

City Council of Peachtree City
REVISED Agenda
April 2, 2015
7:00 p.m.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Announcements, Awards, Special Recognition**
 - Proclamation – Fayette County Earth Day**
 - Annual Update by Friends of the Library & Update from Library Administrator**
 - Presentation by Nissan of Newnan to the Police Department**
- IV. Public Comment**
- V. Agenda Changes**
- VI. Minutes**
 - March 19, 2015, Regular Meeting Minutes**
- VII. Consent Agenda**
 - 1. Consider Subdivision Entrance Maintenance Grant – The Marks**
 - 2. Consider Intergovernmental Agreement with Fayette County – 2015 Municipal Election**
 - 3. Consider Proposal for Municipal Broadband Business Plan Development**
- VIII. Old Agenda Items**
 - 11-14-02 Consider Dredging Options of Lake Peachtree**
 - 02-15-10 Discuss/Consider Official Staff Direction to Propose State Legislation**
Permitting Municipal Elections in Even-numbered Years
- IX. New Agenda Items**
 - 04-15-01 Public Hearing – Consider Amendments to Article VI Definitions to the**
Zoning Ordinance
Amendment would modify the definition of family in accordance with the Fair Housing Act
 - 04-15-02 Public Hearing – Consider Request to Rezone 2.37-acre Peachtree Pointe**
office tract from LUC-9 Limited Use Commercial to LUC-27 Limited Use
Commercial, 6000 Shakerag Hill
 - 04-15-03 Consider Amendments to Health and Sanitation Ordinance (as requested**
by the Fayette County Board of Health)
 - 04-15-04 Consider Bids for Street Resurfacing**
- X. Council/Staff Topics**
 - Update on MacDuff Parkway**
- XI. Executive Session**
- XII. Adjourn**

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

CITY OF PEACHTREE CITY
INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: James L. Pennington, City Manager 

FROM: Paul J. Salvatore, Financial Services Director *PJS*

DATE: March 30, 2015

SUBJECT: Consider proposal for business plan development - Broadband
April 2, 2015 City Council Agenda

Recommendation

Approve the attached proposal from Community Broadband LLC in the amount of \$25,000.

Discussion:

On Friday March 27, Allen Davis of Community Broadband LLC made a presentation to members of Council and staff in regard to the development of a high-speed municipal broadband network for Peachtree City. The presentation included a high-level five-year financial model and description of how such a utility could be implemented in the city, including the potential for very positive economic development.

This subsequent engagement would authorize the firm to move forward with developing a more highly detailed business plan for implementation of the utility.

Budget Impact

Funds are available in the Technology Contingency account for this expense.

**SECOND AMENDMENT TO PROFESSIONAL SERVICES
LETTER OF ENGAGEMENT**

This Second Amendment to the letter of engagement to provide professional services ("Second Amendment") is entered into this _____ day of April, 2015, by and between the City of Peachtree City (the "City"), whose principal office is located at 151 Willowbend Road, Peachtree City, Georgia 30269, and Community Broadband, LLC ("Community Broadband") whose principal office is located at 2977 Fort Morris Road, Midway, Georgia 31320 (collectively the "Parties").

The City has requested the Support Services pursuant to the terms and conditions of a letter of engagement for professional services dated February 19, 2015, and the Parties now desire to amend the letter of engagement.

The Parties hereby agree to modify the letter of engagement in the following respect:

Community Broadband will: (1) prepare a Business Plan associated with the development of the System; and (2) present the Business Plan to the City within forty-five (45) days from the date of the approval of this Second Amendment at the direction of authorized City representatives. The total cost to prepare and present the Business Plan including travel time and expenses, meeting preparation, and meetings will not exceed \$25,000.

Except as hereby modified, all terms and conditions of the letter of engagement remain unchanged and in full force and effect.

The Parties have executed this Second Amendment by their proper officers or duly authorized agents.

Community Broadband LLC

The City of Peachtree City

By:  _____

By: _____

Name: J. Allen Davis

Name: _____

Title: President

Title: _____

Date: 3/27/15

Date: _____

City Council of Peachtree City

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

**City Council of Peachtree City
Meeting Minutes
March 19, 2015
7:00 p.m.**

The Mayor and Council of Peachtree City met on Thursday, March 19, 2015, at City Hall. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Other Council Members attending: Terry Ernst, Eric Imker, Mike King, and Kim Learnard.

Announcements, Awards, Special Recognition

Heather Baker from Autism Speaks accepted a proclamation from Mayor Fleisch for Autism Awareness Day. Police Corp. Andy Johnson was recognized for 10 years of service. Glenn Falkner of Body Magic presented Interim Police Chief Stan Pye with a check for \$1,000 for the Police Department, which Faulkner said was a public display of appreciation for the Police Department. Pye said the funds would be used by the Auxiliary Police Officers, who maintained a fund used when officers and family members were hospitalized or had deaths in the family.

Minutes

March 5, 2015, Regular Meeting Minutes

King moved to approve the March 5, 2015, regular meeting minutes as written. Ernst seconded. Motion carried unanimously.

Monthly Reports

Fleisch noted the Building Department Report was on the dais. There were no comments.

Consent Agenda

- 1. Consider Authorization to Purchase Two Thermal Imager Cameras**
- 2. Consider Amendment to Public Facilities Authority Legislation**
- 3. Consider Budget Reallocation – FY 2015**
- 4. Consider Authorization to Apply for GOHS/MATEN (Governor's Office of Highway Safety/Metro Atlanta Traffic Enforcement Network) Safety Grant**

Fleisch noted there were items on the dais for Consent Agenda items 2 and 4. Learnard moved to approve Consent Agenda items 1 – 4. King seconded. Motion carried unanimously.

Old Agenda Items

- 02-15-09 Public Hearing – Consider Rezoning & Associated Variance Request, GC General Commercial to LUC-26 Limited Use Commercial, Dolce – Peachtree Atlanta (Great Wolf Lodge of Georgia, LLC), 201 Aberdeen Parkway**

Fleisch stated that Great Wolf Lodge had requested the public hearing be postponed to April 2. Fleisch continued that, per the advice of the City Attorney regarding notices and advertising, it was suggested to continue the public hearing to April 16.

Ernst moved to continue the public hearing to April 16. King seconded.

Andy Jurchenko asked for a point of order. City Attorney Ted Meeker said a point of order could only come from an elected official.

Imker asked to speak before the vote. He said the public hearing would probably be continued, and he wanted to point out some items. Imker said he had received an e-mail the previous day, and he had confirmed the information prior to the meeting, that said Great Wolf Lodge had been informed to be ready to proceed at this meeting. To his knowledge, Imker said

they had been informed. The decision to proceed or not was Council's, and Imker said he was prepared to proceed.

Imker continued that he had asked about the concept of tabling as opposed to continuing at the last meeting because he did not want to "jerk around" the citizens. He was ready to vote, and he did not want to see the public hearing continued.

Jurchenko asked Fleisch if she had ruled on his point of order. Meeker reiterated that a point of order could only come from the elected body.

Imker asked for a point of order, saying he would like to hear from the public. Fleisch said it would not be appropriate at this time.

Learnard said she wanted to hear the best offer from the developer and understand what it was. Council had never squelched positive public dialogue, and they had always made an opportunity available for proposals like this to come in at their best. No decision would be made until the best offer was on the table. Learnard said she wanted to know what that offer was, and she would only support one more continuance.

King said this was the second largest investment to come to Fayette County with the exception of Pinewood. He agreed with Learnard that Council needed to hear everything, not just from those attending the meeting. He wanted to ensure Council made an informed decision.

Imker agreed with Learnard on hearing the best offer, which was his position the last time. Fleisch said there was no precedence being set by continuing the public hearing. Council had done so before. Imker asked Fleisch to rule on his point of order. Meeker said Fleisch had done so.

Motion carried 4-1 (Imker).

New Agenda Items

03-15-06 Consider Ordinance Amendment – Land Development Ordinance, Article X, Section 1007, Floodplain Management/Flood Damage Prevention

City Engineer Dave Borkowski said the City was required to update its Floodplain Management/Flood Damage Prevention Ordinance as new updates came from the Metropolitan North Georgia Water Management District (MNGWMD) and the Federal Emergency Management Agency (FEMA). The City was required to adopt the changes by March 31.

Learnard moved to approve New Agenda Item 03-15-06. King seconded. Motion carried unanimously.

