporation or these bylaws; and the fundamental and basic purposes of the Corporation, as expressed in the articles of incorporation and these bylaws, shall not be amended or changed.

The Board of Directors shall not permit any part of the net earnings or capital of the Corporation to inure the benefit of any member, director, officer, trustee, or other private person or individual.

Only when the services are not otherwise available from resources of the City of Peachtree City; the Board of Directors may, from time to time, appoint, as advisors, persons whose advice, assistance and support may be deemed helpful in determining policies and formulating programs for carrying out the purposes and functions of the Corporation; and, to employ such person or persons, including an executive director or officer, attorneys, trustees, agents, and assistants, as in its judgment are necessary or desirable for the administration and management of the Corporation, and to pay reasonable compensation for the services performed and expenses incurred by any such person or persons. The Board of Directors, either directly or through its management, shall meet not less than one (1) time per month with the City Manager and City Financial Services Director of the City of Peachtree City, Georgia, so as to review the financial status of the corporation.

The seven (7) member Board of Directors and any officers of the Corporation shall be appointed in the manner established in Section: 3.3 of these Bylaws. The Board of Directors shall have full power and authority to review and approve in advance both short-term and long-term budgets, capital and operating, of income and expenditures of the Corporation and to exercise such other supervision and control over the affairs and property of the Corporation as the Board of Directors of the Corporation may deem necessary or desirable to ensure the 501(c)(6) purposes and functions of the Corporation are carried out.

3.2 Board of Directors. The ultimate property, affairs, activities and concerns of the Corporation shall be vested in a Board of Directors, consisting of seven(7) directors. The members of the Board shall, upon appointment, immediately enter upon the performance of their duties and shall continue in office until their successor shall have been duly appointed and qualified, or until the director's earlier death, resignation, removal or disqualification.

3.3 Manner of Appointment and Term of Office. The seven(7) member Board of Directors shall be appointed by the City Council of the City of Peachtree City ("Council"); provided that five (5) directors shall be citizens of, or persons conducting business within the City of Peachtree City, one of whom shall be employed in the restaurant or hotel/motel business; one (1) director shall be the Chairperson of the Peachtree City Recreation Commission; and one member shall be a member of the City Council of Peachtree City selected by a majority of the members of the governing body of the City of Peachtree City, such member to be selected in January. One of these same citizens shall have a minimum of five (5) years of fiscal experience (fiscal experience shall be defined as on the job training, education, degrees, and/or licenses gained in finance, accounting, and/or professional budgeting.). Also, the citizens-at-large shall serve for a maximum of two consecutive three-year terms. The Board shall consist of a chair, a vice-chair and a secretary/treasurer to be chosen by and from the voting Board of Directors of the Corporation. At the expiration of his/her term, any director may be re-appointed. The City Council may stagger the terms of the directors so as to provide continuity on the board.

In addition to the seven member Board of Directors, there shall be ~~three~~ two non-voting directors appointed by the City Council of the City of Peachtree City: One non-voting director shall be the President of the Fayette County Chamber of Commerce or designee. The designee shall be someone under the direct supervision of the President of the Fayette County Chamber of Commerce by virtue of their employment. ~~One non-voting director shall be the Superintendent of the Fayette County Board of Education or designee. The designee shall be someone under the direct supervision of the Superintendent of the Fayette County Board of Education by virtue of their employment.~~ One non-voting director shall be a manager of a hotel located in Peachtree City or designee. The designee shall be someone under the direct supervision of the hotel manager by virtue of their employment. The manager of the hotel shall be recommended to the Mayor and City Council by the Board of Directors of the Peachtree City Tourism Association, Inc. The hotel manager shall serve for a three-year term or until he leaves his place of employment in Peachtree City. One non-voting director shall be a citizen active in economic and/or community development in Fayette County.

At the time of appointment of a director(s) to the Board, the Mayor and City Council may designate alternate(s) from the pool of applicants. The term of the alternate will extend until the interview process is concluded for the next vacancy. At that time, a new alternate may be designated. The alternate would be appointed as a regular member of the Board should there be a vacancy of an unexpired term of less than 12 months. If an unexpired term of more than 12 months occurs, the normal interview process will occur and the alternate will not automatically be appointed to the position. While serving as an alternate, the alternate will be required to attend a minimum of 50 percent of regular and called meetings of the Board.

The Board shall consist of a chair, a vice-chair and a secretary/treasurer to be chosen by the Board of Directors of the Corporation.

3.4 Removal. Any director may be removed by the Council. A removed director's successor shall be appointed by the Council to serve the unexpired term.

Failure of any director to attend seventy-five percent (75%) of the meetings of the Board of Directors of the Corporation held in any fiscal year of the Corporation shall operate as a tender of such director's resignation, and such director shall be removed from the Board; provided, however, that a director, may petition the Board for an excused absence due to unavoidable circumstances.

3.5 Vacancies. Any vacancy in the Board of Directors arising at any time and from any cause, may be filled for the unexpired term only by the Council. Unless otherwise provided by these bylaws, each director so appointed shall hold office until the expiration of his or her term and the qualification of his or her successor.

3.6 Compensation. There shall be no Director compensation. Directors may be reimbursed for actual out-of-pocket expense incurred in pursuing the business of the Corporation, provided the expenses are approved by the Board prior to being incurred, or are incurred pursuant to prior established Board policy.

ARTICLE FOUR

Meetings of the Board of Directors

4.1 Place of Meetings. Meetings of the Board of Directors may be held at any place within the State of Georgia as set forth in the notice thereof or in the event of a meeting held pursuant to waiver of notice, as may be set forth in the waiver, or if no place is so specified, at the principal office of the Corporation.

4.2 Annual Meeting; Notice. The annual meeting of the Board of Directors shall be held at such place as the Board of Directors shall determine on such day and at such time as the Board of Directors shall designate. Unless waived as contemplated in Section 5.2, notice of the time and place of such annual meeting shall be given by the secretary either personally or by telephone or by mail or by telegram not less than ten (10) nor more than fifty (50) days before such annual meeting.

4.3 Regular Meetings; Notice. Regular meetings of the Board of Directors shall be held from time to time between annual meetings at such times and at such places as the Board of Directors may prescribe.

4.4 Special Meetings; Notice. Special meetings of the Board of Directors may be called by the Chair, or by any four (4) of the directors in office at that time. Notice of the time, place and purpose of any special meeting of the Board of Directors shall be given by the secretary/treasurer either personally, by telephone, by mail, by email, by telegram, or by facsimile at least twenty-four (24) hours before such meeting.

4.5 Waiver. Attendance by a director at a meeting shall constitute waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of business because the meeting is not lawfully called.

4.6 Quorum. Four (4) directors shall constitute a quorum.

4.7 Vote Required for Action. Except as otherwise provided in these bylaws or by law, the act of four (4) directors present at a meeting shall be the act of the Board of Directors.

4.8 Adjournments. A meeting of the Board of Directors, whether or not a quorum is present, may be adjourned by a majority of the directors present to reconvene at a specific time and place. It shall not be necessary to give notice of the reconvened meeting or the business to be transacted, other than by announcement at the meeting that was adjourned. At any such meeting at which a quorum is present, any business may be transacted which could have been transacted at the meeting, which was adjourned.

ARTICLE FIVE

Notice and Waiver

5.1 Procedure. Whenever these bylaws require notice to be given to any director, the notice shall be given as prescribed in Article Four. Whenever notice is given to a director by mail, the notice shall be sent by first-class mail by depositing the same in a post office box or letter box in a postage prepaid sealed envelope addressed to the director at his address as it appears on the books of the Corporations and such notice shall be deemed to have been given at the time the same is deposited in the United States mail. Notice shall be deemed to have been given by telegram, cablegram, facsimile, or email at the time notice is filed with the transmitting agency.

5.2 Waiver. Whenever any notice is required to be given to any director by law, by the articles of incorporation, or by these bylaws, a waiver thereof in writing signed by the director entitled to such notice, whether before or after the meeting to which the waiver pertains, shall be deemed equivalent thereto.

ARTICLE SIX

Officers

6.1 Number and Qualifications. The executive officers of the Corporation may consist of officers as the Board deems necessary for the efficient management of the Corporation; but the Corporation shall not be required to have, at any time, any officers other than the chair, vice-chair and secretary/treasurer which shall be members of the Board.

6.2 Election and Term of Office. The executive officers of the Corporation, shall be elected by the Board of Directors of the Corporation on a biannual basis at the first meeting after Board appointments have been made by Council, and shall serve at the will of said Board.

6.3 Other Agents. Subject to Section 3.1 of these Bylaws, the Board of Directors may appoint from time to time such agents as it may deem necessary or desirable, each of whom shall hold office at the pleasure of the Board, and shall have such authority and perform such duties and shall receive such reasonable compensation, if any, as the Board of Directors may from time to time determine.

6.4 Removal. Any officer or agent elected or appointed by the Board of Directors of the Corporation, may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation will be served thereby; provided that any such removal shall be without prejudice to the contract rights, if any, of the officer or agent so removed.

