City Council of Peachtree City
Agenda
May 20, 2010
7:00 p.m.

I. **Call to Order**

II. **Pledge of Allegiance**

III. **Announcements, Awards, Special Recognition**
Recognize Citizens Police Academy Graduates

IV. **Citizen Comment**
Any member of the public attending the meeting may comment on any issue or item that is not included on the agenda. The time limit is two (2) minutes.

V. **Agenda Changes**

VI. **Minutes**
May 4, 2010, Workshop Minutes
May 6, 2010, Regular Meeting Minutes
May 6, 2010, Executive Session Minutes

VII. **Consent Agenda**
1. **Consider Alcohol License – NEW – Café Phoenicia, 2771 Highway 54 West**
Applications for new licenses must be approved by City Council. The applicant has met the requirements.
2. **Consider Amendments to Erosion and Soil Control Ordinance**
Request to adopt amendments required by July 1 due to changes in the Georgia Erosion and Sedimentation Act

VIII. **Old Agenda Items**
05-10-01 **Public Hearing – Consider Variance to Watershed Protection Buffer Ordinance, 614 Wingspread**
Request to encroach into the watershed protection buffer for Lake Kedron. Continued from May 6
04-10-11 **Consider Vacant Structure Registration Ordinance**
Proposed ordinance would require the registration of vacant and/ or abandoned buildings in an effort to ensure these structures are safe and secure and to assist in maintaining property values of adjoining properties. Continued from May 6

IX. **New Agenda Items**
05-10-03 **Public Hearing – Consider Amendment to Section 908 Accessory Uses to Establish Regulations for Farmer's Markets**
Proposed amendments would establish submittal criteria and guidelines specific to outdoor farmer's markets within the City
05-10-04 **Public Hearing – Consider Amendments Section 908 Accessory Uses regarding Walking Signs**
Proposed amendment would prohibit hand-held and walking advertising within the City.
05-10-05 **Consider Amendment to Sign Ordinance regarding Internal Directory Signs**
Proposed amendments relate specifically to the total number, size, and placement of internal directory signs on lots zoned for retail, commercial, and industrial use
05-10-06 **Consider Non-profit Funding Request for FY 2011 from Fayette Senior Services**
Request to consider funding for Fayette Senior Services for FY 2011 as Fayette Senior Services provides services that meet basic needs of senior residents such as home-delivered meals
05-10-07 **Consider Non-profit Funding Request for FY 2011 from Promise Place**
Request to consider funding for Promise Place in the FY 2011 budget as Promise Place provides services to residents who are victims of domestic violence
05-10-08 **Consider New Position, Business Manager – Amphitheater/Tourism**
Request to add title and position due to recent changes in Amphitheater and Peachtree City Tourism Association staffing
05-10-09 **Consider Budget Amendments – FY 2010**
Consider proposed budget amendments to amend the 2010 budget resolution to provide funding for cart path extension at MacDuff tunnel

X. **Council/Staff Topics**
Library Master Plan
Hot Topics Update

XI. **Executive Session**

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

City Council of Peachtree City
Workshop
Minutes of Meeting
May 4, 2010
6:30 p.m.

The City Council of Peachtree City met in a workshop on Tuesday, May 4, 2010, at 6:30 p.m. Council Members in attendance were: Mayor Don Haddix, Vanessa Fleisch, Eric Imker, Kim Learnard, and Doug Sturbaum.

The purpose of the workshop was to discuss benefits/options for government retirement plans.

City Manager Bernard McMullen told Council that the meeting was to present the facts about the City's retirement plan. Financial Services Director Paul Salvatore introduced Clark Weeks of Weeks Retirement Services, the City's actuary. A copy of Weeks' PowerPoint presentation is included in the meeting file.

Weeks said the goal of the presentation was for Council to have a good fundamental understanding of how the City's plan worked and how much it cost. The goals for a retirement plan were to provide an attractive incentive when hiring new employees, improve employee retention, make early retirement possible for physically demanding jobs, and to provide sufficient assets to retire at the normal retirement age. Governments tended to have an older average hire age than private industry.

Weeks went over the features and benefits of the defined contribution plan [DC or 401(a)] and the defined benefit plan (DB). He explained that a DB plan gave retired employees a certain percentage of pay per year of service and the benefit was defined. The City gave employees 2% of final average earnings per year of credited service. If they worked for 20 years, they would get 40% of their pay upon retirement. The retirement pay was based upon the average of the last five years of service. Salvatore said the benefit was determined by a formula.

Weeks continued that a DC plan allowed employees to put a certain percentage of their pay in an account each year, and the retirement pay would be from the deposits and subsequent return on investment income on the account. It was similar to a savings account. Sturbaum asked how many people actually read and figured a prospectus. Weeks said he did not know, continuing that traditional wisdom was that people understood DC plans better than DB plans. Sturbaum said that, in a volatile market, it was hard to keep up with the fluctuations and decide where to move the money.

Imker asked Weeks to explain what "vesting" meant. Weeks said that at a certain point, the City said the account was the employee's. Vesting delayed the time someone was entitled to a benefit. The City vested at five years. If an employee left at four years and 364 days, they would leave with nothing. McMullen clarified that there were two different vesting periods. Public Safety employees were vested at 10 years.

Weeks continued that everyone thought DB plans were good now. For private companies, pension plans were bad due to government overregulation. A DC plan was equally valuable to all employees, and everyone got the same dollar benefit every year relative to what they had earned. A DB plan was more valuable to longer service employees and more expensive to have for older employees. Investments were not pooled in a DC plan, while they were for DB plans. There were currently no costs to the City for the 401(a)s; the employee paid the administrative costs for DC plans. The City paid the consultants and the administrative fees for the DB plan. A DC plan could not facilitate early retirement.

Haddix asked if either of the plans had a tendency to drive the base wage up more than the other. Weeks said the pension was a benefit tool. If the benefit package was weak, the City would have to offer higher wages if offering less for retirement. He added that 80% of government employees had DB pensions compared to 18% of the private sector, which was probably less due to the government regulation of private pensions.

Imker asked why the federal government regulated private retirement so much. Weeks referred to the Employee Retirement Income Security Act (ERISA), which regulated pension plans. Imker asked why private companies did not go with DB plans. Weeks said that ERISA assumed companies would stay in business forever. He continued that of the 100 companies on the Dow Jones Industrial Average in 1900, only 25 were still around in 2000. Since 2000, five of those 25 had either gone or had accepted government bail-outs. Corporations did not last forever, but governments basically did.

Imker said he did not understand why governments chose at the rate four to one to go with DB plans. Weeks said his belief was because governments lasted forever and ERISA and overregulation. Weeks said it was a matter of opinion. Every pension plan was different and adapted to the specific circumstances of the employer. Salvatore added that governments also had a longer time to make up losses, while private companies might not. Imker clarified that the private companies found the DB plan to be less expensive in the long run. Weeks said that could be the reason. Imker said he still did not have his answer, and he did not think he would get it at this meeting. Weeks said that most people looking for a government job were also looking for a DB plan.

Weeks noted that the City's 2009 budget for pension contributions was $1.4 million. There was a deferred expense of $400,000 that was not in the 2009 budget, so the total plan cost was $1.8 million or 16.4% of the pension payroll. The structural plan expense was $900,000. The structural plan expense was the cost for 2009, based on the 20-year average. The sources for the other $900,000 included $460,000 in adverse plan experience, which was bad asset return from 2000 – 2008. The remaining $440,000 was basically an amortization of a couple of benefit changes made in the early 2000s and from moving to a better assumption set when the City left GMA. The centerline of cost for the current plan was $900,000.

Weeks continued that the reason for the $460,000 cost was because investment returns were 1.6% per year for the current asset allocation from 2000 – 2008. The same portfolio would have produced a 1.2% return during the Great Depression. Weeks said one of the reasons the pension expense was up was because the financial climate from 2000 – 2008 was the same as occurred during the Great Depression. It was solely attributable to investment performance.

Weeks compared the City's plan to several other Class B cities (25,000 – 49,999 population) – Hapeville, Sandy Springs, Milton, Alpharetta, Cartersville, and Johns Creek. He noted that, on average, 2% was the typical formula used by the cities with DB plans. All of the cities but Hapeville and Cartersville had DC programs.

There were two different pieces to DC programs – the employer fixed contributions, which the City did not have, and employer match, which was 2% for the City compared to 5% for Sandy Springs, Alpharetta, and Johns Creek. The expense for the City was 9.6% of payroll, compared to 15.5% for Sandy Springs and Johns Creek. Weeks said that, in terms of structural cost, the most expensive benefit plans were DC plans among the City's peers. Weeks continued that the City matched 1% of the employee's 2% contribution in the 401(a) plan. If an employee saved 4% of pay, then the City matched 2%. He added that not everyone saved 4% of their pay, so the City would never put 2% of payroll in a 401(a) plan because not every employee contributed the maximum amount. The assumption of the program was that the employer matched contributions were based on 70% employee participation. He expected the City's plan to cost 1.4% of payroll, noting that the City actually had less than 60% employee participation. Salvatore said the government tried to leverage its dollars to get employees to put in their own money to help meet the goal of having sufficient assets to retire.

Administrative Services Director Nikki Vrana said that, per the Class B city comparison, the City was not out of line with the benefits it offered. The reason for retirement plans was to get an edge up on other jurisdictions since the City's salaries were lower. The salary and compensation packages together enabled the City to attract and retain quality employees.

Weeks compared the cost of an unreduced DB plan to the cost for the City to provide the same benefit in a DC plan. In order to meet a certain formulated benefit in a DC plan, everyone had to get the money. The cost was the employees could keep it if they quit. In a DC plan, an employee at age 25 would have to put in approximately 13.5% of pay for an entire career to retire at age 55. An employee starting at age 45 would have to put in 17% of pay until retirement at age 55. A DB plan would cost an employee 0.1% at age 25 if retiring at age 55. Under a DB plan, an employee hired at age 45 retiring at age 55 would cost 28.5%. Weeks said the reason the numbers for a DB plan were lower was because people quit and a relatively small percentage of people hired at age 25 would retire from the City.

Weeks noted that the costs for retirement at age 65 were lower for both DB and DC plans since there were more years and a longer period of discount to get there. It was also less expensive to pay a lifetime benefit at 65 than 55.

Weeks continued that the average age of a City employee was 43. The replacement cost for a DC plan that replicated the benefits of a DB plan for retirement at age 55 would cost 19.5% of payroll. Retirement at age 65 would cost 13.8% of payroll. The average DB cost was 8.2%.

Weeks said it was impossible to change benefits and not have any benefit loss, reduced costs, and support the goals of a retirement plan.

Vrana asked Weeks to discuss vesting specifically for a DC plan. Weeks said it was all over the board, and there was no right answer. Some plans vested at one year, and some vested at seven years. Imker asked if employees were immediately vested in the DC plan. Vrana said they were, and Weeks added there was a one-year waiting period before an employee was eligible to participate. Vrana added that employees who left after participating in the DC plan could take that money when the left City. With a DB plan, employees who left at three years (prior to becoming vested) left with nothing. The City would be giving away more money with a DC plan, and there would be less incentive for people to stay with the City. The City wanted people to stay longer than the vesting period.

Fire Captain Ron Mundy told Council he had been a member of the retirement committee that worked on the current plan when it was accepted by the City. He noted that retirement pay was based on the top five years of pay, which was often the last five years for most employees. It was based on accrued years of credited service. The 2% benefit factor had been in effect as long as he had been an employee of the City, which had been 27 years. When the current plan was adopted, the committee asked Council to consider increasing the benefit factor to 3% to help attract employees. The Council at that time said they wanted a plan that included participation from the employees, and the DB plan was born with the City contributing 2% to an employee's 4%. At that time, the DB was a 457 plan. Since that time, the City determined that there would be a greater cost (tax) savings to the City with a 401(a), so the plan changed from a 457 to a 401(a). The City was in the bottom of the spectrum of the seven Class B cities that returned the survey when looking at the percentages of the DB plan, as well as the contribution match by the City. The employees worked for less because they wanted to be in the City for a career. Mundy noted that Fairburn was not mentioned in the survey, but many City employees left to go to Fairburn because Fairburn allowed employees to put up to $7,500 per year into a DC plan that the city matched dollar for dollar, as well as a 2% DB plan. Mundy said the reason for retirement at 55 for Public Safety employees was due to the decreased life expectancy of those employees, which on average was 10 years less than the general population.

McMullen said the purpose of the workshop had been to present the facts about the City's retirement plans due to the difficult decisions that had to be made for the FY 2011 budget.

There being no further business to discuss, the meeting adjourned at 7:32 p.m.

Pamela Dufresne, Deputy City Clerk

Don Haddix, Mayor

City Council of Peachtree City
Minutes of Meeting
May 6, 2010
7:00 p.m.

The City Council of Peachtree City met Thursday, May 6, 2010, in the City Hall Council Chambers. Mayor Don Haddix called the meeting to order at 7:00 p.m. Council Members present: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum.

Announcements, Awards, Special Recognitions

Mayor Haddix proclaimed May as Lyme Disease Awareness Month. Donnie Davis, chairman of the South Metro Red Cross Heroes Campaign, and Les Dyer accepted the proclamation for Red Cross Month. Louis Dunn of the Sons of the American Revolution, along with members of the City's Police Department, accepted the proclamation for Police Week and Peace Officer Memorial Day (May 10 – 16 and May 15). Lieutenant Gary North accepted the proclamation for EMS Week (May 16 – 22). Jason Epps was recognized for 15 years of service in the Police Department. Stan Pye was recognized for 20 years of service with the Police Department. Mayor Haddix swore in Anthony Ramkissoon as a reserve Police officer. The graduates of the most recent Community Emergency Response Team (CERT) class were recognized.

Citizen Comment

There were none.

Agenda Changes

There were none.

Minutes

Sturbaum moved to approve the April 12, 2010, workshop minutes and the April 15, 2010, regular meeting minutes as written. Learnard seconded. The motion carried unanimously.

Monthly Reports

Sturbaum noted there had been several donations in March from citizens and organizations totaling $4,935, including a $4,000 donation for the bridge at Picnic Park. Sturbaum reported that RelocateAmerica had named the City to their list of the top 100 places to live.

Consent Agenda

1. **Consider Alcohol License – NEW – Mirko Pasta**
2. **Consider Disc Club Association Agreement**

Fleisch moved to approve the Consent Agenda. Sturbaum seconded. The motion carried unanimously.

Old Agenda Items

04-10-11 Consider Vacant Structure Registration Ordinance

Interim Community Development Director/City Planner David Rast gave a brief overview on the background for the proposed ordinance, noting that Housing Code Official Tami Babb had done a great deal of research on other jurisdictions with similar ordinances, both in Georgia and throughout the United States. The proposed ordinance would give the City the ability to identify vacant structures and provide some teeth in requiring maintenance.

He continued that the ordinance addressed residential structures, as well as office, commercial, and industrial buildings. It was designed to protect the community as a whole, ensure the structures were safe and secure, and maintain property values and the integrity of established neighborhoods. It would also ensure the vacant structures were not vulnerable to criminal activity, which was a major issue in many jurisdictions.

The ordinance would allow staff to maintain a database of all the vacant structures, identify the owners of the structures, and require a written maintenance plan. It would also give the City the ability to inspect for compliance with the maintenance plan. The ordinance would be administered by the Housing Code Official. She would track the structures known to be vacant, track foreclosure notices, and work with utility companies, homeowners associations, and neighborhood representatives. A lot of data had to be gathered to identify a building as vacant. Rast said when vacancy was determined, the owner would be contacted, and he noted that it was difficult to track down an owner when there had been a foreclosure. Once notified, the owner would have 180 days to register the building and submit a maintenance plan. The recommended registration fee was $200, and registration would be annually. Rast continued that there would be a lot of follow-up work required to monitor and inspect the property. It would also give Babb and other staff the ability to go on a property and address issues.

Rast said the proposed ordinance included three exemptions – properties with an active building permit, properties being actively marketed for sale or lease, and properties under contract for sale or lease, which would not require registration or a maintenance plan. He said staff was not looking to intimidate property owners, but wanted to work with them to protect their property values and those of their neighbors. It would be a time-consuming effort, but it fit in with the goal of re-establishing and maintaining the integrity of neighborhoods. The proposed ordinance also provided the ability for the City to assess fines up to $500 per day. The current fee structure through the Municipal Court allowed the judge to impose fines of up to $1,000 per day, depending on the severity of the case. The ordinance only provided the ability to assess $500 per day.

Sturbaum asked how the fee/fine structure was determined. Rast said fines and penalties from different jurisdictions had been varied. Staff looked at existing ordinances and the Code Enforcement fine schedule. Rast said a lot would depend on the efforts of the owner to comply. The procedure was fairly straight forward, and fines would be the last resort. Staff wanted to work with the owners to get the properties in compliance. Based on what was allowed by the Court, staff felt $500 was appropriate if an issue got to that point.

Fleisch clarified that the ordinance was primarily about exterior maintenance. Rast said it was predominantly about the exterior, but noted that there had been a recent water break inside a vacant townhome unit, and staff did not know who owned the property. Staff would not go inside a structure unless there was cause. The issues would be primarily the exterior, including fences, crawl spaces, basement doors, and pools, which often had stagnant water.

Fleisch, who was a realtor, said that banks were dragging their feet when it came to maintaining the homes in foreclosure, which made them difficult to sell. In many cases, neighbors were mowing the grass, but their patience would run out. Fleisch said she had originally been very concerned about how the ordinance would affect people selling their homes, but she was comfortable with the exemptions. The proposed ordinance was not perfect, but it would help the people living next to the vacant homes and would give Code Enforcement more leverage with the owners.

Rast said that, following the publication of the agenda in the weekly ***UPDATES***, staff had received e-mails asking that some houses be checked. Babb found one of the properties had a broken fence and pool with brackish water and was already working with the bank to get that taken care of.

Learnard verified that the proposed ordinance would provide the teeth needed to go after those who did not take care of their property. Rast said that was correct. Once a property was identified, staff would contact the property owner, who would then have 180 days to either register the property or send the City letter saying what was going on with the property. Learnard asked if the City would get the response it wanted. Babb said that once a bank got a legal notice of default, they were responsible for a property.

Imker said he did want the ordinance, but he wanted to understand the magnitude of the problem. Babb said that, at any given time since the first of the year, there had been 30 – 40 homes on her radar, some of which were for sale. Imker asked about businesses, and Babb said there were a few.

Imker clarified that the property owner would be notified when the City determined a property was vacant. He said 180 days was generous, and 60 days seemed more reasonable. He asked what the rationale was for 180 days. Rast said 180 days sounded like an extended period of time. Babb said if the City could prove a building was vacant for 180 days, then the ordinance, if approved, could be in invoked. She had a few properties that had been vacant a year or more. Imker said he did not want to give those property owners another 180 days. He asked if there was a problem with 60 days. Rast said the owners were on the clock once they were notified. Imker suggested lowering the $200 registration fee, which he felt would discourage owners from registering. Imker also asked about loopholes and someone coming back to sleep in a home and sweep the floors on the 178th day, then moving out again. He asked whether that building would be considered occupied. City Attorney Ted Meeker said a business would have to transact some form of business, not just come in and clean up.

Imker said he needed to understand the inspections, asking when the first inspection took place following registration. He noted that the first inspection would be $50, the re-inspection would be $75, and subsequent inspections would $100. Rast said the registration would be an annual fee, and owners would have to re-register the building by October 31. Imker suggested it be the one-year point from the first registration. Rast said staff would drive by the building and look at the windows, doors, and other areas. Imker asked when a property would be inspected again. Rast said it would be done as needed. Imker said he had a problem with that. He felt staff needed to get inside to make sure no one was squatting, running an illegal meth lab, or growing illegal plants. There was an additional layer of responsibility. Meeker said there had to be a reason or probable cause to go inside the vacant structures, such as evidence that someone was in the structure or that there had been damage. Based on that, Babb would either have the ability to go in or the ability to secure a warrant to enter. Imker said he had trouble justifying the increases in the cost of inspections. Rast said the inspection fees were structured after the Building Department inspection fees. A drive-by inspection was not billable, but more detailed inspections would have fees. The routine inspections would be part of the administration.

Haddix said he thought the $200 registration fee covered the cost of the visual inspections. If there was a reason for a more detailed inspection, the inspection fees would be applied. Rast said that was correct. If the issues were not fixed, then the fees would go up each time the property was inspected. Rast added that there would be dialogue between Babb and the owner during that time. Haddix said, under that scenario, the fees were not out of line. The purpose of the proposed ordinance was to protect the City's quality of life and the neighbors. Learnard said it was almost like the property owner was employing the City to inspect the vacant buildings because the owner was absent rather than applying penalties to owners who did not keep up their buildings.

Sturbaum asked if the definition of "vacant structure" could include a time frame on it so that it would not be considered vacant when owners were in the structure, such as two weeks every six months. Meeker said yes.

Imker said he would like to reduce the 180-day period to register to a much shorter length of time, lower the $200 registration fee, and set a lower cap on the $500 per day penalty, maybe $100 per day. Sturbaum suggested a fee moratorium until August 30 to give everyone time to comply. Imker said it would not address future issues, when someone registered their home in August and had to re-register in October. Fleisch asked if the registration time was due to the fiscal year. Rast said the billing period was October through September. It was easier for staff to have common registration dates. Imker suggested pro-rating the fees the first year of registration.

Imker said that, with all the questions, approval of the ordinance should be continued for two weeks. Sturbaum agreed, adding that staff needed to look at the definition for vacant structure, a pro-rated fee structure, a lower registration fee, and shortening the 180-day time period to register the building and provide a maintenance plan.

Rast clarified that once a structure had been determined vacant, a formal notice was sent to the property owner, and the 180-day time frame started when the notice was sent to the building owner notifying them that the building had been identified as vacant. He said Babb had already identified several structures, and the owners would be notified once the ordinance was approved.

Haddix asked Meeker what was considered an appropriate, legal time frame for a response. Meeker said notification time could be 30 – 60 days. Sturbaum and Imker suggested 60 days, and Haddix said it should be no less than 45 days. Imker suggested the registration fee be $100.

Haddix asked if that would cover staff's time. Meeker said it was a regulatory fee, and the actual cost to the City would be more than the $200, which was what could be justified. Imker said he did not want to get into a default penalty phase because people could not afford the fee. Sturbaum said a one-time fee moratorium or grace period could help, noting that staff could provide updates to Council every six months on how many structures had registered and the effectiveness of the maintenance program. Council consensus was that a grace period for the fees should go through September 30, in conjunction with the City's fiscal year.

Rast said he hoped everything had been covered in the ordinance, adding that a six-month follow-up would be beneficial to see if the ordinance was effective and make modifications. Learnard clarified that the owners would be notified during the grace period/moratorium, but fees would not be charged until October 1. Haddix preferred the fees not be pro-rated the first year.

Haddix asked if there was any public comment.

Clell Lambert said $200 was excessive and asked what triggered an inspection. He said he and his wife had a couple of vacant houses, one being tied up in probate and his daughter's family having just moved out of the other one. He mowed the grass and checked on both regularly. They hoped to soon put both homes on the market. A homeowner could feel stigmatized because of vacant properties. He asked if there would be a higher standard of maintenance for those homes than neighboring homes. He was also concerned about the length of time on the sales exemption.

Fleisch said the time on the market for homes under $500,000 was much shorter than for those that cost more. Only a handful of homes over $500,000 had sold in the past year. A real estate agent became a property manager for homes for sale, picking up the newspaper and ensuring the lawns were taken care of.

Rast suggested posting the proposed ordinance and application form on the City website after the changes were made. The maintenance plan included lawn care and maintaining the exterior of the home. Fleisch asked if the ordinance would cover the vacant land at Lexington Circle. Rast said it only addressed structures.

Sturbaum moved to continue the Vacant Structure Registration ordinance until May 20 with the instructions given to staff. Learnard seconded. The motion carried unanimously.

New Agenda Items

05-10-01 Public Hearing – Consider Variance to Watershed Protection Buffer Ordinance, 614 Wingspread

Haddix noted that the applicant had asked to continue the variance request to May 20. Sturbaum moved to continue the variance request until May 20 at the request of the applicant. Fleisch seconded. The motion carried unanimously.

05-10-02 Consider Enacting a Moratorium on New Requests for Telecommunication Towers and Antennas

Haddix noted there was an additional item on the dais – the staff memo and resolution. Once the resolution was approved, a moratorium would be in place on new requests from 8:00 a.m. on May 7 until 8:00 a.m. on July 16 to allow adequate time to work on revisions to the City's ordinance on telecommunications towers and antennas. Fleisch moved to approve the moratorium on requests for telecommunications towers and antennas. Sturbaum seconded. The motion carried unanimously.

Council/Staff Topics

Hot Topics Update

City Manager Bernard McMullen reported that the contractor had taken care of the issues with the Department of Transportation (DOT) regarding the Paschall tunnel and ramps, and staff expected to issue the notice to proceed in about a week and a half. The construction should be completed in 90 days. The CSX bridge was complete. The work on the Wisdom Road shoulder restoration was complete, with the exception of the fence along the cart path, which should be installed in two weeks. The City had not received any applications for cell towers. Imker asked to add the Rockaway Road re-routing to the list. He realized it was a state project and was part of the SR 74 South widening, adding that it was something citizens were interested in.

Sturbaum moved to convene in executive session for personnel and acquisition of real estate at 8:44 p.m. Fleisch seconded. The motion carried unanimously.

Sturbaum moved to re-convene in regular session at 9:25 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to accept the temporary and permanent easements from the Post Office for the Paschall Road tunnel for an amount not to exceed $4,950. Fleisch seconded. The motion carried unanimously.

Sturbaum moved to accept the employment agreement between the City, Peachtree City Tourism Association (PCTA), and Nancy Price for her to continue in her position of Amphitheater manager and to fill the position of PCTA executive director and to accept the employment agreement for job-sharing between the City and the PCTA. Fleisch seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn. Learnard seconded. The motion carried unanimously. The meeting adjourned at 9:26 p.m.

Pamela Dufresne, Deputy City Clerk

Don Haddix, Mayor

City Council of Peachtree City
EXECUTIVE SESSION
Minutes of Meeting
May 6, 2010

Mayor Don Haddix called the executive session to order immediately following the regular meeting on Thursday, May 6, 2010. Council Members present were: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum. City Manager Bernard McMullen and City Attorney Ted Meeker were also present.

Meeker said that an agreement had been reached with the Post Office for the property needed for the temporary construction easement and the permanent cart path easement. The offer was $4,950.

Sturbaum moved to reconvene in regular session at 9:25 p.m. Learnard seconded. The motion carried unanimously.

Pamela Dufresne, Deputy City Clerk	Don Haddix, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager Bernard J. McMullen

FROM: Deputy City Clerk PPD

DATE: May 13, 2010

SUBJECT: **Alcohol License – NEW – Café Phoenicia**
May 20, 2010, Regular Meeting

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

Discussion:
Café Phoenicia, 2771 West Highway 54, has submitted a request for a new alcohol license. Mr. Ali Mansour has requested he be appointed as the Licensee and License Representative. He will attend the meeting on Thursday, May 20, to answer any questions you may have.

Café Phoenicia will be a Mediterranean restaurant and hookah bar, an establishment where customers share shisha (usually sweet flavored tobacco or herbs) from a communal hookah (water pipe), which is placed at each table. Sharing a hookah is a traditional social activity in Arab countries.

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 beer and wine, which is $1,350, and, if they choose to serve on Sunday, they will pay an additional $500 annually.

Attachments

PEACHTREE CITY
PLAN TO STAY™

CITY HALL
151 WILLOWBEND ROAD
PEACHTREE CITY, GA 30269
PHONE: 770-487-7657
FAX: 770-631-2505
WWW.PEACHTREE-CITY.ORG

Application For Alcoholic Beverage License

Business Name: Cafe Phoenicia	Business Location: 2771 W. Hwy 54 Ste 2771	
Nature of Business: Mediterrain rest. & Hookah Bar	Mailing Address: 6203 Merrick Drive Peachtree City, GA 30269	Business Phone Number: 404644-5595
Name of Licensee: CAFE Phoenicia Hookah Bar LLC.	Home Address:	Home Phone Number:
Name of License Representative: ALi MANSOUR	Home Address: 6203. Merrick Drive Pt. City 30269	Home Phone Number: 404.6445595

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 Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	ADDRESS Please provide Home Addresses for the individuals listed:	PHONE NUMBERS Please provide Home and Business Phone Numbers for individuals listed:
Ali Mansour	6203 Merrick Dr. PTC GA 30269	404-644-5595

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: ______________________________

PEACHTREE CITY
PLAN TO STAY™

CITY HALL
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PEACHTREE CITY, GA 30269
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State of Georgia

City of Peachtree City

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

Ali M. Mansour

6203 Merrick Dr.
Peachtree City, GA 30269

has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendre, 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.

H.C. "Skip" Clark II
Chief of Police

5/11/10
Date

Major RM Dufau
Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO:	**Mayor and City Council**
VIA:	**City Manager** **Interim Community Development Director** David **City Engineer**
FROM:	**Stormwater Manager**
DATE:	**May 12, 2010**
SUBJECT:	**Soil Erosion and Sedimentation Control Ordinance Revisions** *May 20, 2010 City Council Meeting*

Recommendation:

Staff recommends that City Council adopt the attached ordinance revising the current Soil Erosion and Sedimentation Control Ordinance.

Discussion:

In accordance with The Georgia Erosion and Sedimentation Act, Local Issuing Authorities must amend their ordinances within 12 months of amendments occurring to the state Act. As a local issuing authority Peachtree City must make these changes before July 1, 2010.

The attached document outlines the changes made to mimic the state law. The modifications in the document include the addition of several definitions which were previously excluded from the document. The majority of the changes occurring to this document were to better outline the erosion control permit application process as well as the plan requirements. These changes include a more defined plan review timeline, plan requirements, as well as plan design certifications.

Other minor changes include the additions or alterations to references as well as additional clarifications made by staff. All changes have been reviewed by City Staff as well as the City Attorney and are acceptable.

Budget Impact:

There are no budget impacts associated with this revision.

Attachments

cc: File

ORDINANCE NO. ___________

AN ORDINANCE TO AMEND SECTION 1005 OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF PEACHTREE CITY, GEORGIA, TO PROVIDE FOR SOIL EROSION AND SEDIMENTATION CONTROL, AND FOR OTHER PURPOSES, TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Chapter 18 of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, be amended as follows:

Section 1. That Chapter Section 1005 of the Land Development Ordinance of the City of Peachtree City, Georgia, as amended, be deleted in its entirety and replaced with a new Section 1005 as follows:

Sec. 1005. Soil erosion and sedimentation control.

1005.1 Title.

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

1005.2 Definitions.

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

(1) *Best management practices (BMP's):* A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6 subsection (b).

(2) *Board:* The Board of Natural Resources.

(3) *Buffer:* The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

(4) *Certified personnel:* A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

(5) *Commission:* The Georgia Soil and Water Conservation Commission (GSWCC).

(6) *Common Development:* ~~Mean~~ ~~a~~A contiguous area where multiple, separate and distinct construction activities will be taking place a different times on different schedules under one plan of development.

~~(6)~~(7) *CPESC:* Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc. a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

~~(7)~~(8) *Cut:* A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

~~(8)~~(9) *Department:* The Department of Natural Resources. (DNR)

~~(9)~~(10) *Design professional:* A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by a Certified Professional in Erosion and Sediment Control Inc.

~~(10)~~(11) *Director:* The Director of the Environmental Protection Division or an authorized representative.

~~(11)~~(12) *District:* The Towaliga Soil and Water Conservation District.

~~(12)~~(13) *Division:* The Environmental Protection Division (EPD) of the Department of Natural Resources.

~~(13)~~(14) *Drainage structure:* A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

(15) *Ephemeral stream:* ~~means~~ Aa stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow.

~~(14)~~(16) *Erosion:* The process by which land surface is worn away by the action of wind, water, ice or gravity.

~~(15)~~(17) *Erosion, sedimentation and pollution control plan:* A plan required by the Erosion and Sedimentation Act, O.C.G.A Chapter 12-7, that includes as a minimum protection at least as stringent as the State General Permit, best management practices, and requirements in section

1005.4 (c)~~IV.C.~~ of this ordinance.

~~(16)~~(18) *Fill:* A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

~~(17)~~(19) *Final stabilization:* All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region including grass. Final stabilization applies to each phase of construction.

~~(18)~~(20) *Finished grade:* The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

~~(19)~~(21) *Grading:* Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

~~(20)~~(22) *Ground elevation:* The original elevation of the ground surface prior to cutting or filling.

~~(21)~~(23) *Land-disturbing activity:* Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, building/structure construction, and filling of land but not including agricultural practices as described in~~I~~ Section 1005.3 ~~III,~~ Paragraph 5.

~~(22)~~(24) *Larger common plan of development or sale:* A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; a piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

~~(23)~~(25) *Local issuing authority:* The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. § 12-7-8.

~~(24)~~(26) *Metropolitan River Protection Act (MRPA):* A state law referenced as O.C.G.A. § 12-5-440 et. seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

~~(25)~~(27) *Natural ground surface:* The ground surface in its original state before any grading, excavation or filling.

~~(26)~~(28) *Nephelometric turbidity units (NTU):* Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

~~(27)~~(29) *NOI:* A Notice of Intent form provided by EPD for coverage under the State General Permit.

~~(28)~~(30) *NOT:* A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

(29) *Operator:* The party or parties that have:

(A) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or

(B) Day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

(30) *Outfall:* The location where storm water in a discernable, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

(31) *Permit:* The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

(32) *Person:* Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

(33) *Phase of phased:* Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

(34) *Primary Permittee:* ~~Means t~~The Owner or Operator or both of a tract of land for a construction project subject to the Permits.

~~(34)~~(35) *Project:* The entire proposed development project regardless of the size of the area of land to be disturbed.

(36) *Project Site:* Any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

~~(35)~~(37) *Properly designed:* —Designed in accordance with design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission and in effect as of January 1 of the year in which the land-disturbing activity was permitted and amendments to Manual as approved by the Commission up until the date of NOI submittal

~~(36)~~(38) *Roadway drainage structure:* A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

(39) *Secondary Permittee:* ~~Means~~ Aan owner, individual builder, utility contractor that conducts a construction activity within a Common Development.

~~(37)~~(40) *Sediment:* Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

~~(38)~~(41) *Sedimentation:* The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

~~(39)~~(42) *Site Activity*: ~~Means a~~All activity on the site to include but not limited to Land Disturbing, Site Work, and Building Construction of any type

~~(40)~~(43) *Soil and Water Conservation district approved plan:* An erosion sedimentation and pollution control plan approved in writing by the Towaliga Soil and Water Conservation District.

~~(41)~~(44) *Stabilization:* The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

~~(42)~~(45) *State general permit:* The National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

~~(43)~~(46) State waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

~~(44)~~(47) *Structural erosion and sedimentation and pollution control practices:* Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia.*

(48) *Surface mining:* The same as defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968".

(49) *Tertiary Permittee:* ~~Means e~~Either the Owner or Operator of a remaining lot(s) within a Common Development where the Primary Permittee and all Secondary Permittees have submitted a Notice of Termination in accordance with the Permit.

~~(45)~~(50) *Trout streams:* All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

~~(46)~~(51) *Vegetative erosion and Sedimentation control measures:* Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

a. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or

b. Temporary seeding, producing short-term vegetative cover; or

c. Sodding, covering areas with a turf of perennial sod-forming grass.

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

~~(47)~~(52) *Watercourse:* Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

~~(48)~~(53) *Wetlands:* Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

1005.3 Exemptions.

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

(1) Surface mining~~, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968".~~

(2) Granite quarrying and land clearing for such quarrying;

(3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;

(4) The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not; otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet; and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;

(5) Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to

cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

(6) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV C of this section, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;

(7) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NCRS) of the United States Department of Agriculture;

(8) Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;

(9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations

by permit holders;

(10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

(11) Any public water system reservoir.

1005.4 Minimum requirements for erosion sedimentation and pollution control using best management practices.

(a) *General provisions.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if the requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section 1005.4(b) & (c) of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

(b) Minimum requirements/BMPs.

(1) Best management practices as set forth in Section 1005.4(b) & (c) ~~Section IV B. & C.~~ of this ordinance -shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge

of stormwater issued pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act." As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia specified in O.C.G.A. § 12-7-6 subsection (b).

(2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.

(3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of § 12-5-30, the "Georgia Water Quality Control Act," for each day on which such failure occurs.

(4) The director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

(5) The LIA may set more stringent buffer requirements than stated in Section 1005.4(c)15 & ~~C.15. and~~ 16., in light of O.C.G.A §12-7-6 (c).

(c) The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

(1) Stripping of vegetation, regrading and other development activities

shall be conducted in a manner so as to minimize erosion;

(2) Cut-fill operations must be kept to a minimum;

(3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;

(4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;

(5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

(6) Disturbed soil shall be stabilized as quickly as practicable;

(7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

(8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

(9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et. seq.;

(10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

(11) Cuts and fills may not endanger adjoining property;

(12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

(13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;

(14) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 1005.4(b)~~Section IV B. 2.~~ of this ordinance;

(15) Except as provided in paragraph (16) of this subsection, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures

are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. ~~As used in this provision, the term 'ephemeral stream' means a stream; that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow. (Term should be defined under 1005.2, not here.)~~ Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act," shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

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

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

   (i) Stream crossings for water lines; or

   (ii) Stream crossings for sewer lines; and

(16) There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at

the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

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

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

(i) Stream crossings for water lines; or

(ii) Stream crossings for sewer lines.

(d) -T~~Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section IV B. & C. of this ordinance. We are the local issuing authority.~~

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

1005.5 Application/permit process.

(a) *General.* The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The

Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.

(b) *Application requirements.*

(1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the city without first obtaining a permit from the building department to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.

(2) The application for a permit shall be submitted to the building department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V C. of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of <u>Section 1005.4(b) & (c)</u> ~~Section IV B. & C.~~ of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by three full-size printed copies and one 8-1/2" × 11" reduced copy of the applicant's erosion, sedimentation and pollution control plans, and an appropriate and properly filled out Georgia EPD Erosion Sedimentation & Pollution Control Plan Checklist. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

(3) <u>A fee, shall be charged in the amount set forth in the current Peachtree City Fee Schedule</u>

<u>(4)</u> In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed $80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.

(<u>5</u>~~4~~) Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 34 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 1005.4~~IV C.~~(c)~~-~~15 & 16~~.~~ has been obtained, all fees have been paid and bonding, if required as per Section 1005.5~~V B~~(b)~~.~~ 6~~.~~, have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.

(6) If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Local Issuing Authority may ~~deny the permit application~~require a bond as outlined in section 1005.5(b)7 of this ordinance prior to approving the permit application.

(7) The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

(c) *Plan requirements.*

(1) Plans must be prepared to meet the minimum requirements as contained in Section 1005.4~~IV~~(b) & (c)~~ B. & C~~. of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring or inspections or any land disturbing activity shall meet the education and

training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.

