

**City Council of Peachtree City
Agenda
June 2, 2016
7:00 p.m.**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Announcements, Awards, Special Recognition**
- IV. Public Comment**
- V. Agenda Changes**
- VI. Minutes**
 - May 3, 2016, Workshop Minutes
 - May 19, 2016, Regular Meeting Minutes
- VII. Consent Agenda**
 - 1. Consider Alcohol License – PTC Package Store, 1001 Peachtree Parkway N, Ste 1007/002**
***Applicant requests continuance to July 7 due to problems that have arisen with the lease*
 - 2. Consider Request to Surplus Seized Item – 50 Items**
 - 3. Consider Request to Surplus Seized Item – 1996 Ford Explorer**
- VIII. Old Agenda Items**
 - 10-15-03 Consider Adoption of Right-of-Way Occupancy Ordinance & Associated Fees**
 - 05-16-02 Public Hearing – Consider Variance Request, Front Setback Requirements, 565 Dividend Dr.**
To be continued to June 16 for advertising purposes
 - 05-16-04 Public Hearing – Consider Variance Request, Side Setback Requirements, Tract 14, Ebenezer Rd.**
- IX. New Agenda Items**
 - 06-16-01 Consider Bids for LMIG Paving Projects, 2016**
 - 06-16-02 Consider Job Investment Grant Program & Application – Interfor U.S. Inc., 700 Westpark Drive, Suite 100**
- X. Council/Staff Topics**
 - FCDA Projects Update**
 - SPLOST Project Update**
- XI. Executive Session**
- XII. Adjourn**

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

**City Council of Peachtree City
Workshop Minutes
May 3, 2016**

The Mayor and Council of Peachtree City met in workshop session on Tuesday, May 3, 2016. Mayor Pro-tem Mike King opened the workshop at 6:30 p.m. Council Members attending: Terry Ernst, Kim Learnard, and Phil Prebor. Mayor Vanessa Fleisch was unable to attend.

The purpose of the workshop was to look at:

What services levels were adequate to focus on the basics of our "Brand"?

- Code Enforcement, Peachtree City Toolbox
 - Tending the Garden
 - Landscaping/Facility Maintenance
 - Stormwater
 - Road and Path Maintenance
 - Public Safety
 - Recreation

City Manager Jon Rorie said this session was titled, "Tending the Garden," and would focus on service levels and what was necessary for the City to maintain its quality of life. The City had struggled since he had been employed by the City to get to a point described as "maintenance mode." Progress had been made, and the idea behind "tending the garden" was to produce results to provide those services as the highest level possible.

Rorie referred to a document on the dais that contained the Retreat Workshop schedule and the FY 2017 Budget schedule. He said staff was working on Budget One, the first draft of the budget. The June 7 meeting workshop was slated for Council goals and objectives, so it could be another Retreat session or it could be the first budget session. They would discuss it at the end of the meeting.

Code Enforcement, Peachtree City Toolbox

Police Chief Janet Moon gave an overview of Code Enforcement activities. Code Enforcement Officer Tim Maret was available to answer questions.

Based on the average of the last five years (2011 – 2015), the number one complaint had been cleanliness of premises (grass) with 487, Moon said. Miscellaneous complaints were second on the list with 402. The remainder of the list included cleanliness of premises (trash), 319; parking restrictions, 248; cleanliness of premises (auto-inoperable vehicles), 189; accessory use to dwellings (recreation vehicles parked in front), 175; signs, 148; and rehabs, 22.

The 2015 case summary included 1,568 new cases, 1,230 Notices of Violation (NOV) Proactive, 933 signs confiscated, 599 parks checks, 252 NOVs Reactive, 59 unfounded complaints, and 30 citations. The abatement periods for taking care of any violations varied from immediately to 90 days, depending on the violation. Moon added the Code Enforcement Officers did a good job of communicating with citizens and working with them on abatement of violations.

Moon continued that Code Enforcement had put together training and made a list of possible violations that police officers might encounter while out on calls for service. By building a partnership between Code Enforcement, Police, and citizens, each was able to be the eyes and ears out in the field on a daily basis.

Rorie asked for an explanation of "reactive" and "proactive" NOVs. Moon said that reactive violations were when citizens called and filed a complaint. Proactive violations were those violations a Code Enforcement Officer observed when they were in the field and took action.

Rorie asked if there were limitations on what the Code Enforcement Officers could do based on a violation in the front yard, side yard, or back yard. Maret said there were clearly limitations on what could be seen from the roadway. Some ordinance changes had been made, such as the amendments to the Recreational Vehicle Ordinance that now limited parking for the vehicles to the side and back of a property and removed the requirement to be parked 20 feet from the rear lot line. Specific complaints could be addressed, but there were limitations on what could be seen in a side or back yard from the street. Code Enforcement had a golf cart that they used to see back and side yards from the cart path.

Rorie asked if there were repeat offenders and violations. Moon said Code Enforcement had recently contacted over 200 businesses that had not renewed their Occupational Tax prior to the May 1 deadline, and 42 of the businesses were repeat offenders for at least two years in a row or more. Rorie asked how those would be addressed. Moon recommended that the 42 repeat offenders be issued citations to appear in Municipal Court, while the others should be given an NOV to rectify the situation within 48 hours.

Maret said Code Enforcement and the City Clerk's office had been working on implementing this for a few years. Business owners received the first notice at the end of October/first of November, then a second notice was sent in February. Code Enforcement had spoken to the repeat offenders a year ago, so they should know the requirements.

As for the regular repeat offenders for Cleanliness of Premises, Maret said there was language in the ordinance and on the notices stating one Cleanliness of Premises NOV would be issued per calendar year, then a citation would be issued for subsequent violations in that year. Depending on the violations, the Code Enforcement Officer could use their discretion if it had been six months since the previous violation. If it had only been a few months or so, Maret said a citation would be issued.

Ernst asked what happened with rental properties, whether the owner or the resident was cited. Maret noted the ordinance said the resident and/or agent was responsible for cleanliness of premises. In other areas, the ordinance said it was the owner's responsibility, especially regarding the structure and rehabilitation. Maret added that, if the lease stated the owner was responsible for the grass, then they would contact the owner.

Frank Destadio asked what was being done about developers that violated ordinances, adding there seemed to be a rash of that happening.

Planning & Development Director Mike Warrix announced that Code Enforcement would move to the Planning & Development Department from the Police Department on October 1. There would be a lot of benefits to the move. Warrix continued that, under his department, there would be better coordination of interpretation of the codes/ordinances. They would also work together on code revisions. Code Enforcement had the "boots on the ground" end of what his department was writing.

One of the big issues would be aggressive vs. passive enforcement. Warrix said the phone would ring no matter what stance was taken. The City had zero tolerance for code violations.

Staff would work with Council's guidance. Enforcement would be equitable, and there would be no selective enforcement.

Prebor noted that trees were the hot topic of the month, asking what the response was when a friendly notice was given by Code Enforcement and if the notice could be posted on the door or mailbox. Maret said most adults did not want to be told there was a violation, and Municipal Court had determined it was acceptable to leave the notice on the door. Depending on the violation, most notices were usually left on the door.

Maret continued that Code Enforcement Officer Freddy Frank had stopped and asked about the tree-cutting at the U-Haul business on Huddleston Road, and had been told they had approval and provided with confirming e-mails. Most tree removal permits were residential, and they were usually e-mails back and forth. Commercial permits were usually between Planning & Zoning and an intermediary. Staff might not be dealing with someone that worked for the business applying for the permit. Maret said that, currently, the officers could not check to see if there was a tree permit issued from the field with the current software system. With the old software system, they had been able to confirm if permits had been issued. In addition, when Code Enforcement had previously been located in the Planning & Zoning Department, they were usually the first to be on the scene of a violation.

Prebor asked Warrix if there were any techniques that could stop people cutting trees before there was a violation. Warrix said some communities had tree committees or boards that advertised often. He suggested holding a routine workshop with landscaping and tree removal companies.

Ernst referred to the recent tree-cutting at McDonald's on SR 54, asking if the contractor had a permit stating what could be cut. Warrix said the contractor did not have a permit. If the contractor had a permit, it would have stated what could be cut. Warrix added that there were always going to be violations, but communication between the departments was key to keeping the number of violations to a minimum.

Destadio said he had been at McDonald's when the trees were cut, and he had asked the contractor to stop, but the contractor told Destadio he had the authority he needed. Destadio said he knew they did not. (Destadio is Planning Commission chairman, and knew the new landscape plan was on a future agenda.) Developers were willingly violating the ordinances. Destadio said they should have a permit in view when they were working.

Martine Yancey referred to a recent case in her neighborhood when one of the neighbors was having trees cut down in the backyard. Yancey had reached out to City staff after seeing a child under eight years of age at the site. The company's owner was the child's father. The child was removed from the work site. Yancey asked what could be done when there were violations, saying the City needed to be aggressive to get the point across. Violators should be put on probation so they could not work in the City. Commercial permits should be displayed on site. She also suggested some kind of form regarding the City's ordinances should be signed every year to keep everyone up-to-date on the ordinances. The City was headed in the right direction.

Pam Kemp recalled that when Chick-fil-A had come to Council with variance requests for its site on SR 54 between McDonald's and BB&T, they had discussed taking down some of the trees in the buffer between Chick-fil-A and the bank. The trees had all been removed. She had reviewed the meeting minutes, and there had been four conditions when the variance was

granted. One of the conditions had to do with the trees. Kemp asked if it was possible to do a tree survey for a request, then mark the trees that were not to be removed. It would help to get rid of the vagueness in a condition or an ordinance.

Learnard said Council had left it up to Planning Commission to work with the contractor on that buffer between Chick-fil-A and BB&T, adding this was something the Planning Commission did well. King agreed that the City needed to be more specific and actually mark trees that were not to be cut. Warrix also agreed that they needed to be more specific.

Rorie said staff needed to look at the "who, what, when, and why" of what the City was trying to achieve. A reason for this type of session was to look at what was being done and whether it should be changed to have the desired outcome. One of the things key to the issue was unity of command. Staff had been working on the command structure for several months. Currently there was a division under the Police Department that required interpretation from the Planning & Zoning Department, which created communication gaps. There should not be an intermediary between two divisions. No matter what kind of permit was needed/issued, there was a consistency problem. Clearly, better results were needed. Something different had to be done.

Tending the Garden

o Landscaping/Facility Maintenance

Rorie said a lot of decisions had been made over the last couple of years. It had been a huge task and resources had been allocated, noting Recreation & Special Events Administrator Cajen Rhodes would address some of the issues. He added that he used to get landscaping and grass complaints beginning in March. It was May, and Rorie said he had not received any complaints. There was a positive difference. The right-of-way mowing was still outsourced, which was working, but was not perfect. Building & Grounds Supervisor David McDaniel had a spreadsheet for all the maintenance to set up maintenance schedules. Significant progress had been made.

o Stormwater

Stormwater Manager Mike Madison gave an update on the Stormwater Utility, pointing out that the annual revenue from monthly and semi-annual billing was \$2.3 million (actual revenue, excluding bond proceeds). Thirty percent of the revenue was used for revenue bond debt service, 25% for personnel costs (salaries, benefits, uniforms, etc.), 8% was spent on buildings, vehicles, and equipment (fuel, maintenance, utilities, etc.), 3% covered administrative/office costs (office supplies, legal services, printing, postage, computer/supplies, etc.), and 34% went to stormwater services (pipe, structures, tools, system maintenance materials, engineering/design costs, plan and specification preparation, bid project costs, stormwater permit compliance costs, pipe cleaning services, CCTV services, and more).

Completed projects for FY 2015-2016 included the replacement of failed pipe systems in The Marks, Interlochen, Wilshire Estates, The Estates, Emerling Grove, and Pinegate (\$50,000); repair of severe roadway embankment erosion along Stevens Entry (\$8,000); installation of additional 50 feet of 18-inch water pipe along Spear Road (\$4,000 – separate project from recent emergency repairs made); installation of 2,000 feet of six-inch water line at the Peachtree City Athletic Complex (PAC); installation of 900 feet of two-inch water line at Drake Field; and Spear Road culvert replacement (\$297,000).

Madison reviewed the top five upcoming in-house replacement projects and their estimated costs – Glenloch/Bridlepath cart path, 18-inch and double 36-inch culverts failed, \$9,500; Parkgate Lane, severe erosion at 36-inch pipe outlet undercutting pipe system, \$17,500; Alderly

Lane – end 40 feet of pipe filing and other sections severely corroded, \$20,000; Westpark Drive cart path, pipe undersized and causing path to overtop resulting in failure of path, \$9,500 and Flat Creek Road, pipe systems trenched through causing sinkholes in roadway embankment, \$9,700.

