

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

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Announcements, Awards, Special Recognition**
 - Proclamation for Lyme Disease Awareness Month**
 - Proclamation for Red Cross Month**
 - Proclamation for Police Week and Peace Officer Memorial Day**
 - Proclamation for EMS Week**
 - Recognize Jason Epps for 15 Years of Service**
 - Recognize Stan Pye for 20 Years of Service**
 - Swearing in of New Police Officer Anthony Ramkissoon**
 - Recognition of CERT 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**
 - April 12, 2010, Workshop Minutes**
 - April 15, 2010, Regular Meeting Minutes**
- VII. Monthly Reports**
- VIII. Consent Agenda**
 - 1. Consider Alcohol License – NEW – Mirko Pasta**

Applications for new licenses must be approved by Council. Applicants have met the requirements
 - 2. Consider Disc Club Association Agreement**

Proposed agreement would allow the formation of a Disc Golf Club in order to promote and advocate the sport and to help maintain and improve the local course
- IX. Old Agenda Items**
 - 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
- X. New Agenda Items**
 - 05-10-01 Public Hearing – Consider Variance to Watershed Protection Buffer Ordinance, 614 Wingspread**

Applicant has asked to continue variance request until May 20
- XI. Council/Staff Topics**
 - Hot Topics Update**
- XII. Executive Session**

City Council of Peachtree City
Workshop
Minutes of Meeting
April 12, 2010
6:30 p.m.

The City Council of Peachtree City met in a joint workshop session on Monday, April 12, 2010, at 6:30 p.m. Council Members in attendance were: Mayor Don Haddix, Vanessa Fleisch, Eric Imker, Kim Learnard, and Doug Sturbaum. Planning Commission Members in attendance were: Chairman Patrick Staples, Joe Frazar, Larry Sussberg, Theo Scott, and Lynda Wojcik.

The purpose of the workshop was to discuss proposed amendments to the Animal Control Ordinance and to hold a joint workshop with the Planning Commission on telecommunications towers.

Proposed Amendments to the Animal Control Ordinance

Public Information Officer/City Clerk Betsy Tyler and Police Chief H.C. "Skip" Clark addressed Council. Tyler noted that, at the November 5, 2009, meeting, a citizen had requested Council consider banning a specific breed (pit bull) or adopting additional legislation specific to the breed. Staff had been directed to bring back more information, and the topic was discussed again on January 21. On January 21, staff had recommended that there were better mechanisms to address any problems than breed specific legislation. Council had supported staff's recommendation to work with the County to enhance the "vicious" or "dangerous dog" process/ordinance, to eliminate the "voice command" option from the leash law, and to regulate the unattended tethering of dogs.

Tyler went over the dog complaints received by the Police Department in 2009. There were 40 dog complaints for the year. There were seven cases of dogs biting humans – two were unattended dogs leaving yards, four bites were in the dog's own home or yard, one dog at a vet's office snapped at another patron, and one dog was running loose. Five incidents occurred on the paths, none involving bites to humans – three involved at-large dogs menacing/biting dogs with the owner present, and two involved dogs with both owners present (one of these was a leashed dog that had pulled free). Tyler said that the proposed changes in the ordinance (voice command or tethering) could have possibly addressed seven of the complaints, but would not have addressed any of the bites.

Tyler continued that the current ordinance prohibited allowing dogs to run at large unattended, required restraint or control to keep a dog from leaving its owner's property, required restraint or control when a dog was off the owner's property, and identified vicious dogs, requiring them to be secured on the owner's property and leashed and muzzled when off the owner's property.

Tyler said she had contacted Fayette County Animal Services to clarify their concerns. Fred Sisson, the department director, who was in attendance, and Tyler said he had indicated they preferred an ordinance that was uniform with the County's, but they could enforce the "voice command" portion of the City's ordinance. Sisson had also clarified that the County responded to neighborhood calls (running at large), but they did not patrol neighborhoods or the paths.

Tyler said the revised staff recommendation was to make no changes to the existing ordinance. The recommendation was based on the limited number of total dog complaints to the Police Department in 2009, the much smaller percentage of these incidents that might have been prevented by the changes under consideration, and the lack of staffing to proactively enforce the more proactive ordinance.

Sisson said there were two different ordinances – one for failure to control a pet on the owner's property, and another for failure to control the pet when it was off the owner's property. Sisson said that, while it was a good thing to be able to let dogs run on their own, most places did not allow voice command.

Imker asked if the ordinance said "vicious dogs," or did it use other terminology. Tyler said the definition was for "vicious animal," and read the definition from the Code of Ordinances. She also pointed out the precautions for vicious animals required by the ordinance. Imker asked what constituted a "staff" recommendation. City Manager Bernard McMullen said that, in this case, staff was Tyler and Clark, who reviewed the information and sent their recommendation to him to for final concurrence.

Fleisch asked what happened to the owner of the pit bull that attacked the citizen who requested the change in the ordinance. Clark said the owner had been cited for the violation of the ordinance and for the bite. He did not know the outcome of the case.

Sturbaum read Section 51-2-7 of the Official Code of Georgia Annotated (OCGA):

51-2-7. Liability of owner or keeper of vicious or dangerous animal for injuries caused by animal

A person who owns or keeps a vicious or dangerous animal of any kind and who, by careless management or by allowing the animal to go at liberty, causes injury to another person who does not provoke the injury by his own act may be liable in damages to the person so injured. In proving vicious propensity, it shall be sufficient to show that the animal was required to be at heel or on a leash by an ordinance of a city, county, or consolidated government, and the said animal was at the time of the occurrence not at heel or on a leash.

Sturbaum referred to a neighbor who had a dog bite case that went to court. The judge was quite clear that the state allowed one free bite unless another incident had occurred. The judge had called Georgia law old and antiquated. He said, based on the state law, he believed a judge would dismiss a dog bite case against a plaintiff because the law did not recognize voice command.

Learnard asked what "at heel" meant and whether it was different than voice command. Haddix said a dog that was "at heel" would not attack. Haddix said it meant by the owner's side, not moving. Sturbaum said if an owner claimed their dog was "at heel" when an attack occurred, then the injured party would have no case. He said Council needed a legal opinion on how the City's ordinance stood up to the County's and OCGA 51-2-7.

Haddix asked how accurate the reporting of problems with dogs was. He knew of two cases that had not been reported, one of which involved a dog attacking him in his own yard. Clark said the Police were doing the best they could, and the data was not as accurate as they would like.

Residents who spoke included Patrick Staples, Brian Baird, Rick Lanteris, Joe Frazar, Lynda Wojcik, Steve Perry, Larry Robinson, Bill Maisey, David Moulds, Mike Owen, Pam Kemp, Kathie Cheney, and Larry Sussberg. The concerns and questions included:

- The rights of dog owners were appreciated, but "on leash" was preferred, especially on the paths.
- Voice command was a quality of life issue and a great allure to the community.
- Individual responsibility was the issue.
- Electronic collars should be required in addition to voice command.
- There should be a certification program for voice command, as well as a fee, with a special collar issued if dog and owner passed the certification requirements.
- Dog Park Association could oversee a certification program, and the fees could be used to maintain the dog park.
- Some dogs behaved better off a leash; owners should always have leash available.
- Irresponsible owners were the issue.
- The presence of a leash would not necessarily stop bad behavior.
- Dogs should not be unrestrained on public property.
- Most owners believed their dogs were good and under control, but dogs were animals that responded to instinct.
- Many incidents with dogs were not reported because there were either no injuries or very minor injuries.
- Dogs might be good and well-behaved, but many people, adults and children, were afraid of dogs whether they were on a leash or not.
- Dogs did not have rights; people had a right to walk in the City without fear of dogs.
- There should be a way to determine who was a responsible dog owner.
- Penalties for owners that had dogs out of control should be higher.
- The City could designate certain areas, such as Drake Field, where dogs could run off leash so other path users would know to avoid the areas or would be prepared when they went there.
- The only way a person could be responsible for their dog was when it was on a leash.
- The issue was public safety, not quality of life.

Clark said he had talked to some dog trainers about a voice command certification and found no trainer willing to certify voice command of a dog due to the liability involved. They would certify the dog had attended training, but they always recommended an owner have a leash with them. He asked those attending if they were willing to use an electronic collar. The answers were mixed.

Sturbaum said he would like for City Attorney Ted Meeker to research Georgia law on dog bites and whether electronic collars were accepted as a leash.

Haddix asked if anyone at the meeting had a problem with having electronic collars as a requirement. Several members of the audience indicated they did not favor the requirement, asking where it would stop. Haddix said that claiming a dog was under voice command did not hold water when a person was attacked. Council was trying to find a way to protect the public interest. No side would get 100% of what they wanted.

Learnard noted that four of the seven dog bites in 2009 occurred on the owners' property. She said she had felt threatened on the paths, but only by dogs that were running loose.

Sisson said electronic devices worked well when the batteries worked. Many dogs that came to the Animal Shelter were wearing electronic collars. There were dog bites that did not get reported, including dog on dog. His own dog was aggressive with other dogs and could not be off leash when around other dogs. There was no perfect answer. He did not know of any federal or state park that did not require dogs be leashed. He did not see why the cart paths were any different from those public lands. It would be easier to enforce a uniform law throughout the County.

Sturbaum said the dog owners attending the meeting were responsible. His concern was the people who were not responsible. He challenged citizens to be responsible pet owners.

Haddix said the purpose of the workshop was to find a solution, and he was not hearing any offered except for a potential electronic collar, forgetting the whole thing, or putting all dogs on a leash. He asked if anyone had any other suggestions.

Sturbaum said Georgia law was clear about the "one free bite" rule and specifically stated, "*on a leash by an ordinance of a city, county, or consolidated government.*" He said they needed to look at the terminology and whether an electronic collar could be considered a leash because it would bridge the gap, allowing the City to move forward with a maximum penalty as some form of remediation. He believed the City's ordinance could be challenged in court. Sturbaum said that, based on his research, the "one bite rule" had been in place since 1776 and was recognized by the courts. Some counties had very tight dog laws. If the City put a remediation plan in place, the City needed to ensure its laws and OCGA 51-2-7 were copacetic if the ordinance was challenged in court.

Imker said he had not made up his mind yet, but something was needed to prove a dog was under voice command, then consider electronic collars. Leash length needed to be identified in the ordinance, such as the leash being no longer than six feet when in the proximity of another person. Any certification program needed to consider a "small child" scenario.

Fleisch pointed out that none of the suggestions would have helped with the pit bull bite. She wanted the ordinance strengthened and owners held accountable, but nothing that had been discussed would have helped in that incident.

Haddix asked staff if they had the guidance they needed. McMullen said they would get Sturbaum's questions answered about state law, do more research, gather the statistics, and schedule another workshop. The current ordinance had been in existence since 1980. It was an

emotional issue on both sides. McMullen felt Council needed to make an informed decision with a gradual process so any changes would be done right.

The discussion on the proposed amendments to the Animal Control Ordinance ended at 8:04 p.m.

Joint workshop with the Planning Commission on telecommunications towers

After a brief recess, the workshop reconvened at 8:13 p.m. to discuss telecommunication towers.

Representatives from Verizon Wireless, AT&T, and T-Mobile were in attendance as was Mr. David Kirk, an attorney from Troutman Sanders representing Verizon Wireless.

City Planner David Rast gave an overview of the current status of telecommunication towers in Peachtree City. He reviewed the areas of the City that were currently zoned for cell towers: Agricultural Reserve (AR), Open Space (OS), General Industrial (GI), and Light Industrial (LI). He explained how the airport overlay zones, which included both horizontal (APH) and conical (APC) zones, affected tower height and location. He noted there were some limitations on the ultimate tower height in those areas as well.

Mr. Rast stated that two members of the Planning Commission, one City Council member, and several representatives from City staff had met in Atlanta with representatives of Verizon Wireless, AT&T, and T-Mobile. Their radio frequency (RF) engineers had identified seven areas within the City where they thought towers were needed in order to boost their coverage. The radio frequency (RF) studies were incorporated into the City's GIS and zoning maps and were part of this presentation. He noted that the 6,000' radius was not generated by the carriers but was incorporated by City staff to provide uniformity as to where the general areas were located. The RF studies considered coverage in vehicles, buildings, and on the street as well as the areas in which they had received complaints from their customers. Since the RF studies were proprietary, staff could not mesh the areas the carriers identified with these drawings but did interpolate them on our maps as shown.

Mr. Rast stated that staff had looked at various parcels within these general areas and had identified those that were large enough to accommodate a tower. The setbacks required were:

- 200' from adjoining residential development;
- 200' from a public street right-of-way; and
- 50' from adjoining non-residential development.

Staff was not recommending any sites at this time, as the purpose of this workshop was to solicit input from the Planning Commission, City Council, and the public.

Mr. Rast then described the locations of the seven areas identified by the wireless carriers. The areas where they needed additional coverage were primarily residential and developed.

- General Area 1 was located on the south end of the city, primarily in the Rockspray/South Peachtree Parkway area. A portion of it was covered by the airport's horizontal zone and a portion was covered by the conical zone.

In response to a question from Mr. Sturbaum about the approximate tower height, Mr. Rast stated that the carriers were anticipating a monopole tower of no more than 200'. Mr. Sturbaum noted that the only place on the Braelinn Recreation Complex property where a tower could be located was behind Field 2. He further stated that there had already been discussion about expanding that field in conjunction with the expansion of the girl's softball fields.

Mr. Rast stated the carriers had indicated the compound at the base of the tower would be approximately 100' x 100'. The tower would be located in the center of the compound and would allow enough room for multiple carriers to place their equipment within that area. This size was necessary because on two separate occasions, through the variance process, the size of the compound area on one of the older tower sites had to be increased. Most of the tower sites that were erected since 1998 were pretty much maxed out both with space on the tower and space within the compound. Mr. Staples pointed out that the landscaping around the tower site was included in the 100' x 100' area.

Other questions that were raised during the workshop included the following:

- Were there stealth technologies that might affect the size of the compound?
- Could a tower be located on top of a commercial structure?
- Could the towers be located outside of the city limits of Peachtree City?
- Was there a burning need to improve what was already a good system?

Mr. Rast explained that after applying the required setbacks to some of the City's parcels within the general areas as identified by the wireless carriers, it did not appear there would be enough room to accommodate a tower. He added that many of the areas within these general areas were wooded and would require the removal of a significant amount of vegetation to accommodate a tower compound.

In response to a question from Mr. Frazar, Mr. Rast stated that there were schools of thought that 1500' was the generally accepted precautionary distance a tower should be located from elementary schools, day care facilities, and other assemblages of children. However, staff could not substantiate that information and did not include these dimensions in this presentation. He indicated they would continue to research this issue and would report their findings at the next workshop.

Mr. Rast stated that the existing buildings in the City were not tall enough to accommodate a tower on top of them. The tower companies had checked on the World Airways building, Holiday Inn, etc.

