City Council of Peachtree City
Agenda
February 18, 2010
7:00 p.m.

I. **Call to Order**

II. **Pledge of Allegiance**

III. **Announcements, Awards, Special Recognition**
Swearing in of Reserve Officers Phil Jones & Eric Semon
Recognize Employee of the Month – Kenneth Ralls
Proclamation for World War II Heritage Days
Proclamation for Arbor Day

IV. **Citizen Comment**
Any member of the public attending the meeting may comment on any issue or item that is not included on the agenda. The time limit is two (2) minutes.

V. **Agenda Changes**

VI. **Minutes**
February 2, 2010, Workshop
February 4, 2010, Regular Meeting

VII. **Consent Agenda**
1. Consider Alcohol License – NEW – China Bistro
The applicant has met the requirements in City's alcohol ordinance, and new licenses must be approved by Council
2. Consider Request to Surplus Public Works Vehicles
Request for Council to approve the surplus of vehicles with excessive miles for resale through GovDeals or most economical disposal method for the City.
3. Consider Budget Amendments – FY 2010
Amendment is a transfer of approved budget for salaries and benefits from Code Enforcement Department to Building Department based on the previously approved reorganization of the Community Development Division.

VIII. **Old Agenda Items**
02-10-05 Consider Tree Removal Permit Fee Schedule
At the direction of Council, staff to present an analysis of potential fee increases for tree removal permits on residential property

IX. **New Agenda Items**
02-10-06 Public Hearing – Consider Request to Lift Multi-family Moratorium for Tract 8 (4.8 acres) within Lexington Circle
NorSouth Companies requested that the multi-family moratorium be lifted so they can work with staff on a proposal to develop an age-restricted apartment complex geared towards senior adults
02-10-07 Public Hearing – Consider Variance Request for Telecommunications Tower at 403-A Dividend Drive
Tim Powers requested a variance to permit the construction of a 170-foot telecommunications tower and associated equipment that would encroach into the established horizontal surface area associated with Falcon Field

X. **Council/Staff Topics**
Hot Topics Update

XI. **Executive Session**

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

City Council of Peachtree City
Workshop
Minutes of Meeting
February 2, 2010
6:30 p.m.

The City Council of Peachtree City met in a joint workshop session with the Planning Commission on Thursday, February 2, 2010, at 6:30 p.m. Council Members in attendance were: Mayor Don Haddix, Vanessa Fleisch, Eric Imker, Kim Learnard, and Doug Sturbaum. Planning Commissioners in attendance were Chairman Patrick Staples, Joe Frazar, Larry Sussberg, and Lynda Wojcik. Planning Commission Alternate Lisa Curtis also attended.

The purpose of the workshop was to provide the following:

- An overview of the City's telecommunications tower ordinance as it related to the potential for identifying locations for additional towers throughout the City, with representatives from American Tower, AT&T, Verizon, T-Mobile invited to discuss their planning strategy to upgrade their service within the City and to answer questions as needed.
- An overview of the recently adopted Transition Buffer Yard Ordinance as it related to new development
- An overview of the City's Buffer Ordinance as it related to new development along the City's thoroughfares
- An overview of recent updates to the Vegetation Protection and Landscape Ordinance
- Discussion of developing an ordinance requiring owners of vacant land and buildings to register the property with the City

Staff members attending were: City Manager Bernard McMullen, Interim Community Development Director/City Planner David Rast, and Planner/Economic Development Coordinator Tony Bernard.

Copies of the PowerPoint presentations are included in the meeting file.

Rast gave an overview of the City's Telecommunications Ordinance, noting the changes made based on the federal Telecommunications Act of 1996, which was designed to open up markets to competition by removing unnecessary regulatory barriers. In response to requests from various wireless carriers in 2007, staff requested that Council impose a 90-day moratorium on all new telecommunication tower applications. Staff worked with the Planning Commission and various wireless providers, including companies that constructed and leased towers, to develop an ordinance and identify potential locations for new towers. The amended ordinance was adopted March 19, 1998. The highlights of the amendments included no new towers being permitted unless the applicant demonstrated that no existing tower nor any towers in the approval process could accommodate the applicant's proposed antenna. The applicant had to demonstrate that the proposed new tower was designed to accommodate as many additional antennas as possible. No single-purpose towers were to be permitted. All new towers had to comply with current building and electrical codes. Towers and antennas had to comply with current standards established by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any agency of the federal government authorized to regulate them.

Rast continued that the ordinance limited the height of the towers and antennas to 350 feet and restricted them to the following zoning districts – Agricultural Reserve (AR), Open Space (OS), Light Industrial (LI), and General Industrial (GI). He then provided an overview of where the current towers were located in the City, including the zoning, height, and type. A 190-foot tower was located on the Hicks tract on Line Creek Drive. The lattice tower was approved on April 22, 1991, and was located in General Commercial (GC) zoning. Alltel/Verizon, Powertel, and Intercel were located on the tower. The 300-foot lattice tower behind City Hall was approved on December 16, 2001, and was located in OS zoning. Powertel, LLC International, Inc., and T-Mobile were collocated on the tower. American Tower's 100-foot monopole on Senoia Road behind Carmichael-Hemperley Funeral Home was approved on July 6, 2005, and was located in AR zoning. The carriers collocated on the tower included T-Mobile, AirTouch, Verizon, and Sprint. American Tower's 235-foot lattice tower on Huddleston Road was approved in July 6, 1995, and located in GC zoning. AT&T, Velocita, MetroPCS, and USA Mobility were collocated on the tower. The 195-foot monopole located on the Powers tract on Huddleston Road was approved on June 24, 1996, and was located in LI zoning. AirTouch, Verizon, and Nextel were collocated on the tower. American Tower built the 180-foot lattice tower located on City property near the Recycling Center and Meade Field. The tower, located in GI zoning, was approved on September 14, 1998, and AT&T, Verizon, MetroPCS, Nextel, XM Satellite Radio, Sprint, and T-Mobile were collocated on it. American Tower also built the 190-foot lattice tower located on the Tiernan & Patrylo property in Industrial Park that was approved on September 29, 1998. The property was zoned GI, and AT&T, Verizon, MetroPCS, Sprint, AirTouch, and PowerTel were collocated on the tower.