(2) Data required for site plan shall include all the information required from the appropriate Erosion, Sedimentation & Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

(d) *Permits.*

(1) Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

(2) No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with the ordinance, any variances required by Section ~~IV-~~1005.4(c)~~C.~~ 15~~.~~ & 16~~.~~ are obtained, bonding requirements, if necessary, as per Section V B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

(3) Any land-disturbing activities by a Local Issuing Authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the Local Issuing Authority.

(4) If the tract is to be developed in phases, then a separate permit, and plan shall be required for each phase.

(5) The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

(6) The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

1005.6 Inspection and enforcement.

(a) The Engineering Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this section, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this section.

(b) This ordinance shall be amended~~The Local Issuing Authority must amend its ordinances~~ to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.

(c) The Engineering Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

(d) No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

(e) The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

(F) The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

1005.7 Penalties and incentives.

(a) *Failure to obtain a permit for land-disturbing activity.* If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.

(b) *Stop-work orders.*

(1) For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have not more than five days to correct the violation. If the violation is not corrected within five days the Director or the Local Issuing Authority shall issue a stop-work order requiring that all site activities, including building construction that would not result in a safety issue, be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;

(2) For a third and each subsequent violation, Director or the Local Issuing Authority shall issue an immediate stop-work order for all site activities, including building construction that would not result in a safety issue, and may require an increase in the bond posted by the application to ensure compliance with the approved plan; and; ~~and;~~

(3) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

(4) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity, on the site

with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

(c) *Bond forfeiture.* If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section V B. 6. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

(d) *Monetary penalties.* Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this section, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed $2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this section shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

1005.8 Education and certification.

(a) *Education requirements.* Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

(b) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

(c) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.

(d) If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

1005.9 Administrative appeal/judicial review.

(a) *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the City Council within 30 days after receipt by the Local Issuing Authority of written notice of appeal.

(b) *Judicial review.* Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal ~~denovo~~ to the Superior Court of Fayette County by Writ of Certiorari.

1005.10 Effectivity, validity, and liability.

(a) *Effectivity.* This section shall become effective on the 1st day of July, 20~~04~~10.

(b) *Validity.* If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

(c) *Liability.*

(1) Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.

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

(3) No provision of this section shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

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

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

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

This _________ day of ____________________ 2010.

____
Don Haddix, Mayor

____

____

____

____

Attest: ______________________________
City Clerk

POSITION PAPER

Proposed Variance: 614 Wingspread
Bexley residence

Interim Community Development Director/ City Planner/ Zoning Administrator
City Engineer
May 12, 2010

Situation:

Mr. and Mrs. Bill Bexley (Applicant) own the property located at 614 Wingspread within the Interlochen subdivision and desire to construct a pool and associated deck on the rear of their home. The subject tract is 1.078 acres in size and is zoned R-22 Residential. The property abuts Lake Kedron.

The final plat for Phase 2 of the Interlochen subdivision was platted on May 10, 1993. The subject plat was recorded identifying a 25' undisturbed natural vegetative buffer and a 25' additional buffer on the lots adjoining Lake Kedron.

It should be noted this plat appears to have been recorded in error, as the city's Water Resource Protection Ordinance was amended on September 20, 1990 to require an undisturbed buffer of 100' as measured from the normal pool elevation plus an additional 50' no impervious setback (total of 150' as measured from the normal pool elevation). These setbacks should have been applicable to each of the lots within the Interlochen subdivision that abut Lake Kedron as they were being developed.

The minimum front building setback within the R-22 zoning district is 50', and the minimum lot width is 120'. The portion of the Applicant's property abutting Wingspread is 61.85'. Because the subject tract is irregularly (pie) shaped, the front building setback is established by the depth that will create the minimum lot width along the front building setback line. In this case, the front building setback for the subject tract was established at 110' from the front property line. Because of this requirement, the Applicant's home was constructed much further from Wingspread than the adjoining, rectangular-shaped parcels.

Based on the required front building setback and the required watershed protection buffers, it is possible the subject tract would be deemed unbuildable if these were imposed on the property prior to being developed.

The Applicant is proposing to construct a retaining wall and raised deck on the rear of the home to accommodate a swimming pool, pool deck and outdoor kitchen. Because of the topography of the lot, the Applicant is proposing a two-level deck and patio, which would allow access to these areas from both levels of the existing home.

When the home was constructed, the former owners installed a timber retaining wall along the existing sanitary sewer easement and filled this area to create a level area behind the home. The existing retaining wall is rotting and failing in several locations and is in need of repair. The Applicant is proposing to replace the existing timber wall with a poured concrete retaining wall, which would allow them to construct their pool and other amenities. The new retaining wall would extend no further than the existing timber wall, and in some cases, would actually be less of an encroachment into the required buffer.

In order to accommodate this construction, the Applicant is requesting a variance from Section 1004(4)a. and b. of the Watershed Protection Buffer Ordinance.

A copy of the variance application is included as Attachment "A".

Facts:

1. The city's Water Resource Protection Ordinance was amended on September 20, 1990 to require an undisturbed buffer of 100' as measured from the normal pool elevation plus an additional 50' no impervious setback (total of 150' as measured from the normal pool elevation).

2. The final plat for Phase 2 of the Interlochen subdivision was approved on May 10, 1993. The plat was recorded identifying a 25' undisturbed natural vegetative buffer and a 25' additional buffer on the lots adjoining Lake Kedron.

3. A 20' wide sewer easement bisects the property and is located approximately 18' behind the existing structure.

4. The R-22 zoning district requires a minimum front building setback of 50' and a minimum lot width of 120'. Because Lot 17 is pie-shaped and the lot width at the street is less than 120', the front building setback is established by the depth that will create the minimum lot width along the front building setback line. The front building setback for the subject tract was established at 110' from the front property line.

5. The Building Permit for the home on Lot 17 was issued on December 15, 1993, and the Certificate of Occupancy was issued on November 13, 1994.

6. Taking into consideration the existing sanitary sewer easement, the required watershed protection buffers (150') and the required front building setback (110'), it is unlikely the existing home could have been constructed on the property without securing variance(s) from these required setbacks.

7. The Applicant is proposing to replace an existing timber retaining wall at the rear of the home with a poured concrete retaining wall. The new retaining wall would extend no

further than the existing retaining wall and, in some cases, would actually decrease the encroachment into the established watershed protection buffer.

Discussion:

The final plat for Phase 2 of the Interlochen subdivision appears to have been recorded in error, as it does not comply with the watershed protection buffers that were established at the time. Nonetheless, all but one of the lots within Interlochen that abut Lake Kedron are developed.

The Applicant is not the original owner of the home. They desire to replace an existing timber retaining wall within the rear of the home with a poured concrete wall and construct a swimming pool, outdoor kitchen, trellis, deck and other amenities. The outdoor spaces would be accessible from different levels of the existing home.

Because of the shape of the subject tract, the front building setback was increased from 50' to 110', which in essence required the home to be constructed 'down the hill' and closer to Lake Kedron. The rear of the home is approximately 18' from an existing sanitary sewer easement. The existing timber retaining wall does not encroach into the sanitary easement.

The existing home, including the timber retaining wall, currently encroach into the established 50' no impervious setback. The Applicant is proposing to replace the existing timber retaining wall with a poured concrete wall, which would not encroach any further into this buffer. In order to do so, a variance must be granted.

Review criteria:

Based on the review criteria established within Section 1207 of the city's Zoning Ordinance, City Council shall not grant the request unless all of the following findings can be made:

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

Staff findings:

- *The plat for the subject tract was platted in error and did not identify the required watershed protection buffers. These buffers include a 100' undisturbed natural buffer and a 50' no impervious setback as measured from the normal pool elevation of Lake Kedron.*

- *The minimum front building setback within the R-22 Residential zoning district is 50'. Because of the irregular shape of the subject tract, the front building setback is established at 110'.*
- *The front building setback, in addition to the watershed protection buffers, would possibly deem the subject tract as unbuildable.*
- *The Applicant is proposing to replace an existing timber retaining wall with a poured concrete wall, which would allow them to construct a swimming pool and other amenities on the rear of the home.*

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

Staff findings

- *The plat for the subject tract was platted in error and did not identify the required watershed protection buffers. These buffers include a 100' undisturbed natural buffer and a 50' no impervious setback as measured from the normal pool elevation of Lake Kedron.*
- *The existing home encroaches approximately 20' into the 50' no impervious setback.*
- *The minimum front building setback within the R-22 Residential zoning district is 50'. Because of the irregular shape of the subject tract, the front building setback is established at 110'.*
- *The existing home complies with all required building setbacks.*
- *In order to comply with the watershed protection ordinance, the home would have to be torn down and reconstructed or significantly remodeled to remove the rear 20' of the structure.*

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

Staff findings

- *The plat for the subject tract was platted in error and did not identify the required watershed protection buffers. These buffers include a 100' undisturbed natural buffer and a 50' no impervious setback as measured from the normal pool elevation of Lake Kedron.*
- *The existing home encroaches approximately 20' into the 50' no impervious setback.*

- *The watershed protection buffers impact a total of sixteen (16) lots within Interlochen that abut Lake Kedron. All but one of these lots is developed.*
- *It is difficult to say whether or not these sixteen (16) lots would be impacted without an Engineering study and associated survey to determine existing conditions in comparison with these required buffers. To date, there have been no requests from these property owners for expansions on the rear of their home.*
- *In addition to the existing encroachment by the home (approximately 22'), the proposed construction would encroach an additional 18' into the required no impervious setback.*

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

Staff findings

- *Because the plat was recorded in error and all but one of the lots abutting Lake Kedron have been developed, it is likely this issue may come up again should any of these lots submit plans for expansions, renovations, etc. The topography and shape of this lot, however, does make it a unique situation, particularly when the required front building line is taken into consideration. As a result of that building line being moved back to 110', the house was constructed further back in the lot than what would have been required under the applicable regulations. This has a corresponding impact on the potential encroachment into the buffers adjacent to the lake.*
- *All but two (2) of these lots are somewhat rectangular in shape, but it is unclear if these lots would be impacted without an Engineering study and associated survey to determine existing conditions in comparison with these required buffers.*
- *It does appear that most of the homes constructed on the lots that are rectangular in shape have complied with the 50' front building setback.*
- *The proposed construction would not impact either of the homes that adjoin the subject tract.*

(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.

Staff findings

- *Phase 2 of the Interlochen subdivision was recorded in error. Because of this, each of the developed lots that abut Lake Kedron was developed in accordance with watershed protection buffers that do not comply with the regulations adopted by the city at the time.*
- *The intent of these buffers is to protect drinking water reservoirs. While all but one of the lots abutting Lake Kedron have been developed, it does not appear there have been any issues with silt or other contaminants entering the lake from these lots.*

- *The Applicant is proposing to reconstruct an existing retaining wall and an outdoor living area, to include a swimming pool, trellis, deck and outdoor patio.*
- *The Applicant has provided letters of support from both adjoining property owners indicating their support in granting the variance request.*

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

Staff findings:

- *The current comprehensive plan includes language pertaining to protection of natural resources.*
- *The discussions pertaining to the update to the city's comprehensive plan included a need to include provisions to protect the character of existing neighborhoods as well as to encourage redevelopment and reinvestment within these neighborhoods.*
- *The Applicant desires to enhance his property with this addition.*
- *There will be no detrimental impact to the existing home or the neighborhood.*

Recommendation:

Staff recommends that the variance be approved subject to the following understandings and conditions:

1. *A plat of the subject tract shall be provided which indicates the appropriate watershed protection buffers (100' undisturbed vegetation buffer and 50' no impervious buffer). The plat must clearly identify the encroachment of the existing home as well as the new retaining wall.*
2. *The variance shall be limited to an encroachment of 48' into the 50' no impervious buffer as shown on the Pool, Terrace and Deck Design for The Bexley Residence prepared by William J. Dougherty (dated December 10, 2007). There shall be no other encroachments permitted without first securing additional variances.*
3. *A Foundation Survey shall be provided as a part of the Building Permit process identifying the existing encroachment.*
4. *Following completion of construction and prior to issuance of the Certificate of Occupancy, the Applicant shall provide a revised Foundation Survey to the Building Official identifying the location of the new construction. The purpose of this survey will be to ensure the new construction does not encroach any further into the no impervious setback than permitted by this variance.*

Attachments

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

PEACHTREE CITY

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 # 171293
Date Filed 04 / 15 / 10
Case # V-2010-03
Office Use Only

VARIANCE LOCATION

Street Address 614 Wingspread
Peachtree City, GA 30269

Zoning District:
☒ Residential ☐ Multi-Family ☐ Commercial\Industrial\Office

Variance Type:
☐ **Administrative** ☐ **Special Exception** ☒ **Variance** (check one below)

Variance from which ordinance:
☐ Sign ☐ Fence ☒ Land Development ☐ Zoning

PROPERTY OWNER

Name Robert and Daye Bexley
Phone 770-486-1564
Email dbbex@comcast.net

PROPERTY INFO

Subdivision: Interlochen
Phase: II Lot # 17

APPLICANT

Name Robert and Daye Bexley
Address 614 Wingspread
City, State, Zip Peachtree City, GA 30269
Phone # 770-486-1564
Email dbbex@comcast.net

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)

ADMINISTRATIVE VARIANCE

1.) Is a current survey included with the application? ☐ Yes ☐ No
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 ______

Briefly describe why this variance is being requested:
(A separate detailed report is still required to be attached to this application)

SPECIAL EXCEPTION

1.) Is a current survey included with the application? ☐ Yes ☐ No
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? ______

Briefly describe why this variance is being requested:
(A separate detailed report is still required to be attached to this application)

VARIANCE

Please review the ordinances and instructions on the back of this page.

1.) Is a current survey included with the application? ☒ Yes ☐ No
2.) How much of a variance is being requested? 55 Feet
3.) Were you the owner of the property when the violation occurred? (If not, who was?) ☐ Yes ☒ No

Briefly describe why this variance is being requested:
(A separate detailed report is still required to be attached to this application)
see attached

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: Robert A. Bexley / Daye Bexley Date 4-13-10 4-13-10

OFFICE ONLY

ADMINISTRATIVE VARIANCE

Signature: ______
Date of Acceptance: ______ Date of Hearing: ______ ☐ **Approved** ☐ **Denied** ☐ **Approved with Conditions**

SPECIAL EXCEPTIONS & VARIANCE FROM ORDINANCES

This application, along with the required fee and all necessary supplemental documents, has been properly submitted and is herby 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: David E. Rast Date of Acceptance: 04-16-10 Date of Public Hearing: 05-06-10

Attachment "A"

VARIANCE & APPEALS ORDINANCE

For the complete Variance Ordinance please reference Appendix A Zoning, Article XII 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:

(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.

Sec. 1203. Variance type.

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

(a) Administrative variance.

(b) Special exception variance.

(c) 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:

(a) The request only pertains to a zoning setback requirement;

(b) The request only pertains to an existing setback violation;

(c) The request is for an encroachment that would not exceed 25 percent of the required setback, up to a maximum of ten feet;

(d) The setback violation being requested has been existing for at least one year; and

(e) 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) 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.

(b) 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.

(c) An increase in the maximum height of a fence or wall; provided that:

(1) 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;

(2) Such greater height is justified by requirements for security of persons or property in the area;

(3) Such greater height is justified for topographic reasons; or

(4) 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:

(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; and

(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.

(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.

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.

(a) 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.

(b) There shall be no variances to the minimum lot area or the minimum district size requirements in each zoning district.

(c) There shall be no variances to the minimum lot frontage on a street as required in designated zoning districts.

(d) 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.

(e) 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.

(a) Action shall not be initiated on the same appeal by the same applicant more than once in every 12 months.

(b) Any communication relative to an appeal will be regarded as information only until a proper application is filed with the city clerk.

(c) An application fee, as established within the city's schedule of fees, shall accompany each request for appeal.

(d) Before acting on any appeal, the city council shall hold a public hearing as described herein.

(e) 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.

(f) 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: 1. Name of the project, address, boundaries, date, north arrow, and scale. 2. 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. 3. The location of steep slopes, significant stands of trees; creeks, watercourses, stormwater detention and drainage ways, floodplains, and any environmentally sensitive features. 4. A description, rendering or drawing of the general characteristics of the proposed buildings, landscaping, and buffering. 5. 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.

STATEMENT OF WHY VARIANCE IS REQUESTED

The applicants are seeking a 55-foot variance from Section 1004 of Article X of the Peachtree City Code of Ordinances. Specifically the applicants desire to construct a swimming pool within 150 feet of the normal pool elevation of Lake Kedron. This variance is necessary because of the reasons which will be discussed more fully below. The subject property is located on Lot 17 in the Interlochen Subdivision, Phase II. The applicants did not construct the home. It was been built in approximately 1994 and purchased by the applicants in 2004. It is located on Lake Kedron.

When the subject property was platted, imposed upon it was a 110-foot building setback from the road. A setback this great was not, to our understanding, imposed upon other neighboring similar lots. The plat of the applicants' subdivision phase on file with the Clerk of Superior Court at Book 23 Pages 166-167 shows that the Lot 18, which is immediately adjacent to the subject property to the west, has a front building setback of 72 feet. A copy of the plat is included herewith. That plat further shows that Lot 16, which is immediately adjacent to the subject property to the east, has no front building setback. Both Lots 18 and 16 are also located on Lake Kedron. The applicants' home was constructed by the original owners in compliance with this 110-foot setback. The construction included a retaining wall in the backyard, which may be seen on the plat included with this application, which is approximately 105 to 110 feet, depending on the portion of the wall from the shoreline of Lake Kedron. As may also be seen on the plat, the retaining wall encroaches upon a sanitary sewer easement as well. This, too, was not done by the applicants.

Subsequent to the construction of the home, the City enacted the ordinance requiring a 150-foot setback from certain waters, to include Lake Kedron. This resulted in approximately ¼ - ½ of the residence located on the subject property being within the 150-foot setback, as well as almost ½ of the entire lot itself. Therefore, there is not adequate space within which to construct basically anything at all on the subject property and be in compliance with the both the 110-foot and the 150-foot setback. Enclosed is a copy of the construction plans which has been marked to show how the setbacks affect the subject property.

The applicants wish to construct a swimming pool in the area between the existing house and existing retaining wall as shown on the plat. It is important for your consideration to understand that nothing is going to be constructed beyond the original retaining wall as it sits today. In fact, in conjunction with the construction of the pool, the applicants are going to replace the retaining wall and move it slightly further away from Lake Kedron and off of the sanitary sewer easement. The pool will be constructed entirely within the existing area behind the retaining wall in the yard as it currently exists. Nothing will be constructed beyond the retaining wall. As such, there would be less encroachment into the 150-foot buffer than exists today by the current use. We have included in this application photographs showing where the pool will be located. It is also important to understand that the construction plans will result in a $300,000.00 improvement to the applicants' house, which, of course, improves the neighborhood and community as far as home values go.

There are at least two other houses on the applicants' street with swimming pools which face Lake Kedron and which are approximately 100 feet from the shoreline. We further understand that there are other houses on Lake Kedron with pools facing the lake with distances that are equal to in, or closer than, the distance to the shoreline compared with the plan proposed by the applicants.

The applicants have neighbors on each side of their property. Both of the neighbors have signed a statement stating that they do not object to the variance. A copy of the statement has been included with this request.

As far as the history which leads to this application, in late 2005, the applicants began their plans for constructing a pool in their backyard. At some time in 2006, the applicants began talking with various individuals with the City's Planning and Building Departments to get an idea of what might be required of them in order to construct the pool. As set forth above, the applicants' construction plans were going to be approximately $300,000.00, so no action was taken at this time, as they had to save up money so that they could construct the pool.

In 2008, the applicants felt that they were in a position to move forward with the construction of the pool. The applicants had their plans approved by the various City departments and obtained a building permit in 2008. Unfortunately, one of the applicants, Daye Bexley was diagnosed with a portal vein aneurysm, a serious illness, and plans to begin construction of the pool were put aside so as to tend to her health needs.

In late 2009, the applicants felt that they were again in a position to move forward with the construction of the pool. They again approached the City about constructing the pool and obtained another building permit on March 11, 2010. During construction of the pool, the building inspector came to inspect the silt fences which were installed. The building inspector advised that the silt fences were fine, however, that a portion of the construction was located within the 150 setback from the shore line of Lake Kedron. Upon learning such, applicants immediately ceased construction and began the process of seeking this variance. The applicants are seeking a 55-foot variance from Section 1004 of Article X of the Peachtree City Code of Ordinances. Also important for your consideration is that the applicants have to date spent approximately $35,000.00 towards the construction of the pool.

The facts and circumstances of this application fall squarely within Section 1207 of the City's zoning ordinance which sets forth the requirements for variances. There are special circumstances applicable to the subject property relative to its location, shape, size and surroundings to which a strict application of the zoning ordinance would result in a denial of privileges enjoyed by other properties in the vicinity under identical zoning classifications. A strict interpretation and application of the zoning ordinance would result not only in practical difficulties in, but outright prohibition of the use of more than ¾ of the subject property. This, of course, would result in a hardship inconsistent with the general purpose and intent of the City's Zoning Ordinance and would deprive the applicants of privileges enjoyed by others in similar circumstances. The front building setback of 110-feet, taken together with the later adopted 150-foot setback, has created an exceptional and extraordinary circumstance and condition to the subject property which precludes the applicants from complying with the zoning ordinance which would not apply to other properties. The granting of this variance would not constitute the granting of special privileges inconsistent with the limitations on other properties in the same zoning district. The grant of the variance would likewise not be materially detrimental to the public health, safety or the general welfare, nor injurious to property or improvements in the neighborhood in which the subject property is located. Finally, the granting of the variance would not create any inconsistencies with any objective of the comprehensive plan.

As such, the applicants respectfully submit that the requested variance is appropriate.

STATEMENT OF SUPPORT FROM NEIGHBORS

To Whom It May Concern,

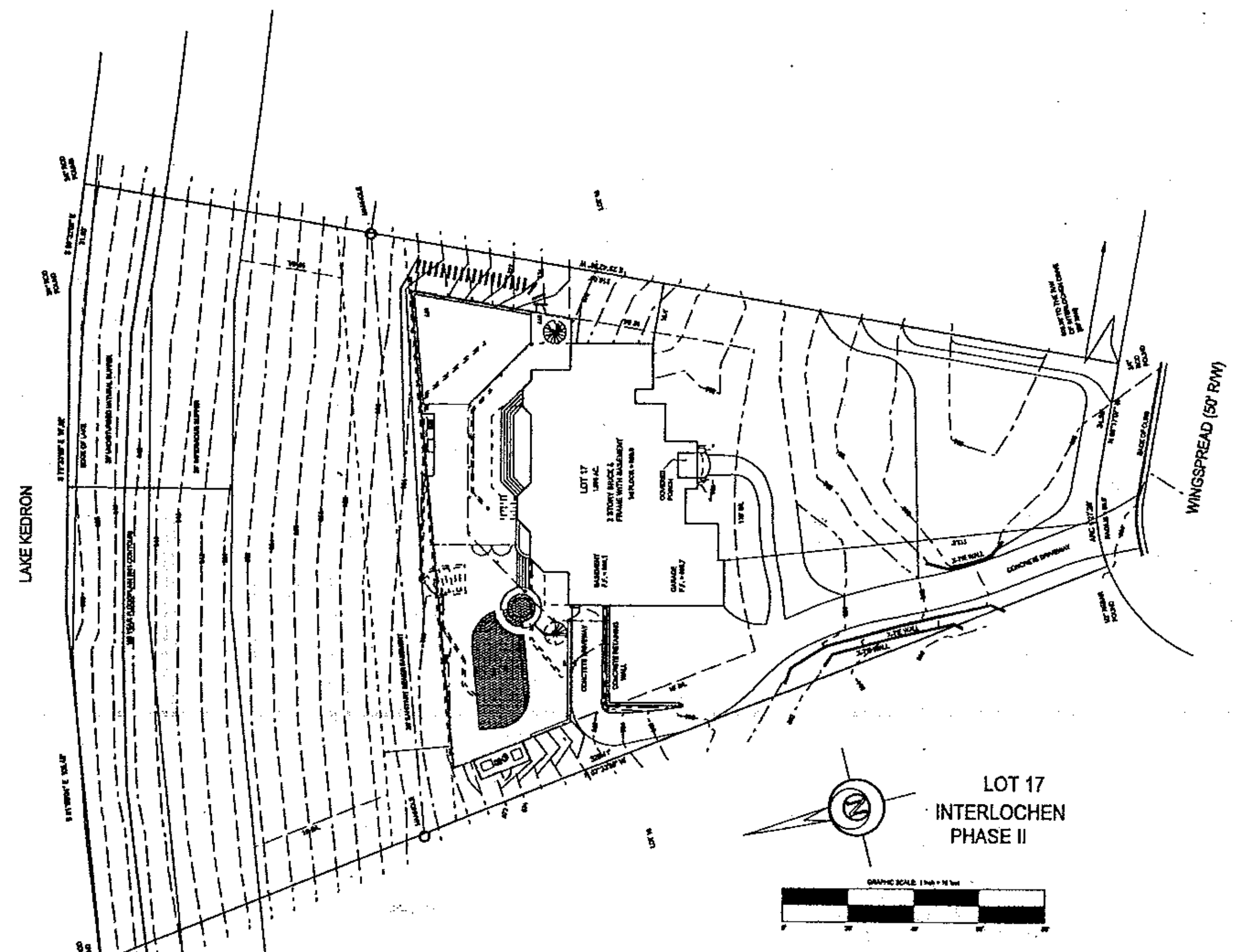
This is to confirm that the neighbors below support the Variance Request being sought by Bob and Daye Bexley at 614 Wingspread in Peachtree City, GA for the construction of their backyard project.

Sincerely,

Neighbor's Name	**Signature**	**Date**
Tim and Susan Parker	Susan Parker	4/12/10
Jerry and Julie Peterson	Jerry Peterson	4/12/10
	Julie Peterson	4.12.10

CONSTRUCTION PLANS AND DEMONSTRATION OF HOW SETBACKS AFFECT SUBJECT PROPERTY

CONDENSED SET OF CONSTRUCTION PLANS



SITE PLAN

SCALE 1/8"=1'-0"

REVISIONS

WILLIAM J. DOUGHERTY ~ ARCHITECT

POOL, TERRACE AND DECK DESIGN FOR

THE BEXLEY RESIDENCE

614 WINGSPREAD, PEACHTREE CITY, GEORGIA

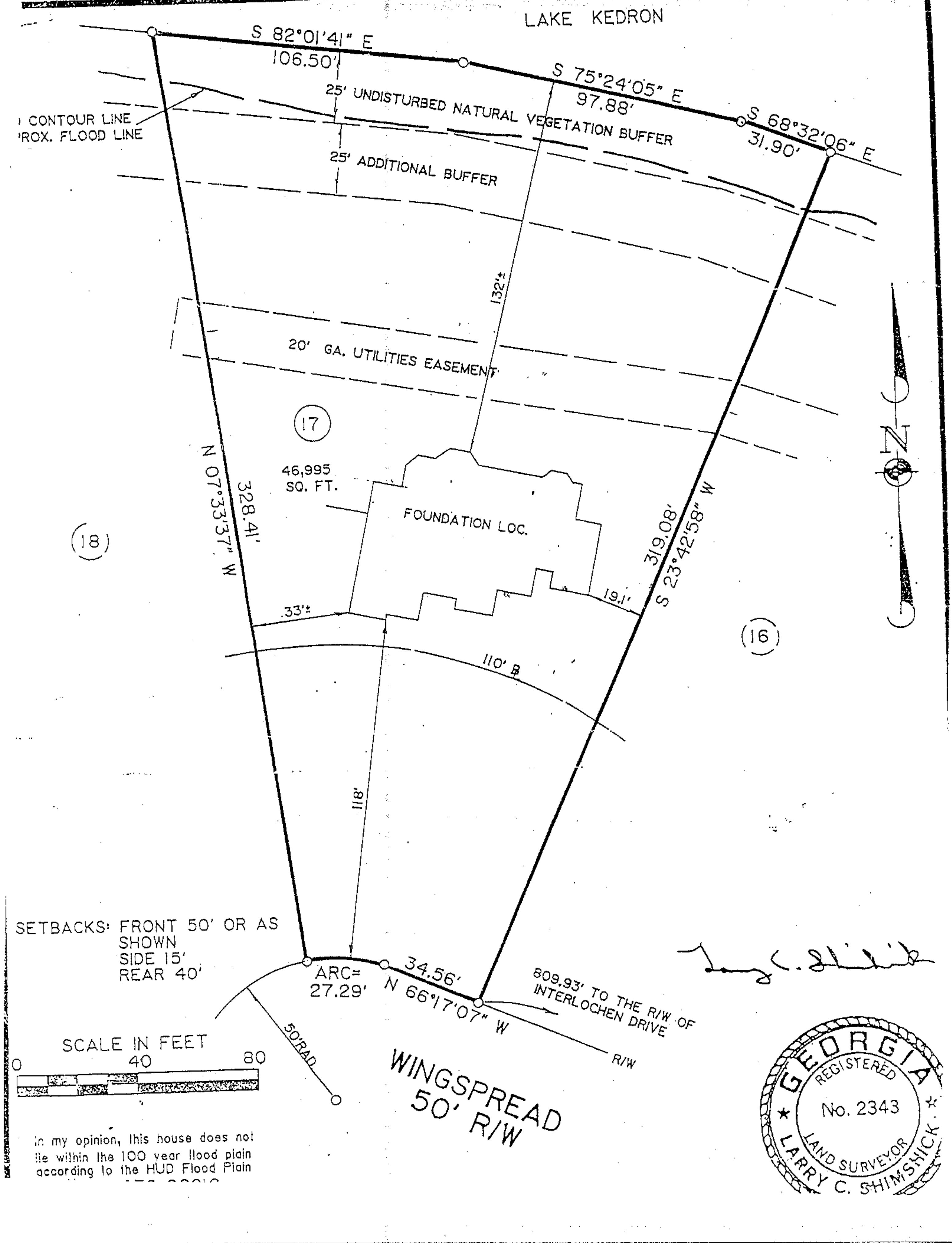
DATE	12/19/97
DRWN.	W.J.D.
CHKD.	
JOB NO.	

DRAWING OF

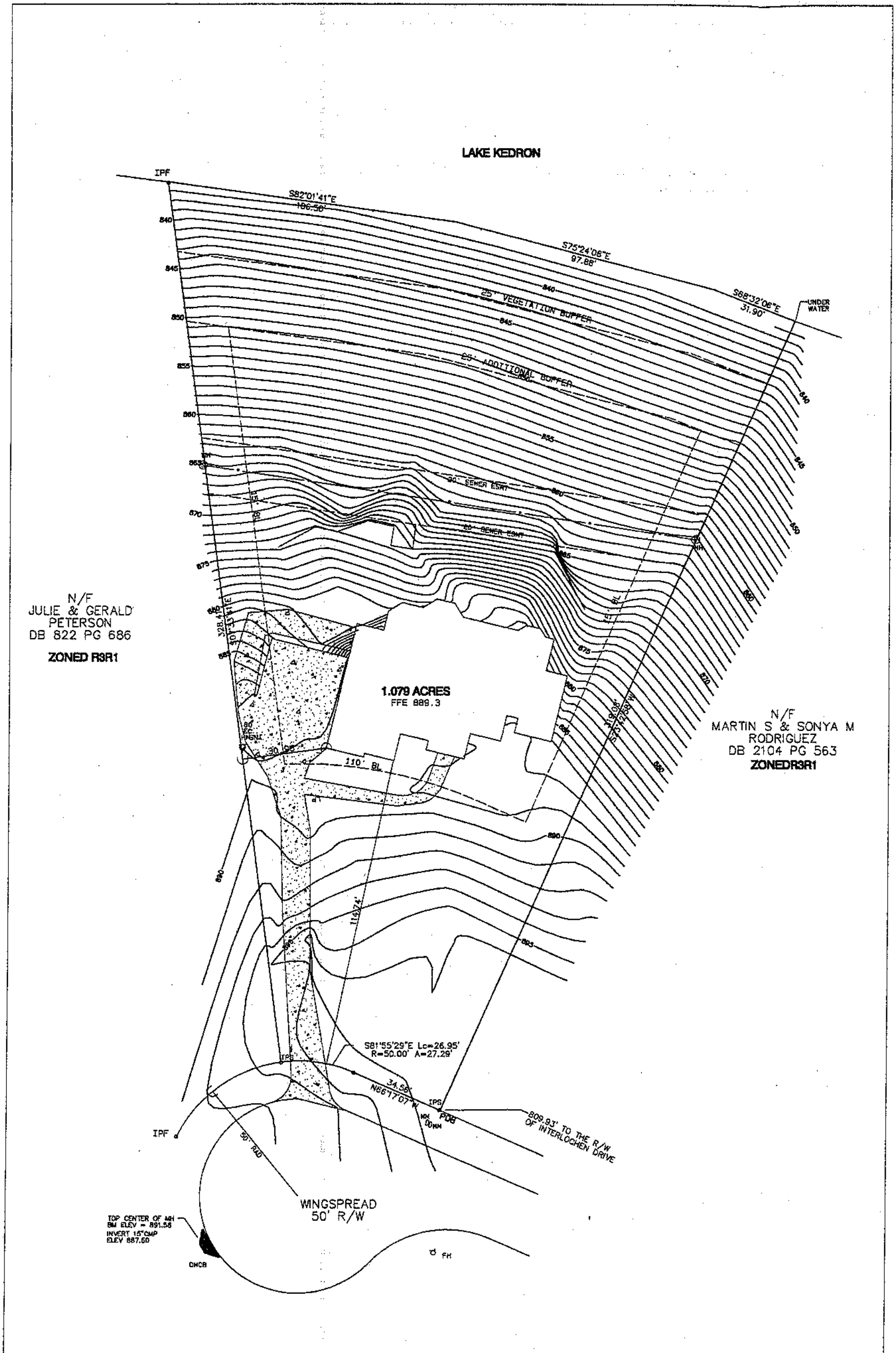
C-1

SHEET OF

RELEASED FOR CONSTRUCTION



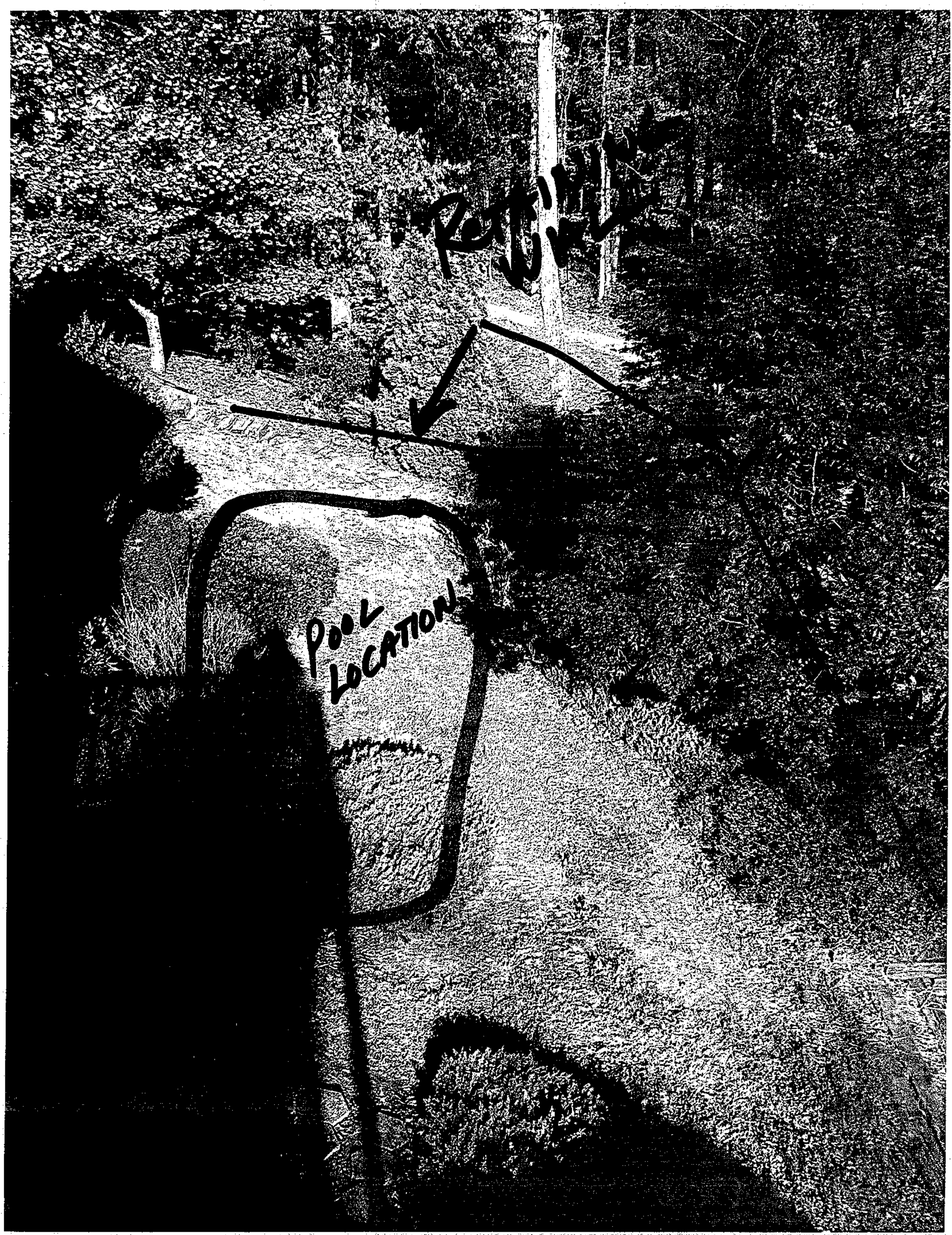
LAKE KEDRON
S 82°01'41" E
106.50'
S 75°24'05" E
97.88'
S 68°32'06" E
31.90'
25' UNDISTURBED NATURAL VEGETATION BUFFER
25' ADDITIONAL BUFFER
CONTOUR LINE
ROX. FLOOD LINE
132'±
20' GA. UTILITIES EASEMENT
17
46,995
SQ. FT.
FOUNDATION LOC.
18
16
N 07°33'37" W
328.41'
319.08'
S 23°42'58" W
33'±
19.1'
110' B
118'
SETBACKS: FRONT 50' OR AS
SHOWN
SIDE 15'
REAR 40'
ARC=
27.29'
34.56'
N 66°17'07" W
809.93' TO THE R/W OF
INTERLOCHEN DRIVE
R/W
50'RAD
SCALE IN FEET
0
40
80
WINGSPREAD
50' R/W
N
GEORGIA
REGISTERED
No. 2343
LAND SURVEYOR
LARRY C. SHIMSHICK
In my opinion, this house does not
lie within the 100 year flood plain
according to the HUD Flood Plain