Completed stormwater bond projects included the Preston Chase subdivision, which had a project budget \$135,625 and was completed for \$111,060; Rockspray Pond Dam, with a project budget of \$929,425 and was completed for \$917,965; Bradford Estates/Creekside Crossing/Southside Church (BCS) Pond stilling basin with a project budget of \$120,000 (repair and stabilize severe outlet erosion), completed for \$85,223; Kedron Pond West Dam, project budget of \$740,000, completed for \$739,745; and Kedron Pond East Dam, project budget \$805,170, completed for \$814,386; and Harbor Loop drainage, project budget \$1,775,000, project completed for \$436,000.

The Golfview Drive drainage project was ongoing and had a project budget \$1,223,000. The Woodsdale pipe lining project was underway with a budget of \$450,000. The Wynnmeade subdivision project was also ongoing with a construction estimate of \$690,000. Miscellaneous pipe lining projects would go out for bid in the early summer, and \$500,000 was budgeted.

Madison said there was \$1.8 million in the stormwater bond contingency, and the projects they hoped to also complete, with construction estimates, included Peachtree Parkway headwall replacement (\$150,000), Braelinn/Creekside/Southside detention pond rehabilitation (rehabilitate earthen dam and construct emergency spillway, \$450,000); Crosstown Drive culverts (lining, \$250,000); Flat Creek Road culvert (lining, \$140,000); Detention Pond #140 (off Bluesmoke) rehabilitation, (\$225,000); and additional lining projects (\$450,000).

Rorie asked Madison how many feet of corrugated metal pipe were left. Madison said he did not know, but 50 – 60% of it was more than 25 years old, which was beyond its design life. Rorie noted that corrugated metal pipe was no longer used for anything City-owned or maintained.

- **Road and Path Maintenance**

Public Works Superintendent Scott Hicks briefed Council on the five-year street plan. The streets scheduled for paving this summer were rated between 55 and 82. Paving for streets was currently out for bid, and the list included Southworth Court, Commerce Drive (Westpark to Aberdeen Drive), Rolling Green, Westpark Drive, Adell Court, Holly Grove Church Road, Rubicon Road, Hilltop Drive (west), McIntosh Trail (Peachtree Parkway to Flat Creek Bridge), Steven's Entry (SR 54 to Peachtree Parkway), Willow Road, Planterra Way, Georgian Park (Peachtree Parkway to SR 74 and SR 74 to Peachtree Parkway), and Willowbend Road. The length to be paved totaled 32,300 feet, and the estimated cost was \$1,950,637.02.

Rorie said there was a backlog of road resurfacing projects, and the budget for this fiscal year was \$1.8 million. The average cost for paving was \$315,000 per mile. Hicks said the estimated costs were based on full-depth reclamation (FDR) rather than repaving. They were finding many of the roads needed FDR based on testing. Rorie added that all the 2016 projects needed FDR. Hicks pointed out that Rolling Green (the subdivision was approved in 1975) had never been repaved. He continued that the City was past the point of making good roads better; it had to make bad roads better.

As for cart path maintenance, Hicks said the cart path crew was around the five-mile point of the nine miles they hoped to complete annually. The goal this year was to hit 9.1 miles.

Rorie asked if it had been worth it to get the paths ready for paving in the winter months. Hicks said it had been worth it. Staff had only received a few complaints.

Ernst asked when paving had to stop because of the temperatures. Hicks said the temperature had to be 45° at 8:00 a.m. and rising all day. The asphalt was 325° when it was put in the truck, and the warmer it was outside, the better it was to put down.

Public Safety

Fire Department

Fire Chief Joe O'Connor discussed what "good" looked like at the Fire Department, adding the people in his department were remarkable, and the surveys showed that. In 2015, 72% of the calls (2,784) were for emergency medical services compared to 2% (73) for fires. False alarms/false calls accounted for 8% (298), 5% (178) were good intent calls, Hazard condition – no fire were 3% (122) of the calls, and 10% (399) were service calls.

O'Connor continued that the 2013 Matrix Study recommended the establishment of baseline and benchmark response time objectives as published by the Commission on Fire Accreditation International for "suburban" communities 90% of the time. He noted that Council adopted the Matrix recommendations on December 19, 2013.

O'Connor explained that benchmarks were those times identified as a high standard and used to plan future efforts; benchmarks were the ideal. Baselines were the standard which the Department committed to perform at and evaluate compliance. As baselines were achieved consistently, the standard would move up toward the benchmark goal.

O'Connor looked at key performance objectives. The baseline for "Call Handling Time" was 90 seconds no less than 90% of the time. Call Handling Time was the time for processing by the Fayette County 911 Center of an incoming 911 phone call, including the dispatching of fire response units. Eighty-eight percent (88%) of all calls were handled in 90 seconds.

"Turn Out Time" was the time between dispatch notification and unit response, and the baseline was also 90 seconds no less than 90% of the time. Turn Out in 90 seconds occurred on 80% of all calls.

"Travel Time" measured the time for the arrival of the primary company to a fire suppression incident or emergency medical incident. The baseline was six and one-half minutes (390 seconds) or less 90% of the time. The Department's travel time was within 390 seconds on 92% of their calls. The second unit answered many calls rather than the primary company.

"Demand for Service" trends had shown an increase. The population south of Crosstown represented 15 – 20% of the City. Nearly 35% of all calls were south of Crosstown, which included the recent increase in size of the Somerby retirement community. O'Connor said they expected the demand for EMS to continue to rise as the population aged.

In 2000, the City had 500 fire calls, and in 2015, there were just under 1,000. EMS calls had increased from 1,500 in 2000 to 3,000 in 2015. The total number of calls had jumped from 2,059 in 2000 to 3,853 in 2015.

O'Connor noted that, in March, the second or third closest responder needed to respond on 15% of calls because the primary unit was on another call. Responses to assisted living facilities accounted for nearly 20% of all calls for service.

The risk of fire loss would also increase as properties aged. O'Connor said they must work to improve prevention, encourage safer construction codes, and enforce life safety codes.

O'Connor pointed out that, based on Census data, 10% of the City's population were in their 60s, and they accounted for 12% of the ambulance patients. Citizens in their 70s were 5% of the population, and 16% of ambulance patients. Residents ages 80 – 100 were 3% of the population, and 33% of the ambulance patients. For comparison, O'Connor noted that residents in their 30s comprised 10% of the population, and 7% of ambulance patients. People in their forties were 18% of the population and 7% of ambulance patients. Citizens in their 50s were 17% of the population, and 8% of ambulance patients.

With 1,500 additional homes to be built in Wilksmoor, the Fire staff was looking at the possible impact and how to deliver services at the same level to the new homes without degrading service delivery to the rest of the City.

Balanced distribution of resources throughout the City would allow for the shortest possible response times, which could prevent loss of life in a cardiac arrest and meet the community's high expectations. Distributing resources throughout the City provided the ability to quickly gather an effective fighting force of 15 firefighters (number required for basic functions when fighting fires) and also allowed for the simultaneous performance of essential firefighting duties.

Impact fees allowed the financial burden of expanding government services, including public safety capacity (stations and apparatus), to be paid by those responsible for the increased demand for service. However, the use of impact fees was limited by law. Impact fees could not be used for personnel or operating expenses; those costs should be supported by the growth of the tax base. The Fire and EMS service received a portion of the collected impact fees for all new construction, O'Connor said. Fire Protection was assigned \$615 for each new home constructed.

O'Connor said the question was when to expand services, saying staff had to think beyond tomorrow, not in one-year blocks of time. The process included continual monitoring of Key Performance Objectives to determine if service demand was impacting service delivery. Expanding service was expensive and slow. Building a fire truck was a one-year process, and building a fire station from the ground up was a two-year process. There were ways to speed things up a bit, but the quality had to be there.

O'Connor went over the phases of expanding the EMS and Fires Service and building a station. The first phase was to acquire property for the station. Phase 2 was to bid the design and engineering of the station (30 days), and Phase 3 was to award the design and engineering to a qualified contractor. During Phase 4, staff worked with the architect and engineer to design a station to meet anticipated community needs over the next 50 years (90 – 120 days). Finalization of design plans and preparation of bid documents for construction (30 days) was the fifth phase.

Phase 6 was time dependent on the rate of construction and included monitoring building permits for appropriate building point to trigger construction. Bidding the construction project (30 days) was Phase 7, and Phase 8 was researching bidders and awarding the construction contract.

Construction of the station under the supervision of a professional construction manager was Phase 9. Construction usually took one year. Phase 10 was accepting the new station and preparing the living space to be occupied 24 hours per day (30 days). Phase 11 involved using

an existing quick response vehicle and staff to provide initial minimal coverage to underserved areas with long response times. In Phase 12, additional response vehicles were put out to bid and constructed as specific needs became clear (one year).

In Phase 13, staff would continue to monitor the demand for EMS and fire protection as home construction continued for a second trigger point that would require, and financially support, additional staff (two per shift or six total). The time would be dependent on the rate of construction.

During FY 2017, a 16-year old fire engine would be replaced as part of the Public Improvement Program (PIP) capital budget. Staff also hoped to use Impact fees to pay for the design and engineering of the MacDuff station.

O'Connor said there might be some resources that could be deployed differently to serve areas that were underserved without investing in additional people or apparatus so the process of covering the underserved area could begin.

Learnard asked when a new station would become the plan. O'Connor said it was usually linked to the percentage of building permits that were issued. If the economy or construction slowed, the City would not be getting ahead of itself. Learnard asked if the City owned any land for a new station. Rorie said three acres of land would be deeded to the City from the Everton development. Learnard said she would like to look at the timeline later, noting things could change in time. Rorie said the design would be a footprint layout that could be set on a given lot of given size, which would allow the City to put the design on the shelf. Staff was looking at what the parameters should be to begin expanding services.

DeStadio suggested looking at site adapting an existing station. He noted the County had a new station on SR 74. If that station fit the City's needs, the cost would be less to site adapt it to the land that was available, which would reduce design cost and time. O'Connor said staff had looked at doing that, and the County had given staff the architect's name, as well as the cost information on the construction. It was bigger than needed. Coweta County had also built very economical stations recently that had a footprint that could be modified.

Ernst asked how much time it took to train a new firefighter. O'Connor said the volunteer program was in place, and the City had been in a unique position to hire certified people, as well as hiring people that had been certified in other places. There had also been great success in recruiting. They could ramp up certified people relatively quickly. The Department had a process to identify qualified internal candidates for promotion. O'Connor did not expect adding staff to take a protracted amount of time.

Police Department

Moon said she and O'Connor had been discussing the expansion of services, adding it would also affect the Police Department. They were looking at combining facilities, and having an area/room for the Police Department in the next fire station that was built.

Moon discussed Part I crime statistics over the last 10 years. Part 1 crimes included homicide, forcible rape, robbery, aggravated assault, arson, motor vehicle theft (including golf carts), larceny (theft, entering auto, shoplifting), and burglary. In 2005, there had been 354 Part 1 crimes in the City. In 2009, there were 665 Part 1 crimes, and 637 were reported in 2008 (the highest years during the 10-year period). The numbers dropped to 456 in 2013 and 452 in 2014. There was an increase in 2015 with 533 reported.

Larceny-theft accounted for 63% of the Part 1 crimes between 2005 – 2015. Motor vehicle theft was the next largest group at 19%. The remaining crimes were burglary, 11%; aggravated assault, 3%; robbery, 2%; arson, 1%; and forcible rape, 1%.

Moon continued that the City enjoyed a relatively low Part 1 crime rate. Theft was the number one crime each year of the 10-year period. Golf cart theft outnumbered auto theft each year. In 2015, there were seven auto thefts and 33 golf cart thefts. The most golf carts were stolen in 2011 (77), while fewer cars were taken that year (three).

There had been several cases of entering auto in 2016 (taking valuables out of cars), including some that occurred not far from City Hall. Moon said all the vehicles had been unlocked, urging residents to make sure they removed valuables from their vehicles.

Compared to other Class B cities in 2015, Peachtree City had the lowest number of Part 1 crimes with 533. Gainesville had 2,042, LaGrange had 2,026, Dalton reported 1,398, Newnan had 1,237, and Rome had 901 (did not include shoplifting data). In addition, Suwanee reported 676 Part 1 crimes in 2015. There had been a change in software systems, and the way things were counted had changed. Moon believed there would be more uniformity as 2016 came to an end. She pointed out the data did not include traffic stops.

There were 53,713 calls for police services in 2012, 47,320 in 2013, 51,042 in 2014, and 50,820 in 2015. Moon noted the response time had increased from 4.38 minutes in 2012 to 5.57 minutes in 2015. To date, the response time was staying below six minutes.

Moon looked at a distribution map that had the City broken down into the five police districts with the calls for service for each district, adding that traffic stops were included and showed 65,000 calls for service. District 1 had almost 17,000 calls for service, and it included the SR 54/SR 74 corridor, with a lot of traffic and retail.