David Kirk of Troutman Sanders, a legal firm serving as counsel to telecommunications companies and local governments; Kimberly Adams of COMPASS Technology Services, Inc.; and Liz Hill of American Tower presented information from the industry perspective. Yanisa Buice, Site Acquisition Inc., LLC; Pete Meadows, South Metro regional manager of External Affairs for AT&T; Butler Fevrier, owner and principal radio frequency engineer of Telicel; Robert Downie, director of asset management for Communications Infrastructure Group, LLC; and Jen Blackburn of Troutman Sanders also participated.

Hill noted that one in five Georgia households had "cut the cord" and relied entirely on wireless service for communication. The range of services and devices available for businesses and homes were increasing rapidly. There was a mobile to mobile explosion and the amount data and speeds were also increasing rapidly. Wireless carriers had been modifying and upgrading existing sites by changing out antennas and adding capacity when possible. Significant new service had been added through collocation on existing towers owned by tower companies or other carriers. New towers were added to increase coverage and capacity where necessary.

Hill showed examples of the basic tower types – monopole, self-supporting tower (lattice), and guyed tower. She continued that stealth design was a tower design intended to blend into the surrounding landscape, both urban and natural, and there were a wide variety of applications. There was a trade-off between stealth design and service quality, including the height of the facility and the ability to collocate additional towers.

Adams explained the first phase of the site selection process. She said carriers constantly monitored service, and the areas of limited coverage/capacity were identified and evaluated. Towers were built only where the need and demand existed. A radio frequency engineer identified the search area (the geographic area where the new site must be located to provide the desired service) and the height needed.

During the second phase, a site acquisition specialist identified candidate sites within the search area, with a strong preference for existing towers or other tall structures in the area. The local requirements/processes were researched, and the property and tower owners were contacted. The site acquisition specialist worked with the radio frequency engineer evaluated the suitability of the candidate site(s) to fill the gap.

In the third phase, the site acquisition specialist negotiated the lease with the property owner. The specialist then worked with the land use attorney and others to identify the local zoning action needed, then prepared and submitted the required applications and documents, and attended public hearings. The specialist also helped coordinate the permitting and construction of approved facilities. Adams then gave an example of a search area and radio frequency coverage without the new site and with the new site.

Kirk went over the legal/regulatory framework for the industry. He pointed out that the Telecommunications Act (TCA) of 1996 overhauled federal regulation of wireless communications companies and provided a pro-competitive, deregulatory national policy framework that supported rapid deployment of wireless infrastructure. It also preserved state and local authority while imposing certain limitations. Section 704 of the TCA was the grant of authority…"except as provided….nothing…shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities." Section 704 of the TCA also placed limitations on the authority:

- "Regulation of the placement, construction, and modification of personal wireless services facilities…shall not unreasonably discriminate among providers of functionally equivalent services; and shall not prohibit or have the effect of prohibiting the provision of … services."
- "A state or local government…shall act on any request for authorization…within a reasonable period of time after the request is duly filed…, taking into account the nature and scope of such request."
- "Any decision…to deny a request to place, construct, or modify personal wireless facilities shall be in writing and supported by substantial evidence contained in a written record."
- "No state or local government…may regulate…personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that facilities comply with the [FCC's] regulations concerning such emissions."

Kirk continued that Section 704 also guaranteed carriers the right to expedited review, adding that some jurisdictions took six months for an application to be processed and approved, while others could take four years. The TCA required applications be processed in a reasonable time period. Section 704 requirements included:

- "Any person adversely affected by any final action or failure to act by a state or local government…that is inconsistent with [Section 704 of the TCA] may, within 30 days…commence an action in any court of competent jurisdiction."
- "The court shall hear and decide such action on an expedited basis."

Kirk added that an FCC declaratory ruling was issued on November 18, 2009, on an industry group petition that cleared up the legal question in federal courts over the "one provider" rule.

The ruling set outer limits for local review and action, and included 90 days for collocation and 150 days for new structures.

Hill discussed how the carriers, governmental entities, and citizens could work together by recognizing the role and importance of the wireless communications infrastructure in supporting economic development and public safety. She noted many of the calls made to 911 centers came from cell phones, and public safety employees used many types of wireless communication in performing their jobs. Reasonable standards should be adopted and workable ordinances should be tailored to local conditions, staff abilities, time for review, and budget. Industry, citizens, businesses, and other stakeholders should be involved in drafting ordinances. Clear procedures should be established to minimize delays in considering applications. Staff should work cooperatively with applicants to provide a clear understanding of the process and review standards and consider the "fast track" for desirable projects. Working together included understanding the legal environment and monitoring changes in the law and regulatory environment, explicitly rejecting arguments regarding health effects of radio frequency emissions, and understanding the investment carriers made in licensing and designing their systems. In addition, staff skills should only be supplemented to the extent necessary to keep control of the project, and staff recommendations and final decisions on standards and on reliable, substantial evidence should be maintained in a written record.

Haddix noted that there were three specific concerns Council had to address with City Attorney Ted Meeker – the health-related issue, the ability to say Council did not want a tower, and the ability to say there were enough towers and the City did not need more carriers. He wanted everyone to understand that Council was aware of those questions, and they were trying to find out where the City stood legally on those issues. There would be more meetings to solicit public input.

Sturbaum said that Senate Bill 192 - Wireless Communications Tower Siting Act, which provided planning for the construction of wireless facilities/wireless support structures, was under review by the State Senate Ways and Means Committee. One of his concerns was about the limitations on local jurisdictions as far as a timeline for review of applications and what constituted an emergency. Sturbaum said he was monitoring the bill closely and talking with the City's representatives. Kirk said he had followed the bill during the 2009 session, but not the current session. The industry had not been involved in submitting the bill. Lobbyists for the bill had indicated it probably would not make it through the current session either.

Haddix said Council wanted to ensure due diligence was done and opened the floor to speakers.

