

City Council of Peachtree City
Agenda
March 18, 2004
7:00 p.m.

- I. Prayer
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
- IV. Minutes
- V. Consent Agenda
 - 1. Consider Appointments to WASA
 - 2. Alcohol License – Change in License Representative – Flat Creek Golf Club
 - 3. Alcohol License – Change in License Representative – Braelinn Golf Club
 - 4. Declare Surplus Property
- VI. Old Agenda Items
 - 02-04-07 Kathie Cheney – Request to Address Council Regarding
Smoking in Public Buildings
 - 02-04-CA8 Field of Hope Agreement
 - 03-04-01 Report from City Probation Service
- VII. New Agenda Items
 - 03-04-06 Alcohol License – NEW – Three Dollar Café
 - 03-04-07 Award Contract for Satellite Auto Shop
 - 03-04-08 Consider Special Events Policy
- VIII. Council/Staff Topics
- IX. Executive Session

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

**City of Peachtree City
Minutes of Regular Meeting
March 4, 2004
7:00 p.m.**

The City Council of Peachtree City met Thursday, March 4, 2004, 7:05 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown proclaimed March as National Women's History Month and presented the proclamation to representatives of the Peachtree City Library staff. Brown read a proclamation for Girl Scout Week. The Starr's Mill High School Wrestling Team was recognized as the Area 4 – AAAAAA duals champion and for an outstanding season. Stephen Ott was sworn in as Judge Pro Hac.

Minutes

Rutherford moved to approve the February 19, 2004, regular meeting minutes. Rapson seconded. The motion carried 4-0-1 (Weed).

Monthly Reports

Brown noted some upcoming events, including the Youth-Police Trivia Contest on March 30, the Council Retreat on April 16-17, and the first Community Action Day on May 1. Brown explained that civic organizations, churches, schools, and interested individuals would come together on Community Action Day to work on some projects for senior citizens and others who needed a helping hand.

Consent Agenda

1. Consider Appointment to Ethics Board

Brown explained that Ethics Board Member Steve Fraas had been appointed to the Development Authority. Marcia Brown had been named as his replacement. Rutherford moved to approve the Consent Agenda. Weed seconded. The motion carried unanimously.

Old Agenda Items

10-03-05 Consider Amendment to Alcohol Ordinance Relative to Distance Requirements from Church, School, Educational, or College Uses

Rutherford moved to table this item. She said the ordinance was not where it needed to be and asked that the item be placed on the Retreat agenda so Council could discuss what it wanted, and so staff could give input on the changes they were seeking. Kourajian seconded. The motion carried unanimously.

New Agenda Items

03-04-01 Report from City Probation Service

Public Information Officer/Deputy City Clerk Betsy Tyler asked that this item be tabled until the March 18 meeting due to the illness of the Maximus representative.

03-04-02 Discuss Traffic Calming Devices in Smokerise Subdivision

Brown noted there was an additional document on the dais – Traffic Calming for Smokerise Plantation Presented to the Mayor and Council, Thursday, March 4, 2004.

Christy Dunkelberger addressed Council as the representative for the Smokerise Plantation residents. Dunkelberger noted that the residents had been seeking traffic-calming devices for the road for five to seven years. Dunkelberger said the issue was two-fold –safety and quality of life for the subdivision's residents. She said the Smokerise Trace situation was exactly what was happening on Golfview a few years ago, prior to the installation of speed humps. Smokerise Trace, the main corridor in the subdivision, had become a cut through and was an easier way to get from GA 54 to GA 74. She continued that increased speed had accompanied the increase in motorists. The road was very hilly and winding and it was dangerous for residents to walk, ride bikes, and drive golf carts in the area. There were blind driveways, hidden curves, and mailboxes that sat directly on the street. Everything had affected the way the residents had lived their day-to-day lives. Dunkelberger noted there were four locations where the residents proposed placing the speed humps. She said the residents were asking Council to correct the unsafe situation by approving speed humps along Smokerise Trace.

Kourajian asked Dunkelberger if all the subdivision's residents were in favor of putting the traffic-calming devices in place. Dunkelberger said a vote was taken at the last homeowners association meeting, and 71% of the residents were in favor of the devices and 29% were against the devices.

Weed said the proposal was to have Smokerise residents pay two-thirds of the cost of installation and asked what the maintenance plan was. He asked if the residents assumed the City would be responsible for maintenance of the traffic-calming devices. Dunkelberger said yes.

Kourajian asked if there was any significance to the locations chosen for the speed humps. Dunkelberger said the locations were on strategic curves and angles. She said three of the locations were where cart paths were located.

Brown added that there also had to be certain site distances on the approaches to the devices as well as appropriate signage, which also helped determine the locations. Brown moved to install four raised traffic-calming devices on Smokerise Trace with the Smokerise Homeowners Association picking up the two-thirds requirement of the cost. Rutherford seconded.

Rapson noted that the City had established criteria for the traffic-calming devices, including public support, the neighborhood paying two-thirds of the cost, as well as the warrants. He said they only met the warrant for minimum traffic volume, but did not meet accident, speed, or traffic cut. Rapson said he perceived the situation as a safety

problem, as well as quality of life issue. Rapson said he supported the request, but wanted it on the record that the area did not meet all the criteria.

Brown said, personally, he felt that some of the warrants were out of bounds. By the time there was 50% cut through traffic, there was a crisis situation. Rapson said the warrants were self-imposed and Council should look at re-evaluating the warrants. Kourajian agreed.

Rapson said citizen participation in this kind of vote was critical since he felt the Fire Department had an issue with response times. He believed that if the residents of the area were willing to assume that risk, then he could support it.

Dunkelberger said, as far as applying the data to the warrants, that the information was collected in 2000, and she was sure the numbers would be worse today.

Rapson and Rutherford both noted that they drove on Smokerise Trace and saw the cut-through traffic for themselves. Rapson said he cut through Golfview quite often and he slowed down for the speed humps and stopped for the stop signs. He noticed that people were now out walking on the roads and were not fearful of getting their mail.

Rapson asked about funding for the City's share of the project and said he assumed the money would come from PIP Contingency. Brown amended his motion to take the City's share of funds from PIP Contingency. City Engineer Troy Besseche said the Smokerise plan included a raised crosswalk, which was not installed on Golfview. Besseche said, with the crosswalk included, that the Smokerise traffic-calming devices would cost approximately \$5,000 to \$6,000 more than Golfview.

The motion carried unanimously.

03-04-03 Consider Addition of Fees to City Schedule (Recreation)

Brown said staff had asked to table this item because some related issues had come up. Weed asked Leisure Services Director Randy Gaddo if he would have enough time to get the information he needed by the March 18 meeting. Gaddo said it would take more than two weeks and that the information could possibly be ready for a meeting after March 18. The item was tabled until the April 1 meeting.

03-04-04 Consider Appeal of Planning Commission Decision on Conceptual Site Plan, Kedron Village Retail Center, Phases 2 and 3, GA 74 and Peachtree Parkway

Brown noted for the record that there were two additional documents on the dais – an e-mail to Mayor and Council from Gail Yates dated March 4, 2004, and a packet of materials from the Committee for the Responsible Development of the Kedron Shopping Center, Background Information and Preparation for the City Council Meeting on March 4, 2004. Brown said the appeal would start with City Planner David Rast, followed by City Attorney Ted Meeker, then the applicant.

Rast went over the site plan that had been appealed. He said the plan was the buildout of the Kedron Village Shopping Center and was referred to as Phases 2 and 3. The current plan was submitted to the City on September 22, 2003. The parcel had been zoned General Commercial (GC) for a number of years and was identified as GC on the Land Use Map. Phase 2 would consist of a single building of 124,717 square feet, with 531 parking spaces and 38 designated golf cart spaces. Phase 3 would consist of a 130,200 square-foot multi-tenant retail building. The plan showed a variety of tenants, none of which would be larger than 30,000 square feet, and 14,000 square feet of second-story office space. Phase 3 would have a total of 144,200 square feet and 569 parking spaces, with an additional 68 golf cart spaces.

Rast said there were four access points to the site. Three were existing sites, two of which were off of Peachtree Parkway, and the other off Georgian Park. The fourth access point would be the extension of the drive by the Vassey Medical Clinic, which had been on the plan for a number of years.

Rast said they worked with the applicants to break up the parking layout. By separating the buildings, three parking fields had been created. They looked at service access. Instead of creating a separate service court behind the proposed Target building, the building was moved closer to the existing Phase 1 development, which created a continuous elevation and utilized part of the existing service area. The service vehicles were limited to the existing entrance off Georgian Park, and the service drive would extend to Phase 3. Rast continued that the buildings backed up to natural areas, which would help alleviate noise from the commercial area.

Rast said staff had worked with the applicant on golf cart/pedestrian access for several months. Walking from one store to another was encouraged. Several years ago, a temporary cart path had been installed that allowed users to get to the Kroger shopping area. The existing path that extended from the end of Regents Park extension to the dry cleaners was a temporary path and was never intended to be permanent. Rast said the path construction was not up to City standards, but the path allowed the users to get to and from the shopping center. Rast said the developer had agreed to move the at-grade cart crossing on Georgian Park to another area to help with the car/golf cart conflict at the Regents Park/Georgian Park intersection. At Regents Park/Georgian Park, Rast said the applicant had also agreed to install whatever traffic-calming device was necessary to ease the traffic flow into the shopping area and into the residential area. Rast continued that the applicant had also agreed to install a signal at the intersection of Georgian Park and GA 74.

Rast said they had also worked with the applicant on the internal features, architecture, and aesthetics of the building. The applicant had agreed to do something other than the standard buildings. Rast noted that the staff memo went over some of the history of the area.

Brown asked if any traffic mitigation along Peachtree Parkway had been discussed. Rast said they had not looked at that, but the increase in traffic on Peachtree Parkway was included in the traffic study. At staff level, they had started looking at potential improvements at those intersections. According to the information submitted in the traffic study, a signal was warranted today at Peachtree Parkway and the main entrance into the shopping center. Rast said that, according to the files, one of the conditions was that the developer would install the signal when it was warranted. Rast said staff had to work with the Phase 1 developer on that.

Brown asked Rast if he agreed there was a site distance problem currently for the residents who lived in the subdivisions near the shopping center. Rast said yes, and that some improvements had been made to Peachtree Parkway, but that was before the volume had increased to what it was today.

