

City Council of Peachtree City
Agenda
February 20, 2003
7:00 p.m.

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
Recognize Employee of the Month – Ricky Howard
Proclamation for Don Smith
- III. Minutes
January 23, 2003 Special Called Meeting
February 6, 2003 Regular Meeting
- IV. Consent Agenda
 - 1. Consider Contract for Wrecker Service
 - 2. Adopt STWP/CIE
 - 3. Consider Amendment to Watering Ban Resolution
 - 4. Consider Authorizing Tax Commissioner to Refund Overpayments of City Property Tax
- V. Old Agenda Items
 - 12-02-07 Public Hearing – Rezoning of Numerous Parcels of Property (Land Use Plan Update) for four sites in Industrial Park area
- VI. New Agenda Items
 - 02-03-05 Alcoholic Beverage License – NEW – Peachtree Bottle Shop
 - 02-03-06 Alcoholic Beverage License – NEW – Buckhead Brewery & Grill, Inc.
 - 02-03-07 Consider Stormwater Notice of Intent
- VII. Council/Staff Topics
- VII. Executive Session

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

City of Peachtree City
Minutes of Special Called Meeting
January 23, 2003
6:00 p.m.

The City Council of Peachtree City met in a special called meeting on Thursday, January 23, 2003, 6:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Old Agenda Items

01-03-05 Approve Draft Legislation Creating a Recreation Authority

Brown moved to approve the bill to be entitled as an act that was dated 01/21/ 2003, 6 p.m. He exempted the following language in the document in his motion under Section 4(1)(a) delete the words "to be selected by said authority;" under Section 4(1)(d) delete the words "to be selected by said board;" and under Section 4(1) (e) delete "to be selected by said board."

McMenamin said she would not accept the legislation with those changes.

Tennant seconded the motion for discussion. He asked Brown to clarify his changes. Brown said that, as part of the compromise solution they had, the Council Members were in agreement that they would allow a transition to take place with some Development Authority members serving on the new authority. Initially, Brown thought three-year terms were a bit long for the Development Authority members. After discussing the matter with other Council Members, Brown felt the three-year terms would be acceptable if Council selected the people from the Development Authority and the boards. McMenamin asked Brown if two other Council Members had already agreed to this and Brown said he had spoken with Council Member Weed.

Weed said the legislation came out of an effort to compromise with the Development Authority and the only other alternative might have been litigation either sponsored by a member of the public or Council. He continued that the subcommittee never discussed who would put the appointees forward. He did not feel it was appropriate for Council to limit itself to appointees pre-selected by the Development Authority. In order to meet a middle ground and to give the Mayor a comfort level, Weed said Council had the option to appoint the members of the authority. He said that was how it was done with the other authorities and it was appropriate for this one, too.

McMenamin said she spoke to Doug Warner and was told it was the consensus of the committee that the appointments be as stated in the document. McMenamin continued that the Recreation Commission and Development Authority were bodies appointed by Council. Two of the Development Authority members were selected and endorsed by the Mayor. The Development Authority had forwarded the names of the members they would like to see serve on the new authority and they were not part of the old establishment that had raised concerns. By not letting the Development Authority select their nominees to the new authority, Council was saying it doubted the authority's ability to select the best person to

serve on the new authority. She said it was time to delegate and show respect to the integrity of the boards and commissions. The volunteers were already in place.

Weed asked McMenamin if the Development Authority had already met and put forward two nominees. McMenamin said she talked with Bob Brooks, who said the Authority was forwarding its nominations.

Tennant noted the idea was to create a new authority so the City could figure out a legal way to pay the debt. The purpose was to take the politics out of it. Tennant suggested a compromise. He continued that if the goal was to have Council appoint the board, then have each authority or advisory board nominate their choices to be confirmed by Council. He said that would let the authorities and boards say which person was best for the job and allowed Council to vote yes or no.

Brown said he was looking for people who had the necessary skills to get things going. These were City facilities and he wanted the City to make the final decision. Tennant said his proposal allowed Council to have the ultimate say as to who was on the authority. Weed agreed that would be a dramatic and important change to the language. Tennant suggested the following amendment – members would be nominated by said authority and confirmed by Council, as Council deemed appropriate. McMenamin seconded the amendment. Weed asked if the amendment would cover the advisory boards as well. Tennant said it would be for all membership, Part (1)(a), (1)(d), and (1)(e), as related to the Development Authority, the Tennis Center Advisory Board, and the Amphitheater Advisory Board. Tennant amended the motion to reflect the change. McMenamin seconded the amendment. The motion carried 4-0-1 (Rapson).

McMenamin said that Lynn Westmoreland wanted it noted that he represented around 10,000 of the City's residents. Westmoreland wanted Council to discuss how to present the legislation to the delegation. McMenamin noted that Kathy Chamberlin, former chairman of the Fayette County Republican Party, understood the process and asked Chamberlin to explain it.

Kathy Chamberlin explained that Fayette County had eight representatives and two senators, and Virgil Fludd was the only member that lived in Fayette County. The 10-member delegation elected Fludd as chair of the delegation. The normal procedure was for Fludd to take the proposed legislation to the delegation and the delegation would decide who was best to present the legislation to the General Assembly.

City Attorney Ted Meeker noted that the legal ad must include the name of the legislator who would present the legislation. Chamberlin suggested someone speak to Fludd, so he could go ahead and discuss the matter with the delegation.

Tennant asked if it was too late to change the name. He felt with the Recreation Commission and Recreation Department that Recreation Authority would be too confusing. He suggested the name Recreation and Entertainment Authority. He moved to reconsider under Section 2-

36 to name the new authority the Recreation and Entertainment Authority. McMenamin seconded. The motion carried 4-0-1 (Rapson).

01-03-08 Discuss/Consider Funding for TDK Boulevard Extension

Brown said he spoke with Fayette County Commission Chairman Greg Dunn and that the details of the intergovernmental agreement between the City and the County had not been worked out. The Commissioners were not ready to vote and the matter should be resolved by the next Council meeting on February 6.

Tennant said Dunn had also called him and that the spirit of the agreement was done, but now it needed the lawyering. There were just a few tweaks and he was confident the City Attorney and County Attorney would work things out. Brown said both sides essentially ran out of time.

McMenamin noted that Coweta County Commissioner Vernon Hunter was attending the Fayette County Commission meeting that night as a show of support. The County Commission would vote on the resolution during this meeting.

Brown moved to table the agenda item until the February 6 meeting. Rapson seconded. The motion carried unanimously.

New Agenda Items

01-03-09 Discussion on Response to Public Comments Made by an Ex-elected Official

Brown said he placed this item on the agenda. After discussion with various Council Members, Brown said it was the consensus that, in the future, a public response should say it was from the Mayor, Council Member Rapson, the Interim City Manager, the Finance Director, or whoever wrote the response. Brown said Council Member Tennant wrote in a letter that it was inappropriate for Council to respond to any Letter to the Editor. Brown disagreed. When a former elected official accused the City of financial mismanagement, Brown said he had to respond. He continued that the City's finance director took an oath under a code of ethics to protect the integrity of the material and the budget.

McMenamin said she did not mind if the Mayor did his own press releases, but when the story said the "City felt compelled," it came across as a public statement being made by Council and that was not the case. She did not remember Council responding to Letters to the Editor before and, in the future, she expected the Mayor to speak for himself, not Council. A clarification article might have been done in the "Update" or in an editorial.

Tennant told Brown he also felt it was inappropriate for the City to respond to Letters to the Editor. He agreed with McMenamin and pointed out the press release was written in response to a Letter to the Editor by former Mayor Bob Lenox. Tennant acknowledged he had his ups and downs with Lenox, but it made no difference who wrote the letter or what the content was. There was no circumstance that was appropriate for a City to respond in an official capacity to anybody's letter to the editor.

Tennant apologized to Rapson for implying that he was involved in crafting a "secret" press release. He believed Rapson simply gave data and information at the request of the Mayor and assumed the other Council Members would be consulted.

Tennant continued that he had two problems. One was the fundamental and dangerous issue of responding to a Letter to the Editor. He said that it was not the role of government. Also, the majority of Council had no idea the information was sent to the newspapers. The City was an entity that did not have feelings and the Mayor assigned human traits to the City. Tennant said it was not his intent for his letter to the Mayor to be published in the newspaper. His intent was to send the letter to Council to make sure it did not happen again. Tennant said it was disheartening to him that the Mayor felt it was all right to respond to a letter depending on who the person was. Tennant explained that if the newspaper called the Mayor and asked for a response, that it was fine for the Mayor to answer. The Mayor should not put out a press release on City letterhead that appeared to be from the entire Council and stating it was an official position.

Brown noted that if a person with a major role in the City's budgets for 10 years gave statements, which were false, then it was not fine to say nothing about it. Tennant said Brown just had to pick up the phone and talk to the newspapers.

McMenamin said she and former Mayor Bob Lenox disagreed on issues, but if he wrote it he believed it and he was entitled to a viewpoint. McMenamin said the members of Council might have a difference of opinion.

Weed told the Mayor that he did not need him to defend anything Weed had done. He said he had always treated the Mayor with the utmost respect and he asked the Mayor not to defend his actions, or the actions of the City, any further. He did not think the former Mayor's views were accurate in this case, but that was irrelevant.

Rapson noted that the letter referred to Council, which specifically referred to him. He continued that he could tolerate a disagreement in philosophy, but would not accept false, or misleading, information put out to the general public. He said it was appropriate to correct misstatements as long as it was done professionally and respectfully in a factual manner. He said he was not going to apologize for being truthful, but Council should never be blindsided. He quoted Senator George Norris, who summed it up best, "to sin by silence when we should protest makes cowards out of men." If someone said something false, then you should stand up and say so. He expected that from City staff and said the citizens expected that from him. If the concern was the process, Rapson said he saw the other Council Members' viewpoint. If the concern was intent, he did not see the point.

McMenamin recalled the procedure used in the past. Everything went through the City Manager and the press releases usually responded to articles or were corrections. She said the procedure was missing in this case.

Rapson agreed there was some merit to that argument. He said all he saw were bullet points and he told the Mayor they were factual. He had no idea the Mayor was not talking to the other Council Members. Rapson added that for all he knew the Mayor had been writing a Letter to the Editor. Rapson felt an appropriate way to deal with such issues was to address them in during Council/Staff Topics at meetings.

Weed said it was appropriate to get together and vote, but before any member of the body put Murray Weed's name, as a member of the governing authority of the city, on anything, he wanted an opportunity to vote.

Brown noted that what was supposed to happen was the release would go to the Public Information Officer who could copy it to all members of Council. The Public Information Officer was attending a class that day and another staff member sent the press release to the newspapers and did not copy Council, unbeknownst to him or anyone else. Brown said he took full responsibility.

Tennant said that was another of his concerns. City employees were engaged in political purposes and used taxpayer-funded time to respond to a Letter to the Editor, at the Mayor's direction. Brown said he asked staff to research and see if the items in the letter were true.

Weed recommended that Council form a subcommittee to look into the matter if the members were not satisfied with the Mayor's answer. There could be a City Administrative Regulation (CAR) or an ordinance to address the matter. He did not think further good would come from more discussion. He said Council agreed it would not happen again and wanted to get back to the people's business.

Tennant moved to allow Bob Lenox to make comments. Rapson seconded. The motion carried 4-1 (Weed).

Lenox addressed Council and agreed with Brown that he had managed the budget of the City for 10 years. He pointed out that Rapson had complimented him on many occasions and said he was the only person who could keep up with him when talking about numbers. He said there was a difference between budgeting and financial planning. Lenox wrote that in the summer of 2001 the City Council completed a line of credit in a borrowing arrangement. In actuality, the arrangement began as part of the budgeting process that began in August, was approved in November, and was signed in December. When the agreement was signed, it consisted of two things – the Bricks & Mortar program for between \$4 million and \$5 million and a lease-purchase financing arrangement that was a further credit instrument available to the City for about \$1 million. The \$4 million was assigned to the projects in the Public Improvement Program (PIP). The \$1 million was similar to a home equity line of credit for emergencies. Nothing was done publicly, but, in conjunction with senior managers who were no longer with the City, the money was set in reserve for roads.

Lenox said he did not tell any lies. The money could have been used for anything, but in his mind it was reserved for road needs. He said he was a good financial planner and he always

made sure the City had the money it needed for critical projects. The \$1 million was tucked away and could be used for anything, but was reserved for road needs.

Lenox read a bullet point in the press release regarding the Wynnmeade land purchase, which said the purchase was discussed in executive session and approved in a public meeting. Lenox said the land was purchased during the executive session on May 16. He read an excerpt from the May 16 executive session minutes. The public learned of the purchase during the June 6 meeting and Lenox read a portion of the June 6 minutes.