Bill Jones, president of the Ardenlee Homeowners Association (HOA), said the carriers had been working on this for two years and asked why there had not been a map of the towers in the City now and plans for future coverage. Kirk said the charge for this meeting had been to provide general information, not to focus on specific sites or service levels. Jones said an application had been submitted to construct a tower next to his subdivision on St. Paul Lutheran Church's property that was near a residential neighborhood and an elementary school. Kirk clarified that the carriers did see a need for more towers in the City, but there was not an application submitted for a specific location at this time. McMullen said that the City had received a rezoning request from St. Paul's, but an application for a tower had not been included. Dee Marriott, vice-president of the Ardenlee HOA, said the reason the church was asking for a rezoning was for a tower. She said that, specifically in the presentation, they said they did not want towers in residential areas. She did not feel that was accurate as they were looking at residential areas and asking for rezonings. There was a commercial area across the street. Haddix explained that the church had asked for the rezoning, but Council did not know why at that point. It had not been presented to Council yet.

Wojcik explained that the Planning Commission and staff had looked at breaking the Open Space (OS) zoning into two categories – Open Space-Conservation (OS-C) and Open Space-Public (OS-P) – for quite some time, and at whether or not to include churches in one of those categories since they could be located in a myriad of zoning areas. The City had initiated the OS rezonings. The church did not come to the Planning Commission asking for a rezoning. Kedron was to be the first area for the OS rezonings. The carrier approached the church because of the rezoning. The OS rezonings had nothing to do with cell towers. Marriott said she understood that.

Sussberg added that the zoning changes were part of the preparation for the next Comprehensive Plan/Land Use Plan update. The church had come forward and said they had been contacted by a carrier. When the rezoning issue came before the Planning Commission at its last meeting, Rast reported that the carrier had contacted the church and, if the land were to be rezoned, they would be able to move forward. Sussberg said the Planning Commission decided to postpone the rezoning until there was clear vision of what the City wanted. The church was waiting for a decision. Nothing was moving forward or happening behind the public's back. It started because of the preparation for the Comprehensive Plan update.

Rast explained that there were four zoning categories in which towers could be located. If an application came in that met all the criteria in the ordinance, the City had very little that could keep the tower from being approved. Open Space was a broad classification. There were over 3,300 acres of land zoned OS, and the City was the primary owner. Two new zoning classifications had been created, OS-P and OS-C. Open Space-Conservation included areas like the Flat Creek and Line Creek nature preserves, as well as the City greenbelts. The uses for OS-C were definitive and included paths, boardwalks, playgrounds, and passive parks. Open Space-Public included areas such as the Baseball Soccer Complex, schools, and churches. Additional uses were in OS-P, including towers. Rezoning the OS areas to OS-C and OS-P would be a lengthy process. Staff originally thought there were 700 parcels zoned OS, but had found the number was into four digits. The new classifications would limit the areas where the towers could go. He continued that the carriers had approached the Board of Education regarding locating towers on school property, and the board had turned them down, as had the Fayette County Water System when asked about putting towers on the water tanks. The City would not be opened up to towers, but towers would be limited to certain areas. The OS-C zoning category would protect most of the areas located next to residential areas.

Kai Wolter, a resident and business owner, said his hotel located in Kedron Village had 88 rooms with no cell reception. There were dead zones in Kedron. There needed to be a balance between form and function. He said the companies were welcome to put a tower in his parking lot.

Staples said he was confident the answers would be found with everyone working together on the issue. The issue was trying to provide the necessary robust coverage needed today and tomorrow for the wireless market while minimizing the aesthetic impact. He referred to an area on in the vicinity of SR 54 West/Huddleston Road where the towers were very close together. The opportunity had probably been lost to collate those carriers on one tower. They did not want to end up with multiple scenarios as opposed to a rational footprint. Rast said the City asked the carriers where they needed the towers when the ordinance had been updated. At that time, the carriers wanted the towers along SR 54 and SR 74, but the industry had changed considerably and the needs were different. Hill added that the tower industry was still in its infancy when most of the towers in the City were built. Everything had been done independently. American Tower acquired many towers and started leasing space. There was not a business model to follow; it was a factor of how the industry developed. Ordinances did not originally require collocation. The City's towers now had three to six carriers each. Staples asked if there was a maximum on how many carriers could be on a single tower. Hill said generally three to six, depending on the tower.

Pat Phillips said there was win-win situation. Phillips, a City resident who had worked for many years in telecommunications, said Council needed to drive the process. The City needed to take control from the top end down, including exploring options for City property. There was no reason the City could not enjoy the revenue from the tower leases. The City needed to explore owning the towers. There needed to be total transparency during the process. Improving the City's first responder communications should be part of any agreement.

Frazar said he was disappointed that there was no commitment from the industry on where they would restrict towers. While doing his own research, Frazar found there were industry standards on the proximity of towers to schools, playgrounds, and day care centers. There were Federal Communication Commission (FCC) standards and internationally accepted standards. He felt the carriers should have restricted areas before recommending to the City where a tower should be placed.

Fleisch asked if a study of the radio frequencies in the City had been commissioned. Fevrier said it had not. Sussberg suggested setting up an independent panel (two from Council, two from the Planning Commission, and citizens) to work with independent consultants to look at the current coverage and try to come up with a plan that was best for the City. Haddix said Council would consider that idea, but was cautious given the history of task forces in the City, especially with the timeline that was needed.

Bonnie Beerbower said that the website www.antennasearch.com provided information on the number of towers located within four miles of the address that was entered. She found there were 32 towers within that radius of her home on Crabapple Lane, although they were not all cell towers. Tyrone had a cell tower located in its industrial park. Elevations were important too, and St. Paul's property was pretty low. There should be an independent study done to determine where coverage was needed. She asked if there was an FCC regulation on the percentage of coverage cities had to provide. Fevrier explained that, in the early days of cell phones, there had been a limit on where to build a tower and the percentage of coverage the tower could provide for the carrier to retain its license. Carriers determined their needs and worked within the limits of the cities. Haddix said that was the reason the City Attorney needed to be consulted, to interpret the gray areas and terminology. Areas that were not absolutely defined were arguable points.

Kathy Cheney asked what "substantial evidence" the City could use to limit cell towers in residential areas. She did not get dropped calls with her carrier, and the towers were where they belonged, in the Industrial Park, not back yards. She asked if the Planning Commission could stipulate future sites for the towers.