Relative to locating the towers outside the city limits of Peachtree City, Mr. Kirk stated that the wireless carriers were trying to address two needs: filling in the existing gaps of service as well

as supplementing the capacity of the network as a whole. He noted that their customers included the people who lived in residential areas and used wireless devices. The towers needed to be relatively close to the areas they were servicing, and this could not be accomplished from several miles away. This was particularly true if there was an intent to keep the towers at a relatively low height. The carriers believed they could serve the customers' needs with a monopole of 200' or less which would not require lighting. He acknowledged that in some of the airport protection zones, it was possible the Federal Aviation Administration (FAA) would require the towers be lit.

Mr. Kirk admitted that health issues were a valid concern, but the Federal Communications Division (FCC) had extensive regulations by which all wireless carriers had to abide and federal law did not allow concern about RF emission exposure as a basis for denial of a tower. He stated that the exposure from using a mobile device was 20 times higher than the exposure from a cell tower could possibly be and added that even some elementary school children had cell phones these days.

This information was documented in FCC regulations and Mr. Kirk thought it was 1.6 watts per kilogram body weight exposure and for a cell tower it was .02 watts per kilogram. If they had not already done so, they could provide this documentation. In response to an inaudible comment from a woman in the audience, he said a person could check the amount of radiation a device emitted by going to the manufacturer's website.

Ms. Learnard stated that she was surprised to learn at one of the earlier workshops that under FCC regulations, a municipality could not refuse a cell phone tower based on the municipality's concerns about health effects of the RF.

Mr. Sussberg suggested that Mr. Rast finish his presentation.

Mr. Rast continued:

- General Area 2 was somewhat close to Clover Reach subdivision but was more along the Highway 74 South Corridor. A portion of this area also fell within the airport's horizontal zone so there would be some limitations on the height of the tower.

To address the question about why the towers could not be located along the perimeter of the City, he stated that in 1998 when the telecommunications ordinance was first updated, the needs of the wireless carriers were based primarily along the Highway 54 and Highway 74 corridors. Within a couple of years, three or four tower applications came in to fill those needs. Now due to the number of people going from land lines to wireless and the increase in the number of wireless devices in each house, the need for these towers was more internal to the city. This was the primary reason the areas identified by the wireless carriers were located through the heart of the residential areas.

General Area 2 included the Flat Creek Nature Area, the Police station, the Water and Sewerage Authority (WASA), as well as properties owned by the City (Shakerag and the Amphitheater). There was properties within this area owned by the City and WASA where a tower could

potentially be located that might not be as obtrusive as other areas. Two carriers had indicated a need in this area. Shakerag and even the Dog Park were other areas where a tower could be located.

- General Area 3 was located in the heart of the City and included Peachtree Parkway and McIntosh Trail. Because of existing development, this was a difficult area. Setback requirements severely limited the sites that would be available for a tower location in this area. He did not think a tower on the new dam on Lake Huddleston would be well received.

The only tracts of land suitable in these areas were owned by the City and zoned OS.

- General Area 4 was located in the central portion of the City and included Lake Peachtree, the Wyndham Peachtree Conference Center, Flat Creek Golf Course, and portions of Highway 54 East and West and Peachtree Parkway North and South. Portions of this area were completely built out and contained significant floodplain. Potential tower sites on the City-owned property were very limited. Two carriers had expressed interest in locating a tower in this area. It appeared the Flat Creek Golf Course was the only parcel where a tower might be located.
- General Area 5 encompassed the Blue Smoke and Golfview areas as well as the western side of Lake Kedron. The City-owned parcels in this area were somewhat limited. When overlaid with the existing residential development, this area was 100% built out. Factoring in the required setbacks further limited the parcels that could be used for a tower in this area.

Mr. Sturbaum wondered if a tower could be located by the dam. Mr. Rast said this property was owned by Fayette County and was located in the floodplain and a tower would not be permitted in the floodplain.

- General Area 6 included portions of Highway 74 North, Senoia Road, and the Kedron loop. There was an existing tower on Senoia Road that was developed in 1994 prior to the telecommunications ordinance that was adopted in 1998. The tower was completely maxed out and there was no room for additional carriers. The City had granted two separate variances to the tower owner (American Tower) to increase the size of the compound.

Mr. Rast said there were some tracts of land where a tower could be located in this general area. Basically, everything east of Highway 74 was developed. There were some tracts of land along Senoia Road that were zoned AR. There was also a sliver of land along the west side of Highway 74 and the rail line that was still zoned GI. The Hardy-Kidd-Whitlock tract was also in this area and was zoned AR. The setbacks from Highway 74 and the adjoining residential development potentially opened up some areas for tower locations within the Fieldhouse and Aquatic Center property. One provider identified a need in this area. There also was a site on the west side of Senoia Road that was not owned by the City where a tower could possibly be

located. The only access to one of the sites would be through the Wilks Grove Baptist Church. Mr. Rast was not sure how the cross easements worked in this area.

- General Area 7 was also on the northern end of the city and included Highway 74 North and Crabapple Lane. This area overlapped with General Area 6 and was basically built out. There were some undeveloped GC and OI parcels along Georgian Park. Based on current setback requirements, potential tower sites were pretty limited in this area. He noted there were already a lot of cross easements and utility easements to get back to the water tower and substation.

Mr. Rast also said that looking at the setbacks that would be required for the St. Paul Lutheran Church, the area on that site where a tower could go was also limited. One provider had identified a need in this area.

Mr. Rast explained that although all carriers were not represented at the meeting in Atlanta, that was not to say there was no interest from other carriers to locate on these towers. Typically, the other carriers would collocate on the tower after it was constructed. The current ordinance required that, before an application for a new tower would be approved, documentation must be provided that there were no existing towers in that area on which the carrier could collocate.

Mr. Rast stated that the tower companies planned to construct a steel monopole which would allow all of the cables that were typically strapped to the outside of a concrete monopole to be located inside the steel monopole. Although staff had been working closely with the wireless carriers throughout this process to keep them informed, he noted for the record that no tower applications had been submitted to the City.

There had been discussion in previous workshops about the possibility of the City constructing towers and then leasing space to the carriers. However, the opinion of the City Attorney was that this was not something the City should be doing. It was possible the Development Authority of Peachtree City (DAPC) could construct the towers, but the leasing and operation of the tower would have to be outsourced.

Mayor Haddix asked whether there had been any discussion with the providers about reducing the number of sites. Mr. Rast asked the representatives of the wireless carriers who were in attendance to respond to that question. He noted that four of the seven sites had been identified by at least two carriers as locations where they needed towers.

Mr. Learnard wanted to emphasize that these were areas where the wireless carriers said they were short on coverage. This did not mean there was a need for seven towers.

Mr. Kirk noted that Troutman Sanders was only representing Verizon Wireless. As part of their RF analysis, they had looked at the entire tower system both within and outside the City. He suspected the other carriers' studies had been done the same way.

Mayor Haddix noted that the City did not have to give 100% coverage, but there must be a legal reason to deny. There was a federal law that could intervene and override the City's decision. This whole process was about determining where the City could and could not say "no."

After looking over the seven general areas, Mr. Sussberg surmised the following:

- General Area 1 – This area was very heavily populated with very little room for a tower.
- General Area 2 – A tower by the police headquarters was doable because it was far away from residential, the setbacks were fine, and it was not too populated.
- General Area 3 – There was no space.
- General Area 4 – This area was built out.
- General Area 5 – This area was pretty tight.
- General Area 6 – A tower could possibly be located on the private land near the funeral home and also behind the Field House away from residential

He saw three possibilities for new tower locations: at the Police headquarters, in the woods behind Kedron Field House, and at the funeral home. Two of these locations were on public property, far away from residential development with lots of open space, and one was on private property. He thought adding a second tower to the funeral home property would only be a technicality. He realized that this was not 100% what everyone wanted, but these locations would be visually more appealing as they would be set back away from residential development; coverage in the community would be improved without being offensive to anyone.

In response to comments from the audience about how these towers would affect the appearance of Highway 74, Council Members Imker and Sturbaum, Mayor Haddix, and others agreed that a tower located behind the Police Department and/or the WASA property would most likely not be visible from Highway 74.

There was a conversation between a citizen and a representative of one of the wireless carriers, neither of whom identified themselves or made their comments through the microphone. The only part of their conversation that was audible was a statement by the wireless representative that the lower the elevation of the land, the higher the tower would need to be.

Mr. Kirk said Ms. Buice, representing T-Mobile was correct and added that this was a first step; none of the properties identified had been evaluated by any of the carriers. He commended Mr. Rast's efforts and felt they had been very helpful to everyone. He noted that in each of the general areas, there was at least one carrier who potentially could meet their coverage objectives and serve their customers better. In most cases, there were two or even more carriers who potentially could improve the service to their customers. A next step might be for the carriers to take a look at some of the more specific locations to see whether they would or would not work. He reiterated their pledge to stay below 200' so the tower would not be lighted which he felt would be more intrusive than an unlighted facility.

Mr. Kirk wondered if the City anticipated making changes to the telecommunication tower ordinance that would allow towers in commercial areas.

Mr. McMullen felt that instead of a variance process, the more ideal situation would be to look at the setback requirements, etc., in an additional zoning category, e.g., GC General Commercial, to see what additional opportunities that would open up. It would be necessary to review all of the properties within the City that were zoned GC and adopt standard criteria. He thought this would be a better process than approving a variance for one property owner and possibly not for another.

Mr. Rast stated that when this process was done in 1998, all of the needs of the carriers fit into the four zoning categories where cell towers were currently allowed. The good thing about that was the OS properties were predominantly owned by the City. Even though the City had leased space to carriers in the past, as the property owner, we were not obligated to do so which provided some control as to where the towers could go. He felt, as did others, that if this were opened up to all GC properties, it would "open up the floodgates."

The seven sites that the wireless carriers had identified were along the internal spine of the City. In 10 years when this process was repeated again, it was not known where the needed tower sites might be.

Mayor Haddix did not think it would look very attractive to have a cell tower on top of Wal-Mart or Westpark Walk. Ms. Fleisch thought it would be harder to control the proliferation of cell towers in the City if the GC zoning district were added.

In response to a question from Mr. Sussberg, Mr. Rast stated that he thought this presentation had shown that it would be very challenging to find suitable tower sites in two or three of these areas. He did not know at this point whether the City would rule them out entirely but felt that since the carriers had indicated a need in these areas, they should be examined more closely. He thought the next step was to sit down with the carriers and their RF engineers again to see if it would be possible to merge some of these areas. Staff was not at a point of recommending sites but only looking at potential sites. He did not want to drag this process out any longer than was necessary.

Ms. Learnard wanted to know what was driving this process. She thought "lack of coverage" was a very ambiguous term.

Mr. McMullen assumed that a good percentage of the citizens in attendance were not necessarily in favor of putting additional cell towers anywhere in residential areas. The wireless carriers were here because they had customers who were asking them for additional service or so they could sell additional service. He thought this decision would be much easier if there were 300 people at this meeting who were demanding additional service, but that was not the case. The wireless carriers had come to the City on a number of different occasions and had been working with staff to identify sites. Based on current ordinances, the potential sites for a tower were very limited. Staff was looking for guidance from Council as to whether the ordinance should be changed. If Council did not want to broaden this up and the vast majority of citizens were satisfied with their service, the ordinance probably should not be changed.

An unidentified man in the audience felt it was important to find a balance between the citizens' desires for this utility with the citizens who would be adversely affected by the tower locations.

An unidentified woman in the audience asked if it was possible to identify undeveloped areas where the elevation would allow taller towers.

Mayor Haddix asked the cell phone companies what their reaction would be if the City said we did not want any more towers.

Mr. Kirk did not know the answer to that question because every application and situation was different. They had an obligation under their FCC licenses to serve a community. He would talk to his client and they would decide whether they could serve the City through some other means. This would put the carriers in a very difficult position, being obligated to serve the community and the community not being willing to accommodate in some way that additional service.

Mr. Sturbaum reminded everyone that the Board of Education was a player in this as well, and they could put a tower on their property. He also noted that Council could not commit the resources of an adjoining municipality without an intergovernmental agreement. The providers had asked the City to take a look at some areas based on an RF study and Mr. Rast had done a commendable job of identifying the areas where the zoning and setbacks would and would not allow a tower location. Mr. Sturbaum thought the carriers should find out if they could go to other areas. The proper role of Council at this point was to do the diligence, study this information, and talk to the citizenry.

Ms. Learnard wanted to know what the legal ramifications were if citizens decided they really did not want any additional towers. She was not clear on the impetus for all of the work that had been done and was still required relative to this request. She wanted to see the facts, the demands, the number of complaints, etc.

Mr. Imker noted that cell phone companies were in it for money and they had identified the optimum places where they could maximize their revenue. He agreed that the City was not required to give them tower locations within the areas they had identified. If Council could find a location that was acceptable to everyone, Council would offer it to them; Council would not offer them something the citizens did not want. He thought locations that were not obtrusive to anyone should be offered to the carriers. If they did not like it, they would walk away.

Ms. Fleisch said that she had wanted to be involved in all of these meetings from the beginning. As a realtor, she was concerned about property values and construction of a monopoly would affect property values in that area. She thought the City was far more in the driver's seat with the current ordinance and felt it had prevented the proliferation of cell phone towers in the City thus far.

Mayor Haddix summarized by stating the towers should be as hidden as possible and as far away from residential as possible. This presented issues because the City was built out. He suggested the carriers look outside of the seven general areas and bring those locations to the City for

consideration. The City would be very cautious about changing zoning or instituting a variance process to accommodate cell towers.

Mayor Haddix further stated that he thought the Council was in agreement about the following:

- The wireless carriers needed to nail down their desired locations.
- The City needed to determine how these locations:
 - complied with the City's ordinances and
 - maximized as much as possible the desires of the people.
- There should be a clear statement of the legal issues and the legal repercussions if the City decided against the towers. The citizens needed to understand that it was possible that a tower could end up in their back yard on private property and the City would have no say in it.

Mayor Haddix thought it was time for the rubber to hit the road.

There were many kudos to Tony Bernard for his efforts in getting this information on the website. It was very beneficial to the citizenry. Mr. Rast stated for the record that he was "at the beach last week with my cell phone" and that Mr. Bernard had prepared this presentation.

It was noted there was already language in the ordinance that required any cell towers not in use for a continuous period of 12 months to be removed.

In response to an inaudible comment from the audience, Mr. Rast stated that the biggest issue with locating tower facilities within floodplain areas was the fact the base would need to be cleared out. There could not be disturbance in the floodplain and they would have to elevate the site. He said everything in there was mechanical, electrical, propane, etc. The ordinance was pretty strict about development in the floodplain.

There was also a suggestion from the audience that the City reexamine the Kedron Dam area. Below the dam was floodplain, but there was an elevated piece of land where the dam was located.

There being no further business to discuss, the meeting adjourned at 9:54 p.m.

Don Haddix, Mayor

Patrick Staples, Chairman
Planning Commission

Pamela Dufresne, Deputy City Clerk

Jennis Rice, Recording Secretary

City Council of Peachtree City
Minutes of Meeting
April 15, 2010
7:00 p.m.