Lenox went over the reasons put forth at the June 6 meeting for the land purchase. Lenox pointed out the five acres of land was zoned R-1 (an old residential zoning category) and had been zoned that way been for 30 years. Brown said the parcels were land planned for commercial and the City would not have survived a lawsuit. Lenox said the east side parcel was recommended for Limited Use Commercial and could only be used for a bank or day care. The west side parcel was land planned for residential. The way to stop the land from being commercial was to not zone it commercial.

Lenox asked if an environmental assessment for the phase one survey had been done on the property. Brown said he would have to look it up. Lenox continued that one had not been done and the City did not know if the property could be used for a tot lot or not, since it was not known if the property was contaminated since it was downhill from a gas station and the highway. He asked who did the design and engineering for the golf cart bridge. Brown said it was pending. Rapson added it was part of the LCI plan. Lenox asked who owned the land across the road. Brown said a physician owned the parcel, but they were going to hook into City-owned property. Rapson said they understood the bridge could be put on the City-owned property across the highway.

Rapson said the line of credit was actually for \$7 million. Council immediately took \$4.5 million for facilities and \$3 million for the line of credit. He said there was no \$2 million road contingency in the plan. Lenox accepted that. Rapson said he attended all the meetings and there was never any discussion. The line of credit had been fully committed to the bank for equipment, such as fire engines and police vehicles. He said the vote on the purchase of the Wynnmeade property was unanimous. He felt this Council would be known for this land purchase much as Lenox was known for the Drake Field purchase. Lenox pointed out that when the City took the grant money for the bridge they committed to federal design requirements for the bridge. The requirements for the Highway 74 bridge were the roadbed had to be 12 feet wide and the slope of the approach ramps had to be 6% (six percent). DOT also required certain right-of-way clearances. Lenox said Wynnmeade property (350 feet wide) was too narrow for the bridge access, which had to be 400 feet long. Lenox said he supported the LCI plan, but was genuinely concerned that the land was not useable for this purpose.

Rapson pointed out that Bricks & Mortar money could not be used to build roads. He said it was misleading to say that money could have been taken and used for something else. The City was caught between 9-11 and increasing pension and insurance costs and Council

reacted to the situation. Rapson said the intent of the purchase was to complete the LCI plan. McMenamin agreed with Rapson and said she would much rather Lenox had come to Council and talked to them. Rapson would rather take care of it during a public meeting. Lenox said if the public were regularly allowed to speak at Council meetings he would have done so. Rapson said there would never be another meeting where someone who wanted to talk was not allowed to talk. Lenox said intelligent discourse was the best way to achieve anything and that everyone was concerned about the best interests of the City.

Margie Swart addressed Council regarding a problem with the Police Department. She noted that a letter she wrote was printed as a Letter to the Editor when the letter was not intended for that purpose. She asked Council to pay as much attention to her letter and to hold a meeting to listen to citizens' concerns about the Police Department. The City had a very fine police department, but there were problems within it.

McMenamin noted that Swart was the only person to make such an allegation against the Police Department. She said the Department had to go through extreme investigation to be accredited. McMenamin was outraged that Swart accused a police officer of lying in court. Swart said she sent the letter to Council a few weeks ago and was outraged no one had responded to her. McMenamin reminded Swart she was still involved in a court situation and that it was inappropriate for Council to respond to her comments. McMenamin also stated that, despite Swart's assertions in her letter, McMenamin did not consider the offense in question to be "minor."

Kathy Chamberlin spoke regarding a recent statement in the newspapers made by the Mayor. The Mayor was quoted in an article on January 17 as saying "the Fayette County Chamber of Commerce is a private organization and a special interest group which did not represent the this City at all." Chamberlin said she had been active in the Chamber of Commerce for many years. She said her company would not join a private, special interest group. Some of the Chamber's members might be private, special interest groups, such as the Fayette County Republican Party; however, the Chamber was a business-oriented group and one of her company's voices in the County. She continued that 654 members of the Chamber of Commerce were physically located in Fayette County. Peachtree City businesses made up 38% of the businesses located in the County, or over 280 businesses, including the City. The number of employees employed by Peachtree City businesses who were Chamber members was over 9,500. She said she did not have the time to research how many tax dollars were paid by those 280 businesses and she did not know how many of the 9,500 employees were City residents and taxpayers. She said the Mayor's comment was out of line and that he had forgotten the City was a part of Fayette County and a member of the Chamber. The Chamber of Commerce represented all of the cities in the County and most especially 280 businesses/Chamber members in the City. Chamberlin said the Mayor owed the Chamber, and most especially the 280 businesses in the City, an apology.

Brown asked Chamberlin if the Chamber were a private organization. She said yes. He asked if the Chamber specifically addressed the needs of businesses. She said yes. Brown said in his definition that was a special interest group for businesses. He continued that the

AARP was a special interest group for senior citizens, but he did not want to let them or the Chamber of Commerce chose new members for an authority to operate the Tennis Center and Amphitheater. He said the City needed to decide what happened.

Ron Small thanked Council for allowing Lenox to speak. He said it was a fruitful forum and that he would rather not see things in the paper.

Bill King asked for more clarity on the authorities. King said he had followed the stories in the newspaper, but was very confused by what was going on. He said the flaw with man-made laws were they were not absolute and open to interpretation. King continued there was a higher standard than man-made law that revolved around right and wrong and good and evil. He said he never saw anybody doing anything evil or not right. The implication was that the Development Authority members had ulterior motives or were not of good character. He asked Council to be clear about why there was infighting and to have a higher goal than statutes. King said the job that was done was outstanding and before Council implied, or confused, the issue Council needed to be clear about what was going on.

Tennant agreed with King that a lot of people, with honorable intentions and hard work, had come before them who worked hard to make the City what it was today. The legal opinion forced the situation and Council was trying to make the best of a bad situation.

01-03-10 Discuss Status of City Manager Appointment

Tennant told Council that his ulterior motive was to light a fire under the Council. He continued the City had been without a permanent City Manager for nearly five months. He thanked Interim City Manager Colin Halterman for doing an outstanding job, but said there needed to be a City Manager. The Council had agreed to filter through the applications and come up with a top 10 list. The longer Council waited the more likely the top candidates would not be there. He encouraged the other Council Members to get their lists to Halterman so the process could continue.

McMenamin spoke to other agencies who had done the same thing, including the City's Water and Sewerage Authority, and all agreed the best way to do it was to come up with a top 10 list, then give the lists to Human Resources. Human Resources would then compile the data and come up with a list of five candidates, or three candidates. A day of interviews should be set up. A room should be set-aside with possibly two Council Members at a time who would personally interview each individual. There would be a grading system and the grades would be turned over to Human Resources. The numbers would come back to Council. McMenamin said it was strange, but it was unusual not to select the same people.

Council agreed that the lists would be turned into Halterman by February 6.

Jack Finn addressed Council and noted that everyone always thought former City Manager Jim Basinger ran a tight ship and a strong organization. He noted that Council had not renewed Basinger's contract. He said this was not a Mayor-Council-run City government,

but was supposed to be a City Manager-run government. He questioned why Council did not stay with a good thing when they had it.

There being no further business to discuss, McMenamin moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 7:55 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

**City of Peachtree City
Minutes of Meeting
February 6, 2003
7:00 p.m.**

The City Council of Peachtree City met on Thursday, February 6, 2003, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, and Murray Weed. Dan Tennant was out of town

Announcements, Awards, Special Recognition

Mayor Brown recognized Robert Huefner, a senior at McIntosh High School, as the winner of the Wendy's High School Heisman Trophy. Mary Haas was recognized as the Supervisor of the Quarter. Scott McCord, Brenda Rogers, and Betsy Tyler were recognized as the first employees in the City's history to complete and receive certification from the Management Development Program sponsored by the Atlanta Regional Commission.

Minutes

Weed moved to approve the January 16, 2003, minutes as written. McMenamin seconded. The motion carried unanimously.

Brown noted that the Council Retreat would be held March 7-8 at the Wyndham Peachtree Conference Center.

Consent Agenda

- 1. Consider Amendment to Alcohol License**
- 2. Alcoholic Beverage License – Addition of Distilled Spirits – Hub's Birds and Brews**
- 3. Consider Approval of Amended CAR 3-8**

Brown moved to take Consent Agenda Item #3 off the Consent Agenda. Rapson seconded. The motion carried unanimously.

McMenamin asked Chief Murray if he was satisfied with the proposed amendment to the alcohol license ordinance and if the changes would help him with the process. Chief Murray said yes. Rapson added the changes also allowed the City to recoup some of its expenses when an applicant had an unsatisfactory background search.

Rapson moved to approve Consent Agenda Items #1 and #2. McMenamin seconded. The motion carried unanimously.

3. Consider Approval of Amended CAR 3-8

Brown said there was much discussion on this and staff had suggested the possibility of adding the item to the Retreat agenda to allow for more discussion. Brown moved to continue this item to the Retreat (March 7-8) agenda. Weed seconded. The motion carried unanimously.

Old Agenda Items

04-02-07 Great Georgia Airshow Budget Recommendations

Brown noted this would be one of the items discussed at Retreat in relation to CAR 3-8. He said the memo from Airshow Director Jerry Cobb that was on the dais provided more information that had been requested by Council.

Cobb thanked the public for their support and read some of the information included in his memo for the public. The airshow organizers spent more than \$138,000 in the surrounding area to produce the airshow. The inclement weather shut the show down on Saturday and part of Sunday. The weather severely affected the revenue from tickets and drink sales, as well as the money raised by the local civic organizations. He thanked the City for its support and said the Police and Fire Department's help was immeasurable especially given the events. He added there would be no rain next year.

Brown asked, historically, how many tickets were usually sold prior to the event. Cobb said the ticket sales were way down because the public knew the storm was coming. The ticket sales were budgeted at \$90,000 on-site and \$55,000 off-site. As a result of the weather, \$24,000 was sold on-site and \$26,000 off-site. Traditionally, more were sold off-site and the biggest sales were the Thursday and Friday before the show. The net loss for the show was \$7,800.

12-02-07 Public Hearing – Rezoning of Numerous Parcels of Property (Land Use Plan Update) for four sites in the Industrial Park

City Planner David Rast addressed Council. He identified the four remaining parcels as the Lake McIntosh dam and spillway, the Lake McIntosh nature area, the Planterra golf course, and the Planterra golf course clubhouse. Rast said the parcels had hundreds of property owners that had to be notified, most by certified mail. He said there was not the time, nor the staff, to do the notification as specified by City ordinance. The cost of the certified mailings alone was enormous. Staff recommended sending the rezonings back to the Planning Commission and that the Planning Commission withdraw the requests to rezone the parcels from Industrial to Open Space.

Brown said he was alarmed that the golf course had been left industrially zoned. Rapson asked if all the parcels were Industrial. Rast said Patten Seed Company owned the Planterra property and the County owned Lake McIntosh. Rast continued, stating that the tax maps showed the contiguous property owners and the owners within 200 feet. It would be an enormous task to do the notifications.

Brown asked if state law mandated that adjoining property owners be notified by certified mail. City Clerk Jane Miller noted that the certified letters were required by City ordinance. Brown asked if, due to the expense, the procedure could be changed for these rezonings because of the circumstances. City Attorney Ted Meeker said if a procedure was in the ordinance then it should be applied across the board. He added that it set a dangerous precedent to pull one rezoning out and change the procedure.

Rast noted that several years ago there was a mass rezoning in Kedron Village, but the property had not been developed. He continued that was how some of the villages were rezoned for land sections based on the old maps. There was just a notification in the paper because there were not any adjoining property owners.

Rast said one of the reasons the Planning Commission looked at the golf course was because the others were zoned Open Space and they wanted Planterra to be consistent. McMenamin suggested the Planterra golf course might have been left industrially zoned as a support for the Industrial Park. She pointed out that restaurants and other commercial entities would be allowed in the area as a support and incentives for the Industrial Park. Rast said the golf course and the Lake McIntosh property had been industrially zoned for years. Rast said the rezonings were really more of a housekeeping issue and staff supported asking the Planning Commission to withdraw the request for rezoning the parcels. The rezonings would not come back to Council if the Planning Commission withdrew the request.

Rapson moved to continue the rezonings until the next meeting. Weed seconded. The motion carried unanimously.

**01-03-05 Approve Draft Legislation Creating a Recreation Authority
Consider Recreation and Entertainment Authority Resolution**

Meeker told Council that when Council changed Section 4 at the January 23 meeting he did not realize it would result to a change in Section 6, regarding vacancies that occur in the original appointments. Council also needed to consider the actual resolution, which would be forwarded to the Fayette County legislative delegation with the legislation.

Weed moved to approve the draft of the bill in the council books with the date 01/20/03 on it that would essentially create a Recreation and Entertainment Authority. Brown seconded.