Wojcik said she had dropped calls on her personal phone and work phones and only one bar on her wireless computer. The City could not show a preference to any one company. The Industrial Park did not extend to the north end of the City. In the beginning, cell coverage was available along interstates. There were many more products using the technology now. The problem was the City was almost built out, and it was a residential city. If towers were not allowed in commercial or residential zoning, then there were very few areas left. Cheney asked if additional towers could be constructed near the current towers.

Karen Davis said she was willing to pay for a land line to keep the poles/towers out of neighborhoods. Aesthetics were important, but so was the location. She asked Council to consider what was important to residents.

Haddix told those attending the meeting that he felt the issues were being confused. The workshop was for technical information. Council was not permitting an actual tower location at this meeting. There were many comments made from the audience by unidentified people who did not use a microphone. Haddix assured the residents they would know when the City received any applications for permits.

David Cheney referred to the presentation, noting that local authorities had the final say and that citizens could not say they did not want it. Kirk said that was correct. Except for the provisions stated in the law, local jurisdictions had final say. David Cheney said the top and bottom bullets conflicted with each other. Sturbaum said there had been municipalities that had blocked the use and fair trade under various FCC regulations. There had been a conflict of federal and local law. The federal law said City had a right to act, but had must conduct itself from a business perspective. There were also property rights issues. The City had to listen to both sides, act in a reasonable time period, and ensure that due diligence was done.

Sussberg said the City could be proactive by working with companies such as American Tower and with the carriers to identify the areas with holes and locations best suited the City's needs.

Rast said that was the next step. The City had chosen to be proactive in 1998 when the ordinance was developed. The next step was to identify the needs and gaps, and find areas suitable for the towers. He did not see the process dragging out, adding it should be done within the next 30 – 45 days. Another workshop would be scheduled to present the facts. Staff had been talking with T-mobile for the past year, and T-mobile had identified the areas where they needed coverage. Staff had identified sites owned by the City, which would require action by Council to enter into a lease agreement. Once the sites were identified, the process was very expensive for the carriers, which was one of the reasons staff had asked what direction Council wanted to go. He said all of the information staff had should be on the website by the next day.

Mary Giles said she lived south of SR 54 and want to ensure her area was represented. It was not just about zoning, and the FAA and Falcon Field needed to be involved in any decision made south of SR 54. She asked what effect the airport would have on tower placement south of SR

54. She noted that, at the November 5, 2009, meeting, a former Council Member had stated the airport would block any towers coming into that area.

McMullen explained that the zones in the circles on the map around the airport did not mean antennas could not be located in proximity to the airport. Within those areas, antennas over a certain height were an issue, and applications would be reviewed by the Airport Authority and Federal Aviation Administration (FAA). The maximum height allowed in the inside circle was 150 feet above the airport elevation, and the height changed depending on the distance from the airport in the area between the inner and outer circles. Those areas were more restrictive because they were part of the airport zoning. Giles asked if that meant it would be more difficult for a carrier to locate a tower in that area in the Industrial Park. McMullen said only if the tower exceeded the height limit. Giles asked the industry representatives if they would exceed the height limit. Fevrier said all the carriers followed strict FAA guidelines. Giles asked that, for the south side of the City, the carriers and the City focus their efforts on any needed towers in the Industrial Park.

Bob Beerbower asked whether Council would have the final say on towers and whether it would go through zoning. As an example, he asked if the City could stop him from building a tower on his property if it was zoned properly. Haddix said Council would not see the application if it met all the zoning and telecommunications requirements. An application would only come to Council if a variance or rezoning was needed. McMullen said the City could not stop an application if it met all the ordinance requirements and met all the requirements for site plan approval. Learnard said that was why it was such an important zoning issue.

Haddix said the next step was to work together, narrow the areas of coverage down to specific sites, then meet to look at how the City wanted to proceed. It was also important to discuss the gray areas with the City Attorney. McMullen said they needed to look at the zoning throughout the City to see if any changes to the zoning restrictions were needed. Once the locations had been specified and any proposed changes to the ordinances were made that applied to everybody, then the City would have the rules and guidelines for the Planning Commission to use. Haddix asked if the companies were on board with that process. Those attending the meeting were, but the five major carriers all needed to present what they needed for the future. McMullen said the City had done the same thing in 1998, and it had lasted for 12 years. Now it needed to be done again, and they needed to look at what would be needed 15 years in the future.

Tim Powers noted that he had a variance request on the February 18 agenda regarding a cell tower on his property in the Industrial Park, so there was an application on the table. McMullen said the request was for a 300-foot tower, and the Airport Authority had already notified staff they would not support the variance.

Transition Yard Standards between Dissimilar Zoning Districts – Section 916 of Zoning Ordinance

Rast said there would be an overview on buffers and landscaping, noting that the transition yard ordinance was approved in January 2009 and was designed to enhance buffers between dissimilar zoning districts. Rast showed the site plan for the Line Creek retail development, which featured a 75-foot transition yard between the development and the Cardiff Park/Planterra Ridge subdivisions. He also showed how the transition yard standards would have applied to the Christ Our Shepherd Lutheran Church site if the rezoning request to rezone the property to office/commercial zoning had been approved several years ago. Imker asked if any commercial developments had been grandfathered in at the previous 10-foot requirement. McMullen said no projects had to be grandfathered. In the future, any buffer between residential and commercial would have to be 75 feet.

Fleisch asked how 75 feet had been decided. Rast said that they had looked at "in the field" conditions at 25 feet, 50 feet, and 75 feet. They also looked at site plans, and 75 feet was a substantial buffer, especially if fully vegetated. He asked Council to let him know if they wanted to work on any part of the ordinance.

Buffer Ordinance Requirements

Rast gave an overview of the ordinance requirements, noting that the standards differed based on the several road classifications in the City. The intent was to preserve the vegetation along major thoroughfares, while still being able to see the commercial developments from the highway. Future development along SR 74 would have to comply with the ordinance as much as possible given the changes during the road-widening. The ordinance was working with the exception of SR 74 South.

Wojcik was concerned that the same thing could happen on SR 74 North if the state decided to add additional lanes to match what was done on SR 74 South. She asked if the buffers started at the edge of the road right-of-way. Rast said they did. He hoped that in 10 – 15 years SR 74 South would look like SR 74 North, after the rights-of-way re-naturalized with second growth pines. Some of the work being done with the Gateway grant would assist with that. Wojcik said the City should look at increasing the buffer in areas where the state might widen the highways. Rast said SR 74 North had very few undeveloped lots. He would contact the Department of Transportation (DOT) to see if any future widening could be done in the median, as it was done for any further widening on SR 54 West.