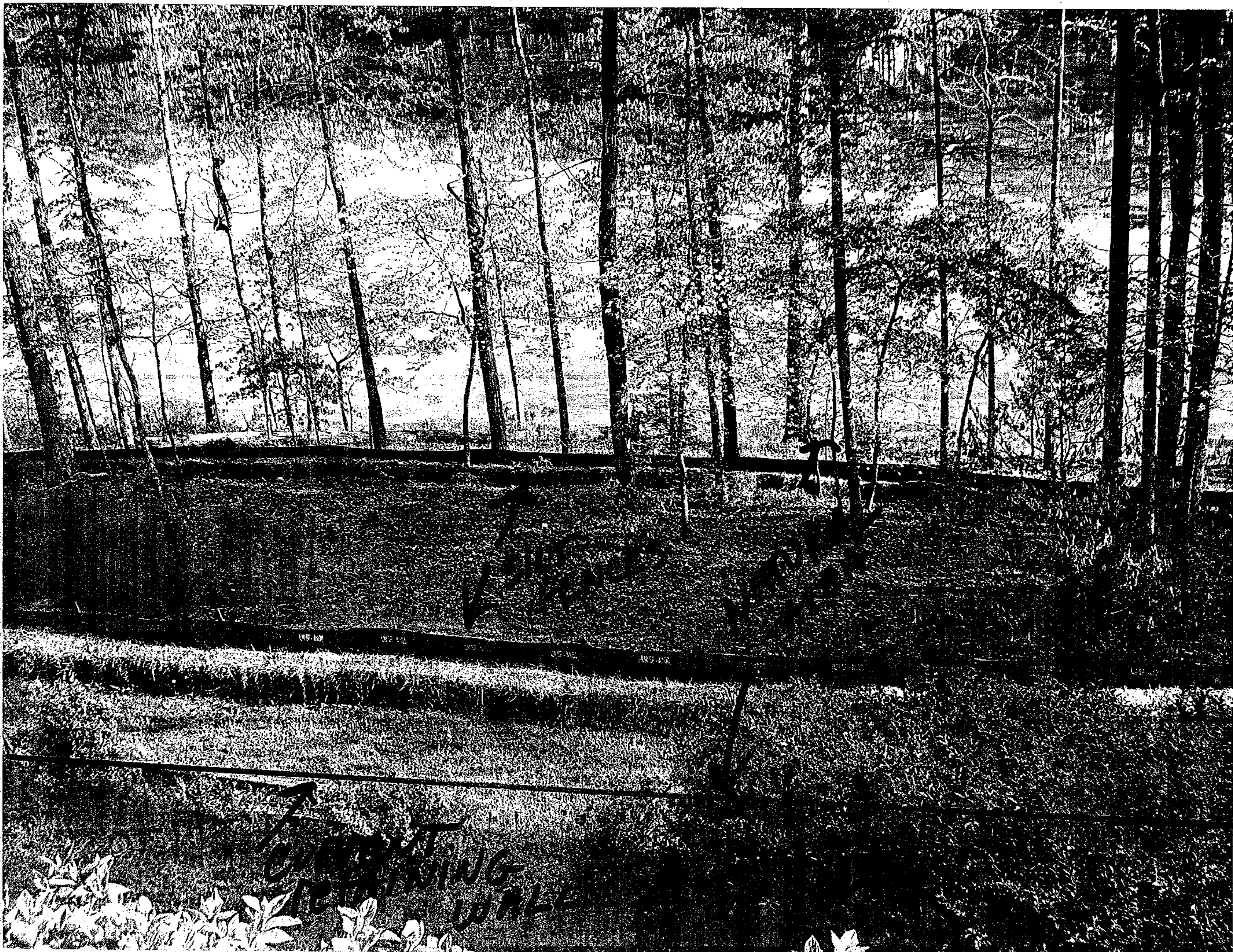


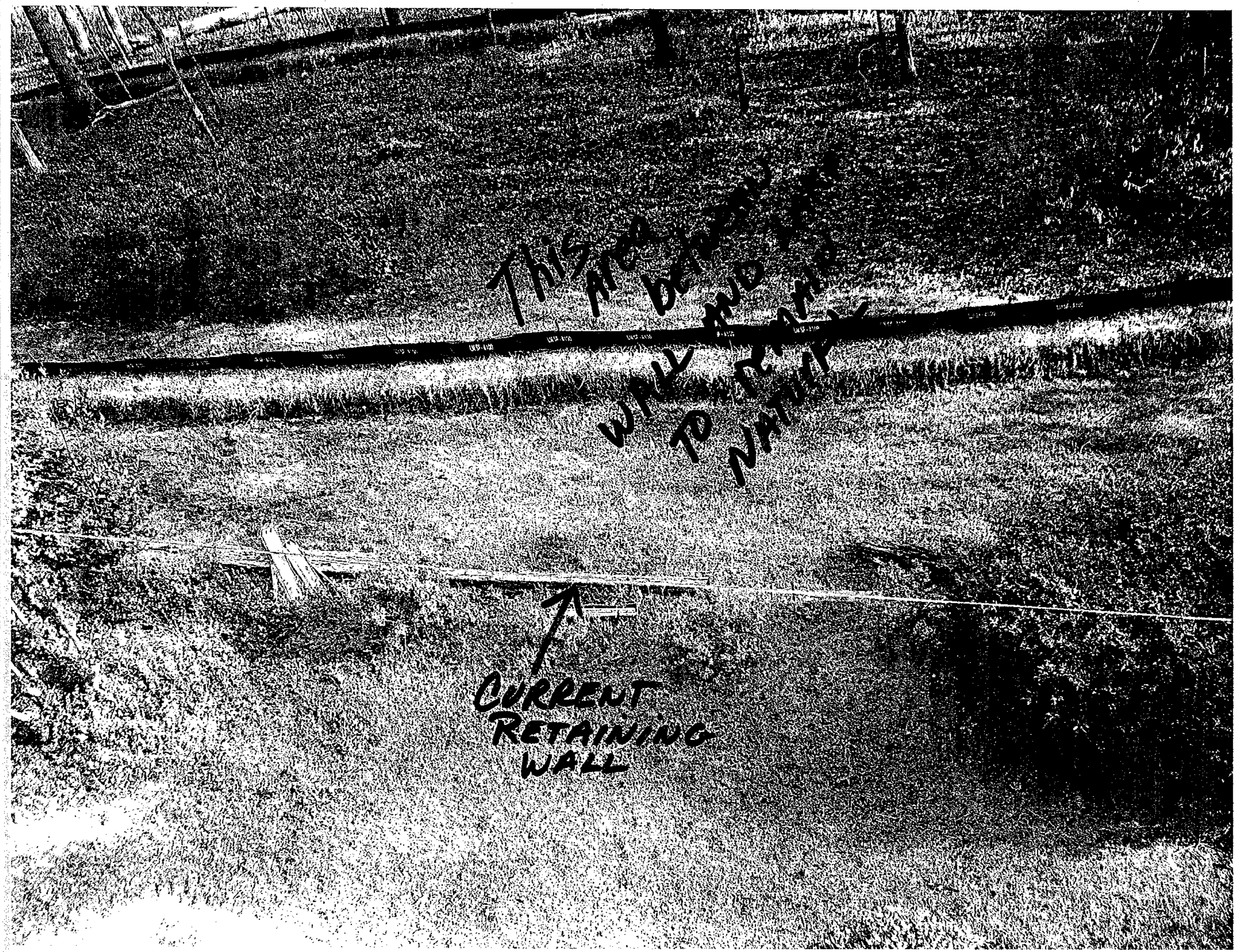
LAKE KEDRON
IPF
S82°01'41"E
106.50'
S75°24'08"E
97.88'
S68°32'06"E
31.90'
UNDER WATER
25' VEGETATION BUFFER
25' ADDITIONAL BUFFER
30' SEWER ESMT
25' SEWER ESMT
N/F
JULIE & GERALD
PETERSON
DB 822 PG 686
ZONED R3R1
N/F
MARTIN S & SONYA M
RODRIGUEZ
DB 2104 PG 563
ZONEDR3R1
1.079 ACRES
FFE 889.3
110' BL
15' BL
S81°55'29"E Lc=26.95'
R=50.00' A=27.29'
34.56'
N66°17'07"W
IPS
POB
809.93' TO THE R/W
OF INTERLOCHEN DRIVE
IPF
50' RAD
WINGSPREAD
50' R/W
TOP CENTER OF MH
BM ELEV = 891.58
INVERT 15"CMP
ELEV 887.60
DHCB
FH

PHOTOGRAPHS SHOWING LOCATION OF POOL


approximate pool location
House


POOL LOCATION


WALL


CURRENT
RETAINING
WALL


CURRENT RETAINING WALL
POOL


WALL

546

adopted
09-20-90

AN ORDINANCE TO AMEND ARTICLE II, SECTION 201; ARTICLE X, SECTION 1003; OF THE LAND DEVELOPMENT ORDINANCE OF PEACHTREE CITY AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Council of Peachtree City, and it is hereby ordained by authority of the same, that Article II, Section 201 be amended to add a new 201(gg), a new 201(ttt), to renumber the remaining and to delete 201(jjj) and 201(sss) of the Land Development Ordinance in their entirety and replaced to read as follows:

(gg) Impervious Surface. A man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface. Structures or surfaces which are constructed so as to only minimally affect the infiltration of storm water are not considered impervious surfaces. These include: playground equipment, picnic tables, and specially designed decks and patios which allow for infiltration of storm water.

(jjj) State Waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, natural drainage systems which contain flowing water and which appear on the USGS Quad map, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

(ttt) Utility. Any public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems, publicly owned cart paths, and railroads or other utilities identified by Peachtree City.

(sss) Undisturbed Natural Buffer. A tract of land in its natural undisturbed state where no vegetation can be removed or planted without a City permit. No herbicides, pesticides, or other chemicals, either natural or man-made can be used in this buffer.

The City may permit the trimming of tree branches and the removal of noxious weeds, woody plants that are not trees, or other undesirable vegetation that will not adversely impact water quality. The City will permit the installation of vegetation (not grasses commonly used for lawns), in this area which will, in the opinion of the City, enhance water quality.

BE IT ORDAINED by the Mayor and Council of Peachtree City, and it is hereby ordained by authority of the same, that Article X, Section 1003 (b)(20) of the Land Development Ordinance be repealed in its entirety and replaced to read as follows:

(20) Except as otherwise provided in Sections 1003(b)(23) and 1003(b)(24), an undisturbed natural buffer area shall be maintained for a distance of twenty-five (25) feet adjacent to any state water as measured from the stream banks except when in the interest of public health, safety and welfare, or the contour of the land require a different buffer subject to the City's approval.

Utilities shall not be located within this buffer if they can feasibly be located outside this area. All disturbances of this buffer require prior approval by the City.

BE IT ORDAINED by the Mayor and Council of Peachtree City, and it is hereby ordained by authority of the same, that Article X, Section 1003 of the Land Development Ordinance be amended to add new Sections 1003(b)(23) and 1003(b)(24) to read as follows:

(23) Around all existing or proposed water supply reservoirs and their perennial tributaries as shown on the USGS Quad Map the following requirements are established:

a) An undisturbed natural buffer area shall be maintained for a distance of one hundred (100) feet measured from the normal pool elevation or the stream banks.

With the exception of publicly owned cart paths, utilities shall not be located within this buffer if they can feasibly be located outside this area. All disturbances of this buffer require prior approval by the City. Publicly owned cart paths may, with City approval, be allowed within this buffer between fifty (50) feet and one hundred (100) feet as measured from the normal pool elevation or the stream banks provided it will not adversely affect water quality. Publicly owned cart paths shall not be located within fifty (50) feet of the normal pool elevation or the stream banks if they can feasibly be located outside this area.

b) Impervious surfaces other than cart paths are prohibited within one hundred fifty (150) feet of the normal pool elevation or the stream bank. This prohibition includes septic tanks, and septic tank drainfields.

c) No storm drain piping shall extend into the buffer area. All storm drainage shall utilize best management practices to remove pollutant loading prior to discharge.

(24) Around all perennial streams shown on the USGS Quad Map and not covered in Section 1003(b)(23) above, the following requirements shall be established:

a) An undisturbed natural buffer area of fifty (50) feet measured from the stream banks shall be maintained.

Utilities shall not be located within this buffer if they can feasibly be located outside the area. All disturbances of this buffer require prior approval by the City.

b) Impervious surfaces other than cart paths are prohibited within seventy-five (75) feet of the stream bank. This prohibition includes septic tanks, and septic tank drainfields.

All Ordinances in conflict with this ordinance are hereby repealed in their entirety.

Done, Ratified and Passed this 20th day of September 1990.

MAYOR

Attest

City Clerk

s3 slab

final plat

of

INTERLOCHEN

(PHASE II)

LAND LOT L.L. 100, 101 & 125

DISTRICT 7th

Certificate of Dedication

State of Georgia
County of Fayette

The owner of the land shown on this plat acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey in fee simple to the City of Peachtree City, Georgia and further dedicate to the use of the public forever all streets and rights-of-way shown hereon, alleys, cart paths, watercourses, drains, easements, greenbelts and public places hereon shown on plat except those easements designated on plat as other utility company's easements.

In consideration of the approval of this final plat and other valuable considerations, the owner do hereby agree to hold the City of Peachtree City, Georgia harmless for a five (5) year period from any and all monetary liabilities which may arise from any and all claims, damages, or demands arising on account of the design and construction of public improvements of the property shown hereon to include the property shown hereon, to include but not limited to, the roads, streets, fills, embankments, ditches, cross drains, culverts and bridges within the proposed right-of-way shown, resulting from any and all causes other than by an act of the City of Peachtree City, Georgia.

And further, the owner warrants that it owns fee simple title to the property shown hereon and agrees that the City of Peachtree City shall not be liable to the undersigned or subsequent owners in title for a period of five (5) years for any claim of damages resulting from negligence in exercising engineering techniques and due caution in the construction of cross drains extension, drives structures or buildings, the changing of courses of streams and rivers, flooding from natural creeks and rivers and any other matter whatsoever on private property. Any and all monetary liability occurring under this paragraph shall be liability of the owner. It further warrants that it has the right to convey said land according to this plat and does hereby bind it and the owners subsequent in title to defend the covenants and agreements set out.

In witness whereof the undersigned by and through its duly authorized corporate officer has executed this document this 6TH day of APRIL, 19 93.

Equitable Life Assurance Society of the United States

By: R E Thrower
SENIOR INVESTMENT OFFICER

Terrie M. Cooper
"Notary Public"
"STATE OF GEORGIA" Notary Public, DeKalb County, Georgia
My Commission Expires July 18, 1994

The conveyance of streets and rights-of-way and public dedications show on this plat are hereby accepted by the City of Peachtree City, Georgia. This the 6 day of May, 1993

THE CITY OF PEACHTREE CITY, GEORGIA

By: Robert L. [illegible]
Mayor

Attest: Frances Meader
City Clerk

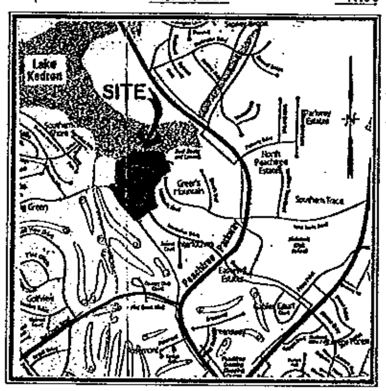
Nancy Faillo
"Notary Public"

Notary Public, Fayette County, Georgia
My Commission Expires Aug. 31, 19[illegible]

RECREATION LAND

The land to be "Reserved for Park and/or Recreation Purposes" in accordance to Section 703 of the Peachtree City Land Development Ordinance be 186 acres located BLUESMOKE RECREATIONAL AREA

ITEM	SQUARE FEET	ACRES
Lots (Number) 52	1,708,100	39.14
Streets	202,828	4.66
Greenbelt	139,322	3.20
Other (Specify)		
Totals	2,047,250	47.00



VICINITY MAP
(Not To Scale)

Peachtree City
Fayette County, Georgia

NOTE: ½" x 16" STEEL RODS SET AT LOT CORNERS, NO PINS SET AT P.C. & P.T. OF CURVES UNLESS IT IS LOT CORNER.

FINAL SURVEYORS CERTIFICATE

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future" and their location, size type, and material are correctly shown. This plat conforms to all requirements of Georgia Plat Act. By [signature] Registered Land Surveyor

No. 2261

Date APRIL 9, 1993

FINAL PLAT APPROVAL

This plat complies with the Zoning Regulations, the Land Development Ordinance and all other regulations governing the land development for the City of Peachtree City.

[signature] 5/6/93
City Engineer Date

C.A. McNair 5/6/93
City Planner Date

Jim Basinger 5/6/93
Mayor/City Manager Date

Frances Meader 5/6/93
City Clerk Date

MAINTENANCE GUARANTEE

The undersigned, its successors and assigns, hereby warrants and guarantees to the City of Peachtree City, the full and complete maintenance of a certain improvement known as INTERLOCHEN (PHASE II) and more particularly shown in Plat Book 23, Page(s) 166 & 167, of Fayette County Records.

This Warranty and Guarantee is made in accordance with the Peachtree City Land Development Ordinance. This guarantee includes not only paving, but also all other appurtenant structures and amenities lying within the right-of-way of said road and in the Greenbelt including, but not limited to, all curbing, drainage, pipes, culverts, catch basins, drainage ditches, bikepaths, cartpaths and pedestrian paths. Utilities owned and operated by a governmental body or public utility company shall be the responsibility of said governmental body or public utility company and not the developer.

The developer shall correct and repair, or cause to be corrected and repaired, all damages to said improvements resulting from any cause whatsoever. In the event the developer fails to correct any damages within (30) days after written notice thereof, then said damages may be corrected by the City and all costs and charges billed to and paid by the developer; but this remedy shall not limit the City, and it shall also have any remedies available to it as provided by law.

The terms of this Agreement shall be for a period of two (2) years beginning on the date of written acceptance of said improvements by the City as evidence by the final plat approval of said completed improvements.

After the termination of said two (2) year period, the City shall be responsible to the citizens of Peachtree City for the maintenance of said improvements as provided by law. No roadway and associated right-of-way shall be accepted by the City for maintenance unless it scores 90 or above on the City's Asphalt Pavement Rating Form. Provided, however, any damages which occurred prior to the end of said two (2) year period and which are still unrepaired at the termination of said period shall remain the responsibility of the developer (written notice of said damages must be given prior to the time the two (2) year period ends).

IN WITNESS THEREOF, the developer has caused this Agreement to be executed by its duly authorized officers this 6TH day of APRIL, 19 93.

BY: Joseph S. Black
TITLE: PRESIDENT

MAY 10 1993

REVIEW ONLY

ZONE R-22
SETBACKS
FRONT 50'
SIDE 16'
REAR 30'

peachtree city

Note: The area shown on this plat as "City Greenbelt Area" May be used by the City for various public purposes including cart paths.

C.A. McNair 5/6/93
City Planner Date

Recorded MAY 10, 1993
Plat Book(s) 23
Page(s) 166 & 167
Fayette County, Georgia

Sheet 1 of 2

297

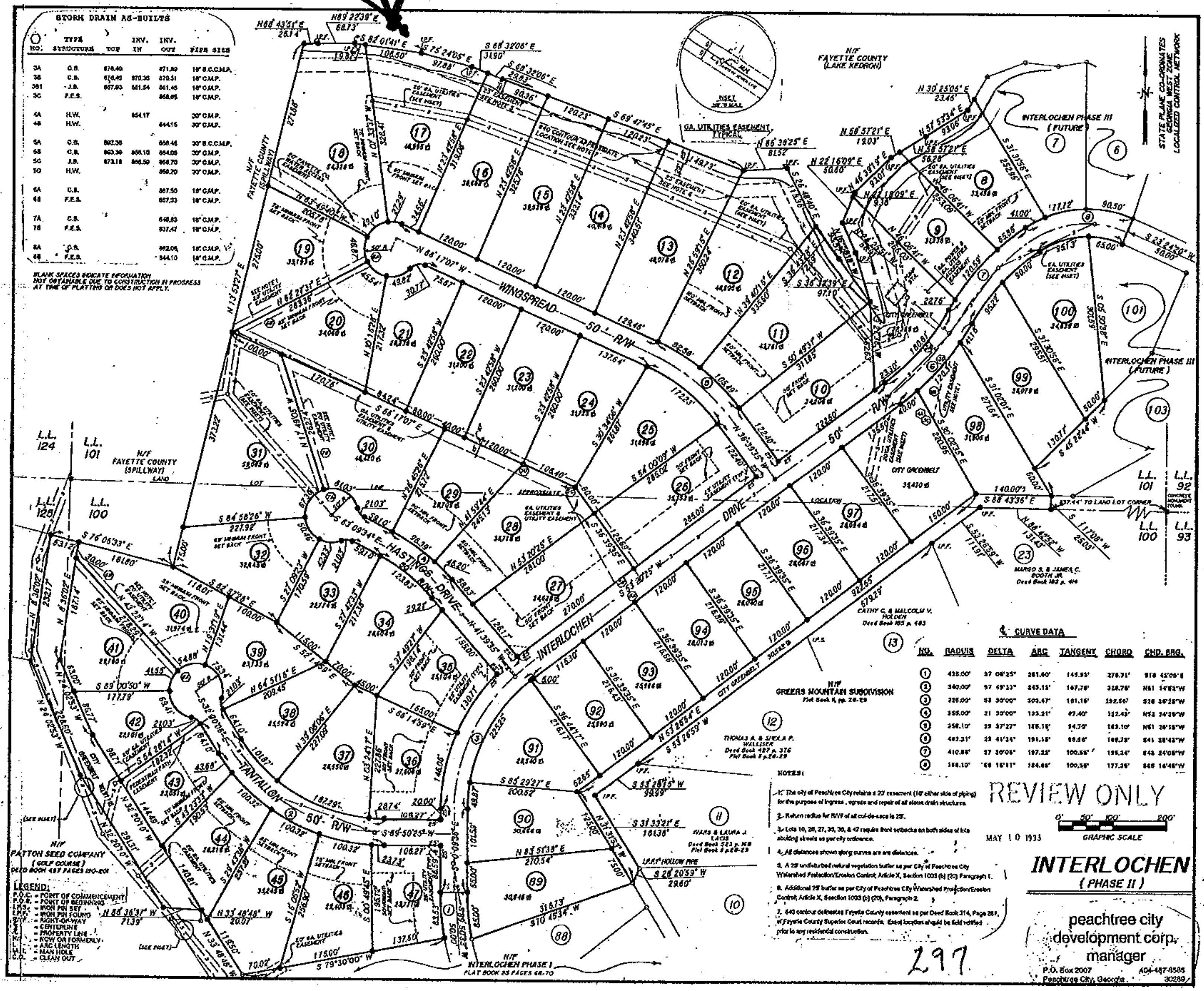
peachtree city development corp.
manager

P.O. Box 2007
Peachtree City, Georgia 30269
404-487-8585

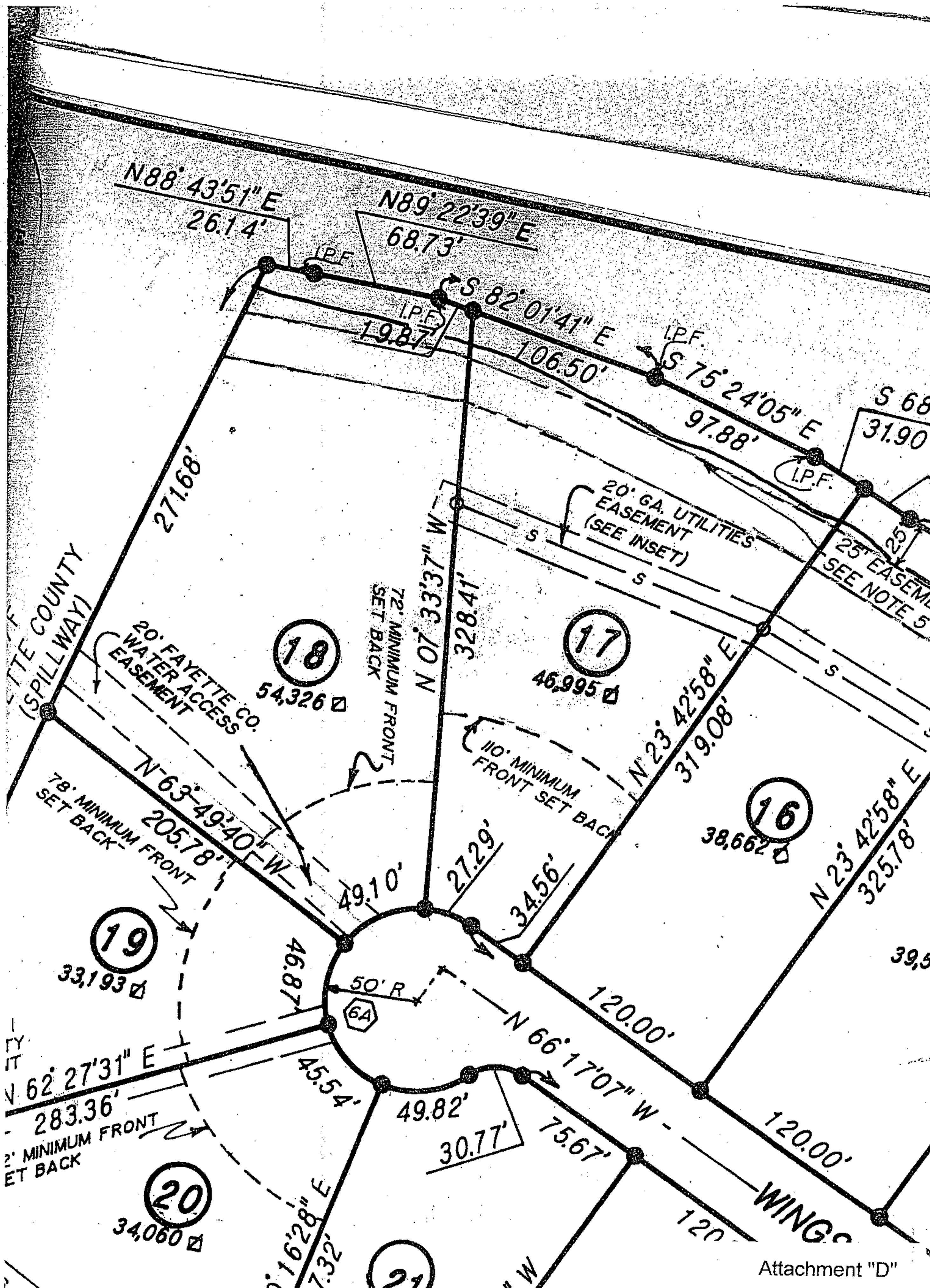
Attachment "C"

s3 slab

Lot 17



297



Attachment "D"

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**
Housing Code Official

FROM: **Interim Community Development Director** David

DATE: **May 14, 2010**

SUBJECT: **Consider Vacant Structure Registration Ordinance**
May 20, 2010 City Council meeting

Recommendation

That Council adopt the Vacant Structure Registration Ordinance as proposed and authorize Staff to establish a Vacant Structure Registration Fee of $200.00 in the Schedule of Fees.

Background

Following discussion at the May 6 City Council, Staff conducted additional research on the proposed ordinance and has modified several sections as follows:

- The registration fee of $200.00 which will cover the cost of registration, inspections and monitoring. There are no additional fees for inspection or re-inspections. Should there be improvements that require a Building Permit, those fees and inspections would be established in accordance with the work being done.
- The definition of a vacant structure was enhanced to specify the length of time a structure would need to be occupied in order not to be considered vacant.
- A section was added identifying specifically what is required to comply with the vacant structure maintenance plan, which is consistent with the form that would be provided to the property owner.
- A section was added identifying the inspection process covered by the registration fee.
- A section was added clarifying fees associated with administering this ordinance.
- The exceptions were expanded to remove timeframes for structures being actively marketed for sale or lease.

These changes and some minor modifications within the ordinance were intended to clarify the issues raised at our last meeting. As we begin enforcing this ordinance and monitoring vacant structures under these guidelines, it may be necessary to modify the ordinance if it is determined the ordinance is not effective or is too stringent. This will be determined in our 6-month update to City Council should the ordinance be adopted.

<u>Budget impacts:</u>
There are no budget impacts associated with this request. The registration fee is intended to offset Staff costs associated with administering this ordinance.

Attachment

ORDINANCE NO. ___________

AN ORDINANCE TO AMEND CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA, AS TO ESTABLISH A NEW ARTICLE REQUIRING THE REGISTRATION OF VACANT STRUCTURES, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Chapter 18 of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, be amended as follows:

Section 1. That Chapter 18 of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, be amended to add Article XI as follows:

ARTICLE XI. VACANT STRUCTURE REGISTRATION.

Sec. 18-281. Purpose.

The Mayor and City Council of the City of Peachtree City declares and finds that within the city limits, there are buildings and structures that are vacant and/ or unoccupied that pose a danger to the citizens of the city. Vacant structures are vulnerable to break-ins, criminal activity, destruction, fire, accidents, looting and other unsafe activities that are injurious to the health, safety and welfare of the citizens of Peachtree City. In addition, they can attract and/ or cause blight and other harmful effects to surrounding properties. For all of these reasons, it is essential to the public health, safety and welfare that the city maintain an accurate registration of all vacant structures.

Sec. 18-282. Definitions.

Abandoned real property means any structure that is vacant and is under a current Notice of Default and/ or Notice of Mortgagee's Sale by the lender or a pending Tax Assessor's Lien Sale and/ or structures that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any structures transferred under a deed in lieu of foreclosure sale.

Accessible property means a property that is accessible through a comprised/ breached gate, fence, wall, etc.

Building, dwelling or structure means any building or structure or part thereof used and occupied for human habitation, commercial, industrial or business uses or intended to be so used, including any outbuildings and appurtenances belonging thereto or usually enjoyed therewith and also including any building or structure of any design.

City means the City of Peachtree City, Georgia.

Department means the Community Development Division.

Director means the Community Development Director or his/ her duly authorized appointee.

Evidence of vacancy means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/ or dead vegetation, accumulation of abandoned real property, as defined herein, statements by neighbors, passers-by, delivery agents or government agents, disconnection of utilities among other evidence that the property is vacant.

Foreclosure means the process by which a property, placed as a security for a real estate loan, is sold at public sale to satisfy the debt if the borrower defaults.

Lot means a parcel of land with or without buildings, dwellings or structures.

Notice of Determination means the written notice from the Director to an owner that the structure is a vacant structure, a statement of the factual basis for the determination, and the obligations of the owner of the structure to register.

Occupied means if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business/ occupant, or as the legal or equitable owner/ occupant(s) or tenant(s) on a permanent, non-transient basis, or combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt or delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services or a valid city occupational tax license indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.

Owner means any person, agent, operator, firm, partnership, corporation or trust:

a. Having a legal or equitable interest in the property;
b. Recorded in the official records of the state, county or municipality as holding title to the property; or
c. Otherwise having control of the property, including the guardian of the estate or any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Private property means all lands and improvements other than public lands or improvements.

Property management company means a property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.

Public property means land and improvements owned by the government or governmental entity including but not limited to easements and rights-of-way, greenbelts, etc.

Registration fee means the non-refundable annual fee as established by City Council by resolution that an owner of a vacant structure is required to remit on an annual basis for each year the structure is vacant. The registration fee is to cover the cost of the vacant structure program, including the cost of the city registering and inspecting the vacant structure.

Registration form means that form provided for an owner to register a vacant structure in the city.

Responsible party means any owner, occupant, agent, manager, operator and/ or management company of a building, dwelling, structure or lot.

Securing means causing a vacant dwelling, building or structure to be secured against unauthorized entry in compliance with this article.

Structurally sound means free of imperfections which affect the intended use of a structure.

Vacant structure shall mean a structure or building where no person or persons currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or the owner-occupant(s), or tenant(s) for not less than fourteen (14) consecutive days within a period of ninety (90) days or more. For multi-unit buildings or multi-family dwelling buildings, each building shall be deemed vacant if the building is more than fifty percent (50%) unoccupied for not less than fourteen (14) consecutive days within a period of ninety (90) days or more. A structure shall not be considered as vacant if it is legally being used for storage purposes and if storage is a permitted principal use within the zoning district where the building or structure is located and the use shall be in compliance with all appropriate provisions of city ordinances, building and fire codes pertaining to the storage use.

Vacant Structure Maintenance Plan Form means that form provided for an owner to provide a vacant structure maintenance plan to the City.

Sec. 18-283. Vacant structure determination.

(a) If the Director has reason to believe that a structure has been vacant for at least ninety (90) days as described herein and the structure has not been registered, the Director shall evaluate the structure and make a determination as to whether the structure is vacant within the meaning of this chapter. If the Director finds the structure is vacant, the Director shall state that determination in writing and the factual basis for the determination. The Notice of Determination shall be based on the definitions and standards in this chapter. The Director shall give written Notice of Determination by certified mail to the owner at the owner's address as recorded with the Fayette County Tax Assessor records or as listed in a Notice of Sale Under Power. If such notice is returned as "refused" or "unclaimed" the validity of the notice is not affected and the notice is considered to be delivered.

(b) The Notice of Determination shall identify the structure; street address or legal description of the property; state the factual basis for the determination; and, the obligations of an owner to register the structure as set forth within this chapter.

Sec. 18-284. Vacant structure registration.

(a) The owner of a vacant structure shall register that structure by completing and filing a registration form, a vacant structure maintenance plan form, and remitting the registration fee as established by City Council within thirty (30) days from the time the structure is determined to be vacant. Thereafter, the owner of the vacant structure shall register the vacant structure on an annual basis on or before the first day of the month the structure is considered vacant.

(b) Upon payment of the full amount due of the annual registration fee, the requirements for the remittance of the annual registration fee have been satisfied.

(c) The registration form shall include the street address of each vacant structure, the names and address of each owner and any other information deemed necessary for vacant structure identification.

(d) The vacant structure maintenance plan form shall include the items as described herein.

(e) If the status of any registration information changes including ownership information or if the structure becomes occupied, the owner shall notify the Director in writing within thirty (30) days to report such changes.

(f) All changes in ownership of a registered vacant structure shall be provided to the Director on the vacant structure change of ownership form. Should there be a change in the maintenance plan, a revised vacant structure maintenance plan form shall be submitted as well. The anniversary date for the resubmittal fee shall remain unchanged from that originally established.

Sec. 18-285 Vacant structure maintenance plan.

In accordance with this ordinance, the vacant structure maintenance plan shall include, at a minimum, the following information:

(a) A description as to how the property will be secured from unauthorized entry at all times;
(b) A description as to how the exterior of the structure will be maintained, to include wall surfaces, paint, windows, doors, roofing, etc.;
(c) A description as to how the lawn and natural areas on the property will be maintained and be kept free of debris, trash, tree limbs, etc.;
(d) A description as to how any pools, hot tubs, spas and associated fence enclosures will be maintained; and,
(e) A description as to how the structure will be winterized, to include pest control, broken pipes, mold, etc.

The maintenance plan shall include the name and contact information for individuals or the property management company responsible for all aspects of administering the maintenance plan.

In addition to the requirements of this ordinance, the property shall be maintained in accordance with the International Property Maintenance Code as adopted by City Council.

For purposes of this ordinance, broken windows shall be repaired or replaced within fourteen (14) days of notification. Boarding up of open or broken windows is prohibited except as a temporary measure and shall not exceed fourteen (14) days.

Any structure that is found to not be in compliance with city, state or federal regulations shall be brought into compliance within thirty (30) days of notification. Any repairs to a vacant structure requiring the issuance of a Building Permit shall be reviewed in accordance with the city's Building Code and associated inspection fees.

Sec. 18-286. Inspections.

Within 30 days of registering the structure, the owner or agent of the owner shall schedule an inspection of the structure and associated grounds. This inspection shall be attended by City Staff as appropriate and as recommended by the Director and the owner or owner's agent.

Sec. 18-287. Fees.

(a) A registration fee is hereby authorized to be charged to the owner(s) of all vacant structures. The fee shall be used to cover the administration of the vacant structure registration program, subsequent inspection, and monitoring of the exterior condition of the structure and grounds. The registration fee shall be established by City Council by resolution

(b) The registration fee shall be paid on an annual basis as described herein.

(c) All registration fees are to be expected during the current billing year as may be necessary to cover the City's direct and indirect cost for administering the registration and inspection required by this chapter.

(d) All fees shall be applied to the year in which they are billed.

(e) Any repair work requiring the issuance of a building permit shall be administered through the building permit review and approval process, with applicable fees as established by City Council

Sec. 18-288. Exceptions.

Upon an owner's written request to the Director for an exception to the registration fee requirements and a finding that a vacant structure qualifies as described below, the following shall be exceptions from the registration fee requirements of this chapter:

(a) A vacant structure that has a City Building Permit in issued status for remodel and/ or repair.

(b) A vacant structure that is being actively marketed for sale or lease by a licensed real estate broker or an owner who is regularly advertising the property; or,

(c) A vacant structure that is under contract for sale or lease.

The Director shall issue such finding in writing and mail such written finding by certified mail to the owner at the owner's address as recorded with the Fayette County Tax Assessor records.

Sec. 18-289. Enforcement and penalty.

(a) The Director shall enforce the terms and conditions of this chapter when violations occur.

(b) It shall be an offense to:

1. Fail to provide information required by this chapter.
2. Provide false information on the registration form or vacant structure maintenance plan form; or,
3. Fail to perform an act required by this chapter.

(c) Each offense is punishable by a fine as established within the Code of Ordinances

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

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

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

This _________ day of _____________________ 2010.

____
Don Haddix, Mayor

____

____

____

____

Attest: _______________________________
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**

David

FROM: **Interim Community Development Director**

DATE: **May 12, 2010**

SUBJECT: **Proposed amendments to Section 908, Accessory uses, to establish guidelines specific to farmer's markets on parcels zoned for retail, commercial and industrial uses.**
May 20, 2010 City Council Agenda

Recommendation:

That Council adopt the proposed amendments to Section 908, Accessory uses, establishing criteria specific to farmer's markets on parcels zoned for retail, commercial and industrial uses.

Discussion:

City Staff has been working with several property managers, retail center owners and tenants in an effort to enhance and encourage business within the retail centers, which has resulted in several special events taking place or being planned throughout the spring and summer. Two events that have already begun but will be recurring over the next few months are outdoor farmer's markets at The Avenue and the Peachtree Crossing retail center.

The Avenue is hosting their Green Market every Thursday (April 1 – August 5) from 3:00 PM – 7:00 PM in Central Park, which features fresh, locally grown, sustainably produced food and products, live music, educational seminars and balloon art. The Fresh South Market is open Wednesday mornings from 8:00AM – 12:00 PM and the first and third Saturdays of each month from 8:00AM – 1:00 PM within the Peachtree Crossing retail center on SR 54 E.

In an effort to support these types of activities and to establish criteria specific to farmer's markets, staff has researched ordinances from other jurisdictions as well as discussed these types of events with representatives from several organizations. The result of this is the establishment of an ordinance specific to farmer's markets, which would become a part of our current accessory use ordinance (Attachment "A").

