

City Council of Peachtree City

Agenda

April 15, 2004

7:00 p.m.

- I. Prayer
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
National Library Week Proclamation
- IV. Minutes
March 26, 2004, Special Called Meeting Minutes
April 1, 2004, Regular Meeting Minutes
- V. Consent Agenda
- VI. Old Agenda Items
 - 03-04-02 Discuss Traffic Calming Devices in Smokerise Subdivision
 - 03-04-08 Consider Special Events Policy
- VII. New Agenda Items
 - 04-04-03 Alcohol License – NEW – W.K. Café Braelinn
 - 04-04-04 Consider Intergovernmental Agreement with Development Authority
for Funding
 - 04-04-05 Award Contract for Quint Fire Truck
 - 04-04-06 Award Contract for Ambulance
- VIII. Council/Staff Topics
- IX. Executive Session

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

City Council of Peachtree City
SPECIAL CALLED MEETING
Minutes of Meeting
March 26, 2004
8:30 a.m.

The City Council of Peachtree City met in a special called meeting, Friday, March 26, 2004, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 8:35 a.m. Other Council Members present were: Stuart Kourajian, Judi Rutherford, and Murray Weed. Steve Rapson did not attend.

The purpose of the meeting was to hold an executive session to discuss pending or threatened litigation. Rutherford moved to reconvene in executive session to discuss a matter of pending or threatened litigation. Kourajian seconded. The motion carried unanimously.

Weed moved to reconvene in regular session. Rutherford seconded. The motion carried unanimously.

Rutherford moved to authorize the City Attorney to make the counter-offer to the parties in the Kedron lawsuits as discussed in executive session. Kourajian seconded. The motion carried 3-1 (Brown).

There being no further business to discuss, Rutherford moved to adjourn the meeting. Kourajian seconded. The motion carried unanimously. The meeting adjourned at 9:35 a.m.

Pamela Dufresne, Recording Secretary

Stephen D. Brown, Mayor

City of Peachtree City
Minutes of Regular Meeting
April 1, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, April 1, 2004, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown read a proclamation for Building Safety Week and presented it to Building Official Tom Carty. Brown read a proclamation for Red Hat Day. Several Fayette County Homeschoolers were recognized for their participation with the Line Creek Association in a mussel relocation project at Line Creek. Barbara Swafford was recognized for her service on the Library Commission.

Minutes

Rutherford moved to approve the March 18, 2004, regular meeting minutes as amended. Rapson seconded. The motion carried unanimously.

Monthly Reports

Brown noted several upcoming events, including the annual Council Retreat on April 16-17, Touch-a-Truck on April 17, Community Action Day on May 1, and Memorial Day on May 31. The City offices would be closed on Memorial Day and the golf cart rally would start at 7:15 a.m.

Rutherford pointed out that there had been 700 more traffic citations issued to date in 2004 than at this time in 2003 and asked if there was a specific reason. Chief Murray was not present at the meeting to answer the question. City Manager Bernard McMullen said part of the reason was that some members of the Police Department were deployed last year and had returned to duty this year.

Brown also noted that participation in adult athletics had increased slightly. The top five accident sites were GA 54/75, GA 54/Commerce Drive, GA 74/Crosstown Road, GA 54/Willowbend, and Peachtree Parkway/Flat Creek Road. Brown said it was the first month since he had been in office that GA 54/Planterra Way had not been on the list. Cart path paving had doubled in 2004, and 8,859 feet had been paved year to date compared to 4,675 feet last year. Brown attributed the increase to better weather. Weed added that the City had also purchased new equipment that turned the existing path into the base for the new pavement, which saved time.

Consent Agenda

1. Award Contract for Kedron Restroom/Concession Area

Rutherford moved to approve the Consent Agenda. Kourajian seconded. The motion carried unanimously.

Kourajian asked when the construction project would start. Leisure Services Director Randy Gaddo explained that construction should begin in about two and one-half months. Kourajian asked if any of the athletic seasons would be disrupted by equipment. Gaddo said they should be able to work around it and not impact the use of the rink. He added the project was a separate, stand-alone building.

Old Agenda Items

03-04-07 Award Contract for Satellite Auto Shop

Brown noted there was an additional document on the dais – an e-mail from the City Manager to Mayor and Council, with an article from the Atlanta Journal-Constitution dated February 17, 2004. There had been a request from City staff to hold this agenda item until there was a ruling from Georgia Supreme Court. Rutherford moved to hold the agenda item until there was a decision from the Georgia Supreme Court. Rapson seconded. The motion carried unanimously.

New Agenda Items

04-04-01 Consider All Children's Playground Select Committee Funding Request

Gaddo told Council staff was requesting guidance on a request from the All Children's Playground Committee. He continued that the Mayor received a letter dated March 17 from Colleen Sugar, the chairwoman of the committee, requesting that \$10,000 from the playground line item in the Recreation budget be allocated to complete phase three of the playground. Gaddo continued that the playground money in the budget had already been expended for new playground equipment at Blue Smoke Park, Big Pine Park, and Planterra Park. Gaddo said if it was Council's desire, then funds could be reprogrammed from the 2003 surplus carryover funds to the playground line item.

Rutherford asked for an explanation about the surplus and where it came from.

Finance Director Paul Salvatore requested Council take the money from the Public Improvement Program (PIP) contingency fund, where there was \$224,000 available. Salvatore said the final results of the audit had not come in yet and they were not sure how much surplus funding was left. He said he had not spoken to Gaddo about the matter yet.

Rapson pointed out that the All Children's Playground had already received \$5,000 under CAR 8-3. He said the committee was not a non-profit group and should not have been funded under the CAR. The committee was, in essence, an approved subcommittee under the Recreation Commission, so the CAR did not restrict them to begin with. He continued that redirecting surplus carryovers pertained to an audit of cash and could end up around \$350,000-400,000, but that money would put the City in compliance with the fund balance reserves needed subsequent to next year. Rapson said his only suggestion was the funding mechanism. Rapson said there was \$36,000 left in Council Contingency and \$220,000 in PIP. He felt PIP funds should be used for capital projects, which this

would fall under. Rapson added that there were no buildings or other projects that would need the PIP contingency funding through the end of September.

McMullen agreed and said the projects that had been identified for the PIP contingency fund this fiscal year were the satellite auto shop and the GA 54 West widening. Because of delays, those projects would be delayed until next year.

Rapson said he had spoken with Geri Holt earlier in the day and she supported the effort to complete the playground. The City was the first to have a playground of this type, and something needed to be done to complete it. He reiterated that the City sponsored the committee and he supported the request.

Weed pointed out that Council had just approved \$148,900 to build restrooms at Kedron, and the All Children's Playground Committee, with the help of volunteers, had raised \$140,000 in private money to build phases one and two. Weed asked what the Council was about if they did not support this request.

Rapson moved to take \$10,000 out of PIP contingency to fund the final phase of the All Children's Playground. Weed seconded.

Kourajian asked if there were any other priorities that would need the money in the PIP contingency fund. Salvatore said the money was for contingency on construction projects budgeted this fiscal year in the PIP fund. Due to a lot of delays, the City would not spend all of the money on construction projects. As a result, staff was not as concerned about having all the money set aside for the contingency on those projects. Staff felt the City could easily give up \$10,000 out of the PIP contingency fund at this time. Rapson added the PIP contingency fund was also used for capital equipment purchases. Rapson further explained that if Gaddo had put a bid out for playground equipment and the lowest bid had come in at \$45,000 rather than \$40,000, then the extra \$5,000 would have come from the PIP contingency fund. Rapson said that was another reason he supported taking the money from that fund as opposed to Council contingency.

Kourajian said that made sense, especially since the committee was not addressed as a non-profit, to do it this way. Rutherford asked why money for the playground had never been put in the budget.

Weed gave a brief history of the project. He said Sugar began the project when they found there was not a place for their handicapped son to participate in recreational activities. She approached Council when Bob Lenox was mayor and Council gave the land, but charged Sugar with making the playground happen. The committee was formed as an official subcommittee of the Recreation Commission. The committee had raised \$140,000 and completed two phases. The \$10,000 they had requested allowed the committee to finish phase three.

Brown said the perception in the beginning might have been that only a select group would use the playground, but all children used the playground.

Gaddo said he had been in his position about a year when Sugar came to him. Gaddo said he knew that playgrounds were something the City needed to pay attention to, and Sugar had opened his eyes to all the playgrounds. He continued that it was expensive to make a playground accessible to all children and there was nothing in the PIP or the playground budget. Sugar had done a fantastic job of raising money.

The motion carried unanimously.

04-04-02 Request from DirectPac to Discuss Wieland Annexation – to consider lifting it or reaffirming it in light of proposals being openly discussed on the Wieland property

Brown noted there was an additional document on the dais, including a memo from the City Manager to the Mayor and Council dated March 30, 2004, with the subject "Request from DirectPac to Discuss Annexation Moratorium," with supporting documents.