Haddix asked Rast to look at the "save" areas, as well as minimum plant and replacement areas.

Overview of Updates to the Landscape Ordinance

Rast said tree replacement requirements depended on the amount of impervious surface on a site, including the area reserved for stormwater detention. Trees removed needed to be replaced with plant material. The plan required one canopy tree and one understory tree for every 1,000 square feet of impervious surface. The minimum caliper for canopy trees was two inches, and the caliper size for understory trees was increased to minimum of two inches. Minimum sizes were also set for multi-trunked trees such as hollies. Maintenance requirements were added for once the plants were installed, as well as replacement requirements. Limits were also placed on limbing and trimming up of trees.

Sussberg asked if there was a time limit on replacing trees that had fallen due to storms. Rast said the trees would have to be replaced, with a guarantee of two years after acceptance, then staff inspected them. Owners were notified in writing if replacement was required.

Haddix asked if one canopy tree and one understory tree was enough. Wojcik said the ordinance needed to be beefed up. Developers went for the minimum, and the minimum needed to be better. Sussberg said that, as a business owner who rented space in a development hit by armed robberies, there were security concerns related to dense vegetation. Rast said there might be another solution rather than requiring more trees. It was sometimes difficult to get the current number of trees required on a site. They had to make sure trees were healthy, planted properly, and had room to grow, or trees would be lost. He recommended looking at the possibility of going to a three-inch caliper requirement for canopy trees to provide, more substantial trees.

Staples referred to the Delta Credit Union building as an example of landscaping that did not fit the scale of the building, saying that the trees needed to be four times larger. He said there needed to be a minimum coverage standard that considered the massing of the building. Wojcik suggested that the landscaping could be based on the number of stories. Rast said they had looked at that, but pointed out that the larger the tree caliper the longer it took for the roots to spread and the tree to grow. Wojcik said it might take longer for a larger tree to grow, but it would look better from the beginning.

Mike Lorber suggested increasing the caliper inches and pushing the bigger trees out to the front. Rast suggested looking at total caliper inches, rather than the number of trees, which would give the option of planting larger trees. He said the City did not accept landscape plans until construction started so they would have a better idea of the building scale. McMullen recommended taking a couple of site plans and using the new criteria to see if it worked.

Sussberg said that, as a business owner, he was concerned with the canopy blocking wall signage. There needed to be a balance between aesthetics and sensible business practice.

Discussion of Proposed Vacant Building Registration Ordinance
Rast said this would be a new ordinance, adding that the housing code official had researched several jurisdictions to see how the issue was addressed. There was a growing number of vacant buildings in the City. Some were not maintained, some were a blight to the neighborhood, and the owners for some were unknown. The highlights of the proposed ordinance included the following:

- Vacant structure defined as a structure or building that is unoccupied for a period of 90 days;
- Administered by Housing Code Official;
- Housing Code Official would provide written notice to the owner of the existence of a vacant structure, building, or dwelling;
- Within 10 days, property owner must register the structure with the City; and
- Registration must be renewed every six months.

Rast continued that the owner would be required to submit a plan to care for the building while it was vacant. When a structure was registered, the property owner would submit the following:

- The length of time the owner expected the vacancy to continue;
- The proposed rehabilitation or improvements to be made to the structure;
- A form in which the owner granted permission to inspect the property; and
- A description of what would be done to secure the structure so it would not become open to the general public.

The aspects of the proposed ordinance included the following:

- Periodic inspections by Housing Code Official, Fire Department, and Police Department as necessary to ensure property was maintained and not open to the general public;

- Identified procedures for permitting board-up permits;
- Issuance of vacant building permit;
- Identified standards for securing a building; and
- Identified protocol for addressing real property maintained in a blighted condition.

Rast said staff would like to know whether to move forward with the registration ordinance. If so, then there were several changes that needed to be made regarding Code Enforcement and the Building Code. He would like to bring it to Council the first meeting in March.

Fleisch asked how the ordinance would be enforced. McMullen said that, currently, Code Enforcement attempted to identify banks/owners and contact whoever was managing the property. It was through good will that they were encouraged to maintain the property. The proposed ordinance would give more leverage, especially with the banks, but it would not cure everything. Sometimes the City had gone in to cut the grass. McMullen continued that staff had worked with the City Attorney to place liens on some properties due to the use of taxpayer money to maintain private property. Even with a lien, the City usually did not get any money back by the time everything was settled.

Haddix asked how the proposed ordinance would apply to condominiums due to the type of ownership. McMullen said security was an issue. If the outside walls of a condominium were owned by the association, then the association was responsible for taking care of it unless it went into foreclosure. The ordinance would apply. If the building itself was vacant for more than 90 days, then the security requirements would apply.

Fleisch asked about homeowner's insurance cancellation by homeowners who were not living in homes for sale. It might not be universal throughout the industry, but many insurance companies cancelled the coverage when they found out the house was vacant.

Imker said he would like to pursue the ordinance. Haddix agreed, but said it would take more care in drafting the sections pertaining to condominiums since the condominium association would have the right to secure the inside of the property. He would rather the association intervened than the City.

There being no further business to discuss, the meeting adjourned at 10:16 p.m.

Pamela Dufresne, Deputy City Clerk

Don Haddix, Mayor

City Council of Peachtree City
Minutes of Meeting
February 4, 2010
7:00 p.m.

The City Council of Peachtree City met Thursday, February 4, 2010, in the City Hall Council Chambers. Mayor Don Haddix called the meeting to order at 7:00 p.m. Council Members present: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum.

Announcements, Awards, Special Recognition
The graduates of the Junior Police Academy were recognized.

Citizen Comment
Imker addressed Council and commented on a budget meeting he held on January 30 with over 40 City residents. He highlighted budget concerns and a proposal for balancing the FY 2011 budget. He indicated there were many cost saving ideas that had been proposed. He wanted all citizens including City workers to participate in generating cost-saving ideas.

Agenda Changes
There were no changes to the agenda.