Council/Staff Topics

City Manager Jim Pennington reported that advertising had begun for a new Police Chief. He planned to have a well-informed citizen panel composed of five to seven individuals, including law enforcement personnel from different areas, interview the candidates, which Pennington said was one of the best ways to narrow the field. Pennington would watch those interviews, then interview the candidates himself, with an idea of any areas that should be explored. In addition, Council would meet with the last five candidates.

Learnard said she would like an update on MacDuff Parkway at the next meeting, as well as the final estimates on the additional dredging for Lake Peachtree so Council could make a decision of whether any additional dredging should be done.

King said he had noticed silt dumped on Drake Field that afternoon, saying he did not think that was supposed to happen. He wanted to check with the County.

Executive Session

Learnard moved to convene in executive session at 7:19 p.m. to discuss the sale or acquisition of real estate, personnel, and threatened or pending litigation. Ernst seconded. Motion carried unanimously.

King moved to reconvene in regular session at 8:03 p.m. Ernst seconded. Motion carried unanimously.

There being no further business, Learnard moved to adjourn the meeting. King seconded. Motion carried unanimously. The meeting adjourned at 8:04 p.m.

Pamela Dufresne, Deputy City Clerk

Vanessa Fleisch, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: James Pennington, City Manager 
Paul Salvatore, Financial Services Director KB for PS
Kelly Bush, Assistant Finance Director KB

FROM: Jonathan Rorie, Public Services Director JR

DATE: March 26, 2015

SUBJECT: Subdivision Entrance Maintenance Grant
April 2, 2015 City Council Meeting

Recommendation: Authorize a \$3,500 Subdivision Entrance Maintenance Grant for "The Marks Subdivision."

Discussion: In FY 2015, City Council approved CAR 14-5 Subdivision Entrance Maintenance Policy. Section B.3 of the policy allows fifty (50) percent plus one (1) of the registered property owners within the subdivision to petition the City Council for a \$3,500 grant to replace current subdivision entrance signage if they accept future maintenance responsibility.

Eighty-five (85) of 156 registered homeowners in the Marks Subdivision signed the petition. The signatures have been validated as registered homeowners against current Fayette County tax records.

Based upon budgeted funds, if a grant is awarded the group of homeowners within a subdivision shall become solely responsible for all maintenance and repair costs of subdivision entrance signage and landscaping of the subdivision entrance, therefore the City will no longer participate in any maintenance responsibility or utility costs associated with subdivision entrances. If awarded the grant the homeowners group will take responsibility for three (3) subdivision signs and seven (7) landscape islands.

Budget Impact: Adequate funding is available in the Public Works FY 2015 budget. Funds will be drawn from Public Services Street Supplies 100-4100-531170.

CITY OF PEACHTREE CITY
INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: Public Information Officer/ City Clerk 

DATE: March 27, 2015

SUBJECT: Consider Intergovernmental Agreement for 2015 Municipal Election
April 2, 2015, City Council Meeting

Recommendation:

That Council approve and authorize the Mayor to sign the attached agreement with Fayette County for conducting the 2015 municipal election.

Discussion:

The City contracts with Fayette County for the County Board of Elections to conduct each municipal election. Fayette County owns the voting equipment and conducts annual elections, helping to ensure that Peachtree City's municipal elections are held in accordance with State and Federal law.

The attached agreement gives the Fayette County Board of Elections the authority to conduct the November 3 Municipal Election and any necessary Run-off Election in December. This includes transportation and setup of voting equipment, issuing absentee ballots, staffing the polls, and training and paying poll workers.

The City will reimburse the County for all expenses incurred in managing the election, and City Staff will continue to qualify candidates and notify the State of candidates who must file campaign reports.

The City Attorney has reviewed the agreement and approved the language from a legal standpoint.

Budget Impact:

The proposed FY 2016 Budget will include funding for the November 3 Election and a runoff-election, which will be required for any seat in which no candidate receives 50% plus one of the votes cast.

STATE OF GEORGIA

COUNTY OF FAYETTE

**INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL
ELECTIONS**

This Agreement entered into this _____ day of _____ between the CITY OF PEACHTREE CITY, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as "The City" and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as "The County".

W I T N E S S E T H:

WHEREAS, the City in the performance of its governmental functions will hold the elections hereinafter described; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly O.C.G.A. §21-2-45 of the Official Code of Georgia Annotated, the City may, by ordinance, authorize the County to conduct such elections and the City has heretofore adopted such an ordinance; and

WHEREAS, the County has staff and equipment to conduct such elections; and

WHEREAS, the County desires to assist said City in the conduct of its municipal elections.

NOW THEREFORE, for and in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This Agreement shall govern the conduct of the City of Peachtree City general election to be held on November 3, 2015 and any and all run-offs which may be necessary and any special elections that may occur within 12 months of this Agreement.

2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned elections and shall perform any and all functions of the City or any of the City's officials in connection with the conduct of such elections with the exception of duties pertaining to the qualification of candidates and pertaining to the responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance.

3.

A City official shall operate as the Superintendent with respect to the qualifications of candidates. Such official shall perform any and all functions of the City or any of its officials in connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C)(2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

The County shall supply all of the necessary manpower and transportation to pick up, deliver, set up, store and return to the County all of the voting equipment used in the elections along with all ancillary equipment and necessary supplies.

5.

All the voting equipment shall be programmed by the Center for Elections located at Kennesaw State University.

6.

All absentee ballots shall be ordered, issued, mailed, and accounted for by the County.

7.

Staffing of the polling locations and training of the staff shall be provided by the County.

8.

All expenses and charges incurred in the performance of said elections (except for the actual cost of the State-owned voting system and State-owned ancillary equipment) shall be the responsibility of the City. Said expenses and charges shall include but not be limited to the following: all costs of training and providing personnel for the elections, costs of printing, mailing and processing absentee ballots, the costs of expendable supplies and a pro-rated maintenance cost for the voting equipment. An invoice for the costs and expenses of the elections shall be submitted to the City and the City shall remit payment of the invoice to Fayette County within 30 days of receipt of the invoice.

9.

To the extent permitted by law, the City shall indemnify, defend and hold harmless the County from any liability and/or litigation expenses to which the County may be subjected as a consequence of or as a result of the elections for the City. The City will furthermore, to the extent permitted by law, reimburse the County for any and all necessary legal representation, by counsel chosen by the County, in any action arising from the conduct of the City elections. Said reimbursement shall be paid by the City within thirty days of invoice by the County.

10.

This intergovernmental contract is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held

invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

Should it be necessary to comply with any legal requirements, the necessary members of the County's personnel may be temporarily sworn in as officers and employees of the City.

FAYETTE COUNTY, GEORGIA

By: _____
Charles Oddo, Chairman
Board of Commissioners

Attest:

CITY OF PEACHTREE CITY

By: _____
Vanessa Fleisch, Mayor

Attest:

FAYETTE COUNTY ELECTIONS &
VOTER REGISTRATION

By: _____
Marilyn Watts, Chairman

Attest:

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager
Community Services Director

FROM: Senior Planner *David*

DATE: March 27, 2015

SUBJECT: Consider Amendment to Article VI Definitions, of the Peachtree City Zoning Ordinance

Recommendation:

That Council adopt the amendment to Article VI, Definitions, of the Peachtree City Zoning Ordinance as recommended by the City Attorney.

Discussion:

The City Attorney has suggested that we amend our current definition of "family" in accordance with the provisions of the Fair Housing Act.

The zoning ordinance defines family as "one or more persons occupying a single dwelling unit, provided that unless all persons are related by blood or marriage, or are lawful wards, no such family shall contain more than two persons."

The proposed amendment would change this definition to:

A person, or group of persons, immediately related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit, exclusive of household servants; also, a group of not more than three (3) persons, or a group of not more than eight (8) disabled persons not necessarily related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit.

According to research done by the City Attorney, the above language has been successfully defended in other jurisdictions in Fair Housing Act cases.

At their meeting on March 9, the Planning Commission voted unanimously to forward the amendment to City Council with a recommendation that it be approved, subject to the following modification (Attachment "A"):

Consider Amendment to Article VI Definitions

March 27, 2015

Page 2

A person, or group of persons, immediately related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit, exclusive of household servants; also, a group of not more than ~~three (3)~~two (2) persons, or a group of not more than eight (8) disabled persons not necessarily related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit.

A copy of the ordinance as proposed is included as Attachment "B".

Budget impacts:

There are no budget impacts associated with this request.