The proposed ordinance would be administered by the Planner/ Economic Development Coordinator. Within the ordinance, we have identified what types of food and/ or agricultural products may be sold and what types of products may not be sold. Each vendor would have to maintain and display a valid license from the Georgia Department of Agriculture or other agency as required. The ordinance establishes the permitting and review process, as well as site requirements for each event. These permits would be different from our special events permits, as they would allow the same event to occur throughout the year as opposed to being limited to no more than four events per year.

At their meeting this past Monday (May 10), the Planning Commission voted unanimously to forward the proposed ordinance to City Council with a recommendation that it be approved (Attachment "B").

Budget impact:

There is no budget impact associated with this request.

Ordinance Number ______

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED, SO AS TO ESTABLISH REGULATIONS FOR FARMER'S MARKETS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City that:

Section 1. Article IX, Section 908, Accessory uses, of the Peachtree City Zoning Ordinance, as amended, be further amended to add subparagraph 908.8 as follows:

(908.8) Farmer's market standards:

(a) Farmer's markets are an occasional or periodic market where locally produced food and/ or agricultural products are sold to the general public by individual vendors from open-air, semi-enclosed facilities or temporary structures. Individual vendors may sell food and/ or agricultural products, provided the product is produced, processed, or manufactured in an establishment licensed by the Department of Agriculture.

(b) Food and/ or agricultural products include and is limited to vegetables, fruits, eggs, dairy products (milk, cheeses, yogurt, ice cream, etc.), meats, grains, baked goods, juices, other edible foodstuffs (chocolates, honey, jams, salsa, candies, etc.), flowers and other fresh or dried plant material.

(c) Products shall not be sold from any truck or trailer parked or stored in a commercial parking area unless they are in an area that has been designated for such use on a site plan that has been approved by the planning commission as a part of the site plan review process.

(d) Crafts, souvenirs, second hand merchandise and antiques shall not be sold at a permitted farmer's market.

(e) Each vendor shall maintain and display a valid license from the Department of Agriculture or other agencies as required.

(f) Farmer's markets shall be limited to property zoned for retail, commercial or industrial use.

(g) In addition to the information required as a part of the city's special event permit application, each applicant for farmer's market shall provide, at a minimum, the following information no less than thirty (30) days in advance of the scheduled event:

(1) Written consent from the property owner, property manager, leasing agent or lessee shall be provided indicating their approval of the farmer's market.

(2) A minimum of fifty (50) off-street parking spaces shall be provided for patrons visiting the farmer's market. If adequate on-site parking is not available, the parking requirements must be met by designating parking spaces in an off-site parking area located within 1,000 feet of the proposed event. Written consent must be provided from the property owner indicating they have approved off-site parking on their property.

(3) Restroom facilities shall be provided for market vendors. A notarized letter from the property owner or individual business owner(s) allowing market vendors to use their restrooms during the duration of the event shall suffice.

(4) The special events permit application shall include all dates and hours of operation for the farmer's market. Farmer's markets shall be limited to no more than two (2) days per week for no more than six (6) hours per day. One permit shall be issued for the farmer's market and shall identify the specific dates and times that have been approved. Any changes to the approved permit shall be approved in advance.

(5) Name, address, e-mail and telephone numbers of the person(s) who will act as director or person in charge of the special event and be responsible for the conduct thereof.

(h) In determining whether or not to approve a special event permit for a farmer's market, the Community Development Director may consider any factors reasonably deemed relevant for the proposed event including, but not limited to, the following:

(1) Information contained in the application, or supplemental information requested from the applicant, is false in any material detail; or

(2) The applicant failed to complete the application form after having been notified of the need for additional information or documents; or

(3) Another event permit or application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic concession, or the Police Department is unable to meet the needs for police service for both events.

(4) The time, size of the event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a street or highway at a time when it is usually subject to traffic congestions.

(5) The size, nature or location of the event will present a substantial risk to the health or safety of the public or participants in the event or other persons.

(6) The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the city streets or a previously granted encroachment permit.

(7) The event involves the use of hazardous, combustible or flammable materials which could create a fire hazard.

(8) The event will violate an ordinance or statute.

(9) Whether the special event appears to be primarily for commercial purposes with no general benefit to the City or the public.

(i) The Community Development Director or public safety personnel may, at any time, revoke or terminate a permit that has been issued for the event if conditions change so that the permit application could have been denied in the first instance or if continuation of the event presents a clear and present danger to participants or to the public.

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

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

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

This _________ day of _______________________ 2010.

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Don Haddix, Mayor

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Attest: ______________________________
City Clerk

UNAPPROVED EXCERPT OF MINUTES
PLANNING COMMISSION MEETING
May 10, 2010

PUBLIC HEARING

PH-10-01 **Consider Proposed Amendment to Zoning Ordinance, Section 908, Accessory Uses, to establish criteria for farmer's markets on parcels zoned for retail, commercial or industrial use.**

Mr. Rast stated that City Staff was proposing that language be added to this ordinance that would permit outdoor farmer's markets. He explained that a couple of years ago, Staff had worked with The Avenue to develop some criteria in their sign program that allowed them to have farmer's markets and outside events within the Circle in that development.

Mr. Bernard had been working with some other individuals regarding the Fresh South Market at the Peachtree Crossings retail center. Their initial opening had already been held and was highly successful with over 800 people attending. Mr. Rast was hopeful that some of the people attending the market also visited the stores in the center.

During the process of permitting this event, it was realized that there currently was no language in the ordinance to identify what an applicant would need to provide to obtain a permit, how often these events could occur, etc. At the current time, these activities fell under the Special Events criteria which limited them to four events per year.

Mr. Rast stated that the proposed amendment established the criteria. They would be working through the Planning Department to get approval and would be required to provide a letter from the property owner stating they could use the property for this use. Parking and restrooms would also be addressed as part of this process. Mr. Rast said this was the process that had been used in granting the approval for Fresh South Market and Staff felt this was the right process.

In order to make this official, both Planning Commission and City Council would have to approve it as an amendment to the Zoning Ordinance. The public hearing before City Council was scheduled for May 20, 2010.

Mr. Rast stated that there had also been discussions between Mr. Bernard and various business owners at Braelinn Village and Glenloch as well as the Development Authority of Peachtree City (DAPC) about the need to organize some events to try to bring people into their centers.

In response to a question from Mr. Staples about the frequency of the events, Mr. Rast stated that the Green Market at The Avenue was held once a week on Thursday afternoons from 3:00 to 7:00 (from April 1 through August 5). The Fresh South Market was operating on Wednesdays from 8:00 a.m. to 12:00 p.m. and the first and third Saturdays of every month from 8:00 a.m. to 1:00 p.m. They would potentially go to every Saturday once the farmers started producing more.

Mr. Rast stated that the proposed language limited their operation to three days a week or six hours in a day. Staff wanted to try out these time frames with those particular groups. If this needed to be increased or it became too much of a burden for the property, it could be modified.

Mr. Rast also pointed out that Peachtree Crossings' largest tenant was vacant. If something happened to the grocery area, it might be necessary to reconsider this or find another location. Right now there was plenty of parking and the circulation worked well.

No one else spoke in favor of the proposed amendment.

Mr. Greg Price, the owner of J. Christopher's in Westpark Walk, had a couple of concerns. He thought the farmer's markets were being pigeon holed and that standards should be adopted that would allow other centers to be able to do some things to increase traffic. He noted that he did not own Westpark Walk but he had a vested interest in what happened there.

Mr. Price wondered if a farmer's market fit in to the perception of what we wanted Peachtree City to be. If not, where should one be located? He thought the shopping centers needed to move toward something that would "create a destination." They did not want the traffic day in and day out; at specific times, however, it might not be a bad thing.

Mr. Price thought tailoring this amendment to farmer's markets was too limiting. He said he had a proposal (but was not at liberty to share it) that would involve entertainment, limited hours, etc. Mr. Sussberg thought this should go before the Development Authority. Mr. Rast explained that Mr. Bernard had been working with a lot of the retail tenants and there was a provision in the City's ordinance for special events. Mr. Price noted that those were limited to four events per year. Mr. Rast stated that City Staff was rethinking this aspect of the ordinance and trying to come up with something where the City could work with the business owners to get these events approved. He noted that DAPC's charter was not working directly with the retail tenants but was geared more to the industrial park.

Mr. Price said the number of occupational tax licenses that had not been renewed for the past two or three years was substantial. There did not seem to be any plan to help local businesses. He felt more thought should go into this amendment.

Mr. Sussberg was also a local business owner. His understanding was that an association within the Peachtree Crossings retail center initiated the idea for the farmer's market, and Braelinn was supposedly working on their own plan. There had not as yet been any organization of the tenants within the retail center where he was located. His point was that rather than the Planning Commission or the Development Authority, the tenant organizations and retail centers should come up with their plans and present them for consideration to the appropriate governmental agencies.

Mr. Staples pointed out that if this proposal were approved, it would not preclude an amendment in the future.

Mr. Sussberg suggested that Mr. Price get their tenants group working on their plan and then bring it to the City.

Mr. Rast stated that one of the things that was available now that had not been provided in the past was the business owners associations which were being initiated through DAPC. The goal was to help the local businesses as much as possible. Staff was also considering some website enhancements that would possibly allow some free advertising for local businesses. He suggested that he, Mr. Bernard, and someone from DAPC meet with Mr. Price. The City wanted to do whatever they could to help local businesses prosper.

Mr. Price would rather see this done with a well thought-out plan than piecemeal.

Mr. David Connor from DAPC was in attendance and stated that they had helped to organize some of the tenants in Peachtree Crossings and they would also work with Mr. Price to organize some of their tenants.

Mr. Sussberg agreed that it was tough to do business in Peachtree City. That was the reason the vacancy rate was continuing to grow. Peachtree City was envisioned as a retirement community and was growing quickly as such.

Mr. Price pointed to St. Petersburg, Florida, as a community that had been totally transformed; there was relevant history there. He thought it would be prudent to look at what happened there and how long it took to turn things around.

Mr. Staples' main concern was the frequency of the events. He wondered at what point a farmer's market would become a nuisance rather than a novelty.

Mr. Bernard stated the number of days had been reduced to two days per week, but the draft ordinance the Commissioners received had not been updated. He noted that in order to keep the farmers, who had many choices as to where they could go, it was necessary for the market to operate on a weekly basis.

In response to a question Mr. Sussberg asked about preparing food and providing music, Mr. Bernard stated that the ordinance currently only addressed fruits and vegetables. At this point, that was what Staff preferred. He noted that Fresh South Market in Peachtree Crossings was required to be 80 percent organic and 20 percent coffee or something similar. A permit from the health department was required for anything else, which was a barrier for someone new coming in. Mr. Bernard said the music would be covered under a different venue such as wine and cheese tasting with jazz.

It was noted that the vendors at the Green Market at The Avenue were different from the vendors at South Fresh Markets.

Mr. Sussberg noted that a farmer's market in Charleston, South Carolina, was organic and also provided BBQ and music. People spent hours there; it was a way for them to socialize. Mr. Bernard noted that Staff's intent was to limit crafts and souvenirs at these events.

Mr. Rast pointed out that depending on the type of prepared foods, there were a lot of additional restrictions required by the health department. Mr. Bernard had been working closely with Mr. Robert Kurbes of the Fayette County Health Department in this regard.

Mr. Staples stated that it seemed that the effort here was to come up with the best controllable starting point. It could be built on and tweaked as necessary.

Mr. Scott thought it was important the Planning Commission endorse what was good. He agreed with Mr. Sussberg that if it worked well, it could be rotated.

After discussion, a motion was made by Mr. Scott, seconded by Mr. Sussberg, and unanimously adopted that the proposed amendment to the Zoning Ordinance, Section 908, Accessory Uses, to establish criteria for farmer's markets on parcels zoned for retail, commercial or industrial use, be forwarded to City Council with a recommendation for approval.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**

FROM: **Interim Community Development Director** David

DATE: **May 12, 2010**

SUBJECT: **Proposed amendments to the city's outside display standards ordinance (Section 908.7) establishing guidelines regulating the use of hand-held signage and walking advertising.**
May 20, 2010 City Council Agenda

Recommendation:

That Council continue discussion on this item until the June 17 meeting.

Discussion:

Staff has been working with the City Attorney on the issue of hand-held signage and walking advertising within the city. A potential ordinance amendment to regulate this form of advertising was presented to the Planning Commission in 2009, at which time there were a number of issues raised that have not been fully explored. Rather than bring an ordinance to Council that does not have the full support of the Planning Commission, we are requesting that discussion on this item be tabled until the June 17 meeting. The Planning Commission will meet on May 24 and June 14 and it is our intent to provide a recommendation to the Council in time for the June 17 meeting.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager**

FROM: **Interim Community Development Director** David

DATE: **May 12, 2010**

SUBJECT: **Proposed amendments to Section 66-15(11) of the City's sign ordinance to establish and enhance guidelines for multi-tenant building directories.**
May 20, 2010 City Council Agenda

<u>Recommendation:</u>

That Council amend Section 66-15(11) of the City's sign ordinance to establish and enhance guidelines for multi-tenant building directories within retail, commercial and industrial developments.

<u>Discussion:</u>

Staff has been working with the tenants within the Braelinn Village retail center, the sign contractor as well as the shopping center manager to develop the master sign program for the renovated retail center. One issue we are trying to address is their desire to install multi-tenant building directories within the center to direct visitors to specific tenants. Three of these directories would be within the sidewalk areas in front of the center and three would be located behind the center where golf carts enter the development.

The issue of multi-tenant building directories has also been raised when working with tenants and building owners within the industrial park and office parks who want to install multi-tenant building directories to inform visitors where specific tenants are located.

Our sign ordinance currently allows multi-tenant building directories if they are not in excess of six (6) square feet, have letters that are no greater than 2" in height, and are no more than ten (10) feet from the structures on the lot. There is no limit to the number of directories that can be located on a particular lot.

Staff has found that our current ordinance language is somewhat limiting, primarily to the size (6 SF) and location (within 10' of the structures on the lot), and is proposing a modification to this particular paragraph within our sign ordinance to specify the total number of directory signs that would be permitted and to increase the size of directory signs. Our current ordinance limits these to no more than 6 SF (2' x 3'), and we are proposing that we increase this to a total of 28 SF (4' wide x 7' tall). While the actual directory sign would be 28 SF, the total area of display (the area where graphics could be located) would be limited to 18 SF (3' x 6') per sign.

The amendments also identify specific locations on a zoning lot where signs could be located as well as maximum lighting requirements. The intent of these changes is to enhance the ability of those visiting a particular site to find their way to their destination.

Staff will be providing photos of several types of multi-building directory signage, as well as that being proposed at Braelinn Village as a part of our presentation.

At their meeting on April 26, 2010, the Planning Commission voted unanimously to recommend that the proposed signage program for the Braelinn Village retail center (including the multi-tenant building directory signage) be approved and that Council direct Staff to review the existing ordinance such that these types of signs would be permitted not only within Braelinn Village but within other developments throughout the city.

<u>Budget impact:</u>

There is no budget impact associated with this request.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED SO AS TO PROVIDE FOR INTERNAL DIRECTORY SIGNS; TO REPEAL EXISTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Section 1. That Section 66-15 (11) of the Code of Ordinances of the City of Peachtree City, Georgia, be amended, as follows:

Sec. 66-15. Retail, commercial, office or industrial (LC, GC, LUC, OI, LI, GI, LUI)

~~(11) Multi-tenant building directories are allowed if not in excess of six square feet in width, two-inch maximum size letters, and must be located within ten feet of the structure(s) on the lot.~~

(11) Multi-tenant building directory. Each development shall be permitted no more than one (1) multi-tenant building directory for every 25,000 SF of total building square footage per platted lot in accordance with the following conditions:

a. Each directory may be two-sided and shall measure no greater than 4' in width and 7' in height from finish grade to the top of the sign.
b. The area of display on each directory shall measure no greater than 3' x 6'.
c. A minimum of 50% of the total number of directories shall be located within 20' of the face of the building(s) on the subject property.
d. Directories shall be located no closer than 200' from the nearest public street right-of-way and shall be oriented such that the directory graphics are not legible from off-site.
e. Directories shall not be located within 400 LF of each other, as measured in a straight line between each directory.
f. Directories shall not be located in such a manner that they obstruct established emergency access routes within a development.
g. Each directory shall be placed within a landscaped island of no less than ten (10) feet in width with curb and gutter.

h. Lighting shall be limited to indirect lighting only and shall not exceed 2 footcandles or less at any point on the directory. Internal illumination is prohibited.

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

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

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

This _________ day of _______________________ 2010.

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Don Haddix, Mayor

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Attest: ______________________________
City Clerk

EXCERPT FROM APPROVED MEETING MINUTES
PLANNING COMMISSION
April 26, 2010

04-10-01 **Consider Master Sign Program for Braelinn Village retail center.**

Mr. Rast explained that Mr. Bernard had been working with Braelinn Village and their sign contractor to develop a new sign program for the center. It was being based on the sign programs that had been used at Kedron Village and The Avenue.

The revised master sign program submitted by The Shopping Center Group included additional directory and wayfinding signage which was not permitted in the current Sign Ordinance. Primarily, the signage would be next to the building, would not be visible from the street, and would help with golf cart access and the walkability of their site. Since this was a linear center, it was not possible to see from one end of the center to the other and it was felt this type signage would help identify the tenants in the center. In addition, they proposed signage on the back of the property to help with golf cart access to the center. Mr. Rast thought this made a lot of sense even though it had not been used in any other retail center in the city. It would help those on golf carts know where they were and how to get around in the center.

There were a total of six signs proposed, three in the front and three in the rear, all located near the breezeways and where the golf carts would enter the property. The Sign Ordinance limited signage to 6 SF to be located 10' from the building. The signs would not be internally illuminated.

It was noted that the sign program for The Avenue had been amended to add some directory signage. The size that was allowed was 7' tall, 4' wide. The signs were mounted close to the ground, but still exceeded the 5' height allowed by the City's ordinance. Mr. Rast was not aware of any complaints about this signage.

Mr. Staples thought there had been some issues with the signs when they were first installed. Mr. Rast said the backs of the signs were being used for ad panels, and that had not been the understanding when the amendment was presented. The biggest issue was the lighting which they had indicated would be along the sides and in fact was internal tubes. The City worked with them to install a device that controlled the intensity of the light protruding through the signs.

Mr. Rast further explained that Mr. Bernard had spoken with various shop owners and leasing centers and found that one of their sticking points was the City's sign ordinance. The sign ordinance had also been mentioned by the students from Georgia Tech who were studying how the village centers might be revitalized. Mr. Rast thought there were portions of the sign ordinance that should be reviewed. There was a reason there was a sign ordinance but he thought it made sense to make changes that could assist the tenants such as changes to directory signage or signs internal to the center.

Mr. Staples agreed. He thought this signage was necessary in centers such as Braelinn Village that had not been designed as functionally as was needed for its present use. The specifics of the amendment should be spelled out to avoid problems such as were experienced at The Avenue, i.e., signs would be externally lit and would not be used for advertising.

Mr. Sussberg pointed out that as a merchant in town, he often purchased the signs at The Avenue. There was a billboard company at The Avenue that sold the signs, and he assumed Braelinn would do the same thing. He said these signs were not being used as a directory but were being actively sold as billboard advertising. His point was that if the signs were allowed at The Avenue, how could they not be allowed at Braelinn Village?

Mr. Staples and Ms. Wojcik both said they did not like the signs at The Avenue as they were distracting and not Peachtree City. Mr. Sussberg thought Peachtree City needed to be business friendly if we were going to attract the kind of retailers we wanted to have here.

In response to a question from Mr. Staples about how this would be addressed, Mr. Rast pointed out that each center had their own sign program. He also noted that Braelinn Village was not proposing to sell any advertising space on these signs but rather was promoting a directory of the businesses that were there. This would be reflected in their sign program. If in the future they wanted to sell any advertising space on the signs, their sign program would have to be modified. Mr. Rast pointed out that the design of the signs at Braelinn Village was different than the signs at The Avenue. Mr. Sussberg felt that a precedent had been set at The Avenue.

Ms. Pullias thought the signs looked like monument signs than the switchable signs at The Avenue. She wondered whether directions would be on both sides of the internal signs. Mr. Bernard said they were one-sided and would be placed against the building. Ms. Pullias also did not think the signs for the people accessing the center from the golf cart path needed to be 7' tall; they would be easier to see if they were closer to the ground. Mr. Bernard said the signs were a little bit taller to avoid damage by the golf carts.

After discussion, a motion was made by Mr. Scott, seconded by Ms. Wojcik, and unanimously adopted that the Planning Commission endorse the revised Master Sign Program for the Braelinn Village Retail Center and that it be forwarded to City Council with a request that Council direct Staff to look at the existing Sign Ordinance to possibly add way-finding signs to that ordinance.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council**

VIA: **Bernard J. McMullen, City Manager** Bernard J. McMullen

FROM: **Nikki Vrana, Administrative Services Director** NV

DATE: **May 7, 2010**

SUBJECT: **Non-Profit Funding Request – Fayette Senior Services**
May 20, 2010, City Council Meeting

Recommendation:

That Council provide direction on the amount of non-profit funding for Fayette Senior Services to include in the FY 2011 budget.

Discussion:

For the past several years, Council has approved funding support of Fayette Senior Services in accordance with CAR 8-3 (attached). Per the terms of the policy, Fayette Senior Services provides services the City does not that meet the basic needs of some of our residents in the form of home delivered meals, congregate meal programs, in-home personal care/homemaker services, voucher transportation, and non-medical transportation services for seniors. The CAR stipulates that the amount of funding shall be the lesser of the amount requested, the annual budget used to serve Peachtree City residents, or $7,500. In this case, the $7,500 is the lesser of the amounts.

In FY09, Council approved an additional $8,130 in funding to help address shortfalls in the home delivered meals programs under paragraph G of the policy. In addition for FY10, Council approved the funding of $15,630 as was requested to address ongoing funding shortfalls due to increased demands for services and higher costs of providing services, and to avoid reductions in services. Peachtree City residents comprise approximately 31% of the citizens who receive services from Fayette Senior Services.

Attached is Ms. Britt's request for funding for the FY 2011 budget. The request is for $15,630 to continue to provide social services. It is noted that the revenue shortfall is directly attributed to the increase demand for service; the higher costs associated with providing services, and decreased revenue as a result of the current economic conditions.

Budget Impact:

This item will have a budgetary impact of $15,630, which will be included in the proposed FY 2011 Budget to be presented on June 1 pending Council approval of the request.

Attachment (s)

CAR 8-3 City Council Funding for Non-Profit Organizations in Fayette County CAR 8-3

OPR: City Hall
4/00 (Amended 02/09)

	Section	
Purpose		I
Policy		II

I. Purpose

The Purpose of this regulation is to establish a policy for consistent response to requests for donations on behalf of non-profit organizations, including public schools, in Fayette County.

II. Policy

While the City of Peachtree City has no financial responsibility to assist non-profit organizations, including public schools, with funding or providing labor, there have been requests in the past for this assistance, and it is anticipated that there may be requests in the future. In an effort to ensure consistency, fairness, and compliance with anti-gratuities laws, the following guidelines have been established:

A. Council will budget no more than $25,000 annually for all non-profit funding.

B. The City would assume no liability for any project for which the City provides funding and/or labor.

C. Services provided to Peachtree City residents by a non-profit organization shall be addressed in a contract between the City of Peachtree City and the organization.

D. Non-Profit Organizations

1. Basic Needs

As a general rule, funding for non-profit organizations serving Fayette County should be provided by the Fayette County Commission to ensure that Peachtree City residents are not subject to double payment through their municipal and County taxes. However, Council reserves the right to make contributions to non-profit organizations that provide services that meet the basic needs (food, shelter, protection) of Peachtree City residents based upon the merit of the request. Requests for funding for non-profit organizations that provide basic needs shall not require matching funds but such requests shall be prorated based upon the total annual budget of the organization and the percentage of Peachtree City residents served by the organization in comparison to the total number of people they serve. The amount of funding provided shall be the lesser of the amount requested, the amount of the annual budget used to serve Peachtree City residents based on the percentage of Peachtree City residents served, or $7,500.00. The percentage of Peachtree City residents served will be based on the total number of residents and non-residents served for the 12-month period ending with the month prior to the month in which the request is made. These funds, once identified, will be budgeted for annually, upon written request by the organization that would be subject to prorated allocation as noted above.

2. General Needs

Should Council approve a funding request for an organization that provides for general needs (other than food, shelter and protection), a dollar for dollar match up to a limit of $5,000 in funding/labor may be provided as a match to any non-government funding provided to the organization. If the organization serves people other than Peachtree City residents, request shall be prorated based upon the percentage of Peachtree City residents served in comparison to the total population served. The amount of funding provided shall be the lesser of the actual amount requested, the amount of the annual budget used to serve Peachtree City residents based on the percentage of Peachtree City residents served, or $5,000.00. The percentage of Peachtree City residents served will be based on the total number of residents and non-residents served for the 12-month period ending with the month prior to the month in which the request is made. Requests from a non-profit organization in the General Needs category will be considered no more often than every five years.

3. Public Schools

   a. Each request for funding/labor will be considered by the Peachtree City Recreation Commission, who will forward a recommendation to the City Council for final decision.
   b. Council will evaluate each request and make a decision based on the merit of the request.
   c. No more than one request, per school, will be considered in any five consecutive year period.
   d. Only Fayette County public schools whose attendance boundaries include Peachtree City will be eligible for consideration.
   e. Requests for funding/labor must be for enhancements to playgrounds and playing fields only. Any playground/playing field for which the City makes a contribution must be made available for use by City residents when not being used by the school. A formal agreement with the School Board would be required.
   f. Should Council approve a funding request, a dollar for dollar match up to a limit of $5,000 in funding/labor may be provided as a match to any funding provided by the school or any school organization (i.e. booster club). All funding requests must be submitted by June 1.

E. All requests for funding must be made using the attached form. 501c3 non-profit organizations should include a copy of the previous calendar year form 990. Other non-profits should attach a copy of their current fiscal year budget.

F. The City Council will have final approval on all funding requests. All funding requests must be submitted to and approved by Council by June 1 for consideration for funding in the next fiscal year budget.

G. In emergency situations (a sudden, urgent, need for help or relief, created by some unexpected financial event), the City Council may vote to provide funding outside of the provisions above from the Council Contingency Fund. Adherence to anti-gratuities requirements would still apply.

APPROVED:
Mayor and Councilmembers

Funding Request
For Non-Profit Organizations

Organization Information:

Organization Name: ____________________

Address: ____________________

Phone #: ____________________ Fax #: ____________________

Contact Person: ____________________

Title: ____________________

Financial Information:

Total Annual Budget: ____________________

Total Clients Served Annually: ____________________

Peachtree City Residents Served Annually: ____________________

Funding Request Information:

Funding Amount Requested: ____________________

Funding Use(s): ____________________

Additional Information on Organization/Services: ____________________

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REQUIRED ATTACHMENTS: 501c3 non-profit organizations must provide a copy of the previous calendar year form 990. Other non-profits must provide a current fiscal year budget.

Date Submitted: __________ ***Council Approval Date:*** __________ ***Amount Approved:*** __________

STATE OF GEORGIA
COUNTY OF FAYETTE

AGREEMENT

THIS AGREEMENT, made an entered into this ______ day of __________________, _______ between the CITY OF PEACHTREE CITY, GEORGIA [hereafter referred to as the "City"] and the FAYETTE COUNTY BOARD OF EDUCATION [hereafter referred to as the "Board"] is as follows:

WHEREAS, the City has been approached by parents, teachers, or others to contribute funds for the purchase of certain playground equipment at ____________________________ (hereinafter "School") located in Peachtree City, Georgia;

WHEREAS, the Board is supportive of the school's efforts to obtain funds for the purchase of certain playground equipment;

WHEREAS, the Board recognizes the legal impediment to the City preventing it from simply donating the money to the School for the purchase of playground equipment;

WHEREAS, the Board and the City are ever mindful looking for ways to consolidate governmental efforts and hold down costs;

WHEREAS, the Board agrees to allow Peachtree City residents to use the playground equipment during non-school hours.

NOW THEREFORE BE IT RESOLVED:

1. In consideration of the donation of $5,000 for the purchase of playground equipment for the School, the Board will allow use of the equipment by the general public during reasonable hours. For the purpose of this agreement, reasonable hours shall mean daylight hours after school and on weekends to the extent that such use by the general public does not interfere with school and school-related activities.

2. At all times relevant to this Agreement, the Board shall control and be responsible for maintaining the playground equipment.

3. This Agreement shall terminate absolutely and without further obligation on the part of the Board on December 31 of this current year and at the close of each succeeding calendar year unless renewed in accordance with paragraph four.

4. This Agreement shall automatically be renewed unless the Board gives written notice to the City of its decision not to renew the agreement at least thirty (30) days prior to the end of each calendar year.

5. The Board agrees to indemnify and hold the City harmless from any and all claims by students, faculty and staff of the School District resulting from their use of the playground equipment purchased with the funds contributed by the City.

IN WITNESS WHEREOF, the Board and the City have caused this agreement to be executed by their duly authorized officers.

FAYETTE COUNTY BOARD OF EDUCATION

By: ________________________________
Chair

Attest: ________________________________
Superintendent

CITY OF PEACHTREE CITY

By: ___________________________
Mayor

Attest: ___________________________
City Clerk

fayette Senior Services

May 7, 2010

Mr. Bernie McMullen
City Manager, City of Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

RE: FY2011 Request for Funding

Dear Bernie,

Fayette Senior Services, Inc. respectfully submits a request for funding assistance in the amount of $15,630 from the City of Peachtree City for the period October 1, 2010 through September 30, 2011.

For more than 30 years Fayette Senior Services has been providing a wide variety of social services to Fayette County's older adults who have specialized needs. Our services not only ensure that basic needs are met, but each service is designed to improve the quality of life for our seniors and help them to remain living independently.

Please find attached a summary of services provided to eligible Peachtree City residents in FY09 and FY10 YTD. Funds provided by the city of Peachtree City will be used to alleviate the projected funding shortfall for the provision of social services, which is estimated at this time to be approximately $77,902. The revenue shortfall is directly attributed to the increased demand for service; the higher costs associated with providing services, and decreased revenue as a result of current economic conditions.

In addition to seeking continued support from our local governments, Fayette Senior Services remains focused on developing new revenue streams, corporate partnerships, increased public support, and community partnerships. In consideration of the fact that Fayette County has the third fastest growing senior population in metro Atlanta, financial support from our local governments will help us ensure that we can meet the growing demand for services and minimize the need for waiting lists.

We sincerely appreciate the long-time support from the city of Peachtree City and we look forward to a continued partnership in our cooperative efforts to make a meaningful difference in the lives of Peachtree City's older adults.

Sincerely,

Debbie Britt

Debbie Britt
Executive Director

Cc: Nancy Meaders

PEACHTREE CITY

Funding Request
For Non-Profit Organizations

Organization Information:

Organization Name: Fayette Senior Services, Inc.

Address: 4 Center Drive, Fayetteville, GA 30214

Phone #: 770-461-0813 Fax #: 770-461-2448

Contact Person: Debbie Britt

Title: Executive Director

Financial Information:

Total Annual Budget: $1,346,997

Total Clients Served Annually: See attached

Peachtree City Residents Served Annually: See attached

Funding Request Information:

Funding Amount Requested: $15,630

Funding Use(s): To provide a variety of social services that help senior citizens with their basic needs and improve their quality of life/maintain independence.

Additional Information on Organization/Services:

Please see attached for organization profile.

REQUIRED ATTACHMENTS: 501c3 non-profit organizations must provide a copy of the previous calendar year form 990. Other non-profits must provide a current fiscal year budget.

Date Submitted: ____________ *Council Approval Date:* ____________ *Amount Approved:* ____________

Fayette Senior Services

Number of Fayette County residents age 60+ who receive *one or more* social services (I.e. Meals on Wheels, In-home services/personal care, transportation, etc.)

Municipality / County	FY09 Number of Persons July 1, 2008 – June 30, 2009	FY10 July 1, 2009 - YTD Number of Persons	FY10 July 1, 2009 - YTD % of Persons by Location
Unincorporated Fayette County (includes Woolsey)	193	226	41%
Peachtree City	153	172	31%
Fayetteville	116	123	22%
Tyrone	19	21	4%
Brooks	10	10	2%
Total No. Persons	491	552	100%

Number of Peachtree City clients by service:

Service	Number of Peachtree City Residents
Home Delivered Meals (Meals On Wheels)	63
In-home Personal Care/Homemaker Services	13
Congregate Meal Program	11
Voucher Transportation	36
Non-emergency Medical Transportation	49
Total	172

The chart below is a representative example of the cost per service:

Number of Peachtree City Clients by Service:				
TYPE OF SERVICE	FY10 YTD (Jul-Apr) No. of PTC Residents	Avg. No. of Units* per Client per year	Total No. of Units	Total Cost
Home Delivered Meals (Meals on Wheels)	63	260	16,380	$ 87,633.00
In-Home Personal Care/Homemaker Services	13	104	1,352	$ 33,800.00
Congregate Meal Program	11	204	2,244	$ 31,169.16
Total Cost				$ 152,602.16

Fayette Senior Services fiscal year is July 1 through June 30.

*Unit = an hour of service or one meal.

About Fayette Senior Services

Founded in 1978, Fayette Senior Services (FSS), a non-profit, 501(c)(3) organization, coordinates and manages the delivery of social services that make a meaningful difference in the emotional, social, and physical well-being of Fayette County's older adults. FSS is the designated aging service provider for Fayette County under the Atlanta Regional Commission's Area Agency on Aging.

The social services provide senior citizens with specialized needs an opportunity to maintain their independence and improve their quality of life. These services include: Meals on Wheels, Congregate Meal Program, Adult Day Care, Information & Assistance, Transportation, In-Home Personal Care/Homemaker Services, Home Repair, and Case Management. The services also offer respite for families and caregivers.

Fayette Senior Services also offers a wide variety of social, leisure, fitness and recreational activities for active adults at its Life Enrichment Center. With a focus on total health and wellness (body, mind, and spirit), the Life Enrichment Center offers a vibrant and engaging atmosphere where active older adults can stay informed, motivated, and active...and ultimately healthier throughout the aging transition. Our Life Enrichment Center and its programs are funded entirely by membership fees, private donations, charitable contributions, grants, and fundraising.

When You Need a Little Help From Some Friends...

FSS Social Services

Our programs give seniors with specialized needs an opportunity to maintain their independence and improve their quality of life.

Meals On Wheels

Meals on Wheels is a needs-based program for home-bound seniors who are unable to purchase or prepare their own nutritious meals on a regular basis. For example, they may have a physical condition that makes preparing a meal a difficult task, or their level of income may make it a challenge to maintain proper nutrition. Each year, nearly 200 community volunteers deliver more than 40,000 balanced, nutritious and appealing meals to Fayette County seniors. More importantly, it provides a homebound senior with a connection with the outside community and a daily "check-in" to ensure client safety and well-being.

Congregate Meal Program

The Congregate Meal Program was established under the Older Americans Act (OAA) as a subsidized program to provide nutritious meals, health and wellness counseling, education, social and recreational activities in a structured group setting. Transportation to and from the Center are provided to eligible program participants.

Information & Referral Services

Our Information & Referral Specialist utilizes many resources (including a statewide database) to connect older adults and their families with available services in the community. By determining your specific need, we will refer you to the appropriate service provider.

Medical Equipment Lending Program

We lend recycled and gently used medical equipment to individuals, families, and caregivers. Equipment is loaned on a first come-first served basis. Just call 770-461-0813 and ask for our Information Specialist and we'll be happy to assist you.

Transportation

For older adults who no longer drive, getting to essential medical appointments, to the pharmacy, or to the grocery store can be a challenge... putting their health and well-being at risk. FSS is the leading low-cost, on-demand, flexible transportation provider for Fayette County seniors. We offer two types of transportation to eligible participants: Voucher Transportation and Community Transportation (non-emergency medical transportation).

In-home Personal Care/Homemaker Services

This program enables recipients to remain self-sufficient by providing trained personnel who perform simple homemaker and/or personal care tasks, such as light housekeeping or bathing. Our services are delivered with the utmost personal respect and care and can also help bring respite to caregivers.

Kinship Caregivers Support

We offer case management support for family caregivers through information assistance and support groups, such as Grandparents Raising Grandchildren.

Adult Day Care Referral Service

We contract with a trusted local provider of Adult Day Care services that offers a caring environment focused on the individual's physical and emotional well-being, as well as social and recreational activities.

Case Management

Our staff of professional and licensed Case Managers perform assessments to assist individuals and their families in planning and care. Case Managers address a variety of needs through our programs and services while providing ongoing support and referral services.

Home Repair Services

This program is for older adults who are either physically and/or financially unable to perform the minor, routine home maintenance tasks and repairs. Our Tool Team helps to ensure that our community's seniors live in a safe and secure environment.

Form **990**

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-0047
2008
Open to Public Inspection

A For the 2008 calendar year, or tax year beginning 7/01/08 , and ending 6/30/09

B Check if applicable:
- ☐ Address change
- ☐ Name change
- ☐ Initial return
- ☐ Termination
- ☐ Amended return
- ☐ Application pending

Please use IRS label or print or type. See Specific Instructions.

C Name of organization: FAYETTE SENIOR SERVICES, INC.