6.5 Vacancies. A vacancy in any office arising at any time and from any cause may be filled for the unexpired term by the Peachtree City City Council.

6.6 Chair. The chair shall preside at all meetings of the Board of Directors. The chair shall appoint the members and chairs of any committee of the board. He or she shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe. The chair shall be a member of the Board and shall report to and be supervised by the Board of Directors.

6.7 Vice-Chair. The vice-chair shall preside at all meetings of the Board of Directors in the absence or disability of the chair, and shall act in the place of the chair in the chair's absence or disability. He or she shall perform such other duties, and have such other authority and powers as the Board of Directors may from time to time prescribe. The vice-chair shall be a member of the Board, and shall report to and be supervised by the Board of Directors.

6.8 Secretary / Treasurer. The secretary/treasurer shall attend all meetings of the Board of Directors and record, or cause to be recorded, all votes, actions and the minutes of all proceedings in a book to be kept for that purpose and shall perform, or cause to be performed, like duties for other board committees when required. The secretary/treasurer shall give, or cause to be given, notice of all meetings of the Board of Directors. The secretary/treasurer shall keep in safe custody the seal of the Corporation and, when authorized by the Board of Directors or the Chair, affix it to any instrument requiring it. The secretary/treasurer shall be a member of the Board and shall report to and be under the supervision of the Board of Directors. He or she shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe.

ARTICLE SEVEN

Conflict and Disclosure of Interest

The directors and officers of the Corporation shall comply with and enforce the "Conflict and Disclosures of Interest" policies as adopted by these Bylaws, and may be amended from time to time.

7.1 Purpose. The purpose of the conflicts of interest policy is to protect the Corporation's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Corporation. This policy is intended to supplement but not replace any applicable state laws governing conflicts of interest applicable to nonprofit and charitable corporations.

7.2 Definitions.

Interested Person: Any director, principal officer, or member of a committee with board delegated powers that have a direct or indirect financial interest, as defined below, is an interested person. If a person is an interested person with respect to any entity or venue in which the Corporation is a part, he or she is an interested person with respect to all such entities.

Financial Interest. A person has a financial interest if the person has, directly or indirectly, through business, investment or family:

- a. an ownership or investment interest in any entity with which the Corporation has a transaction or arrangement, or
- b. a compensation arrangement with the Corporation or with any entity or individual with which the Corporation has a transaction or arrangement, or
- c. a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Corporation is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are substantial in nature.

A financial interest is not necessarily a conflict of interest, a person who has a financial interest may have a conflict of interest only if the Board of Directors decides that a conflict of interest exists.

7.3 Procedures

7.3.1 Duty to Disclose. In connection with any actual or possible conflicts of interest, an interested person must disclose the existence of his or her financial interest and must be given the opportunity to disclose all material facts to the

Board of Directors and members of committees with board delegated powers considering the proposed transaction or arrangement.

7.3.2 Determining Whether a Conflict of Interest Exists. After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Board meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board members shall decide if a conflict of interest exists.

7.3.3 Procedures for Addressing the Conflict of Interest.

- a. An interested person may make a presentation at the board or committee meeting, but after such presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement that results in the conflict of interest.
- b. The chair/president of the Board shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the Board shall determine whether the Corporation can obtain a more advantageous transaction or arrangement with reasonable efforts from a person or entity that would not give rise to a conflict of interest.
- d. If a more advantageous transaction or arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, the Board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Corporation's best interest and for its own benefit and whether the transaction is fair and reasonable to the Corporation and shall make its decision as to whether to enter into the transaction or arrangement in conformity with such determination.

7.3.4 Violations of the Conflicts of Interest Policy.

- a. If the Board has reasonable cause to believe that a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the response of the member and making such further investigation as may be warranted in the circumstances, the

Board determines that the member has in fact failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

7.4 Records of Proceedings.

The minutes of the Board and all committees with board-delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the board's or committee's decision as to whether a conflict of interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection therewith.

7.5 Compensation.

- a. A voting member of the Board of directors who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member's compensation.
- b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member's compensation.

7.6 Annual Statements.

Each member of the board and each officer shall annually sign a statement, *which* affirms that such person:

- a. has received a copy of the conflicts of interest policy,
- b. has read and understands the policy,
- c. has agreed to comply with the policy, and
- d. understands that the Corporation is a charitable organization and that in order to maintain its federal tax exemption it must engage primarily in activities, which accomplish one or more of its tax-exempt purposes.

ARTICLE EIGHT

Committees

8.1 Committees of Directors. Committees, each consisting of one (1) or more directors, not having and exercising the authority of the Board of Directors in the management of the Corporation may be designated by a resolution adopted by a majority of directors.

8.2 Advisory and Other Committees. The Board of Directors may provide for such other committees, including committees, advisory groups, boards of governors, etc., consisting in whole or in part of persons who are not directors of the Corporation, as it deems necessary or desirable, and discontinue any such committee as its pleasure. It shall be the function and purpose of each such committee to advise the Board of Directors on matters relating to the business and affairs of the Corporation; and each such committee shall have such powers and perform such specific duties or functions, not inconsistent with the articles of incorporation of the Corporation or these bylaws, as may be prescribed for it by the Board of Directors.

8.3 Finance Committee. There is hereby created a Finance Committee of the Corporation, the members of which committee shall include the City Manager and City Financial Services Director of the City of Peachtree City, Georgia, the Executive Director of the Corporation, a member of the Board of Directors, and the Tennis Center Manager and Amphitheater Manager of the Corporation. The Finance Committee shall meet not less than one (1) time each month so as to review the financial posture and status of the Corporation.

8.4 Committee Governance. Except as otherwise provided in Board resolution or in these bylaws, a committee formed by the Board shall be generally governed as follows:

8.4.1 Appointment and Removal. Except as otherwise provided in such resolution or in these bylaws, members of each such committee shall be appointed by the chairperson of the Corporation. Any member of any committee may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the Corporation shall be served by such removal.

8.4.2 Terms of Appointment. Each member of a committee shall continue as such until the next annual meeting of the Board of Directors or until his successor is appointed, unless the committee shall be sooner terminated, or unless such member shall be removed from such committee, or unless such member shall cease to qualify as a member thereof.

8.4.3 Meetings, Notice and Waiver. The committee may establish a regular meeting schedule. Special meetings of the committee may be called by,

or at the direction of, the chairperson of the committee, the Corporation's Chair, or a majority of the members of the committee. Notice of the time, place and purpose of any meeting, except scheduled regular meetings, shall be given, in writing, by the chairperson of the committee or the president, or either's designee, to each member personally, by personal delivery, telephone, facsimile, e-mail or telegram at least twenty-four (24) hours prior to the meeting, or by mailing at least three (3) days prior to the meeting. Attendance of a member at a meeting shall constitute a waiver of notice of the meeting. Attendance of a member at a meeting shall constitute a waiver of notice of the meeting, except where the member delivers to the chairperson, before any vote is taken, a written objection to the notice or the calling of the meeting. No business shall be conducted at any called meeting except that stated in the notice, unless all then serving members are present and consent to non-noticed business being discussed or acted upon. Business may be conducted at a special meeting upon written waiver of notice by all members, or upon written waiver of notice being obtained from all members not receiving notice. The committee shall keep minutes of its proceedings and shall report to the Board at meetings of the Board.

8.4.4 Chair. One member of each committee shall be appointed chair thereof by the chair of the Corporation.

8.4.5 Vacancies. Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

8.4.6 Quorum. Unless the Board of Directors directs otherwise, eighty percent (80%) or more of the committee members then serving shall constitute a quorum; and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

8.4.7 Rules. Each committee may adopt rules for its own government, so long as such rules are not inconsistent with these bylaws or with rules adopted by the Board of Directors.

8.4.8 Board Reports and Control. Any action of a committee shall be reported to the Board of Directors at its regular meeting next succeeding such action and shall be subject to control, revision and alteration by the Board of Directors.

ARTICLE NINE

Contracts, Checks, Deposits, and Funds

9.1 Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name and on behalf of the Corporation. Such authority must be in writing and may be general or confined to specific instances.

9.2 Checks, Drafts, Notes, Etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by the chair or vice-chair and countersigned by the City Manager or Director of Finance of the City of Peachtree City.

9.3 Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

9.4 Gifts. The Board of Directors may accept on the behalf of the Corporation any contribution, gift, bequest, or devise for the general purposes or for any special purpose of the Corporation.

ARTICLE TEN

Indemnification and Insurance

10.1 Indemnification. In the event that any person who was or is a party to or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, seeks indemnification from the Corporation against expenses, including attorney's fees (and in the case of actions other than those by or in the right of the Corporation, judgments, fines and amounts paid in settlement), actually and reasonably incurred by him in connection with such action, suit, or proceeding by reason of the fact that such person is or was a director, officer, employee, trustee, or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee, trustee, or agent of another Corporation, domestic or foreign, not-for-profit or for profit, partnership, joint venture, trust, or other enterprise, then, unless such indemnification is ordered by a court, the Corporation shall determine, or cause to be determined, in the manner provided under Georgia law; and, to the extent it is so determined that such indemnification is proper, the person claiming such indemnification shall be indemnified to the fullest extent now or hereafter permitted by Georgia law.