**UNAPPROVED EXCERPT OF MINUTES
PLANNING COMMISSION MEETING
March 9, 2015**

PUBLIC HEARING

**PH-15-04 Consider amendments to Article VI Definitions of the Peachtree City
Zoning Ordinance**

Mr. Rast gave a quick overview of this proposed amendment to update the definition of "family" in the city's Zoning Ordinance. The current definition had been in the ordinance for a number of years and was not consistent with the Property Maintenance Code and some of the other codes the City enforced as far as the number of occupants within single-family residential areas. In response to a number of calls from citizens related to what they felt were too many unrelated people living in the same house, Staff had met with Code Enforcement and the City Attorney to determine if the current definition of family should be updated.

The City Attorney's recommendation was that the ordinance be modified to include the definition of "family" in accordance with the Fair Housing Act. This would essentially enable the City to better address situations that were not typically found in a single-family neighborhood, i.e., five, six, or seven individuals occupying a house, cars parking on the street, etc., and would allow the City to regulate these situations much more than was currently possible. Mr. Rast indicated the Property Maintenance Code determined the number of residents who could occupy a home based on the number of bedrooms, bathrooms, etc. and would permit a large number of people to occupy a single residence.

The definition in the Fair Housing Act identified a limit as to the number of people who were not related that could live together in a single-family home. The proposed language was recommended by the City Attorney, and Staff recommended it be forwarded to City Council with a recommendation for approval.

No one else spoke in favor of the amendment nor did anyone speak in opposition to it.

Mr. Conner stated that the current definition mentioned that only two people could live in the same single-family dwelling if they were not blood related. Since the new version allowed more than three people, he thought, in theory, it would be loosening the definition. Mr. Rast explained that the existing ordinance essentially said that no such family could contain more than two persons. The proposed definition allowed up to three unrelated people, such as three roommates, to live together in a home.

Mr. Conner understood how this would make the ordinance easier to enforce, but he also felt we were giving up 50 percent. Mr. Destadio agreed. He also wondered if the word "disabled" was defined enough to prevent any further issues. Had we had any problems? What was the reason for the change? Were we trying to establish a half-way house? Mr. Rast said we were actually trying to prevent that and noted that the

Fair Housing Act was pretty explicit relative to the definition of "disabled" and a lot of other things.

Mr. Rast explained that the primary reason for this proposal was due to a recent situation on a small cul-de-sac in St. Andrews Square. One of the homes was leased to a family who at the last minute pulled out, and instead there were seven or eight people living in the home for a period of a couple of months. There were not enough parking spaces so they were parking on the streets and blocking driveways, garbage pick-up, and service deliveries. Mr. Rast indicated there was nothing in the city's ordinance that would prevent this.

Mr. Destadio wondered why the current definition that specified two people would not have come into play in this case. Mr. Rast stated that the Property Maintenance Code would have allowed several more people in the home based on the size of the rooms, the number of bathrooms, etc. The City had been enforcing the number of people in the home based on the Property Maintenance Code as opposed to the current definition of "family" because it was felt our definition of "family" was outdated.

Mr. Destadio did not understand how increasing the number of persons would help in the situation Mr. Rast had described. Mr. Rast said this was what the City Attorney recommended, and it would be in accordance with the Fair Housing Act.

Mr. Destadio asked whether the Fair Housing Act defined a "family" as three persons. Mr. Rast did not know.

Mr. Daily thought if this was enforced through the Property Maintenance Code, they should be amending that code rather than the city's definition of "family." If this change was approved but the situation was still enforced through the Property Maintenance Code, would we not be in the same situation? Mr. Rast stated that the Property Maintenance Code did not look at related people but identified the number of people that could be within a structure based on the size of the home, the size of the rooms, the number of bedrooms and bathrooms, etc. This was not consistent with the Zoning Ordinance. The City was trying to work in tandem with both of these. He thought this was going to result in changes to the Property Maintenance Code but that would be a lengthy process.

Mr. Destadio asked whether Code Enforcement would enforce this new definition. Mr. Rast said they would.

The Chairman closed the public hearing.

Mr. Conner was considering a motion that would forward this item to City Council but change the number of people in Staff's recommendation. In that way, they would look

specifically at the Planning Commission's change to two persons and take that into consideration.

Mr. Destadio said the Planning Commission could only assume that the Fair Housing Act specified three persons and that the definition of "disabled" was adequate. Since the City Attorney would be at the City Council meeting, he could provide clarification as needed. If this was the way restrictions would be imposed, Mr. Destadio thought the city's ordinance, rather than the Property Maintenance Code, should be used.

Mr. Prebor wondered why both documents would not be changed at the same time. Mr. Rast had stated previously that it would be a lengthy process to change the Property Maintenance Code.

The City Attorney had suggested that the definition of "family" be modified in accordance with the provisions of the Fair Housing Act. The amendment would define family as:

A person, or group of persons, immediately related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit, exclusive of household servants; also, a group of not more than three (3) persons, or a group of not more than eight (8) disabled persons not necessarily related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit.

After discussion, a motion was made by Mr. Conner, seconded by Mr. Prebor, and unanimously adopted that the proposed amendments to Article VI Definitions of the Peachtree City Zoning Ordinance be forwarded to City Council with a recommendation to accept the amendment as written with the exception that the limitation of two non-related persons would apply.

AN ORDINANCE TO AMEND THE PEACHTREE CITY ZONING ORDINANCE, AS AMENDED, TO MODIFY THE DEFINITION OF FAMILY, TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Section 1: Article VI, Definitions, of the Peachtree City Zoning Ordinance, as amended, be further amended as follows:

ARTICLE VI. – DEFINITIONS

~~Family: One or more persons occupying a single dwelling unit, provided that unless all persons are related by blood or marriage, or are lawful wards, no such family shall contain more than two persons.~~

Family: A person, or group of persons, immediately related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit, exclusive of household servants; also, a group of not more than three (3) persons, or a group of not more than eight (8) disabled persons not necessarily related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit."

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.

Done, Ratified, and Passed this _____ day of _____ 2015.

Vanessa Fleisch, Mayor

Attest: _____
City Clerk

POSITION PAPER

Proposed Rezoning
Peachtree Pointe office tract

Senior Planner
March 27, 2015

David

Situation:

Peachtree Pointe Partners, LLC (Applicant) own a 2.37-acre tract of land located at 6000 Shakerag Hill and known to us as the Peachtree Pointe office tract. The conceptual site plan for the overall development was approved on January 24, 2005, and identified three freestanding office buildings and associated parking and infrastructure. The final site plan was approved on April 27, 2005, and the overall development was completed shortly thereafter.

The Applicant desires to subdivide the property to allow the sale of one of the office buildings. However, the property cannot be subdivided as proposed and still comply with the building and parking setbacks established within the LUC-9 Limited Use Commercial zoning ordinance. The Applicant is requesting that the property be rezoned to LUC-27 and include a stipulation that the building and parking setbacks would not be applicable to the proposed internal property line.

The overall tract was initially developed with the intent of a single owner or ownership group controlling the overall development. The proposed subdivision and zoning amendment would need to include a stipulation that the new property owner(s) would share utilities, parking, access drives, stormwater detention, etc., through recorded utility and access easements and/ or deeds and covenants.

A copy of the Request for Rezoning application is included as Attachment "A".

Facts:

1. The property known to us as the Peachtree Pointe office tract is 2.37 acres and is zoned LUC-9 Limited Use Commercial.
2. The subject tract abuts the Peachtree Promenade retail center to the north (LUC-9 Limited Use Commercial), the Dominy Dental building to the east (OI Office Institutional), an undeveloped tract to the south (GC General Commercial), and the NAPA, Peachtree Holdings and Family Behavioral Center tracts to the west (GC General Commercial).
3. The city's Land Use Plan designates the overall tract as COM Commercial.
4. The approved conceptual and final site plans for the overall development identified three office buildings and associated parking and site infrastructure.
5. All of the site improvements have been constructed.

Peachtree Pointe office tract

March 27, 2015

Page 2

6. The Applicant desires to subdivide the property in order to sell one of the freestanding office buildings.
7. There are no additional improvements proposed for the property.
8. At their meeting on March 9, 2015, the Planning Commission voted unanimously to forward the proposed rezoning to City Council with a recommendation that it be approved (Attachment "B").

Recommendation:

Staff recommends that the rezoning of the 2.37-acre Peachtree Pointe office tract located at 6000 Shakerag Hill be forwarded to City Council with a recommendation that it be approved subject to the following understandings and conditions:

1. *Approval of the rezoning shall not include approval of any site enhancements or improvements.*
2. *The Applicant shall coordinate with City Staff to ensure notes related to site access, parking, stormwater and utility easements are properly addressed and included on the final plat.*

A copy of the proposed ordinance is included as Attachment "C".