Minutes
January 21, 2010, Regular Meeting Minutes
January 21, 2010, Executive Session Minutes
Haddix noted there was an additional document on the dais – a change from Learnard on page 2 of the January 21, 2010, regular meeting minutes. Learnard moved to approve the January 21, 2010, regular meeting minutes with the change as noted. Sturbaum seconded. The motion carried 4-0-1 (Imker).

Learnard moved to approve the January 21, 2010, executive session minutes as written. Fleisch seconded. The motion carried 4-0-1 (Imker).

Monthly Reports
There were no comments.

Consent Agenda
1. **Consider Sanitation Franchise – Integrated Recycling/Waste Solutions**
2. **Consider Budget Amendment – FY 2010**
3. **Consider Appointment to PCTA Board of Directors – Kim Westwood**
4. **Consider Appointment to DAPC – Donna O'Kelly**

Sturbaum moved to approve the Consent Agenda. Fleisch seconded. The motion carried unanimously.

Old Agenda Items
There were no Old Agenda Items.

New Agenda Items
02-10-01 Consider Agreement with South Side Cycling Club

Leisure Services Director Randy Gaddo addressed Council. He explained that the South Side Cycling Club was a new club that formed to promote and advocate safety and road awareness for bicyclists and to encourage various types of cycling. The club was also a prerequisite for becoming a Bike Friendly Community, which was a goal the City had been working toward for some time. The club would sponsor various community-oriented activities, including rides on the City's golf cart paths, road rides, safety classes for children, bike maintenance classes, skill sessions, and others.

The agreement used the same format used by the youth associations and other special interest groups using City facilities. It had been reviewed by staff, the City Attorney, and the club board. The agreement was for one year and would be reviewed before renewal next January. The Recreation Commission approved the agreement on January 25, but they had concerns they would like to have addressed before renewing the agreement next year. One concern was that the agreement did not include a fenced account similar to the youth associations, where a minimum of $5 per in-County resident and $10 for out-of-County residents was charged at registration by the club and placed into a fenced account in the City budget that could only be used to improve the facilities they used or for operations and maintenance of the facilities. Because the club was new, the decision was made to leave the fenced account out for the first year to see how things went. The club was also asked not to hold any large events the first year without working closely with the City, and the club had agreed. The 2010 agreement specified one area, the 22-acre undeveloped tract adjacent to the Baseball Soccer Complex (BSC), that the club could improve to offer a higher level of riding. Plans were to improve and maintain an existing path in that area, with the Recreation Department assisting with signage and some site clearing.

Sturbaum asked if there were any construction concerns in that area. Gaddo said there were not. They planned to improve an existing path, and the improvements would not interfere with any activities at the BSC or any other construction going on in that area.

Learnard thanked Dan Christensen and the other club volunteers for meeting a need in the City and putting together a program for adults and kids.

Haddix asked for a motion, noting that he had requested that "should" be changed to "shall" in paragraph 10 for reporting any damages.

Sturbaum moved to approve the agreement with the South Side Cycling Club as amended and authorize the Mayor to sign. Learnard seconded. The motion carried unanimously.

02-10-02 Consider Agreements with Youth Associations

Gaddo asked Council to approve the agreements and authorize the Mayor to sign. He explained that the programs were all run by volunteer organizations, and the agreements were signed on an annual basis due to the turnover in the boards. There were four formats, all similar with slight variations for the facilities that were used. There was a general format for lacrosse, BMX, basketball, girls' softball, track, and football/cheerleading, as well as specific agreements for the three baseball associations, soccer, and hockey. The agreements had been reviewed by staff and the City Attorney. If Council approved the agreements, they would be executed immediately by the associations.

City Attorney Ted Meeker said a change needed to be made to paragraph 15 regarding any damages noted. The word "should" needed to be changed to "shall." Meeker asked Gaddo if the groups were the same as last year. Gaddo said they would be individualized with the name of the each association at the top.

Sturbaum asked the City Attorney if there was any conflict for him since he was the president of the Little League organization. Meeker said there was not. It was the same contract with no special benefit given over another organization.

Learnard moved to approve the agreements with the youth associations with the change to the verbiage as noted and authorize the Mayor to sign. Sturbaum seconded. The motion carried unanimously.

02-10-03 Consider Amendment to Amphitheater Fee Schedule
Amphitheater Manager Nancy Price said that, at the January 21 meeting, Council had directed staff to propose a rental fee for use of the facility by all public and private Fayette County schools. Price said the proposal included two different price structures – $150 fee for the facility for a school event and $150 plus 20% of the net profit for a national act.

Sturbaum said that some schools used local churches for their events, asking if use of the Amphitheater might impact the schools' use of the churches. Price said the Amphitheater was a special venue that would not compete with the churches and would not be optimal in all cases.

Learnard clarified that the facility could be used by school groups, such as the band or chorus. Price said yes.

Fleisch moved to approve the Amphitheater fee schedule. Sturbaum seconded. The motion carried unanimously.

02-10-04 Discuss Code Enforcement Fee Schedule
Interim Community Development Director/City Planner David Rast said Council had asked staff to research other jurisdictions and he clarified that the discussion regarded the fine schedule for Code Enforcement violations. Rast said other jurisdictions had a fine schedule that allowed citizens the opportunity to pay the fine in advance rather than go to Municipal Court to wait for the judge to set the fine. Areas in the ordinance regarding the violations had also been identified for updates, and those changes would be on the February 18 or March 4 agenda. Staff would continue to look at the fine schedules in other Class B cities. If Council decided to move forward, staff would meet with the City Solicitor and the Municipal Court Judge to discuss the appropriate fines, and then bring those fines to Council for adoption.

Haddix and Sturbaum agreed that information should be gathered.

Learnard asked for examples of the violations. Rast said staff had looked at comparing the most common offenses that citations were issued for, including high grass, parking on lawns, swimming pool, and fence violations. Staff was looking at the historical information on the types of citations and the fines imposed and comparing that with what other cities had in place. A fine schedule would give residents the opportunity to pay the fine in advance and avoid going to Court, which was similar to the process for most traffic tickets.

Imker said this was definitely an approach the City should take. Rast added that areas in the ordinances had been identified that needed tweaking to allow Code Enforcement to do their jobs and resolve the issues, rather than letting them drag on for a long time. He hoped to bring something back at the March 4 meeting.