The City Council of Peachtree City met Thursday, April 15, 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 Recognition

Mayor Haddix proclaimed May 4 as "Honor Flight Fayette Day" in Peachtree City. Gail Sparrow and John Cash accepted the proclamation. Haddix recognized Keep Peachtree City Beautiful (KPTCB) Executive Director Al Yougel for the chapter's receipt of Keep America Beautiful's 2009 President's Circle recognition. Police Chief H.C. "Skip" Clark recognized Raquel and Kenneth Rainbow, who reported suspicious activity in the Kedron shopping center parking lot, leading to the arrest of suspects. Raquel Rainbow and her daughter Emily accepted the award. Fire Chief Ed Eiswerth recognized Aaron Housley, who received the Citizens Achievement Award for saving the Baker family from a fire in their home on April 1. Scott Verock was sworn in as a police officer by Mayor Haddix. Police Officer Chris Hyatt was recognized as the Employee of the Month. Housing Code Official Tami Babb was recognized for receiving Level 1 certification for Code Enforcement Professionals.

Haddix announced that the City's efforts to have the Georgia Department of Community Affairs (DCA) designate City's Industrial Park as an economically-challenged area had been approved, which meant current businesses that expanded or new businesses locating in the park could receive a tax credit of up to \$3,500 for each new job that was created, compared to the \$500 available for the remainder of Fayette County. He continued that Peachtree City was the only Tier 4 city in the state that had an Industrial Park designated as Tier 1. Haddix noted that Council Member Sturbaum had prepared the packet. Mark Hollums, chairman of the Development Authority of Peachtree City (DAPC), pointed out that warehouses and distribution, research and development, technology, tourism, and development businesses were among the types of businesses that could receive the tax credit. Retail was excluded. Hollums thanked Sturbaum for his work and presented him with a certificate of appreciation from the DAPC. Sturbaum said the City would need to reapply for the designation each year.

Citizen Comment

Al Yougel gave an update on the March activities for KPTCB. He noted that the Peachtree City Chapter of the Order of DeMolay cleaned up trash in the woods on Newgate Road on March 18. Peachtree City First Presbyterian Church painted fences and cleaned up various parks and fields in the City on March 20, and Wal-Mart cleaned up the Line Creek Office Park area on March 25. Recycle bins were placed at McIntosh High School in March, and 655 hours of community service were performed for the month, bringing the total hours from April 2009 through March 2010 to 5,178.

Agenda Changes

Sturbaum asked to continue indefinitely New Agenda Item 04-10-10 Discussion of Amendments to Code of Ordinances – Chapter 42 Health and Sanitation for further study. Learnard seconded.

Minutes

March 12 & 13, 2010, Retreat Minutes

April 1, 2010, Regular Meeting Minutes

Sturbaum moved to approve the March 12 & 13, 2010, Retreat minutes and the April 1, 2010, regular meeting minutes as written. Fleisch seconded. The motion carried unanimously.

Consent Agenda

1. Consider Budget Amendments – FY 2010

2. Consider Appointments to DAPC – Mike Murtaugh, Alternates Carl Adams, Lee Whetstone

Haddix noted there was an additional item on the agenda – the staff memo concerning the appointments to the DAPC. Learnard moved to approve the Consent Agenda. Sturbaum seconded. The motion carried unanimously.

New Agenda Items

04-10-09 Consider Amendments to Chapter 78 Traffic

Haddix noted there were two additional documents on the dais – a letter of support from the Board of Education and additional wording for the proposed amendment. Interim Community Development Director/City Planner David Rast addressed Council, asking them to approve the ordinance, which would allow the City to prohibit parking golf carts on the multi-use path system in areas that had been signed and designated as “no parking.” He continued that the City had received complaints from the residents in the area of McIntosh High School, as well as other path users.

Rast continued that staff met with Mike Satterfield, facilities director for the Board of Education (BOE), and staff had assisted the school in coming up with a plan to increase parking at the school for golf carts. The current area would be re-stripped, and another section would be added to the parking lot, adding another 60 – 80 spaces. Staff had spoken to some of the residents who had complained, and they were in favor of prohibiting parking on the path system. He noted Lexington Circle’s owners had prohibited parking on their streets in an effort to end a litter problem, which resulted in an increase of parking in the other areas around the school.

Rast said staff recommended adding the following amendment to the Code of Ordinances:

Sec. 78-17. Parking restrictions.

- (d) Golf cart parking shall be prohibited from parking on or adjacent to the city’s multi-use path system in those areas which have been identified and properly marked as no parking areas and have been approved by city council.*

Rast noted that the phrase “approved by city council” had been added to the proposed amendment that day. The amendment would allow Council to prohibit parking in areas that were identified as having an issue.

City Engineer Dave Borkowski said having the carts parking along the paths created narrow pathways and limited accessibility for other users. Litter in those areas had increased, and the school could not monitor off-site parking areas used by students. He showed an aerial photo that showed the areas where the parking should be prohibited. Parking would still be allowed on Prime Point. Imker asked why Prime Point was not included. Borkowski said there was not a path along Prime Point, and there were areas on the street designated for parking. It was also an area used to access the school's athletic fields. Copies of staff's PowerPoint presentation are included in the official meeting file.

Learnard asked how many parking spaces would be added to the school's lot. Rast said another 60-80 spots would be added by re-striping and expanding the existing lot, possibly more. Staff had also suggested the spots be numbered in the same way the parking spots were issued for cars. Currently, the golf cart parking was on a "first come, first served" basis. A numbered space and parking permit would allow students to have a designated space. Currently, students who arrived late to school had to park where they could. The BOE and McIntosh's assistant principal supported the amendment. Rast added that staff did not want to implement the parking prohibition immediately, but it should be in effect for the next school year, giving the school time to get the word out to students and parents. Satterfield had told staff the work on the parking lot could be done in-house during the summer. All indications were the BOE was ready to move forward. Borkowski added that staff recommended the effective date of the proposed amendment be July 1.

Fleisch asked if there was any idea of how many carts would be affected. Learnard said she had gone by the school that day and had done a spot check. She found 30-35 carts in one area that needed a parking space on the school grounds. If the additional spaces were added, the parking should be manageable.

Beth Pullias asked if the ban on the parking was only for the school year or year-round. Borkowski said it would be year-round.

Al Yougel said that KPTCB cleaned up trash on the paths between Lexington Circle and McDonald's weekly. It was atrocious. If prohibiting parking would help the litter issue, he supported it.

Scott Simon said the 30-35 carts were parked by his house. He had tried to work with the school, but he had carts in his yard, driving through his trees and over his plants. The re-striping of the parking lot and the ordinance were a good solution to the problem.

Sturbaum said he could not support the proposed ordinance. The parking lot was full. The BOE should go through with the plans for the parking lot, but the kids should have a chance to use the additional parking on school grounds before approving an ordinance to prohibit parking. If they did not use the additional spaces and continued to park off the school grounds, then there would be a problem.

Learnard said she was counting on the BOE doing the work in the parking lot during the summer.

City Manager Bernard McMullen clarified that the City was not doing any of the work, but the BOE was to do it.

Fleisch was concerned that the students would park on the public streets in Southern Trace and Governor's Row if parking was prohibited on the paths and the work on the parking lot was not done. Haddix pointed out that parking a golf cart to go school was not a right, it was a privilege. Sturbaum agreed, but said if the City ordinance drove the unacceptable behavior, then the privilege became a problem. The BOE made it clear that they did not have the personnel to monitor off-campus areas. He felt the City should continue to push the BOE to fulfill its commitment, and when the parking lot was done, the ordinance should be passed. Haddix said the amendment could be approved contingent on the completion of the work on the parking lot.

Learnard said McIntosh worked hard to accommodate students with space for their vehicles. Approving the ordinance now gave time to get the word out. The parking permits were \$50 per year for a golf cart and \$60 per year for a car. The students could plan accordingly.

Rast said that the assistant principal had asked that the Council pass an ordinance that would not allow the students to park on the paths, so they would have to park at the school. During the summer, the permits would be sold during the registration process. He believed the school felt that prohibiting parking on the paths would be an impetus to get the spaces filled.

Haddix said Council's obligation was to the citizens. It was a problem. If the choice was between parking for a golf cart or the peace of mind of a property owner, then the property owner won in his mind.

Connie Haynes said the work on the parking situation was a positive incentive to induce kids to get the permits. Currently, there was not a negative incentive. Approving the ordinance and issuing tickets would be a negative incentive. Now, the kids were saving \$50 by parking their carts along the path. The word would be out before the end of the year and in the summer that it would behoove them to carpool, take the bus, or get a parking permit.

Sturbaum said he would feel better if there was a date or a commitment to get the work on the parking lot done. His concern was if the work was not done by August 26, then the City would have put the students in the mode of unlawful behavior.

Haddix asked Rast if he could get a firm commitment from the BOE on the work in the parking lot by the May 6 meeting. Rast said he would do his best. Learnard did not see the point in waiting. Someone had to go first and make the decision.

Robert Brown, stating that he lived across from McIntosh High School, said no carts were currently parking on his street; however, there were cars that parked there on football game nights, which could be a problem. He said if the re-striping did not get done before school began in August, then Council could delay the implementation of the parking ban. Approving the proposed ordinance that night would give everyone time to adjust and get the word out before the current school year ended.

Learnard added that if the BOE did not get the work in the parking lot done before school started, then they could not park on the paths, which would give the school a different situation to handle. Haddix agreed. The school was responsible for its students and property. Council had a responsibility for its paths and citizens.

City Attorney Ted Meeker pointed out that the wording in Section 4 of the proposed ordinance required the ordinance go into effect immediately. He asked Council, stating the motion, to revise the wording in Section 4 to delay the effective date of the proposed ordinance until July 1.

Beth Pullias said the effective date should be deferred since the golf cart parking spaces/permits were on a first-come, first-served basis, and there were not enough spots for everyone.

Learnard moved to adopt the amendments to Chapter 78 Traffic with an effective date of July 1. Fleisch seconded. The motion carried 4-1 (Sturbaum),

04-10-11 Discussion of Vacant Structure Registration Ordinance

Rast said the proposed ordinance had been discussed at the February 2 workshop, and Council had directed staff to work on the ordinance. He said Housing Official Tami Babb had researched the issue, adding that staff was trying to be proactive in residential areas. Other municipalities with vacant structures had problems with vandalism, graffiti, theft, and illegal activity. Staff had wanted to come up with standards to identify vacant structures, requiring owners to register them with the City for leeway and authority to inspect the structures to ensure they were secure and no illegal activities were taking place. Rast said one of the issues was how to determine whether a structure was vacant, including the obvious evidence such as overgrown/dead vegetation, the accumulation of abandoned real property around the house, talking with neighbors, stockpiles of newspapers in the driveway, and the disconnection of utilities. He continued that Babb had a rapport with the utilities so she was usually aware of those.

Rast said that, after a structure was identified, Babb would track the structure for 180 day, then notify the owner in writing that it had been determined the structure was vacant. The owner would be required to register the property with the City, providing a maintenance plan and paying a nominal fee to monitor the property. The intent was not to hound property owners, but to maintain the character of neighborhoods, ensuring the structures were sound and to make it look like someone was living on the property.

Rast noted there would be three exceptions to the proposed ordinance – if there was an active building permit for remodeling/repair for the structure, if the structure was being marketed for sale/lease by a licensed broker or owner for less than 12 months, and if the structure was under contract for sale or lease for less than a 12-month period. The City would still monitor the appearance.

Rast said the intent was to get something on the books to start the program. The program would be monitored, and staff would come back to Council if the ordinance needed enhancement. Many jurisdictions were requiring this type of registration, and the draft ordinance was modeled after an ordinance from Arlington, Texas. They had also included some items from cities in

Georgia. Staff was presenting the ordinance for feedback. Staff intended to bring the ordinance to Council for adoption on May 6.

Sturbaum asked if there was an outline of the fee structure yet. Rast said they had a concept that was comparable to the building permit fees, but he did not have the information. Staff did not know how much time would be needed to enforce the program, so an initial fee might be brought forward that could be changed.

Haddix said there was an increasing problem with tracking down owners when there were problems with structures, and that, plus safety, was the motivation for the ordinance. Sturbaum said it would help protect property values. Vacant and abandoned structures added blight, and it cost money for staff to track down the owners.

Fleisch said the proposed ordinance and the fee structure for citations that was approved April 1 gave Code Enforcement teeth. She said there were foreclosed homes in the City with broken windows and other problems, especially in older neighborhoods. In addition to the period when people moved out of foreclosed homes, there was a "neverland" period regarding who really owned the property.

Rast said it also gave the Housing Official the ability to follow the vacant structures and let the Fire and Police Departments know where the structures were and the condition of the homes.

Fleisch asked about gaining entry to the structures that were registered. Meeker said that, typically, the proper course of action to enter a house was to get a warrant. The majority of the time Code Enforcement had the permission of the occupant or owner to enter a structure. A warrant was not needed to see issues on the outside of a structure.

Al Yougel said the benefits were obvious. He asked if anything was being considered for undeveloped areas. Rast said that was something the City needed to look at. Staff was restructuring and suggesting amendments to ordinances to alleviate issues and to put ordinances in effect that would allow Code Enforcement to cite the owners.

Sturbaum said he and the Mayor had had several discussions on what to do about vacant property, and the proposed ordinance was the first step.

Connie Haynes noted that she worked for the state's Environmental Protection Division in a regulatory capacity, and that, in general, those laws would be under the litter ordinance required for entities located within the Metropolitan North Georgia Water Planning District, as well as the City's illicit discharge elimination ordinance.

Rast said staff would look at those sections to see what the ordinances covered and whether additional information was needed.

Haddix asked if staff had the guidance that was needed. Rast said yes.

Council/Staff Topics

Hot Topics

McMullen said that the work on the Wisdom Road shoulder was going very well. The installation of the water line would be completed by the next day. The paving would be done the next week, and landscaping would be done the following week. It should be completed by May 1, and the completion date in the contract was May 23. The concrete for the exercise equipment at Huddleston Pond was drying, so it should be available for use by the next day. The Lake Peachtree Usage Committee would hold its first meeting on April 29. It would take about three days to install the additional guardrails required by the Georgia Department of Transportation on the SR 54 West/CSX cart path bridge, and the work should be done by early the next week. The final inspection would be scheduled for the next week. The guyed wires on the two AT&T poles would also be moved the next week. McMullen said the cart path should be in use by the next week. The official opening of the bridge and paths was scheduled on May 2. The notice to proceed on the ramps and cart paths to the Paschall Road/SR 74 tunnel should be sent the next week. McMullen said DOT planned to mail the encroachment permit paperwork to the City the next day. It would take the contractor a week or so to mobilize, and work should begin around May 1. The easement needed between Georgia Power and FC&A had been signed and delivered. Only one final easement was needed from the Post Office, and it was slowly moving through their system. He hoped to have it by the May 6 Council meeting. The construction time on that project was 90 days.

Learnard asked if there was a completion date for the Braelinn Village makeover and whether there would be a grand opening. Mark Hollums said a grand opening was scheduled to coincide with the July 4th parade.

Sturbaum noted there had been a coyote sighting during the day and asked McMullen to check with the County to see if there were any possible issues with that. Connie Haynes said the Wildlife Resources Division would not take care of coyotes, but the City could hire a trapper. The game laws were generally open about it. Robert Brown added that coyotes that were captured also had to be killed due to rabies issues.