Moon looked at 864 roadway collisions, noting there had been two fatalities, 191 accidents with injuries, 148 hit and run accidents, 22 unrestrained occupant collisions, 22 speed-related collisions, 12 driving under the influence (DUI) collisions, 11 unrestrained occupant with injury collisions, six speed-related with injury collisions, and four DUI collisions with injury. The top five accident locations in 2015 included SR 54/SR74, 77; SR 54/Peachtree Parkway, 44; SR 74/Crosstown/TDK Boulevard, 40; SR 54/Huddleston Road, 39; and SR 74/Kedron Drive, 28.

Following too closely was the top contributing factor in 78% of the accidents at the SR 54/SR 74 intersection. Failure to yield was the reason for 5.25% of the accidents (angle/t-bone accidents), and 16.75% were caused by other factors such as changing lanes improperly.

There were 44 golf cart accidents in 2015, Moon said, and 25 resulted in injuries. Eighteen of the 44 accidents involved a driver aged 16 years or younger. Of those 18 accidents, 10 accidents resulted in injuries.

In 2014, 7,022 citations were written compared to 9,939 in 2015. Golf cart involved citations numbered 238, and golf cart involved warnings totaled 356. Moon added a total of approximately 8,000 warnings had also been written, which was a good balance.

Prebor noted that District 3, which included the Industrial Park, had 15,000 calls for service. Ernst and Moon both noted that the Police Department was in that district, and the number included

all the walk-ins, as well as accidents and traffic stops. Moon noted a tremendous amount of people came into the station to file reports.

Ben Nelms of **The Citizen** said he had written many entering auto stories over the last several years, and he always put something at the bottom of the story reminding people to not leave anything visible in their cars. He noted the recent cases of Entering Auto at McCurry Park in Fayetteville, saying the cars were all locked. However, the two that had been broken into had valuable items that were visible, even quarters and dimes.

King noted there were only five keys or so that fit all golf carts, asking people to put their golf carts in "tow" when they were left unattended. Most people did not know where the "tow" switch was, and until the switch was reversed, the golf cart would not go anywhere.

Recreation

Recreation and Special Events Administrator Cajen Rhodes discussed the City's recreational amenities and usage. The City had approximately 416 acres of park land, more than 90 miles of multi-use paths, 32 different parks housing 23 playgrounds and tot lots, one roller hockey/multi-purpose rink, 14 baseball fields, 10 soccer fields, seven softball fields, two football fields, two lacrosse fields, nine public tennis courts, 24 tennis courts at the Tennis Center, 10 basketball courts, one BMX track, fishing ponds and lakes, 32 structures, and three pools.

Rhodes continued that there were 72 recreational programs offered, including 37 weekly summer camp options, in FY 2015, with 3,772 participants. There were 18 different sports programs for youth and adults in 2015, with 10,289 participants.

Thirty-seven special events took place in 2015, with a total attendance of 77,000. In 2015, 27 athletic tournaments were held in the City, with 28,260 attending and \$2 million in direct spending. Rhodes said the average was \$40/person/per day for the duration of the tournaments.

The amenities the City had were heavily used, Rhodes said. Staff was making sure the pictures in the PowerPoints matched the reality of what was on the ground. It took a great deal of maintenance for the athletic fields, playgrounds, structures, buildings, and pools.

Staff was always looking to find ways to make maintenance easier and more cost effective, Rhodes continued, adding staff was developing a master maintenance plan for the facilities. The changes started with the tennis courts in 2012. There would no longer be linear crack repairs on the asphalt courts. The City was now using synthetic surfacing that would be replaced every four to five years, although there were still some asphalt courts. The outdoor basketball courts were on the same maintenance schedule as the tennis courts. The City had also taken over all the mowing at the facilities and fields, and Rhodes reported that complaints had dropped from approximately 25 per week to zero. Fertilization was also done in-house now, and the cost was probably 50% of what had been paid to contractors. Swimming pools needed to be resurfaced every seven to eight years, and the Glenloch pool was due soon. There were also other maintenance issues with pools that had to be taken care of when problems arose.

Braelinn Recreation Complex had been completely renovated, and a walking trail and cart path had been added. Shade had been added to picnic tables. The goal was to make the larger complexes well-rounded and more than sports fields. Rhodes explained. A playground had been added at the Peachtree City Athletic Complex (PAC), which provided younger

siblings attending games with something to do. Adding amenities to sports complexes served a larger demographic.

Future challenges included maintenance and the proposed spray park at Glenloch Recreation Center. Rhodes noted that the Citizen Committee had asked Council keep it as part of the budget process, and staff had loaded the spray park into the proposed budget to start the conversation. The Skate Park at Shakerag had not been touched yet, and it did not look like it belonged in the City. The ramps were wooden and home-made. Improvements were part of the Facilities Bond project list. Determining the design and construction was a struggle.

Ernst said everything Rhodes had discussed had been done in-house, and there had been no complaints. Ernst said the pay raise issued two years ago had been money well-spent. The City's employees were great.

Facilities Authority Bond Projects

Rhodes reported that 13 of the 33 projects on the list had been completed. Ten projects were in progress, and 10 projects were parked. Rhodes explained that parked projects were waiting for the City Manager to make them a priority. Rorie said a lot had happened in the background, and the projects were done on a priority basis. The parked projects had not yet been addressed. Focusing on small bites was better than doing all the projects at once. Rhodes added staff had been doing a good job with the projects and in saving money for contingency, which currently had \$245,689 in it.

Rorie said the Retreat workshops had started off with the City's mission statement:

The Mayor, Council Members and Employees of the city of Peachtree City recognize that our primary responsibility is to provide high quality services to our residents. We are therefore committed to:

- Ensuring residents a safe and healthy environment in which to live, work and enjoy leisure time*
- Providing consistency in the delivery of municipal services in a fiscally responsible manner*
- Responding in a courteous, timely, and effective manner to the expressed needs, concerns, and expectations of our residents*
- Promoting a sense of community through family oriented activities and citizen involvement.*

The City existed to provide services, and the first commitment to ensure "a safe and healthy environment in which to live, work and enjoy leisure time" brought up several goal statements that were broad and strategic in nature. Citizens funded resources to meet the needs and desires of the community. Community safety was a broad goal, and it had to be broken down into day-to-day objectives. If it was worth doing, it was worth measuring to see if the City was doing well. He referred to the recent citizen survey, and the majority felt safe. The percentage was lower when referencing safety on the cart paths.

Rorie suggested reports that would show how different areas were meeting the benchmarks and showing what service level was provided.

Rorie said the June 7 workshop was listed as a session to discuss Council goals and objectives. He asked if Council wanted to hold the June 7 workshop, including a discussion on what Council would like to see in the budget. As an alternative, the June 7 workshop could be cancelled

since the first budget workshop was scheduled June 27/28. However, another workshop might be needed before the budget workshop to discuss some of the items Council had already mentioned. They were moving into the budget development process.

Prebor said he would like to meet on June 7 to rehash everything and get citizen comments. It would be an opportunity to ensure the communication was clear.

Learnard asked if everything would dovetail with the Infrastructure Advisory Group (IAG) presentation. Rorie said they hoped to present the list to Council on May 19.

Ernst said he did not think a meeting was needed on June 7, especially with the IAG presentation on May 19. They might reconsider holding a meeting on June 7 after the May 19 meeting. King agreed that he wanted to see what happened on May 19.

Prebor commended Rorie and staff for putting together a maintenance schedule so the costs would be known in the years to come. King thanked staff for the professionalism and quality of the briefings.

The workshop concluded at 9:00 p.m.

Pamela Dufresne, Deputy City Clerk

Vanessa Fleisch, Mayor

City Council of Peachtree City
Meeting Minutes
May 19, 2016
7:00 p.m.

The Mayor and City Council of Peachtree City met in regular session on Thursday, May 19, 2016. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Others attending: Terry Ernst, Mike King, Kim Learnard, and Phil Prebor.

Announcements, Awards, Special Recognition

Fleisch proclaimed May as Bike Month in Peachtree City. Chief Joe O'Connor recognized Libby McCleery for assisting in the resuscitation of a drowned three-year-old due to her knowledge of CPR.

Public Comment

Keith Larson, bicycle community advocate for the Southside Cycle Club, encouraged Council to automatically consider adding bicycle lanes when making road improvements and educating the public on safety and appropriate behaviors on the paths. He also felt Peachtree City needed to achieve recognition as a "Walk-Friendly" community in addition to the current "Bike-Friendly" and "Ride-Friendly" designations.

Agenda Changes

There were none.

Minutes

King moved to approve the minutes of the May 5, 2016, regular meeting. Learnard seconded. Motion carried unanimously.

Consent Agenda

- 1. Consider Alcohol License – NEW – Sprouts, 2015 Highway 54 East**
- 2. Consider Termination of Courtview Contract**
- 3. Consider Non-profit Funding for FY 2017 – Promise Place**
- 4. Consider Non-profit Funding for FY 2017 – Fayette Senior Services**
- 5. Consider Statewide Mutual Aid Agreement**
- 6. Consider Sale of Surplus Property, 402 Harbor Loop**
- 7. Consider Approval of Drainage Easement, 208 Flat Creek Court**

Learnard moved to approve items 1 – 7 of the Consent Agenda. Ernst seconded. Motion carried unanimously.

Old Agenda Items

- 05-16-02 Public Hearing – Consider Variance Request, Front Setback Requirements, 565 Dividend Dr.**

The applicant had requested the hearing be continued to the following month. Learnard moved to continue the item to the June 2 agenda. King seconded. Motion carried unanimously.

New Agenda Items

- 05-16-04 Public Hearing – Consider Variance Request, Side Setback Requirements, Tract 14, Ebenezer Rd.**

Staff noted the applicant had requested the item be continued to the June 2 agenda. Fleisch expressed concern that this application was for one variance, but the paperwork indicated they

would need several others to build on the property. Council consensus was that the applicant be strongly urged to bring forward all the variances at one hearing.

King moved to continue the public hearing to the June 2 agenda. Ernst seconded. Motion carried unanimously.

05-16-05 Consider Change Order for Stormwater Pipe Lining

Stormwater Manager Mike Madison addressed Council, saying staff was requesting a change order in the amount of \$140,800 to pay for additional stormwater pipe lining. Earlier this spring, staff had received calls from residents in the Hampton Green neighborhood who had sink holes developing along a stretch of storm drain. Staff was also notified of a void developing under the cart path behind St. Simons Cove. Inspection of the pipes revealed severe corrosion and holes had formed in the pipes as a result.

Utility Asset Management (UAM), the City's contractor, was already in the process of pipe relining projects. Via the existing contract, UAM provided a cost for adding the Hampton Green and St. Simons Cove projects: \$137,200 to line a 686-foot section of pipe along Hampton Green and \$3,600 for lining the 20 feet of pipe behind St. Simons Cove. Madison concluded by saying funds were available in the Stormwater budget. Rorie added that UAM was selected through a competitive bid process.

King moved to approve the change order in the amount not to exceed \$140,800. Prebor seconded. Motion carried unanimously.

Council/Staff Topics

Presentation – Infrastructure Advisory Group

Fleisch thanked the residents who served on the Infrastructure Advisory Group (IAG) for all their work. Those residents were: Pam Kemp, Mike Latella, Eric Imker, Jay Scheibler, and Patrick Philips. Rorie then introduced IAG member Jay Scheibler to begin the presentation.

Scheibler said the IAG had been formed in February with representatives from each village in Peachtree City. The group had been tasked with evaluating approximately \$84 million in infrastructure projects and prioritizing the projects to meet potential funding realities. The resulting list was broken down into eight categories:

Categories

Multi-Use Path Projects Extensions/Expansions	\$ 8.6 Mil
Multi-Use Path Maintenance	\$ 3.3 Mil
Multi-Use Path Tunnel/Bridge Maintenance	\$ 700 K
Intersection Improvements	\$ 3.6 Mil
Streets and Road Resurfacing Projects	\$19.8 Mil
Recreational Amenities	\$ 1.4 Mil
Spillway/Dam Upgrade	\$ 2.2 Mil
Capital Purchases	\$ 2.1 Mil
Total Estimate	\$42 Million

The goal of the IAG was to return with a list of possible Special Purpose Local Option Sales Tax (SPLOST) projects totaling \$42 million. Although most of the discussions involved new paths and roadway improvements, key projects were identified for each village, and other projects were included that would benefit the entire community. The resulting list should be more thoroughly evaluated for feasibility and cost before listing them on any final SPLOST ballot. The IAG also felt

that everything related to the specific projects and their ongoing status should be made transparent so citizens could check on project status and dollars spent along the way.