The Council consensus was to move forward. Fleisch asked if the changes would include items discussed at the February 2 workshop. Rast said it would.

02-10-05 Consider Tree Removal Permit Fee Schedule

Rast said that staff had also been asked to look charging fees for tree removal permits. Several years ago, the Vegetation Protection and Landscape Ordinance had been updated. The Planning Commission and a citizen committee had reviewed the ordinance and recommended changes. The committee had recommended charging for permits to remove trees on residential property, but Council had not approved that recommendation.

Rast noted that 930 residential permits were issued in FY 2009, and 5,151 trees had been removed. The permit fee potential for FY 2009 could have been $23,250. (A copy of the PowerPoint presentation is included in the meeting file.) He also showed a map of where the trees were removed, showing were the permits had been issued. Rast continued that 549 permits were issued in FY 2004 with 4,724 trees removed and a permit fee potential of $13,725. In FY 2005, 1,018 permits were issued, 6,583 trees were removed, with the permit fee potential of $25,450. In FY 2006, 1,069 permits were issued, 7,202 trees were removed, and the permit fee potential was $26,725. In FY 2007, 1,256 permits were issued, 7,834 trees were removed, and the permit fee potential was $31,400. In FY 2008, 1,072 permits were issued, 6,330 trees were removed, and the permit fee potential was $26,800. To date in FY 2010, 252 permits had been issued, 1,234 trees were removed, and the permit fee potential was $6,300. The total number of permits issued from FY 2004 to date was 6,146 with 39,058 trees removed. The total permit fee potential over the six-year period was $153,650. Rast pointed out the trees referenced were removed after a certificate of occupancy was issued for the homes.

Rast continued that there had also been many complaints from residents in older neighborhoods when tree companies had gone door-to-door soliciting work. The updated ordinance had protected homeowners by requiring tree removal companies to be licensed and bonded, and the approved companies were listed on the back of the permit. The ordinance had helped with companies that cut the trees down and left the mess behind.

Rast explained that, when a resident applied for a permit, a staff member went to inspect the trees to ensure they were not specimen or protected trees. For the most part, the permits were approved since the ordinance did not have lot of teeth to prevent tree removal. If the trees were healthy and posed no danger, staff would speak to the owner and try to convince them to preserve the trees, which worked in some cases. There was also a time when timber prices were high and logging companies went into certain areas and convinced homeowners to cut down trees.

When the fee was initially recommended to Council when the ordinance was updated, Council adopted the ordinance without the requirement for the fee. It took time to inspect and follow-up on permits, and the permit fee was an effort to re-coup staff costs. Staff recommended a $25 fee be implemented, which was low compared to the amount of staff time involved.

Fleisch asked if the Tree Board had helped with the earlier changes to the ordinance. Rast said a Tree Board had been included when the ordinance was updated, but the group had never been formalized. The board had been a requirement for the Tree City USA designation several years ago; however, running the board would also take staff time. Fleisch expressed concern about the number of trees taken down. She felt that such a committee might come up with another way to save trees. Now, the City was accounting for the trees, but not conserving them. She was also concerned about the types of trees coming down. Rast said more trees were taken down in 2005, 2006, and 2007. There had been a couple years of pine beetle infestation, especially in areas with thickets of pines. Now that the drought was over, the problem with pine beetle infestations had been alleviated. The economy was another factor influencing the decline in permits.

Haddix asked if anyone had any opposition to the proposed fees.

Juan Matute said he was not opposed to the fee, and the trees were what attracted him to the City. He chose the lot in his neighborhood with the most trees, but trees did not live forever. He had to take some down due to disease or leaning and falling, and he was vigilant on taking care of the trees that were left. He felt residents should not be penalized for removing trees due to disease or safety concerns.

Haddix said he also had to take down some trees due to disease, but the fee was not to penalize people, but to cover the staffing costs. Either the homeowner or the taxpayer would have to pay for the staff time.

Sturbaum agreed that the number of trees taken down since FY 2004 was staggering, but trees had to come down when there was an infestation. The permit was one way to protect the trees, and the fee would help recoup the administrative costs.

Learnard asked if the fee would be per visit by staff. Rast said it would be charged per application. Staff time was involved when trees were diseased, but those trees needed to come down. Staff had talked about how to differentiate between trees removed for safety and those removed because the owner just wanted to take them down. Sturbaum suggested charging the fee for cosmetic removal, but waiving it if there was a disease or danger to life, limb, and property.

Meeker clarified that the fee was for one permit, which could cover five trees. The charge was not $25 per tree.

McMullen said that he would rather not make exceptions in the fee because people could argue about the exception, especially if staff disagreed whether danger was the reason to remove a tree.

Learnard asked what other permits costs. Rast said a roofing permit was $50, fence permits were $25 or $30, and the various building permits were based on a sliding scale based on the amount of work being performed.

Imker said he was tempted by the money the City could receive for the permits, but he was disappointed the City was starting to "fee" citizens for everything possible. At this point, he did not support this fee. Haddix said if a fee was not charged, then property taxes would pay for the costs. Imker said staff was paid from the General Fund, which was created from dozens of revenue sources. Specifically identifying one source of revenue to pay for administrative costs for tree permits was not valid. Haddix said that administering the permits consumed time, and ultimately someone would pay for the time.

Haddix said an area of widespread blight could be an exception. Rast said that was the case with Camp Creek Estates, where a large number of pine trees throughout the subdivision had to be taken down so the pine beetles would not spread.

Beth Pullias said the purpose of the permit seemed to be to account for the trees and keep track of what was disappearing and why. It was valid to track the trees and to charge a fee to do so. Her concern was enforcement. The City needed to ensure all the homeowners associations (HOA) knew a City permit was required since some residents had their trees removed through the HOA. She said she was an HOA president, and she had not known until this meeting that a permit was required.

Haddix agreed that, when serving as president of his HOA, he had to stop people from taking down trees in the past. He noted that taking down trees harmed the value of the neighborhood, especially in subdivisions without an HOA. He asked if there was any way to incorporate that concern into the permit. Rast said HOAs had been discussed initially. The covenants had expired in the older subdivisions, and it was fair game for people to do what they wanted. There had been a significant number of complaints when new people moved in and took down trees. The City would continue to see that issue as covenants expired. Currently, applicants that lived in subdivisions with HOAs had to provide a letter of approval from the HOA to get the permit.