Haddix added that the Board of Health had denied an ordinance amendment that would allow easements for the placement of septic systems.

Sturbaum moved to convene in executive session for pending or threatened litigation and personnel at 8:25 p.m. Fleisch seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 8:45 p.m. Learnard seconded. The motion carried unanimously.

There being no further business, Sturbaum moved to adjourn the meeting. Learnard seconded. The motion carried unanimously. The meeting adjourned at 8:45 p.m.

Pamela Dufresne, Deputy City Clerk

Don Haddix, Mayor

2010 City Event Calendar

<u>April</u>	<u>May</u>	<u>June</u>
	5/1 – Touch a Truck 5/1&2 – Spring Cleanup 5/4 – Council Workshop (Tentative), 6:30 5/6 – City Council Meeting, 7 pm 5/7 – Open Mic Night @ The Fred 5/15 – PTC International Triathlon - Gloria Gaynor/Village People @ The Fred 5/20 – City Council Meeting, 7 pm 5/22-26 – USTA Open Boys & Girls 12s Tournament, Tennis Center 5/25 – Realtors Education Seminar 5/29 – Welcome Home Lt. Dan @ City Hall, 1 pm - Memorial Day Tribute @ The Fred 5/31 – Memorial Day (City Offices Closed) Memorial Day Commemoration	6/1 & 2 – Council Workshop (Budget), 6:30 pm 6/3 – City Council Meeting, 7 pm 6/5 – Cheap Trick @ The Fred 6/8 – Town Hall Meeting - Budget 6/12 – Flicks @ The Fred Movie Night 6/14 & 15 – Council Workshop (Budget II), 6:30 pm 6/17 – City Council Meeting, 7 pm 6/22 – Rotary Candidate Forum (TENTATIVE – alt date 6/29) 6/26 – Christopher Cross/America @ The Fred
<u>July</u>	<u>August</u>	<u>September</u>
7/1 – City Council Meeting, 7 pm 7/2 – Swingin' Medallions @ The Fred 7/3 – Independence Day Celebration – Parade & Fireworks 7/4 – Independence Day 7/5 – City Offices Closed for Independence Day 7/6 – Council Workshop (Tentative), 6:30 7/9 – World Classic Rockers @ The Fred 7/10 – Boz Scaggs @ The Fred 7/15 – City Council Meeting, 7 pm 7/24 – The B-52s @ The Fred	8/3 – Council Workshop (Tentative), 6:30 8/5 – City Council Meeting, 7 pm 8/7 – Jose Feliciano @ The Fred 8/14 – Flicks @ The Fred Movie Night 8/19 – City Council Meeting, 7 pm 8/19 – Army Ground Forces Band @ The Fred	9/2 – City Council Meeting, 7 pm 9/6 – Labor Day – City Offices Closed 9/7 – Council Workshop (Tentative), 6:30 9/16 – City Council Meeting, 7 pm 9/18 & 19 – Shakerag Arts & Crafts Festival - Shakerag Bluegrass Festival @ The Fred 9/24 – The Rat Pack is Back @ The Fred
<u>October</u>	<u>November</u>	<u>December</u>
10/5 – Council Workshop (Tentative), 6:30 10/7 – City Council Meeting, 7 pm 10/9 & 10 – Great Georgia Air Show, Falcon Field 10/21 – City Council Meeting, 7 pm 10/23 – Civitan Chili Cookoff - Storytelling @ The Fred 10/31 – Halloween	11/2 – Council Workshop (Tentative), 6:30 11/4 – City Council Meeting, 7 pm 11/18 – City Council Meeting, 7 pm 11/25 & 26 – Thanksgiving Holiday, City Offices Closed	12/2 – City Council Meeting, 7 pm 12/5 – Pearl Harbor Remembrance – Falcon Field 12/7 – Council Workshop (Tentative), 6:30 12/4 – Hometown Holiday @ The Fred 12/16 – City Council Meeting, 7 pm 12/23 & 24 – Christmas Holiday, City Offices Closed

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

Updated 4/26/2010

ADMINISTRATIVE SERVICES MONTHLY REPORT

For Month of: March 2010

	<u>February-10</u>	<u>March-10</u>	<u>FY 2010 YTD</u>	<u>FY 2009 YTD</u>
<u>Human Resources</u>				
Workers Compensation Claims Filed	3	4	15	14
City Vehicle / Equipment Accidents	1	1	7	10
Employee Turnover Rate ***		0.410%	2.050%	1.650%
Lawsuit Legal Fees	\$0.00	\$0.00	\$13,038.60	\$43,971.52

(Of the 5 terminations in FY2010, 1 due to death of employee and 1 retirement.)

Municipal Court

Fines Collected	\$167,544.00	\$202,944.44	\$839,796.23	\$831,889.00
Online Transactions	351	308	1,266	968
Citations Closed	413	1,090	3,106	2,892
Community Svc Hrs for KPTCB	656	655	3,516	
People on Probation (3)	397	421	2,436	
Jail Fund Balance	\$479.84	\$8,838.26	\$94,055.51	\$164,974.11

** Approximately 33% of the Municipal Court Fines Collected reflect mandated add-ons that pass through to State and other agencies.*

*** A positive Jail Fund Balance reflects a credit with the County based on jail fees paid versus number of prisoners housed*

Public Information

New Businesses Registered	19	31	134	122
Public Interaction - Questions, Complaints, Subscriptions addressed by Public Information Office *	147	139	880	440**
Quarterly Sanitation Franchise Fees	3Q 09 \$9160.48	4Q 09 \$9,899.09	YTD FY 2010 \$9,899.09	No comp for FY 2009

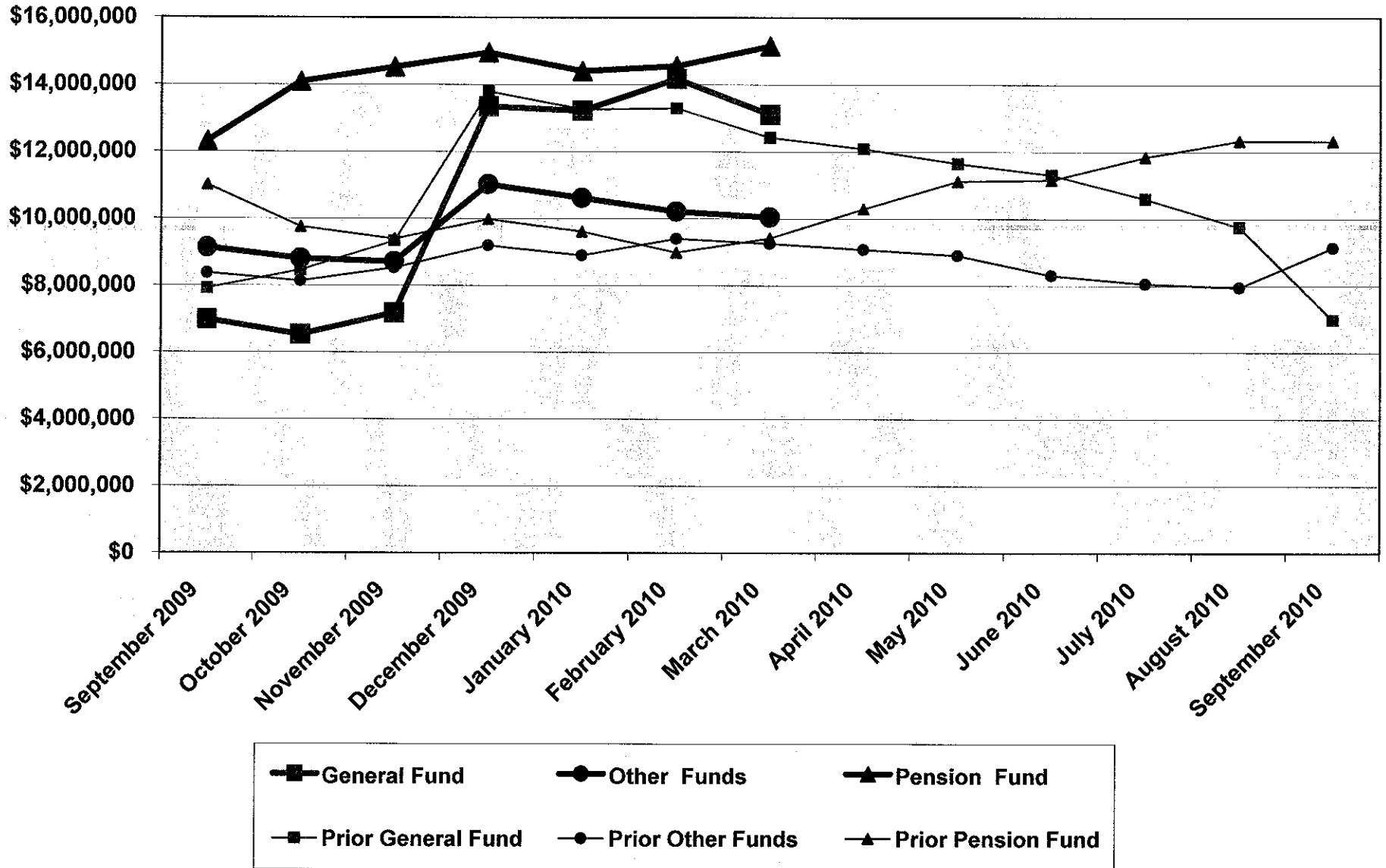
**This includes 55 email list subscriptions, 1 complaints against Comcast Cable Company, 0 sanitation company complaints, and 4 Open Records/Discovery Requests.*

*** Email subscriptions began in January 2010.*

PEACHTREE CITY BUILDING DEPARTMENT
FY 2010

	Feb-10	Mar-10	Fiscal Y-T-D 2010	Fiscal Y-T-D 2009
DEVELOPMENT PERMITS:	2	5	15	16
BUILDING PERMITS:				
Single Family Residential	3	0	14	9
Multi-Family Residential	0	0	0	0
Misc.-Pools/fences/additions	69	90	454	192
Commercial/Industrial	6	7	56	65
TOTAL INSPECTIONS:	156	254	1,336	2,211
CERTIFICATE OF OCCUPANCY:				
Residential	2	1	22	29
Commercial	6	4	32	27
Multi-Family Residential	0	0	0	146
CODE ENFORCEMENT:				
Confiscated Signs	82	117	599	819
New Rehab	18	14	69	32
Rehab Inspections	20	36	127	52
Tree Removal Permits	79	90	416	355
Code Violation Cases	100	101	492	865
Assessments	143	55	692	23
Citations	2	2	15	33
Architect Review Permit Approval	24	49	143	157
PERMIT FEES COLLECTED:	16,438	25,683	111,239	266,260
POPULATION:	36,770	36,772	36,772	36,663
Based on 2.09 persons per new completed dwelling unit				

CITY OF PEACHTREE CITY
FISCAL YEAR 2010 (with prior year comparison)
MONTHLY ENDING CASH/INVESTMENT BALANCES
(UNAUDITED)



**CITY OF PEACHTREE CITY
MONTHLY REPORT
GENERAL FUND AND HOTEL/MOTEL TAX FUND
BUDGET COMPARISON (UNAUDITED)
FOR YEAR ENDED MARCH 31, 2010**

PERCENTAGE OF BUDGET YEAR COMPLETED 50.0%

GENERAL FUND REVENUES BY MAJOR CATEGORIES

Description	2010 Budget	YTD Actual	Dollar Difference	Percentage To-Date
General Property Taxes	\$ 9,953,147	\$ 9,272,336	\$ (680,811)	93.16%
Franchise Taxes	2,396,840	1,938,295	(458,545)	80.87%
Local Option Sales Tax	6,431,323	3,162,437	(3,268,886)	49.17%
Other Sales & Use Taxes	685,494	334,482	(351,012)	48.79%
Business Taxes	2,243,715	2,135,931	(107,784)	95.20%
Licenses & Permits	654,517	422,343	(232,174)	64.53%
Intergovernmental/Grants	434,090	84,000	(350,090)	19.35%
Charges for Services - Other	741,992	364,770	(377,222)	49.16%
EMS Billings	500,000	203,554	(296,446)	40.71%
Fines & Forfeitures	999,352	557,413	(441,939)	55.78%
Investment Income	50,000	25,417	(24,583)	50.83%
Other Revenue	70,622	50,764	(19,858)	71.88%
Other Financing Sources	406,054	160,095	(245,959)	39.43%
Total General Fund Revenues	\$ 25,567,146	\$ 18,711,837	\$ (6,855,309)	73.19%
Surplus Carryover	490,934	-	(490,934)	0.00%
Total General Fund	\$ 26,058,080	\$ 18,711,837	\$ (7,346,243)	71.81%

GENERAL FUND EXPENDITURES BY DIVISION AND/OR TYPE

Division and/or Type	2010 Budget	YTD Actual	Dollar Difference	Percentage To-Date
Executive Services	\$ 379,959	\$ 211,434	\$ 168,525	55.65%
Administrative Services	1,079,192	563,344	515,848	52.20%
Financial Services	1,004,461	539,205	465,256	53.68%
Police Services	6,247,824	3,052,989	3,194,835	48.86%
Fire/EMS Services	6,143,584	3,081,398	3,062,186	50.16%
Public Works	3,128,118	1,518,192	1,609,926	48.53%
Leisure Services	4,256,151	1,957,051	2,299,100	45.98%
Community Services	1,074,343	538,425	535,918	50.12%
Non-Divisional:				
Unemployment Insurance	35,640	12,347	23,293	0.00%
Council Contingency	50,000	-	50,000	0.00%
Non-Profit Organizations	28,130	23,130	5,000	82.23%
Transfer to Development Authority	35,000	35,000	-	100.00%
Development Authority Debt Service	140,109	116,332	23,777	83.03%
Transfers to Other Funds	2,271,881	1,112,310	1,159,571	48.96%
Liability Insurance	91,610	48,263	43,347	52.68%
Litigation Services	125,675	13,039	112,636	10.38%
General Administration/Miscellaneous	43,171	1,115	42,056	2.58%
Budgeted Savings	(76,768)	-	(76,768)	0.00%
Total General Fund	\$ 26,058,080	\$ 12,823,574	\$ 13,234,506	49.21%

HOTEL/MOTEL FUND REVENUES

Description	2010 Budget	YTD Actual	Dollar Difference	Percentage To-Date
Total Hotel/Motel Taxes	\$ 768,163	\$ 366,193	\$ (401,970)	47.67%

HOTEL/MOTEL TRANSFERS OUT

Type	2010 Budget	YTD Actual	Dollar Difference	Percentage To-Date
Transfer to General Fund	\$ 256,054	\$ 122,064	\$ 133,990	47.67%
Transfer to Tourism Association	512,109	244,129	267,980	47.67%
Total Hotel/Motel Transfers Out	\$ 768,163	\$ 366,193	\$ 401,970	47.67%

**CITY OF PEACHTREE CITY
FINANCIAL SERVICES
MONTHLY REPORT
(UNAUDITED)
AS OF MARCH 31, 2010**

SUMMARY OF MAJOR EXPENDITURES BY CITY MANAGER MARCH 2010			
Description	Vendor	Award	Date
CSX RR Path Connection Change Order	Lewallen	\$ 21,540.60	03/04/2010

PURCHASING REPORT FOR MONTH ENDED MARCH 31, 2010 AND MARCH 31, 2009		
Activity	Fiscal Year 2010	Fiscal Year 2009
Purchase Orders / Requisitions Processed	243	264
City Store Requisitions Processed	11	11
Sealed Bids Requested	2	6
Requests for Proposals	1	2
Bids Awarded	4	6
Requests for Proposals Awarded	0	1
Contracts Prepared	4	8
Electronic Auction	3	11
Fixed Assets Purchased	5	7

**CITY OF PEACHTREE CITY
DONATIONS RECEIVED
MARCH
2010**

POLICE

Northgate High School	CERT	\$200.00
David & Natalie West	CERT	\$25.00
Miscellaneous donations	CERT	\$80.00
Jesse Beckham	CERT	\$25.00
Rivera	CERT	\$40.00
Bailey		\$35.00
Wallen		\$50.00
Glaze		\$25.00
Cuebas		\$200.00
Stephanie Gendron		\$50.00
West		\$25.00
Branki Nielsen		\$40.00
Henson		\$25.00
Combs		\$40.00
Mike Claman		\$25.00
Adams		\$25.00
Connick		\$25.00

CITY HALL

Donation - Bridge @ Picnic Park	4,000.00
---------------------------------	----------

TOTAL MONTH OF MARCH 2010

\$4,935.00

City of Peachtree City
Information Technology Statistics
March 2010
(as of 4/8/2010)

Goals and Objectives Summary (Statistically-based):

Goal 1: Minimize down-time for all critical servers.