Doing Business As

Number and street (or P.O. box if mail is not delivered to street address): 4 CENTER DRIVE | Room/suite

City or town, state or country, and ZIP + 4: FAYETTEVILLE GA 30214

D Employer identification number: 58-1364158

E Telephone number: 770-461-0813

G Gross receipts$ 1,132,921

F Name and address of principal officer:

H(a) Is this a group return for affiliates? ☐ Yes ☒ No

H(b) Are all affiliates included? ☐ Yes ☐ No

If "No," attach a list. (see instructions)

I Tax-exempt status: ☒ 501(c) (3) ◀ (insert no.) ☐ 4947(a)(1) or ☐ 527

J Website: ▶ WWW.FAYSS.ORG

H(c) Group exemption number ▶

K Type of organization: ☒ Corporation ☐ Trust ☐ Association ☐ Other ▶

L Year of formation: 1982

M State of legal domicile: GA

Part I Summary

Activities & Governance

1 Briefly describe the organization's mission or most significant activities:
TO HELP MAINTAIN THE DIGNITY, SELF-RESPECT AND INDEPENDENT LIVING FOR FAYETTE COUNTY, GEORGIA RESIDENTS AGE 60 AND OVER

2 Check this box ▶ ☐ if the organization discontinued its operations or disposed of more than 25% of its assets.

3 Number of voting members of the governing body (Part VI, line 1a)	3	14
4 Number of independent voting members of the governing body (Part VI, line 1b)	4	14
5 Total number of employees (Part V, line 2a)	5	34
6 Total number of volunteers (estimate if necessary)	6	
7a Total gross unrelated business revenue from Part VIII, line 12, column (C)	7a	
b Net unrelated business taxable income from Form 990-T, line 34	7b	0

FILE COPY

		Prior Year	Current Year
Revenue	8 Contributions and grants (Part VIII, line 1h)	653,548	724,635
	9 Program service revenue (Part VIII, line 2g)	95,629	302,624
	10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	47,828	28,213
	11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	33,850	77,449
	12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	830,855	1,132,921
Expenses	13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)		
	14 Benefits paid to or for members (Part IX, column (A), line 4)		
	15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)	327,264	546,911
	16a Professional fundraising fees (Part IX, column (A), line 11e)		
	b Total fundraising expenses (Part IX, column (D), line 25) ▶		
	17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24f)	629,052	847,980
	18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)	956,316	1,394,891
	19 Revenue less expenses. Subtract line 18 from line 12	-125,461	-261,970
		Beginning of Year	**End of Year**
Net Assets or Fund Balances	20 Total assets (Part X, line 16)	1,752,108	1,529,088
	21 Total liabilities (Part X, line 26)	69,986	108,937
	22 Net assets or fund balances. Subtract line 21 from line 20	1,682,122	1,420,151

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here ▶ Deborah F Britt — Signature of officer — Date 11/12/09

▶ DEBORAH F. BRITT — Type or print name and title

Paid Preparer's Use Only

Preparer's signature ▶ Dan Graddy, C.P.A. — Date 11/11/09 — Check if self-employed ▶ ☐ — Preparer's identifying number (see instructions) P00400898

Firm's name (or yours if self-employed), address, and ZIP + 4 ▶ BROWN, NELMS & CO., P.C., 455 N Jeff Davis Dr, Fayetteville, GA 30214-1629 — EIN ▶ 58-1737336 — Phone no. ▶ 770-461-5502

May the IRS discuss this return with the preparer shown above? (see instructions) ☐ Yes ☐ No

Part III Statement of Program Service Accomplishments (see instructions)

1 Briefly describe the organization's mission:

TO HELP MAINTAIN THE DIGNITY, SELF-RESPECT AND INDEPENDENT LIVING FOR FAYETTE COUNTY, GEORGIA RESIDENTS AGE 60 AND OVER

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? ☐ Yes ☒ No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? ☐ Yes ☒ No

If "Yes," describe these changes on Schedule O.

4 Describe the exempt purpose achievements for each of the organization's three largest program services by expenses. Section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses $ 1,308,288 including grants of$) (Revenue $)

ELDERLY CARE SERVICES - PROGRAM PROVIDES INFORMATION AND REFERRAL SERVICES, CONGREGATE MEALS, HOME DELIVERED MEALS, TRANSPORTATION, COMMUNITY CARE AND IN-HOME SERVICES FOR ELDERLY PERSONS IN THE COMMUNITY.

4b (Code:) (Expenses $ including grants of$) (Revenue $)

4c (Code:) (Expenses $ including grants of$) (Revenue $)

4d Other program services. (Describe in Schedule O.)

(Expenses $ including grants of$) (Revenue $)

4e **Total program service expenses** ▶ $ 1,308,288 (Must equal Part IX, Line 25, column (B).)

Part IV Checklist of Required Schedules

			Yes	No
1	Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? If "Yes," complete Schedule A	1	X	
2	Is the organization required to complete Schedule B, Schedule of Contributors?	2	X	
3	Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I	3		X
4	**Section 501(c)(3) organizations.** Did the organization engage in lobbying activities? If "Yes," complete Schedule C, Part II	4		X
5	**Section 501(c)(4), 501(c)(5), and 501(c)(6) organizations.** Is the organization subject to the section 6033(e) notice and reporting requirement and proxy tax? If "Yes," complete Schedule C, Part III	5		
6	Did the organization maintain any donor advised funds or any accounts where donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If "Yes," complete Schedule D, Part I	6		X
7	Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? If "Yes," complete Schedule D, Part II	7		X
8	Did the organization maintain collections of works of art, historical treasures, or other similar assets? If "Yes," complete Schedule D, Part III	8		X
9	Did the organization report an amount in Part X, line 21; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? If "Yes," complete Schedule D, Part IV	9		X
10	Did the organization hold assets in term, permanent, or quasi-endowments? If "Yes," complete Schedule D, Part V	10		X
11	Did the organization report an amount in Part X, lines 10, 12, 13, 15, or 25? If "Yes," complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable	11	X	
12	Did the organization receive an audited financial statement for the year for which it is completing this return that was prepared in accordance with GAAP? If "Yes," complete Schedule D, Parts XI, XII, and XIII	12	X	
13	Is the organization a school described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E	13		X
14a	Did the organization maintain an office, employees, or agents outside of the U.S.?	14a		X
b	Did the organization have aggregate revenues or expenses of more than $10,000 from grantmaking, fundraising, business, and program service activities outside the U.S.? If "Yes," complete Schedule F, Part I	14b		X
15	Did the organization report on Part IX, column (A), line 3, more than $5,000 of grants or assistance to any organization or entity located outside the United States? If "Yes," complete Schedule F, Part II	15		X
16	Did the organization report on Part IX, column (A), line 3, more than $5,000 of aggregate grants or assistance to individuals located outside the United States? If "Yes," complete Schedule F, Part III	16		X
17	Did the organization report more than $15,000 on Part IX, column (A), line 11e? If "Yes," complete Schedule G, Part I	17		X
18	Did the organization report more than $15,000 total on Part VIII, lines 1c and 8a? If "Yes," complete Schedule G, Part II	18		X
19	Did the organization report more than $15,000 on Part VIII, line 9a? If "Yes," complete Schedule G, Part III	19		X
20	Did the organization operate one or more hospitals? If "Yes," complete Schedule H	20		X
21	Did the organization report more than $5,000 on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II	21		X
22	Did the organization report more than $5,000 on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III	22		X
23	Did the organization answer "Yes" to Part VII, Section A, questions 3, 4, or 5? If "Yes," complete Schedule J	23		X
24a	Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than $100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer questions 24b–24d and complete Schedule K. If "No," go to question 25.	24a		X
b	Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?	24b		
c	Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?	24c		
d	Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?	24d		
25a	**Section 501(c)(3) and 501(c)(4) organizations.** Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I	25a		X
b	Did the organization become aware that it had engaged in an excess benefit transaction with a disqualified person from a prior year? If "Yes," complete Schedule L, Part I	25b		X
26	Was a loan to or by a current or former officer, director, trustee, key employee, highly compensated employee, or disqualified person outstanding as of the end of the organization's tax year? If "Yes," complete Schedule L, Part II	26		X
27	Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, or substantial contributor, or to a person related to such an individual? If "Yes," complete Schedule L, Part III	27		X

Part IV Checklist of Required Schedules (continued)

			Yes	No
28	During the tax year, did any person who is a current or former officer, director, trustee, or key employee:			
a	Have a direct business relationship with the organization (other than as an officer, director, trustee, or employee), or an indirect business relationship through ownership of more than 35% in another entity (individually or collectively with other person(s) listed in Part VII, Section A)? If "Yes," complete Schedule L, Part IV	28a		X
b	Have a family member who had a direct or indirect business relationship with the organization? If "Yes," complete Schedule L, Part IV	28b		X
c	Serve as an officer, director, trustee, key employee, partner, or member of an entity (or a shareholder of a professional corporation) doing business with the organization? If "Yes," complete Schedule L, Part IV	28c		X
29	Did the organization receive more than $25,000 in non-cash contributions? If "Yes," complete Schedule M	29		X
30	Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M	30		X
31	Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I	31		X
32	Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II	32		X
33	Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I	33		X
34	Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Parts II, III, IV, and V, line 1	34		X
35	Is any related organization a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2	35		X
36	**Section 501(c)(3) organizations.** Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2	36		X
37	Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI	37		X

Part V Statements Regarding Other IRS Filings and Tax Compliance

					Yes	No
1a	Enter the number reported in Box 3 of Form 1096, Annual Summary and Transmittal of U.S. Information Returns. Enter -0- if not applicable	1a	22			
b	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable	1b	0			
c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?			1c	X	
2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a	34			
b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns? **Note.** If the sum of lines 1a and 2a is greater than 250, you may be required to e-file this return. (see instructions)			2b	X	
3a	Did the organization have unrelated business gross income of $1,000 or more during the year covered by this return?			3a		X
b	If "Yes," has it filed a Form 990-T for this year? If "No," provide an explanation in Schedule O			3b		
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?			4a		X
b	If "Yes," enter the name of the foreign country: ▶ See the instructions for exceptions and filing requirements for Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.					
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?			5a		X
b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?			5b		X
c	If "Yes," to question 5a or 5b, did the organization file Form 8886-T, Disclosure by Tax-Exempt Entity Regarding Prohibited Tax Shelter Transaction?			5c		
6a	Did the organization solicit any contributions that were not tax deductible?			6a		X
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?			6b		
7	**Organizations that may receive deductible contributions under section 170(c).**					
a	Did the organization provide goods or services in exchange for any quid pro quo contribution of more than $75?			7a		X
b	If "Yes," did the organization notify the donor of the value of the goods or services provided?			7b		
c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?			7c		X
d	If "Yes," indicate the number of Forms 8282 filed during the year	7d				
e	Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?			7e		X
f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?			7f		X
g	For all contributions of qualified intellectual property, did the organization file Form 8899 as required?			7g		X
h	For contributions of cars, boats, airplanes, and other vehicles, did the organization file a Form 1098-C as required?			7h		X
8	**Section 501(c)(3) and other sponsoring organizations maintaining donor advised funds and section 509(a)(3) supporting organizations.** Did the supporting organization, or a fund maintained by a sponsoring organization, have excess business holdings at any time during the year?			8		X
9	**Section 501(c)(3) and other sponsoring organizations maintaining donor advised funds.**					
a	Did the organization make any taxable distributions under section 4966?			9a		X
b	Did the organization make a distribution to a donor, donor advisor, or related person?			9b		X
10	**Section 501(c)(7) organizations.** Enter:					
a	Initiation fees and capital contributions included on Part VIII, line 12	10a				
b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b				
11	**Section 501(c)(12) organizations.** Enter:					
a	Gross income from members or shareholders	11a				
b	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b				
12a	**Section 4947(a)(1) non-exempt charitable trusts.** Is the organization filing Form 990 in lieu of Form 1041?			12a		
b	If "Yes," enter the amount of tax-exempt interest received or accrued during the year	12b				

DAA

Part VI Governance, Management, and Disclosure (Sections A, B, and C request information about policies not required by the Internal Revenue Code.)

Section A. Governing Body and Management

			Yes	No
	For each "Yes" response to lines 2–7b below, and for a "No" response to lines 8 or 9b below, describe the circumstances, processes, or changes in Schedule O. See instructions.			
1a	Enter the number of voting members of the governing body — 1a: 14			
b	Enter the number of voting members that are independent — 1b: 14			
2	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	2		X
3	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?	3		X
4	Did the organization make any significant changes to its organizational documents since the prior Form 990 was filed?	4		X
5	Did the organization become aware during the year of a material diversion of the organization's assets?	5		X
6	Does the organization have members or stockholders?	6		X
7a	Does the organization have members, stockholders, or other persons who may elect one or more members of the governing body?	7a		X
b	Are any decisions of the governing body subject to approval by members, stockholders, or other persons?	7b		X
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:			
a	The governing body?	8a	X	
b	Each committee with authority to act on behalf of the governing body?	8b	X	
9a	Does the organization have local chapters, branches, or affiliates?	9a		X
b	If "Yes," does the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with those of the organization?	9b		
10	Was a copy of the Form 990 provided to the organization's governing body before it was filed? All organizations must describe in Schedule O the process, if any, the organization uses to review the Form 990	10		X
11	Is there any officer, director or trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O	11		X

Section B. Policies

			Yes	No
12a	Does the organization have a written conflict of interest policy? If "No," go to line 13	12a	X	
b	Are officers, directors or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b		X
c	Does the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this is done	12c	X	
13	Does the organization have a written whistleblower policy?	13	X	
14	Does the organization have a written document retention and destruction policy?	14	X	
15	Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision:			
a	The organization's CEO, Executive Director, or top management official?	15a	X	
b	Other officers or key employees of the organization? Describe the process in Schedule O. (see instructions)	15b	X	
16a	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a		X
b	If "Yes," has the organization adopted a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and taken steps to safeguard the organization's exempt status with respect to such arrangements?	16b		

Section C. Disclosure

17 List the states with which a copy of this Form 990 is required to be filed ▶ GA

18 Section 6104 requires an organization to make its Form 1023 (or 1024 if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you make these available. Check all that apply.

☐ Own website ☐ Another's website ☒ Upon request

19 Describe in Schedule O whether (and if so, how), the organization makes its governing documents, conflict of interest policy, and financial statements available to the public.

20 State the name, physical address, and telephone number of the person who possesses the books and records of the organization: ▶ FAYETTE SENIOR SERVICES 4 CENTER DRIVE

FAYETTEVILLE GA 30214 770-461-0813

DAA

Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Use Schedule J-2 if additional space is needed.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation, and **current** key employees. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than $100,000 from the organization and any related organizations.
- List all of the organization's **former** officers, key employees, and highest compensated employees who received more than $100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than $10,000 of reportable compensation from the organization and any related organizations.

List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

☒ Check this box if the organization did not compensate any officer, director, trustee, or key employee.

(A) Name and Title	(B) Average hours per week	(C) Position (check all that apply): Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former	(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
JACK BOWDOIN PRESIDENT				X				0	0	0
SHARON CUMMINGS SEC/TREAS				X				0	0	0
LAMAR FEAGANS BOARD MEMBER								0	0	0
JANICE FOLSOM BOARD MEMBER								0	0	0
MATT FORSHEE BOARD MEMBER								0	0	0
STONY LOHR BOARD MEMBER								0	0	0
CHRIS MALLON BOARD MEMBE								0	0	0
JOAN NEAL PARLIAMENTAR								0	0	0
CECIL PITTMAN BOARD MEMBER								0	0	0
FRANCES REEVES HISTORIAN								0	0	0
CHRIS SNELL BOARD MEMBER								0	0	0
DEBBIE STEELE BOARD MEMBER								0	0	0
ROGINA WILLIAMS BOARD MEMBER								0	0	0
BOB TRUITT BOARD MEMBER								0	0	0

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Part VII **Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees** (continued)

(A) Name and title	(B) Average hours per week	(C) Position: Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former	(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
1b Total ▶										

2 Total number of individuals (including those in 1a) who received more than $100,000 in reportable compensation from the organization ▶ 0

		Yes	No
3 Did the organization list any **former** officer, director or trustee, key employee, or highest compensated employee on line 1a? If "Yes," complete Schedule J for such individual	3		X
4 For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than $150,000? If "Yes," complete Schedule J for such individual	4		X
5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization for services rendered to the organization? If "Yes," complete Schedule J for such person	5		X

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than $100,000 of compensation from the organization.

(A) Name and business address	(B) Description of services	(C) Compensation

2 Total number of independent contractors (including those in 1) who received more than $100,000 in compensation from the organization ▶ 0

Part VIII Statement of Revenue

					(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512, 513, or 514
Contributions, gifts, grants and other similar amounts	1a	Federated campaigns	1a					
	b	Membership dues	1b					
	c	Fundraising events	1c					
	d	Related organizations	1d					
	e	Government grants (contributions)	1e	619,013				
	f	All other contributions, gifts, grants, and similar amounts not included above	1f	105,622				
	g	Noncash contributions included in lines 1a-1f: $						
	h	**Total.** Add lines 1a–1f ▶			724,635			
Program Service Revenue			Busn. Code					
	2a	CENTER FESS: 40050.3 LUNCHES			92,622	92,622		
	b	CENTER FEES: 40050.1 CLASSES			44,376	44,376		
	c	CENTER FESS: 40050.4 MEMBERSH			39,615	39,615		
	d	CONGREGATE PROGRAM			34,183	34,183		
	e	HOME DELIVERED MEALS			23,019	23,019		
	f	All other program service revenue			68,809	68,809		
	g	**Total.** Add lines 2a–2f ▶			302,624			
Other Revenue	3	Investment income (including dividends, interest, and other similar amounts) ▶			28,213	28,213		
	4	Income from investment of tax-exempt bond proceeds ▶						
	5	Royalties ▶						
			(i) Real	(ii) Personal				
	6a	Gross Rents						
	b	Less: rental exps.						
	c	Rental inc. or (loss)						
	d	Net rental income or (loss) ▶						
			(i) Securities	(ii) Other				
	7a	Gross amount from sales of assets other than inventory						
	b	Less: cost or other basis & sales exps						
	c	Gain or (loss)						
	d	Net gain or (loss) ▶						
	8a	Gross income from fundraising events (not including $ of contributions reported on line 1c). See Part IV, line 18	a					
	b	Less: direct expenses	b					
	c	Net income or (loss) from fundraising events ▶						
	9a	Gross income from gaming activities. See Part IV, line 19	a					
	b	Less: direct expenses	b					
	c	Net income or (loss) from gaming activities ▶						
	10a	Gross sales of inventory, less returns and allowances	a					
	b	Less: cost of goods sold	b					
	c	Net income or (loss) from sales of inventory ▶						
		Miscellaneous Revenue	Busn. Code					
	11a	GIFT IN KIND INCOME			22,000	22,000		
	b	PROJECT LOVE			18,031			18,031
	c	MEAL TO REMEMBER			13,463			13,463
	d	All other revenue			23,955	3,003		20,952
	e	**Total.** Add lines 11a–11d ▶			77,449			
	12	**Total Revenue.** Add lines 1h, 2g, 3, 4, 5, 6d, 7d, 8c, 9c, 10c, and 11e ▶			1,132,921	355,840	0	52,446

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Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns.
All other organizations must complete column (A) but are not required to complete columns (B), (C), and (D).

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to governments and organizations in the U.S. See Part IV, line 21				
2 Grants and other assistance to individuals in the U.S. See Part IV, line 22				
3 Grants and other assistance to governments, organizations, and individuals outside the U.S. See Part IV, lines 15 and 16				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees				
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	535,651	482,086	53,565	
8 Pension plan contributions (include section 401(k) and section 403(b) employer contributions)				
9 Other employee benefits				
10 Payroll taxes	11,260	10,134	1,126	
11 Fees for services (non-employees):				
a Management				
b Legal				
c Accounting				
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other				
12 Advertising and promotion	1,100	1,100		
13 Office expenses	34,208	34,208		
14 Information technology				
15 Royalties				
16 Occupancy	68,583	61,730	6,853	
17 Travel				
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	93,492	84,854	8,638	
23 Insurance				
24 Other expenses. Itemize expenses not covered above. (Expenses grouped together and labeled miscellaneous may not exceed 5% of total expenses shown on line 25 below.)				
a NON-CONTRACTED COST	257,135	257,135		
b CONTRACT EXPENSE	214,771	214,771		
c INSURANCE	58,136	52,322	5,814	
d PROFESSIONAL FEES	52,160	46,944	5,216	
e MAINTENANCE EXPENSE: 6850	11,244	10,120	1,124	
f All other expenses	57,151	52,884	4,267	
25 **Total functional expenses.** Add lines 1 through 24f	1,394,891	1,308,288	86,603	
26 **Joint Costs.** Check here ▶ ☐ if following SOP 98-2. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation				

Part X Balance Sheet

			(A) Beginning of year		(B) End of year
Assets	1	Cash—non-interest bearing	85,362	1	14,04
	2	Savings and temporary cash investments		2	1,079,99
	3	Pledges and grants receivable, net	96,475	3	
	4	Accounts receivable, net		4	26,78
	5	Receivables from current and former officers, directors, trustees, key employees, or other related parties. Complete Part II of Schedule L		5	
	6	Receivables from other disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B). Complete Part II of Schedule L		6	
	7	Notes and loans receivable, net		7	
	8	Inventories for sale or use		8	
	9	Prepaid expenses and deferred charges		9	
	10a	Land, buildings, and equipment: cost basis 10a 674,183			
	b	Less: accumulated depreciation. Complete Part VI of Schedule D 10b 265,924	436,911	10c	408,25
	11	Investments—publicly traded securities	1,133,360	11	
	12	Investments—other securities. See Part IV, line 11		12	
	13	Investments—program-related. See Part IV, line 11		13	
	14	Intangible assets		14	
	15	Other assets. See Part IV, line 11		15	
	16	**Total assets.** Add lines 1 through 15 (must equal line 34)	1,752,108	16	1,529,08
Liabilities	17	Accounts payable and accrued expenses	36,680	17	40,78
	18	Grants payable		18	
	19	Deferred revenue		19	
	20	Tax-exempt bond liabilities		20	
	21	Escrow account liability. Complete Part IV of Schedule D		21	
	22	Payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L		22	
	23	Secured mortgages and notes payable to unrelated third parties		23	
	24	Unsecured notes and loans payable		24	
	25	Other liabilities. Complete Part X of Schedule D	33,306	25	68,15
	26	**Total liabilities.** Add lines 17 through 25	69,986	26	108,93
Net Assets or Fund Balances		**Organizations that follow SFAS 117, check here** ☒ **and complete lines 27 through 29, and lines 33 and 34.**			
	27	Unrestricted net assets	645,254	27	405,81
	28	Temporarily restricted net assets	1,036,868	28	1,014,33
	29	Permanently restricted net assets		29	
		Organizations that do not follow SFAS 117, check here ☐ **and complete lines 30 through 34.**			
	30	Capital stock or trust principal, or current funds		30	
	31	Paid-in or capital surplus, or land, building, or equipment fund		31	
	32	Retained earnings, endowment, accumulated income, or other funds		32	
	33	Total net assets or fund balances	1,682,122	33	1,420,15
	34	Total liabilities and net assets/fund balances	1,752,108	34	1,529,08

Part XI Financial Statements and Reporting

			Yes	No
1	Accounting method used to prepare the Form 990: ☐ Cash ☒ Accrual ☐ Other			
2a	Were the organization's financial statements compiled or reviewed by an independent accountant?	2a		X
b	Were the organization's financial statements audited by an independent accountant?	2b	X	
c	If "Yes" to lines 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?	2c	X	
3a	As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?	3a		X
b	If "Yes," did the organization undergo the required audit or audits?	3b		

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SCHEDULE A
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Public Charity Status and Public Support

To be completed by all section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts.

▶ Attach to Form 990 or Form 990-EZ.▶ See separate instructions.

OMB No. 1545-0047

2008

Open to Public Inspection

Name of the organization
FAYETTE SENIOR SERVICES, INC.

Employer identification numb
58-1364158

Part I Reason for Public Charity Status (All organizations must complete this part.) (see instructions)

The organization is not a private foundation because it is: (Please check only **one** organization.)

1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i).**

2 ☐ A school described in **section 170(b)(1)(A)(ii).** (Attach Schedule E.)

3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii).** (Attach Schedule H.)

4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii).** Enter the hospital's name, city, and state: ....

5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv).** (Complete Part II.)

6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v).**

7 ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi).** (Complete Part II.)

8 ☐ A community trust described in **section 170(b)(1)(A)(vi).** (Complete Part II.)

9 ☐ An organization that normally receives: (1) more than 33 1/3 % of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33 1/3 % of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2).** (Complete Part III.)

10 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4).** (see instructions)

11 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2). See **section 509(a)(3).** Check the box that describes the type of supporting organization and complete lines 11e through 11h.

a ☐ Type I **b** ☐ Type II **c** ☐ Type III–Functionally Integrated **d** ☐ Type III–Other

e ☐ By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2).

f If the organization received a written determination from the IRS that it is a Type I, Type II, or Type III supporting organization, check this box .... ☐

g Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?

		Yes	No
(i) A person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the supported organization?	11g(i)		
(ii) A family member of a person described in (i) above?	11g(ii)		
(iii) A 35% controlled entity of a person described in (i) or (ii) above?	11g(iii)		

h Provide the following information about the organizations the organization supports.

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1–9 above or IRC section **(see instructions)**)	(iv) Is the organization in col. (i) listed in your governing document? Yes	(iv) No	(v) Did you notify the organization in col. (i) of your support? Yes	(v) No	(vi) Is the organization in col. (i) organized in the U.S.? Yes	(vi) No	(vii) Amount of support
Total									

For Privacy Act and Paperwork Reduction Act Notice, see the Instructions for Form 990.

DAA

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)
(Complete only if you checked the box on line 5, 7, or 8 of Part I.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")	594,209	2,183,664	898,460	849,322	1,136,128	5,661,78
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge	38,075	39,155	34,478	68,634	12,000	192,34
4 **Total.** Add lines 1-3	632,284	2,222,819	932,938	917,956	1,148,128	5,854,12
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						2,763,98
6 **Public support.** Subtract line 5 from line 4						3,090,13

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
7 Amounts from line 4	632,284	2,222,819	932,938	917,956	1,148,128	5,854,12
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources	39,155	34,478	68,634	47,829	30,828	220,92
9 Net income from unrelated business activities, whether or not the business is regularly carried on						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)	20,323	23,394	14,366	18,000	25,003	101,08
11 **Total support.** Add lines 7 through 10						6,176,13

12 Gross receipts from related activities, etc. (see instructions) 12 80,85

13 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** ▶ ☐

Section C. Computation of Public Support Percentage

14 Public support percentage for 2008 (line 6, column (f) divided by line 11, column (f)) 14 50.0335 %

15 Public support percentage from 2007 Schedule A, Part IV-A, line 26f 15 66.7859 %

16a **33 1/3 % support test—2008.** If the organization did not check the box on line 13, and line 14 is 33 1/3 % or more, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☒

b **33 1/3 % support test—2007.** If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3 % or more, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

17a **10%-facts-and-circumstances test—2008.** If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ▶ ☐

b **10%-facts-and-circumstances test—2007.** If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ▶ ☐

18 **Private foundation.** If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions ▶ ☐

DAA

Part III Support Schedule for Organizations Described in Section 509(a)(2)
(Complete only if you checked the box on line 9 of Part I.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under section 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 **Total.** Add lines 1-5						
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of 1% of the total of lines 9, 10c, 11, and 12 for the year or $5,000						
c Add lines 7a and 7b						
8 **Public support** (Subtract line 7c from line 6.)						

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
9 Amounts from line 6						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
c Add lines 10a and 10b						
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
13 **Total support.** (Add lines 9, 10c, 11, and 12.)						

14 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** ▶ ☐

Section C. Computation of Public Support Percentage

15	Public support percentage for 2008 (line 8, column (f) divided by line 13, column (f))	15	%
16	Public support percentage from 2007 Schedule A, Part IV-A, line 27g	16	%

Section D. Computation of Investment Income Percentage

17	Investment income percentage for **2008** (line 10c, column (f) divided by line 13, column (f))	17	%
18	Investment income percentage from **2007** Schedule A, Part IV-A, line 27h	18	%

19a **33 1/3 % support tests—2008.** If the organization did not check the box on line 14, and line 15 is more than 33 1/3 %, and line 17 is not more than 33 1/3 %, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

b **33 1/3 % support tests—2007.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3%, and line 18 is not more than 33 1/3 %, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

20 **Private foundation.** If the organization did not check a box on line 14, 19a or 19b, check this box and see instructions ▶ ☐

Part IV **Supplemental Information.** Complete this part to provide the explanation required by Part II, line 10; Part II, line 17a or 17b; or Part III, line 12. Provide any other additional information. (see instructions)

Part II, Line 10 - Other Income Detail

SPECIAL EVENTS $ 101,086

Schedule B
(Form 990, 990-EZ, or 990-PF)
Department of the Treasury
Internal Revenue Service

Schedule of Contributors

▶ **Attach to Form 990, 990-EZ, and 990-PF.**

OMB No. 1545-0047

2008

Name of the organization

FAYETTE SENIOR SERVICES, INC.

Employer identification number

58-1364158

Organization type (check one):

Filers of:	**Section:**
Form 990 or 990-EZ	☒ 501(c)(3) (enter number) organization
	☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
	☐ 527 political organization
Form 990-PF	☐ 501(c)(3) exempt private foundation
	☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation
	☐ 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule. (Note.** Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.)

General Rule

☐ For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, $5,000 or more (in money or property) from any one contributor. Complete Parts I and II.

Special Rules

☒ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33 1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi), and received from any one contributor, during the year, a contribution of the greater of **(1)** $5,000 or **(2)** 2% of the amount on Form 990, Part VIII, line 1h or 2% of the amount on Form 990-EZ, line 1. Complete Parts I and II.

☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than $1,000 for use exclusively for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. Complete Parts I, II, and III.

☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use exclusively for religious, charitable, etc., purposes, but these contributions did not aggregate to more than $1,000. (If this box is checked, enter here the total contributions that were received during the year for an exclusively religious, charitable, etc., purpose. Do not complete any of the parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc., contributions of $5,000 or more during the year.) . . . . ▶ $ . . . .

Caution. Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF), but they **must** answer "No" on Part IV, line 2 of their Form 990, or check the box in the heading of their Form 990-EZ, or on line 2 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

Name of organization	Employer identification number
FAYETTE SENIOR SERVICES, INC.	58-1364158

Part I **Contributors** (see instructions)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	UNITED WAY OF METROPOLITAN ATLANTA 100 EDGEWOOD AVENUE NE ATLANTA GA 30303	$ 71,522	Person ☒ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
2	ATLANTA REGIONAL COMMISSION 40 COURTLAND ST. NE ATLANTA GA 30303	$ 447,615	Person ☒ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
3	CITY OF FAYETTEVILLE 240 GLYNN STREET SOUTH FAYETTEVILLE GA 30214	$ 18,500	Person ☒ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
4	FAYETTE COUNTY BOARD OF COMMISSIONER 140 STONEWALL AVENUE SUITE 100 FAYETTEVILLE GA 30214	$ 110,000	Person ☒ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
5	CITY OF PEACHTREE CITY 151 WILLOWBEND ROAD PEACHTREE CITY GA 30269	$ 15,600	Person ☒ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
		$	Person ☐ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)

DAA

SCHEDULE D
(Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Financial Statements

▶Attach to Form 990. To be completed by organizations that answered "Yes," to Form 990, Part IV, line 6, 7, 8, 9, 10, 11, or 12.

OMB No. 1545-004
2008
Open to Public Inspection

Name of the organization
FAYETTE SENIOR SERVICES, INC.

Employer identification number
58-1364158

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts. Complete if the organization answered "Yes" to Form 990, Part IV, line 6.

	(a) Donor advised funds	(b) Funds and other accounts
1 Total number at end of year		
2 Aggregate contributions to (during year)		
3 Aggregate grants from (during year)		
4 Aggregate value at end of year		

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? ☐ Yes ☐ No

6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds may be used only for charitable purposes and not for the benefit of the donor or donor advisor or other impermissible private benefit? ☐ Yes ☐ No

Part II Conservation Easements. Complete if the organization answered "Yes" to Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply).
☐ Preservation of land for public use (e.g., recreation or pleasure)
☐ Protection of natural habitat
☐ Preservation of open space
☐ Preservation of an historically important land area
☐ Preservation of certified historic structure

2 Complete lines 2a–2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

		Held at the End of the Year
a Total number of conservation easements	2a	
b Total acreage restricted by conservation easements	2b	
c Number of conservation easements on a certified historic structure included in (a)	2c	
d Number of conservation easements included in (c) acquired after 8/17/06	2d	

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the taxable year ▶ _____

4 Number of states where property subject to conservation easement is located ▶ _____

5 Does the organization have a written policy regarding the periodic monitoring, inspection, violations, and enforcement of the conservation easements it holds? ☐ Yes ☐ No

6 Staff or volunteer hours devoted to monitoring, inspecting, and enforcing easements during the year ▶ _______

7 Amount of expenses incurred in monitoring, inspecting, and enforcing easements during the year ▶ $ _______

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)? ☐ Yes ☐ No

9 In Part XIV, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets. Complete if the organization answered "Yes" to Form 990, Part IV, line 8.

1a If the organization elected, as permitted under SFAS 116, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIV, the text of the footnote to its financial statements that describes these items.

b If the organization elected, as permitted under SFAS 116, to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenues included in Form 990, Part VIII, line 1 ▶ $ _______

(ii) Assets included in Form 990, Part X ▶ $ _______

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 relating to these items:

a Revenues included in Form 990, Part VIII, line 1 ▶ $ _______

b Assets included in Form 990, Part X ▶ $ _______

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

3 Using the organization's accession and other records, check any of the following that are a significant use of its collection items (check all that apply):

a ☐ Public exhibition
b ☐ Scholarly research
c ☐ Preservation for future generations
d ☐ Loan or exchange programs
e ☐ Other ______________________

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIV.

5 During the year, did the organization solicit or receive donations of art, historical treasures, or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? ☐ Yes ☐ No

Part IV Trust, Escrow and Custodial Arrangements. Complete if organization answered "Yes" to Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIV and complete the following table:

		Amount
c Beginning balance	1c	
d Additions during the year	1d	
e Distributions during the year	1e	
f Ending balance	1f	

2a Did the organization include an amount on Form 990, Part X, line 21? ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIV.

Part V Endowment Funds. Complete if organization answered "Yes" to Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance					
b Contributions					
c Investment earnings or losses					
d Grants or scholarships					
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance					

2 Provide the estimated percentage of the year end balance held as:
a Board designated or quasi-endowment ▶ ____ %
b Permanent endowment ▶ ____ %
c Term endowment ▶ ____ %

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

		Yes	No
(i) unrelated organizations	3a(i)		
(ii) related organizations	3a(ii)		
b If "Yes" to 3a(ii), are the related organizations listed as required on Schedule R?	3b		

4 Describe in Part XIV the intended uses of the organization's endowment funds.

Part VI Investments—Land, Buildings, and Equipment. See Form 990, Part X, line 10.

Description of investment	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Depreciation	(d) Book value
1a Land				
b Buildings				
c Leasehold improvements		38,523	4,055	34,468
d Equipment		635,660	261,869	373,791
e Other				
Total. Add lines 1a–1e. (Column (d) should equal Form 990, Part X, column (B), line 10(c).) ▶				408,259

Part VII Investments—Other Securities. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
Financial derivatives and other financial products		
Closely-held equity interests		
Other		
Total. (Column (b) should equal Form 990, Part X, col. (B) line 12.) ▶		

Part VIII Investments—Program Related. See Form 990, Part X, line 13.

(a) Description of investment type	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
Total. (Column (b) should equal Form 990, Part X, col. (B) line 13.) ▶		

Part IX Other Assets. See Form 990, Part X, line 15.

(a) Description	(b) Book value
Total. (Column (b) should equal Form 990, Part X, col. (B) line 15.) ▶	

Part X Other Liabilities. See Form 990, Part X, line 25.

(a) Description of liability	(b) Amount
Federal income taxes	
EMPLOYEE BENEFITS PAYABLE	37,181
ACCRUED PAYROLL	24,528
PAYROLL LIABILITIES	2,310
GOLF CART FUND	2,146
SALES TAX PAYABLE	931
SWIMMING POOL FUND	630
GIFT CERTIFICATES	430
Total. (Column (b) should equal Form 990, Part X, col. (B) line 25.) ▶	68,156

In Part XIV, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48.

Part XI Reconciliation of Change in Net Assets from Form 990 to Financial Statements

1	Total revenue (Form 990, Part VIII, column (A), line 12)	1	1,132,92
2	Total expenses (Form 990, Part IX, column (A), line 25)	2	1,394,89
3	Excess or (deficit) for the year. Subtract line 2 from line 1	3	-261,97
4	Net unrealized gains (losses) on investments	4	
5	Donated services and use of facilities	5	
6	Investment expenses	6	
7	Prior period adjustments	7	
8	Other (Describe in Part XIV)	8	
9	Total adjustments (net). Add lines 4-8	9	
10	Excess or (deficit) for the year per financial statements. Combine lines 3 and 9	10	-261,97

Part XII Reconciliation of Revenue per Audited Financial Statements With Revenue per Return

1	Total revenue, gains, and other support per audited financial statements			1	1,132,92
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:				
a	Net unrealized gains on investments	2a			
b	Donated services and use of facilities	2b			
c	Recoveries of prior year grants	2c			
d	Other (Describe in Part XIV)	2d			
e	Add lines **2a** through **2d**			2e	
3	Subtract line **2e** from line **1**			3	1,132,921
4	Amounts included on Form 990, Part VIII, line 12, but not on line **1**:				
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIV)	4b			
c	Add lines **4a** and **4b**			4c	
5	Total revenue. Add lines **3** and **4c.** (This should equal Form 990, Part I, line 12.)			5	1,132,921

Part XIII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return

1	Total expenses and losses per audited financial statements			1	1,394,891
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:				
a	Donated services and use of facilities	2a			
b	Prior year adjustments	2b			
c	Losses reported on Form 990, Part IX, line 25	2c			
d	Other (Describe in Part XIV)	2d			
e	Add lines **2a** through **2d**			2e	
3	Subtract line **2e** from line **1**			3	1,394,891
4	Amounts included on Form 990, Part IX, line 25, but not on line **1**:				
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIV)	4b			
c	Add lines **4a** and **4b**			4c	
5	Total expenses. Add lines **3** and **4c.** (This should equal Form 990, Part I, line 18.)			5	1,394,891

Part XIV Supplemental Information

Complete this part to provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X; Part XI, line 8; Part XII, lines 2d and 4b; and Part XIII, lines 2d and 4b.

Part XIV Supplemental Information (continued)

SCHEDULE O (Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990

▶ Attach to Form 990. To be completed by organizations to provide additional information for responses to specific questions for the Form 990 or to provide any additional information.

OMB No. 1545-0047

2008

Open to Public Inspection

Name of the organization	Employer identification number
FAYETTE SENIOR SERVICES, INC.	58-1364158

Form 990, Part VI, Line 12c - Enforcement of Conflicts Policy

ALL PARTIES ARE NOTIFIED ANNUALLY REGARDING THE CONFLICT OF INTEREST POLICY.

Form 990, Part VI, Line 15a - Compensation Process for Top Official

ALL COMPENSATION IS REVIEWED ON AN ANNUAL BASIS.

Form 990, Part VI, Line 15b - Compensation Process for Officers

ALL COMPENSATION IS REVIEWED ON AN ANNUAL BASIS.

Form **4562**

Department of the Treasury
Internal Revenue Service (99)

Depreciation and Amortization
(Including Information on Listed Property)

▶ See separate instructions. ▶ Attach to your tax return.

OMB No. 1545-0172
2008
Attachment Sequence No. **67**

Name(s) shown on return: FAYETTE SENIOR SERVICES, INC.

Identifying number: 58-1364158

Business or activity to which this form relates: Indirect Depreciation

Part I Election To Expense Certain Property Under Section 179

Note: If you have any listed property, complete Part V before you complete Part I.