Attachments

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

PEACHTREE CITY

REZONING- PERMIT APPLICATION

153 Willowbend Rd, Peachtree City, GA 30269
P: 770-487-5731 F: 770-631-2552
WWW.PEACHTREE-CITY.ORG

Fee: \$600 + \$50/acre

Receipt # 323314

Date Filed 01/27/16

Case # 2015-04-MAP

Office Use Only

SITE LOCATION	Address <u>6000 Shakerag Hill</u> <u>Peachtree City, GA</u>		SITE INFORMATION	Parcel #(s) <u>Land Lots 93 & 94</u> <u>7th District of Peachtree City</u>	
	Proposed Use: <u>As Currently Improved</u>			Existing Zoning <u>LUC-9</u> Proposed Zoning <u>LUC-9</u>	
APPLICANT	Site in which Village: ☐ Aberdeen ☐ Braelinn ☒ Glenloch ☐ Kedron ☐ Wilksmoor ☐ Industrial		OWNER	Property Size: <u>103,363</u> <u>2.37</u> Square Feet Acres	
	Name <u>Ron Marcotte</u> Address <u>1120 Riviera St</u> City, State, Zip <u>Venice, FL 34285</u> Phone # <u>941-404-9160</u> Email <u>ronmarcotte01@gmail.com</u>			Name <u>Peachtree Pointe Partners LLC</u> Address <u>1120 Riviera St</u> City, State, Zip <u>Venice FL 34285</u> Phone # <u>941-404-9160</u> Email <u>ronmarcotte01@gmail.com</u>	

IMPACTED AREAS	Sq ft Acres		Total acres ± Impacted acres	Please record all surrounding property within 200ft of site	
				Land Use Zoning	
	Disturbed Area <u>103,363</u> <u>2.37</u> Square Feet Acres			North <u>Commercial</u> <u>OI</u>	
	Impervious Area _____ _____ Square Feet Acres			East <u>Commercial office</u> <u>OI</u>	
IMPACTED AREAS	Open Space & Greenbelts _____ _____ Square Feet Acres			South <u>Office</u> <u>GC</u>	
				West <u>Commercial</u> <u>GC</u>	

LOCATION OF	Entrance to Site: <u>Shakerag Hill</u>	
	Tree Save and Landscape Buffers: _____	
	Other Buffers: _____	
	Greenbelts (to be dedicated to the city): _____	
	Multi-Use Path Connections: _____	
	Historical Resources: _____	
	Natural Features: _____	
Stormwater Retention: <u>Existing</u>		

BUILDING TYPE	Building type: <u>Frame-Brick Veneer</u>		Briefly describe proposed use of property: (A separate detailed report is still required to be attached to this application)
	Hrs of operation: _____ to _____		
	# of stories: <u>1</u>	Building height: <u>20' +/-</u>	
	Floor Area (Sq ft) <u>24,000</u> Existing	<u>24,000</u> Proposed	
	# of dwelling units: <u>3</u>	Units/acre: _____	
# of employees: _____ Existing Proposed		Parking: _____ # Required _____ # Existing _____ # Proposed _____ # Previous	

TYPE OF CONSTRUCTION	Structural Material:		TYPE OF CONSTRUCTION	Required		Proposed	
	☒ Wood ☐ Metal ☐ Concrete ☒ Brick ☐ Other			Front (Building)	_____ ft	_____ ft	
	Roof Material:			Front (Parking)	_____ ft	_____ ft	
	☒ Metal ☐ Tar ☒ Shingles ☐ Slate ☐ Other			Side	_____ ft	_____ ft	
	Interior Finish:			Rear	_____ ft	_____ ft	
	☒ Drywall ☒ Wood ☐ Concrete ☐ Stucco ☐ Other						
Exterior Finish:							
☐ Wood ☐ Metal ☒ Concrete ☒ Brick ☐ Other							

Name of access or adjacent street	# of access points	ROW width (ft)	Pavement width (ft)	# of lanes	Paved? (Y or N)	Roadway design capacity ¹	Traffic volume (ADT) ²	Est. traffic generated (ADT) ³
Shakerag Hill	1			2	YES			
Estimated traffic generated by heavy vehicles:			¹ See GADOT Highway Capacity Manual ² See GADOT Traffic Survey Unit (ADT - Average Daily Traffic) ³ Base on Institute of Transportation Engineers ratios - ratio used for estimate (e.g., x trips per y sf)					
Types of vehicles(s): _____						ADT: _____		
(vehicles other than automobiles and light trucks - Delivery, Waste, Equipment trucks, etc)								

UTILITIES & SERVICES INFO	Solid waste collection: <u>Dumpster Enclosure</u>	** Please attach letters from utilities indicating that their services can support the proposed development **	
	Natural gas: <u>No</u>	Water supply:	Estimated total water demand (gpd):
	Electrical Service: <u>Coweta-Fayette EMC</u> Underground? ☒ Yes ☐ No	☐ Individual Well(s) ☐ Community System ☒ Municipal System: (Fayette County Water Dept)	
	Telephone Service: <u>Verizon</u> Underground? ☒ Yes ☐ No	Wastewater collection/treatment:	Estimated total wastewater discharge (gpd):
	Cable TV Service: _____ Underground? ☐ Yes ☒ No	☐ Individual Onsite ☐ Community System ☒ Municipal System: (Peachtree City WASA)	

Automatic Fire Sprinklers: ☐ Yes ☒ No, why? _____ Automatic Fire Alarm: ☒ Yes ☐ No, why? _____ # of Fire Hydrants: <u>1</u> Existing _____ Proposed Hazardous Material On Site? (If yes, describe type and method of storage to the right): ☐ Yes ☒ No	Briefly describe daily operations: (A separate detailed report is still required to be attached to this application) _____ _____ _____ _____ _____ Material(s): _____ Storage: _____
---	--

With the signing and submittal of this application, the property owner authorizes the Peachtree City Staff to enter onto the subject property to collect data and other information in order to accurately prepare reports or other documentation for review by the Planning Commission and City Council.

By signing below I hereby certify that the above listed information and the accompanying materials as requested are accurate.

Applicant Signature: [Signature] RON MARCOTTE Date: January 14, 2015

Property Owner Signature: [Signature] MANAGER RON MARCOTTE Date: January 14, 2015

OFFICE ONLY

This request, along with the required fee and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature: David E. Bart Date: 01-27-15

Date & Time of Planning Commission Public Hearing: 03-09-15

Date of City Council Public Hearing: 03-19-15 Case Number: 2015-04-MAP

Request for Separation of Buildings, 6000 Shakerag Hill Office Complex

Attention: David Rast

This property is a fully developed, existing 24,000 square foot office complex comprised of three (3) buildings and common area on 2.37 acres of land.

The property is located at 6000 Shakerag Hill, Peachtree City, Georgia, 30269.

This is a request for the three buildings, known as Buildings 1, 2 and 3 to be deeded separately. They will continue to share common areas and will be proportionately responsible for common area maintenance, utilities, sanitation, fire safety, etc.

The property is zoned LUC-9 and conforms to all current zoning and land use requirements. The proposal does not change the conforming use of the property.

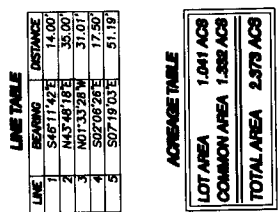
We respectfully request your consideration in this matter.

Thank you.

DATE: 04/11/2006
SCALE: 1" = 40'
FILE: F205006.SPH
DRAWN BY: JPM

1	1
OF	SHEET

JOB No. F205006.SRH.00 - 3894



THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON; ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.

JOB No. F205006.SPH.00 - 3894

SURVEYOR CERTIFICATION

I hereby certify that this plot is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as future and their location, size, type, and material are correctly shown. This plot conforms to all requirements of the Georgia Plot Act.

**UNAPPROVED EXCERPT OF MINUTES
PLANNING COMMISSION MEETING
March 9, 2015**

PUBLIC HEARINGS

**PH-15-05 Consider rezoning of 2.37-acre Peachtree Pointe office tract from
LUC-9 to LUC-27 (6000 Shakerag Hill)**

Mr. Rast provided a quick overview of this proposal. This request was similar to several the commissioners had looked at recently. Peachtree Pointe Partners, LLC, owned a 2.37-acre tract of land located at 6000 Shakerag Hill which had been developed in 2005. The three multi-tenant office buildings, associated parking and infrastructure had been under single ownership since that time.