Objective 1: Ensure maximum 5% downtime annually (438 hours out of 8,760 available hours) for primary application, file and email servers

Reported hours of downtime in March 2010 – 2 hours (99.73% uptime, 0.27% downtime)

Reported hours of downtime in FY2010 – 2.75 hours (99.937% uptime, 0.063% downtime)

Reported hours of downtime in FY2009 – 21.67 hours (99.75% uptime, 0.25% downtime)

Goal 2: Improve first call resolution for technical support issues.

Objective 1: Ensure first call resolution 90% of the time within 1 hour for "emergency" issues, 4 hours for "important" issues, and 12 hours for "normal" issues.

NOTES – In December 2009, I.T. switched to a new tracking system that does not adjust for non working hours. The statistics now count from the time the call is entered into the system until it is closed. The System Administrator adjusts the time for off-hours to create the final duration of a call.

Period	Total Number of Issues	Number of Issues Resolved in same month	%	Number of "Emergency" Issues	Number of "Emergency" Issues Resolved in 1 hour	%	Number of "Important" Issues	Number of "Important" Issues Resolved in 4 hours	%	Number of "Normal" Issues	Number of "Normal" Issues Resolved in 12 hours	%
February 2010	93	87	93.55%	0	0	100.00%	4	4	100.00%	89	74	83.1%
March 2010	151	150	99.34%	0	0	100.00%	7	6	85.71%	144	133	92.4%
FY2010	548	527	96.17%	4	4	100.00%	21	18	85.71%	523	445	85.09%
FY2009	1309	1267	96.79%	1	0	0.00%	27	26	96.30%	1260	1141	90.6%

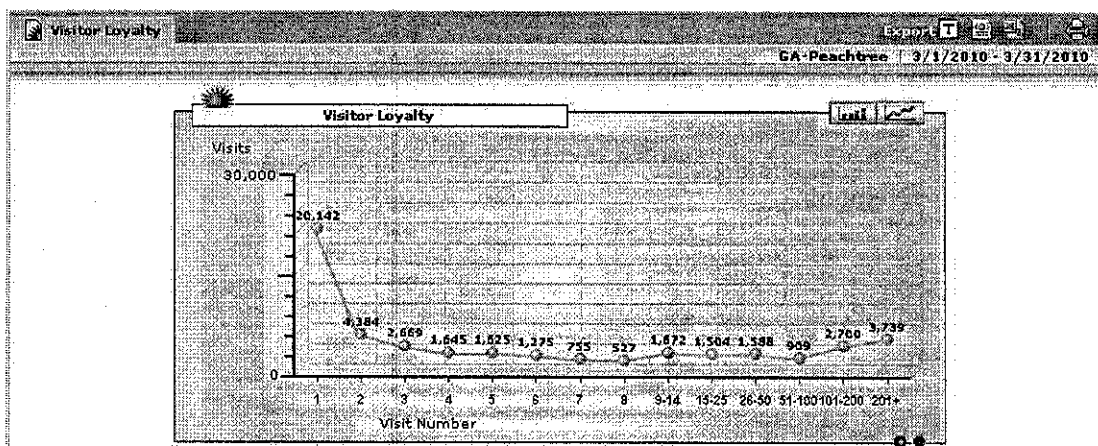
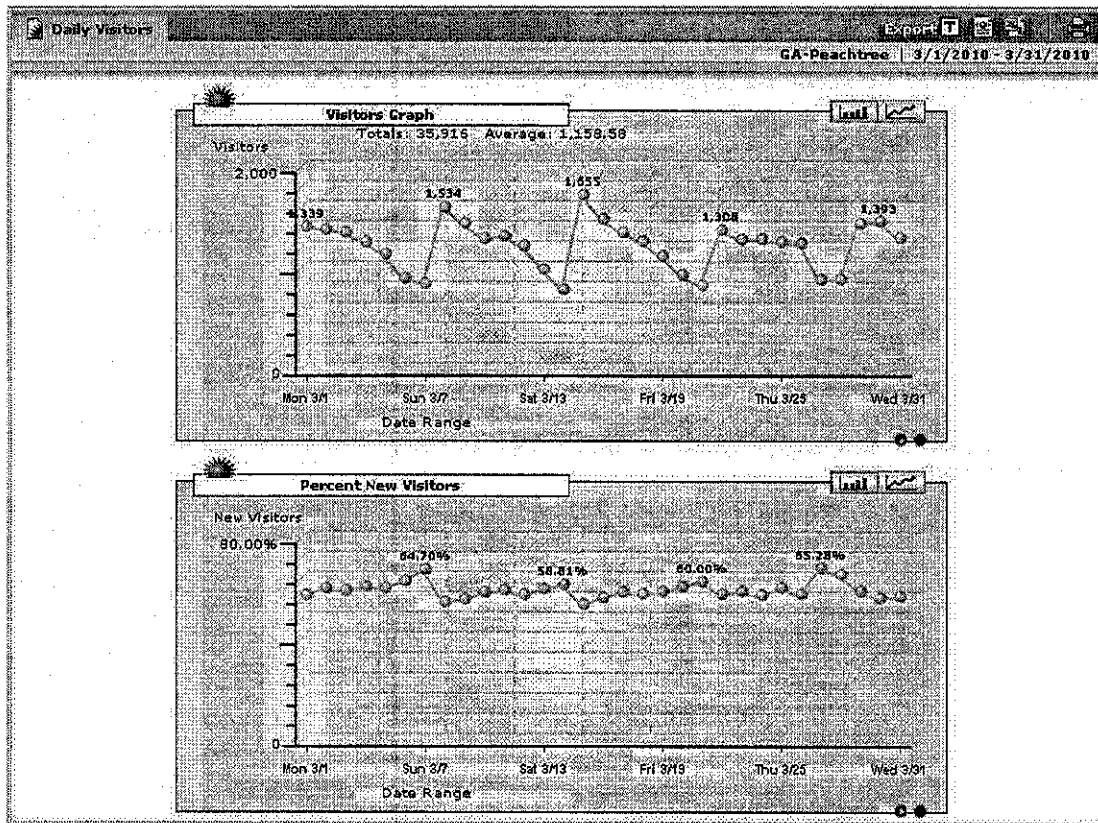
Website Statistics for www.peachtree-city.org – March 2010

Visits

A visit is defined as a series of actions that begins when a visitor views their first page from the server, and ends when the visitor leaves the site or remains idle beyond the idle-time limit.

Total Number of Website Visits in March 2010 – 35,916

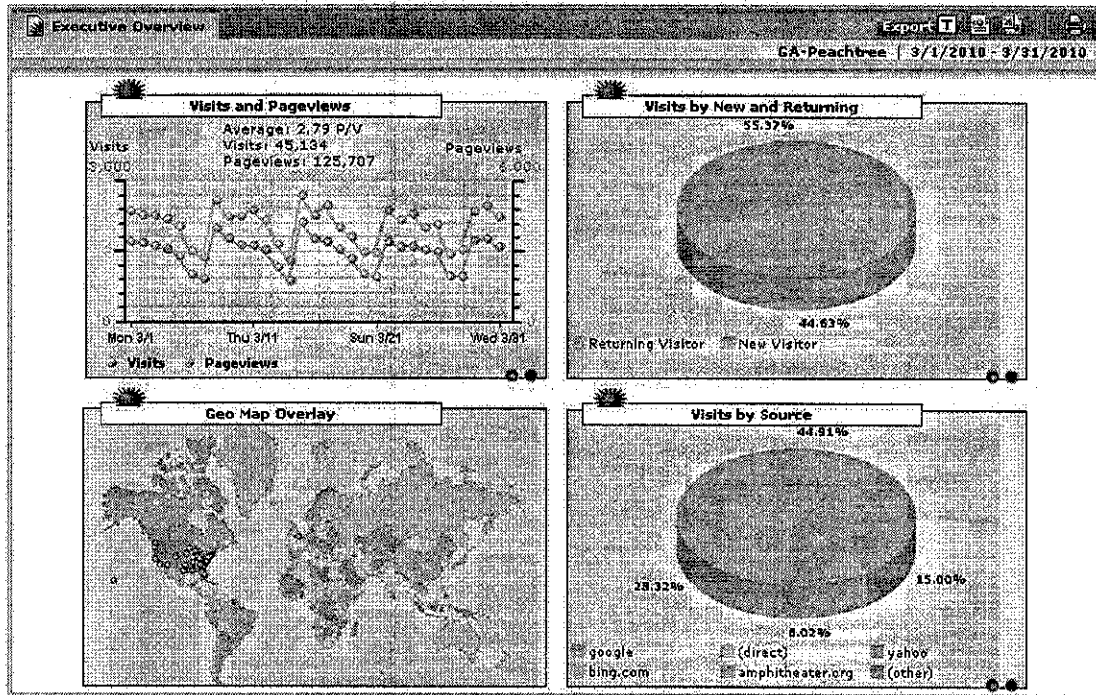
Unique Visitors – 28,070



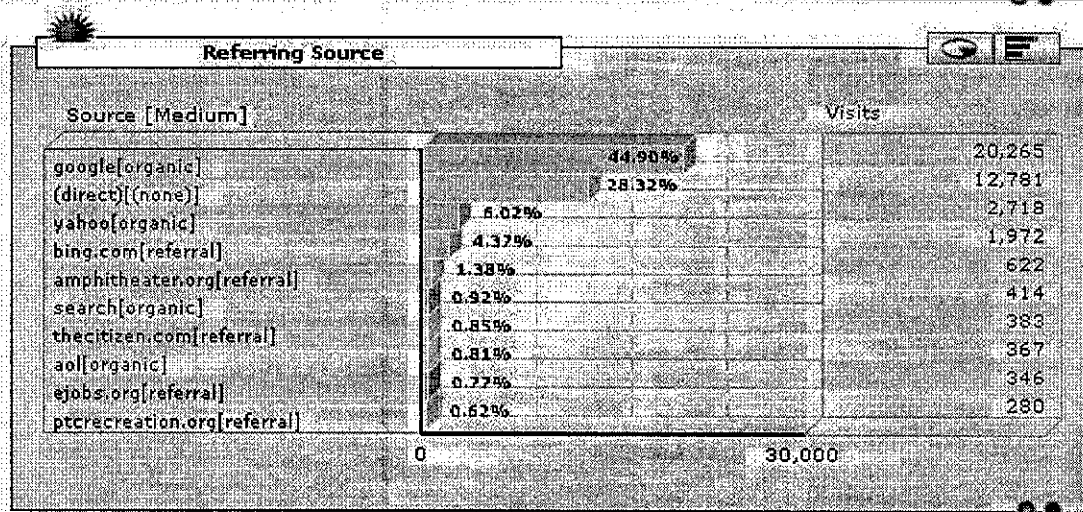
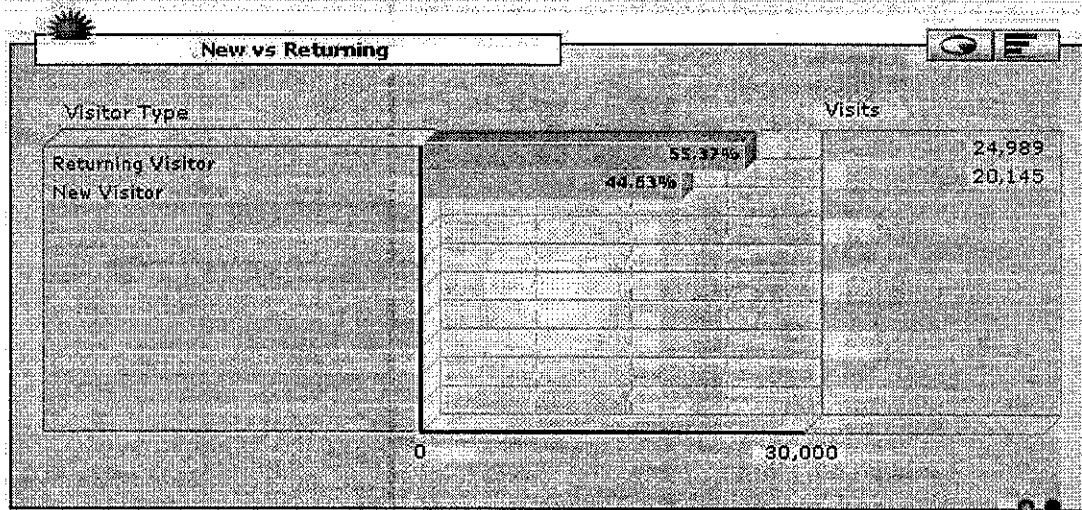
Top Pages for March 2010:

	Page Titles	Visits	Pageviews	Avg Time	% Exit
1.	Peachtree City, GA - Official Website	27,861	58,880	00:01:01	31.32%
2.	Peachtree City, GA - Official Website - Online Resources	5,275	7,008	00:05:52	74.83%
3.	Peachtree City, GA - Official Website - Parks and Recreation	1,332	3,520	00:01:08	24.63%
4.	Peachtree City, GA - Official Website - Library	1,320	2,453	00:00:47	52.22%
5.	Peachtree City, GA - Official Website - Police	1,292	1,942	00:01:19	59.99%
6.	Peachtree City, GA - Official Website - Kedron Fieldhouse and Aquatic Cen	738	1,572	00:01:33	42.37%
7.	Peachtree City, GA - Official Website - Street and Path Map	725	1,536	00:06:35	45.77%
8.	Peachtree City, GA - Official Website - Google Fiber in Fayette County	671	1,001	00:03:59	64.14%
9.	Peachtree City, GA - Official Website - Restaurants	649	1,250	00:01:49	49.92%
10.	Peachtree City, GA - Official Website - Garbage and Recycling Companies	632	914	00:03:00	66.85%
Totals:		58,865	125,707	00:01:17	35.98%