1	Maximum amount. See the instructions for a higher limit for certain businesses	1	250,00
2	Total cost of section 179 property placed in service (see instructions)	2	
3	Threshold cost of section 179 property before reduction in limitation (see instructions)	3	800,00
4	Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0-	4	
5	Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see instructions	5	

	(a) Description of property	(b) Cost (business use only)	(c) Elected cost
6			

7	Listed property. Enter the amount from line 29	7	
8	Total elected cost of section 179 property. Add amounts in column (c), lines 6 and 7	8	
9	Tentative deduction. Enter the **smaller** of line 5 or line 8	9	
10	Carryover of disallowed deduction from line 13 of your 2007 Form 4562	10	
11	Business income limitation. Enter the smaller of business income (not less than zero) or line 5 (see instructions)	11	
12	Section 179 expense deduction. Add lines 9 and 10, but do not enter more than line 11	12	
13	Carryover of disallowed deduction to 2009. Add lines 9 and 10, less line 12 ▶	13	

Note: Do not use Part II or Part III below for listed property. Instead, use Part V.

Part II Special Depreciation Allowance and Other Depreciation (Do not include listed property.) (See instructic

14	Special depreciation allowance for qualified property (other than listed property) placed in service during the tax year (see instructions)	14	
15	Property subject to section 168(f)(1) election	15	
16	Other depreciation (including ACRS)	16	93,492

Part III MACRS Depreciation (Do not include listed property.) (See instructions.)

Section A

17	MACRS deductions for assets placed in service in tax years beginning before 2008	17	0
18	If you are electing to group any assets placed in service during the tax year into one or more general asset accounts, check here ☐		

Section B—Assets Placed in Service During 2008 Tax Year Using the General Depreciation System

(a) Classification of property	(b) Month and year placed in service	(c) Basis for depreciation (business/investment use only–see instructions)	(d) Recovery period	(e) Convention	(f) Method	(g) Depreciation deductio
19a 3-year property						
b 5-year property						
c 7-year property						
d 10-year property						
e 15-year property						
f 20-year property						
g 25-year property			25 yrs.		S/L	
h Residential rental property			27.5 yrs.	MM	S/L	
			27.5 yrs.	MM	S/L	
i Nonresidential real property			39 yrs.	MM	S/L	
				MM	S/L	

Section C—Assets Placed in Service During 2008 Tax Year Using the Alternative Depreciation System

20a Class life					S/L	
b 12-year			12 yrs.		S/L	
c 40-year			40 yrs.	MM	S/L	

Part IV Summary (See instructions.)

21	Listed property. Enter amount from line 28	21	
22	**Total.** Add amounts from line 12, lines 14 through 17, lines 19 and 20 in column (g), and line 21. Enter here and on the appropriate lines of your return. Partnerships and S corporations—see instr.	22	93,492
23	For assets shown above and placed in service during the current year, enter the portion of the basis attributable to section 263A costs	23	

For Paperwork Reduction Act Notice, see separate instructions. Form **4562** (2008)

DAA

There are no amounts for Page 2

Form **990**

Special Events Schedule

For calendar year 2008, or tax year beginning 7/01/08 , and ending 6/30/09

2008

Name: FAYETTE SENIOR SERVICES, INC.

Employer Identification Number: 58-1364158

	(A)	(B)	(C)	Others	Total
Gross receipts	18,031	13,463	8,620	16,318	56,432
Less contributions	0	0	0	0	0
Gross revenue	18,031	13,463	8,620	16,318	56,432
Less direct expenses	0	0	0	3,986	3,986
Net income (loss)	18,031	13,463	8,620	12,332	52,446

Description:

(A) PROJECT LOVE

(B) MEAL TO REMEMBER

(C) SUBCONTRACT

Others
WOMEN'S RETREAT
HEALTH & WELLNESS
BBQ & BLUEGRASS
MARCH FOR MEAL
COOKBOOK
SPECIAL EVENTS
DINNER THEATER
LINE DANCE

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Bernard J. McMullen, City Manager

FROM: Nikki Vrana, Administrative Services Director NV

DATE: May 7, 2010

SUBJECT: Non-Profit Funding Request – Promise Place
May 20, 2010, City Council Meeting

Recommendation:

That Council provide direction on the amount of non-profit funding for Promise Place to include in the FY 2011 budget.

Discussion:

For the past several years, Council has approved funding in support of Promise Place in accordance with CAR 8-3 (attached). Per the terms of the policy, Promise Place provides services the City does not that meet the basic needs of some of our residents who are victims of domestic violence, including emergency shelter, support groups, assistance in obtaining emergency protective orders, and in providing domestic violence and teen dating education programs. Peachtree City residents comprise over half of those served by the agency.

Attached is the request from Promise Place Executive Director Vanessa Mottley for the annual amount of $7,500 to support the ongoing efforts of the organization. The requested amount meets the terms of the policy.

Budget Impact:

This item will have a budgetary impact of $7,500, which will be included in the proposed FY 2011 Budget to be presented on June 1 pending Council approval of the request.

Attachment (s)

CAR 8-3 City Council Funding for Non-Profit Organizations in Fayette County CAR 8-3

OPR: City Hall
4/00 (Amended 02/09)

Purpose	Section	I
Policy		II

I. <u>Purpose</u>

The Purpose of this regulation is to establish a policy for consistent response to requests for donations on behalf of non-profit organizations, including public schools, in Fayette County.

II. <u>Policy</u>

While the City of Peachtree City has no financial responsibility to assist non-profit organizations, including public schools, with funding or providing labor, there have been requests in the past for this assistance, and it is anticipated that there may be requests in the future. In an effort to ensure consistency, fairness, and compliance with anti-gratuities laws, the following guidelines have been established:

A. Council will budget no more than $25,000 annually for all non-profit funding.

B. The City would assume no liability for any project for which the City provides funding and/or labor.

C. Services provided to Peachtree City residents by a non-profit organization shall be addressed in a contract between the City of Peachtree City and the organization.

D. Non-Profit Organizations

1. Basic Needs

   As a general rule, funding for non-profit organizations serving Fayette County should be provided by the Fayette County Commission to ensure that Peachtree City residents are not subject to double payment through their municipal and County taxes. However, Council reserves the right to make contributions to non-profit organizations that provide services that meet the basic needs (food, shelter, protection) of Peachtree City residents based upon the merit of the request. Requests for funding for non-profit organizations that provide basic needs shall not require matching funds but such requests shall be prorated based upon the total annual budget of the organization and the percentage of Peachtree City residents served by the organization in comparison to the total number of people they serve. The amount of funding provided shall be the lesser of the amount requested, the amount of the annual budget used to serve Peachtree City residents based on the percentage of Peachtree City residents served, or $7,500.00. The percentage of Peachtree City residents served will be based on the total number of residents and non-residents served for the 12-month period ending with the month prior to the month in which the request is made. These funds, once identified, will be budgeted for annually, upon written request by the organization that would be subject to prorated allocation as noted above.

2. General Needs

Should Council approve a funding request for an organization that provides for general needs (other than food, shelter and protection), a dollar for dollar match up to a limit of $5,000 in funding/labor may be provided as a match to any non-government funding provided to the organization. If the organization serves people other than Peachtree City residents, request shall be prorated based upon the percentage of Peachtree City residents served in comparison to the total population served. The amount of funding provided shall be the lesser of the actual amount requested, the amount of the annual budget used to serve Peachtree City residents based on the percentage of Peachtree City residents served, or $5,000.00. The percentage of Peachtree City residents served will be based on the total number of residents and non-residents served for the 12-month period ending with the month prior to the month in which the request is made. Requests from a non-profit organization in the General Needs category will be considered no more often than every five years.

3. Public Schools

   a. Each request for funding/labor will be considered by the Peachtree City Recreation Commission, who will forward a recommendation to the City Council for final decision.
   b. Council will evaluate each request and make a decision based on the merit of the request.
   c. No more than one request, per school, will be considered in any five consecutive year period.
   d. Only Fayette County public schools whose attendance boundaries include Peachtree City will be eligible for consideration.
   e. Requests for funding/labor must be for enhancements to playgrounds and playing fields only. Any playground/playing field for which the City makes a contribution must be made available for use by City residents when not being used by the school. A formal agreement with the School Board would be required.
   f. Should Council approve a funding request, a dollar for dollar match up to a limit of $5,000 in funding/labor may be provided as a match to any funding provided by the school or any school organization (i.e. booster club). All funding requests must be submitted by June 1.

E. All requests for funding must be made using the attached form. 501c3 non-profit organizations should include a copy of the previous calendar year form 990. Other non-profits should attach a copy of their current fiscal year budget.

F. The City Council will have final approval on all funding requests. All funding requests must be submitted to and approved by Council by June 1 for consideration for funding in the next fiscal year budget.

G. In emergency situations (a sudden, urgent, need for help or relief, created by some unexpected financial event), the City Council may vote to provide funding outside of the provisions above from the Council Contingency Fund. Adherence to anti-gratuities requirements would still apply.

APPROVED:
Mayor and Councilmembers

PEACHTREE CITY

Funding Request
For Non-Profit Organizations

Organization Information:

Organization Name: ____________________

Address: ____________________

Phone #: ____________________ Fax #: ____________________

Contact Person: ____________________

Title: ____________________

Financial Information:

Total Annual Budget: ____________________

Total Clients Served Annually: ____________________

Peachtree City Residents Served Annually: ____________________

Funding Request Information:

Funding Amount Requested: ____________________

Funding Use(s): ____________________

Additional Information on Organization/Services: ____________________

____

____

____

REQUIRED ATTACHMENTS: 501c3 non-profit organizations must provide a copy of the previous calendar year form 990. Other non-profits must provide a current fiscal year budget.

Date Submitted: __________ ***Council Approval Date:*** __________ ***Amount Approved:*** __________

STATE OF GEORGIA
COUNTY OF FAYETTE

AGREEMENT

THIS AGREEMENT, made an entered into this ______ day of __________________, _______ between the CITY OF PEACHTREE CITY, GEORGIA [hereafter referred to as the "City"] and the FAYETTE COUNTY BOARD OF EDUCATION [hereafter referred to as the "Board"] is as follows:

WHEREAS, the City has been approached by parents, teachers, or others to contribute funds for the purchase of certain playground equipment at ____________________________ (hereinafter "School") located in Peachtree City, Georgia;

WHEREAS, the Board is supportive of the school's efforts to obtain funds for the purchase of certain playground equipment;

WHEREAS, the Board recognizes the legal impediment to the City preventing it from simply donating the money to the School for the purchase of playground equipment;

WHEREAS, the Board and the City are ever mindful looking for ways to consolidate governmental efforts and hold down costs;

WHEREAS, the Board agrees to allow Peachtree City residents to use the playground equipment during non-school hours.

NOW THEREFORE BE IT RESOLVED:

1. In consideration of the donation of $5,000 for the purchase of playground equipment for the School, the Board will allow use of the equipment by the general public during reasonable hours. For the purpose of this agreement, reasonable hours shall mean daylight hours after school and on weekends to the extent that such use by the general public does not interfere with school and school-related activities.

2. At all times relevant to this Agreement, the Board shall control and be responsible for maintaining the playground equipment.

3. This Agreement shall terminate absolutely and without further obligation on the part of the Board on December 31 of this current year and at the close of each succeeding calendar year unless renewed in accordance with paragraph four.

4. This Agreement shall automatically be renewed unless the Board gives written notice to the City of its decision not to renew the agreement at least thirty (30) days prior to the end of each calendar year.

5. The Board agrees to indemnify and hold the City harmless from any and all claims by students, faculty and staff of the School District resulting from their use of the playground equipment purchased with the funds contributed by the City.

IN WITNESS WHEREOF, the Board and the City have caused this agreement to be executed by their duly authorized officers.

FAYETTE COUNTY BOARD OF EDUCATION

By: ________________________________
Chair

Attest: ________________________________
Superintendent

CITY OF PEACHTREE CITY

By: ____________________________
Mayor

Attest: ____________________________
City Clerk

PEACHTREE CITY

Funding Request
For Non-Profit Organizations

Organization Information:

Organization Name: Promise Place - Fayette County Council on Domestic Violence

Address: P.O. Box 854, Fayetteville Ga 30214

Phone #: 770/461-3839 Fax #: 770/460-6591

Contact Person: Vanessa Mottley

Title: Executive Director

Financial Information:

Total Annual Budget: $420,000

Total Clients Served Annually: 6951 Direct Services - 2630, Prevention - 4321

Peachtree City Residents Served Annually: 2069 Direct Services - 514, Prevention - 1555

Funding Request Information:

Funding Amount Requested: $7,500.00

Funding Use(s): To enhance our legal advocacy program to victims of domestic violence in the community and to help our domestic violence shelter.

Additional Information on Organization/Services:

Promise Place provides 24hr crisis services and emergency shelter in Fayette county for women and children. We also assist with legal advocacy. We have a teen dating violence prevention program that we present to Fayette county 9th graders.

REQUIRED ATTACHMENTS: 501c3 non-profit organizations must provide a copy of the previous calendar year form 990. Other non-profits must provide a current fiscal year budget.

Date Submitted: 5/11/10 *Council Approval Date:* ______ *Amount Approved:* ______

May 10, 2010

Director of Administrative Services
151 Willowbend Rd.
Peachtree City, GA 30269

To Whom It May Concern:

The Fayette County Council on Domestic Violence, Inc d/b/a Promise Place wishes to take this opportunity to thank Peachtree City for its continued support of our organization. Last year Promise Place provided direct services to 1,701 adult clients and 929 children. Of those clients, 1146 were Fayette County residents (representing 279 children) and 514 lived in Peachtree City. 37 clients were Fayette County residents but did not identify their city of residence. Promise Place provided emergency shelter to 32 women and 25 children from Peachtree City. 266 women attended our support group and we assisted 378 clients in obtaining emergency protective orders. Our Teen Dating Violence Prevention Program reached 2,332 high school students in Fayette County and our domestic violence awareness talks were presented to 1,989 community members.

The breakdown of our services by city is as follows:

Direct Services	No. of Clients	% of F.C.	% of Total
Brooks	58	5%	5.1%
Fairburn	45	4%	3.9%
Fayetteville/Unincorp.F.C.	394	35%	34.4%
Peachtree City	514	46%	44.9%
Tyrone	67	6%	5.8%
Unknown F.C.	37	3%	3.2%
Out of County	31		2.7%

Prevention/Awareness Services	Participants	No. of PTC
Teen Dating Violence Prevention Program	2,332	720
Community Awareness Presentations	1,989	835

Additionally, we collaborate with the Peachtree City Police Department as well as the other law enforcement agencies in Fayette County to ensure that domestic violence victims are given our information at the time of a violent incident and that police officers are able to contact us for assistance. We believe that this is an important service because when we are able to assist DV victims in escaping violent homes, we help reduce the number of 911 calls to officers, alleviating their volume of calls and reducing the danger to them in responding to DV calls.

Place also recognizes that victims of domestic violence and their children need an emergency shelter to go to in a moment of crisis. Promise Place opened our emergency shelter on May 15, 2007 and welcomed our first domestic violence victim and her child into the shelter on May 17th. This emergency shelter has been a safe refuge for victims of domestic violence and their children to go in their moment of crisis. Additionally, Promise Place provides counseling services and many other programs to both the victim and her children, as they heal from the trauma that they have experienced.

Because of your continuing support, Promise Place is making a difference in the lives of abused women and their children in Fayette County. To help continue this much needed service, we are requesting $7,500.00 from the FY 2011 Annual Budget's designated funds for nonprofit organizations. Our cost in this past fiscal year to provide direct services and prevention services was $52.37 per person. Your donation would help defray the $108,353.53 cost of providing direct and prevention services to Peachtree City residents.

We hope that the Peachtree City Council will continue to support us in our work and will grant our request for the amount of $7,500.00.

Sincerely,

V Mottley

Vanessa Mottley
Executive Director

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
401 W. PEACHTREE ST. NW
ATLANTA, GA 30365

DEPARTMENT OF THE TREASURY

Date: APR 13 1995

FAYETTE COUNTY COUNCIL ON BATTERED
WOMEN INC
200 BRANDYWINE BLVD SUITE 100
FAYETTEVILLE, GA 30214

Employer Identification Number:
58-1826445
Case Number:
505081041
Contact Person:
ROBERTA VAN METER
Contact Telephone Number:
(404) 331-0185
Our Letter Dated:
April 23, 1991
Addendum Applies:
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

Nelson A. Brooke

Nelson A. Brooke
District Director

FULTON & KOZAK, CPA
7187 JONESBORO RD STE 100A
MORROW, GA 30260-2944
770-961-4200

October 29, 2009

FAYETTE COUNTY COUNCIL
ON DOMESTIC VIOLENCE
P.O. BOX 854
FAYETTEVILLE, GA 30214-0854

Dear Client:

We are enclosing four copies of your 2008 Federal Return of Organization Exempt from Income Tax (Form 990). The bound copy is for your files. Two of the unbound copies should be signed at the bottom of page one and filed in accordance with the instructions below. The third unbound copy, marked public inspection copy, is to be made available for public inspection upon request.

No tax is payable with the filing of this return.

Mail your Federal return on or before November 16, 2009 to:

DEPARTMENT OF TREASURY
INTERNAL REVENUE SERVICE
OGDEN, UT 84201-0027

Mail your Georgia return on or before November 16, 2009 to:

GEORGIA DEPARTMENT OF REVENUE

P.O. BOX 740395

ATLANTA, GA 30374-0395

Each entity is required to make each Form 990 available for public inspection for a period of three years beginning with the due date, including extensions (e.g., the inspection period for Form 990 for the year ended December 31, 2008 will run from May 15, 2009 through May 15, 2012). Any organization that fails to comply with this provision is subject to a penalty.

A tax-exempt organization is required to provide copies of Form 990 if it receives such a request. A reasonable fee for providing such copies may be charged. Note that if an organization makes Form 990 "widely available" an organization is not required to provide copies at any time. An example of "widely available" is posting the Form 990 to an organization's internet address so that the general public can freely access and download it to print a copy. If someone visits an organization to inspect a Form 990 in person, the organization must still allow inspection at the office; however, if the person requests a copy of Form 990, the organization can disclose the internet address from which he/she can print a copy of the Form 990.

Upon an audit of the returns, requests may be made for supporting documentation. Therefore, we recommend that you retain all pertinent records.

Form **990** — **Return of Organization Exempt From Income Tax**

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

Department of the Treasury Internal Revenue Service

► The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-0047 — **2008** — Open to Public Inspection

For the 2008 calendar year, or tax year beginning 7/01 **, 2008, and ending** 6/30 , 2009

B Check if applicable: [ ] Address change [ ] Name change [ ] Initial return [ ] Termination [ ] Amended return [ ] Application pending

C Please use IRS label or print or type. See specific instructions.
FAYETTE COUNTY COUNCIL
ON DOMESTIC VIOLENCE
P.O. BOX 854
FAYETTEVILLE, GA 30214-0854

D Employer Identification Number: 58-1826445

E Telephone number: (770) 460-1604

G Gross receipts $ 392,570.

F Name and address of principal officer: SAME AS C ABOVE

H(a) Is this a group return for affiliates? [ ] Yes [X] No

H(b) Are all affiliates included? [ ] Yes [ ] No — If 'No,' attach a list. (see instructions)

I Tax-exempt status [X] 501(c) (3)◄ (insert no.) [ ] 4947(a)(1) or [ ] 527

J Website: ► N/A

H(c) Group exemption number ►

K Type of organization: [X] Corporation [ ] Trust [ ] Association [ ] Other ►

L Year of Formation: 1989 **M** State of legal domicile: GA

Part I Summary

Activities & Governance

1 Briefly describe the organization's mission or most significant activities: THE FAYETTE COUNTY COUNCIL ON DOMESTIC VIOLENCE EXISTS TO PREVENT DOMESTIC VIOLENCE THROUGH AWARENESS PROGRAMS, EDUCATIONAL PROGRAMS, AND PROVIDING SAFE ENVIRONMENTS FOR THE VICTIMS AND THEIR FAMILIES UTILIZING LEGAL ADVOCACY, EMERGENCY SHELTER, AND TRANSITIONAL HOUSING.

2 Check this box ► [ ] if the organization discontinued its operations or disposed of more than 25% of its assets.

3	Number of voting members of the governing body (Part VI, line 1a)	3	12
4	Number of independent voting members of the governing body (Part VI, line 1b)	4	12
5	Total number of employees (Part V, line 2a)	5	10
6	Total number of volunteers (estimate if necessary)	6	64
7a	Total gross unrelated business revenue from Part VIII, line 12, column (C)	7a	0.
b	Net unrelated business taxable income from Form 990-T, line 34	7b	0.

			Prior Year	Current Year
Revenue	8	Contributions and grants (Part VIII, line 1h)	378,095.	380,850.
	9	Program service revenue (Part VIII, line 2g)		
	10	Investment income (Part VIII, column (A), lines 3, 4, and 7d)	1,191.	156.
	11	Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	29,079.	8,929.
	12	Total revenue – add lines 8 through 11 (must equal Part VIII, column (A), line 12)	408,365.	389,935.
Expenses	13	Grants and similar amounts paid (Part IX, column (A), lines 1-3)	15,305.	14,411.
	14	Benefits paid to or for members (Part IX, column (A), line 4)		
	15	Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	82,279.	255,196.
	16a	Professional fundraising fees (Part IX, column (A), line 11e)	6,000.	
	b	Total fundraising expenses (Part IX, column (D), line 25) ►		
	17	Other expenses (Part IX, column (A), lines 11a-11d, 11f-24f)	246,423.	151,076.
	18	Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)	350,007.	420,683.
	19	Revenue less expenses. Subtract line 18 from line 12	58,358.	-30,748.
Net Assets or Fund Balances			Beginning of Year	End of Year
	20	Total assets (Part X, line 16)	609,849.	573,906.
	21	Total liabilities (Part X, line 26)	348,768.	343,573.
	22	Net assets or fund balances. Subtract line 21 from line 20	261,081.	230,333.

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here ► Signature of officer — Date

► Type or print name and title.

Paid Preparer's Use Only

Preparer's signature ► — Date — Check if self-employed ► [ ] — Preparer's identifying number (see instructions): P00687026

Firm's name (or yours if self-employed), address, and ZIP + 4 ► FULTON & KOZAK, CPA
7187 JONESBORO RD STE 100A
MORROW, GA 30260-2944

EIN ► 20-1403280

Phone no. ► 770-961-4200

May the IRS discuss this return with the preparer shown above? (see instructions) [X] Yes [ ] No

Part III **Statement of Program Service Accomplishments** (see instructions)

1 Briefly describe the organization's mission:

SEE SCHEDULE O

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? ☐ Yes ☒ No

If 'Yes,' describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? ☐ Yes ☒ No

If 'Yes,' describe these changes on Schedule O.

4 Describe the exempt purpose achievements for each of the organization's three largest program services by expenses. Section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses $ 299,236. including grants of $) (Revenue $)

THE ORGANIZATION PROVIDES ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE AND THEIR CHILDREN IN 4 COUNTY AREAS OF GEORGIA THROUGH EDUCATION, REFERRALS, AND SUPPORT SERVICES TO AID VICTIMS IN EXPLORING THEIR OPTIONS.

4b (Code:) (Expenses $ including grants of $) (Revenue $)

4c (Code:) (Expenses $ including grants of $) (Revenue $)

4d Other program services. (Describe in Schedule O.)

(Expenses $ including grants of $) (Revenue $)

4e Total program service expenses ► $ 299,236. *(Must equal Part IX, Line 25, column (B).)*

Part IV Checklist of Required Schedules

			Yes	No
1	Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? *If 'Yes,' complete Schedule A*	1	X	
2	Is the organization required to complete Schedule B, Schedule of Contributors?	2	X	
3	Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? *If 'Yes,' complete Schedule C, Part I.*	3		X
4	**Section 501(c)(3) organizations.** Did the organization engage in lobbying activities? *If 'Yes,' complete Schedule C, Part II.*	4		X
5	**Section 501(c)(4), 501(c)(5), and 501(c)(6) organizations.** Is the organization subject to the section 6033(e) notice and reporting requirement and proxy tax? *If 'Yes,' complete Schedule C, Part III.*	5		
6	Did the organization maintain any donor advised funds or any accounts where donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? *If 'Yes,' complete Schedule D, Part I.*	6		X
7	Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas or historic structures? *If 'Yes,' complete Schedule D, Part II.*	7		X
8	Did the organization maintain collections of works of art, historical treasures, or other similar assets? *If 'Yes,' complete Schedule D, Part III.*	8		X
9	Did the organization report an amount in Part X, line 21; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? *If 'Yes,' complete Schedule D, Part IV.*	9		X
10	Did the organization hold assets in term, permanent, or quasi-endowments? *If 'Yes,' complete Schedule D, Part V.*	10		X
11	Did the organization report an amount in Part X, lines 10, 12, 13, 15, or 25? *If 'Yes,' complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.*	11	X	
12	Did the organization receive an audited financial statement for the year for which it is completing this return that was prepared in accordance with GAAP? *If 'Yes,' complete Schedule D, Parts XI, XII, and XIII*	12	X	
13	Is the organization a school described in section 170(b)(1)(A)(ii)? *If 'Yes,' complete Schedule E*	13		X
14a	Did the organization maintain an office, employees, or agents outside of the U.S.?	14a		X
b	Did the organization have aggregate revenues or expenses of more than $10,000 from grantmaking, fundraising, business, and program service activities outside the U.S.? *If 'Yes,' complete Schedule F, Part I*	14b		X
15	Did the organization report on Part IX, column (A), line 3, more than $5,000 of grants or assistance to any organization or entity located outside the United States? *If 'Yes,' complete Schedule F, Part II*	15		X
16	Did the organization report on Part IX, column (A), line 3, more than $5,000 of aggregate grants or assistance to individuals located outside the United States? *If 'Yes,' complete Schedule F, Part III.*	16		X
17	Did the organization report more than $15,000 on Part IX, column (A), line 11e? *If 'Yes,' complete Schedule G, Part I*	17		X
18	Did the organization report more than $15,000 total on Part VIII, lines 1c and 8a? *If 'Yes,' complete Schedule G, Part II.*	18		X
19	Did the organization report more than $15,000 on Part VIII, line 9a? *If 'Yes,' complete Schedule G, Part III*	19		X
20	Did the organization operate one or more hospitals? *If 'Yes,' complete Schedule H.*	20		X
21	Did the organization report more than $5,000 on Part IX, column (A), line 1? *If 'Yes,' complete Schedule I, Parts I and II*	21		X
22	Did the organization report more than $5,000 on Part IX, column (A), line 2? *If 'Yes,' complete Schedule I, Parts I and III.*	22	X	
23	Did the organization answer 'Yes' to Part VII, Section A, questions 3, 4, or 5? *If 'Yes,' complete Schedule J.*	23		X
24a	Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than $100,000 as of the last day of the year, and that was issued after December 31, 2002? *If 'Yes,' answer questions 24b-24d and complete Schedule K. If 'No,'go to question 25*	24a		X
b	Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?	24b		
c	Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?	24c		
d	Did the organization act as an 'on behalf of' issuer for bonds outstanding at any time during the year?	24d		
25a	**Section 501(c)(3) and 501(c)(4) organizations.** Did the organization engage in an excess benefit transaction with a disqualified person during the year? *If 'Yes,' complete Schedule L, Part I.*	25a		X
b	Did the organization become aware that it had engaged in an excess benefit transaction with a disqualified person from a prior year? *If 'Yes,' complete Schedule L, Part I.*	25b		X
26	Was a loan to or by a current or former officer, director, trustee, key employee, highly compensated employee, or disqualified person outstanding as of the end of the organization's tax year? *If 'Yes,' complete Schedule L, Part II.*	26		X
27	Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, or substantial contributor, or to a person related to such an individual? *If 'Yes,' complete Schedule L, Part III.*	27		X

Part IV Checklist of Required Schedules *(continued)*

			Yes	No
28	During the tax year, did any person who is a current or former officer, director, trustee, or key employee:			
a	Have a direct business relationship with the organization (other than as an officer, director, trustee, or employee), or an indirect business relationship through ownership of more than 35% in another entity (individually or collectively with other person(s) listed in Part VII, Section A)? *If 'Yes,' complete Schedule L, Part IV*	28a		X
b	Have a family member who had a direct or indirect business relationship with the organization? *If 'Yes,' complete Schedule L, Part IV*	28b		X
c	Serve as an officer, director, trustee, key employee, partner, or member of an entity (or a shareholder of a professional corporation) doing business with the organization? *If 'Yes,' complete Schedule L, Part IV*	28c		X
29	Did the organization receive more than $25,000 in non-cash contributions? *If 'Yes,' complete Schedule M*	29		X
30	Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? *If 'Yes,' complete Schedule M*	30		X
31	Did the organization liquidate, terminate, or dissolve and cease operations? *If 'Yes,' complete Schedule N, Part I*	31		X
32	Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? *If 'Yes,' complete Schedule N, Part II*	32		X
33	Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? *If 'Yes,' complete Schedule R, Part I*	33		X
34	Was the organization related to any tax-exempt or taxable entity? *If 'Yes,' complete Schedule R, Parts II, III, IV, and V, line 1*	34		X
35	Is any related organization a controlled entity within the meaning of section 512(b)(13)? *If 'Yes,' complete Schedule R, Part V, line 2*	35		X
36	**Section 501(c)(3) organizations.** Did the organization make any transfers to an exempt non-charitable related organization? *If 'Yes,' complete Schedule R, Part V, line 2*	36		X
37	Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? *If 'Yes,' complete Schedule R, Part VI*	37		X

Part V Statements Regarding Other IRS Filings and Tax Compliance

			Yes	No
1a Enter the number reported in Box 3 of form 1096, Annual Summary and Transmittal of U.S. Information Returns. Enter -0- if not applicable	1a 0			
b Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable	1b 0			
c Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?		1c		
2a Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a 10			
2b If at least one is reported on line 2a, did the organization file all required federal employment tax returns?		2b	X	
Note. If the sum of lines 1a and 2a is greater than 250, you may be required to *e-file* this return. (see instructions)				
3a Did the organization have unrelated business gross income of $1,000 or more during the year covered by this return?		3a		X
b If 'Yes' has it filed a Form 990-T for this year? *If 'No,' provide an explanation in Schedule O.*		3b		
4a At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?		4a		X
b If 'Yes,' enter the name of the foreign country: ►				
See the instructions for exceptions and filing requirements for **Form TD F 90-22.1**, Report of Foreign Bank and Financial Accounts.				
5a Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?		5a		X
b Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?		5b		X
c If 'Yes,' to question 5a or 5b, did the organization file Form 8886-T, Disclosure by Tax-Exempt Entity Regarding Prohibited Tax Shelter Transaction?		5c		
6a Did the organization solicit any contributions that were not tax deductible?		6a		X
b If 'Yes,' did the organization include with every solicitation an express statement that such contributions or gifts were not deductible?		6b		
7 Organizations that may receive deductible contributions under section 170(c).				
a Did the organization provide goods or services in exchange for any quid pro quo contribution of more than $75?		7a	X	
b If 'Yes,' did the organization notify the donor of the value of the goods or services provided?		7b	X	
c Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?		7c		X
d If 'Yes,' indicate the number of Forms 8282 filed during the year	7d			
e Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?		7e		X
f Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?		7f		X
g For all contributions of qualified intellectual property, did the organization file Form 8899 as required?		7g		X
h For all contributions of cars, boats, airplanes, and other vehicles, did the organization file a Form 1098-C as required?		7h	X	
8 Section 501(c)(3) and other sponsoring organizations maintaining donor advised funds and section 509(a)(3) supporting organizations. Did the supporting organization, or a fund maintained by a sponsoring organization, have excess business holdings at any time during the year?		8		
9 Section 501(c)(3) and other sponsoring organizations maintaining donor advised funds.				
a Did the organization make any taxable distributions under section 4966?		9a		
b Did the organization make any distribution to a donor, donor advisor, or related person?		9b		
10 Section 501(c)(7) organizations. Enter:				
a Initiation fees and capital contributions included on Part VIII, line 12	10a			
b Gross Receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b			
11 Section 501(c)(12) organizations. Enter:				
a Gross income from other members or shareholders	11a			
b Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b			
12a Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?		12a		
b If 'Yes,' enter the amount of tax-exempt interest received or accrued during the year	12b			

Part VI **Governance, Management and Disclosure** *(Sections A, B, and C request information about policies not required by the Internal Revenue Code.)*

Section A. Governing Body and Management

		Yes	No
For each 'Yes' response to lines 2-7b below, and for a 'No' response to lines 8 or 9b below, describe the circumstances, processes, or changes in Schedule O. See instructions.			
1a Enter the number of voting members of the governing body — 1a: 12			
b Enter the number of voting members that are independent — 1b: 12			
2 Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee or key employee? SEE SCHEDULE O	2	X	
3 Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?	3		X
4 Did the organization make any significant changes to its organizational documents since the prior Form 990 was filed?	4		X
5 Did the organization become aware during the year of a material diversion of the organization's assets?	5		X
6 Does the organization have members or stockholders?	6		X
7a Does the organization have members, stockholders, or other persons who may elect one or more members of the governing body?	7a		X
b Are any decisions of the governing body subject to approval by members, stockholders, or other persons?	7b		X
8 Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:			
a The governing body?	8a	X	
b Each committee with authority to act on behalf of the governing body?	8b	X	
9a Does the organization have local chapters, branches, or affiliates?	9a		X
b If 'Yes,' does the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with those of the organization?	9b		
10 Was a copy of the Form 990 provided to the organization's governing body before it was filed? All organizations must describe in Schedule O the process, if any, the organization uses to review the Form 990. SEE SCHEDULE O	10	X	
11 Is there any officer, director or trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? *If 'Yes,' provide the names and addresses in Schedule O*	11		X

Section B. Policies

		Yes	No
12a Does the organization have a written conflict of interest policy? *If 'No,' go to line 13*	12a	X	
b Are officers, directors or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b	X	
c Does the organization regularly and consistently monitor and enforce compliance with the policy? *If 'Yes,' describe in Schedule O how this is done* SEE SCHEDULE O	12c	X	
13 Does the organization have a written whistleblower policy?	13	X	
14 Does the organization have a written document retention and destruction policy?	14	X	
15 Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision:			
a The organization's CEO, Executive Director, or top management official?	15a	X	
b Other officers of key employees of the organization? SEE SCHEDULE O	15b	X	
Describe the process in Schedule O. (see instructions)			
16a Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a		X
b If 'Yes,' has the organization adopted a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and taken steps to safeguard the organization's exempt status with respect to such arrangements?	16b		

Section C. Disclosures

17 List the states with which a copy of this Form 990 is required to be filed ► GA

18 Section 6104 requires an organization to make its Forms 1023 (or 1024 if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you make these available. Check all that apply.

☐ Own website ☐ Another's website ☒ Upon request

19 Describe in Schedule O whether (and if so, how) the organization makes its governing documents, conflict of interest policy, and financial statements available to the public. SEE SCHEDULE O

20 State the name, physical address, and telephone number of the person who possesses the books and records of the organization:
► SONJA STRICKLAND P.O. BOX 854 FAYETTEVILLE GA 30214

Part VII **Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors**

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Use Schedule J-2 if additional space is needed.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation, and **current** key employees. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) or more than $100,000 from the organization and any related organizations.
- List all of the organization's **former** officers, key employees, and highest compensated employees who received more than $100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than $10,000 of reportable compensation from the organization and any related organizations.

List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

☐ Check this box if the organization did not compensate any officer, director, trustee, or key employee.

(A) Name and Title	(B) Average hours per week	(C) Position (check all that apply): Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former	(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
SONJA STRICKLAND EXECUTIVE DIREC	40				X			41,882.	0.	0.
DAVID BANKS DIRECTOR	1	X						0.	0.	0.
MICHELE BLOSE DIRECTOR	1	X						0.	0.	0.
DEBRA CHAMBERS DIRECTOR	1	X						0.	0.	0.
BRENDA COX DIRECTOR	1	X						0.	0.	0.
ELENA DICKERSON DIRECTOR	1	X						0.	0.	0.
LANCE GAUNTT VICE PRESIDENT	3			X				0.	0.	0.
AMY LEUENBERGER DIRECTOR	1	X						0.	0.	0.
GEORGE MARTIN TREASURER	3			X				0.	0.	0.
CHERYL MULLIKIN VOLUNTEER COORD	2			X				0.	0.	0.
MIKE MULLIKIN DIRECTOR	1	X						0.	0.	0.
LESLIE TOROK PRESIDENT	3			X				0.	0.	0.
NELDA WRIGHT DIRECTOR	1	X						0.	0.	0.
VANESSA MOTTLEY EXECUTIVE DIREC	40				X			41,832.	0.	0.

Part VII **Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees** *(cont.)*

(A) Name and Title	(B) Average hours per week	(C) Position: Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former	(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
1b Total ►								83,714.	0.	0.

2 Total number of individuals (including those in 1a) who received more than $100,000 in reportable compensation from the organization ► 0

		Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? If 'Yes,' complete Schedule J for such individual	3		X
4 For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than $150,000? If 'Yes' complete Schedule J for such individual	4		X
5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization for services rendered to the organization? If 'Yes,' complete Schedule J for such person	5		X

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than $100,000 of compensation from the organization.

(A) Name and business address	(B) Description of Services	(C) Compensation
NONE ,		

2 Total number of independent contractors (including those in 1) who received more than $100,000 in compensation from the organization ► 0

Part VIII Statement of Revenue

			(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512, 513, or 514
CONTRIBUTIONS, GIFTS, GRANTS AND OTHER SIMILAR AMOUNTS	1a Federated campaigns	1a				
	b Membership dues	1b				
	c Fundraising events	1c				
	d Related organizations	1d				
	e Government grants (contributions)	1e 257,599.				
	f All other contributions, gifts, grants, and similar amounts not included above	1f 123,251.				
	g Noncash contribns included in lns 1a-1f: $ 2,051.					
	h Total. Add lines 1a-1f	►	380,850.			
PROGRAM SERVICE REVENUE		Business Code				
	2a					
	b					
	c					
	d					
	e					
	f All other program service revenue					
	g Total. Add lines 2a-2f	►				
OTHER REVENUE	3 Investment income (including dividends, interest and other similar amounts)	►	156.			156.
	4 Income from investment of tax-exempt bond proceeds	►				
	5 Royalties	►				
		(i) Real / (ii) Personal				
	6a Gross Rents					
	b Less: rental expenses					
	c Rental income or (loss)					
	d Net rental income or (loss)	►				
		(i) Securities / (ii) Other				
	7a Gross amount from sales of assets other than inventory					
	b Less: cost or other basis and sales expenses					
	c Gain or (loss)					
	d Net gain or (loss)	►				
	8a Gross income from fundraising events (not including. $ ______ of contributions reported on line 1c). See Part IV, line 18	a 11,564.				
	b Less: direct expenses	b 2,635.				
	c Net income or (loss) from fundraising events	►	8,929.			8,929.
	9a Gross income from gaming activities. See Part IV, line 19	a				
	b Less: direct expenses	b				
	c Net income or (loss) from gaming activities	►				
	10a Gross sales of inventory, less returns and allowances	a				
	b Less: cost of goods sold	b				
	c Net income or (loss) from sales of inventory	►				
	Miscellaneous Revenue	Business Code				
	11a					
	b					
	c					
	d All other revenue					
	e Total. Add lines 11a-11d	►				
	12 Total Revenue. Add lines 1h, 2g, 3, 4, 5, 6d, 7d, 8c, 9c, 10c, and 11e	►	389,935.	0.	0.	9,085.