Mr. Rast explained that the owner now wanted to subdivide the property or sell one of the buildings. He noted there was pretty good occupancy of the buildings, and there was no room for any further expansions. It was not yet known where the property lines would be, but Staff would ensure there was sufficient parking. As had been done in the past, the zoning would be modified and a number of provisions would be included on the final plat and within the ordinance to address the cross parking and easements for access, utility, stormwater, etc. Typically, these were worked out during the final planning stage.

Mr. Brent Randolph of Group VI was in attendance to represent the Applicant. He thought the deeds, restrictions, and covenants were recorded back in 2006; and the survey was being completed. He noted that each of the buildings would be within a parcel, and the parking lot and common areas would be in another parcel. The restrictions and covenants granted the easements Mr. Rast mentioned. Detention was in the common area, and provisions had been made for the sharing of costs between the owners on a pro rata basis.

No one else spoke in favor of nor did anyone speak in opposition to this proposal.

Mr. Conner asked for a little more detail about how the parking lot would be shared. Mr. Rast stated the building pad would be sold, and everything else would be within the shared easement among the various property owners. Mr. Randolph confirmed that all of the parking would be shared.

In response to a question from Mr. Destadio, Mr. Randolph stated that all three buildings were for sale. Building 2 was currently under contract. Mr. Rast further clarified that although the LUC-9 zoning included additional adjacent properties, the LUC-27 zoning would only apply to this tract of land.

Mr. Conner also asked whether the adjacent property behind Building 1 could ever be accessed from this property. Mr. Rast stated that when this property was originally developed, there had been discussion about the potential of expanding. Although

there was access from Petrol Point, the shape of the property was odd and there was a lot of grade change.

Mr. Randolph confirmed that in the past, they had looked at the parcel to the south, but there were some topo issues with it. In response to a comment from Mr. Conner, Mr. Rast noted that all of the parcels on Petrol Point were zoned GC General Commercial.

After discussion, a motion was made by Mr. Conner, seconded by Mr. Daily, and unanimously adopted that the rezoning of the 2.37-acre Peachtree Pointe office tract located at 6000 Shakerag Hill from LUC-9 to LUC-27 be forwarded to City Council with a recommendation that it be approved subject to the following understandings and conditions:

1. *Approval of the rezoning shall not include approval of any site enhancements or improvements.*
2. *The Applicant shall coordinate with City Staff to ensure notes related to site access, parking, stormwater and utility easements are properly addressed and included on the final plat.*

AN ORDINANCE TO AMEND THE PEACHTREE CITY ZONING ORDINANCE TO REZONE A 2.37-ACRE TRACT OF LAND KNOWN TO US AS THE PEACHTREE POINTE OFFICE TRACT, TO ACCOMMODATE THE SUBDIVISION OF SAID TRACT INTO THREE PARCELS, TO REPEAL CONFLICTING ORDINANCE, 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 X, Requirements by district, of the Peachtree City Zoning Ordinance, as amended, Section 1006B - Specific limited-use commercial districts, be amended to add Section 1006B.27 as follows:

(Section 1006B.27) Limited-use commercial district no. 27.

- (a) The tract of land as described below shall be rezoned from its present classification of LUC-9 Limited Use Commercial to LUC-27 Limited Use Commercial, subject to the conditions set forth herein. In the event of a conflict between the provisions of this ordinance and the regulations of the LUC Zoning District, the most restrictive regulation shall apply.

All that tract or parcel of land lying and being in Land Lots 93 and 94 of the 7th District, City of Peachtree City, Fayette County, Georgia, and being more particularly described as follows:

Commencing at a 5/8" rebar found at the intersection of the southeasterly right of way of Georgia State Highway 54 (variable right of way) with the southwesterly right of way of Shakerag Hill (variable right of way); thence along the southwesterly right of way of Shakerag Hill North 89 degrees 03 minutes 10 seconds East, a distance of 42.61 feet to a 5/8" rebar found; thence continuing along said right of way South 46 degrees 11 minutes 42 seconds East, a distance of 236.30 feet to a point, said point being the POINT OF BEGINNING; thence continuing along said right of way South 46 degrees 11 minutes 42 seconds East, a distance of 14.00 feet to a 3/4" rod found; thence continuing along said right of way North 43 degrees 48 minutes 18 seconds East, a distance of 35.00 feet to a 1/2" rod found; thence leaving said right of way South 46 degrees 11 minutes 42 seconds East, a distance of 247.73 feet to a 3/4" rod found; thence South 44 degrees 19 minutes 34 seconds West, a distance of 398.04 feet to a 1/2" crimp top pipe found; thence North 46 degrees 20 minutes 46 seconds West, a distance of 259.82 feet to a point; thence North 44 degrees 04 minutes 28 seconds East, a distance of 363.71 feet to the POINT OF BEGINNING.

Said tract contains 103,363 square feet or 2.37 acres.

- (b) This tract of land is illustrated on the Final Plat for Shakerag Hill prepared by Rochester & Associates (dated April 11, 2006), a copy of which is attached hereto as Exhibit "A" and incorporated herein by express reference.

It is intended that the LUC-27 zoning district be established specifically to subdivide the existing 2.37-acre Peachtree Pointe office tract such that the three existing office

buildings can be sold and/ or refinanced in accordance with the conditions set forth in this ordinance.

- (c) The intent of the rezoning is to permit the subdivision of the property such that the building and parking setbacks as identified within the LUC zoning district are not applicable to the internal property lines separating the individual tracts of land.
- (d) It is also understood that all access and utility easements, cross parking agreements, and other internal agreements between the owners of the individual tracts of land shall be duly satisfied and recorded as a part of the sale of the individual buildings or tracts of land, and that the city shall not be responsible for interpreting or providing relief for any issues related to the subdivision of the two tracts of land.

(Section 1006B.27.1) Permitted uses.

Those uses identified in Section 1006B.9 of the Peachtree City Zoning Ordinance.

(Section 1006B.27.2) Conditional uses.

Those uses identified in Section 1006B.9 of the Peachtree City Zoning Ordinance.

(Section 1006B.27.3) Other requirements.

- (a) Minimum zoning lot area: 30,000 square feet.
- (b) Minimum lot width: 150 feet.
- (c) Minimum front setback depth:
 - (1) Building: 40 feet.
 - (2) Driveway/ parking: 20 feet.

Note: The minimum front setback depth shall apply only to the property line abutting Shakerag Hill and shall not apply to the internal property line separating the two tracts.

- (d) Minimum side setback depth: 10 feet.

Note: The minimum side setback depth shall not apply to the internal property line separating the two tracts.

- (e) Minimum rear yard: 20 feet.

Note: The minimum rear setback depth shall not apply to the internal property line separating the two tracts.

- (f) Maximum building height: 35 feet.
- (g) Storage: No storage will be permitted on the zoning lot outside of a fully enclosed building.
- (h) No automobile parking or service areas will be permitted within the required front setback depth or within 30 feet of the property line of any adjoining residential zoning lot.

- (i) Parking and service areas must be separated from adjoining residential lots by a suitable evergreen planting screen, fence or wall at least six feet in height above finished grade. The above required evergreen planting screen, fence or wall must provide for a reasonable visual separation between the properties.
- (j) No outside loudspeaker systems shall be utilized.
- (e) This rezoning request was approved by the Mayor and City Council on April 2, 2015, subject to the following understandings and conditions:
 - 1. *Approval of the rezoning shall not include approval of any site enhancements or improvements.*
 - 2. *The Applicant shall coordinate with City Staff to ensure notes related to site access, parking, stormwater and utility easements are properly addressed and included on the final plat.*

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 _____ 2015.

Vanessa Fleisch, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager

FROM: City Clerk 

DATE: March 27, 2015

SUBJECT: Consider Amendments to the Health and Sanitation Ordinance as requested by the Fayette County Board of Health
April 2, 2015, City Council Meeting

Recommendation:

That Council adopt the attached amendment to the Health and Sanitation Ordinance.

Discussion:

While many of Peachtree City's ordinances relating to health and sanitation are enforced by our Code Enforcement Department, the Fayette County Board of Health is responsible for overseeing many of the programs that fall under state and county jurisdiction. To that end, we have adopted several rules at the local level to allow for County Board of Health enforcement within the City limits.