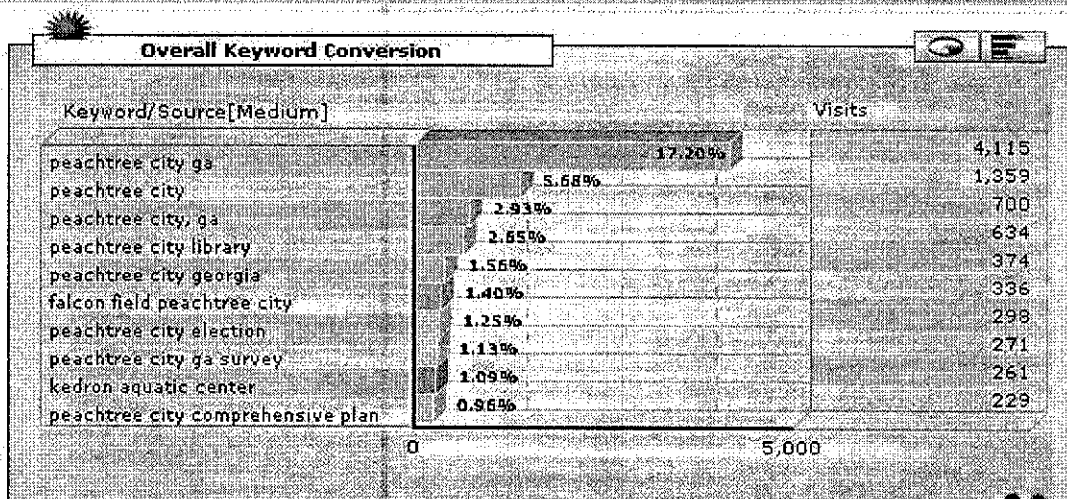
March 2010 Executive Overview:

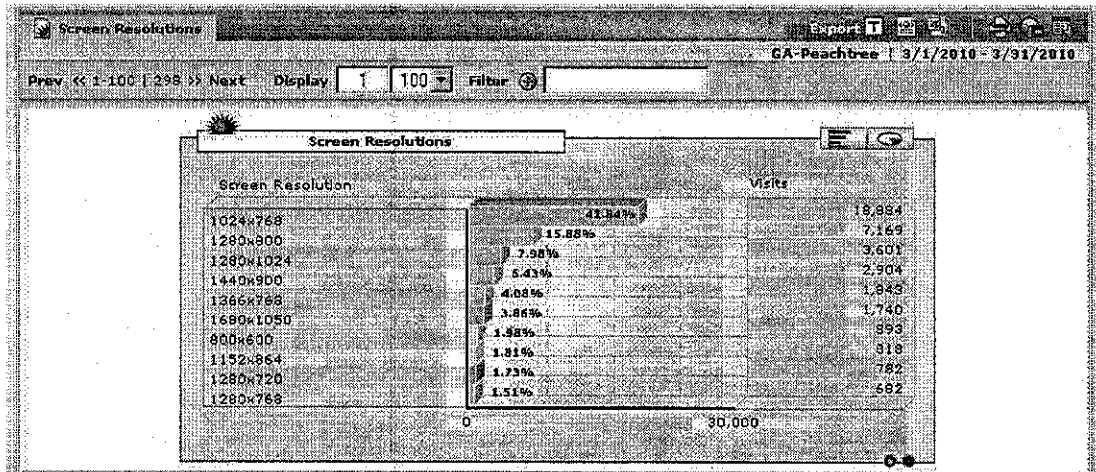
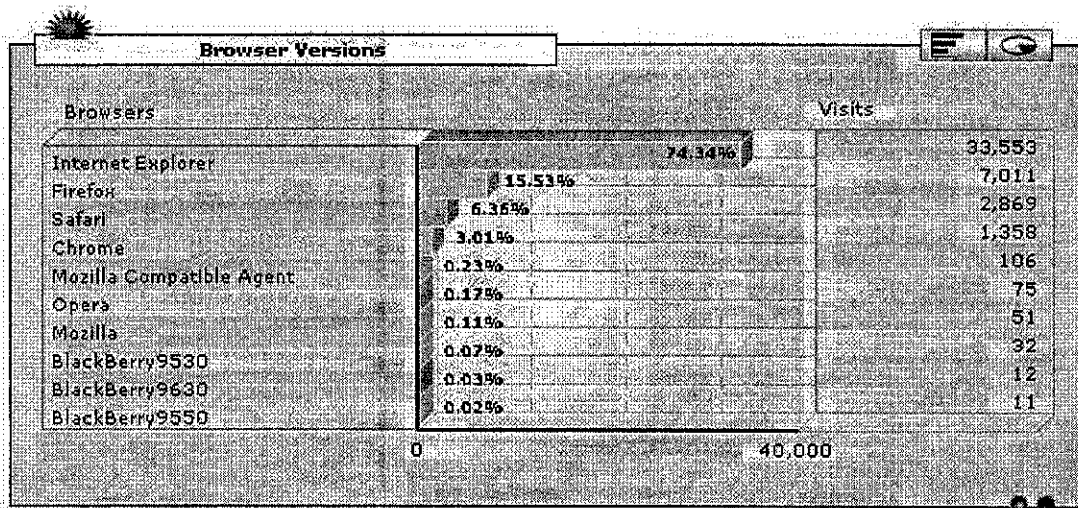


New Statistics – Visitors, Search Engine Performance, etc.



Keyword searches we were found under:





**PEACHTREE CITY FIRE/EMS DEPARTMENT
2010 MONTHLY REPORT**

	Feb. 10	Mar. 10	2010 FY-T-D	2009 FY-T-D
FIRE/ACCIDENT CALLS				
Actual Residential Fires	4	2	13	13
Actual Business/Industrial Fires	1	1	4	5
Rescue/EMS Assist	148	178	956	855
Vehicle/Golfcart Accidents	13	17	87	113
False Alarms	21	15	148	128
¹Other	32	27	175	173
Total Engine Response	219	240	1383	1287
 Dispatched Fire Calls	 55	 49	 347	 323
 Response Time Fire	 5:10	 4:26	 4:58	 5:00
 RESCUE/EMS				
Trauma	23	31	175	190
Medical	129	159	836	794
Total # Patients	152	190	1011	984
 Patients Transported	 96	 109	 583	 508
 Dispatched EMS Calls	 162	 192	 1030	 969
 ²Total Medic Response	 196	 211	 1203	 1196
 Response Time EMS	 4:24	 4:29	 4:33	 4:30
 Dispatched Fire/EMS Total	 217	 241	 1377	 1292
 EMS BILLING				
Patients Billed	95	109	579	503

¹Other miscellaneous responses; gas and water leaks, hazmat spills, etc.

²Includes Fire Assist Responses

LEISURE SERVICES MONTHLY REPORT

Mar-10

<u>Activity Description</u>	<u>Unit</u>	<u>Mar10</u>	<u>FY 2010 YTD</u>	<u>FY 2009 YTD</u>
Library				
Books Circulated	number	41,004	228,199	217,075
Internet Usage	visits	3,388	18,545	19,341
Computer Lab Use	hours	0*	0	38
<i>*Lab closed due to hour reductions</i>				
Recreation				
Class/Program Revenue	\$	\$2,640	\$21,271	\$17,843
Playing Field Preparations	hours	887	3,422	3,411
Building Maintenance	hours	511	2,678	2,639
Litter Removal	hours	353	1,745	1,737
Complaints answered	number	3	13	9
Amphitheater Rentals, commercial		0		0
Amphitheater Rentals, nonprofit*		*1	1	1
* Hudson Family Foundation concert - November 2009				
Kedron Revenue Update				
		March-10	FY2010 YTD	FY 2009 YTD
Classes/Programs		\$1,080.00	\$13,773.00	\$9,431.00
Pool Revenue		\$8,670.00	\$43,895.00	\$34,802.00
Rentals		\$2,285.00	\$6,024.00	\$1,645.00
Total		\$12,034.00	\$62,691.00	\$45,878.00
		FY 2008 YTD	FY2007 YTD	
		\$8,785.00	\$7,625.00	
		\$24,136.00	\$12,646.00	
		\$1,560.00	\$2,040.00	
		\$34,481.00	\$22,311.00	
Kedron staff reports the following revenue-generating actions at Kedron: Opened pools for Spring Break, \$4,100 revenue; Basketball tournament over Spring Break, \$550 revenue; Judo tournament April 17, \$650 revenue. Upcoming: Powerlifting meet schedule June 26; Air Tran ditch training plan should be finalized by end of April, to begin later this summer. Developing sponsorship program that will include sponsor display areas in the facility.				

PEACHTREE CITY POLICE DEPARTMENT

2010 MONTHLY REPORT

MARCH 2010 FEBRUARY 2010 2010 2009
 Calendar Year to Date Calendar Year to Date

PART I CRIMES

Criminal Homicide	0	0	0	0
Forcible Rape	0	0	0	1
Robbery	0	0	0	2
Aggravated Assault	0	0	0	5
Arson	0	0	0	0
Motor Vehicle Theft	3	3	13	9
Theft	19	37	89	125
Burglary	4	3	9	17
TOTAL PART I CRIMES	26	43	111	159

ALCOHOL/DRUG ARRESTS

DUI – TOTAL	8	15	39	37
DUI – ADULT	7	15	36	31
DUI – UNDERAGE	1	0	3	6

MINOR IN POSSESSION OF ALCOHOL	5	2	16	22
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DRUG ARRESTS:

MARIJUANA	5	3	21	34
METHAMPHEDIMINE	0	0	0	1
COCAINE	0	2	2	1
OTHER (opium, heroin, etc)	0	0	0	0

ARRESTS

PROPERTY CRIMES	16	21	59	54
PERSON CRIMES	4	8	24	31
CITY ORDINANCES	27	29	104	102
TRAFFIC OFFENSES	24	42	108	128
OTHER	51	21	99	110

AVERAGE RESPONSE TIME	8.39	8.54	8.42	6.68
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CALLS ANSWERED	4,725	4,085	13,397	14,254
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PULLOVERS	1,539	1,405	5,083	2,844
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TRAFFIC

CITATIONS ISSUED

740

687

2,502

1,641

WARNINGS

977

1,020

3,241

1,724

ACCIDENTS

92

70

246

264

TOP 5 ACCIDENT LOCATIONS – MONTH

HWY 54 / HWY 74

4

PEACHTREE PARKWAY / CROSSTOWN DR

4

HWY 54 / HUDDLESTON RD

4

HWY 74 / ROCKAWAY ROAD

4

HWY 74 / WISDOM ROAD

4

TOP 5 ACCIDENT LOCATIONS – YDT

HWY 54 / HWY 74

12

HWY 54 / PEACHTREE PARKWAY

12

HWY 74 / ROCKAWAY ROAD

8

CROSSTOWN DR / PEACHTREE PARKWAY

7

HWY 54 / HUDDLESTON RD

7

**PUBLIC SERVICES MONTHLY REPORT
MARCH 2010**

<u>Activity Description</u>	<u>Unit</u>	<u>March-10</u>	<u>FY2010 YTD</u>	<u>FY2009 YTD</u>
Street Patching	Hrs.	299	988	496
Street Crack Sealing	Hrs.	0	282	330
Street Crack Sealing	Mi.	0	2.0	1.92
Street General Miantenance	Hrs.	428	2,813	2,601
Storm Water Maintenance	Hrs.	366	2,125	2,860
Cart Path Paving	Ft.	1,788	4,910	7,145
Cart Path Prepped for Paving	Ft.	235	~~~	~~~
Cart Path Litter Removal	Hrs.	135	752	904
Cart Path Drainage Maintenance	Hrs.	167	1,038	939
Cart Path General Maintenance	Hrs.	658	3,461	2,670
Subdivision Sign Maintenance	Hrs.	6	96	121
Traffic Sign Maintenance	Hrs.	153	1,033	865
Vandalism Repairs	Hrs.	37	149	158
Vandalism Repairs	Dls.	\$750.00	\$3,574.00	\$3,597
Citizen Complaints Answered	Num.	140	647	436
Community Service	Hrs.	655	3,510	190
 <u>RECYCLING SITE</u>				
Manhours	Hrs.	52	303	860
 Participants:				
Recycling	Num.	1,166	5,239	1,562
Composting	Num.	1,022	5,009	5,663
Mulch Pick UP	Num.	0	22	94
Streets Adopted for Litter Pickup	Miles	7.35		
Cart Paths Adopted for Litter Pickup	Miles	66.5		

COMMISSION/AUTHORITY ATTENDANCE RECORD

Peachtree City Library Commission

Board name

Report Date: Month Year

Mar-10

Name & Date of Appointment	Meetings Held Past 12 Months	# of Meetings Member Eligible to Attend	# Meetings Attended	# Meetings Absent	Meeting Dates Absent	Percentage Attendance
Keely Suiter 06/01/2006	12	12	12	0	0	100%
Adele Klingshirn 06/01/2007	12	12	12	0	0	100%
John Waterhouse 06/01/2007	12	12	12	0	0	100%
Sally Meyer 06/01/2008	12	12	11	1	06/10/2009	92%
Paul Lentz, Jr. 06/01/2008	12	12	12	0	0	100%

COMMISSION/AUTHORITY ATTENDANCE RECORD

Planning Commission

March 2010

Board name

Report Date: Month Year

Name & Date of Appointment	Meetings Held Past 12 Months	# of Meetings Member Eligible to Attend	# Meetings Attended	# Meetings Absent	Meeting Dates Absent	Percentage Attendance
Patrick Staples 10/01/2006	14	14	14	0		100%
Theo Scott 10/01/2004	14	14	11	3	02/02/10, 3/2/10*, 3/8/10*	79%
Larry Sussberg 10/01/2008	14	14	13	1	05/11/09	93%
Joe Frazar 10/17/2008	14	14	13	1	12/14/09	93%
Lynda Wojcik 02/23/2009	14	14	14	0		100%
Lisa Curtis 10/01/2009	14	6	4	2	12/14/09, 1/11/10	67%

* Medical absence

COMMISSION/AUTHORITY ATTENDANCE RECORD

RECREATION COMMISSION

March 15, 2010

Name & Date of Appointment	Meetings Held Past 12 Months	# of Meetings Member Eligible to Attend	# Meetings Attended	# Meetings Absent	Meeting Dates Absent	Percentage Attendance
Mark Ballard 01-Jan-08	14	14	12	2	12/14/2009 12/16/2009	86%
Joe Keubler 01-Jan-10	14	4	4	0		100%
Vince Obsitnik 01-Jan-08	14	14	12	2	12/14/2009 3/15/2010	86%
Eric Snell 01-Jan-10	14	4	4	0		100%
Shayne Robinson 01-Jan-09	14	14	14	0		100%
Nicole File Alternate 01-Jan-10	14	4	1	3	1/25/2010 2/22/2010 3/15/2010	25%

COMMISSION/AUTHORITY ATTENDANCE RECORD

Peachtree City Tourism Association

as of March 2010

Board name

Report Date: Month Year

Name & Date of Appointment	Meetings Held Past 12 Months	# of Meetings Member Eligible to Attend	# Meetings Attended	# Meetings Absent	Meeting Dates Absent	Percentage Attendance
Bill Bexley 12/31/2010	12*	12	11	1	06/17/2009	92%
Kai Wolter 12/31/2010	12*	12	10	2	07/15/09 09/08/09	83%
Mark Ballard 12/31/2012	12*	3	3	0		100%
Joe Magennis 12/31/2009	12*	3	2	0		67%
Veronica Ross 08/06/2012	12*	12	11	1	02/26/2010	92%
Doug Sturbaum 12/31/2010	12*	3	3	0		100%
Kim Westwood 08/06/2012	12*	3	3	0		100%

* October 2009 - No meeting

** January 2010 - Workshop but no RS meeting

* Special Called Meeting in February

Staff/Attorney

Jeremy Hogan	12	12	11	1	06/17/2009	92%
Mary Camburn	12	12	12	0		100%
Caryl Sumner Black	12	12	12	0		100%

Updated by: Jeremy Hogan

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager

FROM: Deputy City Clerk

DATE: April 20, 2010

SUBJECT: Alcohol License – NEW – Mirko Pasta
May 6, 2010, Regular Meeting

Recommendation:

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

Discussion:

HHK Enterprises dba Mirko Pasta., 300 City Circle, Suite 1520, has submitted a request for a new alcohol license. Mr. Joey Hart has requested he be appointed as the Licensee. Mr. Johnny Harrison has requested he be appointed as the License Representative. They will attend the meeting on Thursday, May 6, to answer any questions you may have.