Kathy Chamberlin addressed Council and explained the process the Fayette County delegation followed for local legislation. During the Chamber of Commerce's December Legislative Action Committee meeting, which was attended by members of the Fayette County delegation, Senator Mitch Seabaugh and Representative Virgil Fludd said such bills would need 100% support from Council. She pointed out that 100% of Council was not present at the meeting. Brown said he was told the number had changed when the delegation convened to go over the delegation rules. Chamberlin said she met with the delegation the day before (February 5) and they wanted to see at least 85% approval, but preferred 100% approval. She continued that with Tennant's absence and one abstention (Rapson) there would not be even an 80% vote. Brown said that was not his understanding and Meeker said he did not know anything about the approval rate required by the delegation. Chamberlin recommended Council table the matter to another meeting or until Council received clarification from the Fayette delegation.

McMenamin said a member of the Fayette delegation told her the legislation would not move forward if there were any concerns or controversy. Chamberlin said that would be good and pointed out a legal notice was run regarding the authority that was not approved the by

legislator whose name appeared on the ad. Chamberlin continued that Council had not voted on whether or not to go forward with the legislation at that time. Brown asked how many days were left in the session. Chamberlin said the legislative session ran through mid-March and they had gone through about 13 days so far and were currently in recess. McMenamin continued that Council could hold a special called meeting after speaking to the legislators and after Tennant returned to the City. Chamberlin felt the delegation would look at the legislation with more approval if the full Council were in session when the vote was taken.

Weed said he knew Tennant would not vote against the proposed authority and that Tennant had been instrumental in the legislation. He added that the subcommittee and the Development Authority made Olympic-type efforts to get the legislation to move forward. If there had to be a special called meeting, Weed said to schedule it. He withdrew his motion.

Brown moved to continue the matter to the next regular meeting or special called meeting, whichever occurred first. Weed seconded. The motion carried 3-0-1 (Rapson).

01-03-08 Discuss/Consider Funding for TDK Boulevard Extension

Brown noted that the County Commission approved the intergovernmental agreement with no changes at its meeting on February 5. The vote was 4-0.

Rapson said his only issue was the County and City further agreeing that any funds that might be kicked back would be reallocated to the County portion of the contract. Rapson said he did not feel that was the fair way to do it, but supported it in the spirit of compromise.

Weed agreed with Rapson and said that he had pointed it out to the City Attorney after the first draft. Weed continued that the Mayor and Tennant had worked hard on the agreement and he did not want to hold it up.

Brown said, from the City's perspective, they had discussed whether they wanted to limit the total amount of funds or take a chance on possibly having to pay more. They decided it was better to lock in a figure the City would be liable for under these circumstances, especially with the money coming out of the Council Contingency fund. Brown explained to the public that there was still seven months left in the fiscal year and, after taking out the funding for the first payment, there would only be \$27,000 left in Council Contingency, which was extremely low at this point in the fiscal year.

Rapson said Senator Seabaugh called him and still wanted a list of Council priorities. Rapson stated that the Council Members needed to get their lists to Interim City Manager Colin Halterman in the next week or two. Seabaugh had also said Highway 74 South was a high priority for him and he was working as hard on that project as he was on TDK. Rapson said he was in favor of that.

Weed said he had the same conversation with Seabaugh and he also agreed that Highway 74 South was a priority.

Rapson moved to approve the funding and the contract for TDK Boulevard with \$120,000 coming from Council Contingency and with the stipulation that \$50,000 be allocated in next year's budget for this purpose, including \$20,000 of additional engineering services to complete the City's portion of the bid package. Financial Services Director Paul Salvatore said there was also another \$50,000 from PIP Contingency. Rapson said yes and the total was \$170,000. Weed seconded.

McMenamin said Tennant called her from the airport and said he was totally in support of the TDK Extension and appreciated the opportunity to work with Seabaugh and the County. He looked forward to completion of the road. McMenamin echoed Tennant's comments.

The motion carried unanimously.

New Agenda Items

02-03-01 Alcoholic Beverage License – NEW – Ribs Inc.

The applicant, Edith Hood, addressed Council. McMenamin said the paperwork appeared to be in order and moved to approve Edith Hood as the Licensee and License Representative for Ribs Inc. Weed seconded. The motion carried unanimously.

02-03-02 Alcoholic Beverage License – NEW – Deli Delicious (Amphitheater)

The applicants, Lorraine and Andy Stasko, addressed Council. Rapson asked the City Attorney if he should abstain from the vote since the application was for the Frederick Brown, Jr. Amphitheater. Meeker answered yes.

McMenamin noted the paperwork was in order and moved to approve Lorraine Stasko as the Licensee and Andrew Stasko as the License Representative for the alcoholic beverage license at the Amphitheater only. Weed seconded. The motion carried 3-0-1 (Rapson).

02-03-03 Fayette County Chamber of Commerce – Discuss Business Conditions in Fayette County

Brown noted that the presenter was unable to attend this meeting and the presentation was rescheduled for the February 20 meeting.

02-03-04 Consider Amendment to Chapter 78 of the Code of Ordinances to Provide Vehicle Weight Parking Restrictions

City Engineer Troy Besseche told Council the amendment to the ordinance was to accommodate the larger vehicles driven by residents, such as the larger SUVs. The changes included changing the weight restriction from over 7,000 pounds to over 8,600 pounds, which accommodated the larger SUVs. Another change was to provide for a 20-foot length restriction.

Rapson moved to approve Ordinance 78-17 as presented. Weed seconded.

Matt Geipel addressed Council regarding his vehicle, a 22½-foot truck that weighed 13,000 pounds. Geipel used the truck for his work and told Council it was his only vehicle and form

of transportation. Geipel said he had lived in his home about two and one-half years and a new neighbor moved in about six months ago. The neighbor claimed the truck, which Geipel parked on the street at that time, was a safety hazard and called Code Enforcement. Geipel parked the truck in his driveway, which eliminated the safety hazard. He said he used the truck for work, as well as transporting his child to school. He felt he was being penalized for being a blue-collar worker.

Brown asked Senior Code Enforcement Officer Tami Babb if there was anything in Geipel's subdivision covenants that would prevent the vehicle from being parked behind his house. Babb said the ordinance allowed the truck to be parked on a pad behind the house, but she did not know if there was enough room behind Geipel's house to accommodate the distance requirements from the setbacks. Babb did not believe there were any specific covenants or deed restrictions regarding parking behind homes in Geipel's subdivision.

Rapson told Geipel he understood his situation, however, the City's ordinances made the City what it was. He was not sure what the solution was, but Geipel would eventually be cited for violating the ordinance. The reason the ordinance was modified was to accommodate the larger vehicles now driven by residents. Rapson asked Babb if the changes to the ordinance accommodated 99.9% of the problem and Babb said yes.

McMenamin told Geipel he needed to consider himself as having been put on caution and that he could be cited for violation of the ordinance.

The motion carried unanimously.

Council/Staff Topics

Halterman informed Council that the County's water system had announced a change in the outdoor watering restrictions. The restriction was now just odd/even with no time limit.

Meeker said he had two ongoing lawsuits and one threatened lawsuit for executive session.

McMenamin moved to adjourn to executive session after a short break to discuss pending and threatened litigation. Weed seconded. The motion carried unanimously.

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

Weed moved to deny the *ante litem* notice claim as forwarded by Brandon Hornsby representing a Jamie R. Parkerson and dated January 16, 2003. Rapson seconded. The motion carried unanimously.

There being no further business to discuss, McMenamin moved to adjourn the meeting. Weed seconded. The motion carried unanimously. The meeting adjourned at 9:12 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

Via: Colin Halterman, Acting City Manager

FROM: Paul Salvatore, Director of Financial Services *P.S.*

DATE: February 14, 2003

SUBJECT: Wrecker Service Contract

For reasons stated in the attached memo from Chief Murray, staff recommends award of the wrecker service contract to Peachtree Towing. Also attached is a copy of the bid document form submitted by Peachtree Towing and a copy of the Wrecker Service Contract Agreement.



POLICE DEPARTMENT

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



JAMES V. MURRAY
Chief of Police

TO: MAYOR AND CITY COUNCIL
FROM: JAMES V. MURRAY, CHIEF OF POLICE
DATE: FEBRUARY 13, 2003
SUBJECT: WRECKER CONTRACT AGREEMENT

The following wrecker services submitted bid document forms regarding interest in the wrecker service contractual agreement for the City of Peachtree City:

Caswell's Wrecker Service Newnan, GA
Parker Wrecker Service Newnan, GA
Peachtree Towing Peachtree City GA

The contract bids were evaluated based on the requirements set forth in the city's bid and specifications letter distributed on December 4, 2002. Subsequent evaluations were accomplished in accordance with city policies and procedures addressing the bidding process.

Of the three wrecker services participating in the bidding process and award, Peachtree Towing is considered the company that best satisfies the needs of the City and Police Department. Peachtree Towing is a local business; therefore, their response and vehicle recovery time should be more beneficial to public safety operations. This is both necessary and critical when roadways are obstructed and when time is of the essence. Because of the geographical location of Caswell's and Parker Wrecker Services, response times may be inhibited due to distance and the traffic volume in the west corridor of our city. It is not reasonable to expect that either of these two wrecker services will be able to consistently honor a twenty-minute response time, as stipulated in the contractual agreement.

Although there are basic pricing differences between each vendor (depending on each service provided), when comparing convenience and accessibility, awarding the bid to Peachtree Towing offers the Police Department and our citizens several distinct advantages. Some of these advantages are listed as follows:

- Local business with facility operations in Peachtree City.
- Security that is as good if not better than its competitors.
- Due to locality, a potentially quicker response time during emergency situations.
- Accessibility to local citizens when recovering property or conducting business regarding their vehicles.
- Accessibility to the Police Department if the situation should necessitate follow-up investigation.

After considering the information from all the respective bidders and conducting an on-site visit of each facility, it is staff's recommendation that the wrecker service contract be awarded to Peachtree Towing. It is also our recommendation that the city provide Fayette Wrecker Service a thirty-day (30) cancellation notification, informing them of the impending change.

JVM/slp

Cc: Colin Halterman, Acting City Manager
Paul Salvatore, Finance Director
Janet Camburn, Assistant Finance Director

CITY OF PEACHTREE CITY

WRECKER SERVICE

BID DOCUMENT FORM

BID:

- a. For simple towing of auto, pickup, motorcycle, or golf cart, from any point within the city limits of Peachtree City to the storage lot of the **CONTRACTOR** or City facility, an amount not to exceed \$ 65.00, except that **CONTRACTOR** shall have the right to charge \$ 40.00 per hour (minimum of \$ 25.00) for each person in addition to the driver needed to retrieve a golf cart if the golf cart is inaccessible to the wrecker without first relocating it.
- b. For simple towing of a truck tractor from any point within the city limits of Peachtree City to the storage lot of the **CONTRACTOR** or City facility, an amount not to exceed \$ 150.00.
- c. For simple towing of a tractor-trailer combination from any point within the city limits of Peachtree City to the storage lot of the **CONTRACTOR** or City facility, an amount not to exceed \$ 300.00.
- d. When additional service by way of temporary repair to the vehicle and where necessary to remove said vehicle from an inaccessible location and to place same upon the public highway, road, or street, the **CONTRACTOR** shall be entitled to additional charges for such service, which charges shall be reasonable, not to exceed \$ 40.00 per hour for vehicles of one (1) ton or under, and \$ 100.00 per wrecker for vehicles exceeding one (1) ton, for actual time required to remove the vehicle from the inaccessible location to the right-of-way of the road. It is the intent of the parties that this charge should be on a pro-rated basis of the actual time removing the vehicle from the inaccessible place (i.e. 30 minutes \$ 50.00, etc.).
- e. Where dollies are necessary, the **CONTRACTOR** may charge an additional fee of \$ 20.00. The fee will not be charged where a single tow vehicle is used to tow two vehicles.
- f. Where it becomes necessary to drop the drive shaft on a vehicle in order to tow it safely, an additional charge of \$ 15.00 may be made.
- g. Removal of a tractor bumper - \$ 25.00.
- h. Remove a tractor axle, per ax - \$ 25.00

i. Storage of vehicles, per day, or portion of a day:

- Storage of a passenger car, pickup, motorcycle or golf cart - \$ 10.00,
- Storage of a truck larger than a pickup - \$ 15.00,
- Storage of a tractor - \$ 25.00.
- Storage of a trailer - \$ 25.00.
- Storage of a tractor and trailer - \$ 50.00.

SUBMITTED BY:

AUTHORIZED
SIGNATURE:

Kenny McElwaney

PRINT OR TYPE THE FOLLOWING:

NAME: Kenny McElwaney

NAME OF FIRM: Peachtree Towing

ADDRESS: 213 Huddleston Road

CITY, STATE, & ZIP: Peachtree City, GA 30269

TELEPHONE
NUMBER: 770-487-0287

FAX NUMBER: 770-487-0280

CITY OF PEACHTREE CITY
POLICE DEPARTMENT
WRECKER SERVICE CONTRACT AGREEMENT

This Agreement made and entered into on this date _____, by and between the City of Peachtree City, to be also referred to as the "**CITY**" and who shall be referred to as the "**CONTRACTOR**."

The provisions outlined in this Agreement shall be supervised and enforced by the Peachtree City Chief of Police or his designee and any violation or performance failure on the part of the **CONTRACTOR** shall be documented and appropriate action will be taken to include suspension or termination of the Wrecker Service Agreement.

An appeal of the Chief of Police's decision can be made to the City Manager of the **CITY**.

The Chief of Police of the City of Peachtree City will act as an official agent of the citizens of the City of Peachtree City.

DEFINITION OF WORDING, PHRASES, ETC.

1. SIMPLE VEHICLE TOW: This includes the furnishing of a wrecker and all work necessary to properly hook up to the disabled vehicle and tow it to a storage/repair area.
2. DAMAGED VEHICLE TOW: This includes vehicles which have been damaged to the extent of causing problems in preparation for towing or in the actual towing.
3. SERVICE TO BE RENDERED:
IMMEDIATELY UPON REQUEST: This means that the CONTRACTOR will have a wrecker standing by and will start toward the scene of traffic infringement immediately after a call for service is received. Arrival shall be within twenty (20) minutes, or as advised by CONTRACTOR of a reasonable delay.
4. LIGHT DUTY WRECKER: A light duty wrecker is defined as one of 14,500.00 lb. minimum G.V.W. (Gross vehicle weight) with an 8,000 lb. power winch.
5. MEDIUM DUTY WRECKER: A medium duty wrecker is defined as one of a 25,000 lb. minimum G.V.W. with a 20,000 lb. power winch.
6. HEAVY DUTY WRECKER: A heavy duty wrecker is defined as one of 30,000 lb. minimum G.V.W. with a 30,000 lb. power winch.
7. CONTRACTOR: The person, company or corporation to whom the contract is awarded.
8. AUTHORITY TO REQUEST
WRECKER SERVICE: The CONTRACTOR will perform work, answer calls, and receive instructions from the Peachtree City Police Department, Fire Department, Fleet Manager or Fayette County E-911. The **CONTRACTOR** is specifically prohibited from being involved except as herein outlined.

9. MILEAGE:

No mileage will be assessed within a reasonable distance. A "reasonable distance" will be agreed upon between the CONTRACTOR and the CITY.

SPECIFICATIONS, REQUIREMENTS, TERMS AND CONDITIONS

The City of Peachtree City is an indirect party to this contract to the extent that under such contract-agreement, the CITY will establish an obligation on the part of the CONTRACTOR to make available to the City of Peachtree City and the general public the CONTRACTOR'S service when and as called upon, at an established cost rate and to safeguard the public by assured coverage while the CONTRACTOR is in performance of such agreed upon service.

1. **CALLS FOR SERVICE:** Service under this Contract is to be rendered upon request of the Peachtree City Police Department, Fire Department, Fleet Manager or Fayette County E911. Service is to be rendered immediately upon request. Services rendered in response to requests from others or under other conditions shall not be applicable under this contract. CONTRACTOR shall not respond to the scene of an accident inside the City limits of Peachtree City unless called to the scene by the Peachtree City Police Department or Fayette County E911.
2. **ANSWERING CALLS:** The CONTRACTOR will be required to respond within twenty (20) minutes, or so advise the CITY of a reasonable delay. If in the judgment of the Peachtree City Police Department, additional wrecker service is needed, then another wrecker service will be called. The Peachtree City Police Department shall have the final determination as to whether or not additional service is required.
3. **ADHERENCE TO LAWS:** CONTRACTOR will conform to all Federal, State and Local laws and/or rules and regulations now in effect or as new ones become applicable. It shall be the duty of the CONTRACTOR to ascertain all applicable laws and changes.
4. **TYPES OF SERVICE:** Included under this Agreement is the furnishing of labor force, required equipment and other means for extricating and removal of wrecked or disabled vehicles from highways, roads, streets, or other public thoroughfares or proximity thereof, and to tow or otherwise transport such vehicles or equipment to such places as may be requested or directed.
5. **CHARGES FOR SERVICES:** The CONTRACTOR will charge the public at rates not greater than those stipulated under this contract for its

services. Such rates will be posted in the **CONTRACTOR'S** place(s) of business in such a way as to be prominently displayed for the attention and information of claimants of vehicles under the **CONTRACTOR'S** care. Billings or statements of charges will have clearly printed rates applicable under this contract so that the claimant may verify such charges. All charges must be itemized.

6. **RESPONSIBILITY FOR CHARGES FOR SERVICE:** Neither the CITY nor the Police Chief shall be responsible to the **CONTRACTOR** for any sum whatsoever, but that all monies paid the **CONTRACTOR**, pursuant to the terms of this Agreement, shall be paid by the owner(s) of the vehicles removed and stored, or by sums derived from a legal sale of such vehicles according to procedures as set forth in O.C.G.A. Section 40-11-5. Each vehicle is to stand as security only for the charges against that vehicle and when vehicles which are unclaimed are sold and do not bring as much as the charges against the particular vehicle, the **CONTRACTOR** agrees to suffer the loss between the sale price and the charges against the particular vehicle. Any excess monies, after the payment of wrecker service fees and the costs of any notification or advertisements required by law, shall be turned over to the court as required by O.C.G.A. Section 40-11-6. Before any sale of vehicles, the **CONTRACTOR** agrees to abide by all the present provisions and future amendments to the Georgia Laws.

7. **RELEASE OF VEHICLES** Vehicles/equipment removed, towed and/or stored as a result of Police directed action, will not be released to the owner except upon written authorization of the Peachtree City Police Department, or upon authority of a Court Action.

8. **INVENTORY AT SCENE AND CONTRACTOR'S RESPONSIBILITY FOR PERSONAL PROPERTY:**

- a. The **CONTRACTOR** shall be responsible and liable for all vehicles and property hauled, towed or stored under this contract, including all equipment and contents thereof and shall indemnify and hold harmless the **CITY** against all claims for damages to any vehicle and/or property hauled, towed or stored under this contract.
- b. It will be the responsibility of the Peachtree City Police Department to make an itemized inventory of property or clothing left in any vehicle placed in its care, excluding vehicles involved in accident scenes, under this contract and a copy of the inventory form will be given to the wrecker operator.
- c. If extenuating circumstances exist, an officer or supervisor may deem it necessary to conduct a vehicle inventory to secure electronic

equipment, contraband, personal property or other items deemed valuable or hazardous.

- d. The wrecker operator will check inventory at the scene of the towing and will approve it by signature. The investigating officer shall retain a copy of the inventory form immediately at the scene and forward it to the Police Department.

9. **HOURS OF SERVICE:** The **CONTRACTOR** will maintain a facility with equipment and sufficient labor force, adequate to supply on demand, twenty-four (24) hours per day, every day, to fulfill **CONTRACTOR'S** responsibilities as set forth herein. Standby crews and equipment are to be available so as to meet emergency situations under abnormal conditions.

The **CONTRACTOR** is obligated to release impounded vehicles between the hours of 8:00 a.m. and 5:00 p.m. five (5) days a week (Monday through Friday) and is not required under this Agreement to release such vehicles between the hours of 5:00 p.m. and 8:00 a.m. on weekdays and at anytime on weekends. If the **CONTRACTOR** is required to open his facility after hours, the **CONTRACTOR**, at its discretion, may charge an additional \$25.00, unless the release involves a government vehicle.

10. **OFFICE AND STORAGE FACILITIES:**

- a. The **CONTRACTOR** will be required to maintain a suitable headquarters facility to transact business and to accommodate the public. There shall be someone who can be reached by telephone twenty-four (24) hours every day of the year. Such facility must be maintained properly, clean and presentable at all times and shall be subject to inspection by the Peachtree City Police Department. Failure to properly maintain facilities and provide quality service shall be cause for termination at the option of the City.
- b. The **CONTRACTOR** will have an area for storage of towed vehicles or equipment, within the area of service contracted for or other approved location. Such storage area must be secured against free entry and in such a way as to give security to the property entrusted in its care. If the storage area is an open area, it must be enclosed with an eight-foot (8') fence, including barbed wire, to discourage theft, damage or malicious mischief. Such storage area must have security with reasonable human attendance, posted with "No Trespassing" signs and be lighted. Such open area must be paved or have sufficient packed gravel surface to prevent problems in entry or exit during inclement weather.

11.

WRECKER AND TOWING EQUIPMENT:

- a. The **CONTRACTOR** shall have in operational condition at all times a minimum of two light duty, one medium duty and one heavy-duty wrecker(s) in its wrecker fleet. This is the minimum requirement.
- b. Each wrecker will be required to carry a full compliment of service items such as fire extinguishers, chains, ropes, blocks, skid chains, dollies (not required for flatbeds), stop light, flares, flashers, flood lights, hand tools, lock-out tools, shovels, axes, wrecking bars, brooms, and other tools needed for lifting, extricating or righting of wrecked vehicle-equipment and removal from thoroughfare by towing or carting.
- c. Each wrecker shall display the name and telephone number of the **CONTRACTOR** in not less than four-inch (4") letters.

12.

REMOVAL OF DEBRIS: Each wrecker will carry a broom and the wrecker driver or his assistant shall be required to sweep up and remove broken glass or other debris when a vehicle is removed from the street. Removing all debris from the street is part of the **CONTRACTOR'S** obligation. When directed by Police to remove material from a street which is part of a load being trucked over the thoroughfare, the **CONTRACTOR** may remove, or subcontract for the removal of, the material as directed and charge a reasonable rate for such removal.

13.

EMPLOYMENT OF CONTRACTOR: The **CONTRACTOR** affirms that he is not an employee or elected official of the City of Peachtree City. The **CONTRACTOR** shall submit to the Police Chief the names, addresses and ages of all partners, stockholders and/or any party having any ownership interest whatsoever in the **CONTRACTOR'S** wrecker service company.

14.

IDENTITY OF EMPLOYEES: The **CONTRACTOR** will submit to the Police Chief the name, address and age of all persons employed in the wrecker and storage operation and each such person shall be required to be fingerprinted and photographed by the Police Department before they shall be allowed to serve the City of Peachtree City. Notice in writing to the Police Chief must be made of any changes in the above information.

15.

RECORDS: The **CONTRACTOR** will provide pre-printed impound inventory forms for the service under this contract. In addition to all other information required by law, the following shall be indicated on the form:

- a. Time the call came from the Police Department or Fayette County E911.

- b. Arrival time at the scene of accident (or the sight where directed).
 - c. Departure time from the scene indicated in item (b).
 - d. Arrival time at the storage facility.
16. **EXAMINATION OF RECORDS:** The **CONTRACTOR** agrees that the Chief of Police or duly authorized representative shall have access to and the right to examine any books or records related to the contract. Such records will be maintained for three years after the end of this contract. **CONTRACTOR** acknowledges that the books and records related to the contract are subject to the Georgia Open Records law.
17. **MONTHLY REPORTS:** The **CONTRACTOR** will provide a list of tows and tow fees initiated by the Peachtree City Police Department, on a monthly basis to the Chief of Police, by the 15th of the following month.
18. **REQUIREMENTS OF STATE LAW:** In addition to prior terms, conditions, etc., spelled out in this specification, the **CONTRACTOR**, will comply with any Federal, State or Local law or ordinance applicable to this operation.
19. **PERFORMANCE BOND:** The **CONTRACTOR** shall furnish a commercial type of Performance Bond in favor of the City of Peachtree City, Georgia in the amount of \$5,000.00 as a guarantee for faithful performance of this contract. Such bond shall be kept in full force during the life of the contract and shall be incumbent upon the **CONTRACTOR** and Surety not to permit the bond to expire. Such surety of bond shall be acceptable to the City and be licensed to do business in the State of Georgia. Failure to maintain the Performance Bond shall result in termination of the contract at the option of **CITY** without the required thirty (30) days' notice.
20. **INSURANCE:** The **CONTRACTOR** further agrees to furnish to the **CITY** a Certificate of Insurance in the amount not less than \$100,000.00 for one vehicle or \$300,000.00 for one incident, conditioned to guarantee against loss, in case of any fire, theft, or other hazard causing damage to any vehicle while in the custody of the **CONTRACTOR**, or under its control; provided further, that such a deduction shall not operate to relieve the **CONTRACTOR** from the liability for the full amount of said loss. The **CONTRACTOR** shall further carry insurance and be fully responsible for any articles left in a vehicle or truck held by the **CONTRACTOR** and shall hold the **CITY** harmless for any losses of this nature whatsoever.

It is mutually agreed between the parties that the **CITY** shall be completely held harmless by the **CONTRACTOR** and all persons whom its services under this contract and that the **CONTRACTOR** shall furnish

a copy of the insurance policies issued as previously set out in the contract to the Chief of Police during the tenure of this Agreement and shall defend at its own expense, any and all litigation of every nature and description that may grow out of its services rendered under this contract.

21. **CONTRACT PERIOD:** The contract period is to commence immediately upon execution of this contract by both parties and shall terminate absolutely and without further obligation on the part of the **CITY** at the close of this calendar year; however, this contract shall be automatically renewed for three consecutive calendar years terminating on December 31, 2006, unless either party notifies the other that it is terminating the contract, in which case the contract is terminated thirty (30) days after the delivery of such notice. Since this contract is for possible services to be rendered in the future by **CONTRACTOR** upon the request of the **CITY** for third parties, there is no financial obligation on the part of the **CITY**. Title to any supplies, materials, equipment, or other personal property shall remain in the possession of **CONTRACTOR**.

22. **CHARGES:** Subject to all the requirements, specification, etc., of this invitation and resulting contract, the following rates will apply:

- a. For simple towing of auto, pickup, motorcycle or golf cart, from any point within the city limits of Peachtree City to the storage lot of the **CONTRACTOR**, or City facility, an amount not to exceed \$_____, except that **CONTRACTOR** shall have the right to charge \$_____ per hour (minimum of \$_____) for each person in addition to the driver needed to retrieve a golf cart if the golf cart is inaccessible to the wrecker without first relocating it.
- b. For simple towing of a truck tractor from any point within the city limits of Peachtree City to the storage lot of the **CONTRACTOR**, or City facility, an amount not to exceed \$_____.
- c. For simple towing of a tractor-trailer combination from any point within the city limits of Peachtree City to the storage lot of the **CONTRACTOR**, or City facility, an amount not to exceed \$_____.
- d. When additional service by way of temporary repair to the vehicle, and where necessary to remove said vehicle from an inaccessible location and to place same upon the public highway, road, or street, the **CONTRACTOR** shall be entitled to additional charges for such service, which charges shall be reasonable, not to exceed \$_____ per hour for vehicles of one (1) ton or under, and \$_____ per wrecker for vehicles exceeding one (1) ton, for actual

time required to remove the vehicle from the inaccessible location to the right-of-way of the road. It is the intent of the parties that this charge should be on a pro-rated basis of the actual time removing the vehicle from the inaccessible place (i.e. 30 minutes \$ _____, etc.).

e. Where dollies are necessary, the **CONTRACTOR** may charge an additional fee of \$ _____. The fee will not be charged where a single tow vehicle is used to tow two vehicles.

f. Where it becomes necessary to drop the drive shaft on a vehicle in order to tow it safely, an additional charge of \$ _____ may be made.

g. Removal of a tractor bumper - \$ _____.

h. Remove a tractor axle, per axle - \$ _____.

i. Storage of vehicles, per day, or portion of a day:

1. Storage of a passenger car, pickup, motorcycle or golf cart - \$ _____.

2. Storage of a truck larger than a pickup - \$ _____.

3. Storage of a tractor - \$ _____.

4. Storage of a trailer - \$ _____.

5. Storage of a tractor and trailer - \$ _____.

j. The **CONTRACTOR** agrees, however, that it will tow and store, without charge, any vehicle which is impounded and belongs to a victim, or victim's family, of a capital crime, i.e. murder, rape, kidnapping, etc.

23. **IMPOUND VEHICLES TOWED TO PEACHTREE CITY POLICE DEPARTMENT:** All vehicles impounded by the Peachtree City Police Department and towed to the Police Department for processing, and afterwards towed to **CONTRACTOR'S** storage area shall be charged only one basic tow fee.

24. **ALL PEACHTREE CITY VEHICLES:** All City vehicles are to be towed at no cost to the **CITY** to the location designated by the Police Department, Fleet Manager or the Fire Department.

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

CITY OF PEACHTREE CITY

CONTRACTOR

BY:

BY:

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Councilmembers

VIA: Interim City Manager
Interim Developmental Services Director (20)

FROM: City Planner David

DATE: February 13, 2003

SUBJECT: Comprehensive Plan Update

City Staff was notified that the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs (DCA) have approved our updated Short Term Work Program (STWP) and Capital Improvements Element (CIE). These documents are now ready for final adoption by City Council. A draft of a proposed resolution of adoption is attached for your review. Staff recommends that it be approved so it can be returned to ARC and DCA and complete this phase of our Comprehensive Plan Update program.

Attachment

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PEACHTREE CITY
REGARDING THE SHORT TERM WORK PROGRAM (STWP)
AND CAPITAL IMPROVEMENTS ELEMENT (CIE) UPDATES
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 20th day of February, 2003.

Stephen Brown, Mayor

Attest:

City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Colin Halterman

FROM: Jane Miller 

DATE: February 14, 2003

SUBJECT: Water Restrictions

In June 2000, City Council adopted a resolution restricting outdoor use of water to between 10 p.m. and 10 a.m. on an odd/even schedule (attachment 1). This mirrored the restrictions issued by the County. Last month Fayette County amended their restrictions on outdoor water use by eliminating the time restriction, while maintaining the odd/even schedule. Staff recommends that Council repeal the existing resolution and approve the same odd/even water restrictions that are now in place in the County. An amended resolution is attached for your review and action (attachment 2).

/jsm

Attachments

A RESOLUTION ISSUING A BAN ON WATER USE

WHEREAS: The City Council of Peachtree City is authorized to issue rules and regulations on the use of water in the City during times of emergency; and

WHEREAS: The City Council of Peachtree City has determined that such emergency water conditions exist within the City;

NOW THEREFORE, be it resolved by the City Council of Peachtree City that for all users of the Fayette County Water System there are indefinite restrictions for the outdoor use of water within the City limits of Peachtree City as mandated by the Georgia Department of Natural Resources;

BE IT FURTHER RESOLVED that these restrictions are as follows:

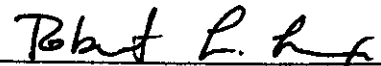
There shall be a ban on all outdoor water use from 10:00 a.m. through 10:00 p.m. seven days a week.

Persons with property numbers ending in odd numbers shall be allowed to use exterior water prior to 10:00 a.m. and after 10:00 p.m. on odd calendar days. Those persons with property numbers ending in even numbers shall be allowed such use on calendar days ending in an even number prior to 10:00 a.m. and after 10:00 p.m.

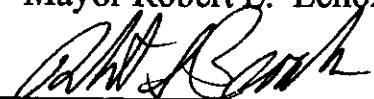
This ban shall apply to all water users in Peachtree City including those persons with private wells and those who pump from streams.

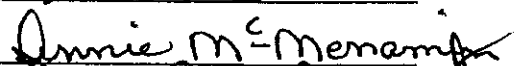
This ban shall not apply to registered businesses whose commercial activities are dependent upon the exterior use of water.

BE IT FURTHER RESOLVED that this Resolution shall remain in effect until it is repealed by the City Council of Peachtree City. This Resolution shall be effective the 15 day of June, 2000.

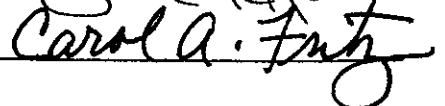


Mayor Robert L. Lenox









Attest:


City Clerk

A RESOLUTION ISSUING A BAN ON WATER USE

WHEREAS: The City Council of Peachtree City is authorized to issue rules and regulations on the use of water in the City during times of emergency; and

WHEREAS: The City Council of Peachtree City has determined that some emergency water conditions continue to exist within the City;

NOW THEREFORE, be it resolved by the City Council of Peachtree City that for all users of the Fayette County Water System there are indefinite restrictions for the outdoor use of water within the City limits of Peachtree City;

BE IT FURTHER RESOLVED that these restrictions are as follows:

Persons with property numbers ending in odd numbers shall be allowed to use exterior water on odd calendar days. Those persons with property numbers ending in even numbers shall be allowed such use on calendar days ending in an even number.

This ban shall apply to all water users in Peachtree City including those persons with private wells and those who pump from streams.

This ban shall not apply to registered businesses whose commercial activities are dependent upon the exterior use of water.

BE IT FURTHER RESOLVED that this Resolution shall remain in effect until it is repealed by the City Council of Peachtree City. This Resolution shall be effective the 20th day of February 2003.

Mayor Stephen D. Brown

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

Via: Colin Halterman, Acting City Manager

FROM: Paul Salvatore, Director of Financial Services *P.S.*

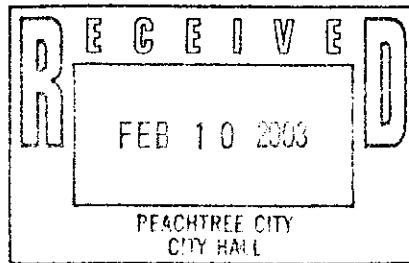
DATE: February 14, 2003

SUBJECT: Processing of tax refunds by Fayette County Tax Commissioner

In order to streamline the process of issuing Ad Valorem Tax refunds, the Fayette County Tax Commissioner has asked that the City Council authorize him to refund City taxes when the County governing authority has approved a refund of County and County School taxes. More detail on this proposed process is included in the attached letter from Mr. George Wingo, Fayette County Tax Commissioner.

The Tax Commissioner estimates the annual amount of these refunds to be nominal (about\$1K) compared to our total tax collections. Staff has no objections to the implementation of this process and recommends that Council grant the authorization requested.

George Wingo
Tax Commissioner



140 STONEWALL AVENUE
FAYETTEVILLE, GA. 30214
770-461-3611 - TAG
770-461-3652 - TAX

February 6, 2003

Colin Halterman, City Manager
Peachtree City

CC: Steve Brown, Mayor
Dan Tennant, City Council
Steve Rapson, City Council
Murray Weed, City Council
Annie McMenamin, City Council

RE: Tax Refunds

Dear Sirs/Madam:

On certain occasions taxpayers initiate a request for a refund of taxes based on errors in the assessing process which results in their having been charged, and having paid a greater amount of tax than they should have. State law provides for making refunds to taxpayers for up to three years of taxes that have been paid, if the taxpayer makes a written request for a refund of such taxes.

These requests for refunds are forwarded to the county governing authority who then determine, based on the merit of the individual request, if a refund should be made. In some instances the tax adjustments involve city taxes.

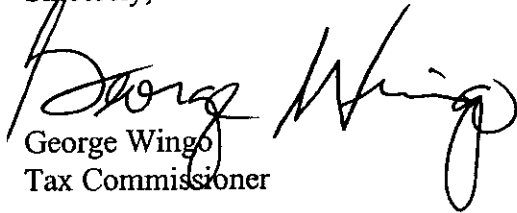
The county governing authority has no authority to authorize a refund of the city taxes. In as much as this office collects these city taxes, I would like your authorization to make a simultaneous refund of the city taxes whenever the county finds that is in order to in fact refund the county and school taxes.

Generally, there are not a great deal of these request for refunds, however, we do process them and on occasion the Board of Commissioners does in fact authorize refunds. Your authorizing a simultaneous refund of the city taxes involved in whatever adjustments occur will combine this process into one step and make it simpler for the taxpayer and the City Council.

I will be glad to provide any additional information you may need. I anticipate that there will not be a great deal of money being refunded. However, there is no way to make a determination in advance of how much money might be involved except to say that it will certainly be a very nominal amount in comparison to the entire amount of taxes that we will be collecting.

Please contact me if you need additional information or help with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "George Wingo". The signature is fluid and cursive, with a large loop at the end of the last name.

George Wingo
Tax Commissioner

GW/db



Peachtree City

Georgia

TO: Mayor and Councilmembers

VIA: Interim City Manager
Interim Developmental Services Director *20*

FROM: City Planner *David*

DATE: February 13, 2003

SUBJECT: Land Use Plan Update

At their meeting on February 10, 2003, the Planning Commission formally withdrew their request to rezone four parcels within the Industrial Park. These parcels include the Planterra Ridge golf course, the Planterra Ridge golf course clubhouse, the Lake McIntosh dam and spillway and the Lake McIntosh nature area. All of these properties are currently zoned GI General Industrial, and the recommendation was to rezone these properties to OS Open Space.

Staff recommends that City Council take no action on the request for rezoning and remove this item from the agenda.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Interim City Manager 

FROM: City Clerk 

DATE: February 11, 2003

SUBJECT: Alcohol License – NEW – Peachtree Bottle Shop

Peachtree Bottle Shop, a new package store located at 1200 Highway 74 South, Suite 8, has submitted an application to sell alcoholic beverages. Ms. Trena Bryant-Bynoe has requested to be appointed as the Licensee and as the License Representative. Council originally approved a license for the shop on June 20th, with Robert Foster as the Licensee and John Lee as the License Representative. According to the ordinance, the application must be resubmitted if the business does not open within six months. Ms. Bryant-Bynoe will be present at the meeting on Thursday, February 20th, to answer any questions you may have.

:pd

Attachment



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

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

Trena Bryant-Bynoe

Name

1935 Cheyenne Trail Jonesboro, GA 30236

Address

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

James V. Murray
Signature

Feb. 11, 2003
Date

Myron L. M. Duden
Witness



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

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: Peachtree Bottle Shop	Business Location: 1200 Hwy 74 S, Ste 8	
Nature of Business: Bottle Shop	Mailing Address: P.O. Box 385 - Jonesboro, GA 30236	Business Phone Number: -
Name of Licensee: Trena Bryant - Bynoe	Home Address: 1935 Cheyenne Trl - Jonesboro, GA 30236	Home Phone Number: 770-478-8520
Name of License Representative: Same	Home Address: Same	Home Phone Number: 770-478-8520

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:
Trena Bryant - Bynoe	1935 Cheyenne Trl Jonesboro, GA 30236	770-478-8520

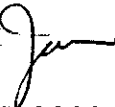
Is any person who owns an interest in the license an employee of the City of Peachtree City? NO

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Interim City Manager 

FROM: City Clerk 

DATE: February 5, 2003

SUBJECT: Alcoholic Beverage License – NEW – Buckhead Brewery & Grill, Inc.

One of the applicants from the Buckhead Brewery & Grill, Inc. will be out of town on February 20th. Buckhead Brewery & Grill, Inc. has requested Council continue the application for an alcoholic beverage license until the March 6th meeting.

JSM:pd

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Interim City Manager
Financial Services Director *PS.*

FROM: City Engineer/Interim Developmental Services Director *CE*

DATE: February 13, 2003

SUBJECT: Stormwater Notice of Intent for NPDES Phase II Compliance

Attached for your review and approval is the Notice of Intent document required by the Georgia Environmental Protection Division (EPD) for compliance with phase II of the National Pollutant Discharge Elimination System (NPDES). The second phase of the NPDES program requires six minimum control measures:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management
- Pollution Prevention/Good Housekeeping

Each of the control measures must be addressed at a minimum level by the municipality requesting coverage under the NPDES general permit issued by the state. The attached NOI represents Peachtree City's plan for stormwater management for each of the measures and describes a best management practice (BMP) or suite of BMP's to be utilized for achieving the goals represented in each control measure. As you will note, for each area, there are both milestones and deadlines listed, with the overall target of March 2008 required for full compliance. In addition, updates in the form of an annual report will be required along the way toward full compliance.

Peachtree City's NOI was developed with the assistance of our stormwater consultant, Integrated Science and Engineering, and under the guidance of the City's Stormwater Advisory Committee, formed last year in association with the Program Assessment and ordinance modification work.

It is important to note that the proposed stormwater management program represents an increase in our current program in the way of human and financial resources. During the initial stages of implementation, it is thought that the costs for the program can be absorbed into the current funding levels, ranging from \$50,000 to \$75,000, for stormwater management in the PIP. However, once the capital improvements element is developed in March of next year, we will

Page 2

*Memo - Stormwater Notice of Intent for NPDES Phase II Compliance
February 13, 2003*

have a better idea of the more substantial costs required for the maintenance elements of the program. Staff will be presenting a more detailed presentation on program funding at the Council Retreat in March.

The funding implications notwithstanding, staff is confident of the NOI's balanced level of compliance for each control measure. Staff and the Stormwater Advisory Committee are optimistic about the future of Stormwater Management in Peachtree City and have joined in recommending the NOI to City Council for approval.

Attachment

*cc: Interim Public Services Director
file*

**STATE OF GEORGIA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

GEORGIA NOTICE OF INTENT (GaNOI)

General NPDES Permit No. GAG610000 for
Small Municipal Separate Storm Sewer Systems (MS4)

I. General Information

A. Ownership Status (Please check one):

- ☒ Municipal Separate Storm Sewer System
☐ Federal Facility
☐ State Facility

B. Name of small MS4: *Peachtree City*

C. Name of responsible official: *Mr. Steve Brown*
Title: *Mayor*

Mailing Address: *151 Willowbend Road*

City: *Peachtree City* State: *GA*

Zip Code: *30269*

Telephone Number: *(770) 487-7657*

D. Designated stormwater management program contact:

Name: *Mr. Troy Besseche, P.E.*

Title: *City Engineer*

Mailing Address: *153 Willowbend Road*

City: *Peachtree City* State: *GA*

Zip Code: *30269*

Telephone Number: *(770) 631-2538*

Email Address: *troy@peachtree-city.org*

II. Sharing Responsibility

A. Has another entity agreed to implement a control measure on your behalf?
Yes _____ No ☒ (If no, skip to Part III)

Control Measure #1:

1. Name of entity:

2. Control measure or component of control measure to be implemented by entity on your behalf:

Control Measure #2:

1. Name of entity:
2. Control measure or component of control measure to be implemented by entity on your behalf:

- B. Attach an additional page if necessary to list additional shared responsibilities. **It is mandatory that you submit a copy of a written agreement between your MS4 and the other entity demonstrating written acceptance of responsibility.**

III. For Federal- or State-Owned MS4s

(If you are a municipally owned MS4, skip to Part IV)

A. Location of MS4:

1. Name of Urbanized Area or municipality where your MS4 is located:
2. Name of your organization:
3. The latitude and longitude of the approximate center of your MS4:
Latitude_____ Longitude_____

IV. Known or Suspected Water Quality Problems

- A. The name(s) of the receiving waters to which your MS4 discharges (attach a separate list if necessary):
Line Creek
Flat Creek
Camp Creek
- B. Indicate any receiving water stream segments to which your MS4 discharges, which are included on the 303(d) list:
Line Creek-Supporting
Flat Creek-Partially Supporting (Dissolved Oxygen)
- C. Describe any known or suspected water quality concerns within your jurisdictional area (e.g., stream siltation, 303(d) listed streams, habitat degradation, elevated levels of pollutants, etc.) including location (attach additional page(s) if necessary):

Suspected water quality concerns within Peachtree City were addressed in the July 2002 Stormwater Program Assessment & Action Plan (SPAAP) for Peachtree City.

Four specific issues have been identified:

- Dissolved oxygen levels in Flat Creek and Camp Creek;
- Fecal coliform and E-coli bacterial contamination at selected locations throughout the City (in particular along the eastern boundary proximate to Robinson Road);
- Biological habitat and diversity in selected stream reaches of the City; and
- Metals contamination (specifically copper) and elevated conductivity levels at selected locations throughout the City.

Dissolved Oxygen Levels

The Georgia EPD has placed Flat Creek on the 303(d) impaired waters list due to low dissolved oxygen levels. Accordingly, the EPD will develop a dissolved oxygen TMDL for Flat Creek. The recent sampling program confirms the historical data for this area. The dissolved oxygen issue also manifests itself in Camp Creek at selected sampling locations. Both Camp Creek and Flat Creek, in the lower reaches, are slow moving backwaters created for the most part by beaver activity. It is also likely that some man-made impact has resulted from embankments and roadways. In either case, the argument could be made that given appropriate documentation, the slow moving backwaters, or swampy areas, are naturally lower in dissolved oxygen levels than a faster moving stream reach. It is the City's understanding that the EPD is currently studying this issue of low dissolved oxygen levels in swampy areas to determine if the state water quality standards are appropriate in these situations.

Bacterial Contamination

Water quality testing results indicate that fecal coliform and E-coli bacteria are found in some areas of the City at levels above EPD and EPA minimum standards. The areas of concern are generally in the Camp Creek watershed and could potentially be from septic tanks. However, other areas are also problematic (i.e., Line Creek as it enters the City from the north). These standards and the bacterium species used to evaluate compliance are not generally considered to be the most appropriate for determining impact to water quality and human health.

Biological Habitat/Diversity

Some areas of the City manifest habitat and diversity impairment as gauged in particular by the EPT index. Historical EPT data, although not

as extensive, also indicate that biological impairment has been a concern within the City. The dissolved oxygen issue described previously is likely related to this, particularly in the Flat Creek and Camp Creek lower reaches. In addition, there is concern over biological diversity at one site on Line Creek. There are also some headwater areas where impairment has been documented. Many of the areas sampled had never had this type of sampling performed, so there is no frame of reference for whether areas are degrading or improving.

Copper

Copper levels in surface water appear to be problematic in many areas of the City. There are also relatively high specific conductivity readings in many areas that are also manifested in the historical data. Specific conductivity can be an indicator of metals contamination. Copper does not appear as a problem in the historical data, nor does it appear in recent sediment sampling conducted by the University of Georgia. The recent presence of copper in water quality samples could be due to lowered detection limits now possible in the laboratory. Previous results could not be properly evaluated because detection limits were higher than the EPD standards. The current copper levels could be a natural phenomena but there is not enough data to make this determination. It is the City's understanding that the Peachtree City Water and Sewerage Authority (WASA) is preparing activities related to determining a potential source or sources for copper contamination in the City. The results of this investigation should better define what future action the City may want to consider.

V. Minimum Control Measures

- A. Public Education and Outreach – (complete Appendix A)
- B. Public Involvement/Participation – (complete Appendix B)
- C. Illicit Discharge Detection and Elimination – (complete Appendix C)
- D. Construction Site Stormwater Runoff Control – (complete Appendix D)
- E. Post-Construction Stormwater Management in New Development and Redevelopment – (complete Appendix E)
- F. Pollution Prevention/Good Housekeeping – (complete Appendix F)

VI. Certification Statement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: _____ Date: _____

Signature: _____ Title: _____

Appendix A

Public Education and Outreach on Stormwater Impacts

40 CFR Part 122.34(b)(1) Requirement: You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

A. Best Management Practice (BMP) #1 – Monthly Newsletter

1. Target audience: City Residents
2. Description of BMP: The City currently publishes a monthly newsletter to all City residents identifying City government issues. The City will incorporate stormwater management issues specific to Peachtree City and general public education themes regarding stormwater management.
3. Measurable Goal(s): The City will publish materials related to stormwater management in the City on a semi-annual basis. Additionally, the City will report the number of residents that receive the newsletter each year.
4. Schedule:
 - a. Interim Milestone Dates (if applicable): N/A
 - b. Implementation Date (if applicable): March 2004
 - c. Frequency of actions (if applicable): Semi-Annual
 - d. Month/Year of each action (if applicable): N/A
5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
6. Rationale for choosing BMP and setting measurable goal(s): The City currently publishes the newsletter on a monthly basis. As such, the implementation of the BMP will only require the generation of the stormwater management related materials.

B. Best Management Practice (BMP) #2 – Informational Display

1. Target audience: General Public
2. Description of BMP: The City's main office (City Hall) and the City's Public Library are consolidated into one public facility. Additionally, this facility is located adjacent to a public park and large lake that is a focal point of the

community. As such, the City will establish and maintain an informational display in the Library and City Hall of various educational materials related to stormwater management and water resources issues.

3. Measurable Goal(s): The City will monitor the number of brochures taken on a yearly basis. Additionally, the City will update the materials in the informational displays every year.
4. Schedule:
 - a. Interim Milestone Dates (if applicable): N/A
 - b. Implementation Date (if applicable): March 2004
 - c. Frequency of actions (if applicable): Yearly
 - d. Month/Year of each action (if applicable): N/A
5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
6. Rationale for choosing BMP and setting measurable goal(s): The proximity of the public facilities to the park and lake as well as the heavy use of the City Library and City Hall by the public makes the distribution of these materials very likely.

C. Best Management Practice (BMP) #3 – Website

1. Target audience: General Public
2. Description of BMP: The City maintains a website for disseminating information to the public and City residents. Included in the City's official website is an engineering page. This page will be expanded to include a stormwater page link that will house information about the City's Stormwater Management Program and electronic versions of the informational brochures as described in the Informational Display BMP of this appendix.
3. Measurable Goal(s): The City will monitor the number of hits on a quarterly basis to determine the effectiveness of this media to disseminate information to the public. Additionally, the website will be updated on a semi-annual basis.
4. Schedule:
 - a. Interim Milestone Dates (if applicable): N/A
 - b. Implementation Date (if applicable): March 2005

- c. Frequency of actions (if applicable): Semi-Annual
- d. Month/Year of each action (if applicable): N/A
- 5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
- 6. Rationale for choosing BMP and setting measurable goal(s): The City believes that a high portion of the population either owns or has access to a computer with Internet access. As such, a stormwater page on the City's official web site will provide an easily accessible source of information that residents and others can access without leaving their homes.

D. Best Management Practice (BMP) #4 – Stormwater Program Open House

- 1. Target audience: General Public
- 2. Description of BMP: The City will host an open house once per year at which the public will be invited to meet the City staff and discuss the status of the City's stormwater management program. This will include issuing an annual report on the various accomplishments of the program in the previous year as well as the anticipated activities in the coming year. The report will then be placed on the City's website.
- 3. Measurable Goal(s): The measurable goal for this BMP will be the implementation of the open house meeting and the report. Additionally, the City will record the number of residents who attend.
- 4. Schedule:
 - a. Interim Milestone Dates (if applicable): N/A
 - b. Implementation Date (if applicable): March 2005
 - c. Frequency of actions (if applicable): Yearly
 - d. Month/Year of each action (if applicable): N/A
- 5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
- 6. Rationale for choosing BMP and setting measurable goal(s): The higher level of citizen / government interaction in Peachtree City could make this BMP a valuable public education as well as involvement tool for the Stormwater Program.

Appendix B

Public Involvement / Participation

40 CFR Part 122.34(b)(2) Requirement: You must, at a minimum, comply with State, Tribal, and local public notice requirements when implementing a public involvement / participation program.

A. Best Management Practice (BMP) #1 – Stormwater Advisory Group

1. Target audience: Community Stakeholders
2. Description of BMP: The City's efforts in 2002 to revise its development regulations included formulation of various stakeholder groups to discuss and formulate the new regulations. This activity included the development of a stormwater advisory group. The City will continue to convene the group on a yearly basis at minimum to review the progress of the stormwater program.
3. Measurable Goal(s): The measurable goal for this BMP will be to meet at least one time per year. However, as needs arise, additional meetings will be scheduled.
4. Schedule:
 - a. Interim Milestone Dates (if applicable): N/A
 - b. Implementation Date (if applicable): March 2004
 - c. Frequency of actions (if applicable): Yearly
 - d. Month/Year of each action (if applicable): N/A
5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
6. Rationale for choosing BMP and setting measurable goal(s): The City's historic use of community stakeholder groups combined with the fact that a standing stormwater advisory committee already exists will allow the City to continue to utilize the group as part of its current Stormwater Management Program.

B. Best Management Practice (BMP) #2 – Citizen Water Quality Sampling

1. Target audience: General Public
2. Description of BMP: The City has developed a water quality sampling program that was implemented in 2002. This program consisted of monitoring 34 individual sites around the City for various chemical, insitu and biologic parameters. Due to the large number of sampling stations and limited City staffing resources, this program was implemented utilizing citizen volunteers. The City found that using local citizens not only made the program more cost effective but also created a higher awareness of water resources issues in the City. This program will be continued with efforts made to use citizen volunteers where possible. Additionally, the City anticipates coordinating with the County School Board to provide an opportunity for students to be involved in the program for use in science fair projects. Please note that the BMP outlined herein is not the sampling program but rather the use of the citizens in field sampling / monitoring efforts with the initial focus being the water quality sampling program.
3. Measurable Goal(s): The measurable goal in the initial stages of this permit period will be the yearly monitoring program utilizing up to a 50% volunteer monitoring staff.
4. Schedule:
 - a. Interim Milestone Dates (if applicable): N/A
 - b. Implementation Date (if applicable): March 2004
 - c. Frequency of actions (if applicable): Yearly
 - d. Month/Year of each action (if applicable): TBD
5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
6. Rationale for choosing BMP and setting measurable goal(s): The City's goal of maintaining a rigorous internal water quality monitoring program combined with the limited funds typically associated with these types of activities make cost-effective use of citizen volunteers a necessity. As such, the City's previous successful implementation of the program and the use of citizen volunteers in the past make this program an effective and cost-effective BMP.

C. Best Management Practice (BMP) #3 – Stormwater Information System

1. Target audience: General Public
2. Description of BMP: The City will create and maintain a database of citizen comments / concerns and how each issue was managed / resolved. Currently, the City receives comments from the public through either the Public Works Division or the City Engineer's office. Eventually, the City anticipates providing an opportunity for comment through the City's stormwater web page.
3. Measurable Goal(s): The initial goal of the BMP will be to develop the database and cataloging procedures for a centralized database. This will be followed by maintenance of the database in subsequent years. The City anticipates that this database will be used to coordinate activities between the various departments involved in the Stormwater Management Program and assist in the preparation of the NPDES Phase II reports and status of the program reports described previously.
4. Schedule:
 - a. Interim Milestone Dates (if applicable): N/A
 - b. Implementation Date (if applicable): March 2004
 - c. Frequency of actions (if applicable): Yearly
 - d. Month/Year of each action (if applicable): TBD
5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
6. Rationale for choosing BMP and setting measurable goal(s): The City anticipates that this type of BMP will be necessary as reporting requirements for the various regulatory programs continue to increase. Additionally, as the stormwater management issues in the City such as CIP needs increase, proactive planning will require the consideration of citizen inputs in the planning process.

Appendix C

Illicit Discharge Detection and Elimination

40 CFR Part 122.34(b)(3) Requirement: You must develop, implement and enforce a program to detect and eliminate illicit discharges into your small MS4. You must:

- A) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the State that receive discharges from those outfalls;
- B) Effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
- C) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping to your system; and
- D) Inform public employees, businesses, and the general public of hazards associated with discharges and improper disposal of waste.

A. Storm Sewer Map

1. Does the MS4 have a completed storm sewer map showing the location of all outfalls and the names and location of all waters of the State that receive discharges from those outfalls? Yes _____ No X

If yes, submit the storm sewer system map as an addendum to this form.

2. If the storm sewer system map must be developed, provide a schedule for completion (e.g., 30% of system to be mapped each year):

<u>Task</u>	<u>Interim Date</u>
1. Establish Mapping Implementation Plan	December 1, 2003
2. Complete 33% of Mapping	December 1, 2004
3. Complete 66% of Mapping	December 1, 2005
4. Complete 100% of Mapping	December 1, 2006

Final completion date / date for submittal to EPD (no later than December 9, 2006): December 9, 2006

B. Ordinance / Regulatory Mechanism Evaluation

1. Does the MS4 have an ordinance or regulatory mechanism that effectively prohibits illicit discharges? Yes X No

If yes, submit a copy as an addendum to this form.

2. If an evaluation of the ordinance / regulatory mechanism must be completed, or the MS4 is aware that the ordinance / regulatory mechanism will require revision, then a schedule for development of the document should be provided:

<u>Task</u>	<u>Interim Date</u>
N/A	N/A

Final completion date / date for submittal to EPD (no later than December 9, 2006): N/A

C. Best Management Practice (BMP) #1 – Industry Database

1. Description of BMP: The City will create and maintain a database of industrial and commercial sites that could contribute to stormwater pollution. This database will eventually be migrated to a Geographic Information System (GIS) format. This will then serve to establish potential pollutants to monitor in the City's stream network. Anticipated sources of data will include Source Water Assessments, NPDES Industrial Permits, Peachtree City Water & Sewerage Authority pretreatment program and business licenses.
2. Measurable Goal(s): Measurable goals for this BMP will be development of the initial database and then yearly maintenance of the database at a minimum.
3. Schedule:
- | | | |
|----|--|------------|
| a. | Interim Milestone Dates (if applicable): | N/A |
| b. | Implementation Date (if applicable): | March 2004 |
| c. | Frequency of actions (if applicable): | Yearly |
| d. | Month/Year of each action (if applicable): | TBD |
4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goal(s): The City has a number of industrial facilities within the corporate limits of the

community. Additionally, during past water quality sampling efforts, the water quality of some stream segments was noted to be relatively healthy but macroinvertebrate communities were somewhat impaired suggesting that some form of illicit discharge had occurred in the past.

D. Best Management Practice (BMP) #2 – Water Quality Sampling Program

1. Description of BMP: The City has developed a water quality sampling program that was implemented in 2002. This program consisted of monitoring 34 individual sites around the City for various chemical, insitu and biologic parameters. The City will continue the program with yearly sampling efforts based on monitoring four events (two immediately following a rainfall event and two following at least 72 hours without rainfall) occurring within 30 days. Ultimately, this will establish whether activities within the watersheds are detrimental to the health of the stream and if illicit discharges are occurring within the streams.
2. Measurable Goal(s): The program's data will be cataloged in a GIS database established under the 2002 sampling effort. The program will then be maintained on a yearly basis for the permit duration. It is anticipated that following a five- to six-year sampling period, data trends will begin to emerge.
3. Schedule:
 - a. Interim Milestone Dates (if applicable): N/A
 - b. Implementation Date (if applicable): March 2004
 - c. Frequency of actions (if applicable): Yearly
 - d. Month/Year of each action (if applicable): TBD
4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goal(s): The City has performed a number of water quality sampling efforts over the past 10 to 12 years. As part of the sampling effort in 2002, the City cataloged the past data into a comprehensive GIS database. This data along with the 2002 water quality sampling effort provide a starting baseline for incorporating further water quality data.

Appendix D

Construction Site Storm Water Runoff Control

40 CFR Part 122.34(b)(4) Requirement: You must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Your program must include:

- A) An ordinance or other regulatory mechanism to require erosion and sediment controls as well as sanctions to ensure compliance;
- B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- D) Procedures for site plan review which incorporate consideration of potential water quality impacts;
- E) Procedures for receipt and consideration of information submitted by the public; and
- F) Procedures for site inspection and enforcement of control measures.

A. Ordinance Evaluation

1. Does the MS4 have an ordinance which is adequate to require erosion and sediment controls at construction sites? Yes X No

If no, see item #3.

2. Does the ordinance include sanctions for failure to comply with erosion and sediment control requirements? Yes X No

If no, see item #3.

3. If an evaluation of the ordinance must be completed, or the MS4 is aware that the ordinance will require revision, then a schedule for development of the document should be provided:

<u>Task</u>	<u>Interim Date</u>
N/A	N/A

Final completion date / date for submittal to EPD (no later than December 9, 2006): N/A

B. Best Management Practice (BMP) #1 – E&S Training

1. Description of BMP: The City currently is an issuing authority with the EPD. As such, it will continue to operate an erosion and sedimentation program that is in compliance with all applicable state laws. This will continue to include training for all City E&S inspectors.
2. Measurable Goal(s): The measurable goal for this BMP will be the active education and certification of erosion and sedimentation inspectors employed by the City. The number of certifications maintained each year will measure this BMP.
3. Schedule:
 - a. Interim Milestone Dates (if applicable): N/A
 - b. Implementation Date (if applicable): March 2004
 - c. Frequency of actions (if applicable): Yearly
 - d. Month/Year of each action (if applicable): TBD
4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goal(s): The current efforts by the City to maintain a consistent E&S program will continue to include these certifications. Additionally, it is the City's understanding that the changes proposed in the Georgia Erosion & Sedimentation Act will require continued certification.

C. Best Management Practice (BMP) #2 – E&S Tracking Database

1. Description of BMP: The City will maintain a compliance database of erosion and sedimentation violations for construction activities. This database will be used to establish the specific actions taken on each site and to ensure that the issues have been resolved in a timely manner.

2. **Measurable Goal(s):** The measurable goal for this BMP will be the implementation of the database and the number of actions logged each year.
3. **Schedule:**
 - a. **Interim Milestone Dates (if applicable):** N/A
 - b. **Implementation Date (if applicable):** March 2004
 - c. **Frequency of actions (if applicable):** Yearly
 - d. **Month/Year of each action (if applicable):** TBD
4. **Person (position) responsible for overall management and implementation of the BMP:** Troy Besseche (City Engineer)
5. **Rationale for choosing BMP and setting measurable goal(s):** The City currently has an inspection program for erosion and sedimentation control. This program will utilize the data to ensure adequate and fair enforcement across the City.

Appendix E

Post-Construction Storm Water Management in New Development and Redevelopment

40 CFR Part 122.34(b)(5) Requirement: You must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. You must:

- A) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community;
- B) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development or redevelopment projects; and
- C) Ensure adequate long-term operation and maintenance of BMPs.

A. Ordinance Evaluation

1. Does the MS4 have an ordinance that effectively controls runoff from new development or redevelopment construction sites?
Yes X No

If yes, submit a copy as an addendum to this form.

2. If an evaluation of the ordinance must be completed, or the MS4 is aware that the ordinance will require revision, then a schedule for development of the document should be provided:

<u>Task</u>	<u>Interim Date</u>
N/A	N/A

Final completion date / date for submittal to EPD (no later than December 9, 2006): N/A

B. Best Management Practice (BMP) #1 – Post Construction BMP Inspections

1. Description of BMP: The City has traditionally required the implementation of flood control facilities such as detention ponds. In addition to these controls, the City has also recently implemented a water quality component to its code of ordinances requiring implementation of best management practices to control the increase of pollutant loadings resulting from new development and redevelopment. As such, the City will implement a post-construction BMP inspection program. This program

will primarily focus on identifying and ensuring the long-term maintenance of these BMPs with priorities focusing on those structures that have the highest effect on peak flow reduction, water pollution reduction and those structures which could jeopardize the safety of the public.