Pam Kemp then addressed Council, noting Peachtree City had 179 miles of City-owned streets that the City was responsible for maintaining, and 68 of those had a condition rating below 80 (out of 100). The group felt that it was fairly simple to add streets for paving within a given year because the work could be contracted. The IAG members also felt that seal coating of streets, which was a relatively inexpensive method of prolonging street life, should be added to the City's standard maintenance. For the street resurfacing, the group had designated \$19.8 million in total.

Discussion of street infrastructure would not be complete without a discussion of the traffic issues on SR 54 West, and the group had designated an additional \$3.6 million for intersection improvements, three of which were in that corridor. The projects included the intersections of SR 54 at Commerce Drive, Planterra Way, and MacDuff Parkway. The group also felt that the addition of turn lanes at Crosstown Road and Peachtree Parkway South would benefit the peak traffic flows at that intersection. These three projects were considered the priority from the original list of 15 potential intersections.

Patrick Phillips then addressed Council saying multi-use paths also were a major component of the group's focus, and attention was paid to both extensions/expansions of the path system, as well as maintenance of the paths and the associated tunnels and bridges. Kemp said Peachtree City's Multi-Use Path System Master Plan had last been updated in October 2010. It identified 59 new path projects totaling 24.61 miles, five new bridges/tunnels, and 10 replacement tunnels. The total estimated cost at that time was \$15.5 million, and paths were prioritized using an evaluation matrix that factored in connectivity, design and construction, safety, and funding.

Phillips continued that the IAG looked at prioritizing these projects independently, and the first effort was done with no cost data associated to the list. The IAG also added a few projects that members felt were crucial to the group's stated mission. Key projects that made the committee's final 15 included a connection from the Methodist Church on Robinson Road to the Peachtree East Shopping Center. A second important component for connectivity along Robinson was a small stretch from Whitfield Farms to Spear Road. A third path connected Crosstown Road to the Peachtree City Athletic Center on SR 74 South.

Rorie said another project the IAG included was the pending spillway and dam for Lake Peachtree, with the inclusion of a golf cart bridge over the spillway to eliminate the narrow roadside crossings in place now. The IAG also looked at recreational amenities, including the splash pad that a separate committee had investigated and recommended. The committee also felt that a passive park amenity could be added on the island in Lake Peachtree, along with a bridge connecting the All Children's Playground to Drake Field, permanent restrooms at the Line Creek Nature Area and Battery Way, and finally, a mobile restroom trailer for special events in different locations.

The IAG also recommended incorporating several capital purchases in the City's Public Improvement Program (PIP), including an ambulance, self-contained breathing apparatus for the Fire Department, a new aerial unit for the Fire Department, and COBAN camera replacements and upgrades for the Police Department. One of the possible County projects included a new 911 radio system, and the IAG felt including the replacement radios for Police, Fire, and Public Works in the SPLOST would be appropriate.

Rorie reiterated that the projects recommended for a SPLOST by the IAG were still tentative based on feasibility. He said it was important not to make promises about projects that could not be completed. The list totaled \$42 million.

Rorie continued that the estimated revenue for Peachtree City from a five-year SPLOST was \$37.5 million. That did not cover the \$42 million recommended by the IAG. Some projects on the list (such as path and street maintenance) would be generalized statements, but other items would be specific.

The point had arrived when the municipalities needed to enter into negotiations with the County about the SPLOST. The Fayette County Board of Commissioners held the sole authority to initiate a SPLOST. Any SPLOST that was proposed for greater than five years required an intergovernmental agreement among the municipalities and the County on the distribution of the funding. Anything less than that would be distributed based on the existing Local Option Sales Tax (LOST) distribution. Rorie said that the city managers in Fayette would be meeting to draft an intergovernmental agreement (IGA) with distribution based on the 2010 census and would be recommending a six-year SPLOST, which would bring in an estimated \$42 million to Peachtree City.

Rorie noted that there had been some discussion about including a performing arts center in a SPLOST shared among the County, municipalities, and the Board of Education. Ultimately, there was no perfect strategy for creating a SPLOST list in which every citizen supported every project, and the voters would ultimately decide.

Rorie said he had a spreadsheet listing the items recommended by the IAG. For example, the list currently included three gateway bridges to help address path connectivity (SR 54 West, SR 74 at Westpark, and SR 74 near Crosstown). Those three projects represented \$6 million, and the feasibility of these still had to be investigated before they could be listed in the IGA for a SPLOST. He indicated that the IGA language would probably indicate adding a specific bridge or bridges, but would indicate path bridges, tunnels and connections. Rorie would forward the complete list to Council once additional review had been done.

Fleisch asked how the cost estimates were derived. Rorie indicated some were directly from previous price quotes or previous projects of the same type. So while not exact, the estimates should be close.

Prebor asked about the timeline and process for reviewing the list. Rorie said the goal was to have the project list ready for the Board of Commissioners by their second meeting in June. Prebor asked when the decision would be made on whether the SPLOST would be a four-year, five-year, or six-year. Rorie said he was going to suggest the recommendation for that should be made at the same meeting. However, the County did not have to officially call for a SPLOST until 30 days prior to an election. He also said that the City's list had to have some flexibility because they did not know the duration of the SPLOST, which would ultimately dictate how many projects could be completed.

Learnard thanked the IAG for their hard work, saying they had combed every corner of the City on their own time. She asked about the Snake Island park and the cost difference for a bridge there versus the one at the All Children's Playground (ACP). Rorie said the ACP/Drake bridge had a much greater distance to cover to stay out of the stream area that would require permitting by the Corps of Engineers. Rorie noted that some of the land clearing at the island would also be done in-house, so the reflected cost for that project was really just the bridge.

Learnard asked about the project identification being on the ballot. Meeker clarified that state law required the ballot language to be fairly generic, and the County would be responsible for that. The projects would be identified in the intergovernmental agreement. The City would have to abide by the list identified in the IGA. Learnard asked if the projects would be prioritized. Meeker said it was optional in an IGA; Council would ultimately decide on the priority.

Learnard recommended that the description of the projects describe what is being proposed.

Fleisch asked if anyone in the audience would like to comment.

Jay Scheibler asked if the IGA and the detailed list would be available to the public before the SPLOST vote. Meeker said absolutely, and it should be available from the minute the County called for the referendum. Scheibler said it was important to secure the trust of the voters. Ernst agreed, saying he felt the last SPLOST failed due to a trust issue, and the public did not really feel like they knew what the money was being used for.

Debbie Britt said she lived immediately behind the Lake Peachtree island, and she began by commending the IAG for the job they undertook and completed. She said that the island and the bathrooms at Battery Way would impact the immediate neighbors. The decisions needed to be made as a community, not only for what we wanted now, but also for what it would be ten or 20 years from now. The island was put in as a cost savings measure and had become something of a nuisance, so incorporating neighbor input would be important. The SPLOST had to be tangible and relevant to everyone, it had to solve problems, and it had to be sustainable.

Learnard said the current listing showed "Splash Park/Lazy River" for Glenloch, but those were very different things. She felt it could be a gem in that location, but was subject to some misinterpretation unless it was further clarified.

Rorie and Meeker said that staff and then Council needed to finalize the projects list in anticipation of an IGA. Rorie said that time-frame was in the next four weeks, and he could provide an update at the next Council meeting.

Council again thanked the IAG for their efforts.

Meeker said Council needed to convene into executive session to discuss pending or threatened litigation. Learnard moved to enter executive session for pending or threatened litigation at 8:05 p.m. Ernst seconded. Motion carried unanimously.

King moved to reconvene into regular session at 9:08 p.m. Ernst seconded. Motion carried unanimously.

There being no further business, Learnard moved to adjourn the meeting. Ernst seconded. Motion carried unanimously.

The meeting adjourned at 9:10 p.m.

Betsy Tyler, City Clerk

Vanessa Fleisch, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Deputy City Clerk 

DATE: May 25, 2016

SUBJECT: Alcohol License – NEW – PTC Package Store
June 2, 2016, Council Meeting

Recommendation:

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

Discussion:

PTC Package Store, 1001 Peachtree Parkway North, Ste.1007/002, has submitted a request for a new alcohol license. Mr. Ramzanali Sadruddin has requested he be appointed as the Licensee and License Representative.

Budgetary Impact:

The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for the sale of distilled spirits, beer, and wine, which is \$5,000.

Attachments

Application For Alcoholic Beverage License

Business Name: PTC PACKAGE STORE	Business Location: 1001 PEACHTREE PARKWAY N SUITE 1007/002 PEACHTREE CITY, GA 30269	
Nature of Business: PACKAGE STORE	Mailing Address: SAME	Business Phone Number:
Name of Licensee: RAMZANALI SADRUDDIN	Home Address: 1150 OAK ST, FAYETTEVILLE, GA 30215	Home Phone Number: 678-517-5398
Name of License Representative:	Home Address:	Home Phone Number:

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:
RAMZANALI SADRUDDIN	115 OAK ST,	678-517-5398
TOY'S PACKAGE STORE INC	FAYETTEVILLE, GA-30215	

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: _____

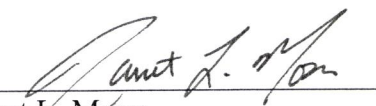
State of Georgia

City of Peachtree City

I, Janet Moon, Chief of Police for the City of Peachtree City, do hereby certify that:

Ramzanali Sadruddin
145 Oak Street
Fayetteville, GA 30215

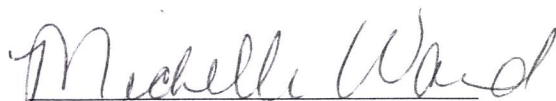
has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal narcotics or drugs within five (5) years prior to the date of the application for this license.



Janet L. Moon
Chief of Police

5/16/16

Date



Witness

CITY OF PEACHTREE CITY

INTRAOFFICE MEMORANDUM

TO: Mayor and Members of Council

VIA: City Manager *AS*
Financial Services Director *P.S.*
Assistant Financial Services Director *KB*

FROM: Purchasing Agent *aw*

DATE: May 19, 2016

SUBJECT: Request to Surplus seized item
Council Meeting: June 2, 2016

Recommendation.

Staff recommends Council declare surplus a seized watch with the potential value greater than \$500.

Discussion.

The Fayette County Superior Court has approved for the Police Department nearly 50 items for surplus/disposal. Only one item is believed to have a potential value greater than \$500 – a ladies Rolex style watch.

This item is expected to be auctioned on Govdeals.com around the end of June. Other items that are valued at less than \$500 are also expected to be sold at this time.

Budget Impact.

There is no specific amount of revenue in the budget related to the sale of these goods. Any monies received from the sale of seized items at public auction would be placed into the appropriate City fund.

CITY OF PEACHTREE CITY

INTRAOFFICE MEMORANDUM

TO: Mayor and Members of Council

VIA: City Manager *g*
Financial Services Director *PS.*
Assistant Financial Services Director *MB*

FROM: Purchasing Agent *me*

DATE: May 26, 2016

SUBJECT: Request to Surplus seized item
Council Meeting: June 2, 2016

Recommendation.

Staff recommends Council declare surplus a 1996 Ford Explorer.

Discussion.

The City's Fleet Manager has recommended this 1996 Ford Explorer with over 126,356 miles be declared surplus. The trade -in value is just over \$500.

This item is expected to be auctioned on Govdeals.com around the end of June.

Budget Impact.

There is no specific amount of revenue in the budget related to the sale of this good. Any monies received would be placed into the appropriate City fund.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Financial Services Director 

FROM: City Engineer 

DATE: May 25, 2016

SUBJECT: Consider Right-of-Way Ordinance and Fee Schedule
June 2, 2016, City Council Meeting

Recommendation:

Staff is recommending that City Council adopt the attached right-of-way ordinance and authorized additions to the fee schedule as outlined below.

Discussion:

Staff has been working on a Right-of-Way Ordinance in order to establish rules for construction on City property, for registering utilities (if applicable), and for establishing service agreements (if applicable). We have been working closely with our consultant and with the various utilities currently operating in our right-of-way. We have received several rounds of comments from the various utilities and we have incorporated all the applicable comments in the attached final draft of the ordinance.

Staff is confident that the attached final draft protects the City by requiring permits and procedures for excavating in our right-of-way, along with appropriate fees to help cover our costs. The ordinance also requires time frames for repairs to City streets caused by utilities.

The specific fees outlined in the proposed ordinance that would need to be added to the City's Fee Schedule are as follows:

1. Utility Registration Fee - \$500 – to cover cost of staff and consultant review time.
2. Utility Right-of-Way Permit Application Fee - \$200 – to cover cost of staff time to review plans against ordinance and DOT Utility Manual.
3. Utility Right-of-Way Permit Inspection Fee - \$100 – to cover cost of staff time to inspect the construction project for compliance.
4. Utility Service Agreement/Right-of-Way Agreement/Franchise Application Fee - \$2,000 – to cover cost of staff and consultant review time.

Budget Impact:

Any fees received from this ordinance are expected to be revenue neutral.