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns.

All other organizations must complete column (A) but are not required to complete columns (B), (C), and (D).

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to governments and organizations in the U.S. See Part IV, line 21				
2 Grants and other assistance to individuals in the U.S. See Part IV, line 22	14,411.	14,411.		
3 Grants and other assistance to governments, organizations, and individuals outside the U.S. See Part IV, lines 15 and 16				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	83,714.	41,832.	41,882.	0.
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1) and persons described in section 4958(c)(3)(B)	0.	0.	0.	0.
7 Other salaries and wages	151,750.	124,787.	26,963.	
8 Pension plan contributions (include section 401(k) and section 403(b) employer contributions)				
9 Other employee benefits				
10 Payroll taxes	19,732.	14,143.	5,589.	
11 Fees for services (non-employees)				
a Management				
b Legal				
c Accounting				
d Lobbying				
e Prof fundraising svcs. See Part IV, ln 17				
f Investment management fees				
g Other	4,250.		4,250.	
12 Advertising and promotion				
13 Office expenses				
14 Information technology				
15 Royalties				
16 Occupancy	3,330.	3,330.		
17 Travel	20,549.	14,216.	6,333.	
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings	1,278.	1,278.		
20 Interest	20,434.	20,434.		
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	22,445.	21,745.	700.	
23 Insurance	7,869.	3,006.	4,863.	
24 Other expenses. Itemize expenses not covered above. (Expenses grouped together and labeled miscellaneous may not exceed 5% of total expenses shown on line 25 below.)				
a UTILITIES	17,263.	17,111.	152.	
b TELEPHONE	16,392.	2,214.	14,178.	
c SUPPLIES	15,374.	8,939.	6,435.	
d REPAIRS & MAINTENANCE	10,890.	10,890.		
e CONTRACT LABOR	3,325.		3,325.	
f All other expenses	7,677.	900.	6,777.	
25 **Total functional expenses.** Add lines 1 through 24f	420,683.	299,236.	121,447.	0.
26 **Joint Costs.** Check here ► ☐ if following SOP 98-2. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation				

Part X Balance Sheet

			(A) Beginning of year		(B) End of year
ASSETS	1	Cash — non-interest-bearing	31,243.	1	17,128.
	2	Savings and temporary cash investments		2	
	3	Pledges and grants receivable, net	18,313.	3	10,075.
	4	Accounts receivable, net	3,732.	4	4,491.
	5	Receivables from current and former officers, directors, trustees, key employees, or other related parties. Complete Part II of Schedule L		5	
	6	Receivables from other disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B). Complete Part II of Schedule L		6	
	7	Notes and loans receivable, net		7	
	8	Inventories for sale or use		8	
	9	Prepaid expenses and deferred charges	2,670.	9	4,434.
	10a	Land, buildings, and equipment: cost basis — 10a 662,283.			
	b	Less: accumulated depreciation. Complete Part VI of Schedule D — 10b 124,805.	553,891.	10c	537,478.
	11	Investments — publicly-traded securities		11	
	12	Investments — other securities. See Part IV, line 11		12	
	13	Investments — program-related. See Part IV, line 11		13	
	14	Intangible assets		14	
	15	Other assets. See Part IV, line 11		15	300.
	16	**Total assets.** Add lines 1 through 15 (must equal line 34)	609,849.	16	573,906.
LIABILITIES	17	Accounts payable and accrued expenses	4,487.	17	2,798.
	18	Grants payable		18	
	19	Deferred revenue		19	
	20	Tax-exempt bond liabilities		20	
	21	Escrow account liability. Complete Part IV of Schedule D		21	
	22	Payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L		22	
	23	Secured mortgages and notes payable to unrelated third parties	340,000.	23	335,800.
	24	Unsecured notes and loans payable		24	
	25	Other liabilities. Complete Part X of Schedule D	4,281.	25	4,975.
	26	**Total liabilities.** Add lines 17 through 25	348,768.	26	343,573.
NET ASSETS OR FUND BALANCES		**Organizations that follow SFAS 117, check here ► [X] and complete lines 27 through 29 and lines 33 and 34.**			
	27	Unrestricted net assets	261,081.	27	230,333.
	28	Temporarily restricted net assets		28	
	29	Permanently restricted net assets		29	
		Organizations that do not follow SFAS 117, check here ► [ ] and complete lines 30 through 34.			
	30	Capital stock or trust principal, or current funds		30	
	31	Paid-in or capital surplus, or land, building, and equipment fund		31	
	32	Retained earnings, endowment, accumulated income, or other funds		32	
	33	**Total net assets or fund balances**	261,081.	33	230,333.
	34	Total liabilities and net assets/fund balances	609,849.	34	573,906.

Part XI Financial Statements and Reporting

			Yes	No
1	Accounting method used to prepare the Form 990: [ ] Cash [X] Accrual [ ] Other			
2a	Were the organization's financial statements compiled or reviewed by an independent accountant?	2a		X
b	Were the organization's financial statements audited by an independent accountant?	2b	X	
c	If 'Yes' to 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?	2c	X	
3a	As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?	3a		X
b	If 'Yes,' did the organization undergo the required audit or audits?	3b		

SCHEDULE A (Form 990 or 990-EZ)

Department of the Treasury Internal Revenue Service

Public Charity Status and Public Support

To be completed by all section 501 (c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts.

► **Attach to Form 990 or Form 990-EZ.** ► **See separate instructions.**

OMB No. 1545-0047

2008

Open to Public Inspection

Name of the organization: FAYETTE COUNTY COUNCIL ON DOMESTIC VIOLENCE

Employer identification number: 58-1826445

Part I **Reason for Public Charity Status** (All organizations must complete this part.) (see instructions)

The organization is not a private foundation because it is: (Please check only **one** organization.)

1 ☐ A church, convention of churches or association of churches described in **section 170(b)(1)(A)(i).**

2 ☐ A school described in **section 170(b)(1)(A)(ii).** (Attach Schedule E.)

3 ☐ A hospital or cooperative hospital service organization described in **section 170(b)(1)(A)(iii).** (Attach Schedule H.)

4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii)**. Enter the hospital's name, city, and state: ____________

5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv).** (Complete Part II.)

6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v).**

7 ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi).** (Complete Part II.)

8 ☐ A community trust described in **section 170(b)(1)(A)(vi).** (Complete Part II.)

9 ☐ An organization that normally receives: (1) more than 33-1/3 % of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions – subject to certain exceptions, and (2) no more than 33-1/3 % of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2).** (Complete Part III.)

10 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4).** (see instructions)

11 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or carry out the purposes of one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2). See **section 509(a)(3).** Check the box that describes the type of supporting organization and complete lines 11e through 11h.

a ☐ Type I **b** ☐ Type II **c** ☐ Type III – Functionally integrated **d** ☐ Type III– Other

e ☐ By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2).

f If the organization received a written determination from the IRS that is a Type I, Type II or Type III supporting organization, check this box ☐

g Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?

		Yes	No
(i) a person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the supported organization?	11 g (i)		
(ii) a family member of a person described in (i) above?	11 g (ii)		
(iii) a 35% controlled entity of a person described in (i) or (ii) above?	11 g (iii)		

h Provide the following information about the organizations the organization supports.

(i) Name of Supported Organization	(ii) EIN	(iii) Type of organization (described on lines 1-9 above or IRC section (see instructions))	(iv) Is the organization in col. (i) listed in your governing document? Yes	No	(v) Did you notify the organization in col. (i) of your support? Yes	No	(vi) Is the organization in col. (i) organized in the U.S.? Yes	No	(vii) Amount of Support
Total									

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)

(Complete only if you checked the box on line 5, 7, or 8 of Part I.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ►	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
1 Gifts, grants, contributions and membership fees received. (Do not include 'unusual grants.')	153,964.	176,376.	179,441.	378,095.	380,850.	1,268,726.
2 Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf						0.
3 The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge						0.
4 **Total.** Add lines 1-3	153,964.	176,376.	179,441.	378,095.	380,850.	1,268,726.
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						0.
6 **Public support.** Subtract line 5 from line 4						1,268,726.

Section B. Total Support

Calendar year (or fiscal year beginning in) ►	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
7 Amounts from line 4	153,964.	176,376.	179,441.	378,095.	380,850.	1,268,726.
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income form similar sources	35.	50.	1,018.	1,191.	156.	2,450.
9 Net income form unrelated business activities, whether or not the business is regularly carried on						0.
10 Other income. Do not include gain or loss form the sale of capital assets (Explain in Part IV.)						0.
11 **Total support.** Add lines 7 through 10						1,271,176.

12 Gross receipts from related activities, etc. (see instructions) — 12 — 155,722.

13 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here ► ☐

Section C. Computation of Public Support Percentage

14 Public support percentage for 2008 (line 6, column (f) divided by line 11, column (f)) — 14 — 99.8 %

15 Public support percentage for 2007 Schedule A, Part IV-A, line 26f — 15 — 99.8 %

16a **33-1/3 support test – 2008.** If the organization did not check the box on line 13, and the line 14 is 33-1/3 % or more, check this box and **stop here.** The organization qualifies as a publicly supported organization ► [X]

b **33-1/3 support test – 2007.** If the organization did not check a box on line 13, or 16a, and line 15 is 33-1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization ► ☐

17a **10%-facts-and-circumstances test – 2008.** If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the 'facts-and-circumstances' test, check this box and **stop here.** Explain in Part IV how the organization meets the 'facts-and-circumstances' test. The organization qualifies as a publicly supported organization ► ☐

b **10%-facts-and-circumstances test – 2007.** If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the 'facts-and-circumstances' test, check this box and **stop here.** Explain in Part IV how the organization meets the 'facts-and-circumstances' test. The organization qualifies as a publicly supported organization ► ☐

18 **Private foundation.** If the organization did not check a box on line, 13, 16a, 16b, 17a, or 17b, check this box and see instructions ► ☐

Part III **Support Schedule for Organizations Described in Section 509(a)(2)**

(Complete only if you checked the box on line 9 of Part I.)

Section A. Public Support

Calendar year (or fiscal yr beginning in) ►	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
1 Gifts, grants, contributions and membership fees received. (Do not include 'unusual grants.')						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in a activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under section 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 **Total.** Add lines 1-5						
7a Amounts included on lines 1, 2, 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of 1% of the total of lines 9, 10c, 11, and 12 for the year or $5,000						
c Add lines 7a and 7b						
8 **Public support** (Subtract line 7c from line 6.)						

Section B. Total Support

Calendar year (or fiscal yr beginning in) ►	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
9 Amounts from line 6						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income form similar sources						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
c Add lines 10a and 10b						
11 Net income from unrelated business activities not included inline 10b, whether or not the business is regularly carried on						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
13 **Total support.** (add lns 9, 10c, 11, and 12.)						

14 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here ► ☐

Section C. Computation of Public Support Percentage

15	Public support percentage for 2008 (line 8, column (f) divided by line 13, column (f))	15	%
16	Public support percentage from 2007 Schedule A, Part IV-A, line 27g	16	%

Section D. Computation of Investment Income Percentage

17	Investment income percentage for **2008** (line 10c, column (f) divided by line 13, column (f))	17	%
18	Investment income percentage from **2007** Schedule A, Part IV-A, line 27h	18	%

19a **33-1/3 support tests – 2008.** If the organization did not check the box on line 14, and line 15 is more than 33-1/3%, and line 17 is not more than 33-1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization ► ☐

b **33-1/3 support tests – 2007.** If the organization did not check a box on line 14 or 19a, and line 16 is more than 33-1/3%, and line 18 is not more than 33-1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization ► ☐

20 **Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions ► ☐

Part IV **Supplemental Information.** Complete this part to provide the explanation required by Part II, line 10; Part II, line 17a or 17b; or Part III, line 12. Provide any other additional information. (see instructions)

Schedule B
(Form 990, 990-EZ, or 990-PF)

Department of the Treasury
Internal Revenue Service

Schedule of Contributors

► **Attach to Form 990, 990-EZ and 990-PF**
► **See separate instructions.**

OMB No. 1545-0047

2008

Name of the organization FAYETTE COUNTY COUNCIL ON DOMESTIC VIOLENCE

Employer identification number 58-1826445

Organization type (check one):

Filers of:	**Section:**
Form 990 or 990-EZ	[X] 501(c)(3) (enter number) organization
	[ ] 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
	[ ] 527 political organization
Form 990-PF	[ ] 501(c)(3) exempt private foundation
	[ ] 4947(a)(1) nonexempt charitable trust treated as a private foundation
	[ ] 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule.** (**Note:** Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.)

General Rule –

[ ] For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, $5,000 or more (in money or property) from any one contributor. (Complete Parts I and II.)

Special Rules –

[X] For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33-1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of (**1**) $5,000 or (**2**) 2% of the amount on Form 990, Part VIII, line 1h or 2% of the amount on Form 990-EZ, line 1. Complete Parts I and II.

[ ] For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than $1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. Complete Parts I, II, and III.

[ ] For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc, purposes, but these contributions did not aggregate to more than $1,000. (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc, purpose. Do not complete any of the Parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc, contributions of $5,000 or more during the year.) . . . . ► $

Caution: Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF) but they **must** answer 'No' on Part IV, line 2 of their Form 990, or check the box in the heading of their Form 990-EZ, or on line 2 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

Name of organization	Employer identification number
FAYETTE COUNTY COUNCIL	58-1826445

Part I Contributors (see instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	GEORGIA DEPT. OF HUMAN RESOURCES 2 PEACHTREE STREET ATLANTA, GA 30303	$ 217,305.	Person [X] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
2	FAYETTE CO. BOARD OF COMMISSIONERS 140 STONEWALL AVE, 100 FAYETTEVILLE, GA 30214	$ 20,000.	Person [X] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
3	FAYETTE THRIFT SHOP 740 GKYNN ST FAYETTEVILLE, GA 30214	$ 15,500.	Person [X] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
		$	Person [ ] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
		$	Person [ ] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
		$	Person [ ] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)

Name of organization

FAYETTE COUNTY COUNCIL

Employer identification number

58-1826445

Part II Noncash Property (see instructions.)

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
	N/A	$	

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
		$	

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
		$	

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
		$	

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
		$	

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
		$	

Name of organization

FAYETTE COUNTY COUNCIL

Employer identification number

58-1826445

Part III ***Exclusively*** **religious, charitable, etc, individual contributions to section 501(c)(7), (8), or (10) organizations aggregating more than $1,000 for the year.** (Complete cols **(a)** through **(e)** and the following line entry.)

For organizations completing Part III, enter total of *exclusively* religious, charitable, etc, contributions of **$1,000 or less** for the year. (Enter this information once – see instructions.) ► $ N/A

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
	N/A		

(e) Transfer of gift

Transferee's name, address, and ZIP + 4	Relationship of transferor to transferee

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held

(e) Transfer of gift

Transferee's name, address, and ZIP + 4	Relationship of transferor to transferee

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held

(e) Transfer of gift

Transferee's name, address, and ZIP + 4	Relationship of transferor to transferee

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held

(e) Transfer of gift

Transferee's name, address, and ZIP + 4	Relationship of transferor to transferee

SCHEDULE D (Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Financial Statements

Attach to Form 990. To be completed by organizations that answered 'Yes,' to Form 990, Part IV, lines 6, 7, 8, 9, 10, 11, or 12.

OMB No. 1545-0047

2008

Open to Public Inspection

Name of the organization: FAYETTE COUNTY COUNCIL

Employer Identification number: 58-1826445

Part I **Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts** Complete if the organization answered 'Yes' to Form 990, Part IV, line 6.

	(a) Donor advised funds	(b) Funds and other accounts
1 Total number at end of year		
2 Aggregate contributions to (during year)		
3 Aggregate grants from (during year)		
4 Aggregate value at end of year		

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? ☐ Yes ☐ No

6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds may be used only for charitable purposes and not for the benefit of the donor or donor advisor or other impermissible private benefit?? ☐ Yes ☐ No

Part II **Conservation Easements** Complete if the organization answered 'Yes' to Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply).

☐ Preservation of land for public use (e.g., recreation or pleasure)
☐ Preservation of an historically important land area
☐ Protection of natural habitat
☐ Preservation of certified historic structure
☐ Preservation of open space

2 Complete lines 2a-2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

		Held at the End of the Year
a Total number of conservation easements	2a	
b Total acreage restricted by conservation easements	2b	
c Number of conservation easements on a certified historic structure included in (a)	2c	
d Number of conservation easements included in (c) acquired after 8/17/06	2d	

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the taxable year ►

4 Number of states where property subject to conservation easement is located ►

5 Does the organization have a written policy regarding the periodic monitoring, inspection, violations, and enforcement of the conservation easement it holds? ☐ Yes ☐ No

6 Staff or volunteer hours devoted to monitoring, inspecting, and enforcing easements during the year ►

7 Amount of expenses incurred in monitoring, inspecting, and enforcing easements during the year ► $

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and 170(h)(4)(B)(ii)? ☐ Yes ☐ No

9 In Part XIV, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III **Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets** Complete if the organization answered 'Yes' to Form 990, Part IV, line 8.

1 a If the organization elected, as permitted under SFAS 116, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIV, the text of the footnote to its financial statements that describes these items.

b If the organization elected, as permitted under SFAS 116, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenues included in Form 990, Part VIII, line 1 ► $

(ii) Assets included in Form 990, Part X ► $

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 relating to these items:

a Revenues included in Form 990, Part VIII, line 1 ► $

b Assets included in Form 990, Part X ► $

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets *(continued)*

3 Using the organization's accession and other records, check any of the following that are a significant use of its collection items (check all that apply):

a [ ] Public exhibition
b [ ] Scholarly research
c [ ] Preservation for future generations
d [ ] Loan or exchange programs
e [ ] Other ____________

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIV.

5 During the year, did the organization solicit or receive donations of art, historical treasures, or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? [ ] Yes [ ] No

Part IV Trust, Escrow and Custodial Arrangements Complete if organization answered 'Yes' to Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1 a Is the organization an agent, trustee, custodian, or other intermediary for contributions or other assets not included on Form 990, Part X? [ ] Yes [ ] No

b If 'Yes,' explain the arrangement in Part XIV and complete the following table:

		Amount
c Beginning balance	1c	
d Additions during the year	1d	
e Distributions during the year	1e	
f Ending balance	1f	

2a Did the organization include an amount on Form 990, Part X, line 21? [ ] Yes [ ] No

b If 'Yes,' explain the arrangement in Part XIV.

Part V Endowment Funds Complete if organization answered 'Yes' to Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1 a Beginning of year balance					
b Contributions					
c Investment earnings or losses					
d Grants or scholarships					
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance					

2 Provide the estimated percentage of the year end balance held as:

a Board designated or quasi-endowment ► ________ %

b Permanent endowment ► ________ %

c Term endowment ► ________ %

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

		Yes	No
(i) unrelated organizations	3a(i)		
(ii) related organizations	3a(ii)		
b If 'Yes' to 3a(ii), are the related organizations listed as required on Schedule R?	3b		

4 Describe in Part XIV the intended uses of the organization's endowment funds.

Part VI Investments—Land, Buildings, and Equipment. See Form 990, Part X, line 10.

Description of investment	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Depreciation	(d) Book Value
1a Land		102,143.		102,143.
b Buildings		500,083.	99,849.	400,234.
c Leasehold improvements		13,790.	3,634.	10,156.
d Equipment		7,472.	4,696.	2,776.
e Other		38,795.	16,626.	22,169.
Total. Add lines 1a-1e *(Column (d) should equal Form 990, Part X, column (B), line 10(c).)* ►				537,478.

Part VII Investments—Other Securities See Form 990, Part X, line 12. N/A

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation Cost or end-of-year market value
Financial derivatives and other financial products		
Closely-held equity interests		
Other		
Total. *(Column (b) should equal Form 990 Part X, col. (B) line 12.)* ►		

Part VIII Investments—Program Related (See Form 990, Part X, line 13) N/A

(a) Description of investment type	(b) Book value	(c) Method of valuation Cost or end-of-year market value
Total. *Column (b)(should equal Form 990, Part X, Col. (B) line 13.)* ►		

Part IX Other Assets (See Form 990, Part X, line 15) N/A

(a) Description	(b) Book value
Total. *Column (b) Total (should equal Form 990, Part X, col.(B), line 15)* ►	

Part X Other Liabilities (See Form 990, Part X, line 25)

(a) Description of Liability	(b) Amount
Federal Income Taxes	
ACCRUED WAGES	4,975.
Total. *Column (b) Total (should equal Form 990, Part X, col. (B) line 25)* ►	4,975.

In Part XIV, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48.

Part XI Reconciliation of Change in Net Assets from Form 990 to Financial Statements

1	Total revenue (Form 990, Part VIII, column (A), line 12)	389,935.
2	Total expenses (Form 990, Part IX, column (A), line 25)	420,683.
3	Excess or (deficit) for the year. Subtract line 2 from line 1	-30,748.
4	Net unrealized gains (losses) on investments	
5	Donated services and use of facilities	
6	Investment expenses	
7	Prior period adjustments	
8	Other (Describe in Part XIV)	
9	Total adjustments (net). Add lines 4-8	
10	Excess or (deficit) for the year per financial statements. Combine lines 3 and 9	-30,748.

Part XII Reconciliation of Revenue per Audited Financial Statements With Revenue per Return

1	Total revenue, gains, and other support per audited financial statements			1	392,570.
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:				
a	Net unrealized gains on investments	2a			
b	Donated services and use of facilities	2b			
c	Recoveries of prior year grants	2c			
d	Other (Describe in Part XIV) SEE PART XIV	2d	2,635.		
e	Add lines 2a through 2d			2e	2,635.
3	Subtract line 2e from line 1			3	389,935.
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:				
a	Investments expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIV)	4b			
c	Add lines 4a and 4b			4c	
5	Total revenue. Add lines 3 and 4c. (This should equal Form 990, Part I, line 12.)			5	389,935.

Part XIII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return

1	Total expenses and losses per audited financial statements			1	423,318.
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:				
a	Donated services and use of facilities	2a			
b	Prior year adjustments	2b			
c	Losses reported on Form 990, Part IX, line 25	2c			
d	Other (Describe in Part XIV) SEE PART XIV	2d	2,635.		
e	Add lines 2a through 2d			2e	2,635.
3	Subtract line 2e from line 1			3	420,683.
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:				
a	Investments expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIV)	4b			
c	Add lines 4a and 4b			4c	
5	Total expenses. Add lines 3 and 4c (This should equal Form 990, Part I, line 18.)			5	420,683.

Part XIV Supplemental Information

Complete this part to provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X; Part XI, line 8; Part XII, lines 2d and 4b; and Part XIII, lines 2d and 4b.

Part XIV Supplemental Information *(continued)*

2008 SCHEDULE D, PART XIV - SUPPLEMENTAL INFORMATION PAGE 6

FAYETTE COUNTY COUNCIL
ON DOMESTIC VIOLENCE

58-1826445

SCHEDULE D, PART XII, LINE 2D
OTHER REVENUE INCLUDED IN F/S BUT NOT INCLUDED ON FORM 990

FUNDRAISING EXPENSES	$	2,635.
TOTAL	$	2,635.

SCHEDULE D, PART XIII, LINE 2D
OTHER EXPENSES AND LOSSES PER AUDITED F/S

FUNDRAISING EXPENSES	$	2,635.
TOTAL	$	2,635.

SCHEDULE I
(Form 990)

Department of the Treasury
Internal Revenue Service

Grants and Other Assistance to Organizations, Governments and Individuals in the U.S.

► Complete if the organization answered 'Yes,' on Form 990, Part IV, lines 21 or 22.
► Attach to Form 990.

OMB No. 1545-0047

2008

Open to Public Inspection

Name of the organization: FAYETTE COUNTY COUNCIL

Employer identification number: 58-1826445

Part I General Information on Grants and Assistance

1 Does the organization maintain records to substantiate the amount of the grants or assistance, the grantees' eligibility for the grants or assistance, and the selection criteria used to award the grants or assistance? ☐ Yes ☐ No

2 Describe in Part IV the organization's procedures for monitoring the use of grant funds in the United States.

Part II Grants and Other Assistance to Governments and Organizations in the United States.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 21 for any recipient that received more than $5,000. Check this box if no one recipient received more than $5,000. Use Part IV and Schedule I-1 (Form 990) if additional space is needed. ► [X]

1 (a) Name and address of organization or government	(b) EIN	(c) IRC section if applicable	(d) Amount of cash grant	(e) Amount of non-cash assistance	(f) Method of valuation (book, FMV, appraisal, other)	(g) Description of non-cash assistance	(h) Purpose of grant or assistance

2 Enter total number of section 501(c)(3) and government organizations ►

3 Enter total number of other organizations ►

Part III **Grants and Other Assistance to Individuals in the United States.** Complete if the organization answered 'Yes' on Form 990, Part IV, line 22. Use Schedule I-1 (Form 990) if additional space is needed.

(a) Type of grant or assistance	(b) Number of recipients	(c) Amount of cash grant	(d) Amount of non-cash assistance	(e) Method of valuation (book, FMV, appraisal, other)	(f) Description of non-cash assistance
FOOD, CLOTHING, HOUSEHOLD ITEMS FOR ABUSE VICTIMS	42	6,718.		FMV	
HOUSING ASSISTANCE FOR ABUSE VICTIMS	20	4,147.		FMV	
POSTAGE & MAILING ASSISTANCE FOR ABUSE VICTIMS	2	160.		FMV	
TRANSPORTATION ASSISTANCE FOR ABUSE VICTIMS	11	3,020.		FMV	

Part IV **Supplemental Information.** Complete this part to provide the information required in Part I, line 2, and any other additional information.

SCHEDULE O (Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990

► Attach to Form 990. To be completed by organizations to provide additional information for responses to specific questions for the Form 990 or to provide any additional information.

OMB No. 1545-0047

2008

Open to Public Inspection

Name of the organization FAYETTE COUNTY COUNCIL ON DOMESTIC VIOLENCE

Employer identification number 58-1826445

FORM 990, PART III, LINE 1 - ORGANIZATION MISSION

THE FAYETTE COUNTY COUNCIL ON DOMESTIC VIOLENCE EXISTS TO PREVENT DOMESTIC VIOLENCE THROUGH AWARENESS PROGRAMS, EDUCATIONAL PROGRAMS, AND PROVIDING SAFE ENVIRONMENTS FOR THE VICTIMS AND THEIR FAMILIES UTILIZING LEGAL ADVOCACY, EMERGENCY SHELTER, AND TRANSITIONAL HOUSING.

FORM 990, PART VI, LINE 2 - BUSINESS OR FAMILY RELATIONSHIP OF OFFICERS, DIRECT

CHERYL AND MIKE MULLIKIN ARE MARRIED.

FORM 990, PART VI, LINE 10 - FORM 990 REVIEW PROCESS

THE ORGANIZATION'S ACCOUNTANT WILL PROVIDE A COPY OF FORM 990 TO THE BOARD FOR REVIEW AND APPROVAL PRIOR TO FILING.

FORM 990, PART VI, LINE 12C - EXPLANATION OF MONITORING AND ENFORCEMENT OF C

THE POLICY IS REVIEWED ANNUALLY. ANY ISSUES ARE BROUGHT BEFORE THE BOARD OF DIRECTORS FOR DISCUSSION.

FORM 990, PART VI, LINE 15B - COMPENSATION REVIEW & APPROVAL PROCESS FOR OFFICERS & KEY EMPLOYEES

THE BOARD OF DIRECTORS APPROVE COMPENSATION.

FORM 990, PART VI, LINE 19 - OTHER ORGANIZATION DOCUMENTS PUBLICLY AVAILABLE

THE ORGANIZATION'S ACCOUNTANT PROVIDES A COPY OF FORM 990 SPECIFICALLY FOR PUBLIC INSPECTION. THIS COPY IS AVAILABLE UPON REQUEST.

2008 FEDERAL BOOK DEPRECIATION SCHEDULE

FAYETTE COUNTY COUNCIL ON DOMESTIC VIOLENCE

58-1826445

NO.	DESCRIPTION	DATE ACQUIRED	DATE SOLD	COST/ BASIS	BUS. PCT.	CUR 179 BONUS	SPECIAL DEPR. ALLOW.	PRIOR 179/ BONUS/ SP. DEPR.	PRIOR DEC. BAL DEPR.	SALVAG /BASIS REDUCT	DEPR. BASIS	PRIOR DEPR.	METHOD	LIFE	RATE	CURRENT DEPR.
	FORM 990/990-PF															
5	SECURITY SYSTEM - SHELTER	6/01/07		7,300							7,300	1,130	S/L	7		1,043
10	REFRIGERATOR	10/01/02		389							389	303	200DB	7		25
12	WASHER AND DRYER	12/01/03		1,346							1,346	926	200DB	7		120
13	REFRIGERATOR	1/01/04		671							671	462	200DB	7		60
	TOTAL			9,706		0	0	0	0	0	9,706	2,821				1,248
	BUILDINGS															
1	BUILDING - N JEFF DAVIS	7/01/91		154,288							154,288	81,607	S/L MM	31	.03226	4,977
16	BUILDING-SHELTER	4/04/08		345,795							345,795	2,286	S/L MM	31.5	.03175	10,979
	TOTAL BUILDINGS			500,083		0	0	0	0	0	500,083	83,893				15,956
	FURNITURE AND FIXTURES															
2	FURNITURE -2,3	7/01/91		9,792							9,792	6,568	200DB HY	5		0
3	FURNITURE, 7	1/01/01		697							697	629	200DB	7		0
4	BEDROOM FURNITURE - SHELT	6/01/07		16,500							16,500	2,553	S/L	7		2,357
19	OFFICE FURNITURE	12/31/07		2,100							2,100	150	S/L	7		300
	TOTAL FURNITURE AND FIXTURE			29,089		0	0	0	0	0	29,089	9,900				2,657
	IMPROVEMENTS															
6	IMPROVEMENTS - SHELTER	6/01/07		5,000							5,000	774	S/L	7		714
15	FURNACE/HVAC 5	11/30/05		1,598							1,598	919	200DB	7		194
18	IMPROVEMENTS-SHELTER	12/31/07		2,542							2,542	127	150DB	15		242
21	HVAC - SHELTER	12/22/08		4,650							4,650		200DB HY	7	.14290	664
	TOTAL IMPROVEMENTS			13,790		0	0	0	0	0	13,790	1,820				1,814

2008 FEDERAL BOOK DEPRECIATION SCHEDULE

FAYETTE COUNTY COUNCIL
ON DOMESTIC VIOLENCE

58-1826445

NO.	DESCRIPTION	DATE ACQUIRED	DATE SOLD	COST/ BASIS	BUS. PCT.	CUR 179 BONUS	SPECIAL DEPR. ALLOW.	PRIOR 179/ BONUS/ SP. DEPR.	PRIOR DEC. BAL DEPR.	SALVAG /BASIS REDUCT.	DEPR. BASIS	PRIOR DEPR.	METHOD	LIFE	RATE	CURRENT DEPR.
	LAND															
7	LAND - N JEFF DAVIS DR	7/01/91		17,143							17,143					0
17	LAND-SHELTER	4/04/08		85,000							85,000					0
	TOTAL LAND			102,143		0	0	0	0	0	102,143	0				0
	MACHINERY AND EQUIPMENT															
8	COMPUTER	3/01/97		1,648							1,648	1,648	200DB HY	5		0
9	SHREDDER	7/01/00		443							443	392	200DB	7		0
11	COMPUTER AND PRINTER	12/01/03		1,291							1,291	1,157	200DB	5		22
14	COMPUTER	10/14/05		708							708	529	200DB	5		72
20	COMPUTER-ADMIN OFFICE	12/31/07		2,000							2,000	200	S/L	5		400
22	DATA LINK PHONES	9/19/08		882							882		200DB HY	5	.20000	176
23	LAPTOP	10/15/08		500							500		200DB HY	5	.20000	100
	TOTAL MACHINERY AND EQUIPME			7,472		0	0	0	0	0	7,472	3,926				770
	TOTAL DEPRECIATION			662,283		0	0	0	0	0	662,283	102,360				22,445
	GRAND TOTAL DEPRECIATION			662,283		0	0	0	0	0	662,283	102,360				22,445

FORM 990, PART IX, LINE 24
OTHER EXPENSES

	(A) TOTAL	(B) PROGRAM SERVICES	(C) MANAGEMENT & GENERAL	(D) FUNDRAISING
BANK CHARGES	1,477.		1,477.	
CONTRACT LABOR	3,325.		3,325.	
DUES & SUBSCRIPTIONS	2,172.		2,172.	
POSTAGE AND SHIPPING	769.		769.	
PROMOTION	3,259.	900.	2,359.	
REPAIRS & MAINTENANCE	10,890.	10,890.		
SUPPLIES	15,374.	8,939.	6,435.	
TELEPHONE	16,392.	2,214.	14,178.	
UTILITIES	17,263.	17,111.	152.	
TOTAL	$ 70,921.	$ 40,054.	$ 30,867.	$ 0.

FEDERAL INFORMATIONAL DIAGNOSTICS

MAIN FORM

☒ ~~THE ORGANIZATION MEETS THE 33 1/3% SUPPORT TEST DESCRIBED IN THE REGULATIONS UNDER SECTION 509(A)(1) / 170(B)(1)(A)(VI) WHICH REQUIRES THE SCHEDULE OF CONTRIBUTORS TO ONLY GIVE INFORMATION FOR CONTRIBUTORS WHOSE GIFTS OF $5,000 OR OVER ARE MORE THAN 2% OF THE AMOUNT REPORTED ON FORM 990, PART VIII, LINE 1H OR FORM 990-EZ, PART I, LINE 1. ONLY CONTRIBUTORS MEETING THE REQUIRED CONTRIBUTION AMOUNT ARE REPORTED ON SCHEDULE B.~~

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **Bernie McMullen, City Manager** B McMullen
Paul Salvatore, Financial Services Director P.S.
Ellece Brown, Human Resources Administrator EB
Nancy Price, Amphitheater Manager NP

FROM: **Nikki Vrana, Administrative Services Director** NV

DATE: **May 14, 2010**

SUBJECT: **Consider New Position, Business Manager – Amphitheater / Tourism**
May 20, 2010, City Council Meeting

Recommendation:

Staff recommends that Council approve the addition of the following full time position:

Proposed Position/Grade

Business Manager – Amphitheater / Tourism
Grade 281

Discussion:

In accordance with the approved agreement between the City and the Peachtree City Tourism Association for the provision of personnel services, the City needs to add the title and position of Business Manager – Amphitheater / Tourism to the schedule of approved positions and class title under the City's Standard Salary Schedule.

All City positions are evaluated under certain factors for migration into our standard salary schedule as is outlined by The Mercer Group. Based upon the results of the various factors an overall range is determined and the position is placed into a salary grade. The factoring and resulting range of the Business Manager is similar to that of the existing title of Accounting Manager that already exists in the salary schedule with a salary grade of 281 (Min $45,486 Max $73,247). A consolidated job description and organizational chart is attached for review.

Budget Impact:

The funding for this position in FY 2010 will come from existing funds in the Amphitheater and General Funds. Additionally, the City will be reimbursed by the Tourism Association for personnel costs associated with support of the Tourism Association as outlined in the approved agreement between the City and Tourism Association.

BUSINESS MANAGER
JOB DESCRIPTION

Job Code: **XXX**

Position: Business Manager – Amphitheater / Tourism
Division: City Manager
Reports to: Tourism Executive Director / Amphitheater Manager
Overview: This position assists the Tourism Executive Director / Amphitheater Manager in the execution of his/her duties and oversees and/or performs the work involved in the accounting operations for the Tourism Agency and Amphitheater.

FACTOR 1: Education & Directly Applicable Experience

Two years of college or Associate's Degree with over ten years directly related experience or

A Bachelor's Degree with six to ten years directly related experience or

A Master's Degree with two to five years directly related experience.

Previous experience with Tourism or Convention & Visitors Bureaus and 501 (c) (6) non-profit organization regulations preferred.

FACTOR 2: Supervisory Controls

The work is performed under broad supervision. The supervisor makes assignments by defining objectives, priorities and deadlines, and assists employees with unusual situations, which do not have a precedent. The employee plans and carries out the successive steps and handles problems and deviations in the work assignments in accordance with instructions, policies, previous training or accepted practices in the job.

FACTOR 3: Supervision Given

This position does not have any daily supervisory responsibilities; however, this position would supervise on a temporary basis in the absence of the Tourism Executive Director / Amphitheater Manager.

FACTOR 4: Guidelines

Guidelines are available, but are not completely applicable to the work and have major gaps in specificity. This position is responsible for filling the gaps and has the authority to fill the gaps.

The employee uses judgment in interpreting and adapting guidelines such as organizational policies, regulations, precedents, and work directions for application to specific cases or problems.

FACTOR 5: Complexity

The work includes varied duties requiring many different and unrelated processes and methods applied to a broad range of activities or substantial depth of analysis. Decisions deal with major areas of uncertainty in approach, methodology or interpretation and evaluation processes resulting from such elements as continuing changes in program, technological developments or conflicting requirements. The work requires originating new techniques, establishing criteria or developing new information.

FACTOR 6: Scope and Effect

The majority of the work involves establishing criteria; formulating projects; assessing program effectiveness; or investigating or analyzing a variety of unusual conditions, problems or questions. The work affects a wide range of organizational activities as well as the development of major aspects of programs affecting the community.

FACTOR 7: Personal Contacts

The personal contacts are with individuals or groups from outside the organization in a moderately unstructured setting. Typical of contacts at this level include members of the general public, contractors, representatives of professional organizations.