2. Measurable Goal(s): The measurable goals for the implementation and operation of this BMP will include development of an inspection procedure, development of a notification procedure, identification of existing BMPs and establishment of an inspection schedule.
3. Schedule:
 - a. Interim Milestone Dates (if applicable): March 2004 (Map BMPs)
March 2005 (Procedures)
March 2006 (Inspections)
 - b. Implementation Date (if applicable): March 2006
 - c. Frequency of actions (if applicable): Yearly
 - d. Month/Year of each action (if applicable): TBD
4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goal(s): The City underwent rapid expansion in the 1980's and 1990's due to the growth of the metropolitan Atlanta region and the City's high quality of life standards. As such, the City's requirements for post-construction BMPs created a large number of BMPs that are in some cases approaching 20 years in age. In order to ensure that these BMPs continue to provide a high level of service to the City, the inspection program will be necessary to maintain their functionality on a consistent basis.

C. Best Management Practice (BMP) #2 – CIP Retrofit Program

1. Description of BMP: The City's aging infrastructure has begun to show signs that some select systems will need to be included in the Capital Improvements Program (CIP) list in the next several years. Extensive use of uncoated Corrugated Metal Pipe in the 1980's is expected to cause an increase in CIP budgeting over the next decade. As such, the City will develop a procedure for evaluating potential water quality problems in new CIP project designs. Those water quality issues that can reasonably be resolved in the CIP design will be incorporated.
2. Measurable Goal(s): The primary measurable goals associated with the program will include creation of design review procedures and the number of designs reviewed in any given year.

3. Schedule:
 - a. Interim Milestone Dates (if applicable): N/A
 - b. Implementation Date (if applicable): March 2004
 - c. Frequency of actions (if applicable): Yearly
 - d. Month/Year of each action (if applicable): N/A
4. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
5. Rationale for choosing BMP and setting measurable goal(s): The City anticipates that a number of CIP projects will be completed within the initial permit period. As such, this program will enable the City to ensure compliance with the NPDES program while also seeking to achieve its goal of maintaining its basic infrastructure.

Appendix F

Pollution Prevention / Good Housekeeping for Municipal Operations

40 CFR Part 122.34(b)(6) Requirement: You must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

A. Best Management Practice (BMP) #1 – Employee Training

1. Target audience: City Employees
2. Description of BMP: The City will develop and implement a training program for new employees that will teach proper storage and disposal methods for materials commonly handled by the staff.
3. Measurable Goal(s): The City will develop a training procedure for new employees that come in contact with materials such as motor oil, solvents, etc., along with a handbook for handling and disposal of materials. The number of employees trained every year will measure program implementation.
4. Schedule:
 - a. Interim Milestone Dates (if applicable): N/A
 - b. Implementation Date (if applicable): March 2004
 - c. Frequency of actions (if applicable): Yearly
 - d. Month/Year of each action (if applicable): TBD
5. Person (position) responsible for overall management and implementation of the BMP: Troy Besseche (City Engineer)
6. Rationale for choosing BMP and setting measurable goal(s): Required element.

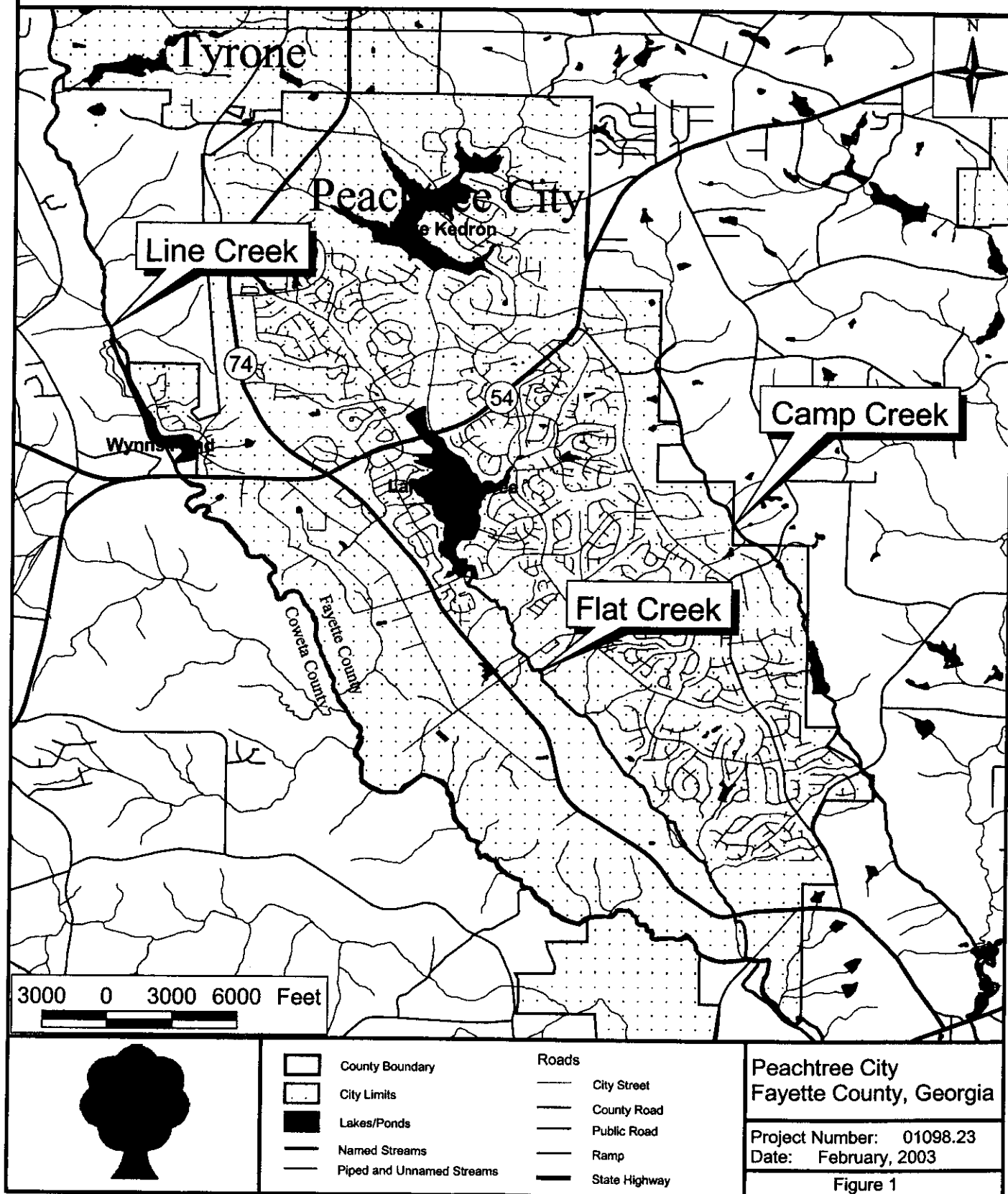
B. Best Management Practice (BMP) #2 – MS4 Inspection Program

1. Description of BMP: The City's growth has caused a significant expansion of the City's stormwater management infrastructure. To ensure long-term functionality of this infrastructure, an MS4 inspection and maintenance program will be implemented. This will include identifying the components of all major drainage systems in the City and developing an inspection procedure / checklist for inspecting these drainage systems. These

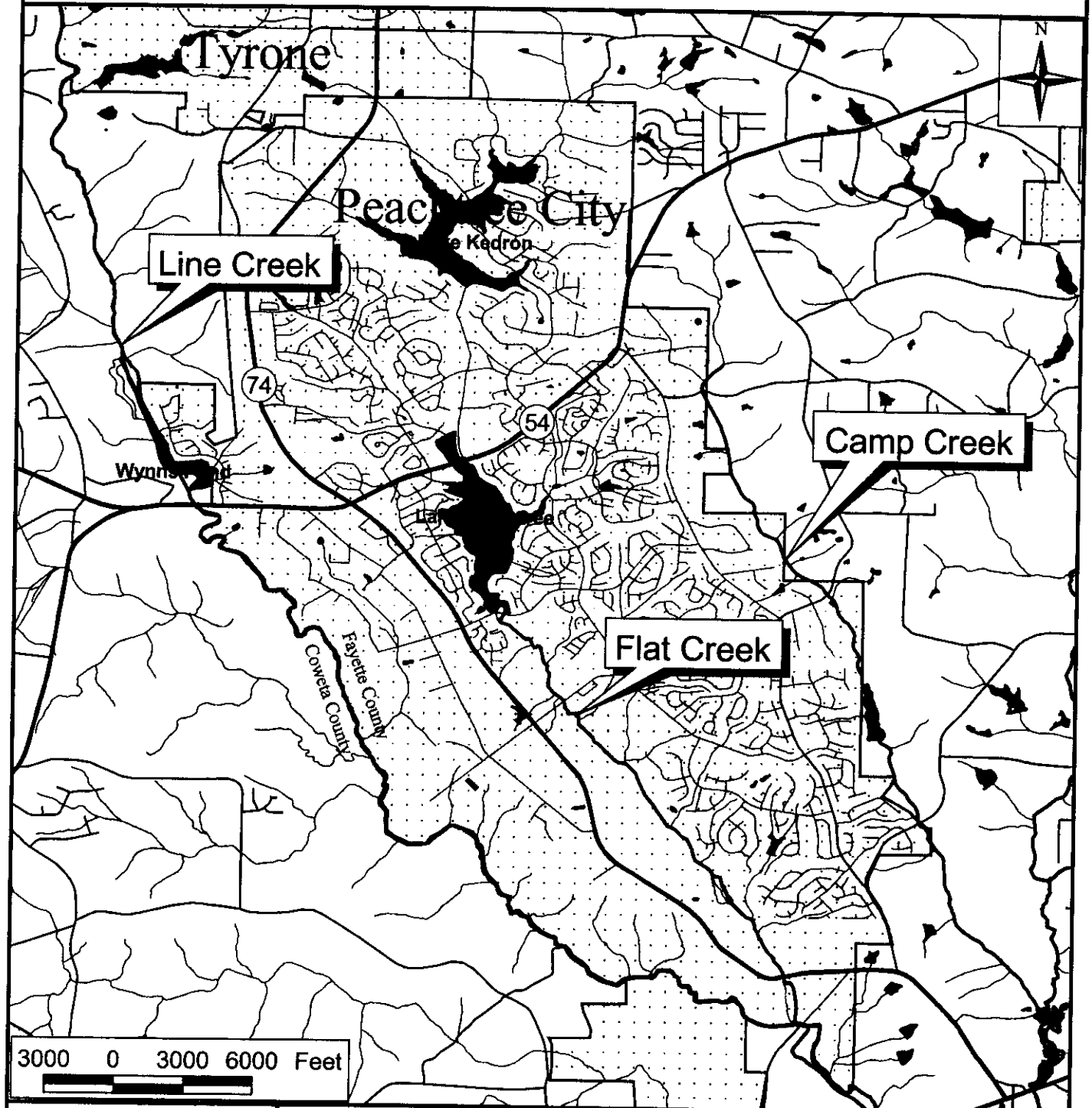
inspections will include examinations for both structural and water quality concerns.

2. **Measurable Goal(s):** Measurable goals for the implementation of this BMP will include development of an infrastructure inspection procedure / checklist for inspecting drainage systems, identifying major drainage systems, and inspecting applicable drainage systems.
3. **Schedule:**
 - a. **Interim Milestone Dates (if applicable):**
March 2005 (procedure development)
March 2006 (identify all major drainage systems)
March 2007 (begin inspecting drainage systems)
 - b. **Implementation Date (if applicable):** March 2007
 - c. **Frequency of actions (if applicable):** Yearly
 - d. **Month/Year of each action (if applicable):** TBD
4. **Person (position) responsible for overall management and implementation of the BMP:** Troy Besseche (City Engineer)
5. **Rationale for choosing BMP and setting measurable goal(s):** This BMP will allow the City to ensure long-term maintenance of the City's MS4 as well as identifying potential water quality problems and future CIP projects.

NPDES Phase II, Notice of Intent
MS4 Receiving Waters
Peachtree City
Fayette County, Georgia



NPDES Phase II, Notice of Intent
 303(d) Listed Streams
 Peachtree City
 Fayette County, Georgia



- | | |
|---------------------------|---------------|
| County Boundary | City Street |
| City Limits | County Road |
| Lakes/Ponds | Public Road |
| 303 (d) Listed Streams | Ramp |
| Named Streams | State Highway |
| Piped and Unnamed Streams | |

Peachtree City
 Fayette County, Georgia

Project Number: 01098.23
 Date: February, 2003

Figure 2