The Fayette County Board of Health has recently implemented new rules related to the use of portable sanitation facilities and has requested that all the municipalities in Fayette County formally adopt those same rules for enforcement here. The adoption of these new rules is included in the attached amendment, and a copy of those rules is also included.

The Board has also renumbered several of the existing rules and has requested that we update our existing ordinance to reflect those house-keeping changes. The attached amendment also reflects these requested changes.

The City Attorney has reviewed the ordinance, and Robert Kurbes with the Board of Health will be in attendance at the April 2 meeting to answer any questions.

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 REQUIREMENTS FOR TATOO ARTISTS AND TATOO PARLORS; TO PROVIDE DEFINITIONS; TO ESTABLISH QUALIFICATIONS; 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 42, Article 1, Section 42-1, of the Peachtree City Code of Ordinances, as amended, be further amended as follows:

Sec. 42-1. Rules and regulations of the county board of health.

The following chapters of the county board of health rules and regulations, as promulgated by the department of public health and as may be amended in the future, are adopted in their entirety to promote the public health, safety and welfare of the citizens of the city:

- (1) Chapter ~~290-5-14~~ 511-5-14, known as the "Rules and Regulations for Food Service."
- (2) Chapter ~~290-5-26~~ 511-3-1, known as the "Rules and Regulations for On-site Sewage Management Systems."
- (3) Chapter ~~290-5-18~~ 511-6-2, known as the "Rules and Regulations for Tourist Accommodation."
- (4) Chapter ~~290-5-57~~ Fayette County Board of Health Rules and Regulations, known as the rules on "Swimming Pools, Spas and Recreational Water Parks."
- (5) Fayette County Board of Health Rules and Regulations for Body Art Studios and Body Artists, as adopted by the Board on October 9, 2012, and as may be amended.
- (6) Chapter 511-3-6, known as the rules on "Portable Sanitation Contractors."
- (5)(7) _____

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 and shall apply to all tattoo parlors, studios, or corporations not in operation or permitted by the State as of the date of adoption. Any tattoo parlor, studio, or corporation already in operation or already permitted by the State shall have a period of 12 months to comply with the provisions of the ordinance upon receiving written notification of its adoption.

This _____ day of _____, 2015.

Vanessa Fleisch, Mayor

Attest: _____
City Clerk

RULES OF THE DEPARTMENT OF PUBLIC HEALTH CHAPTER 511-3-6 PORTABLE SANITATION CONTRACTORS

TABLE OF CONTENTS

511-3-6-.01 Applicability
511-3-6-.02 Definitions
511-3-6-.03 General Provisions
511-3-6-.04 Construction of Portable Sanitation Units
511-3-6-.05 Removal and Disposal of Waste From Portable Sanitation Units
511-3-6-.06 Certification of Portable Sanitation Contractors and Companies
511-3-6-.07 Decertification of Portable Sanitation Contractors and Companies
511-3-6-.08 Appendix

511-3-6-.01 Applicability. These Rules shall apply to all portable sanitation service providers except those being used in a facility or system under the jurisdiction of and regulated by the Department of Natural Resources under the Georgia Water Quality Control Act or the Georgia Comprehensive Solid Waste Management Act.

Authority: O.C.G.A. Sections 31-2A-6, 31-12-8, 31-27-9, 12-8-1.

511-3-6-.02 Definitions.

(a) "Approval" or "approved" means acceptable or accepted by the Health Authority in accordance with applicable specifications stated herein or with additional criteria applied by the Authority.

(b) "Certified Portable Sanitation Contractor" means an individual engaged in furnishing, renting, or servicing portable units, and that has met the certification requirements of this Chapter and is in good standing with the Department.

(c) "Certified Portable Sanitation Company" means a person engaged in the business of furnishing, renting or servicing portable sanitation units, and that has met the requirements of this Chapter and is in good standing with the Department.

(d) "Construction Site" means a development area in which building construction, repair, or land improvement is taking place.

(e) "Department" or "DPH" means the Georgia Department of Public Health.

(f) "Health Authority" means a county board of health organized pursuant to O.C.G. A. Sections 31-3-1 *et seq.*

(g) "Holding Tank" means a water-tight container utilized temporarily to hold sewage from a portable sanitation unit.

(h) "Onsite Sewage Management System" means a sewage management system other than a public or community sewage treatment system, whether serving single or multiple buildings, mobile homes, recreational vehicles, residences or other facilities designed or used for human occupancy or congregation. It includes conventional septic tank systems and privies, as well as alternative onsite sewage management systems approved by the local Health Authority.

(i) "Person" means any individual, partnership, corporation or association including bodies political and corporate.

(j) "Portable chemical toilet" means a self contained non-flush portable toilet facility containing a solution of water and chemical intended for the collection and temporary storage of human body wastes.

(k) "Portable hand washing fixture" means any portable fixture containing fresh water, soap and disposable towels used for cleaning an individual's hands.

(l) "Portable sanitation contractor" means an individual performing services related to installation, pumping, transportation, disposal, maintenance, removal, or safe management of portable sanitation units and portable hand washing fixtures.

(m) "Portable sanitation unit" means any portable structure or fixture used for the collection, temporary storage and chemical treatment of human body wastes that is not connected to an onsite sewage management system or public or community sewerage system. It includes portable chemical toilets and portable hand washing fixtures.

(n) "Portable sanitation waste" means sewage from portable sanitation units or other equipment designed for temporary collection and storage of waste containing human excreta or residuals of such, or other waste having similar characteristics, and the ingredients used as part of operation of the portable sanitation unit. It does not include liquid or solid material removed from a septic tank or similar treatment works that receives commercial wastewater, industrial wastewater or grease removed from a grease trap.

(o) "Prohibited discharge" means the discharge or spillage of sewage from a portable sanitation unit in violation of law and that constitutes a public health nuisance.

(p) "Public health nuisance" means any condition with the potential to cause or promote pathogens, infection, or disease in any individual or the public in general.

(q) "Sanitary" means free of conditions with the potential to cause or promote pathogens, infection, or disease in any individual or the public in general.

(r) "Sewage" means human excreta, all water-carried wastes, and liquid portable sanitation waste including grey water from portable showers and hand washing fixtures.

(s) "Special event" means any temporary activity attracting more than fifty persons and where individuals congregate to participate in or observe an activity in outdoor or portable enclosed or semi-enclosed structures for more than two consecutive hours.

(t) "Toilet" means a sanitary fixture meeting Health Authority and plumbing code requirements for receipt and conveyance of human body wastes to a public or community sewerage system or an onsite sewage management system.

Authority: O.C.G.A. Sections 31-2A-6, 31-12-8, 31-27-9, 12-8-1.

511-3-6-.03 General Provisions

(1) The Department shall regulate the use of temporary non-flush portable sanitation units, and shall regulate persons engaged in the business of furnishing, renting, or servicing portable chemical toilets, and portable hand washing facilities at locations where public sewage treatment systems or on-site sewage management systems are not available or lack sufficient quantities.

(2) No person shall engage in the removal or disposal of the contents of a portable sanitation unit without having obtained a "Waste Removal and Disposal Permit" from the Health Authority for the county in which the business is based. The permit must be renewed annually, and shall be valid in every county throughout the State.

(3) It is the responsibility of the certified portable sanitation contractor and certified portable sanitation company to maintain the portable sanitation unit in a safe and sanitary manner so as not to constitute a public health nuisance.

(4) The property owner and special event sponsor are responsible for all prohibited discharge and unapproved spillage of sewage associated with a portable sanitation unit. A portable restroom or portable hand wash fixture cannot be used or maintained in such a manner that will allow the seepage, dumping or discharge of sewage from such system to the ground surface, to a water course, drainage ditch, open trench, canal, storm drain or storm sewer, water well, abandoned well, lake, stream, river, estuary, groundwater or other body of water. The property owner and special event sponsor must notify the portable sanitation company if any unit becomes unsanitary, unsafe, or causes a prohibited discharge. The property owner, as the originator, is responsible for ensuring that the portable sanitation unit is only used for the disposal of human excreta. Commercial waste, grease, hazardous chemicals, and non human excreta shall not be discarded into portable sanitation units.

(5) Each special event sponsor and construction site owner utilizing a portable sanitation unit must show proof of a service contract with a certified portable sanitation company.

(6) Portable sanitation unit must meet the requirements of this Chapter where sanitary facilities are needed on a temporary basis for construction sites and special events.