10.2 Indemnification Not Exclusive of Other Rights. The indemnification provided in Section 10.1 above shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under the articles of incorporation of bylaws, or any agreement, vote of members or disinterested directors, or otherwise, both as to action in his official capacity and as to action in another capacity while, holding such office, and shall continue as to a person who has ceased to be a director,

officer, employee, trustee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of such a person.

10.3 Insurance. To the extent permitted by Georgia law, the Corporation may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee, trustee, or agent of the Corporation, or is was serving at the request of the Corporation as a director, officer, employee, trustee, or agent or another corporation, domestic or foreign, not-for-profit or for profit, partnership, joint venture, trust or other enterprise.

ARTICLE ELEVEN

Miscellaneous

11.1 Books and Records. The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors. The Corporation shall keep at its registered or principal office a record giving the names and addresses of the directors.

11.2 Corporate Seal. The corporate seal (of which there may be one or more exemplars) shall be in such form as the Board of Directors may from time to time determine.

11.3 Fiscal Year. The Board of Directors is authorized to fix the fiscal year of the Corporation and to change the same from time to time as it deems appropriate.

11.4 Internal Revenue Code. All references in these bylaws to sections of the Internal Revenue Code shall be considered references to the most recent revision of the Internal Revenue Code, as from time to time amended, to the corresponding provisions of any applicable future United States Internal Revenue Law, and to all regulations issued under such sections and provisions.

11.5 Construction. Whenever the context so requires, the masculine shall include the feminine and neuter, and the singular shall include the plural, and conversely. If any portion of these bylaws shall be invalid or inoperative, then, so far as is reasonable and possible, the remainder of these bylaws shall be considered valid and operative, and effect shall be given to the intent manifested by the portion held invalid or inoperative.

11.6 Table of Contents; Headlines. The table of contents and headings are for organization only.

11.7 Relation to Articles of Incorporation. These bylaws are subject to, and governed by, the articles of incorporation.

ARTICLE TWELVE

Amendments

12.1 Powers to Amend Articles and Bylaws. Subject to the provisions of Section 12.2 of this Article, the Board of Directors shall have the power to alter, amend, or repeal the articles of incorporation or these bylaws, or adopt new bylaws; provided, however, that the Board of Directors shall have no power or authority to make any changes in the articles of bylaws which would in any way diminish or derogate from the duties at Section 2.2 of these Bylaws.

12.2 Conditions. Action by the Board of Directors with respect to the articles of incorporation or these bylaws shall be taken by the affirmative vote of a majority of all directors then holding office. Anything in these bylaws to the contrary notwithstanding, no action with respect to the articles of incorporation or these bylaws shall be taken without the prior written approval of the Council.

ARTICLE THIRTEEN

Reserved Powers of the Council

13.1 Limitations on Board of Directors. Notwithstanding any other provision contained herein, the Board of Directors of the Corporation shall not undertake the following actions without the prior approval of the Council:

- a. Expend cash or incur any indebtedness with respect to any transaction or group of related transactions in excess of \$20,000.00, excluding any amounts previously approved as a part of the Corporation's capital budget or business plan (such transactions requiring approval pursuant to this section being hereinafter referred to as "Material Transactions");
- b. Approve the acquisition of control by the Corporation of, or the affiliation of the Corporation with, any other entity;
- c. Amend the articles of incorporation or bylaws of the Corporation;
- d. Voluntarily file any petition in bankruptcy;
- e. Adopt any short-term capital or operational or long-term budget of the Corporation; or
- f. Acquire, sell, transfer or otherwise dispose of any assets of the Corporation, excluding: (i) transactions occurring in the ordinary course of business, (ii) transactions previously approved as part of

the Corporation's budget or business plan, (iii) transactions among the Corporation and the City of Peachtree City.

ARTICLE FOURTEEN

Tax-Exempt Status

14.1 The affairs of the Corporation at all times shall be conducted in such a manner as to assure its status as an organization as defined in Section 501(c)(6) of the Internal Revenue Code.

14.2 The Corporation shall have all the powers permitted nonprofit corporations in the State. Notwithstanding anything contained herein to the contrary, the Corporation:

- a. Shall only exercise such powers
- b. Shall engage in only such activities
- c. Is organized exclusively for such purposes as shall be permitted under Section(c)(6) of the Internal Revenue Code and regulations issued pursuant thereto as they now exist or as they may hereafter be amended.

14.3 No part of the income of the Corporation shall inure to the benefit of, or be distributable to, any director, officer, employee, or other agent of the Corporation or to any other private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in furtherance of its purposes), and no director, officer, employee, or other agent of the Corporation, or any other private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

14.4 In the event of dissolution, the balance of all assets received by the Corporation for its operations, after the payment of all debts and obligations of the Corporation, shall be distributed to the City of Peachtree City (or an entity that is an integral part of the City of Peachtree City), provided that such entity's income is excludable from gross income under Section 115(1) of the Internal Revenue Code.

ARTICLE FIFTEEN

Adoption of Bylaws

Peachtree City Tourism Association, Inc. is organized under the laws of the State of Georgia on this _____ day of _____, 2008. The Bylaws were

adopted by resolution of the Board of Directors and the Corporation on and became effective as of said date.

{Signatures appear on the following page.}

Effective date. This Amendment to the By-Laws of the Peachtree City Tourism Association, Inc. shall become effective _____, 2008.

Adopted by a majority vote of the Board of Directors, in a public and open session of a regularly scheduled meeting of the Board of Directors, at which a quorum was present and voting on the _____ day of _____, 2008.

Adopted: _____
William Bexley, Chairman
Peachtree City Tourism
Association, Inc.

Attest: _____

Approved on _____, 2008, by a majority vote of the City of Peachtree City Council ("Council"), in a public and open session of a regular scheduled meeting, at which a quorum was present and voting.

By: _____
Harold Logsdon, Mayor

ATTEST:

Betsy Tyler, Acting City Clerk

ARTICLES OF INCORPORATION

ARTICLE I

The name of the Corporation is:

PEACHTREE CITY TOURISM ASSOCIATION, INC.

ARTICLE II

The Corporation is organized pursuant to the Georgia Nonprofit Corporation Code.

ARTICLE III

The Corporation's founding and sole member is the City of Peachtree City, Georgia. Membership is expressly restricted to entities that are an integral part of the City of Peachtree City, Georgia provided that such entity's entire income is excludable from gross income under Section 115(1) of the Internal Revenue Code.

ARTICLE IV

The initial registered office of the Corporation shall be 151 Willowbend Road, Peachtree City, Georgia 30269 in Fayette County. The initial registered agent of the Corporation at such address shall be Bernard J. McMullen.

ARTICLE V

The name and address of the incorporator is:

Bernard J. McMullen
151 Willowbend Road
Peachtree City, Georgia 30269

ARTICLE VI

The purposes for which the Corporation is formed are as follows:

- (a) The Corporation is an association of members the purposes of which, as set forth in the articles of incorporation, are not organized for profit and no part of the net earnings of which inures to the benefit of any profit shareholder of individual within the meaning of Section 501(c)(6) of the Internal Revenue Code. The Corporation was organized, and at all times shall be operated, to serve the needs and interests of tourism within the City of Peachtree City. The purposes of the Corporation shall include, but shall not be limited to:
 - Improve the availability of basic goods and services within the City of Peachtree City;

- Develop the educational, cultural and economic potential of the City of Peachtree City;
 - Enlist the active interest and financial support of individuals and businesses in the development, improvement and beautification of the City of Peachtree City;
 - Improve and maintain the appeal of the City of Peachtree City by improving and maintaining the physical, environmental and business conditions in the City;
 - Increase City revenues by stabilizing the tax base, enhancing property values and increasing retail sales in the City;
 - Contract with the City of Peachtree City to expend on behalf of the City of Peachtree City that portion of the hotel/motel tax authorized by Georgia law and other funding, and use the tax revenue and other funds to promote tourism, conventions and trade shows within the City. The Corporation's overall purpose will be to promote the welfare of the public, stimulate commerce and otherwise serve the public interest of the City of Peachtree City, as set forth in these Articles of Incorporation and the Bylaws, including the exercise of all other power and authority enjoyed by corporations generally by virtue of the provisions of the Georgia Nonprofit Corporation Code, within the subject to the limitations of Section 501(c)(6) of the Internal Revenue Code; and
 - By contract with the City of Peachtree City, to manage and operate the Frederick W. Brown, Jr. Amphitheater and the Peachtree City Tennis Center.
- (b) This Corporation is not organized and shall not be operated for pecuniary gain or profit. No part of the property or net earnings of the Corporation shall inure to the benefit of or be distributable to its directors, officers or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article VI of these Articles. The Corporation shall not lobby or otherwise attempt to influence legislation or participate or intervene in (including publication or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any provision of these Articles, the Corporation shall not carry on any other activities to the extent that such activities are not permitted to be carried on by an organization described in Section 501(c)(6) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law).

ARTICLE VII

The affairs of the Corporation shall be managed by a Board of Directors. The number of Directors of the Corporation and method of election shall be set out in the bylaws.

ARTICLE VIII

The Board of Directors shall consist of Seven (7) members to be comprised as follows:

1. Five (5) citizens or persons conducting business within the City of Peachtree City. At least one (1) of the citizens appointed to the Board shall be employed in the restaurant or hotel/motel business and one of these same citizens shall have a minimum of five (5) years of fiscal experience (fiscal experience shall be defined as on the job training, education, degrees, and/or licenses gained in finance, accounting, and/or professional budgeting.).
2. The Chairperson of the Recreation Commission of the City of the City of Peachtree City; and
3. One member of the City Council of Peachtree City to be selected by a majority of the members of the governing body of the City of Peachtree City, such member to be selected in January.
- ~~4.~~ In addition to the above seven directors, the Mayor and City Council shall appoint three-two citizens of Fayette County as non-voting members of the Board of Directors. The three-two non-voting members of the Board of Directors shall be:
 - (a) The President of the Fayette County Chamber of Commerce or designee. The designee shall be someone under the direct supervision of the President of the Fayette County Chamber of Commerce by virtue of their employment.
 - ~~(b) The Superintendent of the Fayette County Board of Education or designee. The designee shall be someone under the direct supervision of the Superintendent of the Fayette County Board of Education by virtue of their employment. A citizen active in economic and/or community development in Fayette County.~~
 - ~~(c) The manager of a hotel located in Peachtree City or designee. The designee shall be someone under the direct supervision of the hotel manager by virtue of their employment. The manager of the hotel shall be recommended to the Mayor and City Council by the Board of Directors of the Peachtree City Tourism Association, Inc. The hotel manager shall serve for a~~

three-year term or until he leaves his place of employment in Peachtree City.

(d) At the time of appointment of a member(s) to the Board, the Mayor and City Council may designate alternate(s) from the pool of applicants. The term of the alternate will extend until the interview process is concluded for the next vacancy. At that time, a new alternate may be designated. The alternate would be appointed as a regular member of the Board should there be a vacancy of an unexpired term of less than 12 months. If an unexpired term of more than 12 months occurs, the normal interview process will occur and the alternate will not automatically be appointed to the position. While serving as an alternate, the alternate will be required to attend a minimum of 50 percent of regular and called meetings of the Board.

ARTICLE IX

. In the event of dissolution, the balance of all assets received by the Corporation for its operations, after the payment of all debts and obligations of the Corporation, shall be distributed to the City of Peachtree City (or an entity that is an integral part of the City of Peachtree City), provided that such entity's income is excludable from gross income under Section 115(1) of the Internal Revenue Code.

ARTICLE X

- (a) Each person who is or was a director or officer of the Corporation, and each person who is or was a director or officer of the Corporation who at the request of the Corporation is serving or has served as an officer, director, partner, joint venture or trustee of another corporation, partnership, joint venture, or trustee of another corporation, partnership, joint venture, or trustee of another corporation, partnership, joint venture, trust or other enterprise shall be indemnified by the Corporation for all costs of litigation (including attorneys' fees), judgments, fines and amounts paid in settlement which are allowed to be paid, advanced or reimbursed by the Corporation under the laws of the State of Georgia and which are actually and reasonably incurred in connection with any action, suit, or proceeding, pending or threatened, whether civil, criminal, arbitral, administrative, or investigative, whether formal or informal, in which such person may be involved by reason of his being or having been a director or officer of this Corporation or of such other enterprises.. Such indemnification, reimbursement or advance shall be made only in

accordance with the laws of the State of Georgia, including the Georgia Nonprofit Corporation Code, subject to the conditions under such statutory provisions.

(b) In any instance where the laws of the State of Georgia permit indemnification, reimbursement or advances to be provided to persons who are or have been an officer or director of the Corporation or who are or have been an officer, director, partner, joint venture or trustee of any such other enterprise only on a determination that certain specified standards of conduct have been met, that all statutory requirements and procedures have been satisfied, and that upon application for indemnification, reimbursement or advances by any such person the Corporation shall promptly cause such determination to be made in accordance with the statutory procedures of Georgia law.

(c) Nothing in this Article shall be construed as limiting the applicability and Code of Georgia law with respect to indemnification, reimbursement and advances for expenses; further, as a condition to any such right of indemnification, the Corporation may require that it be permitted to participate in the defense of any such action or proceeding through legal counsel designated by the Corporation and at the expense of the Corporation.

(d) In accordance with the law of the State of Georgia, the Corporation may purchase and maintain insurance on behalf of any such persons whether or not the Corporation would have the power to indemnify such officers and directors against any liability under the laws of the State of Georgia. Any expenses or other amounts that are paid by way, or by indemnification, reimbursement, or advances of funds other than by court order, action by shareholders, the Corporation shall provide notice of such payment to the shareholders in accordance with the applicable provisions of the laws of the State of Georgia.

ARTICLE XI

The Articles of Incorporation of the corporation may be amended at any time in the manner provided in the Georgia Nonprofit Corporation Code (or the corresponding provision of any future Georgia nonprofit corporation law) by the affirmative vote of a majority of the directors then in office and by the City Council of the City of Peachtree City, Georgia; provided, however, that no amendment may be made which would cause the organization no longer to be qualified as an exempt organization described in Section 501(c)(6) of the Code.

The effective date of these Articles of Incorporation shall be _____, 2008.

IN WITNESS WHEREOF, the undersigned has executed these Articles of Incorporation this _____ day of _____, 2008.

William Bexley, Chairman
Peachtree City Tourism Association, Inc.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager

FROM: Acting City Clerk

DATE: August 13, 2008

SUBJECT: Alcohol License – NEW – Center Cut at Peachtree City
August 21, 2008, Regular Meeting

Recommendation:

Staff recommends Council consider the attached application for a new alcohol license.

Discussion:

Center Cut at Peachtree City, a restaurant to be located at 201 Crosstown Drive in the Towne Club senior living facility, has submitted a request for a new alcohol license. The restaurant will be open only to Towne Club residents and their guests. Mr. Douglas Foley has requested he be appointed as the Licensee. Mr. Petrus Ros has requested he be appointed as the License Representative. They will attend the meeting on Thursday, August 21st, to answer any questions you may have.

Budgetary Impact:

The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for a pouring license, \$5,000, plus \$500 for Sunday Sales.

BT:pd

Attachments

Application For Alcoholic Beverage License

Business Name: <i>Center Cut at Peachtree City LLC</i>		Business Location: <i>201 Crosstown Rd Peachtree City, GA 30269</i>	
Nature of Business: <i>Living Restaurant for senior</i>		Mailing Address: <i>201 Crosstown road Peachtree City, GA 30269</i>	
Name of Licensed: <i>Douglas F. Foley CENTER CUT AT TOWNE CLUB LLC</i>		Home Address: <i>1055 Towne Lake Hills WOODSTOCK GA 30189</i>	
Name of License Representative: <i>Petrus T. Bos</i>		Home Address: <i>8103 South Pine Cone drive Villa Rica GA 30180</i>	
Business Phone Number: <i>770-632-5823</i>		Home Phone Number: <i>770-924-4536</i>	
Home Phone Number: <i>770-834-9947</i>			

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:
<i>Douglas F. Foley</i>	<i>1055 Towne Lake Hills WOODSTOCK GA 30189</i>	<i>770-924-4536 L 770-757-7353 cell</i>

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

If YES, Please Provide Name of Employee: _____

State of Georgia

City of Peachtree City:

I, H. C. "Skip" Clark II, Chief of Police for the City of Peachtree City, do hereby certify that:

Douglas F. Foley

1055 Towne Lake Hills East Woodstock, GA 30189
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 narcotics or drugs within five (5) years prior to the date of the application for this license.

HCC
Signature

7/31/08
Date

Major R. M. [Signature]
Witness

State of Georgia

City of Peachtree City:

I, H. C. "Skip" Clark II, Chief of Police for the City of Peachtree City, do hereby certify that:

Petrus T. Ros

Name

8103 South Pine Cone Drive Villa Rica, GA 30180

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 narcotics or drugs within five (5) years prior to the date of the application for this license.

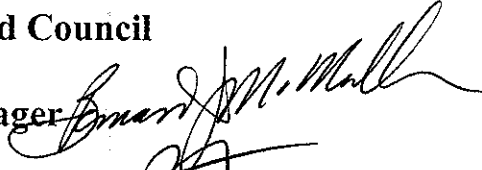

Signature

8/12/08
Date


Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: City Manager 
FROM: Acting City Clerk 
DATE: August 13, 2008
SUBJECT: Alcohol License – NEW – Irish Bred Pub
August 21, 2008, Regular Meeting

Recommendation:

Staff recommends Council consider the attached application for a new alcohol license.

Discussion:

Irish Bred Pub, a restaurant/bar to be located at 273 Highway 74 (former Three Dollar Café), has submitted a request for a new alcohol license. Mr. Jiri Matousek has requested he be appointed as the Licensee and the License Representative. He will attend the meeting on Thursday, August 21st, to answer any questions you may have. Mr. Matousek also owns the Irish Bred Pub in Hapeville.

Budgetary Impact:

The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for a pouring license, \$5,000, plus \$500 for Sunday Sales.

BT:pd

Attachments

Application For Alcoholic Beverage License

Business Name: IRISH BRED PUB	Business Location: 273 Hwy 74 Peachtree City, GA - 30269	
Nature of Business: RESTAURANT / BAR	Mailing Address: 273 Hwy 74 Peachtree City, GA - 30269	Business Phone Number: 678 656 5506
Name of Licensee: JIRI MATOUSEK	Home Address: MCDONOUGH, GA - 30253 404 AVIEMORE LOOP	Home Phone Number: 770 954 9217
Name of License Representative: JIRI MATOUSEK	Home Address: 404 AVIEMORE LOOP MCDONOUGH, GA - 30253	Home Phone Number: 770 954 9217

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:
JIRI MATOUSEK	GA-30253 404 AVIEMORE LOOP, MCDONOUGH	770 954 9217 678 656 5506
IRISH BRED PUB VIII. INC	273 Hwy 74, Peachtree City 30269	

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

If YES, Please Provide Name of Employee: _____

State of Georgia

City of Peachtree City:

I, H. C. "Skip" Clark II, Chief of Police for the City of Peachtree City, do hereby certify that:

Jiri Matousek

Name

404 Aviemore Loop McDonough, GA 30253

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 narcotics or drugs within five (5) years prior to the date of the application for this license.



Signature

7/31/08

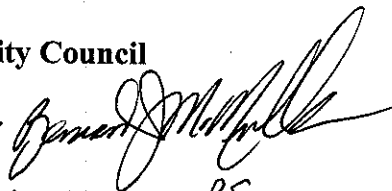
Date

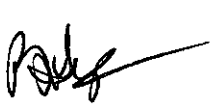

Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 

FROM: Financial Services Director P.S.
Administrative Services Director 

DATE: August 12, 2008

SUBJECT: New Financial Ordinance

August 21, 2008 City Council Meeting

Recommendation:

Adopt the attached financial ordinance regarding collection of certain funds owed to the City.

Discussion:

The attached ordinance would allow city departments to withhold, revoke or suspend the approval of permits, licenses or plats until such time all amounts owed to the City have been paid. The ordinance will provide the City with additional leverage in collecting amounts due, such as unpaid storm water charges and other amounts. The ordinance does not apply to unpaid property taxes, but would provide a good collection tool for any other amounts due to the City.

Budgetary Impact:

May help reduce bad debt expense.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED, SO AS TO ADOPT A PROVISION PROVIDING FOR CERTAIN PENALTIES TO BE IMPOSED IN THE EVENT THAT A PERSON FAILS TO PAY ANY TAX OR FEE OWED TO THE CITY; TO REPEAL CONFLICTING ORDINANCES EXCEPT AS HEREIN EXPRESSLY PROVIDED; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY, GEORGIA, THAT:

Section 1. That Article I, In General, of Chapter 34, Finance, of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended by adding a new Section 34-2 to read and to be codified as follows:

Section 34-2. Failure to pay sums owed to the City; penalties.

(a) In the event that any person owes any tax, fees, or other revenue due to the City, or any portion thereof, the City may withhold, revoke, or suspend any permit, license, or plat approval until such time as the person has satisfied all amounts owed to the City.

(b) Paragraph (a) above shall not apply to any unpaid ad valorem taxes.

(c) The dates when such taxes, fees or other revenue owed to the City are due shall be as set forth in the relevant portion of the Code of Ordinances in which such tax, fee or other revenue due to the City is established.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically

declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _____ day of _____, 2008.

Harold Logsdon, Mayor

Attest: _____
City Clerk

City Council of Peachtree City
REVISED AGENDA
August 21, 2008
7:00 p.m.

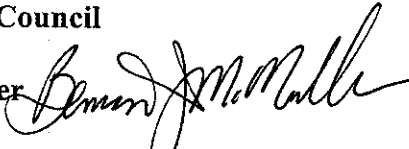
- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
 - Remind Attendees to Turn Off Cell Phones
 - Recognize CERT Graduates
 - Recognize Roller Hockey State Titles Teams and State Wars Players
 - Recognize Employee of the Month – Tony Bernard
- IV. Public Comment
- V. Agenda Changes
- VI. Minutes
 - August 7, 2008, Regular Meeting
 - August 12, 2008, Workshop Minutes
 - July 17, 2008, Regular Meeting
- VII. Consent Agenda
 - 1. Consider Budget Adjustments – FY 2008
- VIII. Old Agenda Items
 - 03-08-01 Consider Comprehensive Revenue Analysis / Fee Changes
 - Recreation Facility Rental Fees and The Gathering Place User Fees
- IX. New Agenda Items
 - 08-08-11 Public Hearing – Consider Variance Request – SANY, Wetland Buffer
 - 08-08-12 Public Hearing – Consider Variance Request – American Tower, Senoia Road, Setback Encroachment
 - 08-08-13 Public Hearing – Consider Variance Request – Lake Forest, Setback Encroachment
 - 08-08-14 Consider Approval of Peachtree City Tourism Association Budget
 - 08-08-15 Consider Approval of Amendments to PCTA Bylaws and Articles of Incorporation
 - 08-08-16 Alcohol License – NEW – Center Cut at Peachtree City (Towne Club)
 - 08-08-17 Alcohol License – NEW – Irish Bred Pub
 - 08-08-18 Consider New Finance Ordinance
 - 08-08-19 Consider Approval of Supplemental Agreement for Appropriation of Hotel/Motel Tax
 - 08-08-20 Consider Sewer Easement – New Meade Field Pump Station and Force Main
 - 08-08-21 Consider Dedication of Right-of-Way to GDOT
- X. Council/Staff Topics
- XI. Executive Session

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Acting Administrative Services Director/City Clerk 

DATE: August 19, 2008

SUBJECT: Approved Amendment to July 17, 2008, Regular Meeting Minutes
August 21, 2008, City Council Agenda

Recommendation:

That Council reconsider approval of the July 17, 2008, Regular Meeting Minutes.

Discussion:

At the August 7 meeting, Council approved the following amendment to the motion made by Council Member Plunkett regarding the request from John Wieland to lift the multi-family moratorium:

Plunkett moved to lift the moratorium but there was to be no discussion regarding apartments or condos. Boone seconded. The motion carried 3 (Boone, Logsdon, Plunkett)-2 (Haddix, Sturbaum).

After listening to the recording of the meeting, it was discovered that the amendment did not accurately reflect the discussion that was held. Council Member Plunkett has read a verbatim transcript of that portion of the meeting and agrees that the verbiage suggested below more accurately describes the discussion.

Plunkett said that, based on what she heard during the task force, a North Cove-type of environment was needed, including single-family homes as well as town homes. Condos would not fly unless Atlanta Christian College came in and begged for them. She stressed to Fields that less was better. She added that, if the moratorium were lifted, the City would continue to work with the college to see what they needed as part of the project. Plunkett said that the City should also look at ensuring that at least 20 acres would be set aside, and designated to the City, if necessary, as open space with the potential for an educational facility to meet education needs of the families living in Wilksmoor.

Plunkett moved to lift the moratorium for the Planning Commission to have the opportunity to talk about all the issues she had raised and find out whether those things

were possible. Boone seconded. The motion carried 3 (Boone, Logsdon, Plunkett)-2 (Haddix, Sturbaum).

Budgetary Impact:

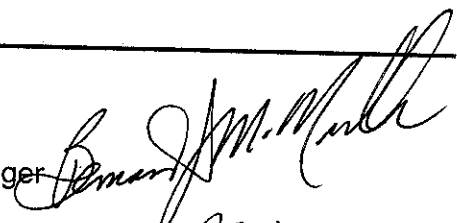
There is no impact on the budget.

BT:pd

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Bernard J. McMullen, City Manager 

FROM: Paul J. Salvatore, Financial Services Director 
Janet I. Camburn, Assistant Finance Director 

DATE: August 19, 2008

SUBJECT: Approval of Supplemental Agreement for Appropriation of Hotel/Motel Tax

August 21, 2008, City Council Agenda

Recommendation:

That the Peachtree City Council approve the attached Supplemental Agreement for the Appropriation of Hotel/Motel Tax to be Expended by the City of Peachtree City for the Purpose of Promoting Tourism.

Discussion:

The Peachtree City Tourism Association, Inc., a component unit of the City of Peachtree City, is projecting a cash shortfall for the 2008 fiscal year. The Association's shortfall is due to a shortfall in fiscal year 2008 revenue and not due to excessive spending. The Tourism Association has approached the City of Peachtree City for assistance with this shortfall.

After a review of the current hotel/motel tax revenue, already received by the City, and a projection of the August and September tax receipts for the Hotel/Motel Tax Fund, it has been determined that the City's General Fund is expected to receive approximately \$41,000 more hotel/motel tax revenue than was originally budgeted in the General Fund for this fiscal year.

The attached supplemental agreement, allocating \$35,000 in addition to the required two-thirds (2/3) allocation of hotel/motel taxes to the Tourism Association, was prepared by City Attorney, Ted Meeker. This agreement is expected to be approved by the Tourism Association at their August 20, 2008, meeting.

It is Staff's recommendation that \$35,000 additional hotel/motel taxes be disbursed to the Tourism Association on or about September 8, 2008, to cover the Association's projected fiscal year 2008 cash shortfall.

Budget Impact:

The additional \$35,000 distribution of hotel/motel taxes to the Tourism Association will ultimately reduce the total taxes disbursed to the City's General Fund. However, it is still expected that the City will meet or exceed its budgeted projections of hotel/motel taxes transferred to the City's General Fund.

STATE OF GEORGIA
COUNTY OF FAYETTE

**SUPPLEMENTAL AGREEMENT FOR APPROPRIATION OF THE
HOTEL/MOTEL TAX TO BE EXPENDED BY THE CITY OF PEACHTREE
CITY FOR THE PURPOSE OF PROMOTING TOURISM**

THIS SUPPLEMENTAL AGREEMENT entered into this _____ day of _____, 2008 between the PEACHTREE CITY TOURISM ASSOCIATION, INC. (hereinafter referred to as "Association") and THE CITY OF PEACHTREE CITY (hereinafter referred to as "City").

WITNESSETH:

WHEREAS, the Association was created by the City of Peachtree City ("City") on the 10th day of November, 2003; and

WHEREAS, the Association is organized pursuant to the Georgia Non-Profit Corporation Code and has qualified as a non-profit corporation under Section 501(c)(6) of the United States Internal Revenue Code; and

WHEREAS, the City has dedicated a certain portion of the hotel/motel tax revenues collected by the City to the Association for the purpose of promoting tourism, conventions, and trade shows as defined in O.C.G.A. § 48-13-50.2, in accordance with the Agreement between the parties dated May 20, 2004 (hereinafter the "2004 Hotel/Motel Tax Agreement"); and

WHEREAS, hotel/motel tax revenue received by the City of FY 2008 has exceeded projections; and;

WHEREAS, the City desires to appropriate additional hotel/motel tax revenues to the Association, and thereby amend the 2004 Hotel/Motel Tax Agreement only for FY 2008.

NOW, THEREFORE, in consideration of the mutual covenants provided herein, the Association and the City agree to enter into this Agreement to provide revenue for the City to promote tourism as defined in O.C.G.A. § 48-13-50.2, which, in turn, fulfills the Association's purpose in promoting tourism, conventions and trade shows and benefits all citizens of the City by improving the local tax base as follows:

- (1) The City shall dedicate and expend a portion of the hotel/motel tax revenues to the Association based upon percentages of the tax revenue collected pursuant to the provisions of O.C.G.A. § 48-13-51(a)(3.4), which amount shall not be less than two-thirds (2/3) of the total hotel/motel tax revenues received by the City, which amount shall be forwarded to the Association by the City on a monthly basis.

- (2) In addition to the amount set forth in Paragraph (1) above, the City shall pay the sum of \$35,000 to the Association on or before August 31, 2008. This shall be a one-time payment by the City, and shall not otherwise amend the 2004 Hotel/Motel Tax Agreement in any way.
- (3) The parties agree and acknowledge that all remaining terms and conditions set forth in the 2004 Hotel/Motel Tax Agreement remain in full force and effect, but if any of the terms of said Agreement are in conflict with the terms of this Amendment, the terms of the 2004 Hotel/Motel Tax Agreement shall control.
- (4) Both the Association and the City have agreed, through their respective representatives to enter into this Agreement and have given the Chairman of the Association and the Mayor of the Authority the power to sign on behalf of each.

This Agreement entered into as of the date first above-written.

PEACHTREE CITY TOURISM ASSOCIATION, INC.

BY: _____, Chairman
Peachtree City Tourism Association, Inc.

ATTEST: _____
Secretary/Treasurer
Peachtree City Tourism Association, Inc.

CITY OF PEACHTREE CITY

BY: _____
Harold K. Logsdon, Mayor
City of Peachtree City, Georgia

ATTEST: _____
Betsy Tyler, Acting City Clerk
City of Peachtree City, Georgia

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *Bernard McMiller*
Financial Services Director *P.S. Jr*
Assistant Financial Services Director *Jr*
Purchasing Agent *one*
Developmental Services Director *CW*
City Planner *David*

FROM: City Engineer *David A. Borowski*

DATE: August 13, 2008

SUBJECT: Sanitary Sewer Easement – New Meade Field Pump Station and Force Main
August 21, 2008, City Council Meeting

Recommendation:

Staff recommends that City Council authorize the Mayor to sign a sanitary sewer access, construction, and maintenance easement for a proposed pump station, force main and gravity sewer line at Meade Field.

Discussion:

In order to provide sewer service for the approved Somerby Development (under construction) and for potential future extensions to service the Fayette County Animal Shelter and adjacent parcels, the Peachtree City Water and Sewerage Authority (WASA) has been working on a master plan for the area (Figure 1). Figure 2 is a magnified portion of Figure 1. The master plan involves replacing the pump station that is currently adjacent to the southern baseball fields at Meade Field. The master plan also involves the construction of a force main and two gravity lines. The force main will take the sewage from the pump station to the Line Creek Treatment Plant. One of the gravity lines will bring sewage from the Somerby site to the pump station and the other line will bring sewage from potential future connections such as the Fayette County Animal Shelter, Starr's Mill Professional Center and adjacent parcels in Fayette County.

The master plan was designed to provide sewer to this area without building numerous pump stations. Sewer can be provided to Somerby, the Fayette County Animal Shelter, Starr's Mill

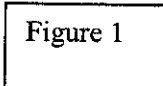


Figure 1

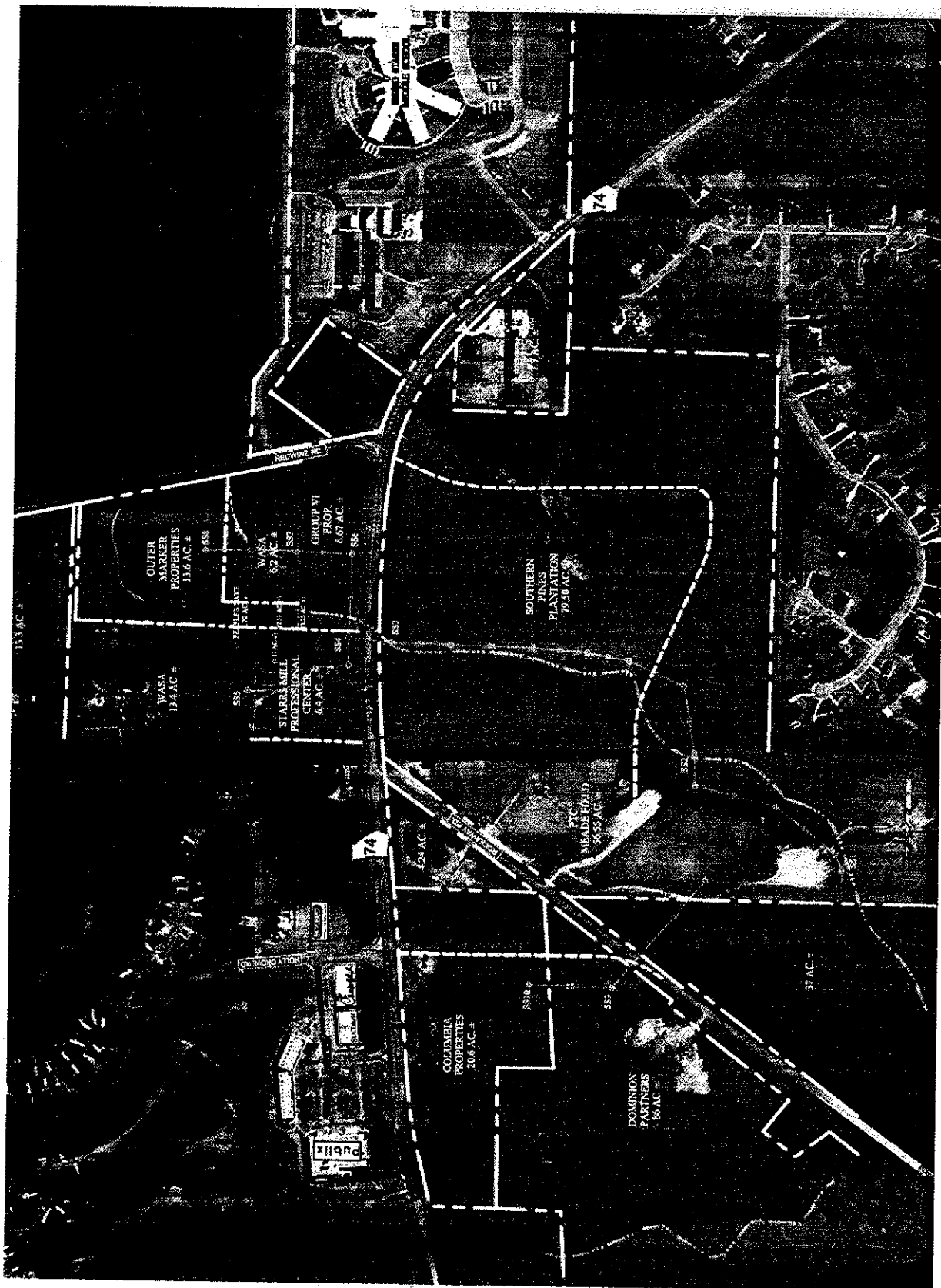


Figure 2

Professional Center and annexed property and the parcel to the east of Meade Field with just one pump station. If the design is changed more pump stations will be needed to service this area and Somerby will have to be redesigned.

Staff has reviewed and approved the pump station and force main plans. These plans cover the pump station construction, the force main construction from the pump station to the Line Creek Plant and one gravity line from the pump station heading east toward the parcel in Fayette County. The approved plans terminate construction at the City/County border to the east (Figure 3). Staff must still review the plans for the gravity line from Somerby to the pump station.

Meade Field Sewer Easement

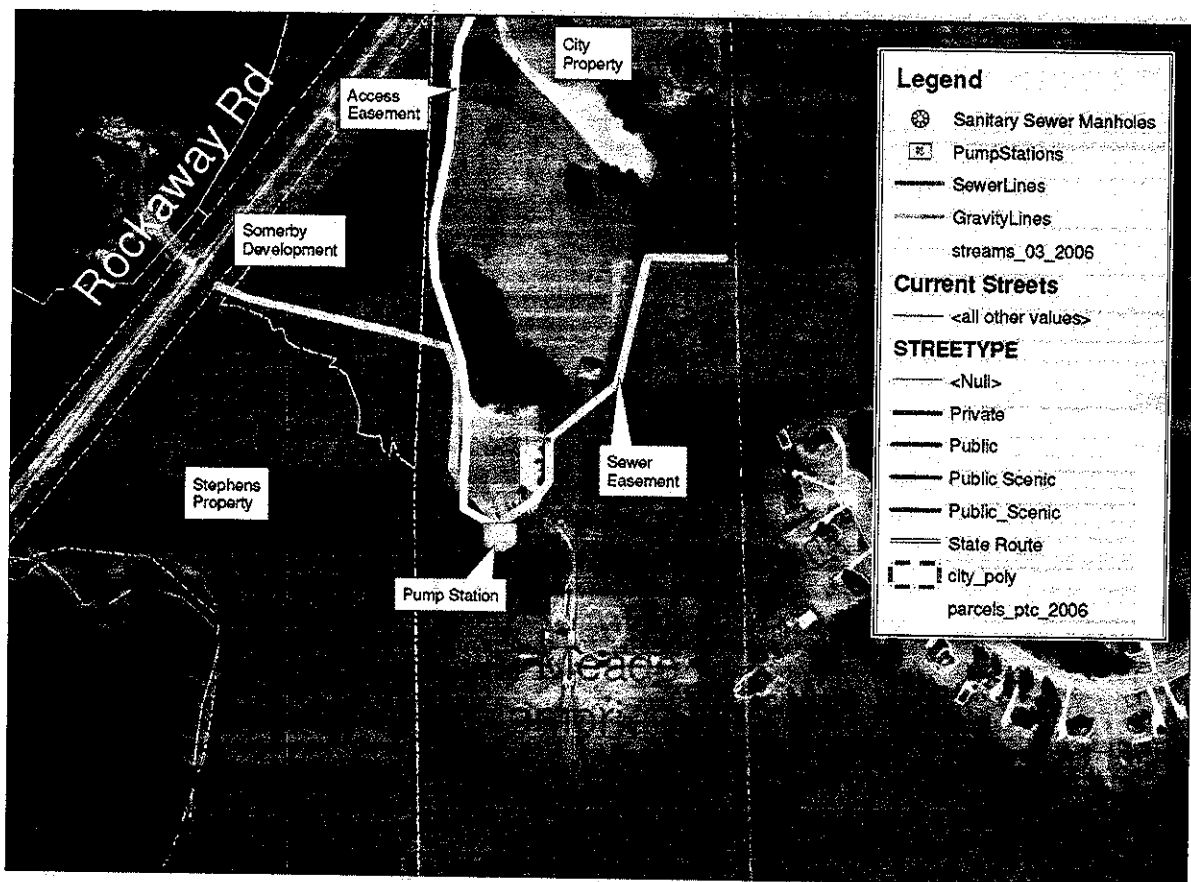


Figure 3

Staff has given a permit to Somerby to start land development contingent upon getting all necessary easements and State sewer approvals. No building permits will be approved until the above items are resolved.

State Law requires that once a public sewer is extended to within 200 ft of a property line the owner is required to connect to the sewer. It is staff's opinion that State Law will require the property owner to connect to sewer regardless of whether the County wants the sewer. The only control the County will have is in the Land Disturbance permit process, but they will not be able to deny the sewer access. Staff has contacted the County to ascertain their position on this as well.

This sewer extension may also enable the adjacent property owner to connect to sewer and not have to be annexed into the City.

Budget Impact:

There is no budget impact associated with this request.

Attachment

Sanitary Sewer Easement (with easement extending to the east)

cc: File

SANITARY SEWER EASEMENT

THIS Sanitary Sewer Easement is given this _____ day of _____, 2008, by the City of Peachtree City, a political subdivision of the State of Georgia (hereinafter "Grantor") to The Peachtree City Water and Sewerage Authority, a political subdivision of the State of Georgia (hereinafter "Grantee").

WITNESSETH:

WHEREAS, the Grantor is the owner of said property as shown and described in Deed Book 258, Page 706, Fayette County, Georgia, Records; and

WHEREAS, the Grantee has requested that the Grantor grant and convey to the Grantee a temporary construction easement and a permanent easement over, upon, across, under and through a portion of the property of the Grantor for the purpose of constructing, operating, maintaining, repairing, inspecting, and reconstructing sanitary sewer lines and appurtenances and the Grantor has agreed to do so.

NOW, THEREFORE, the Grantor, For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, has given, granted and conveyed, and by the presents does give, grant, and convey unto the Grantee, its successors and assigns, the temporary and permanent right, privilege and easements to construct, operate, maintain, repair, inspect and reconstruct sanitary sewer lines and appurtenances over upon, across, under and through the above referenced property of the Grantor, said permanent and temporary easements being described as follows:

PERMANENT EASEMENT: A nonexclusive permanent easement for purposes of constructing, operating, maintaining, repairing, inspecting and reconstructing a sewer pump station and sanitary sewer lines, together with such pipes, manholes, fittings, fixtures and other accessories as from time to time may be required, and for purposes of inspecting and performing appropriate tests within said permanent easement, including but not limited to, archaeological and environmental studies, and together with the full right of access to and egress from said permanent easements. Said permanent easements consisting of 0.93 acres.

TEMPORARY EASEMENT: A nonexclusive temporary easement for purposes of constructing, and inspecting sanitary sewer lines, together with the full right of access to and egress from said temporary easements. Said temporary easements consisting of 0.37 acres.

Said permanent and temporary easements being shown on the Easement Plat and Legal Description for Peachtree City Water & Sewerage Authority dated June 26, 2008 prepared by Integrated Science and Engineering and attached hereto as Exhibit A and made a part hereof.

The Grantee agrees to restore the topography of said easement area after installation of the sewer lines and appurtenances to as near as possible to the same condition as existed before said installation.

The Grantor shall have the right to pass over and upon said permanent easement with appropriate roadways for the full use of their property, provided, however that the construction, maintenance and use of said roadways shall in no way interfere with the sewer lines and appurtenances constructed within said easement. As to paved roads, the Grantee, in future repairs or maintenance of said sewer lines and appurtenances, shall only be responsible for regravelling, tamping and patching the portion of said paved roads disturbed by such work. As to non-paved roads, the Grantee shall only be responsible for regravelling and tamping in connection with any repairs or maintenance.

The Grantor shall not construct any permanent structure that would interfere with the maintenance or repair of the sanitary sewer in the permanent easement or place any additional fill within the permanent easement, without permission of the Grantee and shall not allow any additional utilities within the permanent easement except with approval of the Grantee.