Rapson asked if a light at the shopping center entrance was warranted without the second phase. Rast said yes, and that all recent studies had shown that signals at the Kroger Center entrance on Peachtree Parkway and the GA 74/Georgian Park intersection were warranted without expansion of the retail center. Kourajian asked about the proposed traffic-calming devices on Georgian Park. He said if a light went in at Georgian Park/GA 74, people would funnel onto Georgian Park. Rast said the study looked at the increase in traffic at that intersection and concluded that the intersection as designed could handle the increase in traffic.

City Attorney Ted Meeker addressed Council and noted that Council had two legal opinions from him. The October opinion addressed vested rights. In his memo for this meeting, Meeker stated the property owner had certain vested rights on the tract. The plan before Council exceeded those vested rights, which made the current GC requirements apply. With the one store being in excess of 32,000 square feet, the plan did not comply with the requirements. Meeker recommended that Council uphold the Planning Commission's decision. Meeker said the parties had agreed to a time limit of 20 minutes per side for the appeal.

Brown asked Meeker to explain his reasons for his opinion on vested rights. Meeker said the drawings for the 1995 plan that was approved contained the vested rights and defined the vested rights of the property owner. Meeker said, although the plan was for Phase 1, that Phase 2 was depicted on the drawings, which had two additional boxes and additional buildings plus parking and the access point that connected to Georgian Park. Meeker advised Council that Laurel Henderson, the attorney representing the City in the litigation, was also in attendance and that Council could go into executive session to ask any questions from a legal standpoint.

George Rosenzweig, attorney for Faison, the developer, addressed Council. Rosenzweig said the Phase 2 lot consisted of the freestanding Target store and its associated parking field. The Phase 2 lot would be owned by Target. Phase 3 would be separately owned. Phases 2 and 3, as well as Phase 1 and the outparcels, would share, under a reciprocal

easement agreement, the internal drive. All of the property was zoned GC and was listed as commercial on the Land Use Map. He continued that Phase 3 met all the requirements of the existing GC ordinance, as well as the requirements for a conceptual site plan. Rosenzweig said Phase 3 was entitled to approval because it complied with all of the ordinances regardless of the other arguments. If the right to use Phase 3 was denied, the City was depriving the developer of his constitutional rights.

Rosenzweig continued that Phase 2 also met all of the objective requirements under the ordinances because Target would be the owner of the building, not a tenant. In 2000, a prior Council added a proviso that no single tenant could occupy more than 10,000 square feet. That person was relegated to the conditional use section, which provided mandatory conditions that must be accomplished to entitle the person to use more than 10,000 square feet.

Rosenzweig continued that there had been discussion on whether "tenant" meant "tenant," or also meant "owner." Rosenzweig said they believed the meaning was a matter of common sense, not common law. He noted that the word "tenant" was used 11 times in the tenant proviso, but the language was very precise. "Owner," "leasing," "landlord," and "rent" were also used. The tenant was talked about as a lessee in subparagraph 6 of the ordinance, which was an amendment made to specifically reference leasing for a big box user. Rosenzweig said only the parts of the ordinance that fit were applied. He said the reasonable rule of law was that an ordinance should be construed so all of it was effective. Rosenzweig referred to documents provided for Council and said the prior Council specifically said its intent was to "accommodate owners of large projects." The supposed purpose was also to address other vacant buildings. Rosenzweig noted that the only commercial uses addressed in the ordinance were retail. The other 15 to 16 commercial uses were not addressed.

Rosenzweig said it had been argued that "tenant" was synonymous with "owner." Rosenzweig said to go to the back end of what was approved, and the last thing Council had done was address the situation involving both tenants and owners. "Tenant" was used when it applied. "Owner" was used when owner applied and both terms were used when both applied. Rosenzweig asked if it was reasonable to distinguish between owners and tenants. He continued that the ordinance was approved at the same time the multi-family housing moratorium was first approved, which distinguished owners from tenants. A tenant, by a tenant's nature, was temporary and more inclined to move than an owner. Rosenzweig noted the ordinances that were ambiguous were construed against the government and in favor of the property owner. Rosenzweig said the ordinance should be enforced as written, but if it was ambiguous, the applicant was entitled to the benefit of the doubt.

Rosenzweig reiterated that Phase 3 stood alone and was entitled to approval. The applicant was the owner, not the tenant, for Phase 2, so the ordinance did not apply. Rosenzweig said he realized Council might not agree and provided notice that if the

property owner were not able to use the property as entitled, the City would be depriving the owner of property rights.

Rosenzweig continued that the entire GC zoning ordinance was infected with the virus of the tenant proviso because the only use singled out for special treatment was retail. If the reason for the ordinance was to avoid crime, traffic, and vacant property, then the ordinance should apply to all uses, not just retail. The correlation between square footage and crime was also unconstitutional and there was no rational basis for that distinction. The City had a limited amount of GC zoning, and the property quickly resold or was leased again. Denying the conceptual site plan violated the applicant's constitutional rights.

Rosenzweig said the final reason that denial would violate the applicant's constitutional rights was vested rights. He noted the discussion about Mayor Lenox's letter and pointed out that Lenox's letter was authorized by Council in session to be written on behalf of the City. He said there were many circumstances when someone had to act on behalf of the City pursuant to authorization that was granted. The minutes specifically authorized Lenox to write the letter. He continued that there was the theoretical issue that rights were vested under ordinances, not by letters or plans. When a right became vested, the clock stopped, and it was like the ordinance was never adopted.

Rosenzweig said there might be some confusion with this case and "grandfathered" cases. This was not a "grandfathered" situation. Even if Council believed Lenox's letter addressed only a square footage limitation, the letter addressed what was in front of Council and did not address the applicant's right to proceed under the ordinance.

Rosenzweig summarized and said Phase 3 was approved as shown and Phase 2 should be approved because of the tenant proviso. His client's constitutional rights would be violated if the site plan were not approved.

Brown noted for the record that Rosenzweig's office hand delivered a lengthy document with sections labeled "A through F" prior to the meeting. Rosenzweig said the document had been delivered in November and he just wanted to ensure Council had seen it.

Rosenzweig gave up a minute of his remaining time (four minutes) to Phil Corley, who asked to address Council regarding the project. Corley said he was in favor of the plan and he felt the "silent majority" of the City was also. Corley said the City would reap the tax benefits rather than the neighboring communities. He noted that the opposition to a project was always more vocal.

Weed clarified that Council's questions were not part of the time limitations for either side. Brown said that was correct.

Brown noted that Council had been given additional documents – one from Chamberlin, Hrdlicka, White, Williams, and Martin addressed to Ted Meeker in relation to the Kedron

Village Shopping Center/Vested Rights, and a bound document from the Committee for Responsible Development of Kedron Shopping Center Presentation to the Peachtree City Council on 4 March 2004.

John Hedge, president of the Lake Kedron Homeowners Association, addressed Council. Hedge presented a document that he said the City Planner referred to as the document that existed as of October 13 and was presented to the Planning Commission, as well as referred to in his memo of October 10 as Exhibit H. Hedge said this document was date stamped September 22 and was the document referred to in the packets. The document considered by the Planning Commission and in Council's packets was not date stamped. Hedge continued that internal memos acknowledged the document was not date stamped and Hedge pointed that out for purposes of notice and critical issues relevant to the plan.

Hedge said they were attending the meeting because the Planning Commission unanimously rejected the site plan, or a version of it. The Kedron Homeowners Association represented five developments located immediately across Georgian Park from the proposed shopping center. The critical point was that Regents Park was the only way in and out for those developments. The area was surrounded by water and there was no other way to get in and out of the residential area. Approximately 1,700 people lived in the area, including approximately 350 senior citizens.

Hedge noted their concern had always been the extension of Regents Park as the main entrance. The City and the applicant forced the homeowners into the secondary concern over the size of the development, the established ordinances on the books, and the history of the property.

Hedge said a conceptual site plan for the entire 80-acre parcel was submitted in 1995, which clearly differentiated between Phases 1 and 2, but there was no plan for a third phase. Phase 1, 14.7 acres, was approved and was the only plan ever approved for the property. In 1999, Home Depot presented a plan for Phase 2 as one piece of property, but decided on another location. In 2000, a plan was submitted before the Big Box Ordinance was considered, which contained two large stores on one piece of property. The plan was inactive for months and eventually placed in the inactive file. In 2003, a plan known as SP12 was submitted for Phase 2. Hedge said the SP12 plan today had a significant number of changes compared to the original plan.

Hedge said one of the critical issues was that the SP12 plan was a new site plan, not the 1995 plan for Phase 2. Prior plans had two large buildings and two small buildings. The SP12 plan had nine buildings, with a second floor office component. The prior plans had 110,000-175,000 square feet, while the current plan had 269,000 square feet. Hedge said the plans were not the same, and that had been critical to the Planning Commission's decision. It was critical because Ordinance 743, the Big Box Ordinance, specifically stated that the "following ordinance would apply to all projects submitted for conceptual site plan review on or after August 28, 2000."

Hedge continued that there were no exceptions listed in the Big Box Ordinance. There were specific exceptions listing the property in the drafts of the ordinance, but those had been removed so there would be no ambiguity.

Hedge said there were issues involved with compliance relative to the individual tenant. The tenants were limited to 32,000 square feet and an individual tenant for the applicant's plan was allotted 125,000 square feet. The ordinance limited total square footage to 150,000 square feet and the plan under consideration had 269,000 square feet. Hedge said that was not a "little bit different."

Another issue was single versus multiple properties. The plan date stamped September 22 was one piece of property. The plan considered by the Planning Commission in October had a property division, although there had never been an application to subdivide the property, nor had a site plan been submitted that requested approval of Phase 2 and Phase 3. The Planning Commission asked the applicant if they would consider approval of Phase 3 only and the applicant said no.

Hedge read from the City Attorney's October 13 opinion, which said the plan "far exceeds the allowable square footage under the approved plan. Given the drastic change in plans as depicted on the proposed site plan, it is my opinion that such a drastic change would result in the developer having to comply with the City's current ordinances with respect to the plan currently under consideration."

Hedge also quoted from a letter written by the City Planner to the senior managing director at Faison, which read, "please keep in mind that any development on the subject parcel would require review and approval by the City staff and Planning Commission. Also, if there is a substantial increase in the total square footage of the building or substantial change to the approved conceptual site plan, we would most likely base our review of the new site plan in accordance with the revised GC zoning ordinances." Hedge noted the letter was written in March 2003, six months before Faison submitted their first plan.

Hedge said the applicant decided at the last minute to subdivide the property. He pointed out there were specific ordinances in the City Code that restricted the subdividing of lots for commercial and residential use. He read from Section 804 on Lot reduction and Section 407 on Platting. Hedge quoted from various members of the Planning Commission, the City Attorney, the City Planner, and Police Chief James Murray.