**THE CITY OF PEACHTREE CITY
RIGHT-OF-WAY ORDINANCE**

THIS ORDINANCE, adopted by the City of Peachtree City (the "City") this the _____ day of _____, 2016;

WITNESSETH:

WHEREAS, service providers seek to provide telecommunications services to customers in an area or areas of the City pursuant to Certificate of Authority issued by the Georgia Public Service Commission which permits the rendering of such service in its certificated area as a regulated telecommunications company and in the performance of its duty to serve the public, service providers request to utilize highway and public road rights-of-way for the installation of wires, cables and associated equipment, and will continue to require such use in the future installation of such aforesaid facilities, pursuant to O.C.G.A. Section 46-5-1; and

WHEREAS, service providers seek to provide cable service or video service to customers in an area or areas of the City pursuant to Certificate of Authority issued by the State of Georgia Secretary of State which permits the rendering of such service in its certificated area as a regulated cable services company in the performance of its duty to serve the public, service providers request to utilize highway and public road rights-of-way for the installation of wires, cables and associated equipment, and will continue to require such use in the future installation of such aforesaid facilities, pursuant to O.C.G.A. Section 36-76-6; and

WHEREAS, service providers seek to provide broadband services to customers in an area or areas of the City on an unregulated basis; and

WHEREAS, the City seeks to establish policies and procedures to permit access and utilization of City right-of-way for all privately, publicly or cooperatively owned systems for producing, transmitting or distributing communication, data, information, telecommunication, cable television, power, electricity, light, heat, gas, oil, crude products, water/sewer, steam, fire and police signals, traffic control devices, and street lighting systems, including the owner, operator, provider, servicer, or any agent thereof, of any above-described utility or utility facility and housing or conduit for any of the foregoing, which directly or indirectly serve the public or any part thereof; and

WHEREAS, it is in the public interest for the City and service providers to reduce the impact on the public of multiple right of ways, and the City and service providers may provide significant economic benefits to the public by locating roadways and facilities on the same right of way subject to City ordinances and pursuant to O.C.G.A. Title 25 Chapter 9; and

WHEREAS, the City has continuing jurisdiction over public right of way and is charged with the responsibility of insuring rights of way are safe and fully adequate for public use; and

WHEREAS, the City seeks to adopt the 2009 Utility Accommodation Policy and Standards manual promulgated by the State of Georgia Department of Transportation, as amended, in this ordinance as if fully set forth herein, subject to all amendments, deletions and modifications; and

WHEREAS, the City has acquired and will continue to acquire public right of way for the construction, operation, and maintenance of roads, paths, and common areas; and

NOW, THEREFORE BE IT RESOLVED, that the City of Peachtree City hereby adopts this ordinance in the form attached hereto and authorizes the City Attorney to make changes as appropriate and so as to update and conform the provision of this ordinance to existing City code.

We hereby approve and adopt this Ordinance this ____ day of _____, 2016.

Vanessa Fleisch, Mayor

Attest: _____
City Clerk

Ordinance Number _____

AN ORDINANCE TO AMEND ARTICLE VIII, OF THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE, AS AMENDED, TO ESTABLISH DESIGN, INSTALLATION AND MAINTENANCE GUIDELINES FOR UTILITY, CABLE SERVICE, TELECOMMUNICATIONS SERVICE, BROADBAND SERVICE AND OTHER SERVICES OCCUPYING CITY RIGHTS-OF-WAY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that

Section 1. Article VII, General Development Standards and Design Guidelines, Division 1, Standards for Site Design, of the Peachtree City Land Development Ordinance, as amended, be further amended to add a new Section 707.2 as follows:

Chapter 707.2 – Scope.

General - The provisions of this chapter shall apply to all facilities occupying the rights-of-way as provided herein. The city hereby adopts in this chapter as if fully set forth herein the 2009 Utility Accommodation Policy and Standards manual promulgated by the State of Georgia Department of Transportation, as amended, including all references contained therein to codes, rules, regulations, schedules, forms and appendix items, except permit forms and supporting documents, promulgated by the State of Georgia Department of Transportation, subject to all amendments, deletions and modifications contained in this chapter. A copy of the manual shall be maintained at the offices of the city manager or his/her designee and open for public inspection.

The 2009 Utility Accommodation Policy and Standards manual, as amended, promulgated by the State of Georgia Department of Transportation is adopted in this section in order to equate state definitions and provisions with their appropriate and equivalent Peachtree City counterparts such that a policy shall be implemented to reflect the intent and effect of the state right-of-way policy as it would logically apply to City of Peachtree City's rights-of-way and should be referenced as taking precedence if a conflict arises with this chapter.

Further, any franchise in full force and effect prior to the enactment of this ordinance shall be referenced as taking precedence if a conflict arises with this ordinance.

Administration - The city manager or his/her designee shall have the authority to administer the State of Georgia Department of Transportation's Utility Accommodation Policy and Standards, as amended from time to time, on city roads in the incorporated city or within the city system and in accordance with any procedures the city may establish thereunder.

Fees - The city shall be authorized to charge fees in accordance with the State of Georgia Department of Transportation's Utility Accommodations Policy and Standards and any other applicable laws that exist now or may be enacted in the future. Fees shall be determined by the city manager. Any fee schedule shall be posted at the offices of the city and open for public inspection.

Sec. 707.2-1. - Definitions.

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

Broadband service means "broadband service" as defined by Title II of the Communications Act and Section 706 of the Telecommunications Act of 1996.

Broadband service provider means "broadband service provider" as defined by Title II of the Communications Act, Section 706 of the Telecommunications Act of 1996, and the FCC.

Cable service means "cable service" as defined in O.C.G.A. section 36-76-2.

Cable service provider means "cable service provider" as defined in O.C.G.A. section 36-76-2.

Cable system means "cable system" as defined in O.C.G.A. section 36-76-2.

City means the city of Peachtree City, Georgia.

City Manager means the city manager of the city or his/her designee.

Construct means, but shall not be limited to, dig, bore, tunnel, trench, excavate, obstruct, install or remove signs, or facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the rights-of-way. Construct shall also include the act of opening and/or cutting into the surface of any paved or improved surface that is any part of the right-of-way. Construct shall not however include activities associated with the placement of service drops from the distribution facilities to the residence, dwelling unit, apartment complex or business or similar structure. Nor shall construct mean damage repairs to existing facilities.

Construction means, but shall not be limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, installing or removing signs or facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the rights-of-way. Construction shall also include the act of opening, boring and/or cutting into the surface of any part of the right-of-way. Construction shall not however include the placement of drops from the distribution facilities to the residence, dwelling unit, apartment

complex or business or similar structure. Nor shall construction mean damage repairs to existing facilities.

Emergency means a condition that poses a clear and immediate danger to life, health, or safety of a person, or of significant damage or loss of real or personal property.

Facility or facilities means any tangible thing, including but not limited to pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, appurtenances, appliances and future technology of any service provider in, on, along, over, or under any part of the rights-of-way within the city.

Facilities representative(s) means the specifically identified agent(s)/employee(s) of a service provider who are authorized to direct field activities of that service provider and serve as official notice agent(s) for facilities related information. Service provider shall be required to insure that at least one (1) of its facilities representatives is available at all times to receive notice of, and immediately direct response to, facilities related emergencies or situations.

FCC means the Federal Communications Commission or any successor thereto.

Franchise means an initial authorization, or renewal thereof, issued by the city, the Georgia Secretary of State, or the Georgia Public Service Commission, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes the occupation and use of city streets to provide cable service or telecommunications service.

Georgia Utility Facility Protection Act as defined in O.C.G.A. Title 25 Chapter 9.

Gross revenues means "gross revenues" as defined in O.C.G.A. section 36-76-2.

Person means any individual or any association, firm, partnership, joint venture, corporation or other legally recognized entity, whether for profit or not for profit, but shall not mean the city.

Permit means an authorization which grants permission to conduct specific regulated activities on, in, over, under or within any public right-of-way, and which may be subject to conditions specified in a written agreement with the city or in a related provision of this Code of Ordinances.

Right(s)-of-way means the surface and space in, on, above, within, over, below, under or through any real property in which the city has an interest in law or equity, whether held in fee, or other estate or interest, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, or any other place, area, or real property owned by or under the legal or equitable control of the city, now or hereafter, that consistent with the purposes for which it was dedicated, may be used for the purposes of constructing, operating, repairing or replacing facilities.

Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, 46-5-1, et seq., or other Service Agreement means an authorization granted by the city to a utility which authorizes the occupation and use of city right-of-way.

Service Provider means any individual or any association, firm, partnership, joint venture, corporation or other legally recognized entity, whether for profit or not for profit, that is a

provider of cable service, telecommunications service, broadband service, or other service as set forth in this chapter.

State cable service or video service franchise means a franchise granted by the State of Georgia Secretary of State pursuant to O.C.G.A. section 36-76-1 et seq.

State telecommunications franchise means a franchise granted by the Georgia Public Service Commission pursuant to O.C.G.A. section 46-5-1 et seq.

Streets means the surface of, as well as the spaces above and below, any and all streets, alleyways, avenues, highways, boulevards, driveways, bridges, tunnels, parks, parkways, public grounds or waters, and other public rights-of-way within or belonging to the city.

Telecommunications service means the receipt and/or distribution, through any means, including, without limitation, coaxial cable, optical fiber or satellite or microwave transmission, of one or more video, audio, voice or data signals. Telecommunications services include both cable services and non-cable telecommunications services pursuant to O.C.G.A. section 46-5-1 et seq.

Utility or Utilities means all privately, publicly or cooperatively owned systems for producing, transmitting or distributing communication, data, information, telecommunication, cable television, power, electricity, light, heat, gas, oil, crude products, water/sewer, steam, fire and police signals, traffic control devices, and street lighting systems, and housing or conduit for any of the foregoing, which directly or indirectly serve the public or any part thereof. The term "utility" may also be used to refer to the owner, operator, provider, servicer, or any agent thereof, of any above-described utility or utility facility.

Video programming means programming provided by, or generally considered comparable to programming provided by, a television broadcast station, as set forth in 47 U.S.C. Section 522(20).

Video service means the provision of video programming through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This term shall not include any video programming provided by a provider of commercial mobile service as defined in 47 U.S.C. Section 707.22(d) or video programming provided as part of and via a service that enables user to access content, information, e-mail, or other services offered over the public internet.

Video service provider means an entity providing video service as defined in this section.

Sec. 707.2-2. – Registration requirements and procedures.

- (a) This Section 707.2-2 shall not apply to a Utility currently providing services in the city that is exempted by this chapter, state or federal law, an existing valid Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement authorized by O.C.G.A. Section 36-76-4, or other Service Agreement whereby a process for permitting the construction or extension of facilities in the rights-of-way has been established with the city, or an existing State cable service or video service franchise or a State telecommunications franchise. A Utility that is not exempted by this chapter, state or federal law, or an existing agreement who occupies, uses or has facilities in the rights-of-way at the time of passage of this chapter, including by lease, sublease or assignment, to operate facilities located in the rights-of-way, shall file a registration statement with the city within ninety (90) days of the effective date of this chapter.

- (b) A Utility which is registering with the city under this chapter for the first time shall pay a registration fee in accordance with the City's fee schedule. This registration fee shall not apply to a Utility which is operating within the City as January 1, 2016.
- (c) The registration information provided to the city shall be on a form approved by the city and include, but not be limited to:
1. The name, legal status (i.e. partnership, corporation, etc.), street address, email address, and telephone and facsimile numbers of the Utility filing the registration statement (the "registrant"). If the registrant is not the owner of the facility in the right-of-way, the registration shall include the name, street address, email address if applicable, and telephone and facsimile numbers of the owner;
 2. The name, street address, email address if applicable and telephone and facsimile numbers of one (1) or more facilities representative(s). Current information regarding how to contact the facilities representative(s) in an emergency shall be provided at the time of filing a registration and shall be updated as necessary to assure accurate contact information is available to the city at all times;
 3. A copy, if requested, of the Utility's certificate of authority (or other acceptable evidence of authority to operate) from the State of Georgia Secretary of State, the Georgia Public Service Commission, and/or the FCC and any other similar approvals, permits, or agreements.
 4. A copy, if requested, of the Service Agreement, if applicable, or other legal instrument that authorizes the Utility to use or occupy the right-of-way for the purpose described in the registration.
 5. If a registration is incomplete, the city shall notify the registrant and shall provide a reasonable period of time in which to complete the registration. If a registration is complete, the city shall so notify the Utility in writing.
 6. Acceptance of the registration shall not convey title in the rights-of-way. Acceptance of the registration is only the nonexclusive, limited right to occupy rights-of-way in the city for the limited purposes stated in the acceptance. Acceptance of the registration does not excuse a Utility from obtaining permits required by city ordinances nor from obtaining appropriate access or pole attachment agreements before using the facilities of others, including the city. Acceptance of the registration does not excuse a Utility from notifying the city of construction as required herein.
 7. Beginning one (1) year after the effective date of this chapter, any facilities or part of a facility found in a right-of-way for which registration is required but has not been obtained unless specifically exempted by law, and for which no valid permit exists with the city, may be deemed to be a nuisance and an unauthorized use of the rights-of-way. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to abating the nuisance; taking possession of the facilities, evicting the Utility from the right-of-way; prosecuting the violator; and/or any other remedy provided by city ordinance or otherwise allowed in law or in equity.