Budgetary Impact:

The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for 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

Application For Alcoholic Beverage License

Business Name: HHK Enterprises (Nirko Pasta)		Business Location: 300 City Circle Suite 1520 The Avenues		Bogert 30622
Nature of Business: Fast Casual Italian Food		Mailing Address: 1351 Jennings Mill Rd Unit C2 Suite B Box 11		
Name of Licensee: Joey Hart		Home Address: 290 Millbrook Circle Hull Ga 30646		Business Phone Number: 706-215-0252
Name of License Representative: Johnny Harrison		Home Address: 1201 Plantation Drive Bogert Ga 30622		Home Phone Number: 706-215-0252

Please indicate type of licenses applying for:

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

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

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
Joey Hart	See Above	
Chad Keller (Contact Person)	1340 Oakwood Dr Watkinsville Ga 30677	706-215-0252
Johnny Harrison	See Above	
HHK Enterprises	1351 Jennings Mill Road Suite B Box 11 Unit C-2, Bogert, GA 30622	

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

If YES, Please Provide Name of Employee: _____

State of Georgia

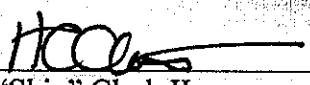
City of Peachtree City

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

Billy Joey Hart

290 Millbrook Circle
Hull, GA 30646

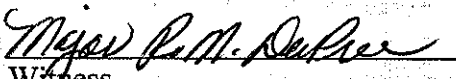
has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal narcotics or drugs within five (5) years prior to the date of the application for this license.



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

4/14/10

Date



Witness

State of Georgia

City of Peachtree City

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

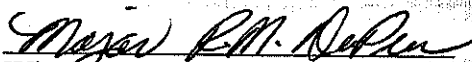
Johnny Harrison

1201 Plantation Drive
Bogart, GA 30622

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


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

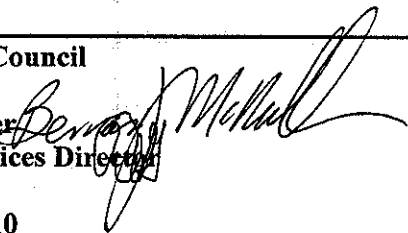
4/14/16
Date


Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Manager 
Leisure Services Director

DATE: April 27, 2010

SUBJECT: Consider Disc Golf Club Formation and Agreement
For City Council Meeting May 6, 2010

Recommendation:

That Council considers and approves a request to form a Peachtree City Disc Golf Club and authorize the mayor to sign the attached agreement.

Discussion:

A group of local citizens request to form a Disc Golf Club in order to promote and advocate the disc golf sport and to help maintain and improve the local course. The city has a nine-hole disc golf course in Village Green, the area across Willowbend from City Hall. This course was donated to the city several years ago by Miles Long, a local realtor, who won the course in a national contest. The course was initially placed in the wooded area adjacent to the Kedron Fieldhouse but was later moved to Village Green as a site that better facilitated play. The course is frequently used by novice to higher level golfers.

Mr. Long has more than 40 people who have expressed interest in being actively involved in helping to improve the course and promote the sport. They plan to raise funding through memberships and sponsorships and possibly hosting small, local tournaments. The club would provide basic instruction for beginners. A future goal would be to place an 18-hole course somewhere in the city, which would enable them to draw state-level tournaments.

The Recreation Commission considered this request at their April 19 meeting and recommend approval of the club formation and the agreement. The Commission suggested that once the club is formed and in operation, that their leadership enter into discussions with the Recreation staff to discuss the logistics of an 18-hole course and develop a plan to include a suitable location and bring it back to the Recreation Commission for further consideration.

The attached agreement is similar to that used with other sports associations and clubs and has been reviewed by the City Attorney.

Disc golf is a growing national sport with a reported 40,000 members playing at more than 3,000 courses nationwide. The sport uses specially designed discs that are thrown at uniquely designed baskets and is scored similarly to regular golf.

Budget Impact:

No anticipated budgetary impact. The course requires negligible maintenance and the club intends to support whatever maintenance or improvements that are needed.

Special Interest Facility Agreement between

Peachtree City Disc Golf Club

and

The City of Peachtree City

BACKGROUND: The City of Peachtree City is fortunate to have volunteers who execute **special interest** programs on behalf of the City. In this unique partnership, the City provides manpower, budget and resources to construct and maintain quality facilities. **Special interest groups** provide volunteer personnel, and in some cases paid staff, to staff, organize, plan and administer outstanding **special interest** programs. Together, this team ensures that wholesome, healthy and enjoyable recreation activities are available to **the citizens** in the City. While the City Administration does not get closely involved with the structure, organization or administration of the Peachtree City Disc Golf Club (PTDGC), (The Club) operations, the City Recreation Department must remain accountable and responsible to citizens for any actions taken on its behalf by any affiliate organization, including **special interest groups**. Since the City provides valuable assets that are funded by tax paying citizens and the city allows use of these assets to the Clubs, Clubs must be prepared to provide their services in consonance with existing City policies, ordinances and good business practices. **This agreement covers all programs, projects and activities of the Club.**

GENERAL

1. The Club agrees to provide a **safe and enjoyable environment for citizens using the park areas around the city green where the public disc golf course is located. This includes the City Common Areas and the Multi Use Paths and Public Roads and Parking lots** as a service for the City. In addition to the existing course, the Club wishes to work with the city to develop a new and larger course on city property located adjacent to the Dog Park in the McIntosh Recreation Complex. If that project is approved and developed, the conditions of this agreement would apply to this property. The Club is being formed to promote and advocate the disc golf sport which now has over 40,000 registered dues paying members on a national level. We would like youth groups to have use of the facility and once again have Peachtree City be a leader in another recreation activity that has always been an important part of the city's growth. We would have basic instruction and tournaments to promote the sport and possibly have tournaments on a state level bringing in participants from around the southeastern states. In return for providing the **safe environment** and for fulfilling the other requirements of this Agreement, the City hereby waives all usual fees for **facility** usage, which are routinely charged to other non-affiliated organizations. Such fees may be levied, however, if it is determined **that the Club** is being used to

subsidize individual income of paid or volunteer Club staff, or that events are outside of routine Club activities.

2. This agreement shall commence on the date that it is approved by the City and shall expire on December 31, 2010. A new agreement must be signed annually. Either party may terminate this agreement, provided written notice is given at least thirty (30) days in advance.
3. The City specifically agrees to authorize the Club to use the city common areas on a non-exclusive basis to **offer an enjoyable experience** at the following locations:

Village Green and nearby City Park Areas, Peachtree City, Georgia

Note: Club may develop/ use other park space in the future as approved by the City.

This agreement includes use of all support structures, unless otherwise specified:

4. The Club must provide annually, prior to the beginning of the year to the Recreation Department the current versions of:
 - a list of Board of Directors and/or Club Officers
 - a proposed budget for the upcoming year
 - a complete financial statement from the previous year
 - current set of by-laws, with amendments if applicable
 - proof of liability insurance/certificate of insurance coverage: Club shall carry a policy or policies of comprehensive general liability insurance, including personal injury with minimum limits of \$250,000 per occurrence, \$500,000 per occurrence in the aggregate. Such general liability insurance policy described above shall; (i) name City as an additional insured(s); and (ii) be issued by an insurance company having an A.M. Best rating of "A" or better and a financial category of "VI" or better (or otherwise approved by City, which approval shall not be unreasonably withheld) which is licensed to do business in the State of Georgia; and (iii) provide that said insurance shall not be cancelled unless thirty (30) days prior written notice shall have been given to City. Said policy or policies, or certificates adequate to evidence such insurance coverage, shall be delivered to City by Club at least annually or upon request by City.
5. The Club will provide the Recreation Department copies of minutes of all regular meetings, and all annual or special called meetings of the officers, Board of Directors or general membership within 30 days of each meeting. In addition, the City requests that the Club provide copies of any newsletters or special correspondence to membership.
6. The Club is empowered by the City to control the behavior of participants during their activities to the same extent the City is so empowered. The Club can eject an unruly or

dangerous participant **from** the premises during their activities. Any Club officer can exercise this authority. The Club, through these people, may contact the Police Department for assistance, if necessary.

SCHEDULES

7. The Club may coordinate their activities by other groups or entities approved by the Recreation Department if the Club has confirmed the use does not conflict with maintenance requirements, planned activities by the Recreation Department **and planned activities by other groups**. No other group, to whom a facility has been assigned, may charge a fee or allow another group to use the facility in their place for a special event. If payment is appropriate (as determined by the City Council on a case by case basis), the Recreation Department shall require payment from the requesting group or entity at the rates established by the City Council. The Recreation Department shall receive from such group or entity the payment of all deposits, all insurance information, all liability waivers required by the Recreation Department, and a completed users agreement before the group may use the facility .

8. ***Inclement Weather*** – The organization must adhere to the policies listed in the event of inclement weather.

- A. **Lightning and thunder** – All activity will be suspended following the first sound of thunder and/or sighting of lightening and *no disc throwing* will resume until 30 minutes has elapsed without a new sighting of lightning or audible thunder.
- B. **Severe weather watch** – Once a severe weather watch is announced, the organization will prepare to stop activity and secure the facilities. The organization officials will monitor the weather conditions to determine activities and safety of the facilities and its users.
- C. **Severe weather warning** – ***ALL DISC GOLF THROWING SHALL STOP!*** All participants must leave the facility in an orderly manner. The facility will be closed until there is notification that weather conditions have cleared enabling safe usage.
- D. **Extreme Heat/Cold** – In the event the National Weather Service issues an advisory regarding extreme heat or cold conditions, the organizations must alter and/or cancel program activities to ensure safety of the participants.

FACILITIES/SECURITY

9. The Club agrees to police all areas being used to ensure that trash and litter are cleaned up after use for one of their events. These areas include any support structures at a facility used by the Club. (Rest rooms, etc) A cleanup deposit of \$250 will be assessed at the beginning of each Club's season. If cleanup for each event is not done in a reasonable amount of time and the City is required to do the cleanup, then the cost to the City will be deducted from that deposit. It is the Club's responsibility to ensure that the cleanup deposit is restored to \$250 if deductions have been made. The assessment will

be implemented only if there is repeated abuse. This deposit is traditionally carried over to the next year.

10. The Club shall notify the Recreation Department of any damage, vandalism, needed repairs and/or safety issues at their respective **park space** as soon as possible, no later than the next working day. During the Club's usage of A FACILITY, if damage is a result of Club members' negligence or failure to comply with accepted operational or security measures, the Club may be held responsible for reimbursing the city for all or part of repair costs.

11. The Club is responsible for monitoring any restroom facilities, including port-a-lets, during a **special event scheduled by the Club**. Hourly inspections are suggested to ensure that their members are not purposely or inadvertently causing damage to the facilities. Repairs to damage that can be specifically tracked to Club members will be deducted from the security deposit, and it will be the Club's responsibility to restore the fund to \$250.

12. During the Club's usage of A FACILITY, the Club must not allow any alcoholic beverages and/or illegal drugs to be consumed on City property or in City facilities.

13. The Club shall allow no vehicles in other-than designated parking areas. The City's police department may issue citations for illegally parked vehicles, or for reckless operation (speeding, etc.) of vehicles on City property

14. The Club shall not be allowed, other than routine maintenance, to alter, add, delete or improve ANY FACILITIES without prior written consent by the City Council. Such alterations, additions or improvements shall meet existing applicable City codes, and become and remain City property.

15. The Club will be required to complete a separate contract for every **special event hosted by the Club at a facility**. A clean-up deposit of \$250 will be required and will be refunded if trash and litter is placed in provided trashcans or dumpsters within 24 hours following the conclusion of the **special event** hosted by a **special interest group**.

16. The city's insurance covers only the city's buildings and fields.

FINANCIAL

17. **Financial Records:** Detailed financial records (monthly/annually) shall be maintained by the Club for inspection by the City, including Receipts and Disbursements, Beginning and Ending Cash Balances and Bank Reconciliation. Financial records, receipts and disbursements shall be maintained by the Club.

18. **Audit:** The City reserves the right to conduct an internal audit (conducted by City staff) of the Club's financial records at any time. Audits can be conducted with no advance notice and the Club should be prepared to produce the requested information or documentation. The City will absorb the cost of conducting these internal audits. Moreover, if warranted by the City based on results of the internal audit, an independent audit (on the cash basis of accounting) by a Certified Public Accounting firm may be required. The Club will be responsible for the cost associated with this independent audit.

19. Club agrees to indemnify and shall hold the City harmless from any and all claims, liability, costs, or expenses for any injury or death to any person or damage to any property arising out of or in any way relating to any act or omission of its respective agents, employees, contractors, invitees, licensees, or assignees, including attorney's fees and costs of litigation which arise, in whole or in part, from this Agreement. The duties set forth in this paragraph with respect to any claims or liability occurring or caused prior to any expiration or termination of this Agreement shall survive such expiration or termination.

20. By the end of the calendar year, the club must submit back-up documentation (based on registration numbers) to support the per person/per year club member facility maintenance fee assessed to each club or youth association. These funds will be placed in a city account that is a fenced account and can only be used for the operation & maintenance to the facility of that sport. The club can make additional deposits to this account if they so choose. Funds can be accumulated, but must be spent, wholly or partially, in a three (3) year period from the time monies are deposited, unless extended by mutual agreement to both the association's governing body and the Director of Leisure Services or the Recreation Commission. There is no limit to how much can be spent on a project, so long as it is a permanent improvement to the appropriate facility. The city and the club must agree upon expenditures from their fenced account.