Rex Green of DirectPac addressed Council. He noted there was a moratorium on annexation, but the proposed annexation of the West Village had been in the news because of the Mayor's efforts with the Wieland project. Green said if discussion was something the Council should decide to have, then the members of the organization would like for Council to discuss the issue. Green said DirectPac was in favor of the annexation, but that was not the issue. He continued that there were ordinances in place that should be followed or changed so the right people could become involved in planning and so what happened was best for the citizens.

Brown said Council had a discussion on annexation on the April 16 Retreat agenda. Weed added that the Retreat was a public meeting.

Kourajian asked when the original annexation plan for the Westside came out. Brown said there had been several plans over time. Kourajian asked who was involved in the process at the time.

City Planner David Rast told Council that former Mayor Bob Lenox had appointed a 15-20 member task force that met for several months to look at the area and annexation. The task force included representatives from the property owners and the community. A consultant was hired to work with the task force and Council had a list of items that had to be included in the plan, including parks, cart paths, access over the rail line, and open space. Council also outlined parameters such as keeping in the village concept, dedication of the school site, and other items. The plan included the undeveloped property from Cedarcroft to Tyrone. Wieland took a portion of that property and developed Centennial. Rast noted that all but a sliver of the Centennial subdivision was located in the City, and that sliver had been annexed into the City.

Rast continued that the Centennial proposal originally included two-acre lots for the County portion of the property, but the plan did not work, so Council lifted the moratorium. At the time, there was also a limit to the number of units allowed in the overall development. A multi-family unit of fee simple townhomes was also included.

Weed asked for a timeline of the events and what the results of the task force were. Rast said the task force was formed about six years ago when the multi-family moratorium was in place. The annexation moratorium was also enacted. Staff spent a tremendous amount of time on that annexation request, and the end result was that Council did not want the annexation. Other annexations were brewing at the time and Council did not want the staff spending a lot of time on looking at annexations. The moratorium was set up so that Council would consider a request to lift the moratorium on that particular parcel of land and bring it through the process. Weed asked if a written report was generated on the task force findings. Public Information Officer Betsy Tyler said there were minutes from the task force meetings and Council meetings. Council asked for the information to be placed in their boxes. Rast said the task force reported their findings to Council, which was an elaborate process.

Rutherford said she had requested that annexation be discussed at Retreat. She said she had concerns that staff could not discuss it, while the Mayor could. Rutherford continued that, if Council wanted to look at annexing the west area, then it needed to look at how to do it, either piece by piece or the entire area, and how to go about it. Rutherford also wanted to know how the County felt about the annexation. She said she did not like the fact that the County wanted two acres per house and Wieland wanted two houses per acre. Rutherford said she looked at Retreat as a workshop for Council. Rapson said he would like to see a list of task force members, the guidelines the task force received from Council, and the drafts and final plan. Rapson said he did not have enough information and did not need to reaffirm the moratorium. He felt the Retreat was the best place for the discussion. Rutherford said she did not want to reinvent the wheel, but the information was out there and she wanted that information. Rapson said he did not want staff to spin its wheels if an annexation was not something Council was willing to approve.

Phyllis Aguayo told Council that she had served on the task force and that the project presented was not in the best interest of the City. Aguayo said an annexation should be advantageous to the City. The developer of that project said there had to be a by-pass road to take the traffic off GA 54 and put it on GA 74. The developer said to make it worthwhile to build a bridge over the railroad, then they would have to have higher density to bring in enough money. Aguayo continued that after examining the environmental impact and the impact of the homes, the task force determined that the density would create traffic. The congestion on GA 54 would not be exacerbated, but moved to GA 74. Aguayo said the members were not against annexation per se, but the density. When the task force saw what would happen if the land were left in the County, then they decided it was best to leave the land in the County.

Brown noted, for the record, that task force opinions were split and there was not a consensus. Aguayo said that was why the vote went the way it did because even the members who supported annexation did not believe the project was good for the City. She said there were very few who wanted the annexation to happen as proposed. Brown added that another primary reason, after looking at the minutes, was the negative impact on the school system. Aguayo said that was part of it, as well as traffic.

Aguayo said the task force did not create the proposal, but it was their job to evaluate the plan. Aguayo said there was nothing suggested to the developer that was to the advantage of the City that the developer agreed with. She said even task force members who were part of the development community voted against it because the plan was not in the best interest of the City. Kourajian said Aguayo's comments were interesting and said there should be people working with the developers on the plan. Brown said he had also been against the plan, and the City should take a serious look at some of the issues.

Rapson moved to table the agenda item and discuss it at Retreat as currently scheduled on Friday, April 16. Weed seconded.

Barbara Swafford asked if the Wieland plan was not altogether different from the previous plan. Rutherford pointed out that plan was not as large and did not include all the landowners. She added the road would come out at the Comcast location on GA 74, not in the Kedron area, and would be an at grade crossing. Kourajian noted that the Wieland plan was all they knew about, and there could be other plans that were out there.

Brown said that with an annexation moratorium in place the City could not initiate the conversation. He said that was the reason he brought the matter forward and tried to initiate the conversation on his own. John Wieland Homes & Neighborhoods had purchased the land in the County. They had planned to build the area as an extension of Centennial and had plans for a loop road at MacDuff Parkway. If that happened, Brown said the City would lose its chance for an at-grade crossing at south Kedron or at north Kedron. Brown said he went to Wieland and asked the developer to look at some other things.

Swafford noted that homes were still being built in the area. The traffic was getting worse and that affected all the citizens. She said she hoped Council would consider what the voters wanted. Swafford said the things Wieland would do for the City seemed to go along with what people wanted.

Rapson said the discussion and debate was great, but it belonged in a workshop. He said just as many residents favored annexation as were adamantly opposed to it. A workshop would give everyone a vehicle to come and express their opinions. Rapson said there needed to be a consensus from Council on whether or not to move forward. If Council did move forward, then the right people needed to be involved.

Brown continued that one document said City law forbade annexation, but annexation was not forbidden. Another item said his actions appeared to be in violation of the City's annexation moratorium. Their other document said "arguably the Mayor was not City staff so he could do this without violating the law." Brown noted that at the on-site invitation only meeting he had invited the news media so that what happened in the meeting would get out to the public. Another part talked about his competency and Brown said he did have a limited level of competency and that was why he brought in experts in land planning and other areas to the meeting. Brown continued that there would always be an island in County between the City and Tyrone unless the City annexed the entire parcel.

Brown said, in his view, the annexation moratorium had historically been a Pathway/PCDC protection mechanism. Pathway reaped a lot of benefits from the moratorium in the days the City was a company town. Some of the development opportunities had created better amenities than what the City had, but they should not be used to create only the amenities. They should vastly improve what the developer should be putting in. He added that it was time to start asking developers to improve the infrastructure and he wanted to set the bar very high. The City needed developer opportunities that aided the City in the long term, and this project was something that would help in the long term. The population growth around the City would not remain static. The eastern part of Coweta County would continue to grow at a rapid pace. He said GA 54 West would get worse. Brown said the City needed to be proactive and go to developers and land owners with what the City wanted to see in the future. Brown said the reason the City enacted a moratorium was because it was tired of hearing poorly crafted plans devoid of community character. Brown said the City needed to come up with what it wanted to see on the property and take it to the landowner.

Dennis Chase of the Line Creek Association told Council he had received a call from one of Wieland's designers and he had gotten the impression that they were just starting their plans. He said Wieland was not far along on the plans whether the property was annexed or remained in the County. The designer had not even seen the property yet.

Rutherford said she wanted to discuss annexation and get a clear understanding of what Council would accept in an annexation. Chase said he had worked for, and against, Wieland on other projects and that the developer had a tendency to use cookie cutter plans and push things to the limit. Chase said you could not discuss the concept without looking at what would happen if the property were not annexed.

Wayne Roberts noted the delays in getting traffic in and out of MacDuff Parkway. The proposed extension of MacDuff was important to him as a resident in the area and urgent if he wanted to continue to live in his subdivision. He said Chase brought up a good point and the City had to have an eye open to counterproposals. Roberts said he went to the earlier meeting and had attended a homeowners association meeting afterward. Only one homeowner in Wynnmeade was against the extension of MacDuff Parkway, and that owner's land backed up to MacDuff. Roberts said the City could not give a developer

any density they wanted carte blanche. If MacDuff were lengthened, then it needed to be a winding road with speed humps or stop signs that would be detrimental to cut-through traffic.

Rutherford agreed that the City needed to be aware of what could happen in the area if it was not annexed, but said the City should be willing to work with the County.