Sec. 707.2-3. – Right-of-Way Permits.

- (a) It shall be unlawful for any Utility to Construct or engage in Construction of facilities in, on, along, over or under the public roads of the city without a permit from the city in accordance with the terms of this ordinance.
- (b) Permits shall be obtained from the city manager (or such other person as the city manager may designate) upon application made on forms prescribed by the city. The written application shall include the following:
1. The name and address of the Utility;
 2. The nature, extent, and location of any work proposed to be done, along with satisfactory plans as attachments showing in detail the location of the proposed facility or operations as described in the permit application. Requirements for the plans are outlined in the Department of Transportation's Utility Manual.
 3. The name and address of the person or firm who is to do such work;
 4. The name, street address, email address if applicable and telephone and facsimile numbers of one (1) or more facilities representative(s);
 5. The projected dates for the work to be started and finished;
 6. As set forth in the State of Georgia Department of Transportation's Utility Accommodations Policy and Standards manual, as amended, no bond will be required by the city unless there are unique circumstances or when the installation of a Utility is being performed by or for an entity that is not registered with the Secretary of State as a business or contractor. A certified bond, letter of credit, or letter of escrow payable to the city shall be required as a condition of the permit. When requested in writing by the city or during the permitting process, the Utility or Utility's contractor shall furnish, for the period of time required for the complete installation of the facilities authorized by the permit, including the repair and restoration of the rights-of-way, and also during such future periods of time when operations are performed involving the repair, relocation or removal of said facilities authorized by the permit. The amount of the performance bond, letter of credit, or letter of escrow shall be limited to an engineering estimate of potential infrastructure damages, restoration, or replacement, and any appurtenances, materials, or services necessary to conduct the work as specified in the permit. The bond shall be written by a Surety Company or Bank duly qualified and licensed to do business in the State of Georgia. No work shall be commenced under the permit until the said performance bond, letter of credit, or letter of escrow has been submitted to and approved by the city;
 7. A copy, if requested, of the registrant's certificate of authority (or other acceptable evidence of authority to operate) from the State of Georgia Secretary of State, the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements;
 8. A copy, if requested, of the Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise authorized by O.C.G.A. Section 36-76-4, or other Service Agreement, or other certificate or legal instrument that authorizes the Utility to use or occupy the right-of-way for the purpose described in the application;
 9. A certificate naming the city as an additional insured in compliance with and sufficient to meet the minimum insurance requirements and coverages as established by and set

forth in the State of Georgia Department of Transportation's Utility Accommodations Policy and Standards manual, as amended; and

10. A permit application fee in accordance with the City's Fee Schedule.

Sec. 707.2-4. – Permit fees.

No permit fee shall be assessed to a Utility authorized to provide service in the City subject to a certificate, Right-of-Way Agreement, Service Agreement, ~~our other~~ authorization issued by the city, the State of Georgia, the FCC, or other authority which includes franchise fees or similar fees ~~which are assessed as a condition of granting access to the rights-of-way.~~ Utilities shall be subject to permit fees set forth in the city's Fee Schedule or equal to those established by the Georgia State Department of Transportation in Georgia Administrative Code, Chapter 672-11, as currently exists and as modified from time to time by the State of Georgia.

Sec. 707.2-5. - Issuance of permit.

If the city manager, or his designee, determines the applicant has satisfied the following requirements, the city may issue a permit.

1. Whether issuing of the approval will be consistent with this chapter;
2. Whether applicant has submitted a complete application with all required documents in accordance with this chapter and has secured all certificates and other authorizations required by law, if applicable, in order to construct facilities in the manner proposed by the applicant; and
3. Whether the impact on safety, streets, traffic flow, and public users of the right-of-way by pedestrians and vehicular traffic and the difficulty and length of time of the Construction are acceptable.

Sec. 707.2-6. - Emergency situations.

- (a) Each Utility shall, as soon as reasonably practicable, notify the city manager or his/her designee of any event regarding its facilities which it considers to be an emergency. The Utility may proceed to take whatever actions are necessary in order to respond to the emergency. A Utility who engages in an emergency excavation shall take all reasonable precautions to avoid or minimize damage to any existing facilities.
- (b) In the event the city becomes aware of an emergency regarding Utility facilities, the city will contact the affected Utility or facilities representative. In the event the affected Utility elects not to address the emergency after being notified, the city may take whatever action it deems necessary in order to respond to the emergency.

Sec. 707.2-7. - Effective period of permit.

- (a) Each permit shall have a set commencement and expiration date based on information provided in the applicant's permit application.
- (b) The permit shall remain in place until construction is completed or until its expiration date unless the Utility is in default. The city may give written notice of default to a Utility if it is determined that a Utility has:

1. Violated any provision or requirement of the issuance or acceptance of a permit application or any law of the city, state, or federal government relating to the applicable scope of work;
2. Attempted to evade any provision or requirement of this chapter;
3. Practiced any fraud or deceit upon the city; or
4. Made a material misrepresentation or omission of fact in its permit application.

Sec. 707.2-8. - Cancellation for cause.

If a Utility fails to cure a default within twenty (20) working days after such notice is provided to the Utility by the city, then such default shall be a material breach and city may exercise any remedies or rights it has at law or in equity to terminate the permit. If the city manager determines there is cause or reason to terminate, the following procedure shall be followed:

1. City shall serve a Utility with a written notice of the reason or cause for proposed termination and shall allow a Utility a minimum of fifteen (15) calendar days to cure its breach.
2. If the Utility fails to cure within fifteen (15) calendar days, the city may declare the permit terminated.

Sec. 707.2-9. - Expiration of permit.

If work is not begun within twelve (12) months of the date of issuance, the permit will be deemed abandoned and shall automatically expire.

Sec. 707.2-10. – Protection of traffic and roadway.

Unless specifically in the permit, no Utility may occupy the city rights-of-way unless sufficient space is available so that the free flow and safety of traffic and other capacity considerations are not unduly impaired and the installation does not prevent the city from reasonably maintaining the streets, structures, traffic control devices and other appurtenant facilities, and further provided that maintenance and operations of the facilities do not jeopardize the traffic, street structure, other users of the right-of-way or the right-of-way itself.

Sec. 707.2-11. - Grading.

If the grades or lines of any street within the city right-of-way are changed at any time by the city during the term of the permit and this change involves an area in which the Utility's facilities are located, then the Utility shall, at its own cost and expense and upon the request of the city upon reasonable notice, protect or promptly alter or relocate the facilities, or any part thereof, so as to conform with such new grades or lines. In the event the Utility refuses or neglects to so protect, alter, or relocate all or part of the facilities, the city shall have the right to break through, remove, alter, or relocate all or any part of the facilities without any liability to the Utility and the Utility shall pay to the city the costs incurred in connection with such breaking through, removal, alteration, or relocation.

Sec. 707.2-12. – Installation of poles and other wireholding structures.

- (a) Subject to City Code Section 707, Article 7 of Appendix B and Unless otherwise provided for in existing Right-of-Way Agreements or Service Agreements, (a) no placement of any pole or wireholding structures are to be considered as having granted a Utility a vested interest in the right-of-way; and (b) no facilities shall be so located and installed as to cause interference with the rights and convenience of the traveling public.

Sec. 707.2-13. - Georgia Utility Facility Protection Act.

The city adopts all of the requirements and conditions provided in O.C.G.A § 25-9 (the Georgia Utility Facility Protection Act also known as the Georgia Dig Law) and other applicable state law currently in place or as amended, and no Utility shall commence, perform, or engage in blasting or in excavating with mechanized excavating facilities unless and until the Utility planning the blasting or excavating has given forty-eight (48) hours' notice by submitting a locate request to the utilities protection center, beginning the next working day after such notice is provided, excluding hours during days other than working days. Significant modifications to the route of facilities to be installed set forth in any permit issued by the city requires the issuance of a new permit by the city as set forth in this chapter. The Utility providing the city with the details of the modification in writing and work may continue under the portions of the existing permit which are not being modified while the issuance of the new or amended permit is pending. A new locate request process must be initiated through the utilities protection center as set forth in this chapter after the new permit has been issued. A new permit will not be required for changes in routes required to avoid previously unidentified obstacles, repairs, or modifications of existing facilities.

Sec. 707.2-14. – Restoration of property.

Each Utility shall be responsible for the cost of repairing any facilities in the rights-of-way and adjoining property or other facilities which it or its facilities damage. All grassed areas disturbed shall be seeded and covered with straw when work is complete.

Sec. 707.2-15. - Replace and/or restore damage; removal of abandoned facilities.

- (a) A Utility shall be liable, at its own cost and expense, to replace, restore or repair, any street, facilities or property or structure thereon, thereunder, thereover or adjacent thereto that may become disturbed or damaged as a result of the construction or installation, operation, upgrade, repair or removal of facilities to a condition as good as or better than its condition before the work performed by the Utility that caused such disturbance or damage. If the Utility does not commence such replacement or repair within twenty (20) working days following written notice from the city, the city or the owner of the affected structure or property may make such replacement or repair and the Utility shall pay the reasonable and actual cost of the same.
- (b) All facilities that are abandoned following completion of work under a permit must be removed by the Utility. In the event that a Utility does not within sixty (60) days following proper notification remove its abandoned facilities, the city may perform the required work and the Utility shall pay the costs of same.

Sec. 707.2-16. - Right to inspect; fees.

- (a) The Utility shall make the construction site available to the city Manager, or his designee, and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the construction.

- (b) The Utility shall pay to city a permit inspection fee as set forth in the Application Fees on the city's Fee Schedule.

Sec. 707.2-17. - Stop work.

At any time, including the time of inspection, the city manager may order the immediate cessation of any work which poses a serious threat to the health, safety, or welfare of the public, violates any law, or which violates the terms and conditions of the permit and/or this chapter or issue an order to correct work which does not conform to the permit and/or applicable standards, conditions or codes.

Sec. 707.2-18. - Notification of completion.

When the construction under any permit is completed, the Utility shall notify the city manager.

Sec. 707.2-19. - Additional permits required.

The Utility shall obtain all construction, building or other permits or approvals as according to city ordinance, state or federal law. In addition, a permittee shall comply with all requirements of laws, shall complete work in a way as to not cause any unnecessary or unauthorized obstructions of sidewalks, streets, waterways or railways, and is responsible for all work done in the rights-of-way regardless of who performs the work. No rights-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work, except in the case of an emergency as outlined herein.

Sec. 707.2-20. - Penalties.

Every Utility convicted of a violation of any provision of this chapter shall be subject to fines established by the Department of Transportation and authorized under the laws of the State of Georgia.

Sec. 707.2-21. - Granting authority, franchising procedures, right-of-way, agreements/service agreements and license applications.

- (a) No service provider shall provide cable services or operate a cable system without a state franchise or a local franchise granted in accordance with O.C.G.A 36-76-3 (a)(1), as amended, and the provisions of this chapter. No person shall use or occupy the streets to provide any cable services without a state franchise, local franchise, right-of-way agreement, or license granted by the city.
- (b) No service provider shall provide telecommunications services or operate a telecommunications system without a state Certificate of Authority issued by the Georgia Public Service Commission which Certificate of Authority shall be subject to O.C.G.A. section 46-5-1 et seq in accordance with the provisions of this chapter.
- (c) In accordance with O.C.G.A 36-76-3 (a)(1), as amended, the City Council may grant one or more local cable service franchises in accordance with this chapter, provided that the City Council reserves the right to modify any provision of this chapter by amendment hereof.
- (d) The grant of any local cable service franchise shall be made by adoption of a separate ordinance by the City Council and shall be on such terms and conditions as may be specified in such separate ordinance and/or a franchise agreement between the city and the local franchisee.

- (e) Any local franchise or license granted shall be nonexclusive. The city specifically reserves the right to grant, at any time, such additional local franchises and licenses as it deems appropriate and or itself engage in the provision of telecommunications services.
- (f) The grant of local franchises by the city shall be subject to the provisions of applicable law, such as the provisions in the Communications Act of 1934, as amended, governing cable television franchises and renewals thereof, and O.C.G.A. section 36-76-1 et seq.
- (g) The city may enter into a nonexclusive right-of-way agreement with broadband service providers that do not provide cable service or telecommunications service.
- (h) A franchise may be granted or right-of-way agreement entered into for all or any defined portion of the city.
- (i) Applications for a *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement* shall be submitted in such form and be issued on such terms and conditions as the City Council may determine, subject to applicable law.
- (j) Any *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement* shall contain and/or require the following information with respect to the proposed local franchise or license and such other information as the City Council shall deem necessary or appropriate:
 - 1. The applicant's name, address, telephone number and federal employer identification number or social security number; copy of the applicant's corporate charter or partnership agreement as applicable; and any trade names (and registrations) used by the applicant.
 - 2. A detailed statement of the corporation or business entity organization of the applicant, including but not limited to the following, and to whatever extent required by the city:
 - i. The names and the residence and business addresses of all officers and directors of the applicant;
 - ii. The names, residence and business addresses of all persons and entities having any share of the ownership of the applicant and the respective ownership share of each person or entity;
 - iii. The names and address of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including but not limited to telecommunications or cable systems owned or controlled by the applicant, its parent and subsidiary, and the areas served thereby;
 - iv. A detailed and complete financial statement of the applicant, certified by an independent certified public accountant, for the fiscal year immediately preceding the date of the application pursuant to this chapter, or a letter or other acceptable evidence in writing from a

recognized lending institution or funding source, addressed to both the applicant and the council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed telecommunications or cable system in the city, or a statement from an independent certified public accountant certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed cable or telecommunications system in the city;

- v. A detailed financial plan (pro forma) describing for each year of the franchise or license, projected number of subscribers, rates, all revenues, operating expenses, capital expenditures, depreciation schedules, income statements and a sources and uses of funds statement; and
 - vi. A statement identifying, by place and date, any other cable system or telecommunication franchise or license awarded to the applicant, its parent or subsidiary; the status of such franchise with respect to completion thereof; the total cost of completion of such franchised cable or telecommunication system; and the amount of the applicant's and its parent's or subsidiary's resources committed to the completion thereof.
3. A detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:
- i. A description of the cable services and any other telecommunications services proposed to be provided;
 - ii. A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be serviced;
 - iii. A statement or schedule setting forth all proposed classifications or rates and charges to be made against subscribers and all rates and charges as to each of such classifications, including installation charges, cable service charges and any other telecommunications service charges;
 - iv. A detailed, informative and referenced statement describing the actual equipment and operational standards proposed by the applicant;
 - v. A copy of the form of any agreement, undertaking or other instrument proposed to be entered into between the applicant and any subscriber to cable or telecommunications services; and
 - vi. A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral or implied, existing or proposed to exist between the applicant and any person which materially relate or pertain to or depend upon the application and the granting of the local franchise or license.

4. Any other details, statements, supplementary information or references pertinent to the subject matter of such application which shall be required or requested by City Council, or by any other provision of law.

Sec. 707.2-22. - Nonrefundable application fees for new local franchises, right-of-way/service agreement, or licenses.

- (a) *Generally.* No application for a new local franchise, right-of-way agreement or license shall be considered without payment by the applicant of application fees as set forth in the city's Fee Schedule and as provided in this section. If a local franchise or license is granted, application fees will not be deemed a credit towards any other fees or sums due by the applicant. If an application is denied, the application fee will not be refunded.
- (b) *Purpose of application fees.* The application fees provided by this section will serve to cover the direct and indirect costs incurred by the city in processing the application, evaluating the applicant and granting a local franchise or license, and shall include, but not be limited to, administrative, engineering, publication, legal and consultant's expenses.
- (c) *Application fee.* The applicant will be expected to pay the reasonable costs of the city in evaluating the application. Notwithstanding any other requirement of this chapter, each applicant must furnish with its proposal a nonrefundable application fee in the form of a certified check or cashier's check made payable to the city in the amount set forth in the city's Fee Schedule.

Sec. 707.2-23. - Responsibilities of applicants.

It shall be the responsibility of each applicant for a local franchise or license to comply with all applicable laws, ordinances, resolutions, rules, regulations and other directives of the city and any federal, state or local governmental authority having jurisdiction.

Sec. 707.2-24. - Evaluation criteria.

- (a) In making any determination hereunder as to any application for a *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement*, the City Council may, subject to applicable federal and state law, consider such factors as it deems appropriate and in the public interest, including, without limitation:
- (b) The adequacy of the proposed compensation to be paid to the city, including the value of any facilities and services offered by the applicant to the city;
- (c) The legal, financial, technical and other appropriate qualifications of the applicant;
- (d) The ability of the applicant to maintain the property of the city in good condition throughout the term of the local franchise or license;
- (e) The value and efficiency to the city and its residents of the services to be provided, including the type of services to be provided, as well as alternatives to those services and services that may be precluded by the grant of the local franchise, right-of-way agreement or license;

- (f) The willingness and ability of the applicant to meet construction and physical requirements and to abide by all purpose and policy conditions, limitations and requirements with respect to the local franchise or license; and
- (g) Any other public interest factors or considerations deemed pertinent by the city for safeguarding the interests of the city and the public.

Sec. 707.2-25. - Procedure for consideration of and action on applications.

- (a) The city may make such investigations and take or authorize the taking of such other steps as the City Council deems necessary or appropriate to consider and act on applications for local franchises, right-of-way agreements and licenses and determine whether a local franchise, right-of-way agreement or license should be granted to an applicant, and may require the applicant to furnish additional information and data for this purpose. In considering applications, the City Council may seek advice from other City officials or bodies, from such other advisory bodies as it may establish or determine appropriate, or from the public, and may request the preparation of one or more reports to be submitted to the City Council, which may include recommendations with respect to such applications.
- (b) If the City Council , after considering such information as it determines to be appropriate, elects to further consider one or more applications, the City Council shall set one or more public hearings for consideration of the applications, fixing and setting forth a day, hour and place certain when and where any persons having any interest therein or objections thereto may file written comments and appear before the City Council and be heard, and providing notice of such public hearing in accordance with applicable law.
- (c) The City Council may authorize negotiations between City officials and applicants to determine whether the city and such applicants are able to reach agreement on the terms of the proposed local franchise, right-of-way agreement or license.
- (d) Upon completion of the steps deemed appropriate by the City Council, the City Council may grant the local franchise, right-of-way agreement or license, and may specify the conditions under which it is granted. Alternatively, the city may reject any and all applications from whatever source and whenever received except that the city shall not grant an exclusive local franchise, right-of-way agreement or license and may not unreasonably refuse to award an additional competitive local franchise, right-of-way agreement or license. The city also reserves the right to waive any or all requirements when it determines that the best interests of the city may be served thereby and may, if it so desires, request new or additional proposals.

Sec. 707.2-26. - Terms and conditions of franchise or right-of-way agreement.

The terms and conditions applicable to any *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement* granted pursuant to this chapter shall be set forth in the separate ordinance granting the local franchise or license or in a separate written agreement. Such separate ordinance or written agreement, among other things, shall address the following subjects:

1. The term of the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement*;

2. The compensation to be paid to the city, which may include the payment of fees or the provision of facilities or services, or both;
3. The circumstances upon which the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement* may be terminated or cancelled;
4. The mechanisms, such as performance bonds, security funds or letters of credit, to be put in place to ensure the performance of the franchisee's, right-of-way agreement entity's or licensee's obligations under the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement*;
5. The city's right to inspect the facilities and records of the local franchisee, right-of-way agreement entity or licensee;
6. Insurance and indemnification requirements applicable to holder of the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement*;
7. The obligation of the holder of the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement* to maintain complete and accurate books of account and records, and the city's inspection rights with respect thereto;
8. Provisions to ensure quality workmanship and construction methods;
9. Provisions to ensure that the holder of the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement* will comply with all applicable City, state and federal laws, regulations, rules and policies, including, without limitation, those related to employment, purchasing and investigations;
10. Provisions to ensure adequate oversight and regulation of the holder of the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement* by the city;
11. Provisions to restrict the assignment or other transfer of the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement* without the prior written consent of the city;
12. Remedies available to the city to protect the city's interest in the event of the failure of the holder of the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement* to comply with terms and conditions of the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement*;
13. Provisions to ensure that the holder of the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement* will obtain all necessary licenses and permits from, and comply with, all laws, regulations, rules and policies of any governmental body

having jurisdiction over the holder of the Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement, including the right of way registration and permitting requirements of this ordinance;

14. Provisions to ensure that the holder of the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement* will protect the property of the city and the delivery of public services from damage or interruption of operations resulting from the construction, operation, maintenance, repair or removal of improvements related to the local franchise, right-of-way agreement or license by complying with the registration and permitting requirements of this ordinance;
15. Provisions designed to minimize the extent to which the public use of the streets of the city are disrupted in connection with the construction of improvements relating to the *Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise Agreement Authorized by O.C.G.A. Section 36-76-4, or other Service Agreement* by requiring compliance with this Ordinance; and
16. Such other provisions as the city determines are necessary or appropriate in furtherance of the public interest.

Sec. 707.2-27. - State franchises.

Every holder of a state franchise within the city shall:

1. Notify the city manager at least ten days before providing service within the geographic boundaries of the city;
2. Maintain a point of contact that shall be available during normal business hours.
3. The city hereby requires a franchise fee as established by ordinance, of gross revenues generated within the city for any state franchise issued for its corporate boundaries. The city hereby authorizes the city manager to provide written notice to the Georgia Secretary of State and each applicant for or holder of a state franchise within a service area that is wholly or partially located within the city limits of any change to the franchise fee rate applicable to such applicant or holder of a state franchise.

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.

STAFF REPORT

TO: Mayor and City Council

VIA: Jon Rorie, City Manager

FROM: Michael Warrix, AICP
Planning and Development Director

DATE: May 26, 2016

SUBJECT: Public Hearing: Consider Variance Request, Front Setback Requirements,
565 Dividend Dr.
June 2, 2016 City Council meeting

The Applicant will be out of town on June 2, 2016 and requests this public hearing be continued to the June 16, 2016 City Council meeting.

STAFF REPORT

TO: Mayor and City Council

VIA: Jon Rorie, City Manager 

FROM: Michael Warrix, AICP
Planning and Development Director

DATE: May 26, 2016

SUBJECT: Public Hearing: Consider Variance Request, ER (Estate Residential) Side Setback Requirement, Tract 14 Ebenezer Road
June 2, 2016 City Council meeting

Case Number:	PV16-0003
Property Location:	Tract 14 Ebenezer Road
Current Zoning:	ER, Estate Residential
Parcel Size:	3.85 Acres
Property Owner:	Cygnus Peachtree, LLC
Applicant:	Cygnus Peachtree, LLC c/o Eric Brown

Request

The Applicant is requesting relief in the form of a variance from the side setback requirement of the ER, Estate Residential zoning district. The ER zoning district requires a minimum side building setback of 15 feet. The Applicant is requesting a variance from the requirements of the Zoning Ordinance to allow for a five (5) foot side building setback.

Background

The subject property, comprising 3.85 acres, is located on Ebenezer Road and adjoins unincorporated Fayette County to the north. The Applicant is requesting a variance from the side building setback requirement to allow for the construction of a single-family dwelling. A staff assessment of the Applicant's proposal concluded that additional variances will be required in addition to the side building setback. The Applicant has chosen to request only one variance at this time. Other required variances will include:

1. Variance from Section 723 (a) of the *Land Development Ordinance* Regarding the Required City-Owned Greenbelt Buffer;
2. Variance from Section 803 (a) (6) of the *Land Development Ordinance* to Permit a Driveway from Ebenezer Road;
3. Variance from Section 1007.4 (c) of the *Land Development Ordinance* Regarding Base Flood Elevations; and

Tract 14 Ebenezer Road

Page 2

4. Variance from Section 1007.5 (f) of the Land Development Ordinance Regarding the Future Conditions Floodplain.

Variance Consideration

In accordance with Section 1202 of the Zoning Ordinance, variances shall only be granted upon showing that:

- (a) 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
- (b) 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.

Variance Criteria

Section 1207 of the Zoning Ordinance states:

In reviewing a request for a variance, the 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;*
- (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;*
- (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;*
- (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;*
- (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*

Tract 14 Ebenezer Road

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- (f) 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.



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 # 27808
Date Filed 4/11/16
Case # PV16-0003
Office Use Only

VARIANCE LOCATION	Street Address <u>Tract 14 Ebenezer Rd - 3.85 Acres</u> <u>Peachtree City, GA 30269</u>	PROPERTY OWNER	Name <u>Cygnus Peachtree, LLC</u>
	Zoning District: ☒ Residential ☐ Multi-Family ☐ Commercial\Industrial\Office		Phone <u>404-467-6106</u>
VARIANCE TYPE: ☐ Administrative ☐ Special Exception ☒ Variance (check one below)	Variance from which ordinance: ☐ Sign ☐ Fence ☐ Land Development ☒ Zoning	PROPERTY INFO	Subdivision: <u>Null</u>
			Phase: <u>Null</u> Lot # <u>24</u>
APPLICANT	Name <u>Cygnus Peachtree, LLC c/o Eric Brown</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)
	Address <u>3060 Peachtree Rd NW#1080</u>		
	City, State, Zip <u>Atlanta, GA 30305</u>		
	Phone # <u>404-467-6106</u>		
	Email <u>ebrown@cygnuscapital.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? <u>10</u> Feet	
	3.) Were you the owner of the property when the violation occurred? (If not, who was?) ☐ Yes ☐ No <u>N/A</u>		<u>We want to build a 4/2.5 home on the vacant property.</u>

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: _____

Date 3/31/2016

OFFICE ONLY

ADMINISTRATIVE VARIANCE	Signature: _____	☐ Approved ☐ Denied
Date of Acceptance: _____	Date of Hearing: _____	☐ 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: _____	Date of Acceptance: <u>3/31/16</u>	Date of Public Hearing <u>05/19/2016</u>

RECEIVED APR 11 2016

VARIANCE & APPEALS ORDINANCE

For the complete Variance Ordinance please reference Appendix A Zoning, Article XI1 in Peachtree City's Code of Ordinances

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. Application.

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 type.

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. Review criteria.

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. Filing procedure.

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 authority.

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. Appeal 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. Appeals of 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: Section 1207 Review Criteria

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.

Variance for Side Setback for Ebenezer Land

Peachtree City Zoning Dept.

153 Willowbend Rd

Peachtree City, GA 30269

Dear Sir or Madam,

We are looking to develop a 4 Bedroom, 2.5 Bath home on the 3.85 acres of vacant land we own in Peachtree City. I have been in talks with Mr. Rast and Mr. Borkowski regarding the necessary Variances we will need in order to build on the property. The first variance we would like to apply for is a reduction of the 15' side setback variance down to 5'. I have included a site survey that Mr. Borkowski has made his remarks on for your review.

As you can see from the site plan the majority of the lot is covered in a flood zone. Therefore, we can only build in the NE corner of the parcel. I we are able to receive a variance for the side setback we will apply for the addition 4 variances that will be necessary in order to build a home.

Thank you,

Eric Brown

Asset Manager

Cygnus Capital

404-467-6106

REVIEWED

By David Borkowski at 9:18 am, Feb 16, 2015

1. 1000 GALLON SEPTIC TANK
2. PVC DRAINFIELD TRENCHES 360 LINEAR FT.
3. ALTERNATE DRAINFIELD LOCATION
4. 4 BDRM, 2.5 BATH RESIDENCE

REQUIRED VARIANCES

1. 15FT SIDE YARD SETBACK, 5FT REQUESTED
2. 30/70 REQUIREMENT FOR BUILDABLE AREA

Variance needed for:

Sec 1007.5 f. Standards for subdivisions.
(2) All residential lots shall have 70 percent of the minimum lot size (for that zoning district) area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required:

1007.4 c. General standards.

(1) No development shall be allowed within any area located at or below the base flood elevation except for new multi-use paths and perpendicular road or path crossings. No new path or perpendicular road or path crossing shall be allowed that could result in any of the following items under this section.

(If fill is placed engineer will have to model the proposed fill to show no increase in flood elevations.)

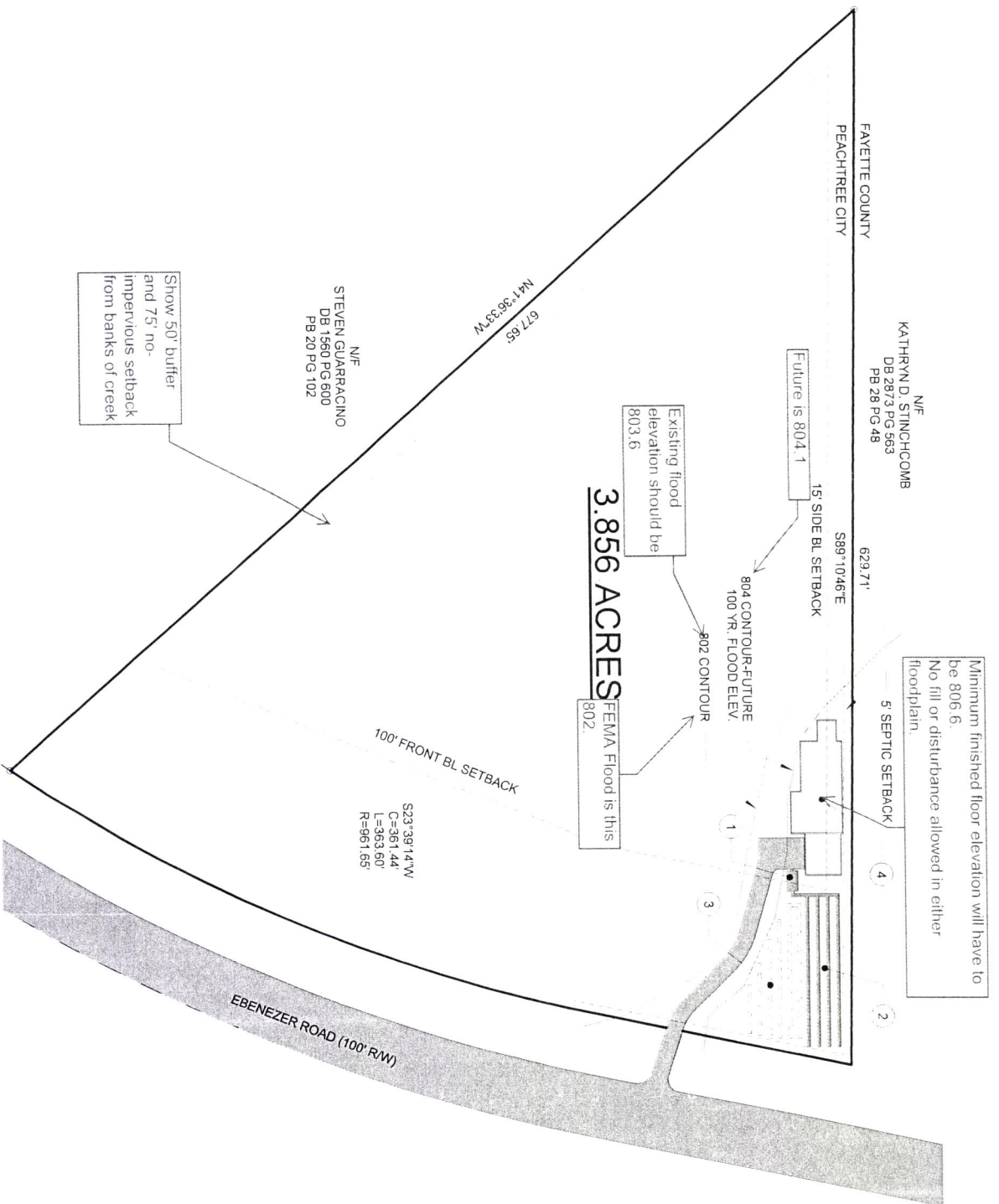
NORTH SCALE: 1" = 60'-0"

CYGNUS PEACHTREE, LLC

DATE: 02.12.15

SCALE: 1" = 60'-0"

Ebenezer Road Site
SITE PLAN



CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *[Signature]*
Financial Services Director *PS.*
Assistant Financial Services Director *KB*
Purchasing Agent *[Signature]*

FROM: City Engineer *David A. Boraski*

DATE: May 27, 2016

SUBJECT: 2016 Paving Bid Recommendation
June 2, 2016, City Council Meeting

Recommendation:

Staff recommends that a contract be awarded to Blount Construction for FY 2016 Paving Projects, with the total contract amount to be set by Council.

Discussion:

Staff issued bids for paving projects on April 11, 2016. The bid scope included 6.42 miles of roadway. A pre-bid meeting was held on April 26, 2016, and was attended by several contractors. Sealed bids were received by three contractors as follows.

	Blount Construction	C.W. Matthews	Stewart Bros Inc.
Total Base Bid	\$3,073,753.16	\$3,241,320.45	\$4,429,007.20
Total Add Amount	\$297,350.40	\$266,250.34	\$308,785.10
Total Base+Adds	\$3,371,103.56	\$3,507,570.79	\$4,737,792.30

The Adds to the base bid included the following:

- Additional striping on various City streets, not being repaved in Base Bid.
- Adding bicycle lanes to Robinson Road (SR 54 to Redwine Rd.)
- Removing pavement drop-off on Robinson Road (Crosstown Dr. to Redwine Rd.)
- Replacing speed cushions in Planterra Subivision with asphalt speed tables in areas outside of repaving area.

Since the lowest bidder (Blount Construction) came in over budget (\$1,692,961 Available), Staff has worked with them to reduce the overall scope and have come up with the options below.

Option 1:

- **\$114,818.50** - Add – Additional Striping
- **\$12,870.00** - Add – Planterra Way Speed tables
- **\$1,962,433.41** – Repave (FDR) following streets
 - Commerce Drive
 - Westpark Drive
 - Rolling Green
 - Rubicon Road
 - Willowbend Road
 - Holly Grove Church Road
 - Hilltop Drive (East)
 - Stevens Entry
 - Willow Road
 - Planterra Way
- **Total Option 1 = \$2,090,121.91**

Option 2:

- **\$114,818.50** Add – Additional Striping
- **\$12,870.00** Add – Planterra Way Speed tables
- **\$1,429,166.16** – Repave (FDR) following streets
 - Commerce Drive
 - Westpark Drive
 - Rolling Green
 - Rubicon Road
 - Holly Grove Church Road
 - Hilltop Drive (East)
 - Planterra Way
- **Total Option 2 = \$1,556,854.66**

Staff has reviewed Blount Construction's Bid package and finds that it is acceptable. Staff has also worked with Blount Construction on previous paving projects and has been very satisfied with their work; therefore, Staff is recommending awarding this contract to them.

Budget Impact:

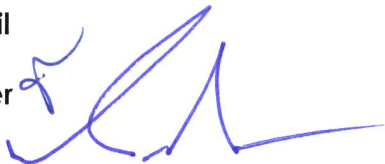
\$1,692,961 is budgeted and available in the Public Works Street Resurfacing line item (100-4100-522270).

Option 2 is within budget and funds are available in the Public Works Street Resurfacing line item.

Option 1 is over budget by \$397,160.91. Additional funds could be drawn from cash reserves.

MEMORANDUM

TO: Mayor and City Council

VIA: Jon Rorie, City Manager 

FROM: Michael Warrix, AICP
Planning and Development Director

DATE: May 26, 2016

SUBJECT: Interfor U.S., Inc. Grant Application
Peachtree City Jobs and Investment Grant Program
June 2, 2016 City Council Meeting

APPLICANT

Interfor U.S., Inc.
700 Westpark Drive, Suite 100
Peachtree City, Georgia 30269

An application has been received by the Fayette County Development Authority (FCDA) for grant funding through the Peachtree City Jobs and Investment Grant Program. Pursuant to program guidelines, the FCDA has processed the grant application on behalf of the city and will present the grant request to City Council for consideration and action. A copy of the application is attached.

PROGRAM SUMMARY

- Incentives of \$500.00 per job up to maximum of \$50,000.00 for qualifying businesses
- Creation of 25 or more full-time jobs
- Average wage must be 120 percent of latest city per capita income
- Primary activity in city must be one of the following targeted areas:
 - Corporate Office Headquarters
 - Corporate Office Business Support Center
 - Logistics & Distribution
 - Advanced Manufacturing
 - Research & Development
 - Medical & Laboratory
- Memorandum of Understanding (MOU) required

1) Name of Applicant: Interfor U.S. Inc.

2) Address of Applicant: 700 Westpark Dr, Suite 100

City Peachtree City State GA ZIP 30269

3) Name & Title of Applicant Contact: Denise Stambaugh, Executive Assistant

4) Telephone of Applicant Contact 770-282-3183

5) E-Mail of Applicant Contact: denise.stambaugh@interfor.com

6) Brief Overview of Hiring Plans: Along with relocation of approximately 15 employees from our mills, hiring of 35 employees by beginning of 2015 to support alignment of our key services in the Southeast.

7) Number of New Full-Time Jobs to be Created: 50

8) Under Which Category does Applicant Fall? (Circle One)

- Corporate Office Headquarters
- Corporate Office Business Support Center
- Logistics and Distribution
- Advanced Manufacturing
- Research & Development
- Medical & Laboratory

Regional office for the South U.S.

9) Average Wage, Exclusive of Benefits, for Jobs Created:

- Job Title 1: (sent Avg. Wage: _____
- Job Title 2: seperately) Avg. Wage: _____
- Job Title 3: _____ Avg. Wage: _____
- **Attach additional pages, as needed.

10) Timeline of Hiring: July 2014 → Aug 2015