(7) Employees at all construction sites and the general public attending and participating in special events that are inadequately served by sewerage toilet facilities should have easy access to portable sanitation units that are maintained in a clean, sanitary, and functional condition for the protection of human health, safety and welfare. Where a

portable sanitation unit supplements or serves in lieu of sewerer toilet facilities, the portable sanitation units shall meet the following guidelines:

- (a) Must be furnished by a certified portable sanitation contractor or company holding a current "Waste Removal and Disposal Permit" issued by a Health Authority.
 - (b) The minimum number of portable sanitation units required during anticipated peak attendance at a construction site shall be determined in accordance with the most current Occupational Safety and Health Administration (OSHA) Regulations for Toilets at Construction Sites (Appendix Table 1), after taking into consideration any sewerer seated or urinal toilets that may be present at the site of the construction site.
 - (c) The minimum number of portable sanitation units required during anticipated peak attendance at a special event shall be determined in accordance with Table 2, after taking into consideration any sewerer seated or urinal toilets that may be present at the site of the special event.
- (8) Portable sanitation units shall be located as close as practical to the highest concentration of participants, observers and employees of special events. However, the units should be placed as far from the food service area as possible. The safety of users shall be a primary consideration in the placement of the units. At special events, portable sanitation units shall be accessible at all times for maintenance by truck.
- (9) No strong bases, acids or organic solvents shall be used in the operation of a portable sanitation unit. Chemicals used in the cleaning, operation or maintenance of portable sanitation units shall be in accordance with applicable federal, state and local provisions.
- (10) The fresh water tank on the service vehicle must be filled with potable water only. When hand wash fixtures are serviced, they must be filled with water from the fresh water tank on the truck or directly from a potable water source. All fresh water tanks on the service vehicles and affixed to hand wash fixtures must be labeled with the international symbol for "Do Not Drink". Each hand washing fixture must be sufficiently supplied with soap and paper towels adequate for the duration between servicing.

Authority: O.C.G.A. Sections 31-2A-6, 31-12-8, 31-27-9, 12-8-1.

511-3-6-.04 Construction of Portable Sanitation Units

- (1) A portable sanitation unit shall be a portable self-contained sheltered unit equipped with a waste-receiving holding tank. The waste container shall be rigid, water-tight, made from impervious material, and capable of containing the waste in a sanitary manner.
- (2) Portable sanitation units shall be constructed in the following prescribed manner:
 - (a) Each portable sanitation unit must have the name and phone number of the company clearly visible.

(b) Rooms or shelters housing the units shall be of solid construction, easy to clean, and provide privacy. The toilet room shall be ventilated to the outside and adequately lighted. All ventilation openings to the units, except vent pipes, shall be covered with a screen.

(c) Portable sanitation units shall have closing doors with internal latches provided to prevent inadvertent entry.

(3) Portable sanitation units having hand wash fixtures shall have an air gap between the water supply faucet and the flood level rim of the fixture sufficient to prevent backflow and cross contamination between the fresh water supply tank and the wastewater holding tank.

(4) Any defective or inadequate portable sanitation unit shall be repaired, replaced or withdrawn from service by locking or removal.

Authority: O.C.G.A. Sections 31-2A-6, 31-12-8, 31-27-9, 12-8-1.

511-3-6-.05 Removal and Disposal of Waste from Portable Sanitation Units

(1) Removal and disposal of waste from portable sanitation units shall be conducted only by a certified portable sanitation contractor in good standing with the Department, pursuant to a "Waste Removal and Disposal Permit."

(2) The application for a "Waste Removal and Disposal Permit" shall be submitted in writing, on forms provided by the Department, to the Health Authority for the county in which the business is based, at least ten days prior to engaging in such activities. The Health Authority shall approve or disapprove the application within twenty days after the receipt of a completed application. The application shall include the business name and address, name and address of the applicant, the manner by which such contents are to be removed, transported and given final disposal, and such other documentation as required by the Health Authority, including evidence that waste removed and transported will be accepted at approved disposal sites. Prior to the issuance of a permit, the applicant shall provide evidence of satisfactory compliance with the provisions of these rules.

(3) The permit shall be valid for no more than twelve months, and shall be subject to suspension and revocation for failure to comply with the requirements of these regulations. Permits shall expire upon change in company ownership or business location.

(4) Removal of portable sanitation waste shall be conducted in a clean and sanitary manner by means of a vacuum hose to a leak proof tank truck on which all ports are properly valved and capped. The certified portable sanitation contractor is required to clean up all spillage during unit servicing.

(a) Service vehicles should be equipped with a portable sanitation waste tank adequately sized to service the units; a tank containing water for recharging the units; and when applicable or required, a fresh water tank filled with potable water to service the hand washing fixtures.

(b) Separate dedicated hoses shall be used for supplying potable water and servicing the portable sanitation unit. They shall be labeled or sized to prevent them from being interchanged and stored in such a manner to prevent cross contamination.

(5) It is the responsibility of property owners, employers, and event sponsors to ensure that portable sanitation units are serviced by a certified portable sanitation contractor or company in accordance with this Rule at least once every seven days, and more frequently as usage may require.

(6) Servicing shall include the use of a sanitizing solution for cleaning urinals and toilet seats, removing waste from containers, recharging containers with an odor controlling solution, and installing an adequate supply of toilet tissue.

(7) Portable sanitation waste from tank trucks must be disposed at a facility regulated by the Georgia Department of Natural Resources, Environmental Protection Division.

(8) A manifest or route sheet must be maintained by the portable sanitation company for a period of twelve months. The manifest or route sheet must include:

- (a) Name or originator, event, sponsor;
- (b) Address or route;
- (c) Date and location of service;
- (d) Date and location of final disposal; and
- (e) Total of gallons being disposed.

(9) The county issued "Waste Removal and Disposal Permit" number, including the name of the person or firm engaging in the removal of portable sanitation unit waste, shall be lettered on both sides of each vehicle. Letters and numerals shall not be less than two inches in height and shall be readily visible.

(10) Every vehicle used for service and removal of portable sanitation unit waste shall be equipped with watertight tanks or body and properly maintained. Liquid wastes shall not be transported in open bodied vehicles. All pumps, hose lines, valves and fittings shall be maintained as to prevent leakage. The truck must also have adequate means to clean each unit in place with sanitizing solution.

(11) Signage or placard stating "Do Not Drink" shall be affixed to the fresh water supply tank and all portable hand washing fixtures. The fresh water supply tank, hand wash fixture's water supply tank and gray water storage tank must be cleaned with 1 to 10 bleach to water solution (typically 3 to 6 % sodium hypochlorite solution) or equivalent at least every forty five days to prohibit the growth of algae.

Authority: O.C.G.A. Sections 31-2A-6, 31-12-8, 31-27-9, 12-8-1..

511-3-6-.06 Certification of Portable Sanitation Contractors and Companies

(1) The Department shall be responsible for certifying individuals and companies performing services related to furnishing, renting, servicing, and maintenance of a portable sanitation unit.

(2) There shall be established an Advisory Committee to assist the Department with certification, recertification and decertification of all individuals required to be certified under Chapter 511-3-6. The Committee shall include at least two individuals that are currently certified as portable sanitation contractors. The Advisory Committee will assist the Department with the following:

- (a) Establishing written tests to be administered for the various certifications, and revising such tests from time to time;
- (b) Reviewing complaints regarding poor quality of work and unlawful or unethical practices, and recommending appropriate action by the Department;
- (c) Reviewing the content of educational programs and events and assigning appropriate continuing education units;
- (d) Reviewing the established criteria for certification in the assigned specialties and recommending such modifications as are appropriate for the ongoing management of the process; and
- (e) Providing such services or advice as will assist the Department and Health Authorities in the effective enforcement of this Chapter.

(3) Certification of Portable Sanitation Contractors:

(a) Individuals engaged in the cleaning installation and maintenance of portable sanitation units may obtain certification from the Department as a Portable Sanitation Contractor meeting the following requirements:

1. Must be at least 18 years of age;
2. Must show proof of ownership or employment with a certified Portable Sanitation Company currently operating in good standing with the Department; and
3. Must successfully complete a written or oral examination concerning properly maintaining a portable sanitation unit in a clean, sanitary, and functional condition for the protection of human health, safety and welfare. Individuals currently certified by the Portable Sanitation Association International as a Health and Safety Certified Portable Sanitation Worker are excluded from the examination requirement in this Chapter. However, all other requirements must be completed prior to receiving a Certified Portable Sanitation Contractor certificate.