Hedge reiterated that the area residents' biggest concern was safety – pedestrian safety, vehicle safety, golf cart safety, and future increases in traffic. He said there was no other single lane collector road that served as the major entryway for what would be the largest development in the City. Hedge read from Chief Murray's memo to the Planning Commission dated October 13, 2003, and said Murray recommended denial of the plan for safety reasons.

Hedge pointed out that alternatives had been suggested. The City Engineer, in conjunction with the Department of Transportation (DOT), had come with up a design that was much less intrusive, and was a right-in, right-out access off GA 74.

Hedge concluded that the existing ordinances must be enforced. He said the new site plan bore no relationship to historical site plans. The schemes to subdivide the property were inappropriate and governed by other ordinances. Hedge said they needed to rely on the City's legal counsel and Police Chief's expertise. The homeowners recommended that Council uphold the Planning Commission's unanimous decision to reject the site plan. Alternate entrances should be determined to maintain the residents' constitutional right to health, safety, and welfare. The only option was to bring forth a village-style center in compliance with the City's ordinances. Hedge read from Section 1.2, the definitions that governed the ordinances relative to construction, which said that tenant was the same as owner and was the same as occupant.

Rosenzweig had reserved time for rebuttal. He referred to an article in the March 3 edition of *The Citizen*, which he said confirmed that the residents did not care about the store, but about the access. He said the applicant had a vested right to the access. Rosenzweig pointed out that the definitions Hedge cited were not adopted pursuant to the Zoning Procedures law or the amendment procedures. He said the definitions were adopted after the zoning ordinance and did not apply. Rosenzweig continued there was a definition of owner that addressed all sorts of tenants, but not lessees.

Rosenzweig said Chief Murray's letter was well intended, but that it was absolutely clear law that general concerns about traffic and crime were not enough to turn down a project. Furthermore, Murray proposed bottling up traffic by taking away a rear access that had been planned and would be similar to the Wal-Mart/Home Depot situation where there was one way in and one way out. Rosenzweig said Georgian Park was always a collector road for the shopping center and had been engineered boulevard style. Rosenzweig said they would love to settle the issue by finding an alternate access. The problem with GA 74 access was a giant gulch that had to be bridged. The estimate to bridge the gulch was an additional \$1.9 million.

Rosenzweig referred to a village-sized center and said the residents moved into the area. The road access issue had been in the deed records for many years and they knew about it. He asked Council to look at tenant and construe the word in a reasonable way, and give the applicant their rights on Phase 3. Rosenzweig said he did not find any instance of the Planning Commission saying they could not divide the parcel. He said they never asked the Commissioners to consider Phase 3 separately. He understood that one of the reasons the Planning Commission turned the plan down was because the parcel could not be subdivided, although Rosenzweig understood the City had changed its opinion in that regard.

Weed asked Rosenzweig what he wanted Council to decide. Rosenzweig said it would just be "thumbs up" or "thumbs down" on the site plan. Weed asked Rosenzweig his

position on the ability of the applicant to take a single plan and break it up. Rosenzweig said Phases 2 and 3 had been planned for years and it was not uncommon to revise site plans. Weed asked Rosenzweig if he agreed that Attachment H was the conceptual site plan submitted and on which the appeal was based. Rosenzweig said, as far as he could tell, Attachment H looked like the plan that was voted on. Weed said the applicant knew what was submitted and he wanted to know if that was Attachment H. Rosenzweig approached the dais and said the confusion was due to the listing of Phases 2 and 3 in the legend.

Consensus was reached to allow Hedge to use the one minute remaining of his time. Hedge recalled that Planning Commissioner Wes Saunders commented at the October 13, 2003, meeting that the parcel had always been treated as one 33-acre site, and breaking the site into two parcels was a substantial change from the past. Hedge said the plan originally presented by the applicant said Phase 2 only and was later switched to a plan that showed two separate phases. Rosenzweig said there had been a recorded Real Estate Acquisition (REA) agreement for many years that showed Phases 2 and 3 in it. The agreement had been submitted for the trial. Rosenzweig said the applicant could tweak and tinker with the plan between the time it was presented to Planning Commission and to Council. The key was what was in front of Council.

Weed asked Hedge what the Homeowners Association's interpretation of what Council was deciding was. Hedge said Council should either uphold the Planning Commission's unanimous decision or overturn it. Weed asked Hedge if it was his opinion that the conceptual site plan submitted, which Weed said was Attachment H, could be subdivided. Hedge said they did not agree that the plan as presented showed an approved subdivision of the property. Weed asked Hedge if his position was that the site plan either stood or fell as one unit. Hedge said yes.

Weed asked Meeker his position on what Council was to decide. Meeker said Council should either affirm or reverse the decision of the Planning Commission. Meeker said if Council reversed the Planning Commission's decision, then, in his opinion, Council approved the site plan. Weed asked Meeker if the site plan could stand, or fall, as one unit, or if the plan could be divided. Meeker continued that throughout the process the parcel had been submitted and considered as one plan. Meeker said, that as far as the City records went, Phase 1 was the Kroger center approved in 1995 and there was nothing about Phases 2 and 3 until Faison's submittal. Meeker verified that the plan was Attachment H.

Rutherford moved to affirm the Planning Commission's decision. Kourajian seconded.

Rutherford said the plan was substantially, significantly, and markedly more than the 1995 plan and should come under the new ordinance.

Brown noted that no other citizen had been more involved in the development of the Big Box Ordinance than he had been. He said there had been numerous discussions with City

staff related to the ordinance and in all of those discussions they used the words owner, occupant, and someone in a lease arrangement. He said they had gone through several scenarios to see where the decisions would lie. Brown said there was a letter in the documents from former Mayor Robert L. Lenox, dated November 7, 2000, to Pat Heaberg of Pathway Communities. Brown said he had written a note on a copy of the letter and sent it to the Homeowners Association commenting on how the situation would fare in the courts. Brown specified that when he made the comment, it had followed the City's building moratorium that had been overturned by Superior Court Judge Paschal English. The U.S. Supreme Court later proved that decision wrong with its decision in the Tahoe case. Superior Court Judge Johnnie Caldwell's decision regarding an issue in Tyrone essentially eliminated zoning in the state, but the Georgia Supreme Court overturned that decision. Brown said he did not have much confidence in the decisions some of the judges made and that was the rationale for his comment on the letter.

Rapson said he had no problem with Target. He took issue with the vesting rights and said he did not believe buildings could be penciled in to get vesting rights. Rapson continued that he believed former Mayor Lenox's letter was worthless. Lenox could not waive an existing ordinance and neither could any sitting Council Member. He said the residents had a constitutional right to quality of life. He reminded the applicant that those residents would be his neighbors and customers, and they should be heard. Rapson said he would vote to uphold the Planning Commission's decision.

Kourajian said, based on his understanding, there was definitely a significant difference in the plans. He supported the Planning Commission's denial of the site plan.

The motion carried unanimously.

03-04-05 ESCi Presentation

Financial Services Director Paul Salvatore introduced John Best and Todd LaDuc of Emergency Services Consulting, Inc. (ESCi).

Best noted that a 200-page report had been prepared and that they had selected specific recommendations to present to Council at the meeting (A copy of the PowerPoint presentation is included in the meeting file). Best continued that his company had done 300 studies and said everyone involved with the City had been very professional, very helpful, and very courteous. He told Council they should be proud. Best briefly discussed the methodology used and went over the report's significant recommendations concerning dispatch protocol, the purchase of a QUINT, planning, Insurance Services Office (ISO) grading, new stations, staffing, reciprocal automatic mutual aid, and emergency medical services.

- Dispatch Protocol – Standard Operating Procedure A-100, "Equipment Response"
 - Consider "adapted" responses

- “Working” incidents comprise a relatively small portion of total responses
- Consider reducing non-medical responses of Advanced Life Saving Ambulances
- Dispatch by unit rather than station
- Purchase of New Quint (pumper/ladder truck)
 - Would probably receive full Insurance Services Office (ISO) credit as an engine and half credit as a reserve ladder truck
 - Assumes unit is outfitted per ISO
 - May realize .25 credit points
 - Backup for Tower 8
 - Most consider attributes compared to pumper/Quint cost difference
- Customer Oriented Strategic Plan – Fire Department Planning tends to:
 - Be focused on the annual budget process and the annual update of the Public Improvement Program (PIP) fund
 - Not involve all stakeholders
- Insurance Services Office Grading
 - Used to determine fire insurance rates
 - Communities graded Class One to Ten
 - Most insurance companies group classes 1-4
 - ISO grading does not consider life safety
- ISO – Properties/Savings
 - Single family dwellings
 - State Farm (30%) does not use
 - Savings doubtful
 - Specifically Rated Commercial Properties
 - >3500GPM individually graded
May or may not realize savings, case by case
 - <3500GPM sprinklered little or no savings
 - <3500GPM non-sprinklered may realize 5-10% savings
 - Special large commercial properties
 - Highly protected risks
 - Sprinklers/alarms/stringent loss controls and maintenance
 - Little impact on rate structure
 - HPRs do not usually locate in Class 7 or higher
- New Station Proposals
 - All incidents are well distributed in the City
 - 96% of all incidents are within four travel miles of a City fire station
 - Four minutes travel time relates to approximately 2.3 miles (35 mph)
 - ISO calls for 1.5 miles

- Staffing Recommendations
 - Assumptions to accompany recommendations
 - Enhance volunteer FF/EMT/-I/PM recruitment and retention program so the volunteer resource may make a greater commitment to immediate responses
 - Configure pumpers with required equipment and supplies to operate and be dispatched as ALS engines
 - MOU with Fayette County Department of Fire & Emergency Services implementing reciprocal automatic mutual aid
 - Modify dispatch protocols to require the closest (city/county) emergency service is dispatched to all incidents and dispatch by unit rather than station
 - Staffing Recommendation “B”
 - Implement assumptions
 - Staff each career rotating shift with 12 personnel to operate:

3 ALS engines	6 personnel
1 Ladder/ALS engine	2 personnel
2 ALS transport ambulances	4 personnel
1 command officer	Duty Officer Program
 - “Cross-Staff” Specialty Units
 - Dispatch FCF & ESD “Manpower Squad” on structure fires and other appropriate incidents
 - Staffing Recommendation “A”
 - Implement assumptions
 - Staff each career rotating shift with 15 personnel to operate:

4 ALS engines	8 personnel
2 ALS transport ambulances	4 personnel
1 ladder truck	2 personnel
1 Command Officer	
 - “Cross Staff” specialty units
 - Meets “moderate risk” specifications
 - Improves ISO
- Reciprocal Automatic Mutual Aid
 - Number of incidents in Fayette County where City units were closer for FY 2002:

Structure fires	1
Other fires	12
EMS	125
Other	69
 - Number of incidents in City where Fayette County may respond (12 months)

Structure fires	8
EMS responses	25
- Emergency Medical Services

- Continuing education and performance measures
- Significant exposure management program
- Medical Director stipend
- Public education, outreach and defibrillation
- Revenues/Tax inequities
- Unit hour utilization
- ALS engines

Brown told the consultants he appreciated their thorough job and said they had received a lot of information. He decided to form a committee, break the report down into components, and go from there. Committee members included Rutherford, Tony Landers from the Atlanta Regional Commission, and various City staff members, including members of the Fire Department.

Weed asked if they would be able to access the consultants later if needed. Best said they had fulfilled their contract, but they would work with the City if needed.

Council/Staff Topics

There were no Council/Staff topics. Meeker said there was pending and threatened litigation to discuss in executive session.

Rutherford moved to reconvene in executive session for pending and threatened litigation after a short break. Kourajian seconded. The motion carried unanimously.

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

Weed moved to deny the claim from Regions Bank dated February 24, 2004, as presented. Kourajian seconded. The motion carried 4-0-1 (Rapson).

There being no further business to discuss, Rutherford moved to adjourn the meeting. Kourajian seconded. The motion carried unanimously. The meeting adjourned at 10:19 p.m.

Betsy Tyler, Deputy City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council

FROM: City Manager 

DATE: March 10, 2004

SUBJECT: APPOINTMENTS TO THE WATER AND SEWERAGE AUTHORITY
March 18, 2004, Council Agenda

The Selection Committee composed of Mayor Steve Brown, Council Member Stuart Kourajian, Vice Chairman Michael Harmon and myself considered three applicants for vacancy on the Water and Sewerage Authority.

It is the recommendation of the Committee that Mr. John Gronner be reappointed to serve a term from 3/18/04 to 12/31/08. We further recommend that Mr. Jeffrey Prellberg be appointed to serve as an alternate to fill any vacancy that may occur.

Copies of applications for those recommended are attached for your review.

BJM/gr

Attachments

cc: Mr. Jerry Cobb

10:20 am
3/6

**WATER AND SEWERAGE AUTHORITY
APPLICATION FOR APPOINTMENT**

Thank you for your interest in being considered for appointment to the **Water and Sewerage Authority**.

Applicant must be a legal resident of the State of Georgia and have been a resident of Peachtree City for at least six months prior to the date an application is submitted. Elected officials of any governmental jurisdiction in the County and City employees are not eligible for appointment.

The Water and Sewerage Authority is comprised of five members appointed to five-year terms. Meetings are held on the first Monday of each month at 6:30 p.m. Members are required to attend a minimum of eighty percent (80%) of all meetings. The Authority is responsible for the operation of the Peachtree City sewer system.

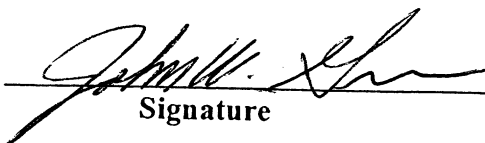
Please take a few minutes to complete the form below and to answer the questions on the reverse side of this letter and return it with a resume, if available, to Gloria Reid, 151 Willowbend Road, Peachtree City, GA 30269 by **5:00 p.m. on FRIDAY, NOVEMBER 7, 2003**. The City will contact you within two weeks of the application closing date.

If you have questions, please contact Gloria Reid at 487-7657.

NAME: JOHN W. GRONNER

ADDRESS: 100 BOWMOOR BANK
PEACHTREE CITY, GA

TELEPHONE (Day Time) 404-429-4566 (MOBILE)
(Evening) 770-487-6570
(Email) JWGRONNER@mindspring.com


Signature

10-29-03
Date

1. How long have you been a resident of Peachtree City?

15 years

2. Why are you interested in serving on the Water and Sewerage Authority?

presently serving.

3. What qualifications and experience do you possess that would benefit the Water and Sewerage Authority?

9 years on WASA, several
as Chairman

4. List major jobs you have held during your working career to include name of company and position.

Mfg. Superintendent - Manitowoc ICE
Machines
Mfg Manager - Aoshizaki AMERICA
HR Manager " "

5. Do you have any past experience relating to water/sewerage? If so, describe.

9 years on WASA

6. Have you attended any Water and Sewerage Authority meetings in the past year and, if so, how many?

presently serving

7. Would there be any possible conflict of interest between your employment and you serving the Water and Sewerage Authority?

NO

8. Describe your current community involvement.

- Church Elder
- WASA CHAIRMAN

4/20/03
10:40 AM

**WATER AND SEWERAGE AUTHORITY
APPLICATION FOR APPOINTMENT**

Thank you for your interest in being considered for appointment to the **Water and Sewerage Authority**.

Applicant must be a legal resident of the State of Georgia and have been a resident of Peachtree City for at least six months prior to the date an application is submitted. Elected officials of any governmental jurisdiction in the County and City employees are not eligible for appointment.

The Water and Sewerage Authority is comprised of five members appointed to five-year terms. Meetings are held on the first Monday of each month at 6:30 p.m. Members are required to attend a minimum of eighty percent (80%) of all meetings. The Authority is responsible for the operation of the Peachtree City sewer system.

Please take a few minutes to complete the form below and to answer the questions on the reverse side of this letter and return it with a resume, if available, to Gloria Reid, 151 Willowbend Road, Peachtree City, GA 30269 by **5:00 p.m. on FRIDAY, NOVEMBER 7, 2003**. The City will contact you within two weeks of the application closing date.

If you have questions, please contact Gloria Reid at 487-7657.

NAME: JEFFREY W. PRELLBERG

ADDRESS: 346 Aster Ridge Trail
Peachtree City, GA 30269

TELEPHONE (Day Time) 770.486.8068

(Evening) 770.486.5434

(Email) jprellberg@h2o2.com

↳ small letter "o"

Jeff Prellberg
Signature

11/7/03
Date

1. How long have you been a resident of Peachtree City?

2 years 6 months

2. Why are you interested in serving on the Water and Sewerage Authority?

1. Experience in community / government services participation.

2. 15+ years exp. in water/wastewater treatment industry / market

3. What qualifications and experience do you possess that would benefit the Water and Sewerage Authority?

① Over 15 years in the water/wastewater treatment market ~~and~~ including municipal market ② Owned my own business. ~~and~~

3. Add to my background and professional experience.

4. List major jobs you have held during your working career to include name of company and position.

SEE Attached Resume

5. Do you have any past experience relating to water/sewerage? If so, describe.

Business / professional career — see attached resume

6. Have you attended any Water and Sewerage Authority meetings in the past year and, if so, how many?

No

7. Would there be any possible conflict of interest between your employment and you serving the Water and Sewerage Authority?

Not necessarily — the programs I work with are not likely a "fit" for the PTC system

8. Describe your current community involvement.

This would be my first since moving here. This is an area I would be interested in applying my background and leadership / mgmt experience.

Jeffrey W. Prellberg

346 Aster Ridge Trail | Peachtree City, GA 30269 | 770.486.5434 | jandbprellberg@earthlink.net

ENVIRONMENTAL TECHNOLOGY AND BUSINESS DEVELOPMENT MANAGER

An innovative, customer-focused technology and business development manager. Specific experience in the drinking and wastewater industry in Asia, Europe and the United States. Proven ability to guide business planning, product development and marketing in the global community. Excellent leadership, communication and administrative skills. Proven track record in program management, strategic partnerships, process improvement and pre- and post-sale technical support. Uses a consultative approach to ascertain profitable business opportunities, simplify complex processes and get new technologies and services to market.

PROFESSIONAL EXPERIENCE

US Peroxide, Inc., Atlanta, Georgia

2003 to Present

Senior Business Development Manager for a specialized full-service water/wastewater treatment technology company.

- Develop and direct niche marketing and business development programs that support a long range (5 yr.) company plan of 30 percent annualized revenue growth generated primarily through proactive development of new applications and customers. Programs include new product ventures, strategic partnerships and ongoing sales/market development programs.
- Responsible for directing and managing a new product venture for a proprietary municipal odor and corrosion control technology with expected revenue potential of \$20 million over a 5 year period. Includes developing a business plan, overseeing market development, identifying strategic partners and guiding the product launch campaign.

Winter Construction Company, Inc., Atlanta, Georgia

2001 – 2003

Business Development Manager for a large municipal water and wastewater general contracting and construction management company.

- Directed marketing and business development programs that successfully positioned the company into the municipal water and wastewater construction market in Georgia. Identified "best fit" opportunities that resulted in new revenues of \$30 million in the first 18 months; coupled niche market analysis with the process of building key relationships with engineers, owners and technology vendors.
- Built strategic "partnering" relationships with engineering firms and private utility operations companies in order to pursue design-build and design-build-operate projects in both the public and private treatment plant construction markets; resulted in \$20 million worth of potential bid opportunities and \$6.5 million of revenue in 18 months.

Prellberg Enterprises, Tucson, Arizona

1998 – 2001

Partner in a water industry consulting business and co-owner of a family-owned business.

- **Business Development Associates** – Created a consulting business to the water industry. Guided niche market ventures to meet or exceed client revenue and profit objectives. Learned to project how new technologies would play out in the marketplace.
- **Masterpiece Interior Design** – Grew a family-owned business to \$500,000 in four years. Honed skills managing balance sheets with P&L responsibility; redirected target market resulting in gross profit margin increase from 33% to 42%, and net income from 10 to 12%.

Calgon Carbon Corporation, Tucson, Arizona

1989 – 1998

Technology and marketing development specialist for a global provider of advanced water and wastewater treatment technology.

Marketing Engineer

- Responsible for developing and implementing programs related to strategic marketing and commercial development, and product management.
- Directed Western Region Sales and Marketing through manufacturer's representatives for a \$40 million high-tech municipal wastewater disinfection market. Successfully established new product line credibility with customers resulting in the ability to participate in project bidding process.
- Partnered with product line manager to develop global strategy for selling water purification technology to semiconductor industry; resulted in high margin, new sales of \$1.8 million during the first 18 months.
- Identified business potential, strategic partners, and market channels through face-to-face meetings in Asia, Europe and United States.
- Initiated new product development effort to meet drinking water disinfection needs of a \$30 million market; company reported a \$10 million sale of first system in early 2000.

Applications Engineer

- Responsible for application and process engineering in support of key markets and sales opportunities, performance audits, and technical sales training. Markets served include remediation and industrial process water.
- Directed development of water purification systems used in semiconductor manufacturing; an estimated \$20 million market.
- Directed cross-functional team to resolve performance problems, achieve customer satisfaction, and salvage a high margin \$1.3 million sale in a key account.
- Authored and presented several technical papers related to water and wastewater treatment technology.

Laboratory Manager

- Initiated proactive sales support that guided application and market development; resulted in a more effective allocation of resources and significantly improved response time.
- Designed and implemented state-of-the-art laboratory, coordinated contractor and purchasing activities of a \$350,000 project.

Process Chemist

- Advanced the development of wastewater technology through laboratory analysis and testing of hundreds of contaminated samples. Established standardized testing of bench-scale procedures that ensured the accuracy of full-scale plant design.

Hydro Geo Chem, Tucson, Arizona

1988

Analytical field chemist with an environmental and hydrogeology consulting firm.

Analytichem International, Inc., Harbor City, California

1987

Applications chemist for a manufacturer of clinical and environmental screening technology.

EDUCATION

Bachelor of Science, Geosciences

University of Arizona, Tucson, Arizona, 1987

Completed coursework for Master of Science, Environmental Engineering

University of Arizona, Tucson, Arizona, 1993

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Assistant City Manager 

FROM: City Clerk 

DATE: March 11, 2004

SUBJECT: Alcohol License – Change in License Representative –
Sequoia Golf, LLC dba Flat Creek Golf Club
March 18, 2004, Regular Meeting Agenda

Recommendation:

Staff recommends Council consider the attached application for a change in License Representative.

Discussion:

Sequoia Golf, LLC, dba Flat Creek Golf Club, 100 Flat Creek Road, has submitted an application for a change in License Representative. Mr. Paul Peterson has requested that he be appointed as the License Representative. Mr. Peterson will attend the Thursday, March 18th, meeting to answer any questions you may have.

Budgetary Impact:

The change in License Representative will have no impact on the budget.

JSM:pd

Attachments



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: <i>Sequoia Golf, LLC dba Flat Creek Golf Club</i>	Business Location: <i>100 Flat Creek Rd. Peachtree City, GA 30269</i>	
Nature of Business: <i>Private Golf Club</i>	Mailing Address: <i>100 Flat Creek Rd. Peachtree City, GA 30269</i>	Business Phone Number: <i>770- 487-2102</i>
Name of Licensee: <i>Sequoia Golf, LLC / Joseph L. Guerra</i>	Home Address: <i>80 Summerhill Pl. Newnan, GA 30263</i>	Home Phone Number: <i>770-253-0475</i>
Name of License Representative: <i>Paul Peterson</i>	Home Address: <i>301 Marble Ct. Peachtree City, GA 30269</i>	Home Phone Number: <i>770-632-1181</i>

Please indicate type of licenses applying for:

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

Please complete information below (use separate sheet if necessary)

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
<i>Joseph L. Guerra</i>	<i>80 Summerhill Pl. Newnan, GA 30263</i>	<i>(H) 770-253-0475 (B) 770-463-3949</i>

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



**AFFIDAVIT AND CRIMINAL HISTORY CONSENT FORM
FOR ALCOHOLIC BEVERAGE LICENSE APPLICATION
WITH THE CITY OF PEACHTREE CITY**

I, Paul F. Peterson (PRINT FULL NAME), swear that I am at least 21 years of age and am competent to provide this affidavit.

My address is: 301 MARBLE G PEACHTREE CITY GA. I have resided at this address for: 6 years and 4 months. My previous addresses for the last 10 years are as follows: 155 STARKMILL DRIVE SENDIA GA.

Social Security #: 260 199479

Driver's License #/State: 049801064 / GA

Date of Birth is: 11-27-61

Race: WHITE

Sex: MALE

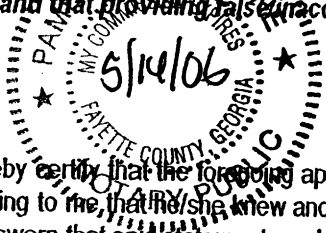
I have / have not, within 5 years prior to this application, been convicted of, (or entered a plea of nolo contendere to) any felony or misdemeanor relating to the sale/use of alcoholic beverages or illegal drugs.

I have / have not ever been ever arrested for a crime. If so, details below and the disposition of the arrest are listed below. I understand that failure to disclose any arrest (including DUI's) may result in denial of the application. (Attach a separate sheet if necessary.)

I have / have not ever had beneficial interest in any other alcoholic beverage business in this or any other state in which the alcohol license was denied, revoked or other disciplinary action taken. (Beneficial interest here means when a person holds the license in his own name or when he has a legal, equitable or other ownership interest in, or has any legally enforceable interest or financial interest, or derives any economic benefit from, or has control over a business.) If so, please describe in detail. (Attach a separate sheet if necessary)

I am / am not the applicant for license representative. If so, I swear that I am a manager of the business and a resident of the State of Georgia.

I have read the Peachtree City Ordinance regarding the sale of alcoholic beverages and I understand and will comply with the rules and regulations. I hereby authorize the PEACHTREE CITY POLICE DEPARTMENT to receive any criminal history record information pertaining to me, which may be in the files of any state or local criminal justice agency. I solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for city license for sale of alcoholic beverages are true and no false or fraudulent statement or answer is made herein to procure the granting of such license. I understand that providing false or inaccurate information may result in criminal prosecution.



Paul F. Peterson
SIGNATURE OF APPLICANT

I do hereby certify that the foregoing applicant is personally known to me, that he/she signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and under oath actually administered to me, has sworn that said statements and answers are true.

NOTARY PUBLIC: Pamela P. Dufur This 5th day of March, 2004.



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

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

Paul Peterson

Name

301 Marble Court Peachtree City GA 30269

Address

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

James V. Murray
Signature

March 10, 2004
Date

Major R. M. Butler
Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager

Assistant City Manager

FROM: City Clerk

DATE: March 11, 2004

SUBJECT: Alcohol License – Change in License Representative –
Sequoia Golf, LLC dba Braelinn Golf Club
March 18, 2004, Regular Meeting Agenda

Recommendation:

Staff recommends Council consider the attached application for a change in License Representative.

Discussion:

Sequoia Golf, LLC, dba Braelinn Golf Club, 500 Clubview Drive, has submitted an application for a change in License Representative. Ms. Kelly P. Gilley has requested that she be appointed as the License Representative. Ms. Gilley will attend the Thursday, March 18th, meeting to answer any questions you may have.

Budgetary Impact:

The change in License Representative will have no impact on the budget.

JSM:pd

Attachments



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: <i>Sequoia Golf, LLC dba Braelinn Golf Club</i>	Business Location: <i>500 Clubview Dr. Peachtree City, GA 30269</i>	
Nature of Business: <i>Private Golf Club</i>	Mailing Address: <i>500 Clubview Drive Peachtree City, GA 30269</i>	Business Phone Number: <i>770-631- 3100</i>
Name of Licensee: <i>Sequoia Golf, LLC/Joseph L. Guerra</i>	Home Address: <i>80 Summerhill Pl. Newnan, GA 30263</i>	Home Phone Number: <i>770-253-0475</i>
Name of License Representative: <i>Kelly P. Gilley</i>	Home Address: <i>29 Columns Way Newnan, GA 30265</i>	Home Phone Number: <i>770-253-0856</i>

Please indicate type of licenses applying for:

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

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

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
<i>Joseph L. Guerra</i>	<i>80 Summerhill Pl. Newnan, GA 30263</i>	<i>(H) 770-253-0475 (B) 770-463-3949</i>

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



**AFFIDAVIT AND CRIMINAL HISTORY CONSENT FORM
FOR ALCOHOLIC BEVERAGE LICENSE APPLICATION
WITH THE CITY OF PEACHTREE CITY**

I, Kelly P. Gilley (PRINT FULL NAME), swear that I am at least 21 years of age and am competent to provide this affidavit.

My address is: 29 Columns Way Newnan, GA 30265. I have resided at this address for: 3 years and 1 months. My previous addresses for the last 10 years are as follows: 1864 Lower Fayetteville Rd. Newnan, GA 30265 ; Lakeside Way Newnan, GA 30265

Social Security #: 258-53-6339 Driver's License #/State: 051167808

Date of Birth is: 7-4-70 Race: Caucasian Sex: Female

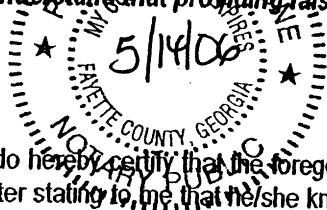
I have / have not within 5 years prior to this application, been convicted of, (or entered a plea of nolo contendere to) any felony or misdemeanor relating to the sale/use of alcoholic beverages or illegal drugs.

I have / have not ever been ever arrested for a crime. If so, details below and the disposition of the arrest are listed below. I understand that failure to disclose any arrest (including DUI's) may result in denial of the application. (Attach a separate sheet if necessary.)

I have / have not ever had beneficial interest in any other alcoholic beverage business in this or any other state in which the alcohol license was denied, revoked or other disciplinary action taken. (Beneficial interest here means when a person holds the license in his own name or when he has a legal, equitable or other ownership interest in, or has any legally enforceable interest or financial interest, or derives any economic benefit from, or has control over a business.) If so, please describe in detail. (Attach a separate sheet if necessary)

I am / am not the applicant for license representative. If so, I swear that I am a manager of the business and a resident of the State of Georgia.

I have read the Peachtree City Ordinance regarding the sale of alcoholic beverages and I understand and will comply with the rules and regulations. I hereby authorize the PEACHTREE CITY POLICE DEPARTMENT to receive any criminal history record information pertaining to me, which may be in the files of any state or local criminal justice agency. I solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for city license for sale of alcoholic beverages are true, and no false or fraudulent statement or answer is made herein to procure the granting of such license. I understand that providing false/inaccurate information may result in criminal prosecution.



Kelly P. Gilley
SIGNATURE OF APPLICANT

I do hereby certify that the foregoing applicant is personally known to me, that he/she signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and under oath actually administered to me, has sworn that said statements and answers are true.

NOTARY PUBLIC: Pamela P. DeFusse This 5th day of March, 2004.



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

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

Kelly P. Gilley
Name

29 Columns Way Newnan GA 30265
Address

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

James V. Murray
Signature

March 10, 2004
Date

Major R.M. Dubee
Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and Councilmembers

VIA: Assistant City Manager 

FROM: Director of Financial Services P.S.
Assistant Finance Director 

DATE: March 12, 2004

SUBJECT: Auction of Police Department Surplus Property
March 18, 2004 City Council Consent Agenda

Recommendation:

That City Council approve the sale of property, currently being held by the Peachtree City Police Department, at an auction conducted by the Fayette County Government on Saturday, March 27, 2004.

Discussion:

The Peachtree City Police Department has surplus property that is taking up valuable storage space and needs to be auctioned (please see attached). Fayette County is conducting a special auction on Saturday, March 27, 2004 to sell surplus property from the Fayette County Jail and Sheriff Departments. The Peachtree City Police Department has been invited to participate in this auction.

Per requirements of City Administrative Regulation (CAR) 7-1, Section V, Number A (3), City Staff must submit to City Council, for approval, a consolidated list of surplus property to be auctioned. Lists of such property to be auctioned on March 27 are attached, along with a memo from Chief Murray and an Order Granting Application form the Superior Court, Fayette County. This auction will be given public notice.

Budget Impact:

There is no budget impact. Proceeds from the sale of this property will be placed in the City's General Fund.



POLICE DEPARTMENT

350 South Highway 74 • Peachtree City, Georgia 30269 • 770-487-8866 • Fax: 770-631-2512



JAMES V. MURRAY
Chief of Police

TO: MAYOR AND CITY COUNCIL
FROM: JAMES V. MURRAY, CHIEF OF POLICE
DATE: MARCH 12, 2004
SUBJECT: SALE OF SURPLUS ITEMS

The department has encumbered numerous items of both found and recovered property and surplus equipment that has no further usefulness with the City. These items have caused an extreme overcrowding of our storage facility and we are requesting they be declared surplus. The auction will be held on March 27th 2004, and is sponsored by the Fayette County Government. Attached is a complete listing of all items to be included in this auction. The found and recovered property offered by the Police Department has recently been awarded to the City by court order, which is required by law. We request permission to include these items in this auction. Money derived from this auction will be placed into the City's general fund.

JVM/slp

cc: City Manager



POLICE DEPARTMENT

350 South Highway 74 • Peachtree City, Georgia 30269 • 770-487-8866 • Fax: 770-631-2512



JAMES V. MURRAY
Chief of Police

TO: THE SUPERIOR COURT OF FAYETTE COUNTY
FROM: JAMES V. MURRAY, CHIEF OF POLICE
DATE: MARCH 05, 2004
SUBJECT: PURGED ITEMS

The Peachtree City Police Department has conducted a purge of the evidence room at our facility. The following is a list of items that have been turned over to the Police Department as found property. In accordance with OCGA 17-5-54, these items have been held for 90 days and the owners have not been located. We are requesting that these items be turned over to our department for disposal or for use by the city.

BICYCLES

1. 03-02278 red quest bicycle (auction)
2. 03-07505 green BMX bicycle (auction)
3. 03-09370 purple mountain bike (auction)
4. 03-04303 silver huffy bike (auction)

MISCELLANEOUS

1. 03-01976 GE cordless phone hand set (auction)
2. 03-05399 bronze yard light (auction)
3. 03-05748 golf cart wheel (auction)
4. 03-07286 Jabra cordless head set (auction)
5. 03-00541 black tool kit (auction)
6. 03-08241 mail box w/ post (auction)
7. 03-09322 box containing miscellaneous music CD's (auction)

IN THE SUPERIOR COURT OF FAYETTE COUNTY

STATE OF GEORGIA

IN RE: James V. Murray, Chief of Police
Peachtree City, GA.

Applicant

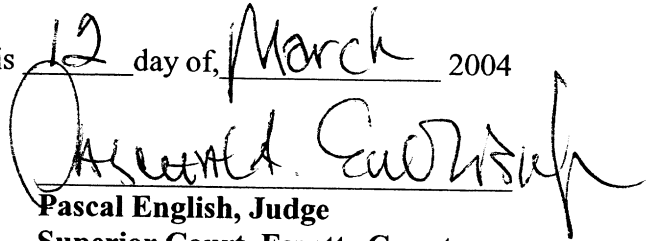
File No:

ORDER GRANTING APPLICATION

The following application having been read and considered let the same filed.

IT IS HEARBY ORDERED that the application be approved and the Applicant is hereby authorized and directed to retain the personal property for Peachtree City use and destroy the personal property as listed in exhibit "A".

SO ORDERED, this 12 day of March 2004

A handwritten signature in black ink, appearing to read "Pascal English", is written over a horizontal line.

**Pascal English, Judge
Superior Court, Fayette County
Griffin Judicial Circuit**



POLICE DEPARTMENT

350 South Highway 74 • Peachtree City, Georgia 30269 • 770-487-8866 • Fax: 770-631-2512

JAMES V. MURRAY
Chief of Police

TO: S. L. PYE, CAPTAIN
FROM: M. E. ROGERS, STAFF SERGEANT
DATE: AUGUST 11, 2003
SUBJECT: AUCTION LIST

The following is a current list of items that are surplus and can be auctioned.

- 8- prisoner / animal divider screens for vehicles
- 1- stair master
- 2- lockable gun boxes
- 1- plywood figure
- 1- light fixture
- 1- black shelf
- 2- pairs rubber boots
- 2- sets of traffic triangles
- 7- computer stands for laptops
- 1- box of miscellaneous flash light parts
- 3- 9-volt battery chargers
- 1- closed circuit TV w/ camera head
- 1- brass stand
- 1- box computer charging stations
- 1- blue chair
- 1- gray chair
- 1- window a/c unit
- 2- wet vac canisters
- 1- concrete lions head
- 1- GE TV
- 1- golf clubs w/ bag
- 1- blue razer scooter
- 1- Panasonic portable am/fm cassette player
- 3- car stereos (2 Sony, 1 Audiovox)

- 1- black backpack
- 1- floor register
- 1- Panasonic Walkman
- 1- flashlight
- 1- scale
- 1- brown file cabinet
- 7- boxes miscellaneous electrical equipment
- 2- wooden boxes
- 6- consoles from vehicles
- 1- weight rack
- 1- Phillips tv/vcr combo
- 3- hand held spotlights
- 1- flag base
- Miscellaneous camera equipment for cars (1 lot)
- 8- camera vault boxes w/ VCRs
- 1- tote bag
- 2- flashlights
- 2- hubcaps
- 1- Samsung video camera head
- 1- Sony cordless phone receiver
- 1- golf cart windshield
- 1- golf cart rain cover
- 1- ball
- 1- 4 seat paddle boat
- 1- Acer Lap top computer w/ case
- 1- Radio Shack video tape rewinder
- 1- large black rubber mat
- 1- mail box & pole
- 1- GE cordless phone hand set
- 1- jabra cordless headset
- 1- bronze yard light
- 1- box miscellaneous music cd's
- 7 - bicycles

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

VIA: City Manager 
Assistant City Manager 

FROM: Administrative Services Director/City Clerk 

DATE: March 11, 2004

SUBJECT: Smoking in Public Buildings
March 18, 2004 Council Agenda

Ms. Kathie Cheney has requested time on the agenda to address Council regarding her concerns about continuing to permit smoking in public buildings in Peachtree City.

/jsm

Dear Peachtree City Council Member,

When the Whitewater Water Park had their e-coli contamination and the Golden Corral restaurant their salmonella contamination, we didn't just sit back and say, it is their business and their right to do what they want. We enforced and updated our health regulations and told other businesses that the old ways of doing things were no longer good enough.

When we thought tobacco smoke was just an unpleasant odor it was acceptable for smokers to smoke in enclosed areas; even when we thought their smoke only hurt the smokers. But we know better now.

How much longer are you going to keep chanting the tobacco industry's slogan that the right to smoke includes the right to plant your smokers' time bombs in everyone else? Since they work like the lottery (some get a ticket daily and never win, while others win on their first ticket) you figure it is worth the risk to be able to just stay silent.

We all like to think that had we been on that plane over Pennsylvania on September 11th we would not have been sitting quietly in our seats but instead been part of the small group of heroes who risked their own lives to save the lives of others.

Restaurants and bars are never going to tell their smokers who (ask any Flight Attendant from when we had smoking sections) are also their (high profit margin) liquor drinkers to go elsewhere. Communities are also waiting for someone else (the state government) to make the playing field equal and fair for their businesses.

So this is your chance to be a hero or another silent non-player. We expect our elected representatives (like our police or fire departments) to do what is needed to make our families and communities safe to live in.

Here is a very important chance. Senator (and Dr) Don Thomas's Smokefree Air Act 2004 (SB 507) does not stop the right to smoke. It just has the smokers step outside (to limit their time bombs' damage to just the smokers) until businesses are willing to honestly fix their contamination problem instead of denying it or even worse hiding it (by just eliminating the warning odor) like so many do now.

The reason businesses have not installed powerful exhaust fans to suck the smoke up and out and away from everyone else is that the smoke filled air would have to be replaced by new clean air that then would need to be heated or cooled and that would cost money. (There are no blue "Separately Ventilated" signs on bars.)

Your life, your health simply isn't worth it to them. Doing nothing is cheaper and until they are required to change it is all they are going to do.

We don't ignore anthrax-laced letters because you have the right to mail a letter. The right to drive doesn't give you the right to kill people with a car bomb. Smoker's rights should no longer include the right to damage and kill others with their smokers' time bombs just because they don't go off right away with a photo op explosion.

Please we are wasting time and squandering lives.

The child of every "smoking parent in denial" is counting on you also. As long as you support the danger to strangers, you are supporting their parents' denial of the damage they do to the ones they love the most.

If the Georgia State Legislature or the Fayette County Commission won't pass laws requiring smokers and businesses to act responsibly, it will be up to you. Now is the time to act. Please do what is right, not just what is easy.

Kathie Cheney

Kathie Cheney

24 Parkgate Lane

Peachtree City, GA 30269

770-631-3529

(E-mailed 2/11/04
to Council members)

Dear Peachtree City Council members,

6 years ago in PTC we identified the real problem with 2nd hand smoke (trapping it indoors) and the real solution (either send the smokers or the smoke outside).

Businesses have always been able to accommodate smokers indoors safely. They just chose not to.

It isn't difficult. It basically requires exhaust fans. Just suck the trapped smoke up and out and replace it with clean air. But that is the problem. The clean air then must be heated or cooled and that costs money. Doing nothing is cheaper. And your life, your health isn't worth the effort.

Look at Peachtree City. 6 years ago we showed our businesses how to protect customers from trapped tobacco smoke by containing and exhausting the smoke (our blue Separately Ventilated sign.) We left the choice to the business; we just required the truth. 6 years later, not one restaurant or bar has chosen to exhaust the trapped smoke. Not even one! Our restaurants and bars have either gone Smoke Free (green sign) or done nothing at all.

When I ask our restaurants with (red) Smoke Present signs why they have done nothing to solve the problem, they reply over and over, "Until it is required, we cannot justify the effort."

6 years is long enough to wait! They have had 6 years to make the effort. Now it is the time to require it! We don't need to ban smoking, just trapped smoke!

Indoor smoking bans don't ban smoking. They just require smokers to step outside until business does something honest about it!

If businesses saved water by funneling their untreated toilet sewage back into your drinking glass you would demand change. But do it with your smoke filled air, and you defend them. Why?

I am going to be at the February 19th City Council meeting to quietly discuss this with you (while our schools are on break). The Board of Health proposal would make this a countywide protection. The recently submitted Statewide Smoke Free Air Act 2004 would be the best solution for our businesses.

It is time we did the next step. Businesses have always been able to protect us from inhaling smoke. They just chose to do nothing as long as they can get away with it.

Please help us find a real solution. No more sleight of hand tricks or pretending this isn't a real problem.



Kathie Cheney
24 Parkgate Lane
Peachtree City, GA 30269
770-631-3529

24 Parkgate Lane
Peachtree City, GA 30269
February 22, 2004

Mayor Steve Brown
Peachtree City Hall
151 Willowbend Road
Peachtree City, GA 30269

Dear Mayor Brown,

At the Oct 3, 2003 meeting, the Board of Health's indoor smoking ban proposal was submitted to our City Council for consideration. I understand it was sent to the Planning Board for review.

I was unable to be at that meeting since I underwent surgery the next morning for yet another smoker's disease. Since I have yet to have my 1st cigarette, I am now even more personally aware of the needless damage done by 2nd hand smoke to the people of our community.

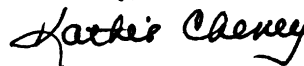
Our warning signs only limit the nonsmokers; while they encourage smokers to continue to ignore the danger they create for others. It took 5 years to get all *the grocery stores* in PTC to protect their customers from 2nd hand smoke (even though their customers were not permitted to smoke.) Meaningless "Smoking Sections" are over 30 years old. Isn't time for real and honest solutions to this totally needless damage?

Someone, somewhere has to acknowledge this danger and start fixing this problem. This proposal gives our community that opportunity. We started this effort 6 years ago. This seems to be enough time to readdress it.

Would it be possible to bring that proposal up for consideration at the next meeting, on Feb 3, 2004?

Thank you for your time and consideration.

Sincerely,

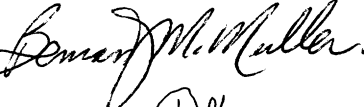


Kathie Cheney
770-631-3529

Cc Pam Dufresne
Jane Miller

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers
VIA: City Manager 
FROM: Director of Leisure Services 
DATE: March 11, 2004
SUBJECT: *(Field of Hope Grant Agreement)*
(March 18 City Council Agenda)

Recommendation: Request that City Council approve the grant agreement with the Field of Hope (FOH) organization, attached. The City Attorney drafted this agreement.

Discussion: At a previous City Council meeting the Field of Hope was granted \$5,000 to assist in completing a baseball field adjacent to the Field of Hope at the South 74 Baseball and Soccer Complex. This agreement is part of that process. Recreation Department staff is working with the FOH organizers to obtain additional grants from other sources to help complete the facility.

Budget Impact: The funding (\$5,000) will be drawn from the appropriate account in the city budget.

**FAYETTE COUNTY
STATE OF GEORGIA**

AGREEMENT

This Agreement, made and entered into this ____ day of _____, 2004, between Fayette Field of Hope, Inc., a nonprofit corporation organized under the laws of the State of Georgia, hereinafter referred to as "FOH" and the City of Peachtree City, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, FOH is a Peachtree City and Fayette County based nonprofit corporation, which provides handicapped children in the City of Peachtree City and Fayette County with the opportunity to play competitive sports; and

WHEREAS, FOH is in the process of constructing handicap-accessible baseball fields on property owned by the City of Peachtree City; and

WHEREAS, the baseball fields will be utilized by handicapped persons who reside in Peachtree City and Fayette County; and

WHEREAS, the baseball fields, when completed, will remain City facilities and shall be utilized by the Leisure Services Division of the City of Peachtree City; and

WHEREAS, FOH has requested certain financial assistance from the City to complete such facilities.

NOW THEREFORE, in consideration of the mutual promises and benefits to be obtained by each of the parties, it is hereby agreed as follows:

1. Purpose. The City and FOH expressly agree that FOH is a private entity providing the City of Peachtree City with valuable services, the purpose of which is to promote education, tourism, recreation, and other collaborative programs for the benefit of the City, Fayette County and its citizens.

2. Use of Funds from City. By entering into this Agreement, FOH agrees that it shall use the funds received from the City solely for the purpose of improving that certain property known as the South 74 Baseball / Soccer Complex, which facility is located within, and owned by, the City of Peachtree City.

3. Payment of funds By City to FOH. The City agrees to pay the sum of \$5,000.00 to FOH, said funds to be utilized solely for the purposes set forth in Paragraph Two (2) above.

4. Term. This Agreement shall become effective upon its execution and shall expire on September 30, 2004.

5. Substantial Benefit. By entering into this Agreement, the City recognizes that FOH is providing services to the City, which provides the City with a substantial benefit. In particular, the City recognizes that FOH is constructing baseball fields on City property, and that the City shall operate, maintain and control the use of such facilities upon completion.

6. Grant Funding. FOH agrees to seek any and all available grant funding, the proceeds of which, if obtained, shall be used by FOH in furtherance of the construction of baseball fields on that certain property known as the South 74 Baseball/Soccer Complex, which property is owned by the City.

7. Entire Agreement. This Agreement constitutes the entire understanding of the parties, and there are no representations or warranties other than those expressly stated herein.

8. Binding Effect. This Agreement shall be binding upon the parties hereto and their respective administrators and assigns.

9. Governing Law. The laws of the State of Georgia shall govern this Agreement and any issues of interpretation, and enforcement.

10. Time is of the Essence. In all instances where the parties to this Agreement are required by the terms and provisions of this Agreement to pay any sum or to do any act at a particular indicated time within any indicated period, it is understood and agreed that time is of the essence.

IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their seals on the day and year first above written.

CITY OF PEACHTREE CITY

By: _____ (SEAL)
Stephen D. Brown, Mayor and duly authorized
representative of City of Peachtree City

ATTEST:

City Clerk

[Signatures continued on next page]

FAYETTE FIELD OF HOPE, INC.

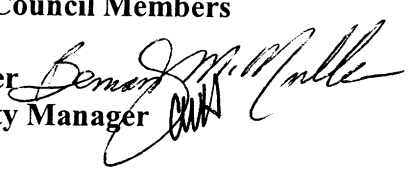
By: _____ (SEAL)
Nicholas R. Harris, CEO
Fayette Field of Hope, Inc.

Attest: _____ (SEAL)
Karen Harris, Secretary
Fayette Field of Hope, Inc.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager 
Assistant City Manager 

FROM: Administrative Services Director/City Clerk 

DATE: March 8, 2004

SUBJECT: Report from City Probation Service
March 18, 2004 Council Agenda

Ms. Jenny Nichols from the City's probation services provider, Maximus, Inc. will attend the March 18, 2004, Council meeting to provide a short briefing on the attached annual report for 2003.

/jsm

Attachment

MAXIMUS, INCORPORATED
PROBATION STATISTICS
FOR THE
PEACHTREE CITY MUNICIPAL COURT
JANUARY 2003 – DECEMBER 2003

MONTH	TOTAL COLLECTED	ACTIVE CASES	AVERAGE COLLECTED PER CASE
JANUARY	\$19,413.00	165	\$117.65
FEBRUARY	\$25,825.00	154	\$167.69
MARCH	\$25,558.50	144	\$177.48
APRIL	\$22,762.00	151	\$150.74
MAY	\$18,687.00	156	\$119.78
JUNE	\$19,764.00	155	\$127.50
JULY	\$25,568.00	160	\$159.80
AUGUST	\$25,276.00	180	\$140.42
SEPTEMBER	\$18,118.50	157	\$115.40
OCTOBER	\$23,421.50	169	\$138.58
NOVEMBER	\$19,617.00	163	\$120.34
DECEMBER	\$22,868.00	172	\$132.95

TOTAL COLLECTED FOR THE YEAR OF 2003: \$266,878.50

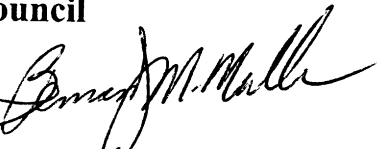
AVERAGE COLLECTED PER MONTH PER CLIENT: \$139.03

AVERAGE ACTIVE CASE LOAD FOR THE YEAR: 161

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Deputy City Clerk 

DATE: March 4, 2004

SUBJECT: Alcohol License – NEW – Three Dollar Café
March 18, 2004, Regular Meeting

Recommendation:

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

Discussion:

Three Dollar Café, 273 North Highway 74, has submitted an application for a new alcoholic beverage license. Mr. Clyde Cornell has requested he be appointed as the Licensee and as the License Representative. Mr. Cornell will attend the meeting on Thursday, March 18th, to answer any questions you may have.

Budgetary Impact:

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

BT:pd

Attachments



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: THREE DOLLAR CAFE	Business Location: 273 NORTH HIGHWAY 74 PEACHTREE CITY GA 30269	
Nature of Business: DINE IN RESTAURANTE	Mailing Address: 140 CHADWICK DR PEACHTREE CITY GA 30269	Business Phone Number: 770-487-2388
Name of Licensee: CLYDE CORNELL	Home Address: 140 CHADWICK DR PEACHTREE CITY GA 30269	Home Phone Number: 770-487-8692
Name of License Representative: CLYDE CORNELL	Home Address: 140 CHADWICK DR PEACHTREE CITY GA 30269	Home Phone Number: 770-833-5842

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:
ERIC ENGLISH	1101 COLONY BEND DR LAWRENCEVILLE GA 30043	770-682-6651
DANIEL FURLONG	3480 SUMMIT TRAIL CUMMING GA 30041	770-889-8308
ENGLISH AND CORNELL INC	140 CHADWICK DR PEACHTREE CITY GA 30269	770-833-5848
CLYDE CORNELL	140 CHADWICK DR PEACHTREE CITY GA 30269	770-487-8692

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



**AFFIDAVIT AND CRIMINAL HISTORY CONSENT FORM
FOR ALCOHOLIC BEVERAGE LICENSE APPLICATION
WITH THE CITY OF PEACHTREE CITY**

I, CLYDE CORNELL (PRINT FULL NAME), swear that I am at least 21 years of age and am competent to provide this affidavit.

My address is: 140 CHADWICK DR PEACHTREE CITY GA 30269. I have resided at this address for: 8 years and 3 months. My previous addresses for the last 10 years are as follows: 316 WOOD RIDGE DR PEACHTREE CITY GA 30269 5 YEARS 3 MONTHS

Social Security #: 494-76-1442 Driver's License #/State: 494-76-1442 GA
Date of Birth is: 10-20-60 Race: WHITE Sex: M

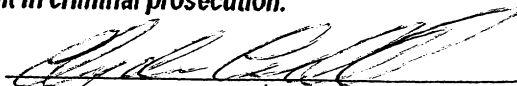
I have have not within 5 years prior to this application, been convicted of, (or entered a plea of nolo contendere to) any felony or misdemeanor relating to the sale/use of alcoholic beverages or illegal drugs.

I have have not ever been ever arrested for a crime. If so, details below and the disposition of the arrest are listed below. I understand that failure to disclose any arrest (including DUI's) may result in denial of the application. (Attach a separate sheet if necessary.)

I have have not ever had beneficial interest in any other alcoholic beverage business in this or any other state in which the alcohol license was denied, revoked or other disciplinary action taken. (Beneficial interest here means when a person holds the license in his own name or when he has a legal, equitable or other ownership interest in, or has any legally enforceable interest or financial interest, or derives any economic benefit from, or has control over a business.) If so, please describe in detail. (Attach a separate sheet if necessary)

I am / am not the applicant for license representative. If so, I swear that I am a manager of the business and a resident of the State of Georgia.

I have read the Peachtree City Ordinance regarding the sale of alcoholic beverages and I understand and will comply with the rules and regulations. I hereby authorize the PEACHTREE CITY POLICE DEPARTMENT to receive any criminal history record information pertaining to me, which may be in the files of any state or local criminal justice agency. I solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for city license for sale of alcoholic beverages are true, and no false or fraudulent statement or answer is made herein to procure the granting of such license. I understand that providing false/inaccurate information may result in criminal prosecution.


SIGNATURE OF APPLICANT

I do hereby certify that the foregoing applicant is personally known to me, that he/she signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and under oath actually administered to me, has sworn that said statements and answers are true.

Jill Mullins, Notary Public
Gwinnett Co. GA
My Commission Expires
October 31, 2006

This 23 day of February, 2004.



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

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

Clyde Cornell
Name

140 Chadwick Drive Peachtree City GA 30269
Address

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

James V. Murray
Signature

March 4, 2004
Date

Major R.M. Dupree
Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager *Leonard H. Muller*
Financial Services Director *P.S.*
Developmental Services Director *WJ*

FROM: City Engineer *EB*

DATE: March 10, 2004

SUBJECT: Satellite Auto Shop Construction Contract
Agenda Item – March 18, 2004

Recommendation: City staff recommends the award of the Satellite Auto Shop Construction Contract to Fincher Construction in the amount of \$468,595.

Discussion: Staff has been working on a design for a separate auto service facility behind the existing Police Station for several years. Staff also confirmed the need for the facility by way of an independent consultant's report completed in 2002. With plans completed and shelved due to budgetary constraints in 2001, staff updated the plans to comply with current regulations.

Staff then advertised the project to a list of fifteen vendors, with eleven responding. Due to a procedural irregularity, all bids were rejected and the project was re-bid. On March 4, seven bids were opened and determined to be responsive. See attached bid sheet.

The scope of the project was altered to consider two options. The first examined the possible deduction of the site work (e.g., grading, utilities, and paving) for the purpose of completing the work with Public Works staff and equipment. Obviously, this option is no longer realistic and would end up taxing city services and resources beyond their limits. The second alternate involves changing the pavement type from asphalt to concrete. This change will yield a longer lifespan than with asphalt, due to the heavy-weight fire trucks intended to be serviced at this facility. These trucks will quickly destroy the soft pavement as they make the turn into the service bays, unless concrete is utilized.

Therefore, staff recommends the base bid plus alternate 2 be pursued, representing the greatest value for the City. With this configuration of alternates, Fincher Construction represents the

Satellite Auto Shop Construction Contract

Page 2

March 10, 2004

lowest bid. Staff, after consulting with the project Architect, believes the low bidder to be capable of completing the work at the proposed price.

Budget Impact: Adequate debt service funding is available for the remainder of 2004 due to the timing of the project mid-way through the fiscal year, but annual debt service budget for years 2005 to 2018 will increase by \$11,426 annually due to the cost difference. The current debt service budget was based upon an estimated construction cost of \$350,000. The actual project cost has increased by \$118,595 to a total of \$468,595.

Debt Service = \$33,720 / year @ Original Budget of \$350,000 (5%, 15 yrs)

Debt Service = \$45,146 / year @ Current Cost of \$468,595 (5%, 15 yrs)

\$11,426 / year increase

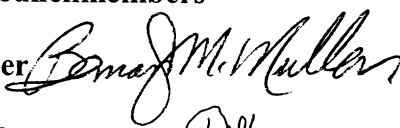
Attachment

CITY OF PEACHTREE CITY
SATELLITE AUTO SHOP BIDS
MARCH 4, 2004

CONTRACTOR	BASE BID	ALTERNATE NO. 1	ALTERNATE NO. 2	BASE BID WITH ALTERNATE NO. 1	BASE BID WITH ALTERNATE NO. 2
Absolute Contractors	595,864	(83,034)	6,897	512,830	602,761
Fincher Construction	459,000	(78,725)	9,595	380,275	468,595
W.E. Contractor	553,000	(80,500)	12,750	472,500	565,750
Guthrie Const. Co., Inc.	480,500	(91,700)	16,900	388,800	497,400
JHC Corporation	506,000	(130,000)	5,000	376,000	511,000
Matriarch Construction Co., Inc.	453,000	(57,000)	16,000	396,000	469,000
Trison Group, Inc.	518,000	(74,000)	8,000	444,000	526,000

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Councilmembers
VIA: City Manager 
FROM: Director of Leisure Services 
DATE: March 11, 2004
SUBJECT: *(Revised CAR 23-1, Procedures for Obtaining Permits for Special Events)
(March 18 City Council Agenda)*

Recommendation: Request that City Council consider and approve the attached revised CAR 23-1, Procedures For Obtaining Permits For Special Events.

Discussion: The attached policy provides city staff with more detailed criteria upon which to evaluate and gauge support of requests to hold special events on public property. While the policy is more specific than previous guidance, it is still broad enough to enable staff to exercise judgment in order to safely and successfully accommodate the wide range of requests received. It also formally establishes the "Special Events Review Committee," consisting of staff from cognizant city departments as well as a member of the Recreation Commission. This Committee meets quarterly to review upcoming event requests in order to ensure smooth coordination between the city and organizers. The City Attorney assisted in drafting and reviewing this policy. It has been reviewed and approved by the Recreation Commission in public hearings, and public input has been incorporated into it as well.

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

PROCEDURE FOR OBTAINING PERMITS FOR SPECIAL EVENTS

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

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

I. Statement of Policy

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

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

II. Application for Permits.
a. Filing Written Application.
Special Event Permit

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

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

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

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

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

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

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

c. Submittal of Application

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

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

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

d. Application Fee.

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

e. Indemnification and Reimbursement Agreement.

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

f. Security Deposit.

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

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

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

g. Insurance.

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

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

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

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

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

III. Processing of Application for Permits.

a. Order.

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

b. Quarterly “Special Events Review Committee” Coordination Meeting

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

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

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

c. Conditional Approval.

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

d. Written Denials.

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

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

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

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

f. Contents of Notice; Grounds for Denial.

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

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

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

g. Amendment or Revision of Applications.

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

IV. Procedures for Review; Waivers.

a. Review by Recreation Commission.

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

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

b. Form of Appeals.

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

c. Waiver of Requirements

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

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

V. Fines.

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

VI. Traditional Events.

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

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

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

VII. Severability.

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

VIII. Responsibilities

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

Directors and Chiefs

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

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

Application Date: _____

Event Name: _____

Event Day/Date: _____

Event Hours: _____

Event Location: _____

Estimated maximum attendance: Participants _____

Spectators _____

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

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

Sponsoring Organization: _____

Address: _____

Telephone: _____ E-Mail: _____

Description/Purpose of the Event: _____

Application submitted by: _____

(Contact or person responsible)

Address: _____

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

Position in Organization: _____

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

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

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

If yes, give details: _____

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

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

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

Will the event use any amplified sound system? _____

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

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

Will you sell any goods or services? _____

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

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

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

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

Is there sufficient parking available at the location chosen? _____

If not, how will overflow parking be addressed? _____

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

Will camper/trailer overnight parking arrangements be needed? _____

If yes, where are they to be located? _____

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

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

Explain _____

What is the communication plan for the event? _____

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

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

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

Event may require Insurance or Bond as listed: _____

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

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

The line map must also show:

Assembly Area, Disbanding Area clearly marked.

Food and Water Supply Areas

Health and Sanitation Areas

Location of police presence, if applicable

Location of fire/EMS presence, if applicable

ADDITIONAL INFORMATION NEEDED FOR PARADE EVENTS:

Maximum number of units allowed: _____

Type of units allowed: _____

Length/Height Restrictions: _____

Maximum Length of Parade: _____

Animals allowed? _____

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

Signature of Applicant _____

Applicant's Title in Organization (if applicable) _____

Date _____

Attach this Waiver Form to the full application

Peachtree City Parks & Recreation Department

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

Application Date: _____

Event Name: _____

Person/Position Requesting Waiver _____

Contact Phone/email _____

Event Day/Date: _____

Event Hours: _____

Event Location: _____

Estimated maximum attendance: Participants _____
 Spectators _____

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

City of Peachtree City Special Events Fees

Small & Medium Events

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

Large Events

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

Major Events

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

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

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

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

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

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