Steve Lowther told Council he lived in Centennial, but did not represent the subdivision. The subdivision was growing rapidly and other neighborhoods would too. He felt the density level was good; however, he wanted to get a through road as quickly as possible. A traffic corridor like Peachtree Parkway would be ideal. He explained that people sometimes had to wait through three changes of the traffic light just to block the intersection. Lowther said that in order to control the density, the area had to be in the City.

Mary Chapman, a local realtor, told Council that she had sold houses for every builder in the County and that John Wieland did what he said he would do. He honored warranties and listened to what people wanted

Aguayo urged Council not to annex any property unless a plan was in place. She said to make the plan the zoning and the purpose of the annexation. She continued that a lot of the land in the area was not developable, and acreage that cannot be developed should be taken out of the density calculation before work began. Wieland had promised his customers the road would happen. Potential buyers wanted the road. She felt the County would be happy to work with the City on development in the area.

Brown said he preferred to use the word impact instead of density to broaden horizons. For example, he pointed out a 25-story tower in Buckhead that has hundreds of people living in it, most empty-nesters. The traffic impact was insignificant since they did not drive during the busiest drive times or they used the building's van. Different styles of buildings for different demographics could be segregated to minimize the impact.

Rapson said the irony was not lost on him because Lenox and Brown were saying the same things. The concerns and items being addressed were proper. Rapson said what he heard from the citizens were not the concerns being addressed, but that the right people be involved in the discussions. Council needed to develop the parameters in a workshop meeting. Rapson said this discussion had turned into a mini-workshop and it was time to move on.

Weed said as long as he was on Council there would not be an environment where some people could talk and others could not. Council agreed. Rutherford said everyone who put their hand up had spoken. Brown said they needed to look at the documentation from the 1984 and 1990 task forces for the same area.

The motion carried unanimously.

Council/Staff Topics

Rapson pointed out that the funding for the \$150,000 Kedron Restroom/Concession project came from the County for that purpose. He said it was important to note that.

Rapson said he had spoken to City Attorney Ted Meeker earlier about the Target consent order. In Section 2a, Rapson wanted Meeker to look into the 50,000 square-foot outparcel and find out if the outparcel would fall under the Big Box Ordinance. Meeker said the ordinance would apply and they were in the process of clarifying the issue.

Meeker said there was pending and threatened litigation to discuss in executive session. Rutherford moved to reconvene in executive session for pending and threatened litigation. Weed seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Weed seconded. The motion carried unanimously.

Rutherford moved to give the City Attorney the authority to make an offer of compromise as discussed in executive session. Weed seconded. The motion carried 4-0-1 (Rapson).

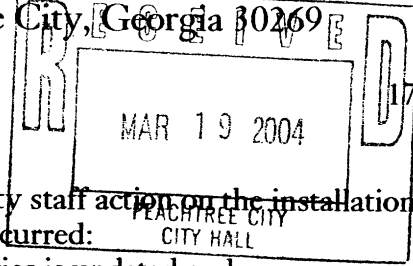
There being no further business to discuss, Rutherford moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 9:00 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

Cecilia H. Eifert, LtColonel, USAF - retired CC: Council
110 Hidden Springs Lane ~ Peachtree City, Georgia 30269



March 2004

Dear Members of the City Council,

I am writing to request that you immediately suspend all city staff action on the installation of speed humps on Smokerise Trace until the following two actions have occurred:

- (1) the May 2000 traffic study for the Smokerise Communities is updated and
- (2) a public hearing about Smokerise Trace speed humps is held.

I am making this request for several reasons:

(1) Reason #1 -- Inadequate public comment: Only a fraction of the affected residents were questioned about the concept of speed humps on Smokerise Trace. Less than half of the 242 total households in the Smokerise Communities were contacted about speed humps on Smokerise Trace. The households contacted are those which comprise the Smokerise Plantation Homeowner's Association. The Smokerise Homeowners Association stated that 71% of those who responded favored speed bumps, however, it's unknown how many households actually responded to the questionnaire. There are unconfirmed reports that a mere 30% of the households in Smokerise Plantation bothered to complete the questionnaire. The residents of the 130 households in the two other Smokerise Communities were never contacted. These residents are just as affected by what happens on Smokerise Trace as those in Smokerise Plantation and they should have been contacted. The installation of speed humps along the main corridor of the Smokerise Community will have a negative impact on property values. Informal telephone surveys indicate that as many as 80% of the overall Smokerise population oppose the speed humps. (For example, I personally travel the *entire length* of Smokerise Trace a minimum of four times every day during the school week and a minimum of twice daily on weekends.)

NOTE: By way of some background that you may not be aware of, there are three distinct communities with a total of 242 homes which comprise the Smokerise Communities:

a) Smokerise Plantation -

- 112 homes on Tinsley Mill, Smokerise Trace, Chimney Sweep, and the portion of Smokerise Point west of the tot lot and tennis courts
- developed in six phases in the mid-late 1908s by SMS Associates (Terry Foster & John McMullan)
- has a mandatory homeowners association with 100% participation (because liens are placed on non-payers' property); dues generate approximately \$18,000 per year, some of which will be used for the proposed speed humps.

b) Smokerise Estates -

- 103 homes, with 68 lots to be developed in 2007-9; consists of Smokey Way, Emerald Court, Prestige Point, Ridgestone Court, Loyd Road, Ashley Way, Greystone Court, Majestic Court, Tuxedo Lane, and Embassy Court
- developed in six phases in early to mid 1990s by Bill Gibson (four phases) and Scott Bradshaw (two phases)
- does not have a homeowners association

c) Smokerise Crossing -

- 27 homes , with three pre-sales under construction and 19 more lots to be developed during the rest of this year and into next year; there will be a total of 49 homes at build-out; consists of Hidden Springs, Clear Springs and White Springs Lanes
- does not have a homeowners association

(2) Reason #2 -- Virtually no notice to affected homeowners. The way the speed hump issue was listed on the 4 March City Council meeting agenda was misleading; it merely said "DISCUSS (emphasis mine) Traffic Calming Devices in Smokerise Subdivision"

(3) Reason #3 -- Unnecessary expense. The expense to the taxpayers for the construction and installation of four speed humps is far greater than the \$1800 reported in the press. That amount represents incidental costs of the project, such as staff time etc. The actual cost will be approximately \$6000 to the city and \$15000 to the homeowners. City money (not to mention the Plantation Homeowners Association funds) would be better spent on repairing cart paths in the Smokerise Communities.

(4) Reason #4 -- Misrepresented traffic problem. Reports of speeding, an unusually high volume of traffic, and serious accidents on Smokerise Trace have been greatly exaggerated and are inconsistent with the observations, studies and records maintained by city staff. Violations that have occurred on Smokerise Trace have been ably handled by the city Police Department. Periodically increasing police visibility can be requested from the city in order to help maintain traffic safety.

Thank you in advance for your favorable consideration of this request. Please let me know if you have questions or need any additional information. I can be reached at 770-632-6417 (home) or 404-667-8906 (cell) or via email: ron-cele@worldnet.att.net

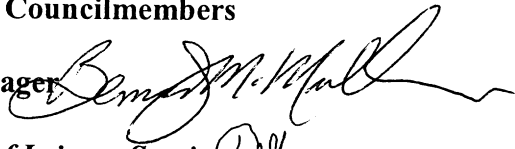
A handwritten signature in black ink, reading "Cecilia H. Eifert". The signature is fluid and cursive, with a large, stylized "A" at the end.

Cecilia H. Eifert, LtColonel, USAF - retired

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers

VIA: City Manager 

FROM: Director of Leisure Services 

DATE: April 9, 2004

SUBJECT: *(Revised CAR 23-1, Procedures for Obtaining Permits for Special Events)*
(March 18 City Council Agenda)

Recommendation: Request that City Council provide comment and input on the attached revised CAR 23-1, Procedures For Obtaining Permits For Special Events.

Discussion: The attached policy provides city staff with more detailed criteria upon which to evaluate and gauge support of requests to hold special events on public property. Approval of this policy was held at the March 18, 2004 Council meeting until it was reviewed by the Tourism Association Board of Directors. The TA reviewed this document at their meeting on April 7, 2004 and will be submitting a letter outlining their concerns with the policy within the next few days. Due to the concerns raised by the TA it is requested that the Council review and provide their comments and then the policy can be modified to address all concerns.

The policy formally establishes the "Special Events Review Committee," consisting of staff from cognizant city departments as well as a member of the Recreation Commission. This Committee meets quarterly to review upcoming event requests in order to ensure smooth coordination between the city and organizers. The City Attorney assisted in drafting and reviewing this policy. It has been reviewed and approved by the Recreation Commission in public hearings, and public input has been incorporated into it as well.

Budget Impact: There could be a nominal positive affect on revenue because of fees charged to cover expenses of supporting events (fee schedule attached).