FACTOR 8: Purpose of Contacts

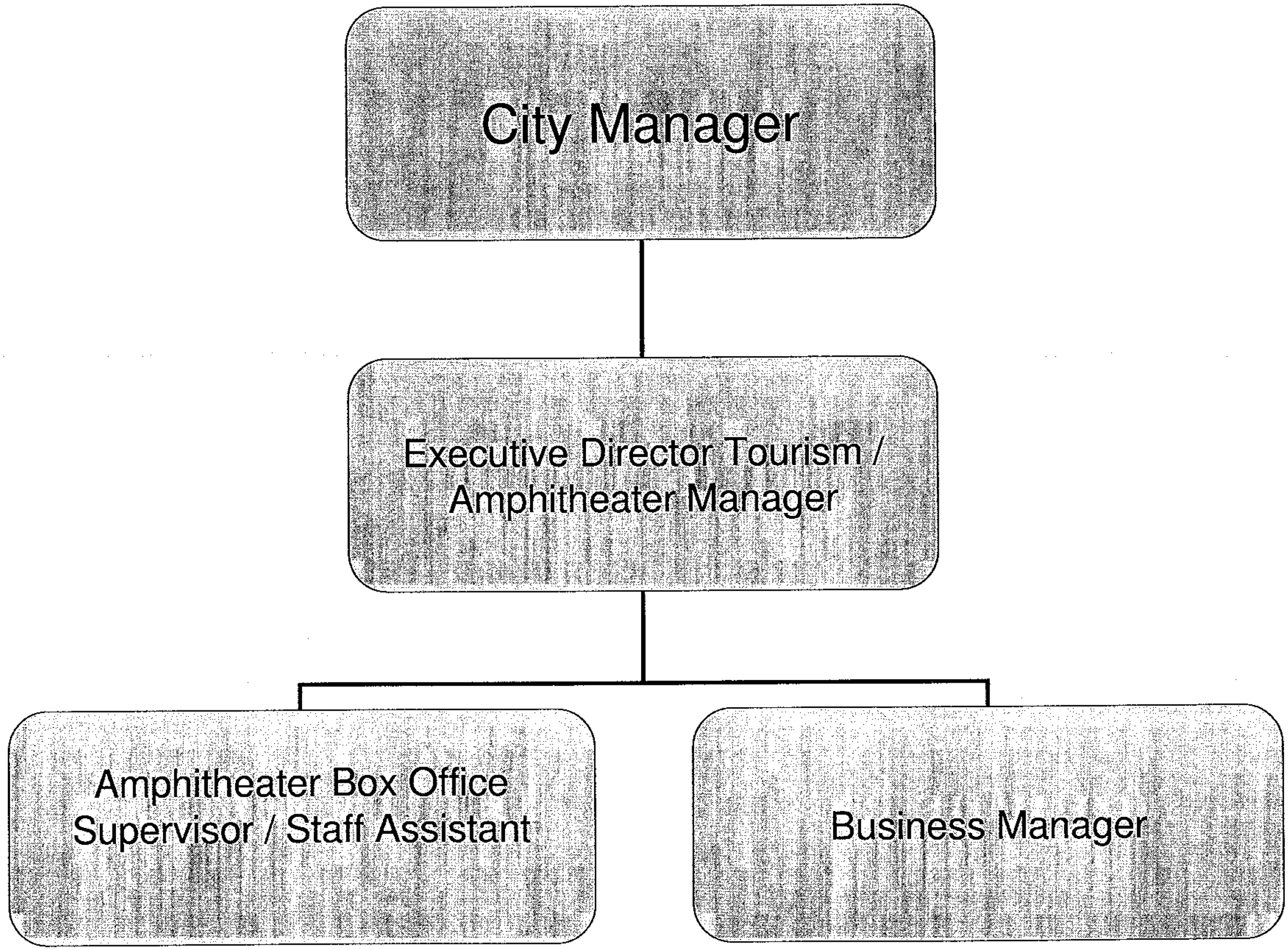
The purpose is to plan, coordinate, or advise on work efforts or to resolve operating problems by influencing or motivating individuals or groups who are working toward mutual goals and who have basically cooperative attitudes.

FACTOR 9: Physical Demands	
	The work requires non-strenuous physical exertion such as periods of standing; walking over rough or difficult surfaces; recurring stooping, climbing or walking; recurring lifting of moderately heavy items weighing less than 25 pounds and may require occasional lifting of objects weighing in excess of 25 pounds. The work may require specific, but common physical characteristics and abilities such as mobility, dexterity and full range of motion.
FACTOR 10: Work Environment	
	The work environment involves everyday risks or discomforts which require normal safety precautions typical of such places as offices, meeting and training rooms, libraries, residences or commercial vehicles. Use of safe work practices with office equipment, avoidance of trips and falls, observance of fire regulations and traffic signals are minimally required.
PAY GRADE: 81	
FLSA STATUS: EXEMPT-ADMINISTRATIVE	

BUSINESS MANAGER-ESSENTIAL DUTIES

General Description:
The Business Manager is responsible for managing and approving all ongoing accounting and insurance policies and procedures relative to the operation of the amphitheater and the tourism agency, as well as managing the financial and operational reconciliations and reports.

Summary of essential duties:
Process purchasing and accounts payable functions including but not limited to; processing of requests for proposals, maintenance of vendors, processing of purchase requisitions, receiving of goods, preparing invoices for payment, processing payments, and reconciliation of inventory
Process the accounts receivable billing function and insures that revenues earned are properly accounted for and reported
Manage the accounting and reconciliation of cash flow needs, and supervises operating account balances
Manages and analyzes project lists
Manages forms and/or procedures to improve program operations
Manages documentation regarding accounting systems and tasks for tourism agency
Manages the internal auditing program
Manages property and liability insurance functions for tourism agency
Manages tax reporting requirements and license and permits as necessary
Manages the end-of-month and year-end closing, including preparation of journal entries and support documentation
Prepares monthly / quarterly / annual financial reports to present to the Executive Director / Finance Committee / Board of Directors
Coordinates annual budget, applications for grants and information for grant audits and submits to the Executive Director / Finance Committee / Board of Directors
Manages relations with independent auditors, including work paper preparation and scheduling of audit work
Serves as record manager for department and tourism agency and ensures compliance with City records retention schedule
Serves as recording secretary for the tourism agency
Provides community information to visitors and citizens
Serves as back up to Box Office Supervisor / Staff Assistant
Works with other City departments and agencies to coordinate marketing efforts in conjunction with agency goals and objectives
Assumes responsibilities of Executive Director / Amphitheater Manager in his/her absence
Other duties as requested
Created 5/7/10


City Manager
Executive Director Tourism / Amphitheater Manager
Amphitheater Box Office Supervisor / Staff Assistant
Business Manager

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Bernard J. McMullen, City Manager Bernard J. McMullen

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

DATE: May 13, 2010

SUBJECT: Budget Amendments – Fiscal Year 2010

May 20, 2010 City Council Consent Agenda

Recommendation:

It is Staff's recommendation that City Council approve the attached budget amendments to amend the 2010 budget resolution.

Discussion:

Attached please find budget amendments 10-025 and 10-026 for fiscal year 2010 submitted for your approval. Budget amendment 10-025 transfers budgeted funds from the 2010 Public Information approved budget to the Recreation approved budget to account for work performed by Amphitheater Fund staff. A further budget amendment will be presented to City Council in June to account for the changes that are being made effective June 1, 2010 in regards to the Tourism transition. Budget amendment 10-026 provides a transfer from excess funds from the 2007 Bricks & Mortar loan in Fund 357 (surplus from the Flat Creek Bridge Path Extension Project) to Fund 330 to cover the costs associated with the MacDuff Parkway Path Extension. Additionally, a Developer contribution of $10,000 is budgeted to off-set the cost of this project.

Budget Impact:

The budget amendments presented have no impact on the total budgeted revenues and expenditures for the General Fund or PIP Fund 357. The impact on PIP Fund 330 increases both budgeted revenues and expenditures by $156,312.

If you have any questions please do not hesitate to contact either Paul Salvatore or Janet Camburn.

Thank you for your attention to this matter.

Attachments

JIC/BUDGET AMENDMENTS – FY 10 – 5/20/2010

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 10-025

DATE May 20, 2010

ACCOUNT	PJT	DESCRIPTION	INCREASE	DECREASE
100-6110-51-1100	xxx	Regular Salaries - Rec	22,105	
100-6110-51-2200	xxx	Social Security - Rec	1,371	
100-6110-51-2300	xxx	Medicare - Rec	321	
100-6110-51-2101	xxx	L.T. Disability - Rec	81	
100-6110-51-2103	xxx	Life Ins. - Rec	38	
100-6110-51-2401	xxx	Retiree Match - Rec	442	
100-6110-51-2401	xxx	Workers' Comp - Rec	44	
100-1570-51-1100	xxx	Regular Salaries - Pub Info		22,105
100-1570-51-2200	xxx	Social Security - Pub Info		1,371
100-1570-51-2300	xxx	Medicare - Pub Info		321
100-1570-51-2101	xxx	L.T. Disability - Pub Info		81
100-1570-51-2103	xxx	Life Ins. - Pub Info		38
100-1570-51-2401	xxx	Retiree Match - Pub Info		442
100-1570-51-2401	xxx	Workers' Comp - Pub Info		44
		TOTAL	$ 24,402	$ 24,402

To transfer budgeted funds from the Public Information budget to the Recreation budget. These amounts were originally budgeted in Public Information to cover costs associated with the staff at the Amphitheater that were expected to charge some time to Public Information Instead this time is being charged to the Recreation Department for work performed by Amphitheater Fund staff for the General Fund.

ENTERED ____________

APPROVED ____________

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 10-026

DATE May 20, 2010

ACCOUNT	PJT	DESCRIPTION	INCREASE	DECREASE
357-1505-61-1330	xxx	Transfer to Fund 330	146,312	
357-4110-54-1457		Flat Creek Bridge Path Extension		146,312
330--00-39-1137	xxx	Transfer from Fund 357	146,312	
330-00-3	xxx	Developer Contribution	10,000	
330-4110-54-		MacDuff Parkway Path Extension	156,312	
		TOTAL	$ 458,936	$ 146,312

To transfer excess 2007 Bricks & Mortar Funds from the Flat Creek Bridge Path Extension Project to the MacDuff Parkway Path Extension Project and to budget a $10,000 donation from the developer for this project.

ENTERED ____________

APPROVED ____________

City Council of Peachtree City
REVISED AGENDA
May 20, 2010
7:00 p.m.

I. Call to Order

II. Pledge of Allegiance

III. Announcements, Awards, Special Recognition
Recognize Citizens Police Academy Graduates

IV. Citizen Comment
Any member of the public attending the meeting may comment on any issue or item that is not included on the agenda. The time limit is two (2) minutes.

V. Agenda Changes

VI. Minutes
May 4, 2010, Workshop Minutes
May 6, 2010, Regular Meeting Minutes
May 6, 2010, Executive Session Minutes

VII. Consent Agenda
1. **Consider Alcohol License – NEW – Café Phoenicia, 2771 Highway 54 West**
Applications for new licenses must be approved by City Council. The applicant has met the requirements.
2. **Consider Amendments to Erosion and Soil Control Ordinance**
Request to adopt amendments required by July 1 due to changes in the Georgia Erosion and Sedimentation Act

VIII. Old Agenda Items
05-10-01 Public Hearing – Consider Variance to Watershed Protection Buffer Ordinance, 614 Wingspread
Request to encroach into the watershed protection buffer for Lake Kedron. Continued from May 6
04-10-11 Consider Vacant Structure Registration Ordinance
Proposed ordinance would require the registration of vacant and/ or abandoned buildings in an effort to ensure these structures are safe and secure and to assist in maintaining property values of adjoining properties. Continued from May 6

IX. New Agenda Items
05-10-03 Public Hearing – Consider Amendment to Section 908 Accessory Uses to Establish Regulations for Farmer's Markets
Proposed amendments would establish submittal criteria and guidelines specific to outdoor farmer's markets within the City
05-10-04 Public Hearing – Consider Amendments Section 908 Accessory Uses regarding Walking Signs
Proposed amendment would prohibit hand-held and walking advertising within the City.
05-10-05 Consider Amendment to Sign Ordinance regarding Internal Directory Signs
Proposed amendments relate specifically to the total number, size, and placement of internal directory signs on lots zoned for retail, commercial, and industrial use
05-10-06 Consider Non-profit Funding Request for FY 2011 from Fayette Senior Services
Request to consider funding for Fayette Senior Services for FY 2011 as Fayette Senior Services provides services that meet basic needs of senior residents such as home-delivered meals
05-10-07 Consider Non-profit Funding Request for FY 2011 from Promise Place
Request to consider funding for Promise Place in the FY 2011 budget as Promise Place provides services to residents who are victims of domestic violence
05-10-08 Consider New Position, Business Manager – Amphitheater/Tourism
Request to add title and position due to recent changes in Amphitheater and Peachtree City Tourism Association staffing
05-10-09 Consider Budget Amendments – FY 2010
Consider proposed budget amendments to amend the 2010 budget resolution to provide funding for cart path extension at MacDuff tunnel
05-10-10 Consider Position Reclassification – Parks Monitor
Request to reclassify position of Parks Monitor which will give authority to issue citations for observed violations
05-10-11 Consider Acceptance of Donation from Dog Park Association
Request to accept donation of gazebo and seating area at the Dog Park from the Dog Park Association

X. Council/Staff Topics
Library Master Plan – moved to June 17 agenda
Hot Topics Update

XI. Executive Session

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **Bernie McMullen, City Manager** Bernie McMullen
Paul Salvatore, Financial Services Director PS.
Ellece Brown, Human Resources Administrator EB
Randy Gaddo, Leisure Services Director RG

FROM: **Nikki Vrana, Administrative Services Director** NV

DATE: **May 18, 2010**

SUBJECT: **Consider Position Reclassifications – Parks Monitor**
May 20, 2010, City Council Meeting

Recommendation:

Staff recommends that Council approve the reclassification of the following position:

Current Position/Grade	Proposed Position/Grade
Parks Monitor Grade 270	Parks Monitor Grade 272

Discussion:

The position of Parks Monitor has been an asset to the City in that we have a dedicated individual who patrols the City's public parks and recreational areas, but has no authority to issue citations for any observed violations. As a result, some of the violations have continued because of this limitation. The job description has been modified and additional responsibilities were sent to The Mercer Group for evaluation of the factoring as is outlined in our compensation policy.

The results from refactoring from The Mercer Group were in the areas that we expected as a result of the additional responsibilities and purpose of the contact with visitors to the parks. The additional responsibilities have moved the position of Parks Monitor from a Grade 270 ($26,421 Min, $42,546 Max) to a Grade 272 ($29,165 Min, $46,965 Max).

When approved, the Parks Monitor will train with Police and Code Enforcement personnel to learn the process and techniques for properly interacting with and issuing citations for adjudication of violations through our Municipal Court system.

No changes are required for the departmental organizational chart.

Budget Impact:

The approved FY10 budget reflects the salary at a Grade 270 Step 20. The position under a promotion to the new job description would transition the person promoted to a Grade 272 Step 17.

The approximate increase for the reclassification is $1,952 per year, or approximately $750 for the remainder of FY10. The required funding will be able to be recognized through savings from vacant positions in Leisure Services.

PARKS MONITOR
JOB DESCRIPTION

Job Code: 540

Position: Parks Monitor
Division: Leisure Services/Recreation
Reports to: Recreational Facilities Manager
Overview: This position monitors usage of the City's parks in accordance with City regulations enforcing through warning and citation issuance when necessary.

FACTOR 1: Education & Directly Applicable Experience	
	High School diploma and three to less than five years directly related experience.
FACTOR 2: Supervisory Controls	
	The work is performed under broad supervision; the supervisor makes assignments by defining objectives, priorities and deadlines, and assists the employee with unusual situations which do not have a precedent. The employee plans and carries out the successive steps and handles problems and deviations in the work assignment in accordance with instructions, policies, previous training or accepted practices in the job.
FACTOR 3: Supervision Given	
	This position does not supervise any other positions.
FACTOR 4: Guidelines	
	Procedures for doing the work have been established and a number of specific guidelines are available. The employee uses judgment in locating and selecting the most appropriate guidelines, references and procedures for application and may make minor deviations to adapt the guidelines in specific cases or determine which of several established alternatives to use. Situations to which the existing guidelines cannot be applied or significant deviations are referred to the supervisor.
FACTOR 5: Complexity	
	The work includes various duties involving different and unrelated processes and methods. The decision regarding what needs to be done depends upon analysis of the subject, phase or issues involved in each

assignment, and then the chosen course of action may have to be selected from many alternatives.

The work involves conditions and elements that must be identified and analyzed to discern interrelationships.

FACTOR 6: Scope and Effect

The work product or service affects the design or operation of systems, programs, or equipment; the adequacy of such activities as field investigations, testing operations or research conclusions; or the social, physical and economic well being of a number of persons.

FACTOR 7: Personal Contacts

The majority of personal contacts is with individuals or groups from outside the organization in a moderately unstructured setting or involves attempts to enforce ordinances, regulations, or rules where conflict or diverse interpretations may result.

FACTOR 8: Purpose of Contacts

The purpose is to influence, motivate, or control persons or groups. At this level the person contacted may be fearful, skeptical uncooperative or dangerous. Therefore, the employee must be skillful in approaching the individual or group in order to obtain the desired effect, such as gaining compliance with established policies and regulations by persuasion or other enforcement means.

FACTOR 9: Physical Demands

The work requires non-strenuous physical exertion such as walking over rough or difficult surfaces; recurring stooping, climbing or walking; recurring lifting of moderately heavy items weighing less than 25 pounds and may require occasional lifting of objects weighing in excess of 25 pounds. The work may require specific, but common physical characteristics and abilities such as mobility, dexterity and full range of motion.

FACTOR 10: Work Environment

The work involves moderate to high risks with exposure to potentially dangerous situations or unusual environmental stresses or discomforts which require a range of safety and other precautions, subject to possible attack, or similar situations.

PAY GRADE: 72
FLSA STATUS: NON-EXEMPT

PARKS MONITOR –ESSENTIAL DUTIES

▪ **Checks and monitors the parks.**
▪ **Identifies damages and writes up work orders.**
▪ **Addresses citizen inquiries and concerns.**
▪ **Ensures adherence to policies and regulations through issuance of warnings and citations to be adjudicated through the Municipal Court system.**
▪ **Other duties, as requested**
▪ **Revised 05/18/10.**

CITY OF PEACHTREE CITY

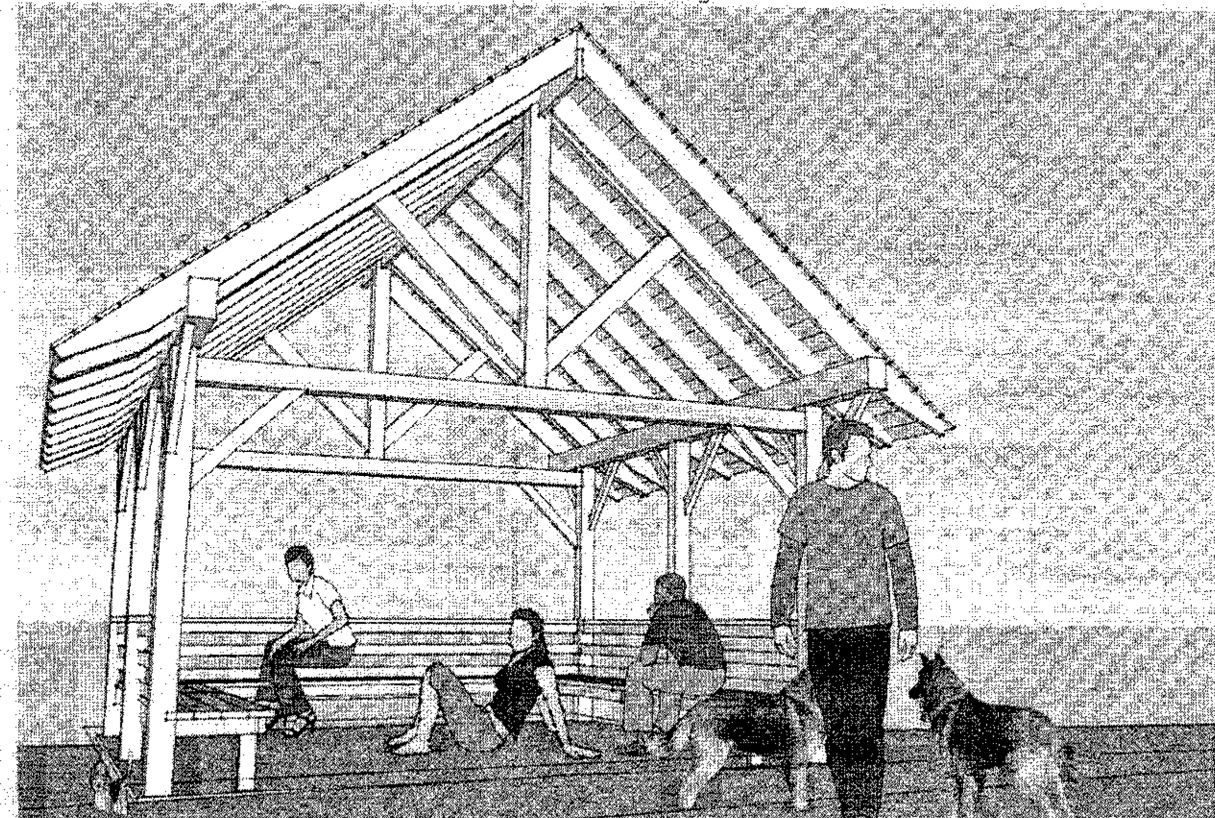
INTEROFFICE MEMORANDUM

TO:	**City Council**
VIA:	**City Manager**
FROM:	**Director of Leisure Services**
DATE:	**May 18, 2010**
SUBJECT:	**Consider Acceptance of Donation From Dog Park Association** *For May 20, 2010 City Council Meeting*

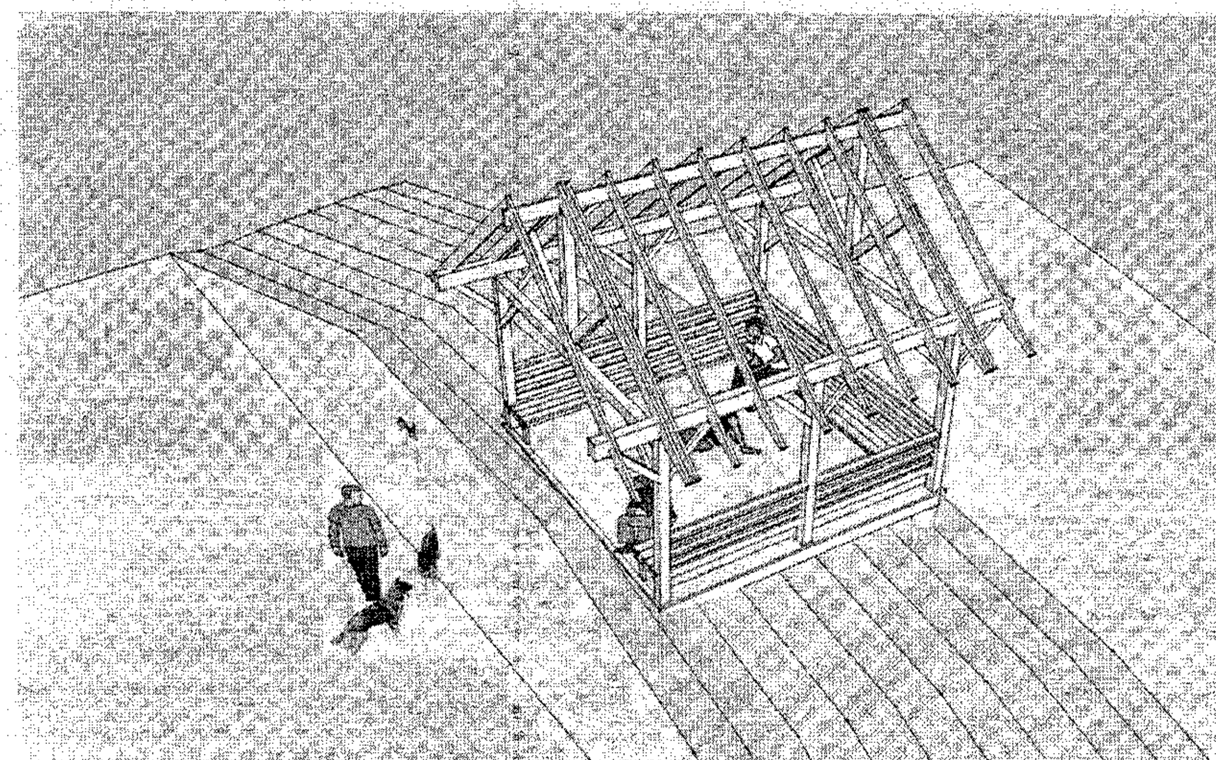
Recommendation: Recommend that Council considers accepting a donation of a gazebo and seating area from the Dog Park Association.

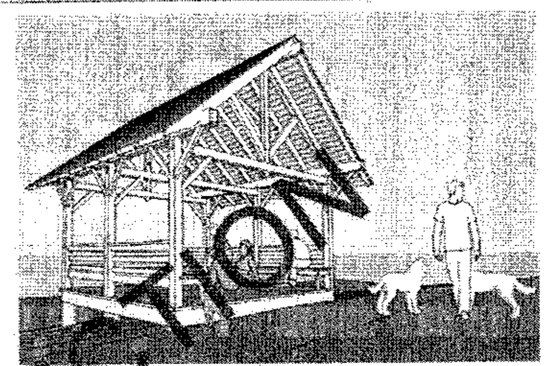
Discussion: The Dog Park Association wishes to construct a 12' x 12' gazebo which will be added to a newly expanded area of the dog park. It was designed by Dave Bryant of Historical Concepts in Peachtree City and will be constructed by volunteers with professional oversight. The frame and flooring will be pressure treated lumber and the roof will be shingled. This gazebo will resemble the two others already at the dog park. If accepted by Council, the Dog Park Association will ensure that the project is submitted to the building department for appropriate permitting and inspections. The Recreation Commission voted at their May 17 meeting to forward a favorable recommendation for this project to City Council. Drawings of this structure are attached.

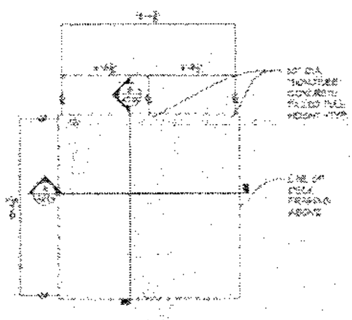
Budget Impact: The Dog Park Association is paying for the building and we do not anticipate significant long term maintenance requirements.



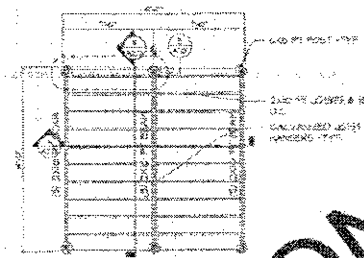
Attached Image



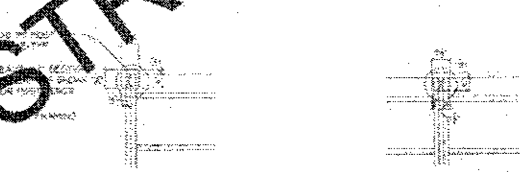




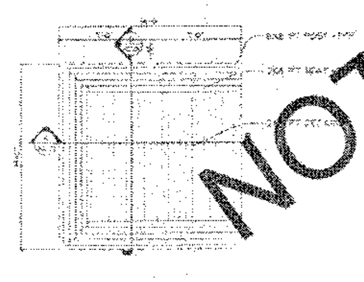
A FOUNDATION PLAN



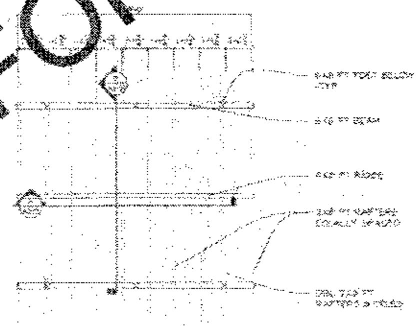
B FRAMING PLAN



E FRAMING DETAILS



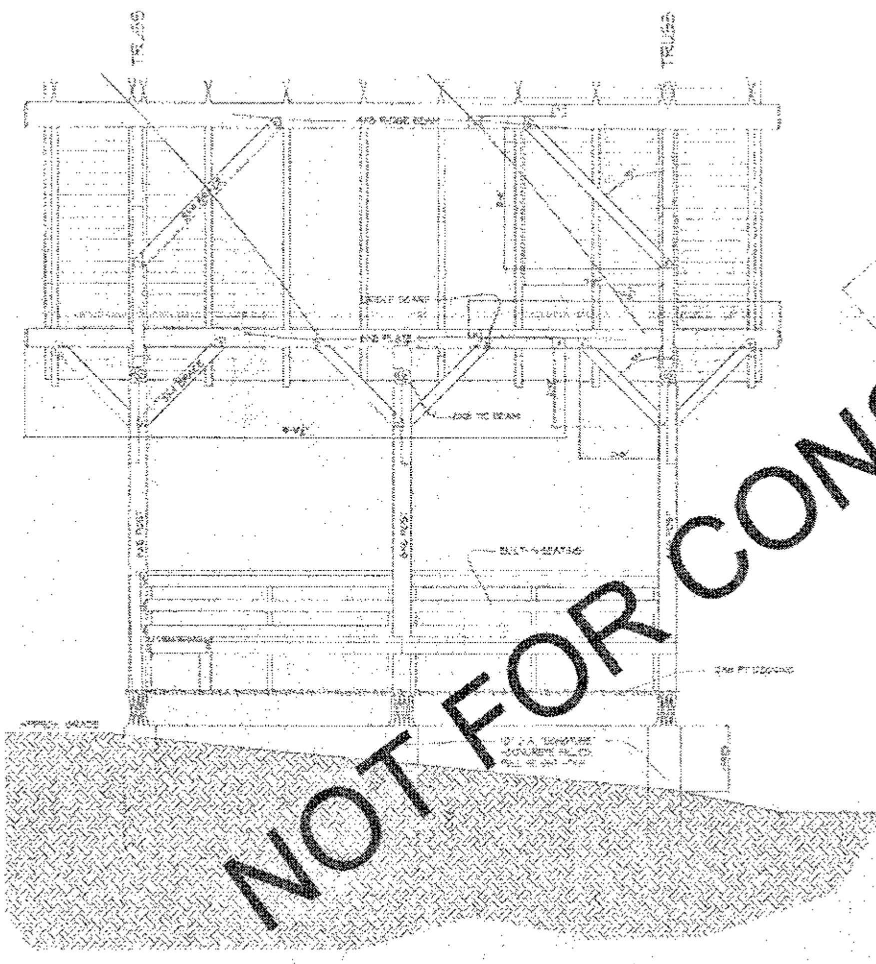
C FLOOR PLAN



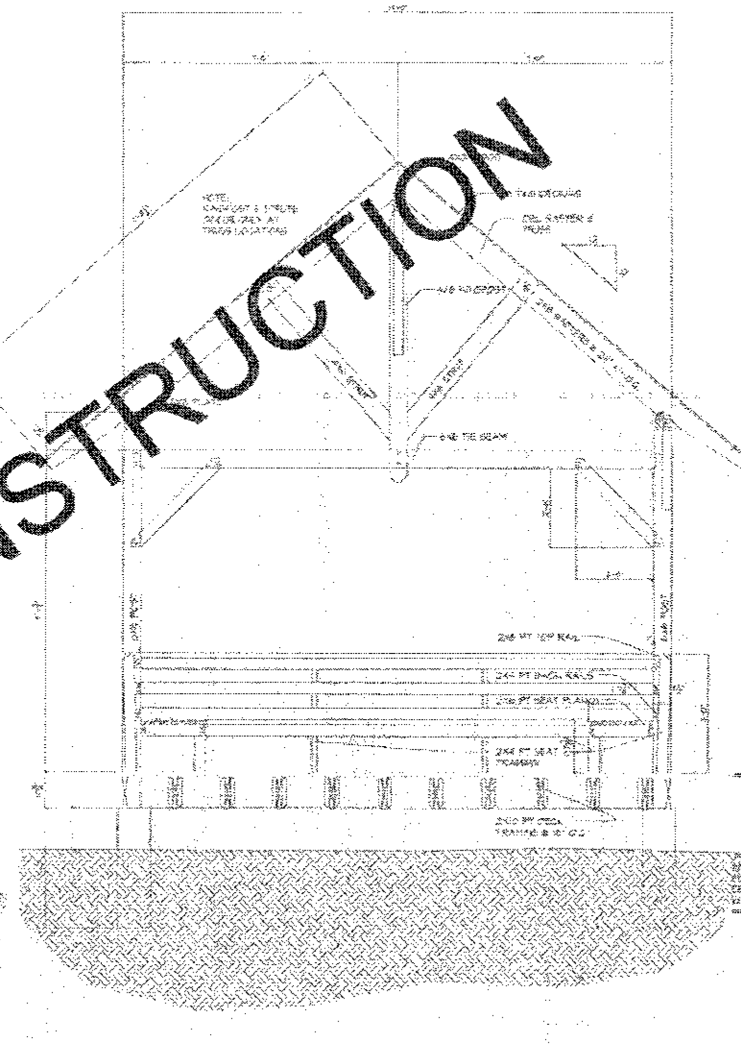
D ROOF FRAMING PLAN

THE
DOG PARK
PAVILLION

A1.01
PLANS



(A) LONGITUDINAL SECTION



(B) TRANSVERSE SECTION

NOT FOR CONSTRUCTION

THE
DOG PARK
PAVILLION

A2.01
SECTIONS & DETAILS

Materials	Category	Item	Desc.	Quan.	Units	Notes
	Roof					
		Ashpalt shingles		440 S.F.	S.F.	
		15# roofing Felt		440 S.F.	S.F.	
		1x6 T&G		440 S.F.	S.F.	
	Deck					
		2x6 PT		200 S.F.	S.F.	
		2x10 PT	8'	8 Ea.	Ea.	Rim
			8'	20 Ea.	Ea.	Joists
			8'	18 Ea.	Ea.	Beam
	Foundation					
		10" dia. x 3' sonotube	6	Ea.	Ea.	
		Conc.	12	C.F.	C.F.	
	Metal					
		Galvanized Joist hangers		20 Ea.	Ea.	
	Timber					
		Rafters	2"x10"x14' PT	24	Ea.	
		Plates	6x6x14'	2	Ea.	
			6x6x8'	2	Ea.	
			4x8x14'	2	Ea.	
			4x8x8'	2	Ea.	
		Ties	6x6x14'	3	Ea.	
		Posts	6x6x10'	6	Ea.	Center & Corner Posts
			4x6x8'	2	Ea.	King Posts
		Brace Stock				
			3x4x8'	9	Ea.	24" nom. Braces
			3x4x8'	2	Ea.	42" nom. Braces

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PEACHTREE CITY OFFICE:
1125 COMMERCE DRIVE
SUITE 300
PEACHTREE CITY, GEORGIA 30269
FACSIMILE (770) 487-3492

May 17, 2010

VIA FACSIMILE & U.S. MAIL
770-631-2552

The Honorable Mayor and City
Council of Peachtree City, Georgia
c/o David E. Rast, ASLA
153 Willowbend Road
Peachtree City, Georgia 30269

RE: Variance Application V-2010-03; Bexley Residence
Applicants, Robert and Daye Bexley
Lot 17, Interlochen Subdivision

Dear Mayor and Council:

This law firm represents Robert and Daye Bexley in connection with the above referenced variance application (the "Application"). Please excuse the formality of this letter, but I am required by law to provide this notice to you to ensure that all of my clients' constitutional rights are preserved. Please make this letter part of the official record of the Application.

The Application seeks a 55 foot variance from Section 1004 of Article X of the Peachtree City Code of Ordinances. Specifically, my clients desire to construct a swimming pool within 150 feet of the normal pool elevation of Lake Kedron. This variance is necessary for reasons set forth in the Application.

On May 20, 2010, you will be considering the Application. As required under Georgia Law, the purpose of this letter is to formally notify you that the Application is consistent with the Peachtree City Land Use Plan and meets or exceeds all applicable objective criteria contained in the Peachtree City Zoning Ordinance (the "Zoning Ordinance") and that my clients are thus entitled under the Zoning Ordinance to approval of the Application.

It is our sincere hope that, based upon the entire record in this matter and the recommendation of the Planning and Zoning Department, you will approve the Application. As I am sure your are aware, however, Georgia Law requires that an applicant place the zoning authority on procedural notice that the applicant reserves the right to claim that a failure to grant the Application would be unconstitutional. Guhl v. Holcomb Bridge Road Corp, 238 Ga. 322, 232 S.E. 2d 830 (1977); Barrett v. Hamby, 235 Ga. 262, 291 S.E. 2d 399 (1975). Therefore, my clients hereby notify Peachtree City that, in the event it denies the variance requested, it shall be my clients' position that they have been denied their rights to procedural and substitutive due process and to equal protection under the law.

First, a denial of this Application would constitute an arbitrary and capricious act by Peachtree City without any rational basis therefor, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Second, without the requested variance approval, use of the subject property is significantly diminished by zoning which is not substantially related to the public health, safety, morality and welfare and the detriment to the property owner substantially outweighs any public benefit. Therefore, should the Application be denied, it shall be my clients' position that the denial rises to an unconstitutional taking, without just compensation, of fundamental constitutional and property rights. Barrett v. Hamby, 235 Ga. at 266 (finding that where a zoning regulation results in relatively little gain or benefit to the public while inflicting injury or loss on the owner, such regulation is confiscatory and void and specifically ruling that for such unlawful confiscation to occur, requiring that the zoning be voided, it is not necessary that the property be totally useless for the purposes classified. See also U.S. Constitution Amendment V, Clauses IV and V (Due Process and Just Compensation); U.S. Constitution Amendment Fourteen, Section I (Due Process and Equal Protection Clauses); Ga. Const. of 1983, Art. I, Sec. I, Paras. I and II (Due Process and Equal Protection Clauses); Ga. Const. of 1983, Art. I, Sec. III, Para. I (Just Compensation Clause); Civil Rights Act of 1871, 42 U.S.C. 1983 (1994); O.C.G.A. § 22-1-5 (1982).[1]

Finally, a refusal by Peachtree City to grant the variance as proposed in the Application would be unconstitutional and discriminate in an arbitrary and capricious and unreasonable manner between my clients and owners of similarly situated property in violation of Article I,

[1] Portions of the Peachtree City Zoning Ordinance as applied to the subject property which may or do classify the property so as to prohibit its development as proposed by my clients are or would be unconstitutional in that they would destroy my clients' property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the due process clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Application of the Peachtree City Zoning Ordinance to the subject property which restricts its use other than as proposed by my clients is unconstitutional, illegal, null and void, constituting the taking of their property in violation of the just compensation clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the equal protection and due process clauses of the Fourteenth Amendment to the Constitution of the United States, denying my clients use of its land while not substantially advancing any legitimate state interest.

Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. And any rezoning or variance of the subject property subject to conditions which are different from the conditions requested by my clients, to the extent such different conditions would have the effect of further restricting their utilization of their property, would also constitute an arbitrary, capricious and discriminatory act in zoning the subject property to an unconstitutional classification and would likewise violate each of the provisions of the state and federal constitutions set forth here and above.

My clients and I look forward to discussing the Application and proposed variance with you on May 20, 2010. Should you have any questions or desire to discuss this matter, please feel free to contact me.

Yours very truly,

GLOVER & DAVIS, P.A.

By: Nathan T Lee
Nathan T. Lee

NTL/ap
h:\Bexley,Robert&Daye\Letters\PeachtreeCityMayor.051410

GLOVER & DAVIS, P.A.
10 Brown Street
Newnan, Georgia 30264-1038

TELECOPY TRANSMITTAL SHEET

DATE: May 17, 2010

TO: David E. Rast, ASLA **FACSIMILE NO.:** 770-631-2552

FROM: Nathan T. Lee **FACSIMILE NO.:** 770-683-6010

SUBJECT: Variance Application V-2010-003; Bexley Residence

G&D CLIENT/MATTER NO.: 7601-1

NUMBER OF PAGES (including transmittal sheet): 4

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Thank you.

NOTES/COMMENTS: