

City Council of Peachtree City
Agenda
March 16, 2006
7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Recognize Andy Johnson and Ryan MacCallum as Employees of the Month
- IV. Minutes
March 2, 2006, Regular Meeting Minutes
March 8, 2006, Special Called Meeting Minutes
- V. Consent Agenda
 - 1. Alcohol License – Change in Licensee – Chili’s Grill and Bar
 - 2. Alcohol License – Change in Licensee – Romano’s Macaroni Grill
 - 3. Consider Adoption of Transmittal Letter for STWP/CIP
 - 4. Consider Right-of-Way Deeds for SR 74 S (Phase 1) Road Widening Project
 - 5. Consider Bids for Fire Department Vehicles
 - 6. Consider Bids for Public Works Vehicles
- VI. Old Agenda Items
- VII. New Agenda Items
 - 03-06-05 Public Hearing – Consider Post-construction Stormwater Runoff Management Ordinance
 - 03-06-06 Public Hearing – Consider Amendment to Article XII, Appeals, Section 1202.2(c) to Update the Application Fee for Variance Requests
 - 03-06-07 Consider Ordinance Amendments to Update Application Fee for Variance Requests (Various Sections)
 - 03-06-08 Consider Banners for Tour de Georgia
 - 03-06-09 Consider Contract for SPLOST Street Resurfacing
 - 03-06-10 Consider Resolution in Opposition to Senate Resolution 1040 Pertaining to Inverse Condemnation
 - 03-06-11 Consider Contract for Geotechnical Services
- VIII. Council/Staff Topics
- IX. Executive Session

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

City Council of Peachtree City
Minutes of Meeting
March 2, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, March 2, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon proclaimed March 6-10, 2006, as Exceptional Children's Week.

Minutes

Rutherford moved to approve the February 16, 2006, regular meeting minutes as written. Kourajian seconded. The motion carried unanimously.

Monthly Reports

Logsdon noted there was an additional document on the dais – a corrected copy of the Administrative Services report.

Consent Agenda

1. Consider Budget Amendments for FY 2006

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

New Agenda Items

**03-06-01 Public Hearing – Consider Amendments to GC (Special Use Permit) –
Big Box**

City Attorney Ted Meeker addressed Council. He noted that in 2000 Council had approved an ordinance that prohibited single-tenant structures in excess of 32,000 square feet and multiple tenants in excess of 150,000 square feet. He explained that the former Council and staff had decided, after reviewing the data, to tighten the "big box" ordinance after the lawsuit over the Kedron property was resolved. Because an outright prohibition would be more susceptible to challenge, staff decided to allow the structures as a special exception. The proposed amendments treated the projects similar to rezoning requests and allowed Council to approve or deny a project. Meeker continued that there was an additional document on the dais that was an additional finding to be included with Section 1006.1. It would become the second paragraph of the section. The language was based on information from the consultant, as well as data from staff research.

The Mayor opened the public hearing and called for those who were in favor of, or opposed to, the proposed ordinance to speak.

Phyllis Aguayo asked for a synopsis of the proposed changes. Meeker said that the special permit process would be very strenuous. There was a long list of information that had to be provided with the application. The standards for zoning decisions would apply. Applicants

would be asking for a special use permit. Meeker explained that conditional permits were granted if applicants met all the conditions for approval. Unlike a conditional use, Council would be able to turn down a special use permit request, even if the applicants met the conditions of the ordinance, based upon the standards set forth in the ordinance. Aguayo asked if the changes would give the City more strength and the opportunity to consider the requests on a case-by-case basis, and if the courts would uphold those decisions. Meeker explained that, in the event of a challenge, rather than an outright prohibition, big boxes would be allowed if Council decided the project was in the best interest of the citizenry. Aguayo questioned what would happen if a future Council was in favor of big boxes. Meeker said the question was whether the City could prohibit big boxes. The safer alternative was to have a long list of criteria. Aguayo said she would be in favor of any changes that protected the City and could not be used against it. Meeker said the changes allowed Council to say no and allowed the City to defend the decision. Aguayo asked if there was anything in the ordinance about the citizens being against a project. Meeker said residents would be able to express their concerns during the public hearing process. Meeker said the ordinance was like any other City regulation. The question had been whether or not Council could prohibit the structures outright. If approved, the structures would be permitted if Council felt they were in the best interest of the citizens. The process was very strict and had many criteria that had to be satisfied. Aguayo asked if there was any way the ordinance could be written to allow the community to come to a decision. Meeker said the public would be able to participate in the process as a special use permit was a zoning decision under Georgia law, but the public elected the Council to make those decisions. Aguayo said she had confidence in the current Council, but her concern was future Councils. Kourajian said he understood how Aguayo felt, but any future Council could always amend the ordinance if they supported big boxes. As far as the community making the decision, he added that the people in the community who wanted a big box would be the ones who would show up to vote.

Rutherford moved to approve the amendments to the GC General Commercial ordinance (Big Box) with the addition of the paragraph to be added to Section 1006.1, and that the paragraph be made the second paragraph. Meeker said there were two other staff changes that should be included before the motion was seconded. Meeker referred to page 3, the last sentence of (1006.3)(a)(6), and said to put a period after the word "company," and delete the rest of the sentence. Meeker referred to page 16, (1006.5)(f), and said to put a period after the word "grade." Rutherford accepted the changes recommended by Meeker and read the additional finding to be added to the ordinance:

The City Council does hereby find that, based upon studies conducted on behalf of the City and by other cities, big box developments, typically over 32,000 square feet for an individual business, and developments with over 150,000 square feet of retail space, can have negative impacts on a community. In particular, such developments can have a negative impact on the scale of retail development in the community, and can also adversely impact existing retail businesses in the City. Additionally, such developments can result in an over-supply of commercial development within the City, thereby shifting the economic focus of the community. Employment opportunities may also be adversely affected by such developments. Finally, such developments are contrary to the City's Comprehensive Plan, as well as the goals and objectives of providing public safety

services to the City's residents. For the foregoing reasons, the City Council has determined it to be in the best interests of the City to provide that such developments may only be established pursuant to a special use permit, subject to the terms and conditions for the application and approval thereof set for in this Section 1006.

Boone seconded the motion.

Kourajian said the amendments were good, but asked if there were weak spots. Meeker said they had worked on the ordinance with that in mind from the outset, which was why the big boxes were allowed as a special use rather than a conditional use, and were not prohibited outright. The proposed amendments made the procedure similar to the rezoning procedures that Council faced on a regular basis. Any challenge would be the same kind of challenge. The standard was hard for the property owners to meet.

Meeker said any applications would go through the Planning Commission first. Logsdon said the process would also help keep Council from being accused of setting precedent when a request was denied. Meeker said staff took what was in place, took what had been used in other jurisdictions, and added their own thoughts. Kourajian asked if anything taken from other jurisdictions had already been challenged and upheld by the court. Meeker said two jurisdictions were in the courts now. He did not know if they had been appealed, but they were working their way up.

Plunkett asked what had been different for Wal-Mart and Target. Meeker said big boxes were not something Council could prohibit, but the developer would have to go through the process. The previous councils had not had a choice when those projects had come up. Rutherford compared those projects to the recent liquor license approval in Lexington Circle. Under the zoning in place, it was an allowed use. Meeker continued that there was a lot of information in terms of background studies that would be incorporated into the Comprehensive Plan, so the ordinance would be backed up by the Comprehensive Plan.

Kourajian said he was concerned that the wording in the proposed amendments was subjective. He said the development "can" have this effect. He felt the ordinance should be more objective. Meeker said it was good to have some justification of findings by Council. Kourajian asked if the documentation should be referenced in the ordinance. Meeker said the meeting record could reflect the documentation since the information was provided to Council ahead of time. Rutherford said that the changes could be irrelevant in three years because there would be new studies. Kourajian said the changes were good, but he preferred that the wording be objective rather than subjective.

The motion carried unanimously.

03-06-02 Alcohol License – NEW – Taco Mac

John Griffin, the applicant for license representative, addressed Council. He told Council that they planned to open the restaurant in June after the build out was completed and the building looked more like a Taco Mac.

Rutherford moved to approve the alcohol license for Taco Mac. Kourajian seconded. The motion carried unanimously.

Kourajian thanked Griffin for using an empty building rather than going with new construction.

03-06-03 Consider Approval of Stormwater Facility Maintenance Agreement (Park Place at The Avenue)

City Engineer Dave Borkowski explained to Council that the agreement was part of the existing watershed protection ordinance and was required of all new development. The property owner had agreed to maintain all stormwater facilities on their property. The requirement had been in place since 2002 as part of the existing Land Development ordinance, but had not been done.

Plunkett asked why the agreement was not part of the new stormwater utility ordinance. Meeker said the utility would use the agreements, but this was a separate component. The purpose of the agreement was to put the property owners on notice. By getting notice on the front end, the property owners, as well as any subsequent owners, would know their duties and responsibilities. Meeker said Council would see more of these agreements. Rutherford clarified that this agreement was specific to Park Place and the City. Plunkett asked if the City could require an agreement from the Delta Credit Union. Borkowski said Delta Credit Union had been given an agreement. Logsdon asked if Delta Credit Union was too far along to get an agreement. Meeker said Council should see an agreement from them.

Rutherford moved to approve the stormwater facility maintenance agreement with Park Place at The Avenue and to authorize the Mayor to sign the agreement. Plunkett seconded. The motion carried unanimously.

03-06-04 Consider Fire Department Volunteer Stipend Program

Assistant Fire Chief Ed Eiswerth addressed Council. He said the department was asking for \$34,000 for a six-month pilot program that would run from April 1 to September 30, 2006 (the end of the fiscal year). Eiswerth continued that the stipend was another tool to recruit volunteers. He continued that the older members of the department that had come up through the volunteer ranks did not want to take part in the program. Many departments in the country called themselves volunteer departments, but offered some kind of pay or stipend to get the members to come to training and respond to calls.

Eiswerth said that volunteerism in the fire service had changed. The days were over for those who volunteered as a community service. The younger volunteers wanted something for their efforts. About one-fourth of the volunteers had said they would not accept a stipend. The younger members would use the money for expenses such as babysitting or gas. Volunteering now cost not only time, but also money. Eiswerth requested \$34,000 for the six-month pilot program. The stipend would be a set amount per call or training event based on a volunteer's certification. Each volunteer would be capped at \$750 for six months. Eiswerth said they would evaluate the program at the end of the six months to see if there had been an increase in response and training.

Boone asked why the older volunteers were against the proposal. Eiswerth said they volunteered for the community and the camaraderie. Eiswerth said the stipend was just another recruitment tool. The department had an annual awards banquet and gave volunteers a \$100 gift certificate every six months. The stipend would help the younger members pay for babysitters and gas.

Plunkett clarified that the volunteers would be paid per event; no matter how long it lasted. Eiswerth said some departments paid by the hour and some paid by the event. It would be easy to track. Plunkett asked if the department would be able to tell if any volunteers were taking advantage of the program. Eiswerth said every volunteer would have a log that had to be initialed by an officer. The logs would be collected at the end of the month, and the department would know who ran calls. He continued that most volunteers ran 48-60% of the calls. Only three members ran 100% of the calls. He predicted that the volunteer response would spike initially then level out. The average now was 1.6 volunteers per call.

Fire Chief Stony Lohr said most of the older volunteers were white-collar professionals who made more money. They were not interested in a few dollars. The younger volunteers were looking for training, experience, and a full-time firefighting job.

Logsdon asked if having good quality volunteers who participated in events would affect the number of professional firefighters that had to be hired. Eiswerth said it would not. There had to be a certain number of firefighters available for events. Rutherford said the more volunteers on call the safer it would be for everyone. She noted that most of the requirements were based on an average size house of 1,700-1,800 square feet. Most houses in the City were larger than the average. She continued that the City had a high standard, and the training was arduous. Eiswerth said that last year the state had adopted the same standards the City had used for six years. Most of the volunteers lived outside of the City, and were only here two-three years before they were hired somewhere else. Boone said the volunteers were also an avenue for new hires. Eiswerth agreed.

Kourajian asked what the long-term goal was and if the stipend would also be capped for a year. Eiswerth said he did not know yet if the stipend would double for those who wanted to do more. Kourajian asked why the money was to come from Council Contingency. Eiswerth said there was not enough in the department's current operating budget to fund the pilot program. Kourajian asked how the program would affect the morale of full-time firefighters. Eiswerth said it was a touchy subject, and was one of the reasons they chose the "per event" payment, which the full-time firefighters supported at this point. He said Roswell, Fayetteville, and other area cities also had volunteer programs that equated to money at the end of the year. Lohr said he started in Lacey, WA, and had been paid \$6 per call. Currently, Lacey paid \$7 per call now, with an additional stipend after three calls. Lacey also paid for time on-duty at the station -- \$30 for five hours and \$60 for 24 hours.

Rutherford moved to approve the volunteer stipend program to run from April 1 to the end of the fiscal year as a pilot program, and to take \$34,000 to pay for the program from Council Contingency. Boone seconded.

Plunkett asked Financial Services Director Paul Salvatore if it was unusual to spend \$32,000 at this point in the year. Salvatore said it depended on Council. He noted that Council had a contingency of several hundred thousand dollars when he first came to work for the City. Over time, Council had become more frugal in allocating the funds, but more than half of the Council Contingency budget would still be available at halfway through the fiscal year. Plunkett asked if that would cover the next six months. Salvatore said that Council Contingency was mainly for discretionary programs. The budget had funds in the PIP contingency and the SPLOST funds.

Logsdon asked Eiswerth if Council could get a report at three months. Eiswerth said they could. Kourajian asked Eiswerth if the program would be worked into the department budget if it were successful. Eiswerth said the program would be moved into the operating budget as a line item for volunteers.

The motion carried unanimously.

Council/Staff Topics

Tourism Association Presentation on Current Status

Plunkett introduced Lauren Yawn, the executive director of the Peachtree City Tourism Association (PCTA).

Yawn went over figures on the economic impact of tourism statewide. The Georgia Economic Development Agency (GEDA) considered tourism an industry. The growth in direct tourism expenditures increased 6% from 2003 (\$14,523.80) to 2004 (\$15,398.62). The growth in tourism jobs from 2003 (209,510) to 2004 (211,790) was 1.1%. The tourism payroll increased 2.7% from 2003 (\$5,995.47) to 2004 (\$6,116.41), and state and local taxes increased 5.3% from 2003 (\$1,145.63) to 2004 (\$1,206.49). Visitors to the state were in the following categories – destination overnight, 29.9 million (58.2%); passing through, 10.8 million (23.4%); and destination day, 8.5 million (18.4%). The purpose of travel to the state included visit friends or family, 45%; business, 21%; other, 16%; and entertainment/sightseeing/outdoor recreation, 19%.

Yawn continued that the average tourist spent \$95.92 per day. Those who stayed overnight spent \$123.34, while those on day trips spent \$47.34. Georgia residents spent \$79.39 compared to out-of-state visitors who spent \$97.67. Tourists visiting for leisure spent \$70.42, and tourists visiting for business spent \$174.92.

Yawn told Council that tourism was the second largest industry in the state behind timber. She continued that getting into Georgia was convenient and simple. Hartsfield Jackson was the world's busiest and most efficient airport. Eight regional airlines offered commercial passenger service throughout the state. Georgia also had one of the nation's best highway systems. The state had a booming convention business and welcomed one million attendees in 2003 to Atlanta alone.

Yawn pointed out that the metro area took in the lion's share of tourism dollars. She discussed what the PCTA had "in the works." She noted that the City was still a small town and the residents were very community-minded. She had placed a can of Coca-Cola and a bag of

peanuts on the dais as an example of "southern things" the PCTA would like to have as a giveaway to people at the Visitors Information Center (VIC). Yawn said she was working on establishing the City's status on the state website and the VIC would be in the 2006 Georgia Travel Guide. The first month the VIC had 11 people come in, and 60 people visited last month. There was a lot of state money available for visitors centers, as well as coop grants. Yawn continued that she was working with DOT to fabricate a VIC sign to be put at the GA 54/74 intersection. State projects included placing 20,000 brochures about the City in the state welcome centers. Yawn showed Council a draft of the brochure. Yawn said she would also like to put up a billboard on Interstate 75

The plans for marketing the City included unifying the activities. She said the marketing materials would be coordinated and there would be presentation folders. Website changes included putting the Amphitheater's menu online. Patrons could order their food and the vendor would have it ready for them when they arrived for the show. Similar services would be available on the website for the Tennis Center.

Yawn said she had received a call from HGTV regarding some of the network's television shows. There were other television shows that would be good avenues to advertise the City. She also wanted to talk to travel writers at various magazines such as *Southern Living*. Yawn planned to have brainstorming sessions with the hoteliers. She said they were very receptive to the PCTA's plans. In the next few months, Yawn hoped to start the "Be a Tourist in Your Own Town" program. The "Make Some Racquet" program concerned unified sponsorships of both venues.

Yawn said she had been coordinating efforts with City Hall. They had shared information and were getting more organized. She was working an internship program with West Georgia. Yawn had also talked with high school students at Fayette County High School and hoped to become more involved with the students.

The Tour de Georgia would bring thousands of people to the state. Yawn announced that Ford had just signed on to replace Dodge as the major sponsor for the event. The PCTA was working with Bikes Unlimited on Tour de Georgia events. Other programs included events and festivals, promotional items, other marketing material, and working with the Southeast Tourism Society.

Yawn said the PCTA was proud of the venues and was working hard to improve them. The Tennis Center had just installed new computer software that should improve service. The Tennis Center planned to sponsor a community blood drive in the near future. There were new sponsors, bids had been placed for tournaments, and a wheelchair tennis tournament was in the works. Approximately 20 new members had signed up during February's membership drive. They were working on partnerships with Comcast and Amli Apartments. Craig Healy had been recently hired.

Plans for the Amphitheater included a 30th anniversary celebration, new sponsors, new marketing materials, and making the website interactive. The first series had been finalized. They were working on the spotlights and refurbishing the casthouse. In addition, they were working on

ways to increase traffic during the down times and add more community events. They also wanted to put stickers in sponsors' windows. South Atlanta Lexus had signed on as a major sponsor.

Tennis Center Director Dave Gary said there would be three new tournaments this year. They had bid on two national tournaments and were waiting to hear about them.

Rast gave Council an update on the Comprehensive Plan task force advisory board. He said they were about 75% done with the community assessment. They needed to add charts, tables, and photographs. He said they were also working on the community participation program. Both documents should be done by the end of next month and would be brought to Council after that. Rast said the work was schedule, and there had been a lot of good ideas and community participation. Information on the Comprehensive Plan was available on the website. Rutherford asked if the staff was presenting the information and if the committee was actively involved. Rast said it had been a bit of both. Staff had been gathering a lot of data and doing research, and the advisory board had been hearing the information and discussing it. Rutherford said she had questions on whether the board members were actively involved, but understood it was affected by the current stage in the process. Rast said the board members would be actively participating.

Kourajian asked for an update on the Three Dollar Café. City Manager Bernard McMullen said they were working on the building, but added it would be a miracle if the restaurant were ready to open by March 15.

Plunkett asked about golf cart paths by Aberdeen. She asked how far along those were. McMullen said the paths had been graded. They had been working around the Battery Way area, and would be back to pave those paths.

Kourajian said the Center Green subdivision sign looked good. He asked if the landscaping was complete. Rutherford said it looked done. McMullen said it was.

Kourajian asked if there was an update on the alcohol server permits. Logsdon said there was a meeting scheduled the last week in March. McMullen said all the alcohol license holders would be invited to the meeting. The meeting would be held in the Floy Farr room at the library during a time that would work for the businesses' schedules. Kourajian asked who would facilitate the meeting. McMullen said he would be there, along with Police Chief Jim Murray and Mayor Logsdon. He said they had not discussed who would run the meeting. Kourajian said McMullen should facilitate the meeting. Logsdon said he had received a call from a liquor store owner who asked that the City keep the permits. Kourajian said Council had discussed at one time the possibility of coordinating the permit process with the other municipalities. McMullen said the permit was good anywhere in the City. Kourajian said they should be able to work anywhere in the County. Rutherford agreed and noted that the City's process was the strictest. They should not have to pay twice to work in two places. Kourajian added it was not a moneymaking process.

McMullen reminded Council that there was a joint Council and Planning Commission workshop on Monday, March 6, 7p.m., on development at Lexington Circle and the Urban Design Guidelines.

Plunkett thanked Chief Lohr for sending the e-mail about the smoke from a brush fire on Ebenezer Road. After the e-mail came, she received several phone calls.

Rutherford moved to convene in executive session for threatened or pending litigation. Plunkett seconded. The motion carried unanimously.

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

There being no further business to discuss, Kourajian moved to adjourn. Rutherford seconded the motion. Motion carried unanimously. The meeting adjourned at 8:50 p.m.

Pamela Dufresne, Recording Secretary

Harold K. Logsdon, Mayor

City Council of Peachtree City
Minutes of Special Called Meeting
March 8, 2006
6:00 p.m.

The City Council of Peachtree City met in a special called meeting on Wednesday, March 8, 2006, in the large conference room at City Hall. Mayor Logsdon called the meeting to order at 6:03 p.m. Other Council Members present were: Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford. Steve Boone was out of town and unable to attend.

The purpose of the meeting was to hold an executive session.

Rutherford moved to convene in executive session to discuss ongoing litigation. Kourajian seconded. The motion carried unanimously.

Additional people attending the executive session were City Manager Bernard McMullen, City Attorney Ted Meeker, City Engineer Dave Borkowski, Ken Swanson, and Drew Whalen.

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

Rutherford moved to direct the City Attorney to move forward with what was discussed in executive session. Kourajian seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn the meeting. Logsdon seconded. The motion carried unanimously. The meeting adjourned at 7:45 p.m.

Jane Miller, City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager *Demond J. McMiller*
Assistant City Manager *WHL*

FROM: Deputy City Clerk *PT*

DATE: March 9, 2006

SUBJECT: Alcohol License – Change in Licensee – Chili's Grill & Bar
March 16, 2006, Regular Meeting

Recommendation:

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

Discussion:

Chili's Grill & Bar, a restaurant located at 250 Market Place Connector, has submitted a request for a change in the alcohol license. Mr. Jeffrey Alan Hoban has requested he be appointed as the Licensee. A representative from Chili's will attend the meeting on Thursday, March 16th, to answer any questions you may have.

Budgetary Impact:

The change will have no impact on the budget.

BT:pd

Attachments



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: Brinker Georgia, Inc. d/b/a Chili's Grill and Bar	Business Location: 250 Market Place Connector, Peachtree City, GA 30269	
Nature of Business: Full Service Restaurant	Mailing Address: 6820 LBJ Freeway, Dallas, TX 75240	Business Phone Number: 770-487-9828
Name of Licensee: Jeffrey Alan Hoban	Home Address: 1004 Allen Street, Dallas, TX 75204	Home Phone Number: 214-763-5974
Name of License Representative: Barbara Marie Giusto	Home Address: 50 Stonebridge Way, Newnan, GA 30265	Home Phone Number: 678-371-2811

PLEASE PRINT TYPE OF LICENSES APPLYING					
Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer	
☒	Malt Beverage	☐	Malt Beverage	☐	Malt Beverage
☒	Wine	☐	Wine	☐	Wine
☒	Distilled Spirits	☐	Distilled Spirits	☐	Distilled Spirits

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:
See Attached Exhibit "A".		

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

Exhibit "A"

BRINKER GEORGIA, INC.,
a Delaware corporation

6820 LBJ Freeway
Dallas, Texas 75240

Federal ID No.: [REDACTED]
Date of Incorporation: 06/29/90
Name Change Amendment: 12/15/93

SHARES: Authorized: 10,000 Common, \$.10 Par Value
Issued: 1,000 Common, \$.10 Par Value
(Sole Shareholder - Brinker Restaurant Corporation, a Delaware corporation)

OFFICERS AND DIRECTORS

* Denotes Director

Roger F. Thomson *
3925A Gilbert Avenue
Dallas, Texas 75219
(214) 520-2420
[REDACTED]

President and Secretary

DOB: 04/04/49
TX DL#: [REDACTED]

Bryan D. McCrory
10905 Cactus Lane
Dallas, Texas 75238
(214) 349-1218
[REDACTED]

Vice President, Treasurer and Assistant Secretary

DOB: 06/25/60
TX DL#: [REDACTED]

Jeffrey Hoban
1004 Allen Street
Dallas, Texas 75204
(214) 826-0537
[REDACTED]

Vice President and Assistant Secretary

DOB: 01/02/65
TX DL#: [REDACTED]

Laura C. Richard
3412 Red Oak Street
Sachse, TX 75048
(972) 496-9668
[REDACTED]

Assistant Secretary

DOB: 08/17/45
TX DL#: [REDACTED]

State of Georgia

City of Peachtree City:

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

Jeffrey Alan Hoban
Name

1004 Allen Street Dallas, TX 75204
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 narcotics or drugs within five (5) years prior to the date of the application for this license.

Major L. M. Decker
Witness

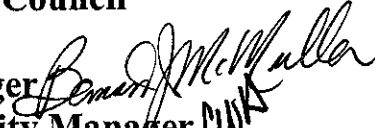
James V. Murray
Signature
Feb. 24, 2006
Date

for Macaroni Grill
and Chili's Grill

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Assistant City Manager 

FROM: Deputy City Clerk 

DATE: March 9, 2006

SUBJECT: Alcohol License – Change in Licensee – Romano's Macaroni Grill
March 16, 2006, Regular Meeting

Recommendation:

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

Discussion:

Romano's Macaroni Grill, a restaurant located at 200 Market Place Connector, has submitted a request for a change in the alcohol license. Mr. Jeffrey Alan Hoban has requested he be appointed as the Licensee. A representative from Romano's Macaroni Grill will attend the meeting on Thursday, March 16th, to answer any questions you may have.

Budgetary Impact:

The change will have no impact on the budget.

BT:pd

Attachments

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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: Brinker Georgia, Inc. d/b/a Romano's Macaroni Grill		Business Location: 200 Market Place Connector, Peachtree City, GA 30269			
Nature of Business: Full Service Restaurant		Mailing Address: 6820 LBJ Freeway, Dallas, TX 75240		Business Phone Number: 770-487-0379	
Name of Licensee: Jeffrey Alan Hoban		Home Address: 1004 Allen Street, Dallas, TX 75204		Home Phone Number: 214-763-5974	
Name of License Representative: Nick Malegni		Home Address: 153 Eagle Glen Dr., Woodstock, GA 30189		Home Phone Number: 678-772-3556	
PLEASE PRINT TYPE OF LICENSE BEING APPLIED 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 AND PRINT BELOW (USE SEPARATE SHEET IF NECESSARY)					
NAME Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.		ADDRESS Please provide Home Addresses for the individuals listed:		PHONE NUMBERS Please provide Home and Business Phone Numbers for individuals listed:	
See Attached Exhibit "A".					
Is any person who owns an interest in the license an employee of the City of Peachtree City? <u>No</u>					

Exhibit "A"

BRINKER GEORGIA, INC.,
a Delaware corporation

6820 LBJ Freeway
Dallas, Texas 75240

Federal ID No.: [REDACTED]
Date of Incorporation: 06/29/90
Name Change Amendment: 12/15/93

SHARES: Authorized: 10,000 Common, \$.10 Par Value
Issued: 1,000 Common, \$.10 Par Value
(Sole Shareholder - Brinker Restaurant Corporation, a Delaware corporation)

OFFICERS AND DIRECTORS

* Denotes Director

Roger F. Thomson *
3925A Gilbert Avenue
Dallas, Texas 75219
(214) 520-2420
[REDACTED]

President and Secretary

DOB: 04/04/49
TX DL# [REDACTED]

Bryan D. McCrory
10905 Cactus Lane
Dallas, Texas 75238
(214) 349-1218
[REDACTED]

Vice President, Treasurer and Assistant Secretary

DOB: 06/25/60
TX DL# [REDACTED]

Jeffrey Hoban
1004 Allen Street
Dallas, Texas 75204
(214) 826-0537
[REDACTED]

Vice President and Assistant Secretary

DOB: 01/02/65
TX DL# [REDACTED]

Laura C. Richard
3412 Red Oak Street
Sachse, TX 75048
(972) 496-9668
[REDACTED]

Assistant Secretary

DOB: 08/17/45
TX DL# [REDACTED]

State of Georgia

City of Peachtree City:

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

Jeffrey Alan Hoban

Name

1004 Allen Street Dallas, TX 75204

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 narcotics or drugs within five (5) years prior to the date of the application for this license.

Major L. M. Decker
Witness

James V. Murray
Signature
Feb. 24, 2006
Date

for Macaroni Grill
and Chili's Grill

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager *Donald M. Malle*
Interim Developmental Services Director *CWH*

FROM: City Planner *David*

DATE: March 9, 2006

SUBJECT: STWP/ CIE Plan Update (2006 – 2010)
March 16, 2006 City Council Agenda

Recommendation:

Staff recommends that Council approve the attached Resolution of Adoption and authorize Staff to submit this document to the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs (DCA).

Discussion:

Several months ago, Council authorized Staff to submit our annual update of the Short Term Work Program (STWP) and Capital Improvements Element (CIE) to ARC and DCA for review. The annual update to the Short Term Work Program was prepared in accordance with the Minimum Planning Standards, and the annual update of the Capital Improvements Element was prepared in accordance with the Development Impact Fee Compliance Requirements Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989.

Submittal of these documents assures ARC and DCA that local governments are in compliance with their adopted Comprehensive Plans and allows us to maintain our status as a Qualified Local Government (QLG). City Staff was notified on February 8 that the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs (DCA) have approved our updated STWP and CIE. These documents must be officially adopted by City Council in order to complete this step in updating our Comprehensive Plan.

Budget Impact:

There is no budget impact associated with the adoption of this document.

Attachment

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PEACHTREE CITY
REGARDING UPDATES TO THE
SHORT TERM WORK PROGRAM (STWP)
AND CAPITAL IMPROVEMENTS ELEMENT (CIE)
AND OTHER COMPREHENSIVE PLAN AMENDMENTS**

BE IT HEREBY RESOLVED THAT:

The Mayor and Council of the City of Peachtree City, Georgia, hereby authorize the adoption of the Short Term Work Program (STWP) and Capital Improvements Element (CIE) updates and other Comprehensive Plan Amendments to the 1992 - 2005 City of Peachtree City Comprehensive Plan.

SO RESOLVED, this _____ day of _____, 2006.

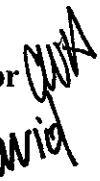
Harold Logsdon, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager 
Interim Developmental Services Director 

FROM: City Planner/ Zoning Administrator 

DATE: March 9, 2006

SUBJECT: Approval of SR 74 South right-of-way deeds, Phase 1 [STP-209-1 (1)]
March 16, 2006 City Council Agenda

Recommendation:

Staff recommends that City Council authorize the Mayor to sign the Right-of-way Deeds and associated Option for Right-of-way for city-owned property located adjacent to Phase 1 of the SR 74 South road-widening project.

Discussion:

For the past several months, Staff has been working diligently with GDOT as they finalize their plans for the SR 74 South road-widening project. As a part of this process, GDOT must secure right-of-way from various property owners along the corridor, and it is our understanding the right-of-way acquisition process is nearing completion.

Many of the parcels impacted by this project are owned by the city. Based on the preliminary right-of-way plans for this project (last revised November 7, 2005), there are approximately 95 parcels where additional right-of-way or easements will be required. Of these, 13 tracts are owned or managed by the City of Peachtree City.

Based on the actual plats of these parcels, the city would donate a total of 4.373 acres to GDOT fee simple; 38,359 SF (0.88 acres) in temporary easements; and 57,590 SF (1.32 acres) in permanent easements. GDOT has agreed to reimburse the city a total of \$13,830 to reconstruct the existing Police Station sign and the two entrance signs to the industrial park, all of which would be removed as a part of the road widening project.

Copies of the actual right-of-way plans and associated deeds are available if desired. The City Attorney has reviewed these plats and confirmed all documentation appears to be in order.

Budget Impact:

There are no budget impacts associated with this request.

CITY OF PEACHTREE CITY

INTER-OFFICE MEMORANDUM

TO: Mayor Logsdon and Members of Council

VIA: City Manager, ATTN: Mr. Bernie McMullen *Bernie McMullen*
Assistant City Manager, ATTN: Mr. Colin Halterman *CH*
Director of Finance, ATTN: Paul Salvatore *P.S.*
Assistant Director of Finance, ATTN: Janet Camburn *JC*
Purchasing Agent, ATTN: Angela Egan *ae*

FROM: ~~Stony Lohr~~ *sm*
Fire Chief

DATE: March 6, 2006

SUBJECT: Fire Department Staff Vehicle Bids
(Council Agenda March 16, 2006)

1. RECOMMENDATION. Staff recommends that Council approve the bids from Hardy Family Ford, Inc. for a one Ford F-150 4X2 extended cab pick-up truck for a cost of \$22,212.00 with trade-in of a 1994 Ford Crown Victoria, admin number 2209, VIN 2FALP71W7RX170624, and one 2006 Ford Expedition XLT 4x2 for a cost of \$24,650.00.

2. DISCUSSION. The following bids were received and opened by Angela Egan and Charlotte Burns at 9:00 A.M. on February 2, 2006:

a. 2006 Ford F-150 extended cab 4x2 Pick-up truck with trade in of 1994 Ford Crown Victoria:

Hardy Family Ford	\$22,212.00
Wade Ford	\$22,982.00
Legacy Ford	\$23,613.00

b. 2006 Expedition XLT 4x2:

Hardy Family Ford	\$24,650.00
Wade Ford	\$24,815.00
Legacy Ford	\$24,864.00
Allan Vigil Ford	\$25,188.00
Fitzpatrick Ford	\$25,644.00

c. Hardy Family Ford is low bidder for both vehicles.

3. BUDGET IMPACT. None. These vehicles are currently included in the Department's FY2006 budget.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *Benjamin*
Assistant City Manager *W. Hall*
Financial Services Director *PSF*
Purchasing Agent *me*

FROM: Public Services Director *882*

DATE: February 27, 2006

SUBJECT: Truck Bids

March 16, 2006 City Council Meeting

Recommendation:

We recommend that all four (4) low bids for new Ford vehicles be accepted as described herein.

Discussion:

The City solicited sealed bids on January 17, 2006, for four (4) Ford dump trucks (bids #06-117BPW - #06-120BPW). The desired vehicles included two F-250's and two F-650 cabs with chassis. Four companies submitted bids on one or more of the vehicles (with trade-in discounts on current surplus vehicles). The lowest bids were submitted as follows:

<u>Vehicle</u>	<u>Base Bid</u>	<u>Trade-In</u>	<u>Net Bid</u>	<u>Company</u>
F-250	\$24,500	\$2,500	\$21,950	Wade Ford
F-250	\$20,643	\$2,500	\$18,143	Wade Ford
F-650 Cab/Chassis	\$46,797	\$3,000	\$43,797	Allan Vigil Ford
F-650 Cab/Chassis	\$46,797	\$3,000	\$43,797	Allan Vigil Ford

Budgetary Impact:

Funds are available in account #100-4100-54-2050 to cover the combined \$40,093 cost of the two F-250's (\$4,907 less than the budgeted amount of \$45,000). However, the funding available in account #356-4100-54-2210 (\$82,000) to cover the \$87,594 cost of the two F-650's is short by \$5,594. We therefore request this amount to be transferred from the 2006 PIP Contingency to cover this additional cost.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager *[Signature]*
Interim Developmental Services Director *[Signature]*

FROM: City Planner/ Zoning Administrator *David*

DATE: March 9, 2006

SUBJECT: Proposed amendments to Article XI, Section 1101, Post Construction Stormwater Management.
March 16, 2006 City Council Agenda

Recommendation:

Staff recommends that City Council adopt the proposed amendments to Article XI, Section 1011, Post Construction Stormwater Management to clarify the plan submittal process.

Discussion:

In an effort to ensure all of our ordinances complement one another, Staff has been reviewing various ordinances and proposing amendments to simplify and clarify the submittal and plan review process. To date, we have amended the site plan review process, the vegetation and tree preservation ordinance, the parking ordinance and several other documents.

The City Engineer has found several items within the Post Construction Stormwater Management Ordinance that need to be amended as well. These amendments are intended to bring this ordinance in line with the changes to the site plan review process and to ensure that plans submitted for review are in compliance with the Georgia Stormwater Management Manual.

Attached is a current version of this ordinance (Attachment "A") as well as an amended ordinance (Attachment "B") for your consideration. Note that several new sections have been added and are noted in bold. Additionally, a number of sections have been removed from the existing ordinance.

Budget Impact:

There is no budget impact associated with the adoption of this document.

Attachment

Sec. 1011. Post-construction stormwater runoff management.

(a) General provisions.

(1) **Purpose.** The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:

- a. To minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion;
- b. To maintain the integrity of stream channels;
- c. To minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
- d. To limit the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
- e. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible;
- f. To ensure that these management controls are properly maintained and pose no threat to public safety.

(2) **Applicability.** This ordinance shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by Peachtree City under the specifications of section 4 of this ordinance. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by local environmental protection officials to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of stormwater runoff, Peachtree City has developed a set of performance standards that must be met at new development sites. These standards apply to any construction activity disturbing 5,000 or more square feet of land. The following activities are exempt from these stormwater performance criteria:

- a. Any logging and agricultural activity which is consistent with an approved soil conservation plan or a timber management plan prepared or approved by the appropriate agency, as applicable.

- b. Additions or modifications to existing single family structures
 - c. Developments that disturb less than 5,000 square feet of land, provided they are not part of a larger common development plan;
 - d. Repairs to any stormwater treatment practice deemed necessary by Peachtree City.
 - (3) When a site development plan is submitted that qualifies as a redevelopment project as defined in section 2 of this ordinance, decisions on permitting and on-site stormwater requirements shall be governed by special stormwater sizing criteria found in the Stormwater Design Manual. These criteria are dependent on the amount of impervious area created by the redevelopment and its impact on water quality. No redevelopment projects will be authorized until after a review by the developmental services director.
 - (4) Compatibility with other permit and ordinance requirements. This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.
 - (5) Severability. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.
 - (6) Development of a local stormwater design manual. Peachtree City may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this ordinance and may provide such information in the form of addenda to the Stormwater Design Manual. These addenda will include a list of acceptable stormwater treatment practices, including the specific design criteria and operation and maintenance requirements for each stormwater practice. The Stormwater Design Manual and addenda may be updated and expanded from time to time, at the discretion of the developmental services director, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.
- (b) *Permit procedures and requirements.*
- (1) *Permit required.* Prior to commencing the proposed activity, a land owner or the land operator shall apply for and receive the building, grading or other land development permits required for land disturbing activities.
 - (2) *Application requirements.* Unless specifically excluded by this ordinance, any land owner or operator desiring a permit for a land disturbance activity shall

submit to Peachtree City a permit application on a form provided for that purpose.

Unless otherwise excepted by this ordinance, a permit application must be accompanied by the following: a stormwater management concept plan; a maintenance agreement that meets the requirements of section 8 of this ordinance; and a non-refundable permit review fee as established by Peachtree City.

- (3) *Application review fees.* The fee for review of any land development application shall be based on the amount of land to be disturbed at the site, established by Peachtree City. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, inspection and program administration, and shall be made prior to the issuance of any building permit for the development.
 - (4) *Application procedure.*
 - a. Applications for land disturbance activity permits must be filed with the developmental services division on any regular business day.
 - b. Permit applications shall include the following: two copies of the stormwater management concept plan and any required review fees.
 - c. Within 15 business days of the receipt of a complete permit application, including any documents required by this ordinance, Peachtree City shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.
 - d. If the permit application, stormwater management plan or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or agreement. If additional information is submitted, Peachtree City shall have 15 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
 - e. If the permit application, final stormwater management plan and maintenance agreement are approved by Peachtree City, all appropriate land disturbance activity permits may be issued within 15 business days.
 - (5) *Permit duration.* Permits issued under this section shall be valid from the date of issuance through the date Peachtree City notifies the permit holder that all stormwater management practices have passed the final inspection required under permit condition or until construction activity on the project ceases for a period of six-months or longer.
- (c) *Variances to stormwater management requirements.* Variances for providing stormwater management. Every applicant shall provide for stormwater management as required by this ordinance, unless a written request is filed and approved to waive this requirement.
- All variance procedures shall be held in strict conformance with the procedures for variances as set forth in Article XV Section 1502 of the Land Development Ordinance. Additionally, the applicant will be required to demonstrate that the variance will meet certain conditions, not adversely impact downstream conditions and provide certain

mitigation efforts as defined in the Stormwater Design Manual.

- (d) *General performance criteria for stormwater management.* Unless judged by the developmental services director to be exempt or granted a waiver, the following stormwater management performance criteria shall be addressed at all sites:
- (1) All site designs shall control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
 - (2) All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a state water without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to Peachtree City. In no case shall the impact on functional values be any less than allowed by the United States Army Corps of Engineers (USACE) or the Georgia Environmental Protection Division (GEPD) responsible for natural resources.
 - (3) Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.
 - (4) For new development, structural stormwater treatment practices shall comply with this performance standard if it is:
 - a. Sized to capture the prescribed water quality volume (WQv);
 - b. Designed according to the specific performance criteria outlined in the Stormwater Design Manual;
 - c. Constructed properly; and
 - d. Maintained regularly.
 - (5) To protect stream channels from degradation, a specific channel protection criteria shall be provided as prescribed in the Stormwater Design Manual.
 - (6) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
 - (7) Certain industrial sites are required to prepare and implement a stormwater pollution prevention plan, and shall file a notice of intent (NOI) under the provisions of the National Pollutant Discharge Elimination System (NPDES) general permit. The stormwater pollution prevention plan requirement applies to both existing and new industrial sites.
 - (8) Stormwater discharges from land uses or activities, known as hotspots, may require the use of specific structural stormwater controls and pollution prevention practices.

- (9) Prior to design, applicants are encouraged to consult with the developmental services director to determine if they are subject to additional stormwater design requirements.
 - (10) The calculations for determining peak flows as described in the Stormwater Design Manual shall be used for sizing all stormwater management practices.
- (e) *Basic stormwater management design criteria.*
- (1) *Minimum control requirements.* All stormwater management practices will be designed so that the specific storm frequency storage volumes (e.g., recharge, water quality, channel protection, 10 year, 100 year) as identified in the Stormwater Design Manual are met, unless the developmental services director grants the applicant a waiver or the applicant is exempt from such requirements.

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, Peachtree City reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.
 - (2) *Site design feasibility.* Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered are:
 - a. Topography.
 - b. Maximum drainage area.
 - c. Depth to water table.
 - d. Soils.
 - e. Slopes.
 - f. Terrain.
 - g. Hydraulic head.
 - h. Location in relation to environmentally sensitive features or ultra-urban areas.

Applicants shall consult the Stormwater Design Manual for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.
 - (3) *Conveyance issues.* All stormwater management practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:
 - a. Maximizing of flow paths from inflow points to outflow points.
 - b. Protection of inlet and outfall structures.
 - c. Elimination of erosive flow velocities.
 - d. Providing of underdrain systems, where applicable.

The Stormwater Design Manual shall provide detailed guidance on the

requirements for conveyance for each of the approved stormwater management practices.

- (4) *Pretreatment requirements.* Every stormwater treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the Stormwater Design Manual. Certain stormwater treatment practices, as specified in the Stormwater Design Manual, are prohibited even with pretreatment in the following circumstances:
 - a. Stormwater is generated from highly contaminated source areas known as "hotspots."
 - b. Stormwater is carried in a conveyance system that also carries contaminated, non-stormwater discharges.
 - c. Stormwater is being managed in a designated groundwater recharge area.
 - d. Certain geologic conditions exist that prohibit the proper pretreatment of stormwater.
- (5) *Treatment conditions.* All stormwater management practices shall be designed to capture and treat stormwater runoff according to the specifications outlined in the Stormwater Design Manual. These specifications will designate the water quantity and quality treatment criteria that apply to an approved stormwater management practice.
- (6) *Landscaping plans required.* A landscaping plan for the stormwater treatment practices must accompany the application in general conformance with the landscaping requirements set forth in article XI section 1102 of the Land Development Ordinance. All stormwater management practices that utilize vegetation as part of the functional treatment process (e.g. constructed wetlands, etc.) must submit a separate landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by an individual having a professional certification by the Society of Wetlands Scientists or equivalent qualifications as determined by the developmental services director.
- (7) *Maintenance agreements.* All stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities.
- (8) *Non-structural stormwater practices.* The use of non-structural stormwater treatment practices is encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of stormwater that must be managed can be earned through the use of non-structural practices that reduce the generation of stormwater from the site. These non-structural practices are explained in detail in the Stormwater Design Manual. Applicants wishing to

obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.

(f) *Requirements for stormwater management plan approval.*

- (1) *Stormwater management plan required for all developments.* No application for development will be approved unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by a professional engineer (P.E.), registered land surveyor (R.L.S.) or registered landscape architect (R.L.A.) and must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices.

The stormwater management plan(s) shall be referred for comment to all other federal and state agencies, as appropriate, and any comments must be addressed in a final stormwater management plan. A professional engineer (PE) shall sign the plan, verifying that the design of all stormwater management practices meet the submittal requirements outlined in the submittal checklist found in the Stormwater Design Manual. No building, grading, or sediment control permit shall be issued until a satisfactory final stormwater management plan, or a waiver thereof, has undergone a review and been approved by the developmental services director after determining that the plan or waiver is consistent with the requirements of this ordinance.

- (2) *Conceptual stormwater management plan requirements.* A conceptual stormwater management plan shall be required with all permit applications and will include information (e.g., maps, hydrologic calculations, etc) necessary to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The intent of this conceptual planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal the following information shall be included in the conceptual stormwater management plan:

- a. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading; A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- b. Sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the specifications of the Stormwater Design Manual.
- c. A written or graphic inventory of the natural resources at the site and

surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

- d. A written description of the required maintenance burden for any proposed stormwater management facility.
- e. Peachtree City may also require a conceptual site plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

For development or redevelopment, an applicant shall be required to include within the conceptual stormwater management plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this ordinance to the maximum extent practicable.

- (3) *Final stormwater management plan requirements.* After review and approval of the conceptual stormwater management plan, a final stormwater management plan must be submitted for approval. The final stormwater management plan, in addition to the information from the conceptual plan, shall include all of the information required in the final stormwater management plan checklist found in the Stormwater Design Manual. This includes:

- a. *Contact information:* The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.
- b. *Site narrative:* A verbal description of the existing and proposed site conditions including but not limited to: existing drainage patterns, proposed drainage patterns, descriptions of downstream conditions and receiving waters, descriptions of treatment practices to be utilized, changes in the site's vegetative cover and any other information necessary to describe how development will affect the hydrologic and hydraulic characteristics of the site.
- c. *Topographic base map:* A topographic base map of sufficient scale of the site which extends a minimum of 100 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.
- d. *Calculations:* Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Stormwater Design Manual. Such calculations shall include:
 - (i) Description of the design storm frequency, intensity and duration,

- (ii) Time of concentration,
 - (iii) Soil curve numbers or runoff coefficients,
 - (iv) Peak runoff rates and total runoff volumes for each watershed area,
 - (v) Infiltration rates, where applicable,
 - (vi) Culvert capacities,
 - (vii) Flow velocities,
 - (viii) Data on the increase in rate and volume of runoff for the design storms referenced in the Stormwater Design Manual, and
 - (ix) Documentation of sources for all computation methods and field test results.
- e. *Soils information.* If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be prepared by a soil scientist, soils engineer, or geologist; and be based on boring logs or soil pit profiles from the site. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- f. *Maintenance and repair plan.* The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the components of the stormwater management facility that need to be maintained and describe the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- g. *Landscaping plan.* The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil conservation district.
- h. *Maintenance easements.* The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property.
- i. *Maintenance agreement.* The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management measure in accordance with the specifications of this ordinance.

- j. *Soil erosion and sedimentation plan.* The applicant must prepare an erosion and sediment control plan for all construction activities related to implementing any on-site stormwater management practices in accordance with the standards established in the soil erosion and sedimentation ordinance.
 - k. *Other environmental permits.* The applicant shall assure that all other applicable federal, state, and local environmental permits have been acquired for the site prior to approval of the final stormwater design plan.
- (4) *Performance bond/security.* If a permit applicant has had one or more violations of previous permits or other provisions of the Water Resource Protection Ordinance, as amended, within three years prior to the date of filing of the application under consideration, Peachtree City may, at its discretion, require the submission of a cash bond held in escrow prior to issuance of a permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost, as determined by mutual agreement between the applicant and the city, of the stormwater management practices approved under the permit, plus 25%. The cash bond shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

The installation performance security shall be released in full only upon a satisfactory final inspection, submission of "as built plans" and written certification by a registered professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this ordinance. Peachtree City will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this ordinance.

(g) *Construction inspection.*

- (5) *Notice of construction commencement.* The applicant must notify Peachtree City in advance before the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the staff of Peachtree City or certified by a professional engineer or their designee who has been approved by Peachtree City. All inspections shall be documented and written reports prepared that contain the following information:
- a. The date and location of the inspection;
 - b. Whether construction is in compliance with the approved stormwater management plan;
 - c. Variations from the approved construction specifications;
 - d. Any violations that exist.

If any violations are identified, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No other site work or building construction shall proceed until the violations are corrected and work previously completed has received approval by Peachtree City.

- (6) *As built plans.* All applicants are required to submit actual "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. A final inspection by Peachtree City is required before the release of any performance securities can occur.
 - (7) *Landscaping and stabilization requirements.* All landscaping and stabilization requirements will be inspected on a basis consistent with the landscaping requirements set forth in Article XI of the Land Development Ordinance. Stormwater management practices that utilize vegetation as part of the functional treatment process (e.g. constructed wetlands, etc.) will be inspected 15 days after installation of the plant material and written request for inspection by the permit holder.
- (h) *Inspection, maintenance and repair of stormwater facilities.*
- (1) *Inspection of stormwater facilities.* Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.
 - (2) *Right-of-entry for inspection.* When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to Peachtree City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.
 - (3) *Maintenance easement.* Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by Peachtree City, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement shall be

recorded on a plat of survey by the county clerk.

- (4) *Maintenance covenants.* Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by Peachtree City and recorded into the land record prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled maintenance.

Peachtree City, in lieu of a maintenance covenant, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

- (5) *Requirements for maintenance covenants.* All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs identified must be addressed in a timely manner, as determined by Peachtree City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.
- (6) *Inspection of stormwater facilities.* Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.
- (7) *Right-of-entry for inspection.* When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to Peachtree City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

- (8) *Records of installation and maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least 10 years. These records shall be made available to authorized Peachtree City representatives during inspection of the facility and at other reasonable times upon request.
- (9) *Failure to maintain practices.* If a responsible party fails or refuses to meet the requirements of the maintenance covenant, Peachtree City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition.

In the event that the stormwater management facility becomes a danger to public safety or public health, Peachtree City shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. After proper notice, Peachtree City may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property.

(i) *Enforcement and penalties.*

- (1) *Violations.* Any development activity that is commenced or is conducted contrary to this ordinance may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) *Notice of violation.* When Peachtree City determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:
 - a. The name and address of the owner or applicant;
 - b. The address when available or a description of the building, structure or land upon which the violation is occurring;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
 - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - f. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.
- (3) *Stop work orders.* Persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until Peachtree City confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely

manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

- (4) *Civil and criminal penalties.* In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this ordinance shall be punished by a fine of not less than one-thousand dollars (\$1,000) per violation per day. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.
- (5) *Restoration of lands.* Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, Peachtree City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
- (6) *Holds on occupation permits.* Occupation permits will not be granted until corrections to all stormwater practices have been made and accepted by Peachtree City.

(Ord. No. 791, 9-19-02)

Secs. 1012, 1013. Reserved.

**AN ORDINANCE TO AMEND ARTICLE XI, SECTION 1101, POST-
CONSTRUCTION STORMWATER MANAGEMENT,
OF THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
TO CLARIFY ISSUES REGARDING THE SITE PLAN REVIEW
PROCESS, AND TO ADD LANGUAGE PERTAINING TO THE RE-
DEVELOPMENT OF EXISTING SITES WITHIN THE CITY,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that article XI, Section 1101, Post Construction Stormwater Management of the City's Land Development Ordinance, establishing minimum stormwater management requirements, be repealed in its entirety and amended as follows:

Sec. 1011. Post-construction stormwater runoff management.

(a) *General provisions.*

- (1) Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:
 - a. To minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion;
 - b. To maintain the integrity of stream channels;
 - c. To minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
 - d. To limit the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
 - e. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible;
 - f. To ensure that these management controls are properly maintained and pose no threat to public safety.
- (2) Applicability. This ordinance shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by Peachtree City under the specifications of **Section 1011 (c)** of this ordinance. The

ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by local environmental protection officials to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

The Minimum Stormwater Management Standards (standards found in the Stormwater Design Manual Section 1.2) for new development and redevelopment are intended to apply to any development site that meets one or more of the following criteria:

- a. New development that includes the creation or addition of 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of 5,000 square feet of land or greater.
- b. Redevelopment that includes the creation or addition of 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of 1 acre or more.
- c. Any commercial or industrial new development or redevelopment, regardless of size, with a Standard Industrial Classification (SIC) code that falls under the NPDES Industrial Stormwater Permit program, or a hotspot land use as defined below.

In addition, redevelopment sites that create or add less than 5,000 square feet of impervious area and involve land-disturbing activity of between 5,000 square feet and 1 acre, must meet the Minimum Stormwater Management Standard #8, and should meet Minimum Stormwater Management Standards #2, #9 and #10 to the maximum extent practicable.

For the purposes of this section, the following definitions will apply:

New development is defined as land disturbing activities, structural development (construction or installation of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

Redevelopment is defined as structural development (additional construction, installation or expansion of an existing building or other structure), creation or addition of impervious surfaces, replacement of impervious surface not part of routine maintenance, and land disturbing

activities associated with structural or impervious development. Redevelopment does not include such activities as exterior remodeling.

A *hotspot* is defined as a land use or activity on a site that produces higher concentrations of trace metals, hydrocarbons or other priority pollutants than are normally found in urban stormwater runoff. Examples of hotspots include gas stations, vehicle service and maintenance areas, salvage yards, material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

- (3) **Exemptions.** The following activities are exempt from the Minimum Stormwater Management Standards:
- a. Any logging and agricultural activity which is consistent with an approved soil conservation plan or a timber management plan prepared or approved by the appropriate agency, as applicable.
 - b. Additions or modifications to existing single family structures
 - c. Developments that disturb less than 5,000 square feet of land, provided they are not part of a larger common development plan;
 - d. Repairs to any stormwater treatment practice deemed necessary by Peachtree City.
 - e. The development of single-family residential subdivisions that do not involve the construction of public or private streets.
- (4) Compatibility with other permit and ordinance requirements. This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.
- (5) Severability. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.
- (6) Development of a local stormwater design manual. Peachtree City may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this ordinance and may provide such information in the form of addenda to the Stormwater Design Manual. These addenda will include a list of acceptable stormwater treatment practices, including the specific design criteria and operation and maintenance

requirements for each stormwater practice. The Stormwater Design Manual and addenda may be updated and expanded from time to time, at the discretion of the developmental services director, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.

(b) *Permit procedures and requirements.*

- (1) *Permit required.* Prior to commencing the proposed activity, a landowner or the land operator shall apply for and receive the building, grading **and/** or other land development permits required for land disturbing activities.
 - (2) *Application procedure.* **Unless specifically exempted, the owner shall follow all the platting and site plan submittal procedures of Article IV, V, and VI of the City of Peachtree City Land Development Ordinance.**
 - (3) *Application review fees.* The fee for review of any land development application shall be based on the amount of land to be disturbed at the site, established by Peachtree City. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, inspection and program administration, and shall be made prior to the issuance of any building permit for the development.
 - (4) *Application requirements.* **Unless specifically exempted, the owner shall provide all the plans and associated documentation required in this section.**
- (c) *Variances to stormwater management requirements.* . Every applicant shall provide for stormwater management as required by this ordinance, unless a written request is filed and approved to waive this requirement.

All variance procedures shall be held in strict conformance with the procedures for variances as set forth in **Article XIII, Appeals and Variances, Section 1302, Variances** of the Land Development Ordinance. Additionally, the applicant will be required to demonstrate that the variance will meet certain conditions, not adversely impact downstream conditions and provide certain mitigation efforts as defined in the Stormwater Design Manual.

- (d) *General performance criteria for stormwater management.* Unless judged by the developmental services director to be exempt or granted a waiver, the following stormwater management performance criteria shall be addressed at all sites:
- (1) All site designs shall control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and

landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

- (2) All stormwater runoff generated from new development **and redevelopment** shall not discharge untreated stormwater directly into a state water without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to Peachtree City. In no case shall the impact on functional values be any less than allowed by the United States Army Corps of Engineers (USACE) or the Georgia Environmental Protection Division (GEPD) responsible for natural resources.
- (3) Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.
- (4) For new development **and redevelopment**, structural stormwater treatment practices shall comply with this performance standard if it is:
 - a. Sized to capture the prescribed water quality volume (WQv);
 - b. Designed according to the specific performance criteria outlined in the Stormwater Design Manual;
 - c. Constructed properly; and
 - d. Maintained regularly.
- (5) To protect stream channels from degradation, a specific channel protection criteria shall be provided as prescribed in the Stormwater Design Manual.
- (6) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- (7) Certain industrial sites are required to prepare and implement a stormwater pollution prevention plan, and shall file a notice of intent (NOI) under the provisions of the National Pollutant Discharge Elimination System (NPDES) general permit. The stormwater pollution prevention plan requirement applies to both existing and new industrial sites.
- (8) Stormwater discharges from land uses or activities, known as hotspots, may require the use of specific structural stormwater controls and pollution prevention practices.

- (9) Prior to design, applicants are encouraged to consult with the developmental services director to determine if they are subject to additional stormwater design requirements.
 - (10) The calculations for determining peak flows as described in the Stormwater Design Manual shall be used for sizing all stormwater management practices.
- (e) *Basic stormwater management design criteria.*

- (1) *Minimum control requirements.* All stormwater management practices will be designed so that the specific storm frequency storage volumes (e.g., recharge, water quality, channel protection, **2 through** 100 year) as identified in the Stormwater Design Manual are met, unless the developmental services director grants the applicant a waiver or the applicant is exempt from such requirements.

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, Peachtree City reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

- (2) *Site design feasibility.* Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered are:
 - a. Topography.
 - b. Maximum drainage area.
 - c. Depth to water table.
 - d. Soils.
 - e. Slopes.
 - f. Terrain.
 - g. Hydraulic head.
 - h. Location in relation to environmentally sensitive features or ultra-urban areas.

Applicants shall consult the Stormwater Design Manual for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.

- (3) *Conveyance issues.* All stormwater management practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

- a. Maximizing of flow paths from inflow points to outflow points.
- b. Protection of inlet and outfall structures.
- c. Elimination of erosive flow velocities.
- d. Providing of underdrain systems, where applicable.

The Stormwater Design Manual shall provide detailed guidance on the requirements for conveyance for each of the approved stormwater management practices.

- (4) *Pretreatment requirements.* Every stormwater treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the Stormwater Design Manual. Certain stormwater treatment practices, as specified in the Stormwater Design Manual, are prohibited even with pretreatment in the following circumstances:
 - a. Stormwater is generated from highly contaminated source areas known as "hotspots."
 - b. Stormwater is carried in a conveyance system that also carries contaminated, non-stormwater discharges.
 - c. Stormwater is being managed in a designated groundwater recharge area.
 - d. Certain geologic conditions exist that prohibit the proper pretreatment of stormwater.
- (5) *Treatment conditions.* All stormwater management practices shall be designed to capture and treat stormwater runoff according to the specifications outlined in the Stormwater Design Manual. These specifications will designate the water quantity and quality treatment criteria that apply to an approved stormwater management practice.
- (6) *Landscaping plans required.* A landscaping plan for the stormwater treatment practices must accompany the application in general conformance with the landscaping requirements set forth in article XI section 1102 of the Land Development Ordinance. All stormwater management practices that utilize vegetation as part of the functional treatment process (e.g. constructed wetlands, etc.) must submit a separate landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by an individual having a professional certification by the Society of Wetlands Scientists or equivalent qualifications as determined by the developmental services director.

- (7) *Maintenance agreements.* All stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities.
 - (8) *Non-structural stormwater practices.* The use of non-structural stormwater treatment practices is encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of stormwater that must be managed can be earned through the use of non-structural practices that reduce the generation of stormwater from the site. These non-structural practices are explained in detail in the Stormwater Design Manual. Applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.
- (f) *Requirements for stormwater management plan approval.*
- (1) *Stormwater management plan required for all developments.* No application for development will be approved unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by a professional engineer (P.E.) **licensed to practice in the State of Georgia**, and must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices.

The stormwater management plan(s) shall be referred for comment to all other federal and state agencies, as appropriate, and any comments must be addressed in a final stormwater management plan. A professional engineer (PE) shall sign the plan, verifying that the design of all stormwater management practices meet the submittal requirements outlined in the submittal checklist found in the Stormwater Design Manual. No building, grading, or sediment control permit shall be issued until a satisfactory final stormwater management plan, or a waiver thereof, has undergone a review and been approved by the developmental services director after determining that the plan or waiver is consistent with the requirements of this ordinance.
 - (2) *Conceptual stormwater management plan requirements.* A conceptual stormwater management plan shall be required with all

permit applications and will include information (e.g., maps, hydrologic calculations, etc) necessary to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The intent of this conceptual planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal the following information shall be included in the conceptual stormwater management plan:

- a. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading; A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- b. Sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the specifications of the Stormwater Design Manual.
- c. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
- d. A written description of the required maintenance burden for any proposed stormwater management facility.
- e. Peachtree City may also require a conceptual site plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

For development or redevelopment, an applicant shall be required to include within the conceptual stormwater management plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this ordinance to the maximum extent practicable.

(3) *Final stormwater management plan requirements.* After review and approval of the conceptual stormwater management plan, a final stormwater management plan must be submitted for approval. The final stormwater management plan, in addition to the information from the conceptual plan, shall include all of the information required in the final stormwater management plan checklist found in the Stormwater Design Manual. This includes:

- a. *Contact information:* The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.
- b. *Site narrative:* A verbal description of the existing and proposed site conditions including but not limited to: existing drainage patterns, proposed drainage patterns, descriptions of downstream conditions and receiving waters, descriptions of treatment practices to be utilized, changes in the site's vegetative cover and any other information necessary to describe how development will affect the hydrologic and hydraulic characteristics of the site.
- c. *Topographic base map:* A topographic base map of sufficient scale of the site which extends a minimum of 100 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.
- d. *Calculations:* Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Stormwater Design Manual. Such calculations shall include:
 - (i) Description of the design storm frequency, intensity and duration,
 - (ii) Time of concentration,
 - (iii) Soil curve numbers or runoff coefficients,
 - (iv) Peak runoff rates and total runoff volumes for each watershed area,

- (v) Infiltration rates, where applicable,
 - (vi) Culvert capacities,
 - (vii) Flow velocities,
 - (viii) Data on the increase in rate and volume of runoff for the design storms referenced in the Stormwater Design Manual, and
 - (ix) Documentation of sources for all computation methods and field test results.
- e. *Soils information.* If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be prepared by a soil scientist, soils engineer, or geologist; and be based on boring logs or soil pit profiles from the site. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- f. *Maintenance and repair plan.* The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the components of the stormwater management facility that need to be maintained and describe the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- g. *Landscaping plan.* The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil conservation district.
- h. *Maintenance easements.* The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property.

- i. *Maintenance agreement.* The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management measure in accordance with the specifications of this ordinance.
 - j. *Soil erosion and sedimentation plan.* The applicant must prepare an erosion and sediment control plan for all construction activities related to implementing any on-site stormwater management practices in accordance with the standards established in the soil erosion and sedimentation ordinance.
 - k. *Other environmental permits.* The applicant shall assure that all other applicable federal, state, and local environmental permits have been acquired for the site prior to approval of the final stormwater design plan.
- (4) *Performance bond/security.* If a permit applicant has had one or more violations of previous permits or other provisions of the Water Resource Protection Ordinance, as amended, within three years prior to the date of filing of the application under consideration, Peachtree City may, at its discretion, require the submission of a cash bond held in escrow prior to issuance of a permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost, as determined by mutual agreement between the applicant and the city, of the stormwater management practices approved under the permit, plus 25%. The cash bond shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

The installation performance security shall be released in full only upon a satisfactory final inspection, submission of "as built plans" and written certification by a registered professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this ordinance. Peachtree City will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this ordinance.

(g) *Construction inspection.*

- (5) *Notice of construction commencement.* The applicant must notify Peachtree City in advance before the commencement of construction. **No Certificate of Occupancy will be given until all site improvements have been inspected and approved by the City Engineer. In addition,** regular inspections of the stormwater

management system construction shall be conducted by the staff of Peachtree City or certified by a professional engineer or their designee who has been approved by Peachtree City. All inspections shall be documented and written reports prepared that contain the following information:

- a. The date and location of the inspection;
- b. Whether construction is in compliance with the approved stormwater management plan;
- c. Variations from the approved construction specifications;
- d. Any violations that exist.

If any violations are identified, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No other site work or building construction shall proceed until the violations are corrected and work previously completed has received approval by Peachtree City.

- (6) *As built plans.* All applicants are required to submit actual "as built" plans for any stormwater management practices **and all site improvements** after final construction is completed, **and before a Certificate of Occupancy is issued.** The plan must show the final design specifications for all stormwater management facilities and must be certified by a **registered professional engineer licensed to practice in the State of Georgia.** All applicants must also **supply the City of Peachtree City with a digital copy of the "as built" plans in a format acceptable to the City.** A final inspection by Peachtree City is required before the release of any performance securities can occur.
- (7) *Landscaping and stabilization requirements.* All landscaping and stabilization **plans and** requirements will be reviewed and inspected on a basis consistent with the landscaping requirements set forth in Article XI of the Land Development Ordinance. Stormwater management practices that utilize vegetation as part of the functional treatment process (e.g. constructed wetlands, etc.) **shall also meet the requirements of Appendix F in the Stormwater Design Manual.**

(h) *Inspection, maintenance and repair of stormwater facilities.*

- (1) *Inspection of stormwater facilities.* **Facility owners are required to maintain their stormwater facility in accordance with the guidelines specified in the Stormwater Design Manual.** Inspection programs may be established by the **City of Peachtree City** on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of

drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

- (2) *Right-of-entry for inspection.* When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to Peachtree City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.
- (3) *Maintenance easement.* Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by Peachtree City, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement shall be recorded on a plat of survey by the county clerk.
- (4) *Maintenance covenants.* Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by Peachtree City and recorded into the land record prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled maintenance.

Peachtree City, in lieu of a maintenance covenant, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

- (5) *Requirements for maintenance covenants.* All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs identified must be addressed in a timely manner, as determined by Peachtree City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.
- (8) *Records of installation and maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least 10 years. These records shall be made available to authorized Peachtree City representatives during inspection of the facility and at other reasonable times upon request.
- (9) *Failure to maintain practices.* If a responsible party fails or refuses to meet the requirements of the maintenance covenant, Peachtree City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition.

In the event that the stormwater management facility becomes a danger to public safety or public health, Peachtree City shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. After proper notice, Peachtree City may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property.

- (i) *Enforcement and penalties.*

- (1) *Violations.* Any development activity that is commenced or is conducted contrary to this ordinance may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) *Notice of violation.* When Peachtree City determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:
 - a. The name and address of the owner or applicant;
 - b. The address when available or a description of the building, structure or land upon which the violation is occurring;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
 - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - f. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.
- (3) *Stop work orders.* Persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until Peachtree City confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.
- (4) *Civil and criminal penalties.* In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this ordinance shall be punished by a fine of not less than one thousand dollars (\$1,000) per violation per day. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.
- (5) *Restoration of lands.* Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, Peachtree City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

- (6) *Holds on occupation permits.* Occupation permits will not be granted until corrections to all stormwater practices have been made and accepted by Peachtree City.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2006.

Harold Logsdon, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager *Bernard M. Mink*
Interim Developmental Services Director *David*

FROM: City Planner/ Zoning Administrator *David*

DATE: March 9, 2006

SUBJECT: Amendment to Article XII, Appeals, Section 1202.2 (c) to update the application fee for variance requests.
March 16, 2006 City Council Agenda

Recommendation:

Staff recommends that City Council adopt the proposed amendment to Article XII, Appeals, Section 1202.2 (c) to update the application fee for variance requests.

Discussion:

At their meeting on May 3, 2001, City Council adopted a new Service Fee schedule for various city services. It appears from the minutes of this meeting that Staff had conducted a thorough analysis of the city's fee structure in comparison with fee structures from other communities (Attachment "A"). Included within Staff's recommendation were a variety of proposed fee increases for the Building Department, one of which proposed to increase the application fee for variance applications from \$50.00 to \$250.00 (Attachment "B"). The effective date of the new fee structure was July 1, 2001. At that time, the Request for Variance application form and supporting documentation were revised accordingly.

It has come to our attention that Section 1202.2 (c) of the Zoning Ordinance, along with all other ordinance sections pertaining to variances, were never amended to identify the revised application fee for variance requests. Because Section 1202 is included within the City's Zoning Ordinance, a Public Hearing must be held to consider Staff's request to amend this section and bring it into conformance with the fee schedule adopted in 2001. This is in essence a housekeeping issue that should have taken place when the new fee structure was adopted.

A copy of the existing ordinance (Attachment "C") and the amended paragraph pertaining to application fees (Attachment "D") are attached for your review.

Budget Impact:

There is no budget impact associated with the adoption of this document.

Attachment

**EXCERPT FROM APPROVED MINUTES
CITY COUNCIL MEETING**

MAY 3, 2001

04-01-05 Public Hearing -- Service Fee Increases

Salvatore addressed Council and stated that this was the second of two public hearings to discuss revisions to Peachtree City's fee structures, and that some of the fees -- particularly Occupational Tax and Alcohol License fees -- had not been revised since 1993. Salvatore pointed out that, in the Financial Policies that would be proposed at the May 17th Council meeting, a policy would be included to revise and update the fees on at least a three-year basis.

Salvatore provided a power point presentation (included in meeting packet) and brief overview of the process that was conducted, including information received from other cities and counties on similar fees, in comparison to Peachtree City's fee structures. Based on that examination changes to the current fee structure were proposed. Some proposals had also been made for new fees and charges. The Atlanta Regional Commission (ARC) had also assisted staff in gathering data.

Regarding Occupational Taxes, Salvatore explained that most of the cities surveyed used the gross receipts method to collect fees, and that Peachtree City was one of the few cities that calculated the fees based on the number of employees and that the City of Norcross was the only city that was comparable to Peachtree City -- they charged a fee of \$15 per employee with no maximum. Salvatore said Peachtree City's current fee was \$12 per employee (\$75 minimum and \$1250 maximum), and that the City proposed to raise the fee to \$15 per employee (\$100 minimum and \$1575 maximum). He said staff felt that if the City had either changed to the gross receipts method (like most other cities were doing) or eliminated the maximum, it would have created an excessive burden on most of the businesses in the community. Instead, staff proposed to change the maximum gradually over a four-year period of \$500 each year. Salvatore clarified for Tennant that, if a person had a one-person, home-based business, they would just pay the \$100 minimum.

Regarding Alcohol License fees, Salvatore explained that staff had found that several fees currently being charged were in line (change in License and Distilled Spirits, Beer and Wine Retail); however, some of the other fees were low, so staff proposed implementing a five-year schedule to increase these fees. Salvatore said further that staff found there were several new fees that should be added, including a \$100 additional fee for Sunday Sales, which other cities charged, but Peachtree City did not charge.

Another new fee proposed would be a \$100 delinquent renewal fee. Salvatore said Peachtree City's current procedure was such that if a business was delinquent, they would have to reapply and go through the entire application process to obtain a new license. To avoid the administrative burden this imposed, staff proposed charging a \$100 delinquent fee to reinstate the license. In addition, staff proposed adding a \$2500 Alcohol Lounge fee to relieve the burden

of certain lounges to be subject to the fee increase, they would just be held to the \$2500 if they were not part of a restaurant/bar.

Regarding Building Department fees, Salvatore advised that the fee for elevator inspections had been deleted and pointed out that the chart included comparable data from other cities and counties.

Regarding Leisure Service fees, Salvatore reminded Council that some of the fees had been discussed at the 2001 Annual City Council Retreat. Salvatore pointed out that meeting room fees would be changed to \$25 (small meeting rooms) and \$40 (large meeting rooms). In addition, the pool pass fees for out-of-county residents had been increased.

Tennant said he had spoken with a number of people about the Recreation fee schedule and that it was a very touchy subject for Peachtree City's citizens. He said the more he thought about it, and in light of the fact that the City was substantially increasing the out-of-town fees and creating a new category of commercial use fees, he felt that resident fees should not be increased.

Salvatore said the survey staff had conducted had been long overdue (7 or 8 years) and that, during that time, the City fell behind what other cities and counties were charging for their facilities, and that the City's costs had risen over that period of time. He said the reason they were proposing the increases was to help defray the costs of operating the Recreational facilities proportionately.

Lenox confirmed that if a Peachtree City resident paid \$40/Hour for the Pebblepocket Pool, they were actually paying to use that pool exclusively. Gaddo said that was the case, noting that they would not be charging more for use by the general public, only for private usage that took the public facility out of public use.

Fritz asked Gaddo if staff had looked at Fayette County and if their rates were higher than Peachtree City's as well, and Gaddo said it varied, but that Peachtree City was at or below what most communities were charging.

Rapson said he thought the fees represented a fair price, but he did not think a lot of the residents understood the pool passes and how they worked. He said if residents used the pools a lot, they were better off buying a year-round membership, but if they did not, they would pay \$2 per visit.

Rapson said he liked the fact that he could reserve a tennis court for \$40, but a corporation would have to pay a \$100 fee. He said this would discourage the corporations from tying up the City's facilities.

Tennant said the other side of the coin was that the corporations were subsidizing average citizens, which was okay because they had deeper pockets. Tennant said further that he hated to see the City charge for unlighted tennis courts and other items that had not previously had fees. Gaddo reiterated that the fees were only charged when the facilities were reserved for use. Tennant said he understood that, but felt the average 14-year-old could not afford to reserve a court, and would lose the ability to play because adults had done so. Gaddo said the adults

would have to pay for that right, and Fritz felt the children's parents could reserve courts. Tennant said he liked the idea of first-come, first serve for the tennis courts. Tennant reiterated that he still thought that the out-of-county increases and the creation of the commercial category would more than offset any necessary increases to Peachtree City residents.

Lenox asked what the mix of users was for the facilities. Gaddo said that, too, varied by facility. He said the Kedron meeting rooms were primarily reserved for resident birthday parties, while other meeting rooms and parks were seeing a great deal of commercial use that had begun to encroach on the resident usage because the costs were so inexpensive. Rapson asked if it would be a fair statement to say that Homeowner Associations that met regularly every month reserved the meeting rooms for months at a time, and Gaddo responded that the policies placed some limits on how far in advance rooms could be reserved for regular meetings. Rapson noted that most of the facilities were used by residents and were not self-supporting. Gaddo indicated that 99% of other cities charged fees for such usage. Rapson said he was less concerned about what other cities charged than the fact that the rates had not changed since the early 1990s, and the new rates were not even representative of adjustments for inflation. Gaddo and Salvatore said that was a fair assessment. Rapson felt the proposed rates were fair, and Gaddo said the department did not receive complaints about the rates charged.

Tennant said he received a lot of complaints on the cost of Recreation fees from families with children, but Fritz and Lenox said they did not receive such complaints. Rapson agreed, saying that parents generally were not even aware they could reserve some of the facilities.

Tennant asked how much additional revenue would be generated by increasing the residential rates, and did not feel the increase would be worth the negative sentiment in the community. Salvatore said the revenues would be difficult to estimate because some of the out-of-county and commercial fees would also reduce those types of usage, which was another goal of those fees. The resident fee increases would support less crowded facilities. Salvatore said Recreation was the largest departmental expense in the city, greater even than Fire or Police, and the city needed to be responsible in charging fees to ensure that the users were paying their fair share.

Rapson said it was like Local Option Sales Tax, where the people who used the most helped to pay for it. Fritz said she had looked at the budget and found a considerable difference in what the city collected in recreation fees versus what was paid out for recreation. She felt all the taxpayers were making up that difference. Tennant said that a fee was a tax, but Fritz felt it was a tax directly on the people using the service. Tennant said that, when people moved here, they assumed part of the responsibility for paying for the services that were here.

Resident Phyllis Aguayo, addressed Council, saying that charging fees when a facility was converted from public to private use did not impact the general user in cost, while the whole community was paying for the general user. Tennant said he did not disagree, but pointed out that fees were already in place to offset that cost. Fritz felt those fees were antiquated. Rapson asked if Council would be voting on the item that evening, and Basinger said they could if they so desired. Tennant asked if the fees could be separated for the vote, and Lenox felt it would be fairer to separate them. Basinger recommended that the fees become effective on July 1, 2001.

Salvatore advised Council that the City was lacking in the commercial fee area, and that the Atlanta Lawn Tennis Association (ALTA) had expressed an interest in the use of the Glenloch Tennis Courts. He said Gaddo had put together a fee schedule that he felt was reasonable to accommodate ALTA.

Regarding Court Fines and Citations, Salvatore said that those fees were set by the Judge, who was currently satisfied with the City's basic fine structure, although he did agree to double the fine for speeding in school zones. Salvatore pointed out that Peachtree City was at or near the highest fine for charges involving alcohol and drugs, reckless driving, and no insurance. Salvatore explained that staff had also proposed a new fee of \$2 per citation that represented a Technology Fee to help defray the cost of the City's computer systems (a common fee charged by other cities).

Salvatore reiterated that the proposed implementation date for the new fees would be July 1, 2001, and that new Alcoholic Beverage Licenses would be charged the new fees beginning on July 1st. Lenox questioned whether or not Alcohol Beverage Licenses were prorated and Basinger said he would check on this and advise Council.

Lenox made a motion to increase the Occupational Taxes as recommended, effective July 1, 2001. Fritz seconded the motion. Motion carried unanimously.

Lenox made a motion to increase the Alcoholic Beverage Taxes as recommended, effective July 1, 2001. Fritz seconded the motion. Motion carried unanimously.

Lenox made a motion to increase the Building Department Permit Fees as recommended effective July 1, 2001. Fritz seconded the motion. Motion carried unanimously.

Lenox made a motion to increase the Recreation Fees and create the new Recreation Fees and Charges Structure as recommended, effective July 1, 2001. Rapson seconded the motion. Motion carried 3-1 with Tennant opposing.

Lenox made a motion to add a \$2 per citation for a Technology Fee to maintain the City's computer system as recommended effective July 1, 2001. Tennant seconded the motion. Motion carried unanimously.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Director of Financial Services

FROM: Director of Developmental Services

DATE: February 8, 2001

SUBJECT: Building Department Permit Fees

We have just completed a study of our basic fee structure by comparing our building fees with those of other communities in the immediate area. Based on that study, staff recommends that the Peachtree City permit fee structure be revised as follows:

1. The fee for Residential Building Permits should be increased from \$.10/SF with a \$200 minimum to \$.25/SF with a \$300 minimum.
2. The fee for Commercial Building Permits should be increased from \$3/1000 with a \$30 minimum to \$5/1000 with a \$300 minimum.
3. The fee for Accessory Building Permits should remain the same at \$20 minimum.
4. The fee for Trade Permits should be increased from \$25 minimum to \$50 minimum.
5. The fee for Pool Permits should be increased from \$20 to \$50.
6. The fee for Fence Permits should remain the same at \$20.
7. A new fee should be established for Sign Permits. It is recommended that the new fee be \$25 for each freestanding and/or wall sign for which a permit is currently required.
8. The fee for Re-Inspections should be increased from \$25 to \$25 minimum, with \$25 for first call-back and \$50 for each additional call-back.
9. The rezoning fee should be increased from \$200 minimum and \$2500 maximum to \$600 plus \$25 per acre with no maximum limit.
10. The variance fee should be increased from \$50 per request to \$250 per request.

Building Department Permit Fees

Page 2

February 8, 2001

11. The Elevator Permit Fee, which is a part of the Electrical Trade Permit, should be eliminated in response to a request from the Attorney General's office. This fee is currently one percent of the cost of an elevator up to \$20,000 and \$200 plus one-tenth of a percent of all costs over \$20,000. The Attorney General pointed out that the State inspects all elevators, and our fee amounted to a double charge.

A summary of the fee comparisons, as well as the current and proposed fee schedule for Peachtree City, is attached for your review.

JBW/jir

Attachment

cc Building Official
 Permits Clerk

Sec. 1202. Powers and duties (appeals).

The city council shall have the following powers and duties:

(1202.1) To hear and decide special exceptions to the terms of this ordinance upon which the city council is required to pass under the provisions of this ordinance. When acting upon an application for special exception, the city council shall give consideration to the following factors, where applicable:

The proposed design and location of the particular development.

The possible traffic generating characteristics of the proposed development.

The effects of the proposed development on the present or intended character of the area in which it is proposed for location.

The availability of public utilities, facilities and services.

(1202.2) The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.

- (a) Variance applications shall be filed with the city planner on forms provided by the city planner.
- (b) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.
- (c) An application fee of \$50.00 must accompany each variance application.
- (d) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.
- (e) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.
- (f) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.
- (g) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.
- (h) Variances from the provisions of this ordinance may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the city council shall consider the following factors:

- (1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- (2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- (3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance. (Ord. No. 589, 11-19-1992; Ord. No. 618, 7-7-1994)

(1202.3) After due consideration of an application for special exception, the city council shall take such action or establish such reasonable conditions of approval as will accomplish the intent and purposes of this ordinance.

Ordinance Number _____

**AN ORDINANCE TO AMEND ARTICLE XII, APPEALS,
SECTION 1202.2 (c), OF THE PEACHTREE CITY ZONING ORDINANCE
SPECIFICALLY TO UPDATE THE APPLICATION FEE FOR
SUBMITTING A VARIANCE APPLICATION,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Article XII, Appeals, Section 1202.2 (c) of the Peachtree City Zoning Ordinance related to application fees for variance applications be amended as follows:

Sec. 1202.2 Powers and duties (appeals).

- (c) An application fee shall accompany each variance application. The fee shall be as established by the City Council under the city's Fee Schedule and as maintained by the City Clerk.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2006.

Harold Logsdon, Mayor

Attest:

City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager *Benjamin M. Mills*
Interim Developmental Services Director *CWA*

FROM: City Planner/ Zoning Administrator *David*

DATE: March 10, 2006

SUBJECT: Ordinance Amendments to update the application fee for variance requests
March 16, 2006 City Council Agenda

Recommendation:

Staff recommends that City Council adopt the proposed amendments to Chapter 18, Sections 18-344 and 18-382, and Article XIII, Section 1302(c) to update the application fee for variance requests.

Discussion:

In an effort to clarify the variance process, Staff is recommending amendments to several sections within the city's Code of Ordinances, Land Development Ordinance, and Zoning Ordinance. These amendments will remove individual variance processes currently identified within individual ordinance sections and refer potential Applicants to the section of the zoning ordinance specifically written to accommodate variance requests.

A copy of the existing and the proposed ordinances are attached for your review.

Budget Impact:

There is no budget impact associated with the adoption of this document.

Attachments

Sec. 18-344. Variances.

- (a) The purpose of this section is to authorize variances from the terms of this article as will not be contrary to the public interest so that the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done.
- (b) An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.
- (c) Variance applications shall be filed with the city planner on forms provided by the city planner.
- (d) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.
- (e) An application fee of \$50.00 must accompany each variance application.
- (f) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.
- (g) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.
- (h) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.
- (i) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.
- (j) Variances from the provisions of this article may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this article; however, no variance can be granted for a use that is specifically prohibited by this article within the zoning district in which the property is located.
- (k) In making a determination on a variance request, the city council shall consider the following factors:
 - (1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
 - (2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
 - (3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this article.

(Code 1980, § 5-175)

Ordinance Number _____

**AN ORDINANCE TO AMEND CHAPTER 18, BUILDINGS AND
CONSTRUCTION, SECTION 18-344, VARIANCES,
OF THE PEACHTREE CITY CODE OF ORDINANCES
TO UPDATE THE PROCESS FOR SUBMITTING A VARIANCE
APPLICATION,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Chapter 18, Buildings and Construction, Section 18-344, Variances, be repealed in its entirety and amended as follows:

Sec. 18-344 Variances.

Each fence shall comply with the provisions of this ordinance, unless a written request is filed and approved to waive this requirement. All variance procedures shall be held in strict conformance with the procedures for variances as set forth in Article XII, Section 1202.2 of the city's Zoning Ordinance.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2006.

Harold Logsdon, Mayor

Attest:

City Clerk

Sec. 18-382. Variances.

- (a) The purpose of this section is to authorize variances from the terms of this article as will not be contrary to the public interest so that the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done.
- (b) An application for a variance may be submitted only by the owner of the property for which a variance is desired, or by his authorized agent.
 - (1) Variance applications shall be filed with the city planner on forms provided by the city planner.
 - (2) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.
 - (3) An application fee of \$50.00 must accompany each variance application.
 - (4) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.
 - (5) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.
 - (6) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.
 - (7) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.
 - (8) Variances from the provisions of this article may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this article.
- (c) Under no circumstances shall a variance be granted to allow a tower or antenna to be located within an established residential area.

(Ord. No. 691, § 5-189, 3-19-1998)

Ordinance Number _____

**AN ORDINANCE TO AMEND CHAPTER 18, BUILDINGS AND
CONSTRUCTION, SECTION 18-382, VARIANCES,
OF THE PEACHTREE CITY CODE OF ORDINANCES
TO UPDATE THE PROCESS FOR SUBMITTING A VARIANCE
APPLICATION FOR TELECOMMUNICATION TOWERS AND
ANTENNAS,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Chapter 18, Buildings and Construction, Section 18-382, Variances, be repealed in its entirety and amended as follows:

Sec. 18-382 Variances.

Each telecommunication tower or antenna shall comply with the provisions of this ordinance, unless a written request is filed and approved to waive this requirement. All variance procedures shall be held in strict conformance with the procedures for variances as set forth in Article XII, Section 1202.2 of the city's Zoning Ordinance. Under no circumstances shall a variance be granted to allow a tower or antenna to be located within an established residential area.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2006.

Harold Logsdon, Mayor

Attest:

City Clerk

Sec. 1302. Variance.

The purpose of this section [article] is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.

- (a) Variance applications shall be filed with the city planner on forms provided by the city planner.
- (b) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.
- (c) An application fee of \$50.00 must accompany each variance application.
- (d) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.
- (e) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.
- (f) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.
- (g) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.
- (h) Variances from the provisions of this ordinance may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the city council shall consider the following factors:

- a. Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- b. Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- c. Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance.

Ordinance Number _____

**AN ORDINANCE TO AMEND ARTICLE XIII, APPEALS AND
VARIANCES, SECTION 1302 (c), VARIANCES,
OF THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
SPECIFICALLY TO UPDATE THE APPLICATION FEE FOR
SUBMITTING A VARIANCE APPLICATION,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Article XIII, Section 1302 (c), Variances, of the Peachtree City Land Development Ordinance, be amended as follows:

Sec. 1302. Variance.

- (c) An application fee shall accompany each variance application. The fee shall be as established by the City Council under the city's Fee Schedule and as maintained by the City Clerk.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2006.

Harold Logsdon, Mayor

Attest:

City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager *Benjamin M. Miller*
Assistant City Manager *Curt*

FROM: City Planner *David*

DATE: March 9, 2006

SUBJECT: Approval to Install Banners for Tour de Georgia
March 16, 2006, City Council Agenda

Recommendation:

Staff recommends that Council authorize the installation of banners within the City right-of-way as described below for the 2006 Tour de Georgia and future Tours de Georgia if the request is for the same location, duration, and number of signs.

Discussion:

Brian Cardoza, Fayette County Development Authority Executive Director, is working with the Organizing committee for the Tour de Georgia again this year, and they have requested the installation of banners in Peachtree City along the race route. The median along Peachtree Parkway between World Airways Headquarters and the Kroger Store has been identified as the ideal location for the banners.

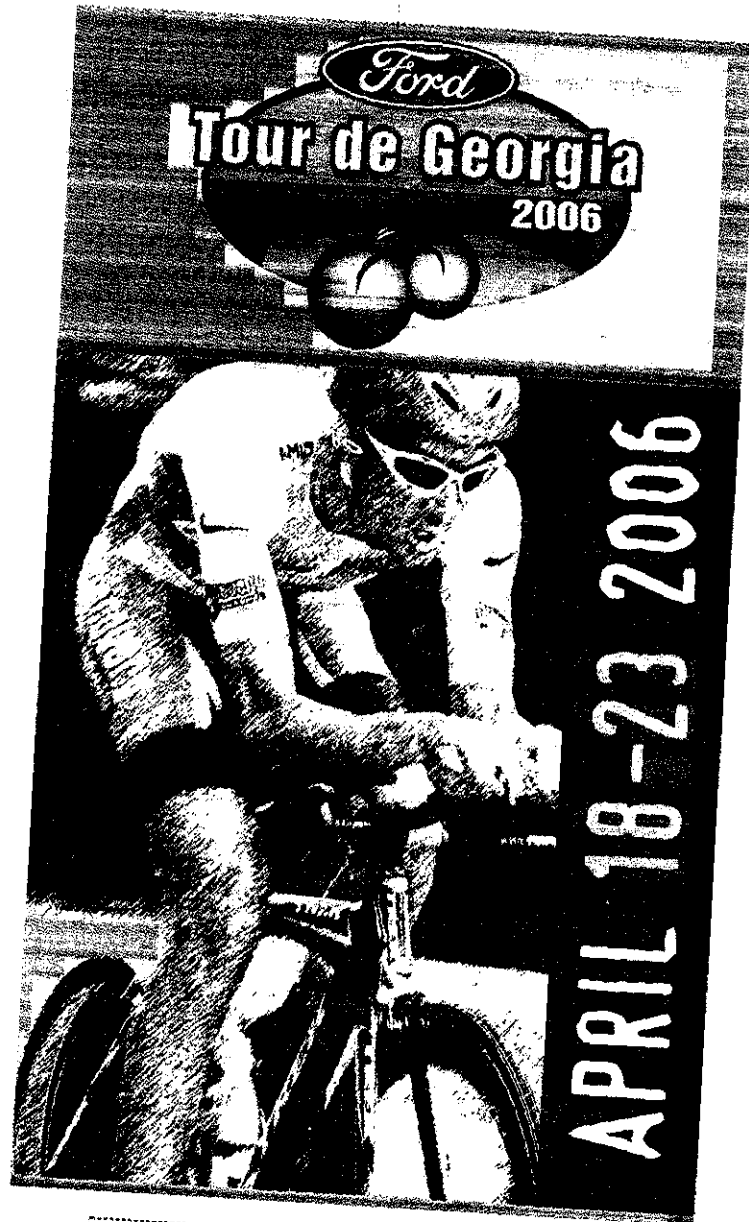
There will be a total of 10 banners, each measuring 17" wide and 45" tall, mounted on aluminum poles, with the Tour de Georgia and corporate sponsor logos. A sample of the banner is attached. Banners are scheduled to be up for a three-week period, from March 29 through the April 19 race, and they will be removed on April 20.

Council approved an identical request last year. If Council approves the request for 2006, staff recommends that authorization be granted for identical placements in future years, only requiring that modified requests return to Council for consideration.

Budget Impact:

This item has no budgetary impact.

FOLD LINE



13" x 8"
sponsor logo

FOLD LINE

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Bernard McMullen, City Manager 
Colin Halterman, Assistant City Manager 
Paul Salvatore, Financial Services Director 
Janet Camburn, Assistant Financial Services Director 
Angela Egan, Purchasing Agent 

FROM: Tom Corbett, Public Services Director 

DATE: March 9, 2006

SUBJECT: Street Resurfacing
March 16, City Council Meeting

Recommendation: Staff recommends contracting for street resurfacing services with APAC for the bid price of \$693,112.95.

Discussion: More than forty (40) vendors were mailed invitations to bid on the City Street Resurfacing project.

Two bids were received as follows:

APAC	\$693,112.95	- SPLOST funded streets - \$535,723.25
		- City funded streets - \$157,389.70
E.R. Snell	\$862,270.00	- SPLOST funded streets \$665,570.00
		- City funded streets - \$196,700.00

Budget Impact: There are sufficient SPLOST funds and City funds to cover the cost of this project.

Attachments

BID FOR CONSTRUCTION

THE ITEMS LISTED BELOW ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE GEORGIA STATE HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS FOR CONSTRUCTION OF ROADS AND BRIDGES 2001 EDITION, AND THE 1997 SUPPLEMENTAL SPECIFICATIONS BOOK AND THE SUPPLEMENTAL SPECIFICATIONS AND SPECIAL PROVISIONS INCLUDED IN THIS CONTRACT.

I. BASE BID – SPLOST FUNDED STREETS

ITEM NO.	ITEM DESCRIPTION	APPROXIMATE QUANTITIES	UNIT PRICE	TOTAL AMOUNT
402	Recycled Asphaltic Concrete 9.5 mm Superpave, Group 1 or 2, including Bituminous Materials and Hydrated Lime	3,975 Tons	<u>73.27</u>	<u>291,248.25</u>
402	Recycled Asphaltic Concrete Patching including Bituminous Materials and Hydrated Lime	100 Tons	<u>140.20</u>	<u>14,020.00</u>
400	Asphaltic Concrete Permafex, including Bituminous Materials	3,375 Tons	<u>66.00</u>	<u>222,750.00</u>
	Mill & Plane Asphaltic Concrete Pavement	500 SY	<u>15.41</u>	<u>7,705.00</u>

TOTAL BASE BID 2006 SPLOST FUNDED STREETS

\$ 535,723.25

II. BASE BID - CITY FUNDED STREETS

ITEM NO.	ITEM DESCRIPTION	APPROXIMATE QUANTITIES	UNIT PRICE	TOTAL AMOUNT
402	Recycled Asphaltic Concrete 9.5 mm Superpave, Group 1 or 2, including Bituminous Materials and Hydrated Lime	1,110 Tons	<u>73.27</u>	<u>81,329.70</u>
402	Recycled Asphaltic Concrete Patching including Bituminous Materials and Hydrated Lime	100 Tons	<u>140.20</u>	<u>14,020.00</u>
400	Asphaltic Concrete Permafex, including Bituminous Materials	940 Tons	<u>66.00</u>	<u>62,040.00</u>

TOTAL BASE BID 2006 CITY FUNDED STREETS

\$ 157,389.70

**TOTAL BASE BID 2006 STREET RESURFACING PROGRAM
(SPLOST FUNDED STREETS AND CITY FUNDED STREETS)**

\$ 693,112.95

NOTE: Contractor shall submit a bid on Base Bid I and Base Bid II.

It is understood that the quantities shown are approximate only and are subject either to increase or decrease and any increases or decreases shall be paid for at the contract unit price. In case of discrepancy between unit prices and total prices the unit prices shall be used and the totals corrected.

No bid may be withdrawn for a period of sixty (60) days after the scheduled time for receiving bids.

Attached hereto is bid bond made by LIBERTY MUTUAL INSURANCE COMPANY a

surety company qualified to do business in Georgia, payable to the City of Peachtree City, Georgia (or certified check) in the amount of five percent (5%) of the above bid, to wit:

\$ _____.

If this proposal shall be accepted by the City of Peachtree City and the undersigned shall fail to execute a satisfactory contract in the form of said proposed contract and give satisfactory performance bond and payment bond as stated in the Advertisement for Bids, Invitation to Bid and Instructions attached hereto within fifteen (15) calendar days from the date of notification of acceptance by the City, then the City may at its option determine that the undersigned has abandoned the contract and thereupon this proposal shall be null and void, and the sum stipulated in the attached bid bond (or certified check) shall be forfeited to the city as liquidated damages.

Bidder further declares that the full name and residence address of all persons and parties interested in the foregoing bid as principals are as follows:

Frank Nichols 218 Hawthood Rd Tyrone GA 30290
GARY W. FIDLER 218 Hawthood Rd Tyrone GA 30290
Frank Mearns 218 Hawthood Rd Tyrone GA 30290

Signed, sealed and dated this 16 day of February 2006.

APAC – SOUTHEAST, INC. (SEAL)

BIDDER

BY: [Signature] (SEAL)

BY: [Signature] (SEAL)

**BID PROPOSAL FOR STREETS RESURFACING PROGRAM
INVITATION BID #06 -109BPW**

STATE OF GEORGIA

COUNTY OF Fayette

BID OF: APAC - SOUTHEAST, INC.
218 ROCKWOOD ROAD
TYRONE, GA 30290

TO THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY, GEORGIA:

The undersigned, as bidder, hereby submits this bid for the

Street Resurfacing Program

according to the plans and specifications entitled NA

NA dated NA, which are made a part of this proposal. Bidder has made a personal examination of the site of the proposed work and proposes and agrees that if this proposal is accepted to provide the necessary machinery, tools, apparatus, equipment and all other means of construction, to furnish all materials, labor and all things necessary to complete the work in the manner and within the time stipulated in the plans, specifications, proposed form of contract, invitation to bid and instructions, all of which documents bidder declares he has carefully examined and same are annexed to and made a part of this bid, for the following unit prices, to-wit:

BID FOR CONSTRUCTION

THE ITEMS LISTED BELOW ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE GEORGIA STATE HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS FOR CONSTRUCTION OF ROADS AND BRIDGES 2001 EDITION, AND THE 1997 SUPPLEMENTAL SPECIFICATIONS BOOK AND THE SUPPLEMENTAL SPECIFICATIONS AND SPECIAL PROVISIONS INCLUDED IN THIS CONTRACT.

I. BASE BID - SPLOST FUNDED STREETS

ITEM NO.	ITEM DESCRIPTION	APPROXIMATE QUANTITIES	UNIT PRICE	TOTAL AMOUNT
402	Recycled Asphaltic Concrete 9.5 mm Superpave, Group 1 or 2, including Bituminous Materials and Hydrated Lime	3,975 Tons	<u>\$83²⁰</u>	<u>\$330720⁰⁰</u>
402	Recycled Asphaltic Concrete Patching including Bituminous Materials and Hydrated Lime	100 Tons	<u>\$205⁰⁰</u>	<u>\$20500⁰⁰</u>
400	Asphaltic Concrete Permafex, including Bituminous Materials	3,375 Tons	<u>\$89²⁰</u>	<u>\$301050⁰⁰</u>
	Mill & Plane Asphaltic Concrete Pavement	500 SY	<u>\$26⁶⁰</u>	<u>\$13300⁰⁰</u>
TOTAL BASE BID 2006 SPLOST FUNDED STREETS			<u>\$ 665570⁰⁰</u>	

II. BASE BID - CITY FUNDED STREETS

ITEM NO.	ITEM DESCRIPTION	APPROXIMATE QUANTITIES	UNIT PRICE	TOTAL AMOUNT
402	Recycled Asphaltic Concrete 9.5 mm Superpave, Group 1 or 2, including Bituminous Materials and Hydrated Lime	1,110 Tons	<u>\$83²⁰</u>	<u>\$92352⁰⁰</u>
402	Recycled Asphaltic Concrete Patching including Bituminous Materials and Hydrated Lime	100 Tons	<u>\$205⁰⁰</u>	<u>\$20500⁰⁰</u>
400	Asphaltic Concrete Permafex, including Bituminous Materials	940 Tons	<u>\$89²⁰</u>	<u>\$83848⁰⁰</u>
TOTAL BASE BID 2006 CITY FUNDED STREETS			<u>\$ 196700⁰⁰</u>	
TOTAL BASE BID 2006 STREET RESURFACING PROGRAM (SPLOST FUNDED STREETS AND CITY FUNDED STREETS)			<u>\$ 862270⁰⁰</u>	

NOTE: Contractor shall submit a bid on Base Bid I and Base Bid II.

It is understood that the quantities shown are approximate only and are subject either to increase or decrease and any increases or decreases shall be paid for at the contract unit price. In case of discrepancy between unit prices and total prices the unit prices shall be used and the totals corrected.

No bid may be withdrawn for a period of sixty (60) days after the scheduled time for receiving bids.

Attached hereto is bid bond made by Travelers Casualty and Surety Company of America

a
surety company qualified to do business in Georgia, payable to the City of Peachtree City, Georgia (or certified check) in the amount of five percent (5%) of the above bid, to wit:

\$ five percent (5%) of the amount of the bid

If this proposal shall be accepted by the City of Peachtree City and the undersigned shall fail to execute a satisfactory contract in the form of said proposed contract and give satisfactory performance bond and payment bond as stated in the Advertisement for Bids, Invitation to Bid and Instructions attached hereto within fifteen (15) calendar days from the date of notification of acceptance by the City, then the City may at its option determine that the undersigned has abandoned the contract and thereupon this proposal shall be null and void, and the sum stipulated in the attached bid bond (or certified check) shall be forfeited to the city as liquidated damages.

Bidder further declares that the full name and residence address of all persons and parties interested in the foregoing bid as principals are as follows:

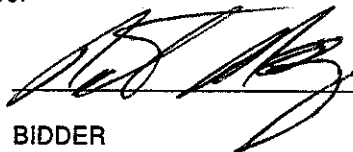
Robin J. Snell President all residents of Snellville, Ga 30078

Chris L. Snell Exec. Vice President - Treasurer

David E. Snell Corporate Secretary

James R. Camp, Jr. Vice President

Signed, sealed and dated this 16 day of Feb, 2006.

 (SEAL)
BIDDER

BY:  (SEAL)

BY:  (SEAL)

**BID PROPOSAL FOR STREETS RESURFACING PROGRAM
INVITATION BID #06 -109BPW**

STATE OF GEORGIA

COUNTY OF Gwinnett

BID OF: E.R. Snell Contractor, Inc.

2092 Scenic Highway

Snellville, Ga 30078

TO THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY, GEORGIA:

The undersigned, as bidder, hereby submits this bid for the

City Street Resurfacing Program

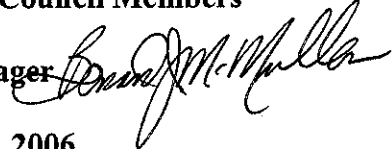
according to the plans and specifications entitled Bid # 06-109BPW

dated _____, which are made a part of this proposal. Bidder has made a personal examination of the site of the proposed work and proposes and agrees that if this proposal is accepted to provide the necessary machinery, tools, apparatus, equipment and all other means of construction, to furnish all materials, labor and all things necessary to complete the work in the manner and within the time stipulated in the plans, specifications, proposed form of contract, invitation to bid and instructions, all of which documents bidder declares he has carefully examined and same are annexed to and made a part of this bid, for the following unit prices, to-wit:

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: City Manager 

DATE: March 10, 2006

SUBJECT: Resolution opposing Senate Resolution 1040 (Inverse Condemnation)
March 16, 2006, City Council Meeting

Recommendation:

Staff recommends that Council adopt the attached resolution in opposition to Senate Resolution 1040 on Inverse Condemnation.

Discussion:

Senate Resolution 1040, currently pending in the General Assembly, calls for amending the Georgia Constitution regarding inverse condemnation. This legislation threatens local governments' abilities to enforce zoning and land use designations by redefining inverse condemnation. This is particularly harmful to a city built on principles of land planning.

Georgia Municipal Association is strongly opposed to the legislation, and a copy of their talking points is attached.

Budget Impact:

The resolution has no budgetary impact, but passage of the legislation and the Constitutional Amendment could have tremendous financial impact on the city if required to compensate property owners for the redefined "taking" of the value of their properties.

CITY OF PEACHTREE CITY
STATE OF GEORGIA

RESOLUTION NO.

A RESOLUTION TO EXPRESS OPPOSITION TO SENATE RESOLUTION 1040 PRESENTLY PENDING IN THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA, PERTAINING TO INVERSE CONDEMNATION; AND FOR OTHER PURPOSES.

WHEREAS, Senate Resolution 1040 is presently pending in the General Assembly of the State of Georgia; and

WHEREAS, Senate Resolution 1040 would call for a referendum of the voters of this state to decide whether to amend the Constitution of the State of Georgia of 1983 so as to authorize the General Assembly to provide, by general law, for additional methods for the payment of just and adequate compensation with respect to the taking of private property which results from unreasonably burdensome governmental actions, and would further authorize the General Assembly to define the scope of actions which shall constitute a taking for such purposes; and

WHEREAS, the United States Supreme Court and the Georgia Supreme Court have established what constitutes a "taking" under the Federal and State Constitutions, thereby establishing the parameters of a claim for inverse condemnation; and

WHEREAS, both the United States Supreme Court and the Georgia Supreme Court have emphasized the "public use" requirement in inverse condemnation cases, thereby distinguishing other zoning or similar restrictions on the use of private property from those instances wherein private property is required to be used for the benefit of the public; and

WHEREAS, re-defining what constitutes a claim for inverse condemnation will negatively impact a local government's ability to impose buffer requirements on developers and property owners, and may further impact zoning, land development, environmental, and similar regulations to the detriment of the citizens of the State of Georgia; and

WHEREAS, "unreasonable governmental actions" could include such local regulations such as zoning and land development ordinances, stream and watershed protection ordinances, and other environmental regulations;

WHEREAS, allowing such inverse condemnation claims will result in increased costs to such entities so as to defend such claims to the detriment of the citizens of the State of Georgia; and

WHEREAS, it is apparent that Senate Resolution 1040 is intended by its sponsors solely to benefit the developers and development community of the State of Georgia and not the average property owner of the State of Georgia in that buffers are typically established and implemented during the development phase.

THEREFORE, BE IT RESOLVED that the members of the Peachtree City Council do hereby encourage and support the members of the General Assembly to oppose Senate Resolution 1040.

IT IS SO RESOLVED, this _____ day of March, 2006.

ATTEST:

Jane Miller, City Clerk

Harold Logsdon, Mayor

Talking Points
"Inverse Condemnation"
a.k.a. the *There Goes the Neighborhood Act of 2006*

Senate Resolution 1040

There goes the neighborhood. The Senate Judiciary Committee has passed a proposed amendment to the Georgia Constitution, Senate Resolution 1040. If enacted, this would result in requiring local governments to either drastically raise taxes in order to pay property owners for obeying the law or simply give up on enforcing community supported land use rules. Supporters of this proposal believe that existing legal remedies available to property owners are not enough. They think the law should be expanded to require local governments to pay individuals whenever they can't do whatever they want with their property - despite the impact on their neighbors.

How would this work exactly? Many communities have enacted land use ordinances and zoning to prevent the overabundance of uses that bring down property values and cause public nuisances. The newly created City of Sandy Springs, for example, has enacted regulations for nude dance clubs. Most such ordinances dictate the location of these enterprises in order to minimize the negative effects of crime. If the proponents of SR 1040 have their way, local governments will not be able to stop porn shop owners and liquor store operators from locating in neighborhoods without paying them huge sums. Ultimately it will be the local taxpayer who bears the cost to provide that compensation.

The impact on the environment would be disastrous. Currently, local rules provide for buffers between water sources and dangerous polluting industries, and require that developers leave a certain number of trees in place to help prevent dangerous runoff. Once the supporters of SR 1040 have their way, local taxpayers will be paying industry not to contaminate their drinking water.

The negative effect on our neighborhoods would be swift and severe. Currently, local laws allow various uses for property depending on their appropriateness in different areas. For example, your neighbor may wish to open up a 24 hour fast food drive-through restaurant, or even a crematorium in the middle of your residential neighborhood, but zoning laws typically don't allow that because of the negative impact on your property value and the neighborhood. If the backers of SR 1040 get their way, the local government would have to allow the use or pay them for the difference in value between their house and the commercial use they wanted. Again, at taxpayer expense.

The ramifications of this proposal reach far and wide. Both state and local laws require minimum distances between bars and schools or churches. If this proposal is successful, local taxpayers will be paying the bar owners not to be next door to schools and churches. This poorly thought-out legislation would spell the end of sign ordinances, tree buffers, greenspace requirements, historic preservation, and set-back requirements.

For most Georgians, their home is the biggest investment they will ever make. They want to see those investments protected, along with the health of the communities in which they are located. All rights come with responsibilities. Until now that has meant property owners must respect the impact their use has on their neighbors. Anyone that still believes they should have a say in how their neighborhood is protected should urge their State Senator to oppose SR 1040.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council Members

VIA: City Manager *Benny McMillan*
Financial Services Director *R.S.*
Purchasing Agent *W*
Interim Developmental Services Director

FROM: City Engineer *Davis*

DATE: March 8, 2006

SUBJECT: Professional Engineering and Consulting Services – Annual Contract
March 16, 2006 City Council Agenda

Recommendation:

Staff recommends that City Council award a nine-month contract through December 31, 2006 to United Consulting, with two (2) one-year automatic renewals, for professional engineering and consulting services as related to materials and construction testing, geotechnical engineering and testing services, and environmental engineering services. The contract will be issued for an annual not to exceed amount of \$30,000 and in a form acceptable to the City Attorney.

Discussion:

The City solicited letters of interest and Statements of Qualifications (SOQ) from 42 firms, with three firms responding. Of the three, two appeared to be better qualified to meet the specific needs of the City. The two short-listed firms were United Consulting and Wilmer Engineering. Both firms exhibited strengths in materials and geotechnical testing as well as in environmental compliance support. Staff requested a list of unit prices for all services from each firm to assist in the evaluation process. After reviewing the cost of services that the City uses on a regular basis, United Consulting was less expensive or equal in costs of Wilmer Engineering.

It was clear that both firms had high marks with regard to experience, quality, responsiveness, and costs. However, staff felt that because of their experience, service, and value to the City over the last 13 years, United Consulting would be the best choice. United Consulting has proven to be trustworthy and prompt, and they have always provided the City with the highest quality results.

Budget Impact:

Varied dependent on requested service

cc: City Engineer's File