PROCEDURE FOR OBTAINING PERMITS FOR SPECIAL EVENTS

Statement of Policy	Section 1	Fines	5
Application Procedure	2	Traditional Events	6
Processing of Applications	3	Severability	7
Review Procedures/Appeals	4	Responsibilities	8

Non-Applicability: This policy does not apply to requests from citizens to reserve parks or public facilities for casual, family oriented use, or for events that will include less than 100 people. Citizens interested in reserving a city facility for this sort of use must complete a “Gazebo/Picnic Shelter Rental” application or a “Facility Usage Application.” These applications may be picked up at the Recreation Administration Building at 191 McIntosh Trail, or call 770-631-2542 for more information. This Policy also does not apply to events sponsored or supported by the city.

I. Statement of Policy

a. The Special Events Review Committee (hereinafter “Committee”) will include representatives from all city departments that are routinely impacted by special events held on public City property, and a member of the Recreation Commission.

b. Rules and Regulations -- The Committee may, from time to time, establish reasonable rules and regulations, for the use of each city facility and for obtaining permits pursuant to this chapter. Such rules and regulations shall be based on a due regard for the purpose for which the facility is established, the safety of those using the facility, of park Employees and of the public, the safety and maintenance of City property, the need for and the availability of supervisory personnel, and the maximum number of people who can safely use the facility at one time. Subject to the foregoing, and except as hereinafter provided, all City facilities may be used by members of the general public, without permit, for recreational and athletic purposes not inconsistent with the nature of the facility and the safety of the public and of City property.

II. Application for Permits.

a. Filing Written Application.

Special Event Permit

Any person seeking the issuance of a permit shall apply for a permit by filing a written application on a form and within such time as shall be prescribed in this Policy. A permit is required for the following types of activities:

- (1) conduct a public assembly, parade, picnic, or other event involving more than one hundred (100) individuals;
- (2) circulate or distribute any leaflets, handbills, notices, pamphlets, books, documents or papers of any kind in any city facility or on any city property.
- (3) conduct any exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission;
- (4) exhibit or display any motion picture, television program, light or laser light display, or similar event;
- (5) operate a vehicle, except upon a publicly dedicated street, alley, watercourse or other thoroughfare which may abut or traverse a park;
- (6) create or emit any amplified sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by another person;
- (7) station or erect any building, tent, canopy, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure;
- (8) station or use any electrical or electronic device or equipment that would require outdoor auxiliary power;
- (9) sell or offer for sale any goods or services;
- (10) display, post or distribute any placard, handbill, pamphlet, circular, book or other writing containing commercial advertising matter, at any designated city property;
- (11) bring, land or cause to ascend or descend or alight at any designated city facility, any airplane, helicopter, flying machine, balloon used for aviation, parachute or other apparatus for aviation;
- (12) conduct any organized team sporting event;
- (13) ride any animal on any public street; or

- (14) bring onto property any exotic or tame, non-domestic supervised and controlled or restrained animal for limited non-commercial or promotional purposes.
- (15) Media/Motion Picture/Commercial Photography: Any person seeking the issuance of a permit for filming of a media broadcast (other than a news transmission), motion picture, or still commercial photography shall file a written application for permit with the Committee on a form and within such time as shall be prescribed by the Committee.

b. Event Categories: Events will be categorized in accordance with the following criteria:

- (1) **Small Impact:** No physical activity by participants and no severe exposure to spectators: examples; indoor and outdoor meetings, small theatrical performances, and other social gatherings (No alcoholic drinks associated with event). These will generally be local events that have no significant impact on normal services (fire, EMS, police, recreation, public services) provided to the general population. They will normally involve minimal use of public facilities such as roadways, recreational paths, buildings or parks. The area covered by the event is generally localized, calling for little or no police, fire or EMS presence. A Leisure Services representative generally will not be required to be on site.
- (2) **Medium Impact:** Limited physical activity by participants and no severe exposure to spectators, such as: dances, picnics, political rallies, parades (with no floats), and family type concerts. (No alcoholic drinks associated with event). These will generally be events that are locally generated but which draw attendance from the metro Atlanta area. They will generally have a minor impact on city services to the general population, possibly involving cursory staff coordination and awareness by police and fire that the event is taking place. Normally, additional city staff will not be required to assist with the event. They will involve limited use of public facilities such as roadways, recreational paths, buildings or parks. The area covered by the event is generally localized, calling for little or no police, fire or EMS presence. A Leisure Services representative may be required to be on site. Public Services crew may perform special clean up or maintenance on cart paths or streets before or after the event.
- (3) **Large Impact:** Major physical participation by participants and/or moderate to severe exposures to spectators, such as: team or individual sporting events (non-professional), carnivals, rides,

races (marathons, triathlons), some concerts, parades (with floats), outdoor gatherings to include arts and crafts festivals. (Alcohol could be present or associated with the event, but not consumed on public property). These will generally be events that may be generated locally or by organizations outside the City. They will draw attendance from a local, state, regional, national or even international area. They will generally have a significant impact on city services, involving intense and prolonged pre-coordination between city staff and organizers, with significant possibility of compromising service to the general public by supporting it. They will involve extensive use of several public facilities such as roadways, recreational paths, buildings or parks. The area covered by the event is generally citywide, and possibly extending into the county, calling for extensive police, fire or EMS presence. One or more leisure services staff will be required to be on site during all or certain portions of the event. Public Services crew will perform additional clean up or maintenance to cart paths or roads before, during and/or after the event.

- (4) Major Impact: An event that is likely to exceed 3,000 participants and spectators combined, including a significant number from outside the city limits, such as: large concerts, playoff sporting events (high school or collegiate level), all golf cart or vehicle related events (car shows, etc.) fireworks displays, air shows, and any function where the crowd size is likely to exceed 3,000 people. Will involve intense preparations by city staff, and close on-site attention by police and/or fire/EMS. A Leisure Services staff member or members will need to be on site. Parks and/or public works crews may need to be available. (Probability high that alcohol may be associated with the event, but not consumed on public property)

c. Submittal of Application

- (1) To provide the Committee an opportunity to give each permit request a thorough review, applications shall be submitted as follows: (If requestors do not follow this policy, they may jeopardize their ability to obtain city concurrence with their event.)
 - (a) Small and Medium Impact Events: application submitted 90 days or more before event;
 - (b) Large Impact Events: application submitted 180 days or more before event; and

- (c) Major Impact Events: application submitted 270 days or more before event.
- (2) Contents of application: Each application shall contain the following information, when applicable:
- (a) The name, residence and mailing address, telephone number and position within the organization of the person(s) making the application; and same for the organization sponsoring the event;
 - (b) A statement describing the proposed special event;
 - (c) The dates and hours during which the event is to be conducted.
 - (d) A reasonable estimate of the maximum number of persons expected to participate in the event, and the estimated number of spectators;
 - (e) A detailed explanation, including drawings where applicable, of the applicant's proposed plans to provide for the following:
 - 1. Police and Fire protection (fees are the responsibility of the organization or individual requesting the event);
 - 2. Assembly area, disbanding area, and route to be traveled;
 - 3. Food and water supply and facilities;
 - 4. Health and sanitation facilities;
 - 5. Medical treatment services and equipment requirements;
 - 6. Vehicle access and parking requirements;
 - 7. Trailer/camper locations if these vehicles are to remain overnight;
 - 8. Illumination requirements;
 - 9. Communication capabilities;

10. Electrical requirements
11. Plans for clean up and waste disposal (fees may be associated);
12. Noise control issues;
13. Insurance and bond requirements;
14. For Parades:
maximum number and type of units participating, length and height of units, maximum length of parade, and if there are animals in the parade; and
15. State whether or not copyrighted music will be played at the event. If so, the requestor must pay a fee directly to the City, which will then, by law, pay ASCAP (American Society of Composers, Authors and Publishers).

d. Application Fee.

For any activity described in this policy no application for permit shall be considered or granted unless the applicant shall have paid at the time of filing an application for permit the required application fee in accordance with the schedule of fees set by this policy and approved by the City Council.

e. Indemnification and Reimbursement Agreement.

No application for permit shall be granted unless the applicant shall have executed an agreement with the City, on a form to be prescribed by the Committee, in which the applicant shall promise and covenant to bear all costs of EMS and public safety, cleaning up and restoring the park upon conclusion of the event or activity; to reimburse the City and hold the City harmless from any liability to any person resulting from any damage or injury occurring in connection with the sponsoring organization, its officers, employees or agents or any person under their control insofar as permitted by law.

f. Security Deposit.

For any activity described in this ordinance, no application for permit shall be granted unless the applicant has paid, within the time prescribed by the Committee, the security deposit in an amount in accordance with the

schedule of fees set by this policy. The amount of the security deposit set in the schedule of fees shall be equal to the estimated cost of cleaning up, restoring the park, or for any damage to city property upon the conclusion of the use or activity. The security deposit shall be deposited by the City into an escrow account. Promptly after the conclusion of a permit activity, the City shall inspect the premises and equipment used by the permittee.

