

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

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Announcements, Awards, Special Recognition**
 - Proclamation – Alcohol Awareness Month**
 - Proclamation – Confederate History & Heritage Month**
- IV. Public Comment**
- V. Agenda Changes**
- VI. Minutes**
 - March 15, 2016, Special Called Meeting Minutes**
 - March 17, 2016, Regular Meeting Minutes**
- VII. Consent Agenda**
 - 1. Consider Alcohol License – NEW – Your Pie, 2015 E. Hwy 54**
 - 2. Consider Alcohol License – NEW – Viet's Cuisine, 2828 Hwy 54 West**
 - 3. Consider Approval of 2016 Homeland Security Haz-mat Grant Application**
 - 4. Consider Ordinance Amendments – Parks & Recreation Ordinance**
 - 5. Consider Increase in Administrative Fee for Municipal Court Citations**
 - 6. Consider Addition of On-Call / Part-Time Library Assistant**
 - 7. Consider Elimination Replacement of One Position in the Recreation & Special Events Department**
 - 8. Consider Budget Amendments – Georgia Association of Emergency Medical Services Operating Supply Grant**
- VIII. Old Agenda Items**
 - 10-15-03 Discuss Adoption of Right-of-Way Occupancy Ordinance and Associated Fees**
- IX. New Agenda Items**
- X. Council/Staff Topics**
 - Ordinance Amendment & Action Preview**
 - Ordinance Amendment – Purchasing Ordinance Lake Peachtree Spillway Update**
- XI. Executive Session**
- XII. Adjourn**

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

**City Council of Peachtree City
Special Called Meeting Minutes
March 15, 2016
7:00 p.m.**

The Mayor and Council of Peachtree City met in a special called session on Tuesday, March 15, 2016. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Others attending: Terry Ernst, Mike King, Kim Learnard, and Phil Prebor.

The purpose of the meeting was:

01-16-06 Discuss/Consider Request for Limited Sewer Expansion to Tyrone

Fleisch said staff would lay a factual foundation for the decision Council would make during a crucial time in the City's history, which would have an effect for the next 20 years.

City Manager Jon Rorie said this same conversation had taken place with a previous Council in 2006. The issues and questions were the same. During the last six weeks, staff had researched and responded to various questions. Rorie said he would facilitate the bulk of the discussion, and thanked staff from Engineering, Finance, and Planning for their work. Rorie added that what was shown on the screen would also be seen via the livestream rather than the people in the meeting, which was different from what was usually done. Those watching on their computers would be able to see the PowerPoint presentation.

Rorie said the presentation would provide a system overview of the aging infra-structure; look at the "projected" surplus capacity that existed in the sewer system; review whether the rate structure was appropriate to cover bond debt, operations and maintenance, and provide for replacement of aging infrastructure. As a business decision, additional rate payers would buttress against future rate increases. As a policy decision, the long-term downside would be a loss of capacity that would be expensive to recover. Staff would also provide a recommendation for consideration. Rorie said staff was not suggesting a plant expansion was necessary, but wanted Council to look at what was presented in terms of what could be needed in the future.

Dan Davis of Integrated Science & Engineering (ISE) gave an overview of the sewer system, which included two wastewater treatment plants [Rockaway with a 4 million gallon per day (MGD) treatment capacity and Line Creek with a 2 MGD treatment capacity], 35 pumping stations, and 200 miles of force mains and sewer lines. He continued that it was a "developer's grade" system that had been built in the early 1980s by the City's developer, and 75% of the system had been in service over 20 years. Davis explained that developers and builders built what fit their business models, which was how the City's system was designed and built.

The City acquired the sewer system in 1997 for \$27 million (\$16 million went to the owner of the system, \$6 million was used immediately for upgrades, and \$5 million for additional upgrades, acquisition costs, and working capital). During the last 10 years, the Peachtree City Water and Sewerage Authority (WASA) had been proactively rehabilitating the system.

Because it had been built to developer's grade, the sewer system had required love and attention since the citizens took it over. He estimated that \$6 – \$7 million had been spent over the last 10 years. This year alone, WASA would spend \$3 million in upgrades to the system. In 2011, RedZone performed an extensive evaluation, with the lines inspected by a television camera, and grades assigned to the manholes and sewer lines. The reason this had been done was to begin addressing the intrusion & infiltration (I&I) into the system, which robbed from the

system's capacity. As rainfall events occurred, there was a surge of rainwater into the system, which eventually made its way to the treatment plants. Because the lines sometimes sat on the groundwater table, I&I also continuously occurred since the lines were not tight. Spending money on rehabilitating gravity lines was expensive, and it had to be carefully thought out. In assessing the system, the manholes and lines in the worst condition were the priority, then they worked their way up the line. What was done now, but would also have to be redone in 10 years due to the caustic nature of sewage. It was a continuous effort.

There were 35 pump stations in the City. Davis said the City was built by a developer, and placement of the sewer system was market driven. Davis recalled the developer wanted to put \$465,000 homes in the Kedron Village area, and it would have cost a great deal to extend the gravity lines to the area, but building a pump station was cheaper. A municipality would look at a 20-year horizon, where a developer looked at a two-year horizon. Davis said that, had the system been planned to a municipal standard from the beginning, there would have been a better maintenance outcome today. There would have been only 20 – 25 pump stations, which were a daily problem, according to Davis.

Wastewater treatment plants (WWTPs) were generally planned for a 30-year horizon. Rockaway was built in 1988 for 2 MGD, and it was increased to 4 MGD in 2002. Line Creek was commissioned in 1980 for 1 MGD and was expanded to 2 MGD in 1985. Davis continued that, with proper care and equipment replacement, WWTPs generally lasted more than 50 years. Equipment was continually replaced. The expansion process usually was initiated when a plant reached 80 – 85% capacity. Davis said he recommended 80%.

The Georgia permit types for wastewater treatment included land application, which addressed re-use and required restricted access; National Pollutant Discharge Elimination System (NPDES), which allowed direct discharge of treated water into a body of water; and seasonal discharge/reuse (applied to water bodies where a pollution problem was seasonal).

Flows were guided by land use. Davis said a 14-acre tract with apartments generated more flow than 14 acres in Smokerise, which had one-acre or larger residential lots. Davis continued that the objective of wastewater treatment was to separate solids from liquids (effluent) and practically deplete the toxicity of each. The solids were treated and taken to a landfill, land applied, or composted. The effluent was treated and discharged into streams/rivers, or land applied. The Environmental Protection Division (EPD) determined the level of treatment required on a case-by-case basis for each jurisdiction, and determined the amount of discharge allowed into streams. When treated effluent was discharged to streams, the assimilative capacity (the ability of a body of water to cleanse itself of waste waters or toxic substances without deleterious effects and without damage to aquatic life or humans who consume the water) of the stream was allocated/regulated by the EPD in pounds (lbs)/day.

Flows forecasts were based on industry standards and the state's specific planning guidelines. Flows were guided by land use, and treatment plants were designed hydraulically for storm events to achieve permit requirements. Davis explained that one of the issues with capacity was I&I, saying that during a rainfall event, I&I could be five times the amount of daily flow. The Rockaway plant was designed to accommodate 10 MGD during significant rainfall, and the average flow was 2 MGD. The Line Creek plant was hydraulically designed for 5 MGD, and the average flow was 1.2 MGD.

Rorie noted that since July 1998, the number of customers had increased from 8,701 to 10,700 in October of 2015. While the number of residential customers had increased, water usage had

decreased from a high of 160 MGD to just over 100 MGD per day due to efficiencies that had reduced residential usage, as well as the loss of Photocircuits. Industrial customers had grown from 27 in July 1998 to 41 in October 2015. When Photocircuits closed in 2005, water usage dropped from a high of 22 MGD to approximately 5 MGD, or a \$450,000 drop in revenues for WASA.

Rorie said the top 10 WASA sewer users from October 2014 to September 2015 included Hoshizaki [17.5 MGD, 47,955 average daily flow (ADF)], Balmoral Village (16.8 MGD), Wyndham Peachtree Conference Center (13.7 MGD), Dolce-Peachtree Atlanta (13.7 MGD), Twiggs Corner Condominiums (10.9 MGD), Shiloh Mobile Home Park (10.8 MGD), The Retreat at Peachtree City (9.6 MGD), Line Creek Parkway/Camden Apartments (9.6 MGD), GE [Retreat] Apartments (9.6 MGD), Kedron Village (8.5 MGD), and Fairways Peachtree City Apartments for a total of 117,050,740 MGD or an average of 320,687 gallons per day. The top 10 customers included two conference centers, seven multi-family developments, and one industry.

Rorie look at the demand for sewer usage in 2015, noting WASA had 10,699 current customers (10,166 residential, 26 multi-family, 436 commercial, and 41 industrial). The treatment plants had a combined capacity of 6.0 MGD gallons per day (GPD) (both acronyms are used for rates of flow of a liquid, MGD is appropriate for small flows, how much an industry uses and the latter is for larger flow such as the total amount of effluent). The customers used 3.2 MGD, which was down from 3.7 MGD in 2002. The surplus capacity of the system was 2.8 MGD. Rorie defined "surplus" as capacity not forecasted for future use.

WASA currently had approximately 2.13 GPD set aside for committed industrial flows (0.28 GPD), Hip Pocket septic tanks (0.02 GPD), industrial property (684 acres X 587 GPD), commercial property (176 acres x 367 GPD), office/institutional (51 acres x 367 GPD), church property (63 acres x 367 GPD), build-out population (5,360 acres x 84 GPD), Braelinn Baptist Church, Pathway Communities property, west side school site, and a 10% safety factor of 5.3 MGD. The total was 5.83 MGD, which led to the 6 MGD capacity.