4. The certification period is two years.

(b) Certification may be renewed for a Portable Sanitation Contractor upon meeting the following requirements:

1. Must have no unresolved or outstanding disciplinary actions related to the portable sanitation industry;
2. Must submit a copy of business license or other verification of business or submit proof of employment with a certified portable sanitation company.
3. Must not have committed any illegal acts related to this Chapter during the certification period;

(c) A Portable Sanitation Contractor whose certification has expired may be recertified upon meeting the following requirements:

1. Must have no unresolved or outstanding disciplinary action related to the portable sanitation industry.
2. Must not have committed any illegal service or maintenance acts related to this Chapter following the expiration of the certification.
3. Must submit a copy of business license or other verification of business or submit proof of employment with a certified Portable Sanitation Company; and
4. If more than two years have passed since the certification expired, the applicant must take and pass the Portable Sanitation Contractor exam in addition to meeting the continuing education requirement.

(d) A decertified Portable Sanitation Contractor may be recertified upon meeting the following requirements:

1. Must wait at least two years after decertification to re-apply;
2. Must have no unresolved or outstanding disciplinary actions;
3. Must not have committed any illegal acts related to this Chapter during the decertification period;
4. Must submit a copy of business license or other verification of business or submit proof of employment with a certified portable sanitation company; and
5. Must take and pass the Portable Sanitation Contractor Exam with a score of 70 or above.

(4) Certification of Portable Sanitation Companies

(a) Any person engaged in the business of cleaning, pumping, installation, and maintenance of portable sanitation units may be certified as a Portable Sanitation Company by the Department upon meeting the following requirements:

1. Must employ at least one person who is a Certified Portable Sanitation Contractor in good standing with the Department;
2. May not associate with any person as owner, part owner, manager, or employee, whose certification has been revoked under this Chapter 511-3-6, unless and until such person has been recertified; and
3. The certification period is two years.

(b) Certification may be renewed for a Portable Sanitation Company upon meeting the following requirements:

1. Must have no unresolved or outstanding disciplinary action related to this Chapter;
2. Owner or designee must obtain at least six hours of continuing education approved by the Department; and
3. Must not have committed any illegal acts related to this Chapter during the certification period.

(c) A Portable Sanitation Company whose certification has expired may be recertified upon meeting the following requirements:

1. Must have no unresolved or outstanding disciplinary action related to this Chapter;
2. Must submit evidence of the owner's or their designee's completion of six hours of continuing education as approved by the Department;
3. Must not have committed any illegal acts related to this Chapter during the expiration period.

(d) A decertified Portable Sanitation Company may be recertified upon meeting the following requirements:

1. Must wait at least two years after decertification to re-apply;
2. Must have no unresolved or outstanding disciplinary action relating to this Chapter; and
3. Must not have committed any illegal acts related to this Chapter during the decertification period;

(5) Fees

- (a) The certification examination fee is \$50.00.
- (b) The Portable Sanitation Company fee shall be \$300.00 for the two year certification period. Persons who achieve a passing score on the examination will be issued a numbered certificate upon receipt of the certification fee.
- (c) The renewal fee shall be \$300.00.

Authority: O.C.G.A. Sections 31-2A-6, 31-12-8, 31-27-9, 12-8-1.

511-3-6-.07 Decertification of Portable Sanitation Contractors and Companies.

(1) The Department may take disciplinary action, including suspension and revocation of the certification if the Department finds that the contractor or company has failed to comply or maintain compliance with O.C.G.A. Title 31 or this Chapter 511-3-6, or has committed any of the following acts:

- (a) Misrepresentation or falsification of information on any application or document submitted to the Department or any Health Authority; or
- (b) Conviction in any court of a felony or crime of moral turpitude. In the case of a corporation or other business entity, this provision shall apply in the event of such a conviction of any person associated with the company as an owner, partner, officer, director, or manager.

(2) The holder of any certification that is revoked under this Rule shall not be eligible for recertification for a period of at least twenty-four months. In the case of a Portable Sanitation Company, this provision also shall apply to partners, co-owners, officers, directors, and stockholders of corporate providers involved in the company.

Authority: O.C.G.A. Sections 31-2A-6, 31-12-8, 31-27-9, 12-8-1.

511-3-6-.08 Appendix.

Table 1: Minimum Number of Portable Sanitation Units at Construction Sites

Number of Workers*	Minimum Number of Units Serviced Weekly**	
20 or less	1	Toilet per 20 Workers
21 or more	1	Additional Toilet per 40 Workers
200 or more	1	Additional Toilet per 50 Workers

29 CFR 1926.51 OSHA Regulations for Toilets at Construction Sites

** The number of portable sanitation units required shall be determined by the maximum number of workers present on a regular 8 hour shift. Shifts lasting longer than 8 hours (40 hour work week) should double the number of portable sanitation units.*

*** "Servicing" refers to the emptying of waste and the cleaning of the portable sanitation unit.*

Table 2.

Portable Sanitation Units for Special Events Planning

AVERAGE CROWD SIZE	AVERAGE HOURS AT THE EVENT *									
	1	2	3	4	5	6	7	8	9	10
500	2	4	4	5	6	7	9	9	10	12
1,000	4	6	8	8	9	9	11	12	13	13
2,000	5	6	9	12	14	16	18	20	23	25
3,000	6	9	12	16	20	24	26	30	34	38
4,000	8	13	16	22	25	30	35	40	45	50
5,000	12	15	20	25	31	38	44	50	56	63
10,000	15	25	38	50	63	75	88	100	113	125
15,000	20	38	56	75	94	113	131	150	169	188
20,000	25	50	75	100	125	150	175	200	225	250
25,000	38	69	99	130	160	191	221	252	282	313
30,000	46	82	119	156	192	229	266	302	339	376
35,000	53	96	139	181	224	267	310	352	395	438
40,000	61	109	158	207	256	305	354	403	452	501
45,000	68	123	178	233	288	343	398	453	508	563
50,000	76	137	198	259	320	381	442	503	564	626
55,000	83	150	217	285	352	419	486	554	621	688
60,000	91	164	237	311	384	457	531	604	677	751
65,000	98	177	257	336	416	495	575	654	734	813
70,000	106	191	277	362	448	533	619	704	790	876
75,000	113	205	296	388	480	571	663	755	846	938
80,000	121	218	316	414	512	609	707	805	903	1001
85,000	128	232	336	440	544	647	751	855	959	1063
90,000	136	246	356	466	576	686	796	906	1016	1126
95,000	143	259	375	491	607	724	840	956	1072	1188
100,000	151	273	395	517	639	762	884	1006	1128	1251

Based on "Portable Restroom Requirements at Special Events and Crowd Gatherings"
Center for Business and Industrial Studies, University of Missouri-St. Louis

- Determine the appropriate portable sanitation units needed from the table above.
- For each sewer toilet available onsite, subtract 1 from the previously calculated number.
- If alcoholic beverages are to be served, add 25% to the base number.
- For peak crowd numbers that fall between chart numbers, round up to the next base number.
- Units shall be provided in accordance with the Georgia Accessibility Code following state or local requirements.
- Table based on units being serviced daily

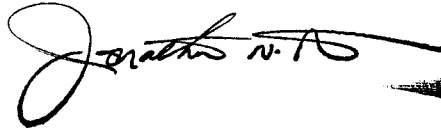
Authority: O.C.G.A. Sections 31-2A-6, 31-12-8, 31-27-9, 12-8-1.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Financial Services Director
Assistant Financial Services Director 
Purchasing Agent 

FROM: Public Service Director 

DATE: March 27, 2015

SUBJECT: 2015 Paving Bid Recommendation
April 2, 2015, City Council Meeting

Recommendation:

Staff recommends that a contract be awarded to Blount Construction in the amount of \$1,731,000, for FY 2015 Paving Projects.

Discussion:

Staff issued bids for paving projects on January 26, 2015. The bid scope included Crosstown Drive, Grecken Green, and a portion of South Peachtree Parkway and Blue Smoke Trail. A pre-bid meeting was held on February 17, 2015, and was attended by five contractors. Sealed bids were received by two contractors as follows.

Blount Construction

Crosstown/Grecken Green Bid	\$1,187,609.68
Peachtree Parkway/Blue Smoke Bid	\$ 542,876.03
Total	\$1,730,485.71

C.W. Matthews

Crosstown/Grecken Green Bid	\$1,360,590.61
Peachtree Parkway/Blue Smoke Bid	\$ 572,871.82
Total	\$1,933,462.43

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

Budget Impact:

\$1,199,000 will be drawn from remaining SPLOST, LMIG and the General Fund. An additional \$532,000 will be drawn from un-appropriated fund balance.