- (1) If it is determined that there has been no damage to City Property or equipment beyond reasonable wear and tear, or that no unusual clean up had to be done by city crews, the security deposit shall be refunded in full within thirty (30) business days after the conclusion of the permitted event.
- (2) If it is determined by such inspection, that the permitted event proximately caused damage to City property in excess of normal wear and tear and which requires repairs or clean up in excess of routine maintenance or determined that fines should be assessed against the permittee pursuant to this chapter, the City shall retain the security deposit or any portion, thereof, necessary to pay for the cost to repair or any fines assessed against the permittee. The Committee shall give written notice of the assessment of damages or fine and retention of the security deposit to the permittee or his/her designee by personal delivery or by deposit in the United States mail, with proper postage prepaid, or via verifiable email address, to the name and address set forth in the application for permit. Any assessment of damages or fines in excess of the security deposit shall be paid to the City within ten (10) business days after notice of such assessment of damages or fine is sent. Retention of all or a portion of a security deposit shall be subject to the appeal procedures contained in this policy. An assessment of damages or fine in excess of the security deposit shall be subjected to the appeal procedures contained in this ordinance.

g. Insurance.

Each Applicant shall procure and maintain at all times during its use of City property, insurance in such amounts and with such coverage as shall reasonably be required by the City and shall name City as an additional insured there under. Applicant shall provide the City with a certificate from an insurer evidencing such coverage prior to applicant's use of City property, and within the time prescribed by the Committee. The certificate shall also provide that the insurer shall give the City reasonable advance notice of insurer's intent to cancel the insurance coverage provided. The amounts and type of insurance required shall be as follows:

(1) Small Impact Event: Low Hazard: Specific coverage for most events in this category can be waived based upon review. If a private and/or nonprofit group is sponsoring the event, a minimum of \$100,000 per incident, per occurrence and/or aggregate limit of liability for personal injury, bodily injury and property damage may be required.

(2) Medium Impact Event: Medium Hazard: General liability. Limits of liability shall be not less than \$500,000 per occurrence and/or aggregate limit of liability for personal injury, bodily injury and property damage.

(3) Large Impact Event: General Liability: limits of liability shall not be less than a \$1,000,000 per occurrence and/or aggregate combined single limit for personal injury, bodily injury and property damage.

(4) Major Impact Event: General Liability: limits of liability shall not be less than \$1,000,000 per occurrence and / or aggregate combined single limit for personal injury, bodily injury, and property damage.

III. Processing of Application for Permits.

a. Order.

Applications for permits shall be processed in order of receipt; and the use of a particular park or part thereof shall be allocated in order of receipt of fully executed applications accompanied by the application fee.

b. Quarterly “Special Events Review Committee” Coordination Meeting

In order to ensure consistent consideration of requests for support of public events, the Committee will meet quarterly in January, April, July and October to review the known events anticipated for the upcoming months. Dates of the meetings will be published at the beginning of each calendar year. At the meetings, issues can be raised and discussed with intent to clarify policy and ensure complete staff understanding and agreement on procedures. Cognizant staff from every affected department, as well as a member of the Recreation Commission, will be present at these meetings and will comprise a standing committee for this purpose. The Director of Leisure Services shall convene the meeting and establish an agenda. Organizers of events that bear further

discussion may be asked, or may ask, to meet with this group well in advance of the event to clarify issues and reach consensus.

If a request comes in with specific time requirements but not close to a scheduled Committee meeting, the Director of Leisure Services will use a pre-arranged email review process involving all relevant members to determine whether or not there will be any problems with the request. If the request can be easily fulfilled, results of the email process will be used to grant approval and set conditions. If there are complications, the Director may convene a special called meeting of the Committee.

c. Conditional Approval.

Applications for permits for activities or events which require insurance, approval or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a conditional approval may be issued by the committee. If, within the time prescribed by the Committee, any requirements have not been met, the conditional approval may automatically expire, the application for permit may be deemed denied and written notice of denial will be provided by the city to the requestor. For all events or activities, all terms and conditions for issuance of the permit, including securing insurance and payment of all fees and security deposit, must be completed at least thirty (30) business days prior to the event unless the Committee prescribes a longer or shorter time period.

d. Written Denials.

If no written denial or conditional approval is issued within fourteen (14) business days of the date of the Quarterly meeting set forth above, the application shall be deemed to have been granted a conditional approval pursuant to Section 5(c), above. Provided, however, the Committee may extend the period of review for an additional thirty (30) business days by issuance of a written notice of extension. If, within fourteen (14) business days after the expiration of the extended review period, no written denial is issued, the application for permit shall be deemed to have been granted a conditional approval pursuant to Section 5(c), above.

e. Notice of Extended Review or Denial or Issuance of Permit.

Written notice of denial or notice of extension shall be served on the applicant by personal delivery, by deposit in United States

mail, with proper postage prepaid, or by verifiable email transmission to the name and address set forth on the application for permit.

f. Contents of Notice; Grounds for Denial.

Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the City for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Where an application or permit has been denied because a fully executed prior application from another applicant for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the City shall propose an alternative place, if available for the same time, or an alternate time, if available for the same place. The following shall constitute grounds for denial of an application:

- (1) the application for permit (including any required attachments and submissions) is not fully completed and executed;
- (2) the applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the Committee;
- (3) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of City Employees or of the public;
- (4) a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;
- (5) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by or supported by the City and previously scheduled for the same time and place;

- (6) The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged City property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City;
- (7) the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park or part thereof designated pursuant to this chapter;
- (8) the use or activity intended by the applicant is prohibited by law, by this Code and ordinances of the City, or by the regulations of the Committee;
- (9) the application for permit contains a material falsehood or misrepresentation;
- (10) the applicant is legally incompetent to contract or to sue and be sued;
- (11) the applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City concerning the sale or offering for sale of any goods or services;

g. Amendment or Revision of Applications.

Any amendment or revision of an application or permit shall for purposes of determining the priority of the application for permit, relate back to the original filing thereof; the time in which the City shall grant or deny the application for permit and serve notice of such granting or denial shall be computed from the date of the amendment or revision.

IV. Procedures for Review; Waivers.

a. Review by Recreation Commission.

- (1) Any applicant who is denied a permit or denied a request for a waiver of user fee, security deposit, or certificate of insurance, or a permittee who has had all or a portion of its security deposit retained because it was assessed damages or a fine pursuant to this ordinance may, within seven (7) days of the service of notice of such determination, appeal to the Recreation Commission the decision by filing a written appeal from such determination with the Director of Leisure Services.

- (2) The Recreation Commission shall have ten (10) working days from the date the written appeal was received in which to conduct a hearing and affirm, modify or reverse the denial or retention of security deposit.
- (3) Notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, or sent via verifiable email to the name and address set forth on the application for permit;
- (4) If such notice is not served upon the applicant or permittee within fourteen (14) days of the date upon which the appeal was filed, then the denial or retention of security deposit shall be deemed reversed.
- (5) If the requesting party wishes to appeal the decision of the Recreation Commission, they may do so in writing within 10 working days to the City Council via the City Manager. The Council will consider the appeal at the next available city council meeting and render a decision. If the requesting party is still not satisfied, the decision may be appealed by filing a Petition for Writ of Certiorari in the Superior Court of Fayette County, Georgia.

b. Form of Appeals.

Any appeals filed pursuant to this policy shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the Committee, and any other papers material to the determination.

c. Waiver of Requirements

Any requirements for a user fee, security deposits, or certificate of insurance may be waived by the Committee, if the activity is being conducted by a governmental entity, authority, or Board of Education, or if the activity is protected by the First Amendment of the United States Constitution and the requirement would be so financially burdensome that it would preclude the applicant from using City property for the proposed activity. Any requirements for a user fee, certificate of insurance, or application deadline may be waived by the Committee for other applicants if the Committee deems it in the best interest of the City to do so. Fees for equipment and services shall not be waived pursuant to this subsection. Application for a waiver of a user fee, security deposit, or certificate of insurance shall be made on a form prescribed by

the Committee and must include an affidavit by the applicant and sufficient financial information about the applicant to enable the Committee to determine whether the requirement(s) would be so financially burdensome that it would preclude the applicant from using City property for the proposed activity. If it appears that the applicant does not have sufficient funds to satisfy the user fee requirement prior to the proposed event, but that the applicant intends to raise sufficient funds at the event, the Committee shall require the applicant to pay such user fee out of the proceeds of the proposed event. If no written denial is issued within fourteen (14) working days of the date on which the application for such waiver is fully completed, executed and filed with the Committee, the waiver request shall be deemed approved, contingent upon the applicant complying with all other permit requirements. Denials of requests for such waivers shall be subject to the appeal procedures contained in Section 6.a., above.

V. Fines.

The violation by a permittee of the terms of his / her permit or the laws and regulations of the City shall subject the permittee to a civil fine of up to \$500.00. Each day that a violation continues shall be deemed a separate violation. Such fines may be assessed against any security deposit held by the City on behalf of the permittee, pursuant to this chapter. Any assessment of fines in excess of any security deposit shall be subject to the procedures contained in this Chapter.

VI. Traditional Events.

Some events have become traditional, are considered a part of the community fabric and are acknowledged as recurring functions, so long as they continue year to year unbroken. These events will be given first rights of first refusal for permits for the months indicated, irregardless of the date and time of the event or the date the application for a permit is submitted; provided, however, that any permit applications for such events shall be submitted in accordance with the requirements of this ordinance. These events are:

January	Atlanta Track Club Road Race
April	Run for Alex (Huddleston Elementary) March of Dimes "Walk America"
May	Kids Fun Race

	Japanese-American Friendship Society Festival Youth Triathlon
September	Leukemia Lymphoma Society Walk / Run Diabetes Walk / Run The Great Georgia Air Show
October	Four Nights in October Christian Festival Alzheimer's Memory Walk Annual Peachtree City Classic Road Race The Great Chili Challenge
December	Jingle Bell Trail Run

VII. Severability.

If any provision of this policy or the application thereof to any person or circumstance be held invalid, the remainder of this policy and the application of such provision to other persons or circumstances shall not be affected thereby. The City reserves the power to amend or repeal this policy at any time; and all rights, privileges and immunities conferred by this chapter or by acts done pursuant hereto shall exist subject to such power.

VIII. Responsibilities

The Director of Leisure Services has overall responsibility to receive and coordinate requests for special events.

Directors and Chiefs

1. Be prepared to review special request packages and provide input and support in accordance with the criteria in this policy
2. Sit on the Special Events Review Committee or appoint a division/department representative who is empowered to make decisions for the division/department related to support of special events.
3. Be prepared to support special events as defined in this policy
4. Be prepared to work with Director of Leisure Services and event organizers to mitigate issues not covered in this policy
5. Directors and Chiefs are responsible for providing the necessary numbers of staff based on the nature of the event

Peachtree City Parks & Recreation Department**SPECIAL EVENTS PERMIT APPLICATION**

Application Date: _____

Event Name: _____

Event Day/Date: _____

Event Hours: _____

Event Location: _____

Estimated maximum attendance: Participants _____

Spectators _____

Event will be classified as: SMALL MEDIUM * LARGE * MAJOR

*These events routinely require Police and Fire/EMS or other city staff coverage; these additional fees are the responsibility of the organization or individual applicant.

Sponsoring Organization: _____

Address: _____

Telephone: _____ E-Mail: _____

Description/Purpose of the Event: _____

Application submitted by: _____

(Contact or person responsible)

Address: _____

Telephone: (H) _____ (W) _____ Cell _____

Position in Organization: _____

Is this a first time event? _____ If no, how many years has the event been held? _____

Do you plan to distribute any leaflets, notices or papers of any kind in or on city property during the event? _____

Will you have music, exhibits, entertainment, radio or television broadcasts? _____

If yes, give details: _____

NOTE: Use of copyrighted music requires a separate charge paid to the City to cover cost of ASCAP (American Society of Composers, Authors, and Publishers fees)

If you will exhibit or display any motion picture, television program, light or laser light display or any similar event, give details _____

NOTE: If you will be filming a media broadcast, motion picture or still commercial photography (other than a news transmission), a written application for permit shall be filed with the committee before a permit is issued.

Will the event use any amplified sound system? _____

Do you require any outdoor auxiliary power for any electrical or electronic devices? _____ If yes, describe: _____

Will you erect any tent, bandstands, stages, scaffold, platform, buildings or other structures? _____

Will you sell any goods or services? _____

Will you use any airplanes, helicopters, or other airborne devices during the event? _____

During the event, will you conduct any organized team sporting events? _____

Will animals be part of or permitted at this event? _____

If yes, will this include any exotic or tame, non-domestic supervised and controlled animals? _____

Is there sufficient parking available at the location chosen? _____

If not, how will overflow parking be addressed? _____

Will you need vehicle access off the street/cart paths onto the location chosen? _____

Will camper/trailer overnight parking arrangements be needed? _____

If yes, where are they to be located? _____

(Note: campers/overnight trailer parking is generally not permitted on city property and will only be allowed with pre-approved permission)

Will illumination, other than that available at the location, be needed? _____

Explain _____

What is the communication plan for the event? _____

Detail the clean up and waste disposal plans for the event _____

_____ *Fees may be imposed if the area is not cleaned up after the event.

How will the issue of noise control be addressed for this event? _____

Event may require Insurance or Bond as listed: _____

PLEASE ATTACH A MAP OR DIAGRAM TO THE PERMIT APPLICATION THAT SHOWS THE FOLLOWING ITEMS:

Route to be traveled that includes all streets and cross streets. (A narrative paragraph may also accompany the map or diagram.)

The line map must also show:

Assembly Area, Disbanding Area clearly marked.

Food and Water Supply Areas

Health and Sanitation Areas

Location of police presence, if applicable

Location of fire/EMS presence, if applicable

ADDITIONAL INFORMATION NEEDED FOR PARADE EVENTS:

Maximum number of units allowed: _____

Type of units allowed: _____

Length/Height Restrictions: _____

Maximum Length of Parade: _____

Animals allowed? _____

The Applicant hereby promises and covenants to bear all applicable costs of EMS, Public Safety and other clean up or restoration work required by city staff before, during or after this event. The Applicant also agrees to hold the City harmless from any liability to any person resulting from any damage or injury occurring in connection with the sponsoring organization, its officers, employees or agents or any person under their control insofar as permitted by law.

Signature of Applicant _____

Applicant's Title in Organization (if applicable) _____

Date _____

Attach this Waiver Form to the full application

Peachtree City Parks & Recreation Department

**SPECIAL EVENTS REQUEST FOR WAIVER OF FEES, DEPOSITS
OR OTHER REQUIREMENTS**

Application Date: _____

Event Name: _____

Person/Position Requesting Waiver _____

Contact Phone/email _____

Event Day/Date: _____

Event Hours: _____

Event Location: _____

Estimated maximum attendance: Participants _____
 Spectators _____

State Justification for Waiver Request (attach extra sheets if necessary):

City of Peachtree City Special Events Fees

Small & Medium Events

Cost to Organizer:	Permit &	
	Application fee:	\$50*
	ASCAP Fee	varies**
	Cleanup Deposit	\$100***
	Off-duty police fee	\$25/hr/standard police presence/4 hr. min. \$30/hr/if traffic control required/4 hr. min.
	Off-duty fire/EMS	\$25/hr/EMT/4 hour minimum \$30/hr/Paramedic/4 hour minimum \$35/hr/Officer/4 hour minimum
	Off-duty City Staff	\$20/hr/maintenance worker/4 hr. min \$25/hr/supervisory/coordinating staff/4 hr. min

Large Events

Cost to Organizer:	Permit &	
	Application fee:	\$100*
	ASCAP	varies**
	Cleanup Deposit:	\$200***
	Off-duty police fee	\$25/hr/standard police presence/4 hr. min. \$30/hr if traffic control required/4 hr. min.
	Off-duty fire/EMS	\$25/hr/EMT/4 hour minimum \$30/hr/Paramedic/4 hour minimum \$35/hr/Officer/4 hour minimum
	Off-duty City Staff	\$20/hr/maintenance worker/4 hr. min. \$25/hr/supervisory/coordinating staff/4 hr. min

Major Events

Cost to Organizer:	Permit &	
	Application fee:	\$350*
	ASCAP Fee	varies**
	Cleanup Deposit	\$450***
	Off-duty police fee	\$25/hr/standard police presence/4 hr. min. \$30/hr if traffic control required/4 hr. min.
	Off-duty fire/EMS	\$25/hr/EMT/4 hour minimum \$30/hr/Paramedic/4 hour minimum \$35/hr/Officer/4 hour minimum
	Off-duty City Staff	\$20/hr/maintenance worker/4 hr. min. \$25/hr/supervisory/coordinating staff/4 hr. min.

**Note: these fees are levied to offset the administrative costs to the City of Peachtree City for staff time in processing and handling the application package. The fees are nonrefundable.*

*** These fees are paid to the city, which will in turn pay the American Society of Composers, Authors and Publishers, who sets these fees, by law*

**** This deposit is refundable if requestor adequately completes all required clean up of areas used.*

NOTE (1): Payment to off duty police, fire and city staff is paid directly, as prearranged, from the event organizer to individual off duty staff members.

NOTE (2): Police, fire and city staff fees may change from year to year, but will be announced ahead of time for event budget planning.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager

Assistant City Manager

FROM: City Clerk

DATE: March 31, 2004

SUBJECT: Alcohol License – NEW – W.K. Café Braelinn
April 15, 2004, Regular Meeting

Recommendation:

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

Discussion:

W.K. Café Braelinn, 520 Crosstown Road, has submitted an application for a new alcoholic beverage license. Mr. Keith Johnston has requested he be appointed as the Licensee and as the License Representative. Mr. Johnston will attend the meeting on Thursday, April 15th, to answer any questions you may have.

Budgetary Impact:

The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for a pouring license for distilled spirits, beer, and wine of \$4,000 and \$300 for Sunday Sales.

JSM:pd

Attachments



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: <i>W.K. Cape Braeclin</i>	Business Location: <i>520 Grosstown Dr</i>	
Nature of Business: <i>Restaurant</i>	Mailing Address: <i>520 Grosstown Dr. Peachtree City Ga. 3</i>	Business Phone Number: <i>770-486-4901</i>
Name of Licensee: <i>Keith T. Johnston</i>	Home Address: <i>119 Fountainhead, PTC, Ga 30269</i>	Home Phone Number: <i>770-631-9291</i>
Name of License Representative: <i>Keith T. Johnston</i>	Home Address: <i>119 Fountainhead, PTC, Ga 30269</i>	Home Phone Number: <i>770-631-9291</i>

Please indicate type of licenses applying for:

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

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

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
<i>Keith T Johnston</i>	<i>119 Fountainhead, PTC, Ga 30269</i>	<i>770-631-9291</i>
<i>Richard H. Johnston</i>	<i>589 Grayhawk Rd. Fayetteville Ga 30265</i>	<i>* 770-997-2310</i>
<i>L. Wade Johnston</i>	<i>135 Pennbrook R. Tyne, Ga 30240</i>	<i>770-714-0302</i>
<i>W.K. Cape-Braeclin, LLC.</i>	<i>520 Grosstown Dr. PTC, Ga 30269</i>	<i>770-997-1880</i>
		<i>770-632-7533</i>
		<i>770-497-2310</i>
		<i>770-486-4901</i>

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



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

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

Keith Thomas Johnston
Name

119 Fountainhead Peachtree City GA 30269
Address

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

James V. Murray
Signature

March 30, 2004
Date

Major L.M. Dukes
Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *Demetrius M. Mulla*
Assistant City Manager

FROM: Financial Services Director *P.S.*

DATE: April 8, 2004

SUBJECT: Renegotiation of Intergovernmental Agreement with DAPC

Recommendations:

Schedule a meeting with members of the Development Authority of Peachtree City to discuss the development of a new intergovernmental agreement between the City of Peachtree City and DAPC. Authorize City staff to pay the premiums due for the DAPC's Directors and Officers liability insurance, per the attached request from DAPC, and record as an additional receivable.

Discussion:

On October 31, 2003, the City received a letter from DAPC members notifying the City that the authority was exercising its right to terminate the November 18, 1993 agreements with the City to manage and operate the Planterra Tennis Facility and the Frederick Brown Jr. Amphitheater, upon thirty (30) days written notice. Consequently, the City resumed management of the two facilities effective December 1, 2003.

The most recent intergovernmental agreement with DAPC, entered into July 2001, included an "Exhibit A" that detailed the Hotel/Motel Tax supplements that the City was to provide the Authority for both Tennis Center and Amphitheater operations. Additional supplements were also identified for the purposes of both debt service and economic development. Since the DAPC is no longer managing the two facilities, they no longer have a need to receive the supplements for operation of the two facilities. They may, however, still wish to receive supplements for economic development and other administrative support activities.

Budgetary Impact:

Since DAPC will no longer be eligible to receive Hotel/Motel Tax distributions, the City will have to appropriate funds from the General Fund instead. The budgetary impact will obviously depend upon the results of negotiations with DAPC.

THE OLDENBURG LAW FIRM
ATTORNEYS AT LAW

Mark D. Oldenburg
Jeffery D. Moulds

200 Westpark Drive
Suite 140
Peachtree City, Georgia 30269
moldenburg@oldenburglaw.com

Telephone
(770) 632-9500
Facsimile
(770) 632-0123

March 18, 2004

VIA FACSIMILE: (770) 631-2505

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

Re: Development Authority of Peachtree City's Request for Loan for Payment
Of Premium for Officers and Directors' Liability Insurance

Dear Bernie:

At its meeting on March 15, 2004, the Development Authority voted to request that the City loan it \$4,596.00 in order to pay its premium for its Officers and Directors Liability Insurance. The current policy expires on April 30, 2004. Mayor Brown attended this meeting and indicated that this request should go through you.

Should you need any further information with regard to this matter, please feel free to contact me at your convenience.

With best regards,

Mark D. Oldenburg

MDO:cks

c: Mr. Scott Formel

CITY OF PEACHTREE CITY
INTER-OFFICE MEMORANDUM

TO: Mayor Brown and Members of Council

VIA: City Manager, ATTN: Mr. Bernie McMullen
Assistant City Manager, ATTN: Mr. Colin Halterman
Director of Finance, ATTN: Paul Salvatore
Assistant Director of Finance, ATTN: Janet Camburn

FROM: Stony Lohr
Fire Chief

DATE: April 6th, 2004

SUBJECT: Quint Bid Package Award Recommendation
(April 15th, 2004 Council Meeting)

RECOMMENDATION. Staff recommends that Council award the bid for a Quint fire apparatus to replace an existing fire apparatus to Southern Emergency Products and Central States Fire Apparatus, LLC at a cost of \$464,429.00.

DISCUSSION.

- a. The Fire Service Committee, which includes Mayor Brown, Councilman Rutherford, City Manager Bernie McMullen, Finance Director and Fire Chief Stony Lohr, recommended by consensus on April 6th, 2004, that Council approve the purchase of this Quint.
- b. The Fire Service Consultant also recommend purchase of the Quint (page 184, Consultant's Report).
- c. The bids were submitted on January 15th, 2004, and have been extended twice. The recommended bid will expire on May 15th, 2004.
- d. The Fire Department apparatus committee has reviewed the specifications and provided the following information:

Two vendors submitted bids.

SOUTHERN EMERGENCY PRODUCTS (Central States Fire Apparatus) \$464,429.00
ATTN: GEORGE REEDER
6014 SHADY WAY LANE
CHATTANOOGA, TN 37416

ATLANTA FREIGHTLINER INC. (American LaFrance)
ATTN: JOE HELLER
5884 FRONTAGE ROAD
FOREST PARK, GA 30297

\$468,405.00

- e. Southern Emergency Products submitted the low bid of \$464,429.00.
- f. The higher bid by Atlanta Freightliner of \$468,405.00 includes a base cost of \$460,905.00 plus \$7,500.00 for the foam system.
- g. Atlanta Freightliner also failed to meet the following important specifications:
 - 157.3 Cubic Feet of compartment space (requested 250 cubic feet)
 - Omitted one (1) 2 ½" cross-lay (only two 1 ¾")
 - Omitted one (1) front bumper 1 ¾" pre-connect
 - Omitted front 5" suction and 5" hose bumper storage area
 - Space only for 1000' of 5" hose in hose bed, not 1200' and no space for the 800' of 3" hose as requested in specification, greatly limiting use as an engine company
 - Foam system listed as \$7500.00 upgrade / "option", not included in the up front - submitted price
 - Omitted rear camera / TV monitor system
 - Omitted Class 1 gauge and flow-meter package
 - Lacking any notation of Akron stainless steel valves
 - Numerous deviations on emergency sound and lighting components including no Federal Q2B or traffic advisor along with some less expensive halogen lighting
 - 96" body width, requested 102"
 - No allowance for fire department personnel inspection trips to factory
 - Other various deviations
- h. Delivery date is estimated at 325 days, depending upon receipt of chassis within 120 days.

BUDGET IMPACT. The current PIP program includes \$513,000.00 for this project. The bid submittal allows an option to deduct \$6,507.00 if payment of \$169,186.00 is made for the chassis when it arrives at the Lyons, SD plant; and another deduction of \$1,707.00 if payment of \$87,048.00 is made for the aerial upon its arrival at the Lyons, SD plant.

1 Encl-Justification Sheet

QUINT Justification

1. A Quint combines the capability of a pumper and aerial ladder and can be used for three separate types of operations. (1) **Suppression** (attacking the fire) allowing firefighters to pull fire hose lines to contain the fire; (2) an aerial ladder to provide access to the roof for **Ventilation** (cutting holes in roofs letting built up heat, smoke and toxic gases escape); and (3) **Rescue** (forcible entry, extending ladders to upper windows for access, rescue routes, escape routes, ventilation points, and if equipped, Motor Vehicle Accident extrication).
2. The Quint can carry additional and **longer ground ladders**. Engines normally only carry one 24' extension and one 14' roof ladder, which are limited in height and "load carrying" capabilities. Quints also carry 28' and 35' extension ladders. Often these longer ladders are the only lengths that will work for access and rescue in many of our taller single-family structures, and most notably on our many multi-family complexes. For example, many homes in the Royal Highlands, The Peninsula, Smoke Rise Crossings, Maple Shade, and other areas have bedroom rear windows at 30 to 35 feet from finished grade.
3. A single axle Quint can achieve **better accessibility** than the tandem axle Tower in many locations throughout the city. The Tower is required because of larger industrial and commercial facilities. However, selected residential areas such as North Cove, residential courts, some multi-family units and some commercial locations may need an aerial, but have insufficient space for the larger Tower 8 to easily access. Tower 8 cannot cross the bridge on Highway 74 South, and must drive around to reach the southern portion of the city.
4. Experience from many communities that have Quints has shown that they afford **flexibility** in response and positioning that you don't have with an engine or a ladder truck alone. A "first in" Quint can position itself to take advantage of both its fire attack and aerial ladder capabilities, before additional apparatus arrive on scene.
5. The addition of a second aerial device gives the city a **better distribution** coverage with our Tower and Quint companies. This would enable a more timely response of a ladder company to any scene, allowing sooner and better placement of this key firefighting component when needed. An aerial device that arrives late to a call often ends up blocked by hose or other apparatus, thus making it unusable, such as with the recent fatality fire at Twiggs Corners. With the Quint located Station 83 (as planned), it could routinely provide the "aerial" for ventilation and rescue in the southern portion of Peachtree City, and other locations as needed.
6. The Quint will greatly improve Department's capabilities at large industrial, commercial, multi-family residential fires, and sub-divisions where houses are very close to each other such as Village Park, Village on the Green and Fairfield. Having two "aerials" improves suppression (putting the fire out) success in a large fire situation by having "large" caliber nozzles on the end of the ladder or tower. It also provides better exposure protection so that a single residential fire does not spread to adjacent houses as happened this week in Villa Rica.

QUINT Justification

7. Utilizing the Quint would reduce the number of responses to which Tower 8 must respond. This would extend Tower 8's "life cycle."

8. The proposed 3-story independent living facility in Station 83's area would be much better served with a first in Quint for its additional rescue/life safety capabilities. A Quint also **increases the Department's capability in a "high risk" rescue situation** like Wyndham Conference Center, and 3-4 story apartment complexes. Having many people trapped above ground level requires more than one aerial immediately available for deployment.

9. The addition of the Quint gives the city an aerial capability when Tower 8 is out of service such as the recent fatality fire at Twigg's Corner.

10. The Quint will have more compartment space than an Engine, which enables it to carry extrication and rescue equipment.

11. Improving our risk rating with I.S.O. aside, improvement of our department's capabilities, replacement of worn out apparatus and taking a progressive stance with our departments operating ability are significant reasons for purchasing a Quint fire apparatus. **A Quint provides more capability than an Engine (more bang for the buck).**

12. We have four Engines that will be above target cost because of age for a maintenance contract. Two of these need immediate replacement. The Quint will replace one of them. The cost differential to upgrade the capability of a replacement apparatus to a Quint is about \$153,000.00. The Department believes that the issues of community service, safety, reliability and liability are well worth this differential investment. **The Consultant's report (page 184) also recommends purchasing the Quint.**

CITY OF PEACHTREE CITY
INTER-OFFICE MEMORANDUM

TO: Mayor Brown and Members of Council

VIA: City Manager, ATTN: Mr. Bernie McMullen
Assistant City Manager, ATTN: Mr. Colin Halterman
Director of Finance, ATTN: Paul Salvatore P.S.
Assistant Director of Finance, ATTN: Janet Camburn

FROM: Stony Lohr
Fire Chief

DATE: April 6, 2004

SUBJECT: Ambulance Bid Package Award Recommendation
(April 15th, 2004 Council Meeting)

RECOMMENDATION. Staff recommends that Council award the bid for a replacement ambulance to Peach State Ambulance, 130 Peach State Court, Tyrone, GA 30290 at a cost of \$89,500.00.

DISCUSSION.

a. The Fire Service Committee, which included Mayor Brown, Councilman Rutherford, City Manager Bernie McMullen, Finance Director Paul Salvatore, and Fire Chief Stony Lohr, recommended by consensus on April 5th, 2004, that this replacement ambulance be purchased.

b. The bids were submitted January 15th, 2004. The recommended bid is now on its second extension, and will expire on April 25th, 2004.

c. The Fire Department ambulance committee and Fleet Manager have reviewed the specifications and provided the following information:

Three vendors submitted bids.

Peach State Ambulance	\$89,500.00
130 Peach State Court	
Tyrone, Georgia 30290	

Taylor Made Ambulance	\$97,320.00
3468 Loganville Road	
LaGrange, Georgia 20241	

Wheeled Coach**\$105,544.00**

2732 North Forsyth Road
Winter Park, Florida 23792

d. Peach State Ambulance submitted the low bid of \$ 89,500.00.

e. Peach State Ambulance met the criteria specified by the Department. Taylor Made Ambulance and Wheeled Coach did not meet the outlined specifications.

f. A major area of concern is that neither Taylor Made nor Wheeled Coach offered a lifetime warranty on their product. Peach State Ambulance/Road Rescue does. This acquisition will provide a uniform reliable fleet with greater capability, greater safety, and lower life cycle costs because of multiple remount capability where we keep the patient compartment and replace the truck chassis.

g. Another area of major concern is the construction of the flooring system. Both Taylor Made and Wheeled Coach utilize a plywood flooring system. The use of plywood was specifically made note of not to use in the specifications. The flooring system that was outline in the specifications creates a more stable environment within the patient compartment. This provides a higher degree of comfort to the patient due to the drastic reduction of road noise transferred thought the flooring system, and creates a smoother ride. Obtaining a smooth ride is paramount for this allows for paramedics to perform medical procedures that would not be possible in a rougher riding system.

h. Awarding the bid to Peach State would standardize all of the ambulances within the Fire Department, which creates an operational benefit that allow each medic, EMT, and firefighter to quickly locate and utilize equipment needed to provide patient care, and a standardization benefit for parts, repairs and maintenance.

BUDGET IMPACT. Funding in the amount of \$105,330 was included in the FY2004 PIP for this replacement. Purchase is low bid, is well within programmed funds, and will provide life cycle fiscal savings.

1 Encl-Justification Sheet

Medic 84 Replacement Justification

1. Cost of replacing Medic 84 is \$89,500.00 under current bid; cost of not replacing M-84 and converting Engines to ALS is about \$450,000.00. Current bid expiration date is on its second extension and will expire on April 25th, 2004.
2. Cost of staffing 4 ambulances mandates a minimum of 4 Paramedics; cost of staffing 2 ambulances and 4 ALS Engines mandates a minimum of 6 Paramedics with recurring overtime, estimated at an additional \$55,568.00 per year.
3. Cost of running an ALS Engine is about \$11.00 per hour; cost of running an ambulance is about \$3.00 per hour.
4. Running an investigatory ALS Engine with a follow-on ambulance mandates commitment of four firefighters rather than three for 58% of medical calls.
5. Board of Education athletic events require an ambulance on site because of recent deaths at these events. Other Special events, such as Triathlon, where serious injuries have occurred, also need an ambulance committed on site. We will not be able to provide assistance to these activities unless we maintain the ambulance fleet.
6. Due to the age of Medic 84 (1998 chassis with patient compartment at least 16 years old), any costs of maintaining and repairing it will be above target cost for a vehicle maintenance contract.
7. EMS calls increased 11.5% in 2003.
8.
 - a. Age:
 - (1) 1998 Ford type I ambulance
 - (2) Due to the ambulance age the truck is experiencing air leaks, increased maintenance difficulties and a noticeably rough ride in the patient compartment
 - b. Ride:
 - (1) Safety of the crew and patient's working or being transported in M-84 has become a major concern due to the truck's age (chassis-6 years; patient compartment 16+ years) and excessive wear and tear due to running emergency calls.
 - (2) The patient experience while being transported is extremely uncomfortable due to the age and type of construction of the ambulance. This is from experience and extensive patient/customer feedback
 - c. Ability to perform Basic / Advance life support procedures:

The construction and age of medic 84 does not allow for a smooth ride environment to perform job skills. This can inhibit or hampers patient care.
 - d. Maintenance:

The mileage and age of Medic 84 are increasing costs of repairs each year that the ambulance is utilized.
 - e. Standardized Fleet:

Standardization of the medical fleet is imperative to smooth operations on scenes and during transports. Equipment and supplies are always in the same locations.
 - f. Equipment Capacity. The old ambulance does not have room to transport firefighting gear on the ambulance except in the patient compartment, where National Standards specify that it should not be carried.