Signed and agreed upon this date by:

Miles Long d/b/a Peachtree City
Disc Golf Club

Mayor

Date

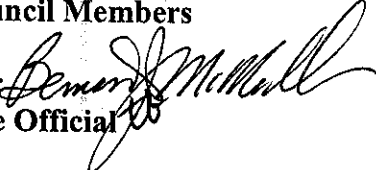
Date

Approved by the Recreation Commission April 19, 2010

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Housing Code Official

FROM: Interim Community Development Director

DATE: April 23, 2010

SUBJECT: Consider Vacant Structure Registration Ordinance
May 6, 2010 City Council meeting

Recommendation

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

Background

City Staff has been researching ordinances from other jurisdictions that require owners of vacant structures to register those structures with the city. The purpose of this registration is to maintain a database of all vacant structures; to identify the owners of such structures; to require the owners to provide a written action plan as to how they plan to maintain the structure while vacant; and to give the city the ability to inspect the property on a regular basis.

These ordinances have been adopted by other jurisdictions as a means to protect the community; to ensure vacant structures are safe and secure; to assist in maintaining property values of adjoining properties; to maintain the integrity of established neighborhoods; and to ensure such structures do not become vulnerable to criminal activities or drugs.

The proposed Vacant Structure Registration ordinance (Attachment "A") would be administered by the city's Housing Code Official and would require the owners of vacant structures, as identified within the ordinance, to register such structures with the city on an annual basis. Registration would provide the city with a contact person for each vacant structure as well as require the provision of a vacant structure maintenance plan that would identify how the property owner intends to maintain the property while vacant.

Staff is recommending a registration fee of \$200.00 for each vacant structure, which would be incorporated into the Fee Schedule as adopted by City Council and maintained by the City Clerk. Inspection and re-inspection fees for vacant structures would be the same as those already established within the fee schedule (\$50 for first inspection, \$75 for re-inspection and \$100 for subsequent re-inspections).

Consider Vacant Structure Registration Ordinance

April 23, 2010

Page 2

Once established, Staff will provide updates to City Council on a 6-month basis as to how many vacant structures have been registered and the effectiveness of the maintenance programs.

Attachment

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 where one or more persons actually conduct a lawful business or resides in all or any part of the structure as the licensed business-occupant, or as the legal or equitable owner or occupant or tenant on a permanent, non-transient basis or any combination of the same.

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 to the Director 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 by the Director for an owner to register a vacant structure in the city.

Re-inspection fee means the fee as established by City Council resolution which may be assessed for each re-inspection when such violation was not corrected after inspection.

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 means a structure or building that is unoccupied for a period of one hundred eighty (180) consecutive days or more. For multi-unit building or multi-family dwelling unit, each building shall be deemed vacant if it is more than 50% unoccupied for a period of one hundred eighty (180) consecutive days or more.

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

Sec. 18-283. Registration.

- (a) The owner of a vacant structure shall register that structure by completing and filing with the Director a registration form, completing and filing with the Director a vacant structure maintenance plan form, and remitting to the Director the registration fee as established by City Council within one hundred eighty (180) days from the time the structure becomes a vacant structure in accordance with this chapter. Thereafter, the owner of the

vacant structure shall annually register that vacant structure by completing and filing with the Director the registration form, completing and filing with the Director a vacant structure maintenance plan form, and remitting to the Director the registration fee as established by City Council on or before October 31 of every year such structure becomes occupied or the ownership is transferred.

- (b) Upon payment of the full amount due of the annual registration fee to the Director by an owner of a vacant structure, the requirements for the remittance of the annual registration fee have been satisfied.
- (c) The Director shall provide the registration form that the owner shall complete and file with the Director. 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 by the Director.
- (d) The Director shall provide a vacant structure maintenance plan form that the owner shall complete and file with the Director.
- (e) If the status of any registration information changes including ownership information or if the structure becomes occupied, the owner shall contact the Director in writing within thirty (30) days to report such changes.
- (f) Any new owner of a vacant structure shall update the registration of that vacant structure by completing and filing with the Director a registration form; completing and filing with the Director a vacant structure maintenance plan form; and remitting to the Director the current annual registration fee for that vacant structure, if it had not been previously paid; and, thereafter, annually registering as described above for an owner.

Sec. 18-284. Vacant structure determination.

- (a) If the Director has reason to believe that a structure has been vacant for at least one hundred eighty (180) days and it is unregistered, 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. 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. 18-285. Fees.

- (a) A registration fee and re-inspection fee is hereby authorized to be charged to the ownership of all vacant structures. The fees shall be used to cover the administration of the vacant structure registration program and inspections. The registration and re-inspection fees shall be established by City Council by resolution.
- (b) The registration fee shall be paid on an annual basis. The registration fee billing period shall be October through September (billable in October). The registration fee payment shall be due to the Director by October 31 of every year until such time the structure becomes occupied. Re-inspection fees may be billed monthly and payments shall be due to the Director within thirty (30) days from the billing date.
- (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 inspections required by this chapter. Should there be an unexpected balance at the end of any year, the City shall adjust the fees for the succeeding year, so that the amount produced and paid to the city, together with the unexpected balance will be sufficient to pay the expenses of carrying out the provisions of this chapter.
- (d) All fees shall be applied to the year in which they are billed.

Sec. 18-286. Exceptions.

Upon an owner's written request to the Director for an exception to the registration fee requirements and a finding by the Director 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/ repair.
- (b) A vacant structure that is being actively marketed for sale or lease for less than twelve (12) months 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 for less than twelve (12) months.

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. 18-287. 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 not to exceed five hundred dollars (\$500). Each day that the violation continues shall be considered a separate offense.

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

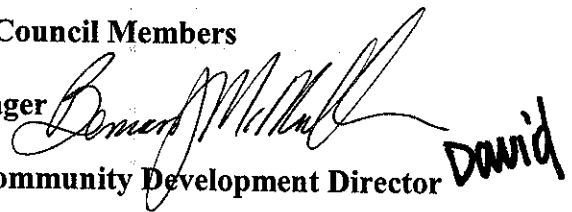
Attest:

City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: Interim Community Development Director *David*

DATE: April 23, 2010

SUBJECT: Consider variance request from Section 1004(b)(4)a. and b. of the city's Watershed Protection Buffer ordinance - 614 Wingspread
May 6, 2010 City Council meeting

Recommendation

That Council continue the Public Hearing for this item until the May 20 City Council meeting.

Background

A complete application for the proposed variance request was submitted on April 15, 2010 and advertised pursuant to the requirements established within our ordinance. Following that, the Applicant notified us they would be out of the country on May 6 and requested that the Public Hearing be continued until the May 20 City Council meeting (Attachment "A").

Staff has no objections to this request and will post the property with the new meeting dates.

GLOVER & DAVIS, P. A.

ATTORNEYS AT LAW

ESTABLISHED 1935

NEWNAN (770) 683-6000

PEACHTREE CITY (770) 487-5834

www.gloverdavis.com

NEWNAN OFFICE:

P.O. DRAWER 1038

10 BROWN STREET

NEWNAN, GEORGIA 30264

FACSIMILE (770) 683-6010

PEACHTREE CITY OFFICE:

1125 COMMERCE DRIVE

SUITE 300

PEACHTREE CITY, GEORGIA 30269

FACSIMILE (770) 487-3492

April 22, 2010

VIA EMAIL AND US MAIL

David E. Rast, ASLA
153 Willowbend Road
Peachtree City, Georgia 30269

RE: Robert and Daye Bexley Variance Application

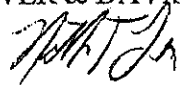
Dear Mr. Rast:

As we have discussed via email, my clients will be in France on May 6, 2010 on a family trip which has been planned for a long time. My clients very much would like to be present when this matter comes before the Mayor and Council for consideration.

Please allow this letter to serve as a request that the public hearing on this matter be continued until the May 20, 2010 meeting of the Mayor and Council so that my clients may attend in person. It is my understanding that this matter will be so continued until May 20, 2010. If I am incorrect in my understanding and I need to attend the May 6, 2010 meeting, please let me know.

Best regards,

GLOVER & DAVIS, P.A.

By: 

Nathan T. Lee

NTL/bc

cc: Bob and Daye Bexley (via e-mail)

Pam Dufresne (via e-mail)

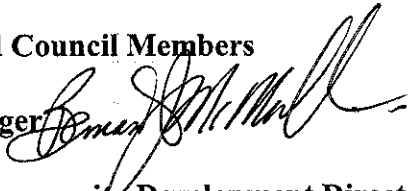
Theodore P. Meeker, III, Esq. (via email)

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CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager 

FROM: Interim Community Development Director **David**

DATE: May 5, 2010

SUBJECT: Consider enacting a moratorium on new requests for telecommunication towers and antennas.
May 6, 2010 City Council agenda

Recommendation:

That Council enact a moratorium on new requests for telecommunication towers and antennas, and that the moratorium be lifted no later than the July 15, 2010 City Council meeting.

Discussion:

City Staff has reviewed the City's ordinances pertaining to telecommunication towers and antennas and has compared this information to ordinances from other jurisdictions as well as model ordinances from the wireless industry. In addition, Staff and representatives from both the Planning Commission and City Council met with representatives from various wireless carriers to discuss their present and future needs within our community. Staff has also conducted two joint workshops with the Planning Commission and City Council to discuss our current ordinance compared to the needs of the wireless industry.

The City's current Telecommunication Towers and Antennas ordinance was last amended in 1998, following the adoption of the 1996 Telecommunications Act. Since that time, changes in technology have occurred, as well as revisions to applicable Federal Statutes and Regulations regarding such uses.

In order to comply with these regulations, additional information will need to be submitted for sufficient staff review of all new proposed towers within the city. Staff has incorporated these requirements into a new submittal application as well as an amended ordinance, both of which are available for review on the City's website. The intent of these changes is not only to comply with Federal Regulations, but to enhance the City's regulatory framework for reviewing and processing these applications.

Consider implementing moratorium

May 5, 2010

Page 2

In order to ensure there is sufficient time to review these amended documents with the Planning Commission, City Council, residents and the wireless industry, Staff is requesting that a moratorium be imposed through and including July 15, 2010. It is our intent to use this time to complete additional work and/ or research prior to presenting these documents to City Council for adoption at their July 15, 2010 meeting.

Both the draft amendments to the ordinance and the new application are available for review on the City's website at <http://www.peachtree-city.org/index.aspx?nid=803>.

Budget impact:

There are no budget impacts associated with this request.

Attachment

CITY OF PEACHTREE CITY
STATE OF GEORGIA

RESOLUTION No. _____

A RESOLUTION TO ADOPT A MORATORIUM ON THE ACCEPTANCE OR APPROVAL OF APPLICATIONS FOR NEW TELECOMMUNICATIONS TOWERS AND ANTENNAS, INCLUDING BUT NOT LIMITED TO BUILDING PERMIT APPLICATIONS OR ANY PERMIT APPLICATIONS FOR SUCH STRUCTURES; OR THE ACCEPTANCE OF CONCEPTUAL SITE PLANS OR FINAL SITE PLANS WHICH REFERENCE OR INCLUDE TELECOMMUNICATIONS TOWERS AND ANTENNAS WITHIN THE CITY OF PEACHTREE CITY, GEORGIA; TO REPEAL CONFLICTING LAWS AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Peachtree City, Fayette County, Georgia, was duly incorporated by an act appearing at 1959 GA Laws, p. 2049, as amended by Ordinance No. 770;

WHEREAS, the City Council of the City of Peachtree City, Georgia, is the duly authorized governing body of the City; and

WHEREAS, decisions by the City Council are binding law upon all persons within the corporate boundaries of the City of Peachtree City, Georgia; and

WHEREAS, the City Council of the City of Peachtree City has adopted regulations for telecommunication towers and antennas within the City, as codified in the Code of Ordinances and Zoning Ordinance of the City of Peachtree City; and

WHEREAS, the City Council of the City of Peachtree City desires to review and potentially revise and amend the regulations applicable to telecommunication towers and antennas under the existing City's Ordinances, taking into account judicial decision, and changes in Federal Law and Federal Regulations since the adoption of the City's existing regulations; and

WHEREAS, such comprehensive review should focus on the location of such uses, consistency with the City's Comprehensive Plan, lot size, building size, setbacks, height, and other environmental factors for such uses; and

WHEREAS, City staff has already initiated a comprehensive review of such uses and has prepared revisions to City ordinances and the relevant applications for such uses; and

WHEREAS, it appears that a comprehensive review of the regulations contained in the City's Ordinances with regard to such uses is in the best interest of the residents and property owners of the City in order to better protect their health and welfare and to protect property values in the city; and

WHEREAS, the City Council will defer to the Planning Commission and staff for a review of such uses under the Peachtree City Code of Ordinances and the Peachtree City Zoning Ordinance and will determine if revisions to such ordinances are necessary; and

WHEREAS, the Planning Commission shall consider these items at their meeting on June 14, 2010 and the City Council shall consider the report of the Planning Commission at their meeting no later than July 15, 2010; and

WHEREAS, during the process of reviewing the development standards for telecommunications towers and antennas, the City Council has determined that in the best interest of the residents and property owners of the City of Peachtree City that the City Council temporarily freeze the development of such uses in the City of Peachtree City until such time as the review process is complete; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens and property owners of the City of Peachtree City that a moratorium on the acceptance or approval of applications for telecommunications towers and antennas, including but not limited to, submission of building permit applications or any permit applications for such structures, or the acceptance or approval of conceptual site plans or final site plans which reference or include telecommunications towers and antennas within the City of Peachtree City, be adopted during the pendency of the review and consideration of and the possible adoption of a text amendment to the Code of Ordinances and the Zoning Ordinance of the City of Peachtree City to clarify the appropriate zoning, land development, or other regulations for such uses within the City of Peachtree City.

THEREFORE, BE IT RESOLVED that the City Council of the Peachtree City Council does hereby impose a moratorium on the acceptance or approval of applications for telecommunications towers and antennas, including but not limited to, submittal of building permit applications or any permit applications for such structures, or the acceptance or approval of conceptual site plans or final site plans which reference or include telecommunication towers and antennas within the City of Peachtree City;

FURTHER RESOLVED that the moratorium shall become effective at 8:00 a.m. on Friday, May 7, 2010, and shall expire no later than 8:00 a.m. on Friday, July 16, 2010 unless otherwise terminated by adoption of an ordinance by the City Council addressing the issue.

BE IT FURTHER RESOLVED that this moratorium shall not apply to any applications for building permits received by the City as of the date of this Resolution for such uses or for which the conceptual site plan and/ or the final site plan for such uses has been approved as of the date of this Resolution.

IT IS SO RESOLVED, this _____ day of May, 2010.

ATTEST:

Betsy Tyler, Acting City Clerk

Don Haddix, Mayor