Rorie continued that people had said everyone in the City should be on sewer, so the excess capacity should be saved. He pointed out the R-43 and Estate-Residential (ER) zoning had been designed to allow for on-site septic system, which included the unsewered areas of Crabapple, Smokerise, and Carriage Lane. Other areas without sewer included Robinson Road, Hip Pocket, and Huddleston Road. One possible result of having sewer in those areas was it could lead to rezoning requests.

Rorie pointed out that Hip Pocket existed prior to the enactment of the R-1 zoning ordinance, which was adopted in 2008 to address homes on lots of 10,000 square feet or more built prior to the ordinance enactment. Rorie said there were 100 lots, with approximately 30,000 ADF. The Hip Pocket Road area would not be allowed to be developed today without public sewer. Sewer was available in some areas along Hip Pocket, and people had made a choice to not hook up at this point, but the capacity should be reserved.

The zoning along the Huddleston Road corridor was Light Industrial (LI) and General Industrial (GI). There were 46 lots (80 acres) on septic on Huddleston Road, and capacity was reserved also. Rorie questioned whether all the property owners wanted to be on sewer. It might be something Council would have to mandate.

The discussion continued with the remaining developable lots. Rorie said the City was not built out, but it was close. There were 1,410 undeveloped lots left, including the West Village. There

were 304.5 acres (not including the West Village) of ER and R-43 zoned property left, and septic systems were permitted on those tracts. There were 65 tracts of platted undeveloped industrial lots and 328 acres of undeveloped industrially-zoned land. Undeveloped retail (platted lots) included 16 tracts and 28 acres of undeveloped commercially-zoned land. There were 14 tracts of undeveloped office (platted lots), or 16 acres of undeveloped land zoned for offices.

Rorie discussed the sewer rate structure, which included \$24 for bond debt, \$2 for capital expenses/renewal & extension (R&E), and the remainder of the bill covering the actual cost of sewer treatment. He said he did not wash his cars at home or irrigate his lawn, and his family used 125 average daily flow (ADF) (which was one-third of the planning estimate of 350 ADF for a residence).

The estimated sewage flow rates were a planning number, Rorie continued. It was critical to understand planning vs. reality. The flow rates were based on similar projects. Based on the projects on the books, 471,610 ADF had to be reserved. Those projects included the Overlook retail center (9,800 ADF), Sprouts retail center (4,300 ADF), Chick-fil-A on SR 54 West (3,960 ADF), MOBA office/warehouse on SR 74 South (8,750 ADF), Marriott Residence Inn-110 rooms (11,000 ADF), Fairfield Inn-81 rooms (8,100 ADF), The Gates-90 lots (27,000 ADF), Cresswind-650 lots (195,000 ADF), and Everton-679 lots (203,700 ADF). Rorie said if the calculations and research were consistent, use would continue to decline, with the surplus in the system between 1.3 MGD and 800,000 GPD.

In staff's calculations, Rorie said 600,000 gallons was set aside as the 10% reserve first. Everything related to the original engineering was reserved, as well as 500,000 MGD for future projects. He doubled the amount used by the top 10 users and added an economic development piece. Staff's calculations were consistent with what had been discussed in 2006. The expected surplus was between 1.3 MGD and 800,000 GPD. For planning assumptions, the possibilities for 800,000 GPD could be used for 23,000 industrial employees (35 GPD/employee), 2,666 residential properties (300 GPD/residence), 16,000 restaurant seats (50 GPD/seat), eight million square feet of retail space (100 GPD/1,000 square feet), or 8,000 hotel rooms (100 GPD/room), or any mixture of those possibilities. Rorie said those numbers were something to consider when planning for the future.

Rorie said the City should not "mess" with the sewer rate structure as it was currently set up. People talked about the rates and wanted them lower, but the rates made sense when looking at aging infrastructure.

Rorie referred to a 2015 study done by the University of North Carolina on water and wastewater rates and rate structures in Georgia. There were four myths about rates, he said. Myth #1 was that higher rates were bad, Myth #2 was that comparing rates was simple, Myth #3 was that pricing was simple, and Myth #4 was that promoting conservation required increasing block rate structures.

Rates determined how much revenue a community would have to maintain vital infrastructure. Neighboring utilities with similar customer bases could have differing costs/rates structures based on the age of the system, geographic location, source of water, treatment standards, and demand. Rates should be set to cover debt, operating expenses, and future capital improvements. Financial sustainability was a priority.

Base rates contributed to rate stability because they did not vary from month-to-month regardless of consumption. Larger utilities had lower base charges than smaller utilities due to

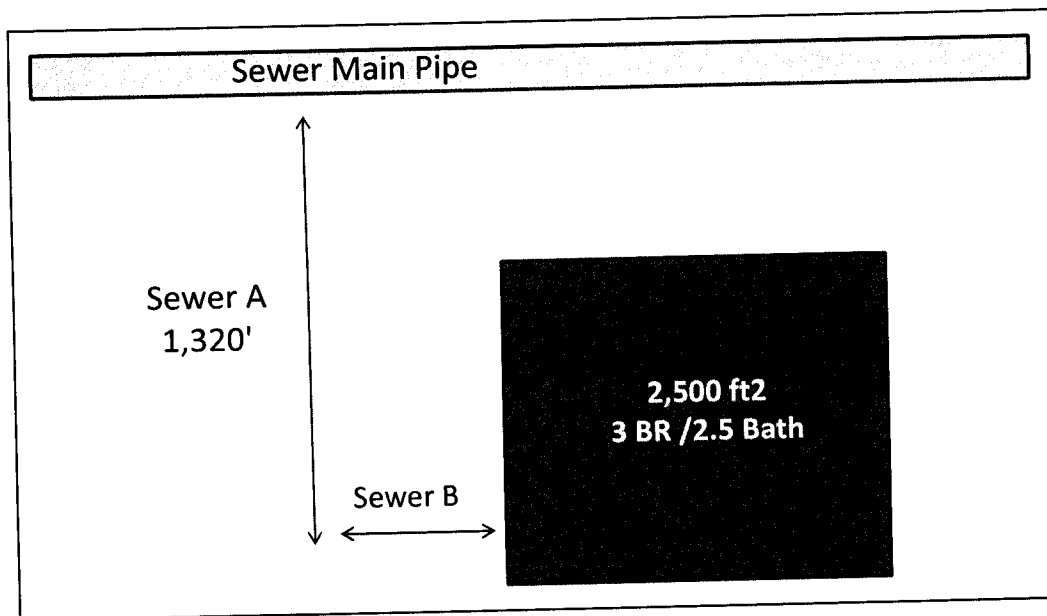
larger revenue stream from rate payers. WASA's base charge was \$26 for zero gallons to cover bond debt and R&E. The consumption rates were based on 1,000 gallons of usage, and rates were higher for non-residential customers. The consumption rates were to cover operations and maintenance of the system, while the base charges covered the bond debt.

Rorie continued that the bond resolution for the 2013 bond (Appendix D-13) required WASA to provide for 100% of the expenses of operation and maintenance and for the accumulation in the revenue fund of a reasonable reserve, which was 100% of operation expenses plus a cash reserve. The pledged revenues must be produced each fiscal year and must be sufficient to cover 110% of the debt service requirement on all bonds outstanding for the year of computation.

Rorie reiterated that all rate payers paid the \$26 base charge. Residential consumption rates were calculated at \$4.65 per 1,000 gallons of metered water. Commercial consumption rates were calculated at \$6.15 per 1,000 gallons of metered water.

Residential connection fees for all areas of the City except the Wynnmeade/West Village Service Area were \$1,750 per equivalent residential connection (ERC), which was considered to be 300 gpd. The fees for the Wynnmeade/West Village Service Area were \$2,250 per ERC. Connection fees for all other uses, including apartments, commercial, or residential were \$3,050 per ERC. The idea was the user was purchasing the capacity and the strain it was putting on the system. The rate structure for Wynnmeade/West Village was different because of improvements that were made in the area.

Rorie continued that the Sewer A line in the drawing below was usually paid by the developer to WASA, then the cost was parceled off to the builders and buyers. Sewer A belonged to WASA. Sewer B was paid by the builder, and it would belong to the homeowner. The connection fee had to be paid to discharge waste into the system.



Rorie went over the O&M expenses from WASA's 2015 financial report, which showed operating revenues (charges for services) at \$9,498,954. Total operating expenses were \$7,043,259. Non-operating revenues were \$14,600 from interest income, and interest expense was \$839,268. The

change in net position was \$1,631,027. WASA was paying bond debt and needed funds in the cash reserves to pay for burst pipes and to maintain the system.

Rorie said people could argue the sewer rates were high compared to another City's, but debt and costs of operating the system determined the rates. It was important to assess the condition of the system so it could be maintained or it would cost more in the long run. This was not the time to discuss the rate structure, but it could be done in the future. The current rate structure was consistent with what was required to cover bond debt, operation & maintenance, and have a cash reserve.

Tyrone's request was for 350,000 GPD. Tyrone currently had an allocation of 250,000 GPD from Fairburn, with a current average daily flow (ADF) of 118,000, or 47% of the current capacity and an obligated liability of 100,000 (40%). The projected ADF at build-out was 218,000 (87%). Tyrone currently had a "surplus" capacity of 32,000 GPD. The requested increase in allocation was 100,000 GPD. People were suggesting there would be massive growth in Tyrone. Rorie said land would develop in the future, and the question was the density of the development.

Rorie said the possibilities for 130,000 GPD included 3,714 industrial employees (35/employee), 433 residential properties (300/residence), 2,600 restaurant seats (50/seat), 1.3 million square feet in retail space (100/1,000 square feet), or 1,300 hotel rooms (100/room). Rorie said another 100,000 GPD would not cause Tyrone to become a metropolis, and it would not lead to unrestrained growth. Tyrone had commitments, and 130,000 GPD meant only another 400 residential properties. How the allocation was used was Tyrone's business.

Rorie discussed the cost to expand the treatment plants, noting the costs varied for the different types of plants. The City needed to know the value of the surplus capacity, and assess the potential.

Davis said there were a number of variables to be considered, and expansion costs were based on an economy of scale. To expand the Rockaway plant by 350,000 GPD, the cost would be \$14 – \$20 per gallon or \$4.9 million. The cost per gallon dropped to \$12 – \$18 to expand the plant by 500,000 GPD, or \$6 million. The cost to expand the plant by 1,000,000 GPD was \$10 million (\$10 – \$16 per gallon). An increase of 2,000,000 GPD would cost \$8 – \$14 per gallon, or \$16 million.

In 2008, the City of Fayetteville expanded its Whitewater Creek treatment plant from 3.75 MGD to 5 MGD for \$12 million (\$9.60/gallon). It also included improvements and modernization. The system had 24 pump stations, 122 miles of sewer line, and an ADF of 2.04 MGD.

Currently, the City of Senoia had a 0.499 MGD spray field application that was at 63% capacity. Senoia had 1,600 customers (1,520 residential and 80 commercial/industrial). The ADF was 314,000 GPD, and the build-out of the current plans for 1,064 residential projects would equate to 85% capacity. Senoia was exploring an increase in capacity, and had asked for a discharge into Line Creek just below where the City discharged wastewater, Davis said. The plant construction would be for 1 MGD. It would take four to five years for design, engineering, and construction at an estimated cost of \$10 – \$12 million.

Planning an expansion was a long, arduous process, and that was the reason surplus capacity existed in the system, Davis continued. The tasks included requesting the allocation (six months for response, 20 minutes to write one-page letter), revising the watershed assessment and water protection plan (18 months and can run concurrently with other steps), completing an anti-

degradation review/economic analysis (three months), preparing an environmental information document (three – six months), conducting stakeholder/public meetings, completing a design development report and submitting it to Georgia EPD for approval, preparing an NPDES permit application, completing engineering plans and specifications and submitting them for permitting with Georgia EPD, advertising for bids and construction, preparing operations and maintenance manual, and final permitting and commissioning.

Rorie noted that surplus capacity existed in the system. The rate structure should be maintained at its current level at this time to address the aging infrastructure and potential changes in treatment standards. There would be a permit review in the next few years, too. Future plant expansion would come at a cost, but the cost could be shared over a larger base of rate payers.

Benefits to extending sewer to Tyrone included increasing plant efficiency and fixed costs against variable costs. The rate structure would stabilize against simple inflation, and there would be some control over growth along the Gateway area (SR 74 from I-85 to Peachtree City). The inter-basin transfer between the Flint and Chattahoochee Rivers would be corrected. Something could happen with the closed Tyrone Elementary School if sewer was available and more room was needed at other schools due to the build-out of the West Village. There would be planning between municipalities to address quality of life issues. Previous lost revenues would be replaced.

Staff's recommendation was to, by City Council resolution, authorize WASA to extend sewer outside the City into the existing limits of the Town of Tyrone for the purpose of providing a maximum sewer treatment capacity of 350,000 gallons per day with the Town of Tyrone, subject to specific conditions and the approval of an intergovernmental agreement between the City of Peachtree City and the Town of Tyrone.

Rorie recommended the following conditions be considered in an intergovernmental agreement:

- *Tyrone pays all construction costs associated with force main installation and upgrades to WASA collection system*
- *Tyrone pays connection fees based upon current WASA rate structure of \$1,750/ERC*
- *Tyrone adopts City's pre-treatment standard and sewer ordinance.*
- *Tyrone customers charged at the same rates as City customers*
- *Tyrone transfers sewer assets such as lift stations, pipes, etc., to WASA*

Variables/Cost Structures

- *Route up Senoia Road instead of SR 74*
- *To encourage economic development or redevelopment in certain areas of the City, revenues could be set aside for sewer expansions.*

Rorie said he was not suggesting Senoia Road as the best route, but the route was important. The best route would be based on engineering standards, cost, and the potential for growth and development along the corridor.

Rorie asked Council if they wanted to revise the March 17 agenda to include a draft resolution of intent to extend the sewer based on an intergovernmental agreement that would be a separate document. Fleisch asked if a resolution was necessary to proceed with the decision.

City Attorney Ted Meeker said a green light was needed to proceed or Council needed to have everything stop. King said the final agreement should be between the City, Tyrone, and WASA and agreed upon by all parties. Ernst said the resolution was a starting point, and he supporting putting something together. Rorie said a draft resolution was ready, and he would ask City Clerk Betsy Tyler to send out a revised March 17 agenda. Council would vote on the resolution then.

Fleisch opened the floor for comments from the public.

Doug Tucker said he supported the resolution, and he hoped a decision would be made on March 17. He would like to see copies of the presentation and he would like to see an extended financial model. The citizens had a lot invested in WASA, and he would have more confidence in a three – four year outlook. Rorie said the presentation would be on the website the next morning. Learnard agreed with Tucker on a longer financial outlook, saying she would also like to see a five – 10 year capital improvement plan.

Dennis Chase said he was concerned about writing off the Smokerise and Stoneybrook subdivisions so quickly for conversion from septic to sewer, saying there were issues with Flat Creek's water quality that were possibly due to leaking septic systems. More research needed to be done before saying there would be no sewer in those subdivisions. He was not sure Line Creek had the assimilative capacity to handle much more wastewater, and a land application system should be considered.

Anthony Robinson said he liked the idea of extending sewer to Tyrone, but questioned why the town wanted to be part of another entity's system since it had just been dropped by Fairburn. He had concerns about the City extending capacity it might need in the future.

Ann Marvin said she lived two blocks from City Hall, and her home was still on septic. She had not had any problems with her system, but she had concerns. It did not make sense to go outside the City limits when there were still homes that had been not provided for. She asked when the sewer system might be extended to all homes along Hip Pocket. Rorie said that was one of the reasons for having the excess capacity. Putting that area on the system would be an engineering decision.

Eric Imker said he liked the idea of moving forward with the resolution. The key document would be the intergovernmental agreement with the list of conditions. There should also be a timetable to develop the agreement. The City needed to inform the citizens and make sure they understood what was in the agreement. The conditions needed to be spelled out specifically. The intergovernmental agreement was the enforcing document. Imker said it was incredible there would be no decrease in cost to City residents, and the system should not be expanded unless it was to help Peachtree City residents lower their sewer bills.

There being no further business, Ernst moved to adjourn at 8:25 p.m. King seconded. Motion carried unanimously.

Pamela Dufresne, Deputy City Clerk

Vanessa Fleisch, Mayor

City Council of Peachtree City
Meeting Minutes
March 17, 2016
7:00 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, March 17, 2016. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Others attending: Terry Ernst, Mike King, Kim Learnard, and Phil Prebor.

Announcements, Awards, Special Recognition

The graduates of the Spring Citizens Fire Academy were recognized. Mayor Fleisch read a proclamation to honor the founding members of the Peachtree City Fire Rescue Department. Founding members Melvin Brown, Chip Conner, and Al Hogg were recognized, along with John Weber and Sallie Satterthwaite who were among the first emergency medical technicians in the City's department and in Fayette County.

Minutes

March 3, 2016, Regular Meeting Minutes

King moved to approve the March 3, 2016, regular meeting minutes as written. Ernst seconded. The motion carried unanimously.

Monthly Reports

There were no comments on the Monthly Reports.

Consent Agenda

- 1. Consider Alcohol License – NEW – Spice Restaurant, 10 Planterra Way (Tennis Center)**
- 2. Consider Ordinance Amendment – Elimination of Glass from Curbside Recycling Requirements**
- 3. Consider Budget Amendments – FY 2015**
- 4. Consider Library Impact Fee Expenditure**
- 5. Consider Bid for Tennis Court Resurfacing – Southeastern Tennis Courts, Inc.**

Ernst moved to approve Consent Agenda items 1 – 5. Learnard seconded. Motion carried unanimously.

New Agenda Items

03-16-03 Consider FY 2016 Equipment Loan

Financial Services Director Paul Salvatore noted the loan was being done in conjunction with the Public Facilities Authority, and that board had approved the loan at an earlier meeting. He continued that the low bid for the loan had been submitted by Whitney Bank with an annual interest rate of 1.81%. The bank had agreed to repurpose the funds for the broadband financing. No additional use of cash reserves would be needed to fund the debt service, and the debt service budget would be sufficient to handle the loan. There would actually be a \$25,000 savings in debt service. The closing date was set for Thursday, March 24.

Salvatore continued that the grand total for the loan was \$1,950,000. The five-year term of the loan was for \$567,125, and included a tractor/backhoe/loader replacement, Blaw Knox asphalt spreader replacement, \$250 Bobcat replacement, F-350 dump truck replacement, Coban video camera replacement, Ford Inceptor SUV replacement, Cardiac Monitor Lifepak 15, server and network hardware upgrades (DVR system and access control, additional backup storage and wireless capacity, UPS, email archive system), and Municipal Court system upgrades.

The seven-year term of the loan was for \$1,382,855, and it included replacing 2006 Medic 84, replacing 2001 Fire Reserve Engine 85, broadband equipment and installation, broadband

system development – soft costs, project contingency costs – FY 2016 Public Facilities Authority loan, and closing costs.

The annual debt service payment for the loan would be \$330,000, with one-half that amount due this fiscal year. Staff's recommendation was for Council to approve the authorizing resolution as presented in the agenda packet, which would authorize the Mayor and City Clerk to sign all documents necessary for closing.

Learnard moved to approve the authorizing resolution for the FY 2016 equipment loan. King seconded. Motion carried unanimously.

03-16-04 Consider Resolution of Support for Limited Sewer Service to Tyrone

City Attorney Ted Meeker addressed Council, saying staff had prepared the resolution regarding the Peachtree City Water and Sewerage Authority (WASA) extending sewer service into Tyrone. He continued that he had not been available the day before to look over the resolution, and he had added the following paragraph that afternoon:

- *BE IT FURTHER RESOLVED, that the Peachtree City Water & Sewer Authority shall not be authorized to provide any wastewater treatment service, or otherwise receive any wastewater from the Town of Tyrone, until such time as an Intergovernmental Agreement between the City, the Authority and the Town of Tyrone is approved by all parties.*

Meeker said the wording made it clear that approval of the resolution did not constitute approval of the sewer extension. Council was directing staff to move forward with providing wastewater service to Tyrone by WASA contingent upon the intergovernmental agreement being finalized by all three parties.

Learnard moved to adopt the resolution as presented and revised by the City Attorney. Ernst seconded. Motion carried unanimously.

Council/Staff Topics

Ordinance Amendment & Action Preview

- **Update of Parks & Recreation Ordinance**

Recreation & Special Events Administrator Cajen Rhodes gave an overview of the proposed amendments to the Parks & Recreation ordinance, adding most of the changes were basic wordsmithing and correcting things that were no longer accurate.

The changes included posting a sign in a conspicuous location at recreation facilities that would include closing times and any rules specific to a particular facility, which would provide "more teeth" when it came to enforcement. Another change would prohibit the use of drones or any remote controlled flying device in any recreation facility during a scheduled practice, scrimmage, game, tournament, or event. More people were flying drones in recreation areas, and the technology was still new, according to Rhodes. The ordinance could be amended later on as the technology developed.

Other amendments included standardizing terms, from the use of "parks," "city park," or "recreation area" in the ordinance to "recreation facility," as well as changing the former department name of leisure services to "recreation and special events." The requirement to obtain a pass from the department and to present the pass to staff when using the skateboard

ramp was removed. Rhodes said that had not been done in years, and there was not a park monitor at the facility.

The use of boats with electric motors on Lake Peachtree was restricted to motors rated at three horsepower or less. Lake McIntosh was also added to the section of the ordinance referring to Lake Kedron.

There were no questions. Rhodes said the final draft of the ordinance amendments should be on the April 7 agenda.

- **Proposed Municipal Court Administrative Fee Increase**

Public Information Officer/City Clerk Betsy Tyler said Municipal Court charged an administrative fee of \$15 on the majority of citations, except for seat belt violations that were exempted by state law. The fees helped offset the cost of daily inmate housing and the indigent defense fund, both of which were increasing in cost. A survey of other area courts showed their fees ranged from \$20 to \$37. Staff proposed an increase of the administrative fee from \$15 to \$20.

Rorie gave an update on Lake Peachtree City, saying he was glad to see dust flying when he went to the lake. The contractor was making steady progress in removing the roads put in to help in removing the siltation, and they were removing approximately 60 yards per day. They were ready to start on the center finger, where the haul roads were six to seven feet deep in terms of rock and gravel, which had slowed down the work. Rorie had spoken to the job supervisor that afternoon, and the supervisor said it would take four more days. Rorie predicted six days. They were removing haul roads, silt fencing, and had begun to remove the siltation that had been placed on Drake Field. The County also had a plan of action to remove smaller trees and underbrush adjacent to the spillway, which could cause a lot of damage, based on the recommendations of Safe Dams. They had to be cleared out approximately 10 feet.

There was some discussion regarding the hours worked by the contractor, who had been given approval to work 24 hours a day/seven days a week to complete the job. Rorie said the fallback position had been to work sun up to sundown, but they were cutting it by a few hours. They planned to work on Saturday, March 19, and had worked the prior Saturday. They started working at 6:30 a.m. on Saturdays, but they had not worked the entire day. Rorie said they continued to make progress.

Executive Session

Learnard moved to convene in executive session for pending or threatened litigation at 7:23 p.m. Ernst seconded. Motion carried unanimously.

Learnard moved to reconvene in regular session at 7:47 p.m. King seconded. Motion carried unanimously.

There being no further business, King moved to reconvene in regular session at 7:48 p.m. Learnard seconded. Motion carried unanimously.

Pamela Dufresne, Deputy City Clerk

Vanessa Fleisch, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Deputy City Clerk 

DATE: March 17, 2016

SUBJECT: Alcohol License – NEW – Your Pie
April 7, 2016, Council Meeting

Recommendation:

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

Discussion:

Your Pie, 2015 Highway 54 East (Lexington Circle0), has submitted a request for a new alcohol license. Mr. Robert Rosato has requested he be appointed as the Licensee and License Representative.

Budgetary Impact:

The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for the sale of beer and wine, plus Sunday Sales, which is \$1,850.

Attachments

Application For Alcoholic Beverage License

Business Name: <u>Bright Light Partners F. LLC</u> <u>Your Pic - Peachtree City</u>	Business Location: <u>Lexington Circle</u> <u>2015 E. Hwy 54</u>	
Nature of Business: <u>Fast Casual Pizza, Paninis, Salads</u>	Mailing Address: <u>New</u>	Business Phone Number: <u>TBD</u>
Name of Licensee: <u>Robert V. Rosato</u>	Home Address: <u>150 BRANDENBURG WAY</u> <u>FAYETTEVILLE, GA 30215</u>	Home Phone Number: <u>770-624-0372</u>
Name of License Representative: <u>"</u>	Home Address: <u>"</u>	Home Phone Number: <u>"</u>

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:
<u>Robert V. Rosato</u>	<u>150 BRANDENBURG WAY</u> <u>FAYETTEVILLE, GA 30215</u>	<u>770-624-0372</u>
<u>Dr. Bryan L. Woods</u>	<u>125 Bel Aire Loop</u> <u>FAYETTEVILLE, GA 30215</u>	<u>404-403-3150</u>
<u>Stephen Carpenter</u>	<u>145 Driftwood Trail</u> <u>FAYETTEVILLE, GA 30215</u>	<u>770-359-7045</u>

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

If YES, Please Provide Name of Employee: _____

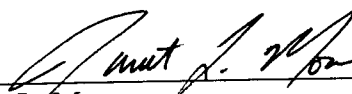
State of Georgia

City of Peachtree City

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

Robert V. Rosato
150 Brandenburg Way
Fayetteville, GA 30215

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



Janet L. Moon
Chief of Police

3/3/16

Date



Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Deputy City Clerk 

DATE: March 17, 2016

SUBJECT: Alcohol License – NEW – Viet's Cuisine
April 7, 2016, Council Meeting

Recommendation:

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

Discussion:

Viet's Cuisine, 2828 Highway 54 West, has submitted a request for a new alcohol license. Mr. Peter Hong has requested he be appointed as the Licensee and License Representative.

Budgetary Impact:

The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for the sale of beer and wine, which is \$1,350.

Attachments



If YES, Please Provide Name of Employee: _____

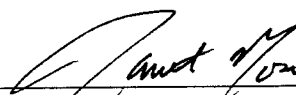
State of Georgia

City of Peachtree City

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

Peter Hong
110 Driftwater Court
Fayetteville, GA 30215

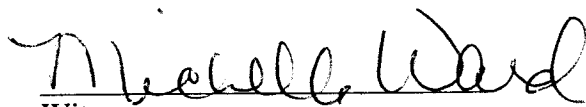
has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal narcotics or drugs within five (5) years prior to the date of the application for this license.



Janet L. Moon
Chief of Police

3/15/10

Date



Witness

CITY OF PEACHTREE CITY
INTER-OFFICE MEMORANDUM

TO: Mayor and City Councilmembers

VIA: Jon Rorie, City Manager 
Paul Salvatore, Financial Services Director

FROM: Joe O'Connor, Fire Chief 

DATE: March 10, 2016

SUBJECT: 2016 Homeland Security Grant Program

RECOMMENDATION

The Fire Department requests the Mayor and City Council support the submission of an application under the federal Homeland Security Grant Program for the sustainment of the Multi-Jurisdictional Hazardous Materials Team.

DISCUSSION

Homeland Security funds are disturbed by the Georgia Emergency Management Agency for the sustainment for Hazardous Materials Teams across the state. As one of the participating teams the City submits for this grant on behalf of the Fayette County and City of Fayetteville Fire Departments in order to maintain the multi-jurisdictional team at its current Level 3 status.

BUDGET IMPACT

No matching funds required for this grant.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Financial Services Director

FROM: City Engineer

DATE: March 31, 2016

SUBJECT: Discuss Right-of-Way Ordinance and Fee Schedule
April 7, 2016, City Council Meeting

Discussion:

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

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

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

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

If acceptable to City Council, Staff will bring the attached ordinance back on the May 5, 2016, Council meeting for a formal vote.

Ordinance Number _____

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

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

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

Chapter 707.2 – Scope.

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

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

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

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

Sec. 707.2-1. - Definitions.

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

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

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

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

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

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

City means the city of Peachtree City, Georgia.

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

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

Construction means, but shall not be limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, installing or removing signs or facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the rights-of-way. Construction shall also include the act of opening, boring and/or cutting into the surface of any part of the right-of-way. Construction shall not however include the placement of drops from the distribution facilities to the residence, dwelling unit, apartment complex or business or similar structure. Nor shall construction mean damage repairs to existing facilities.

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

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

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

FCC means the Federal Communications Commission or any successor thereto.

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

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

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

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

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

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

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

Service Provider means any individual or any association, firm, partnership, joint venture, corporation or other legally recognized entity, whether for profit or not for profit, that is a provider of cable service, telecommunications service, broadband service, or other service as set forth in this chapter.

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

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

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

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

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

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

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

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

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

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

(b) A Utility which is registering with the city under this chapter for the first time shall pay a registration fee in accordance with the City's fee schedule. This registration fee shall not apply to a Utility which is operating within the City as January 1, 2016.

(c) The registration information provided to the city shall be on a form approved by the city and include, but not be limited to:

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

Sec. 707.2-3. – Right-of-Way Permits.

(a) It shall be unlawful for any Utility to Construct or engage in Construction of facilities in, on, along, over or under the public roads of the city without a permit from the city in accordance with the terms of this ordinance.

(b) Permits shall be obtained from the city manager (or such other person as the city manager may designate) upon application made on forms prescribed by the city. The written application shall include the following:

1. The name and address of the Utility;
2. The nature, extent, and location of any work proposed to be done, along with satisfactory plans as attachments showing in detail the location of the proposed facility or operations as described in the permit application. Requirements for the plans are outlined in the Department of Transportation's Utility Manual.
3. The name and address of the person or firm who is to do such work;
4. The name, street address, email address if applicable and telephone and facsimile numbers of one (1) or more facilities representative(s);
5. The projected dates for the work to be started and finished;
6. As set forth in the State of Georgia Department of Transportation's Utility Accommodations Policy and Standards manual, as amended, no bond will be required by the city unless there are unique circumstances or when the installation of a Utility is being performed by or for an entity that is not registered with the Secretary of State as a business or contractor. A certified bond, letter of credit, or letter of escrow payable to the city shall be required as a condition of the permit. When requested in writing by the city or during the permitting process, the Utility or Utility's contractor shall furnish, for the period of time required for the complete installation of the facilities authorized by the permit, including the repair and restoration of the rights-of-way, and also during such future periods of time when operations are performed involving the repair, relocation or removal of said facilities authorized by the permit. The amount of the performance bond, letter of credit, or letter of escrow shall be limited to an engineering estimate of potential infrastructure damages, restoration, or replacement, and any appurtenances, materials, or services necessary to conduct the work as specified in the permit. The bond shall be written by a Surety Company or Bank duly qualified and licensed to do business in the State of Georgia. No work shall be commenced under the permit until the said performance bond, letter of credit, or letter of escrow has been submitted to and approved by the city;
7. A copy, if requested, of the registrant's certificate of authority (or other acceptable evidence of authority to operate) from the State of Georgia Secretary of State, the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements;
8. A copy, if requested, of the Right-of-Way Agreement, Franchise Agreement other than a State-wide Franchise authorized by O.C.G.A. Section 36-76-4, or other Service Agreement, or other certificate or legal instrument that authorizes the Utility to use or occupy the right-of-way for the purpose described in the application;

9. A certificate naming the city as an additional insured in compliance with and sufficient to meet the minimum insurance requirements and coverages as established by and set forth in the State of Georgia Department of Transportation's Utility Accommodations Policy and Standards manual, as amended; and
10. A permit application fee in accordance with the City's Fee Schedule.

Sec. 707.2-4. - Permit fees.

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

Sec. 707.2-5. - Issuance of permit.

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

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

Sec. 707.2-6. - Emergency situations.

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

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

- (a) Each permit shall have a set commencement and expiration date based on information provided in the applicant's permit application.

(b) The permit shall remain in place until construction is completed or until its expiration date unless the Utility is in default. The city may give written notice of default to a Utility if it is determined that a Utility has:

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

Sec. 707.2-8. - Cancellation for cause.

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

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

Sec. 707.2-9. - Expiration of permit.

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

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

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

Sec. 707.2-11. - Grading.

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

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

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

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

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

Sec. 707.2-14. – Restoration of property.

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

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

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

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

- (a) The Utility shall make the construction site available to the city Manager, or his designee, and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the construction.
- (b) The Utility shall pay to city a permit inspection fee as set forth in the Application Fees on the city's Fee Schedule.

Sec. 707.2-17. - Stop work.

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

Sec. 707.2-18. - Notification of completion.

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

Sec. 707.2-19. - Additional permits required.

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

Sec. 707.2-20. - Penalties.

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

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

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

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

- iv. A detailed and complete financial statement of the applicant, certified by an independent certified public accountant, for the fiscal year immediately preceding the date of the application pursuant to this chapter, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed telecommunications or cable system in the city, or a statement from an independent certified public accountant certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed cable or telecommunications system in the city;
 - v. A detailed financial plan (pro forma) describing for each year of the franchise or license, projected number of subscribers, rates, all revenues, operating expenses, capital expenditures, depreciation schedules, income statements and a sources and uses of funds statement; and
 - vi. A statement identifying, by place and date, any other cable system or telecommunication franchise or license awarded to the applicant, its parent or subsidiary; the status of such franchise with respect to completion thereof; the total cost of completion of such franchised cable or telecommunication system; and the amount of the applicant's and its parent's or subsidiary's resources committed to the completion thereof.
3. A detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:
- i. A description of the cable services and any other telecommunications services proposed to be provided;
 - ii. A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be serviced;
 - iii. A statement or schedule setting forth all proposed classifications or rates and charges to be made against subscribers and all rates and charges as to each of such classifications, including installation charges, cable service charges and any other telecommunications service charges;
 - iv. A detailed, informative and referenced statement describing the actual equipment and operational standards proposed by the applicant;
 - v. A copy of the form of any agreement, undertaking or other instrument proposed to be entered into between the applicant and any subscriber to cable or telecommunications services; and
 - vi. A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral or implied, existing or proposed to exist between the applicant and any person

which materially relate or pertain to or depend upon the application and the granting of the local franchise or license.

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

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

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

Sec. 707.2-23. - Responsibilities of applicants.

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

Sec. 707.2-24. - Evaluation criteria.

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

services that may be precluded by the grant of the local franchise, right-of-way agreement or license;

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

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

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

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

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

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

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

Sec. 707.2-27. - State franchises.

Every holder of a state franchise within the city shall:

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

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

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Jonathan Rorie, City Manager 

FROM: Betsy Tyler, Public Information Officer/City Clerk 

DATE: April 1, 2016

SUBJECT: Amendments to Parks & Recreation Ordinance
April 7, 2016, City Council Meeting

Recommendation

That Council adopt the attached amendments to the Parks and Recreation Ordinance.

Discussion

As part of the ongoing effort to update Peachtree City's Code of Ordinance, staff has completed a review of Chapter 54 – Parks and Recreation. The proposed amendments are primarily housekeeping in nature, updating language referring to the department, rather than to the former Leisure Services Division. Incorporating reference to the posted rules will allow for enforcement of those rules at the associated facilities. Finally, Lake McIntosh was incorporated in the section related to the County-owned lakes within the corporate limits of the City.

Council previewed this item at the March 17, and staff has incorporated a few additional tweaks based on input since that date.

Budget Impact

This item should have no budgetary impact.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED, SO AS TO PROVIDE FOR PARKS AND RECREATION IN PEACHTREE CITY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Section 1. Chapter 54, Parks and Recreation, as amended, is hereby further amended as follows:

Chapter 54 - PARKS AND RECREATION

ARTICLE I. - IN GENERAL

Sec. 54-1. - Definitions

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

Department shall mean the Peachtree City Recreation and Special Events Department.

Director shall mean the Director of Recreation and Special Events Department.

Recreation Facility(ies) shall mean any active or passive recreation area, nature area or amenity owned and maintained by the city.

Sec. 54-1. - Hours of operation; rules of operation.

- (a) The mayor may establish closing times for any recreation Recreation facility Facility or area owned or maintained by the city, which, These closing times shall be posted in conspicuous places a conspicuous location(s) in or around the facility or area regulated.
- (b) There shall be no use of the facility Recreation Facility or area affected after the posted closing time. No one shall be allowed on the subject property and there shall be no parking or congregating on the public streets, golf cart paths or parking areas around the property.
- (c) Rules and regulations specific to each Recreation Facility shall be posted by the city and/or the Department at or near the entrance to each facility in a conspicuous location. Users of each Recreation Facility shall comply with said rules and regulations as adopted by the city council, the Department or as identified in facility use agreements with specific user groups.

Sec. 54-2. - Destroying or injuring property; operation of vehicles.

- (a) It shall be unlawful for any person to cut, break, mutilate, mark, deface or in any other manner destroy or injure any public property, real or personal, belonging to or used by the city or the park and recreation department Department in, upon or about any of the

~~public parks~~ Recreation Facilities ~~of the city~~ or in the municipal swimming pools owned and maintained by the city.

- (b) It shall be unlawful for any person to drive any vehicle upon or across any part of any ~~public park~~ Recreation Facility of the city except upon roadways laid out and maintained for vehicular travel. This subsection shall not apply to park employees whose duties require them to drive ~~park maintenance equipment over the park~~ vehicles throughout the Recreation Facility.
- (c) It shall be unlawful for any person to damage turf areas within ~~and~~ or adjacent to sports fields within any Recreation Facility.
- (d) It shall be unlawful for any person to utilize and/ or damage clay infield and turf areas associated with baseball or softball fields or any portion of the BMX track for operating remote controlled (RC) vehicles without the express written permission of the Director or his designee.
- (e) It shall be unlawful for any person to utilize a drone or any type of remote controlled flying device within any Recreation Facility during a scheduled practice, scrimmage, game, tournament or event held at a Recreation Facility.

Sec. 54-3. - Posting bills, signs; distributing handbills; scattering trash.

- (a) It shall be unlawful for any person to affix any bill, sign or notice on any tree, building, ~~or fixture or vehicles~~ in any of the Recreation Facilities ~~parks~~ of the city.
- (b) It shall be unlawful for any person to distribute any handbills or dodgers or scatter or place any paper, books, refuse or trash of any kind in or about any of the Recreation Facilities ~~public parks~~ of the city.

Sec. 54-4. - Pollution or disturbance of springs, ponds.

It shall be unlawful for any person to pollute or disturb any spring, branch, pond or other water within the confines of any of the Recreation Facilities ~~parks~~ belonging to the city by throwing sticks, stones, refuse or trash in or by washing the person or objects in such waters.

Sec. 54-5. - Killing, catching, trapping animals or fowl unlawful; fishing and certain entrapment of animals excepted.

- (a) It shall be unlawful for any person to kill, catch or trap (or pursue with intent to kill, catch or trap) any animal or fowl, or to disturb, rob or destroy any fowl's nest or any unhatched eggs within any Recreation Facility ~~city park or recreational area~~. This section shall not prohibit fishing by persons with valid fishing licenses, the non-injurious entrapment of animals for relocation in the wild, the keeping of domestic animals or fowl, or the taking of eggs raised for consumption or sale; nor shall it prohibit the trapping and disposal, by city-designated personnel, of beavers that threaten public or private property by destruction of landscaping or causing the backing up of water which places improvements at risk; nor shall it prohibit the impoundment by the proper authorities of any animal or fowl found to be in violation of other ordinances.
- (b) Only city residents and their accompanied guests are permitted to fish in waters under the jurisdiction of the city.
Pursuant to this subsection (b), it shall be unlawful for any resident and/or their accompanied guest to fish without a valid fishing license issued by the state. Nonresidents of Georgia are required to possess a valid nonresident fishing license issued by the state.
- (c) The city police department and, code enforcement department, ~~and parks monitors~~ are hereby granted authority to enforce the requirements for fishing licenses within the city limits.

Sec. 54-6. - Firearms; firecrackers; airguns; slingshots; explosives substances; dangerous missiles.

It shall be unlawful for any person to handle ~~or discharge~~ any firearm without a permit, ~~discharge any firearm, or to handle or discharge any,~~ firecracker, airgun, slingshot or other explosive, noisy or destructive article or substance, or throw any stone or other missile in, about or across any of the ~~parks~~ Recreation Facilities ~~belonging to or in the care of~~ the city.

Sec. 54-7. - Intoxication; noise, disorderly or lewd behavior.

It shall be unlawful for any person to:

- (1) Drink or possess any alcoholic beverages in or within the vicinity of any of the ~~parks or recreation facilities~~ Recreation Facilities of the city, with the exception of:
 - a. The Frederick Brown, Jr. Amphitheater, where alcoholic beverages may be permitted during shows, plays, concerts and performances primarily for persons 21 years of age or older;
 - b. The Peachtree City Tennis Center under the following conditions:
 1. At any city-owned restaurant at the city tennis center licensed for the sale of alcoholic beverages by the drink under the terms of this chapter.
 2. At events at the city tennis center (hereinafter referenced as "activity") so long as all of the following conditions are met:
 - A. The activity is primarily for people 21 years of age and older;
 - B. The police chief has determined that the activity does not have a history that indicates an unreasonable risk of riotous, tumultuous or disorderly conduct;
 - C. A security plan is approved by the police chief or his designee; and
 - D. A request to serve alcoholic beverages is submitted by the city convention and visitors bureau or the agency managing the tennis center under contract with the city and is approved by the chief administrative officer or mayor based on recommendations from the police chief.
 - c. Any ~~recreation facility~~ Recreation Facility designated by the mayor and council as permitted location for special events at which alcoholic beverages may be served under the terms of section 6-51 of this Code and for which the organizers of the special event have obtained the necessary permits from the city and the state and follow the rules and requirements as established by the city.
- (2) Be in an intoxicated condition, make any loud or unnecessary noises, engage in noisy disputes or conversations, engage in any indecent or lewd acts or behavior, or in any other manner disturb the public peace, quiet and order in or within the vicinity of any of the ~~parks or~~ Recreation Facilities of the city.

Sec. 54-8. - Permission required for organized games, assemblages or gatherings, ~~erection of booths or sale of articles.~~

- (a) ~~The director of leisure services~~ Director shall oversee scheduling of all ~~parks and public places~~ Recreation Facilities ~~under his jurisdiction~~ for organized games, assemblages or gatherings. Said games, assemblages or gatherings shall follow the established Special Events Review process as applicable and obtain a Special Events Permit from the city prior to scheduling any event in a city-owned Recreation Facility.
- ~~(b) No person shall be allowed to erect any booth or stand or to sell any article within the limits of any of the public parks without the permission of the director of leisure services.~~

Sec. 54-9. - Notice of swimming pool hours, entrance unlawful at other times.

- (a) The municipal swimming pools shall be kept open during specified hours, notice of which shall be posted at some conspicuous place at all times while the pool is open for use.
- (b) It shall be unlawful, except during the open hours, for any person to enter the water of such pools or, except as to pool employees, to enter any enclosure provided for the purpose of keeping people away from the pool.

Sec. 54-10. - Protection of small children at municipal pool.

It shall be unlawful for any person having in such person's care any small child to permit such child to enter any municipal swimming pool unless such child is properly attended by the person charged with the care of such child.

(Code 1980, § 15-11)

Sec. 54-11. - Fee schedules; facility use agreements; nonresident participation.

- (a) The city council may establish fee schedules and/or facility use agreements for ~~recreational~~ Recreational facilities ~~Facilities~~ as they deem necessary. Applications for facility use agreements shall be made to the Director ~~at the parks and recreation department~~.
- (b) The facility use agreement shall provide for the rental/_lease of certain facilities and include but not necessarily be limited to:
 - (1) The rules, regulations and operating procedures for the facility Recreation Facility to be used.
 - (2) The fees and deposits for rental/_lease, security and cleanup.
 - (3) The name, address and phone number of the person responsible for the lease.
 - (4) The dates, times, and purpose for the rental/_lease including the name of any group using the facility.
 - (5) A statement by the person responsible for the rental/_lease that no activity shall be permitted which can be deemed illegal, immoral or otherwise contrary to the public good.
- (c) ~~The director of leisure services~~ Director shall establish procedures that provide among other things, for residents of the city to receive priority in filling any program or use of any facility Recreation Facility before permitting nonresident participation.

Sec. 54-12. - Notice of skateboard ramp user rules.

- (a) The municipal skateboard ramp shall be kept open during specified hours, notice of which shall be posted at some conspicuous place at all times.
- (b) It shall be unlawful, except during open hours, for any person to enter onto the skateboard ramp.
- (c) The municipal skateboard ramp shall be used only by city and county residents. ~~Users are required to obtain a pass from the department of leisure services and shall present such pass to city staff upon request.~~
- (d) It shall be unlawful to enter onto the municipal skateboard ramp without wearing all safety gear required by the ~~department of leisure services~~ Department.

Sec. 54-13. - Animals in the parks.

- (a) It shall be unlawful for any person who harbors, possesses or is in charge of a domestic restrained or unrestrained animal (such as dogs, cats, etc.) to bring said animal onto tennis courts, playgrounds and outdoor basketball courts. The only exception to this will be animal training classes that are approved by and scheduled through the ~~recreation department~~ Department at pre-approved areas.

- (b) It shall be unlawful for any person to ride, graze or walk a horse or other type hoofed animal within ~~municipal parks~~ a Recreation Facility without obtaining permission from the ~~recreation department~~ Department.
- (c) It shall be unlawful for any person who possesses, harbors, or is in charge of any animal not to immediately remove excrement deposited by the animal while in the ~~municipal park or on municipal athletic fields~~ Recreation Facility. Animal excrement shall be removed from the ~~park and athletic fields~~ Recreation Facility and disposed of in a sanitary means.
- (d) It shall be the duty of any person having custody or control of any animal in the ~~public park~~ Recreation Facility to have in such person's possession a device or equipment for picking up and removal of the animal excrement. The provisions of this section shall not apply to an animal aiding the handicapped (e.g., guide dog) or to an animal when in police or rescue activities.

Sec. 54-14. - Abandoned or unattended property.

- (a) No person shall abandon a vehicle, ~~other than a motor vehicle or trailer attached thereto~~, boat, equipment, or other personal property at any park facility or nature area after sunset. Abandoned property may be removed, impounded, sold in conformance to city ordinances or state laws, or disposed of as trash. As used in this section 54-14, such property shall be considered abandoned if it is left unattended overnight.
- (b) No person shall leave unpermitted barricade, tent, canopy, tarp, blanket, stakes, or other personal property unattended at any public park, facility or nature area overnight or place such items prior to dawn on the day of a special event. Such property may be removed to a safe place, impounded, sold in conformance to city ordinances or state laws, or disposed of as trash.
- (c) Security deposits, if posted, will apply toward cost of removal.
- (d) All issues pertaining to abandoned vehicles shall be handled in accordance with state law.
- (e) This section 54-14 shall not apply to tents, canopies, tarps, or other items of personal property which are located on city property pursuant to a contract with the city or to vendors which are permitted to locate such items on city property in connection with an event.

ARTICLE II. - LAKE PEACHTREE

Sec. 54-46. - Who may use; exceptions.

Lake Peachtree ~~can~~ may be used only by city residents and their accompanied guests and any other special events that are approved by the city council. The event organizer for all such special events must complete the city's special events process, which is initiated with the ~~leisure services division~~ Department and receive council approval before the planning of such event is finalized. Fees for lake usage for special events shall be as set forth in the schedule of fees and charges adopted by the city council.

As of July 1, 2010, the previously approved exceptions are as follows:

- (1) The annual Dragon Boat Races and International Festival;
- (2) Not more than two (2) triathlons hosted by local non-profit organizations on an annual basis; and
- (3) Certain team building events hosted by one (1) of the city's two (2) conference centers (Wyndham Peachtree and Dolce) as approved by the city council on June 17, 2010.

Nothing set forth in this section shall give any person the right to use Lake Peachtree except as authorized by the city council. The city reserves the right to limit, suspend, or otherwise terminate any of the usage rights set forth in this section unless such rights were granted to such users by deed.

Sec. 54-47. - Access.

Access to and use of Lake Peachtree shall be only through specifically designated areas, to be designated by the mayor and council; however, lakefront property owners may continue to use the lake through their own property.

Sec. 54-48. - Use of power boats.

- (a) Except for residents owning lakefront property and those having vested rights, no power boats shall be allowed on Lake Peachtree other than electric fishing motors rated at 3 hp or less.
- (b) Residents owning lakefront property and those with vested rights may continue to use power boats on the lake as long as the quality of the lake for drinking water purposes is not significantly endangered because of such use in the opinion of the mayor and city council.
- (c) No jet-powered personal water craft or jet-powered boats shall be allowed on Lake Peachtree.

Sec. 54-49. - Prohibited activities generally.

No person shall operate a boat or do any other thing on or around Lake Peachtree in a dangerous and reckless manner, nor shall any person do anything which disturbs the peace of those making lawful use of the lake and adjoining areas.

Sec. 54-50. - Taking of grass carp prohibited.

- (a) It shall be unlawful for any person to remove by any means from Lake Peachtree that species of fish known as the white amur, commonly known as the grass carp. Removal shall include but not be limited to hook/_line, spear, net, or shooting with bow/arrow or any other type weapon or device.
- (b) The amur can be identified by its silver-gray color with an elongated body and a broad, blunt head. When fully grown the amur weighs approximately 25 to 35 pounds.

Sec. 54-51. - Fines and penalties.

Any person who violates this article shall be subject to fines and penalties not to exceed the limits established for the municipal court of the city.

Secs. 54-52—54-85. - Reserved.

ARTICLE III. - LAKE KEDRON and Lake McIntosh

Sec. 54-86. - Definitions.

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

Lake Kedron means the county reservoir established along Flat Creek in the city and owned and operated by the county. This definition includes the lake at its normal pool elevation, a certain flood easement as shown on the record as kept in the clerk's office of the superior court of the county and dam site and public access and facilities.

Lake McIntosh means the county reservoir established along Line Creek in the city and adjacent Coweta County and owned and operated by Fayette County. This definition includes the lake at its normal pool elevation and any flood easements or property as shown on the record as kept in the clerk's office of the superior court of the county and dam site and public access and facilities.

Public access and facilities means any area open to the public in or about Lake Kedron as designated by the county.

Sec. 54-87. - Hours of operation.

Lake Kedron and Lake McIntosh shall only be open daily to the general public from and to those public access and facility areas as designated by the county from sunrise to sunset.

Sec. 54-88. - Prohibited activities.

The following shall be prohibited on or about Lake Kedron and Lake McIntosh and any other and all property surrounding the area as being property of the owner:

- (1) Swimming, wading.
- (2) Any activity allowing bodily contact with the water with the exception of official training exercises by the county and/or city dive teams.
- (3) The operation of any hydrocarbon or alcohol fueled power boats or other watercraft so powered.
- (4) Water skiing.
- (5) Scuba diving.
- (6) Consumption of alcoholic beverages.

Sec. 54-89. - Public access.

The general public shall have access to Lake Kedron only at those areas designated as public access and facilities by the owner.

Sec. 54-90. - Operation of watercraft by minors.

It shall be unlawful for any person under the age of 12 to operate any and all watercraft which is either electrically, wind or manually powered upon Lake Kedron or Lake McIntosh. No person 12 through 15 years old inclusive shall be allowed in or upon Lake Kedron or Lake McIntosh unless accompanied by a parent or legal guardian or other person at least 18 years old. Every person 16 years of age or older may operate any and all watercraft which are either electrically, wind or manually powered upon Lake Kedron.

Sec. 54-91. - Violations, penalty.

Any person who violates this article shall be subject to fines and penalties not to exceed the limits established for the municipal court of the city.

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 _____ 2016

Vanessa Fleisch, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Jonathan Rorie, City Manager 
Paul Salvatore, Finance Director 
Kelly Bush, Assistant Finance Director 

FROM: Kimberly D. Jones, Court Administrator 

DATE: April 7th, 2016

SUBJECT: Consider Increase in Administrative Fee for Municipal Court Citations
April 7th, 2015 City Council Meeting

Recommendation:

Staff recommends increasing the administrative fee on applicable citations from \$15.00 to \$20.00. (excludes seatbelt violations only)

Discussion: The municipal court is asking that the administrative fee on the majority of citations (all applicable citations) and city ordinance violations be raised from \$15.00 to \$20.00. The funds collected from the administrative fee help the rising costs of the daily inmate housing as well as the indigent defense fund. The amount of inmates has drastically increased and is a significant cost to the city. The increase will also help fund the indigent defense care fund as we are seeing many more cases for our indigent defense attorneys. The court is trying to prevent having to ask for an increase for the indigent defense fund in the 2016/2017 budget. We feel by raising this fee, it will offset the increasing costs to the city. I have contacted 7 courts and the administrative fee that is charged by those courts are as follows: 4 courts charge \$20.00. 2 courts charge \$25.00 and 1 court charges \$37.00.

Budget impact:

Will increase revenue by approx. \$45,000.00 to \$55,000.00 per year

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jon Rorie, City Manager 
Jill Prouty, Library Administrator 
Paul Salvatore, Financial Services Director 

FROM: Ellece Brown, Director, HR & Risk Management 

DATE: March 28, 2016

SUBJECT: Consider Addition of On-Call Part-Time Library Assistant
April 7, 2016, City Council Meeting

Recommendation

That Council approves the addition of one (1) on-call part-time Library Assistant within the Peachtree City Library.

Discussion

The Peachtree City Library has a total staff of fifteen (15) with only seven (7) full-time employees. Therefore, the Library operates with over 50% part-time staff. The Library has operated very efficiently and successfully for a number of years with this large percentage of part-time staff, but there are challenges in covering all desks and sections when part-time employees require time off (unpaid) for illness, doctor/dentist appointments, vacation, emergency situations, etc.

In order to provide the coverage and supervision needed to keep the Library operating at acceptable standards when part-time employees require time off, the Library Administrator, with approval of the City Manager, began a trial program several months ago to address the coverage issues. The program involved having a temporary on-call part-time Library Assistant, and we were very fortunate to utilize one of our previous employees (fully trained Library Assistant) who was interested in this temporary program. This trial program has been very successful. When a part-time employee has been absent from work for whatever reason, the temporary on-call part-time Library Assistant has been called in to replace that employee until he/she returns providing for a seamless transition with a trained individual. Since the part-time Library Assistant was off on unpaid time, there were no additional costs to the City when the on-call part-time Library Assistant was brought in to work.

Since this trial program has been so successful, staff would like to continue the program indefinitely.

Budget Impact

Approval of this recommendation would add one employee to the City's headcount, but there would be no budget impact for employing an on-call part-time Library Assistant to fill-in for the Library's regular part-time Library Assistants.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jon Rorie, City Manager 
Paul Salvatore, Financial Services Director *P.S.*
Cajen Rhodes, Recreation Administrator *CR*

FROM: Ellece Brown, Director, HR & Risk Management 

DATE: March 29, 2016

SUBJECT: Consider Elimination/Replacement of One (1) Position in the
Recreation & Special Events Department
April 7, 2016, City Council Meeting

Recommendation

Staff recommends eliminating the part-time Ball Field Supervisor position in the Recreation and Special Events Department and replacing it with another part-time Recreation Leader position.

Discussion

As part of an evaluation of the personnel resources in the Recreation and Special Events Department, it was determined that the current part-time Ball Field Supervisor position at Meade Park is responsible for similar duties as a part-time Recreation Leader at the Kedron Fieldhouse. In addition, if we reclassify the Ball Field Supervisor to a Recreation Leader position, the incumbent can be trained on the specific duties at the Kedron Fieldhouse, and he would be able to cover shifts when other Recreation Leaders are absent due to illness, emergencies, vacation, etc. and vice versa. Currently these absences are covered by full-time staff creating a need to "flex" time off or to pay overtime dollars. Utilizing another part-time Recreation Leader would create more efficiency.

The job description for the Recreation Leader position (See attached) has been written in a more general fashion, thereby covering the duties of the Recreation Leader position at Kedron and those at the ball fields.

Budget Impact

The annual budget impact is approximately \$500. The additional cost can be absorbed in the FY16 Recreation and Special Events budget.



Recreation Leader

Recreation

REC/8

Reports To: Recreation Administrator

Salary Grade: 13

Job Code: REC/8

FLSA Status: Non-exempt

Date: 3/29/16

JOB SUMMARY

This position is responsible for leading recreation programs at the Kedron facility, Meade Field, and/or Riley Field.

MAJOR DUTIES/ESSENTIAL FUNCTIONS

- Supervises and monitors all activities at the Kedron facility, Meade Field, and/or Riley Field, including open gym, classes, open swim, meetings, league activities, and special events.
- Ensures that the Kedron facility and/or ball fields are ready for league and/or open gym activities.
- Enforces all applicable City, Fieldhouse, and league rules and regulations.
- Monitors the security of the building/field and the safety of all participants and attendees.
- Assists customers; enrolls patrons into classes when necessary, provides information, and resolves problems.
- When necessary, ensures that umpires are available for league games.
- Coordinates with other City departments after normal business hours as needed.
- Opens and closes the facility and/or ball field.
- Reconciles cash drawer.
- Assists youth and adult sports associations and groups.
- Performs janitorial and light maintenance duties as needed.
- Assists with special events.
- Performs related duties.

KNOWLEDGE REQUIRED BY THE POSITION

- Knowledge of modern office practices and procedures.
- Knowledge of City and departmental policies and procedures.
- Knowledge of computers and job-related software programs.
- Knowledge of customer service principles and practices.
- Skill in prioritizing and organizing work.
- Skill in the provision of customer services.
- Skill in oral and written communication.

SUPERVISORY CONTROLS

The Recreation Administrator assigns work in terms of general instructions. The supervisor spot-checks completed work for compliance with procedures, accuracy, and the nature and propriety of the final results.

GUIDELINES

Guidelines include sports organization guidelines, fieldhouse and aquatic center rules, ball field rules, and City and department policies and procedures. These guidelines are generally clear and specific, but may require some interpretation in application.

COMPLEXITY/SCOPE OF WORK

- The work consists of related program leadership, customer service, and administrative duties. Frequent interruptions contribute to the complexity of the position.
- The purpose of this position is to lead assigned program operations at the Kedron Fieldhouse, Meade Field, and/or Riley Field. Successful performance contributes to the efficiency and effectiveness of those operations.

CONTACTS

- Contacts are typically with co-workers, volunteers, program participants, and the general public.
- Contacts are typically to give or exchange information, resolve problems, and provide services.

PHYSICAL DEMANDS/ WORK ENVIRONMENT

- The work is typically performed while intermittently sitting, standing or stooping. The employee occasionally lifts light objects, climbs ladders, uses tools or equipment requiring a high degree of dexterity and utilizes the sense of smell.

- The work is typically performed in an office, a recreation facility, and outdoors, occasionally in cold or inclement weather.

SUPERVISORY AND MANAGEMENT RESPONSIBILITY

This position has functional supervision over assigned personnel.

MINIMUM QUALIFICATIONS

- Knowledge and level of competency commonly associated with completion of specialized training in the field of work, in addition to basic skills typically associated with a high school education.
- Sufficient experience to understand the basic principles relevant to the major duties of the position, usually associated with the completion of an apprenticeship/internship or having had a similar position for one to two years.
- Possession of or ability to readily obtain a valid driver's license issued by the State of Georgia for the type of vehicle or equipment operated.

The qualifications listed above represent the credentials necessary to perform the essential functions of this position. To be successful in this position, an individual must be able to perform each essential duty satisfactorily. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions of this position.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Jonathan Rorie, City Manager 

FROM: Paul Salvatore, Director of Financial Services
Kelly Bush, Assistant Finance Director 

DATE: April 1, 2016

SUBJECT: Budget Amendments – Georgia Association of Emergency Medical Services Operating Supply Grant

April 7, 2016 City Council Consent Agenda

Recommendation:

It is Staff's recommendation that City Council approve the attached budget amendment to the fiscal year 2016 budget resolution.

Discussion:

Peachtree City accepted a grant from the Georgia Trauma Care Network through the Georgia Association of Emergency Medical Services in the amount of \$13,176.55 at the September 9, 2015 Council Meeting. This grant is to reimburse the City for the purchase of trauma related equipment and supplies. Under the terms of the grant, Peachtree City purchased the items and has received a reimbursement of \$13,156. The attached budget amendment will increase the general fund other revenue account budget and the EMS operating supplies budget to accommodate that reimbursement.

Budget Impact:

Be it resolved the attached budget amendment will increase both revenues and expenditures in the general fund by \$13,156. This is a reimbursement grant with no matching requirements.

Attachments: Budget Amendment.

kb: council reports/Budget Amendments for 2016

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

16-017

04/07/2015

[illegible]

Budget Amendment to budget for operating grant from Georgia Association of Emergency Medical Services to reimburse operating supplies.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Jonathan Rorie, City Manager 

FROM: Betsy Tyler, Public Information Officer/City Clerk

DATE: April 1, 2016

SUBJECT: Ordinance Amendments and Action Preview
April 7, 2016, City Council Meeting

Ordinance Amendment – Purchasing Ordinance

As part of the ongoing effort to update Peachtree City's Code of Ordinance, staff has completed a review of the Peachtree City Purchasing Ordinance (under Chapter 34 Finance). The proposed amendments are primarily housekeeping in nature and update the ordinance for operability.

Staff anticipates returning with this item for Council consideration on April 21. Assistant Finance Director Kelly Bush and City Manager Jonathan Rorie will be present to answer any questions.

PREVIEW – Purchasing Ordinance Update

DIVISION 4. - PURCHASING PROCEDURES

Sec. 34-116. - Purchasing agent.

There is created the position of purchasing agent, who shall serve as the centralized purchasing official of the city and who shall direct the activities of the centralized purchasing office. All officials and employees of the city shall initiate all purchases of products and services over \$10500.00 through the centralized purchasing office. The policies specified in this division shall be strictly adhered to when making city purchases.

Sec. 34-117. - Bids/price quotations.

Except for expenditures involving contracts for performances at concerts and events at the Frederick Brown Jr. Amphitheater, the following dollar amounts shall be applied in determining the process to be used in obtaining bids/price quotations:

- (1) ~~\$500.00 and under—Department selection with final approval by division director/chief.~~
- (2) ~~Over \$500.00 but less than \$1,000.00—Department selection with final approval by chief administrative officer/division director/chief or his/her designee.~~
- (3) ~~\$1,000.00 and over but less than \$5,000.00—Three verbal comparative quotes/pricing such as internet searches, verbal quotes, etc. with final approval by chief administrative officer or his/her designee.~~
- (4) ~~\$5,000.00 and over but less than \$2540,000.00—Three written quotes with final approval by chief administrative officer or his/her designee.~~
- (5) ~~\$2540,000.00 and over, with the exception of gasoline and diesel fuel purchases handled as in subsection (24) above—Sealed bids or Request for Proposals with final approval as provided in section 36-118117.~~

Sec. 34-118. - Approval.

- (a) Except for expenditures involving contracts for performances at concerts and events at the Frederick Brown Jr. Amphitheater, previously approved and budgeted capital projects and expenditures made from the public improvement program projects contingency fund, the following approval authority shall apply to the expenditures of city moneys:
 - (1) Unbudgeted items costing \$5,000.00 or less—The mayor or chief administrative officer.
 - (2) Unbudgeted items over \$5,000.00—A majority vote of the mayor and council, except as provided in sub-subsection (b).
 - (3) Budgeted items costing \$40,000.00 or less—Chief administrative officer, who shall provide a monthly summary to the mayor and council on all such expenditures which exceed \$10,000.00.
 - (4) Budgeted items over \$40,000.00—A majority vote of mayor and council.
- (b) For expenditures involving previously approved and budgeted capital projects and expenditures made from the public improvement program contingency fund, the mayor or chief administrative officer shall have the authority to expend up to \$40,000.00 per project with a monthly summary to council on all such expenditures which exceed \$10,000.00

- (c) The approved budget shall indicate and identify all capital projects and the public improvement program contingency fund.
- (d) For expenditures involving contracts for performances at concerts and events at the Frederick Brown Jr. Amphitheater, the contract(s) will be reviewed by the finance department for conformity with the amphitheater fund budget previously approved by mayor and city council, and may then be signed by the mayor, chief administrative officer or his designee.

Sec. 34-118.1. - Expenditures from council contingency fund.

Except as provided herein, the city council shall, by majority vote at a public meeting, approve all expenditures from the council contingency fund prior to the commitment of any money in such fund or other use thereof. In any situation where the expenditure of money from the council contingency fund is deemed to be a legitimate health, safety, or welfare emergency by the mayor or the chief administrative officer, the mayor or the chief administrative officer may expend such money from the council contingency fund. Discussion of such expenditure shall occur as a regular agenda item at the next city council meeting. Under no circumstances does the mayor or chief administrative officer have the authority to expend money from the council contingency fund on any project if the city council has voted at a previous occasion not to so spend the money.

Sec. 34-119. - Brand-name purchases.

The chief administrative officer may elect purchase of a brand-name product or service when the goods comprise a major brand system, program or service and due to operational effectiveness, future enhancements or additions, or maintenance and storage of spare parts preclude the mixing of brands, manufacturers, etc.

Sec. 34-120. - Sole-source purchases.

A contract may be awarded or a purchase made without competition by the chief administrative officer when it is determined that there is only one source for the required products, supply service, or construction item. The purchasing agent, with written approval from the chief administrative officer shall conduct negotiations as appropriate, as to price, delivery and terms. A separate file of sole-source procurements shall be maintained as a public record and shall list each contractor's name. Detailed information as to amount and items purchased will be maintained with the finance department's accounts payable files.

Sec. 34-121. - Modification of bids and proposals.

Once a bid or proposal has been opened and accepted by city officials, the city reserves the right to further negotiate with the lowest responsive and responsible bidder in an effort to ensure that the bid or proposal meets the approved budget and specifications. Further, once a contract is awarded by city officials, the city reserves the right to amend the contract without the necessity of rebidding such contract, provided that such amendment shall not result in a variance in price exceeding ten percent of the original contract amount and providing that funds are budgeted to cover these additional costs. Any increase greater than \$40,000 must be approved by Council.

Sec. 34-122. - Operational policies/procedures.

Consistent with this division and with the approval of the chief administrative officer, the purchasing agent shall develop and adopt written operational policies/procedures relating to the execution of

this division and the functioning of the centralized purchasing offices, which shall also include but not be limited to policies/procedures for:

- (1) The procurement of all supplies, services and construction needs by the city.
- (2) The establishment of programs for specifications development, contract administration and inspection and acceptance.
- (3) The selling, lending or otherwise disposal of supplies and equipment belonging to the city.

Sec. 34-123. - Collaborative /cooperative purchasing.

The purchasing agent may elect to purchase products or services through the collaborative/cooperative purchasing process by O.C.G.A. 36069A. This process provides discounting through combining the purchasing power of local entities to achieve economies of scale associated with this type of relationship.

Sec. 34-124. - State and federal contract use.

~~The purchasing agent may use state and federal contracts for purchasing any products that are available to local governments. By using this method, the necessity of bidding items over \$10,000.00 will be eliminated due to the fact that the state has already bid the item.~~

Sec. 34-125 124. - Reverse auctions.

The purchasing agent may elect to use a reverse auction method for the purchase of goods and/or services, in lieu of sealed bids.

Sec. 34-125. - Emergency purchases.

The chief administrative officer and/or purchasing agent have the authority to purchase commodities and services in emergency situations constituting a threat to public health, safety or welfare or to the soundness and integrity of public property or to the delivery of essential services and where the adverse effect of such emergency may worsen materially with the passage of time. If the emergency occurs after normal business hours, the Division Directors/Chief will be granted the same authority.

Sec. 34-126. Property Disposal

The purchasing agent shall determine the most advantageous method to dispose of excess, surplus and obsolete materials. When not transferred or traded, any individual item with a value greater than \$5,000 will require Council approval.

Secs. 34-~~128~~ 127—34-200. - Reserved.