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

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

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

ATTEST:

OWNER:

By: _____
Printed Name

By: _____
Printed Name

Signature

Signature

SEAL

Peachtree City (Recreation Area)
Legal Description
Revision 1

All that tract or parcel of land lying and being in Land Lot 30, 6th District, Fayette County, Georgia, reference is made to the plans entitled "South Peachtree City Pump Station #36, prepared by Integrated Science and Engineering and dated May 29, 2008 and being more particularly bounded and described as follows:

Commencing at a point marked by an axle found at the common corners of Land Lots 29, 30, 32 and 33 as shown on said plan; thence running South 73 degrees 13 minutes 49 seconds East for a distance of 1889.45 feet to a right-of-way monument located on the southeasterly right-of-way of Rockaway Road; thence South 36 degrees 57 minutes 58 seconds West for a distance of 149.29 feet along the southeasterly right-of-way of Rockaway Road to a point at the intersection of an 8 Inch Force thence along the center of the 8 inch Force Main Line through property belonging to Dominion Partners, LLC South 57 degrees 26 minutes 28 seconds East for a distance of 35.71 feet to a point; thence along a curve to the left having a radius of 30.00 feet and arc length of 10.54 feet, being subtended by a chord of South 67 degrees 30 minutes 05 seconds East for a distance of 10.48 feet to a point; thence South 77 degrees 33 minutes 43 seconds East for a distance of 469.08 feet to a point; said point lies on the common property line with a parcel belonging to the City of Peachtree City and the **True Point of Beginning**; Thence along the center of the 8 inch Force Main Line also being the center of a 20 foot easement (10 feet on each side) the following calls: South 77 degrees 33 minutes 43 seconds East for a distance of 33.04 feet to a point; thence along a curve to the right having a radius of 50.00 feet and arc length of 57.68 feet, being subtended by a chord of South 44 degrees 30 minutes 39 seconds East for a distance of 54.54 feet to a point; thence South 11 degrees 27 minutes 36 seconds East for a distance of 33.98 feet to a point; thence along a curve to the right having a radius of 30.00 feet and arc length of 5.38 feet, being subtended by a chord of South 06 degrees 19 minutes 32 seconds East for a distance of 5.37 feet to a point; thence South 01 degrees 11 minutes 28 seconds East for a distance of 86.40 feet to a point; thence along a curve to the right having a radius of 30.00 feet and arc length of 5.59 feet, being subtended by a chord of South 04 degrees 08 minutes 37 seconds West for a distance of 5.58 feet to a point; thence South 09 degrees 28 minutes 42 seconds West for a distance of 114.25 feet to a point; thence South 37 degrees 03 minutes 02 seconds East for a distance of 195.75 feet to a point; thence South 07 degrees 56 minutes 58 seconds West for a distance of 15.19 feet to a point at the intersection of the 8 inch Force Main Line and a chain link fence enclosing a lift station; thence along said fence South 82 degrees 35 minutes 20 seconds East for a distance of 16.12 feet to a point at the intersection of an 8 inch Gravity Sewer Line; thence along the center of the 8 inch Gravity Sewer Line also being the center of a 20 foot easement (10 feet on each side) the following calls: North 45 degrees 49 minutes 47 seconds East for a distance of 158.90 feet to a Sanitary Sewer Manhole; thence North 03 degrees 19 minutes 01 seconds East for a distance of 119.06 feet to a Sanitary Sewer Manhole; thence North 51 degrees 07 minutes 05 seconds East for a distance of 205.67 feet to a Sanitary Sewer Manhole; thence North 11 degrees 36 minutes 43 seconds East for a distance of 330.59 feet to a Sanitary Sewer Manhole; thence North 89 degrees 59 minutes 59 seconds East for a distance of 185.34 feet to a Sanitary Sewer Manhole; thence North 84 degrees 24

minutes 07 seconds East for a distance of 12.61 feet to the point of termination at the line bordering the boundary between the City of Peachtree City and Fayette County.

Said easement also encompasses from the True Point of Beginning South 00 degrees 37 minutes 53 seconds West for a distance of 11.96 feet; thence along the center of an 8 inch ductile iron gravity sewer line also being the center of a 20 foot easement (10 feet on each side) the following calls: South 44 degrees 01 minutes 55 seconds East for a distance of 97.58 feet to a sanitary manhole; thence South 04 degrees 20 minutes 05 seconds West for a distance of 182.54 feet to a sanitary manhole; thence South 37 degrees 03 minutes 02 seconds East for a distance of 240.55 feet to a sanitary manhole.

Said easement also encompasses an area bounded 4 feet outside the chain link fence bordering a Sewer Lift Station located on Peachtree City property as shown on Exhibit A.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *Bernard M. Malle*
Developmental Services Director *[Signature]*
City Planner *David*

FROM: City Engineer *Javel A. Borkowski*

DATE: August 19, 2008

SUBJECT: Dedication of right-of-way to Georgia Department of Transportation
August 21, 2008 City Council Meeting

Recommendation:

Staff recommends that Council dedicate a 0.07-acre tract of land to the Georgia Department of Transportation (GDOT) for the construction and maintenance of a deceleration lane for the Shoppes at the Village Piazza retail development. This recommendation is contingent upon receipt of a Quit Claim Deed from Pathway Communities releasing the deed restrictions for this construction.

Discussion:

In order to construct the deceleration lane for the first entrance (eastbound traffic) into the Shoppes at the Village Piazza development on SR 54 West, grading will be required on city-owned property. Staff has had several conversations with the GDOT on this issue. The entrance and deceleration lane are required for efficient traffic flow into and out of this development and cannot be removed, nor can the width of the required slope maintenance area cannot be narrowed.

The GDOT is requiring that this property be dedicated to them as right-of-way as opposed to obtaining a maintenance easement, and will not issue a driveway permit to Flexxon until this issue is resolved.

Staff has received a verbal commitment from Pathway Communities to release the deed restrictions on this piece of property to allow the construction and is awaiting a signed copy of the Quit Claim Deed.

Budget Impact:

There is no budget impact associated with this request.

After recording, return to:
Theodore P. Meeker, III
Davis & Meeker, LLC
6631 Watson Street
Union City, Georgia 30291

**STATE OF GEORGIA
COUNTY OF FAYETTE**

Deed for Release of Property for Construction of Deceleration Lane

QUIT CLAIM DEED OF RELEASE

THIS INDENTURE, made this _____ day of _____, 2008, between Peachtree City, party of the first Part (hereinafter "Grantor"), and the Georgia Department of Transportation, hereinafter referred to as the "GDOT."

WITNESSETH: That the said Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00), cash, in hand paid, the receipt whereof is hereby acknowledged, has bargained, sold and does by these presents bargain, sell, remise, release, and forever QUITCLAIM to the GDOT, its heirs and assigns, all the right, title, interest, claim or demand which the said party of the first part has or may have had in and to the certain parcel of land described as follows:

**SEE PLAT ATTACHED HERETO AS EXHIBIT "A"
AND LEGAL DECSRIPTION ATTACHED HERETO AS EXHIBIT "B"**

The purpose of this deed is to convey the above described property to the GDOT for the construction and maintenance of a deceleration lane.

With all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD, the said described premises unto the said DOT and its successors in office, so that neither the said party of the first part nor his heirs, nor any other person or persons claiming under the part of the first part shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESSETH WHEREOF, the party of the first part has hereunto set his hand and affixed his seal the day and year first above written.

Signed, Sealed and Delivered

OWNER: City of Peachtree City

By:

Mayor

Signature

Signed sealed and delivered,

In the presence of

Witness

NOTARY:

Printed name

Signature

My Commission expires:

SEAL



SCALE: 1"=40'

AREA: 3,061.2 S.F.

PROPOSED R/W

12.99' N01°19'00"E

199.52' N87°46'23"W

290.74' N88°06'21"W

99.23' N81°15'25"W

51.10' S88°08'57"E

51.10' N87°46'23"W

MAGNETIC N

GA HWY 54



No.	By	Date	Revision

THE SHOPPES
@ THE VILLAGE PIAZZA



PRECISION PLANNING, INC.

PLANNERS, ENGINEERS, ARCHITECTS, & SURVEYORS

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(770) 336-8000 (FAX) (770) 822-5280

Date: 12-21-07 Peachtree City, GA

County: FAYETTE

Scale: 1"=40'

Proj. Manager: RDB Drawn By: BRJ

Job Number: C06181

EXHIBIT

A

EXHIBIT "B"

All that tract or parcel of land lying and being in Land Lot 160 of this 7th district, Fayette County, Georgia, being more particularly described as follows:

Commencing at the intersection of the westerly right-of-way of Line Creek Drive (variable right-of-way) with the southerly right-of-way of Georgia Highway 54 (variable right-of-way); thence along said southerly right-of-way of Georgia Highway 54 the following courses: N57°51'00" W a distance of 22.12 feet to a point; thence N87°21'28" W a distance of 241.80 feet to a point; thence N87°33'13" W a distance of 130.17 feet to a point; thence N87°33'13" W a distance of 248.56 feet to a point; thence N01°15'47" E a distance of 34.51 feet to a point; thence N88°24'31" W a distance of 176.80 feet to a point; thence S74°27'22" W a distance of 42.71 feet to a point; thence N01°30'09" E a distance of 15.21 feet to a point; thence N88°01'16" W a distance of 230.49 feet to a point; thence N88°08'57" W a distance of 51.10 feet to a point and the True Point of Beginning. Thence leaving the southerly right-of-way of Georgia Highway 54 S01°19'00" W a distance of 12.99 feet to a point; thence N87°46'23" W a distance of 199.52 feet to a point; thence N81°15'25" W a distance of 99.23 feet to a point on the southerly right-of-way of Georgia Highway 54; thence along said right-of-way S88°06'21" E a distance of 290.74 feet to a point, said point being the True Point of Beginning. Said tract contains 0.07 ac.