Learnard asked what happened if trees were cut down without a permit. Rast said they were cited and brought to Court. The fine schedule was associated with the caliper inches of the trees removed. There was no requirement to replace trees. Learnard felt there should be a full court press to let the public know permits were required. Fleisch said she had spoken to the Public Information Officer about the issue. Her concern was that a fee would be collected, but the City had not gone with the intent of the ordinance, which was to account for the trees and also to preserve them. She would like to see some public education regarding the number of trees being taken down and about conserving them.

Mary Giles questioned whether the tree companies were required to pull the permit for the homeowners, adding that it was very rare for a homeowner to take down their own trees. Rast said the permit was available on online, but the process was the same whether the homeowner or the tree company applied for the permit.

David Ott said he lived in a newer subdivision where the land had been cleared. He asked if he would have to pay $25 to take down a smaller sapling compared to a number of trees on a wooded lot. He suggested a sliding scale based on the number of trees be considered. He also suggested returning a portion of the fee if the owner submitted proof that the tree taken down had been replaced.

Rast clarified that permits were required for trees larger than three caliper inches at breast height (four and one-half feet). A letter from a certified arborist was required for removal of specimen trees.

Haddix asked Council if they wanted to approve the fees with the suggested changes or have staff make the adjustments and bring it back for approval. Sturbaum said he would like for staff to look at the fee related to the number of trees, and then bring it back for another look. He moved to continue the tree removal permit fee schedule to February 18 for staff to look at coming up with a graduated scale. Learnard asked to add the possibility of a credit for replacing the trees. Fleisch also had questions about Tree City USA. Sturbaum withdrew his motion. Haddix said there should be an exception for an epidemic of tree disease.

Sturbaum moved to continue the tree removal permit fee schedule until February 18 for staff to look at the four points made by Council. Learnard seconded. The motion carried unanimously.

Council/Staff Topics

Presentation of the GIS Web-Map

Tony Whitley, systems specialist – Geographic Information System (GIS), gave an overview of the City's new online mapping format, reviewed the uses of GIS, and asked for feedback from Council. (A copy of his PowerPoint presentation is included in the meeting file.) Whitley gave a demonstration on how to use the GIS web-map. He noted that they were creating an interface so staff could update the mapping data from the field, creating links/options to allow the public to report problems via the online map, and continuing to add data layers.

Presentation of GovQA Web-based Software

Administrative Services Director Nikki Vrana said this program had been in the works for approximately one year. One way to provide better communication with citizens was to provide an integrated data system. Information came from different avenues. People called, emailed, sent letters, used the City website, or stopped by various departments to report problems. The information was routed to the correct department/employee. The City currently had separate databases for issues involving Code Enforcement, stormwater, engineering, traffic, public works, Comcast, and general concerns. From a management standpoint, there was no top level overview of the information. In 2008, staff also looked at constituent relationship management systems (CRM). Staff knew what they wanted in a database, but needed to identify all of the existing needs for a new system. Webinars were held with key employees in the different departments, and all were interested in a single consolidated system. One particular need regarded e-mails that Council received about different problems. Currently, Council would request the information from the City Manager, who then contacted the staff person for the information. Hopefully, Council would receive the information within 24 to 48 hours. There would be read-only access to the new system, and Council would be able to check on the real-time progress of an issue/problem/situation.

City staff began working with GovQA in August 2009 and budgeted for the software in the Community Development FY 2010 budget since Code Enforcement had been identified as the segment that would get the "biggest bang for the buck." GovQA was a web-based system that cost $7,500 for implementation and a one-year subscription. The contract was negotiated with a locked-in cost of $200 per month for year two and beyond, or $2,400 for a one-year subscription for the entire City with an interface on the website for citizens. There were no additional fees for hardware since it was a web-based system. It also provided the opportunity to create a mobile office for police officers and Code Enforcement, who already had computers in their vehicles. GovQA used a workflow system that the City was able to set up and would be able to modify if needed. It would also provide more accurate histories and reporting when fully implemented in all the departments.

Systems Administrator Matt Robinson gave a brief demonstration on how the system worked for Code Enforcement and a preview of how the citizen interface would work later in the year. He noted that Code Enforcement began using the system on January 1. The target for City Hall to begin was late summer, with citizen interface targeted for fall. Public Works and the Stormwater Utility should begin using the system in the winter, with Traffic uses scheduled to start Spring 2011. Robinson added that the Public Safety fee would be a bit higher, but he would provide that information to Council later. Imker asked if a password would be needed to view information in the system. Robinson said a password would be required, and citizens would be able to create their own user names and passwords. Imker said it would be an open record, so citizens should be able to view the information. Robinson said the system was designed more for tracking individual complaints. He would check with the vendor to see if the system allowed for open access and see if open access could be provided for citizens.

Standardization of Format for Bylaws of Commissions & Authorities
Vrana said staff had been asked about standardization of commission and authority bylaws, noting that there were inconsistencies in the layout of the documents. Some documents only had excerpts from meeting minutes indicating that changes were made to the bylaws. Meetings were planned the next week with recording secretaries and staff support for the commissions and authorities to review several things, and they would discuss the inconsistencies and try to correct them. Vrana and Robinson demonstrated how to get to the bylaws and enabling legislation via the website.

Imker said he had a list of hot topics that he would like to include for updates every meeting. Since they were topics of interest to the public, he would like to continue the updates and hoped Council agreed.

Rast said that the SR 54 West/CSX multiuse path/tunnel project was moving forward. Due to the holidays, not being able to shut down traffic, and the weather, the contractor had asked to extend the completion date to March 16. The contractor felt the project would be completed before that. The retaining wall on the Ethan Allen side was complete. The relocation of the water line was almost complete, then they would have to backfill the wall. The preliminary grading was done for the path connection down to the tunnel. On The Avenue quadrant, the grading was complete, and the base course was down. They were grading the Yard Time quadrant, the center line was staked, and a portion of the base course was down. The next big item was to reconstruct the driveway apron into Yard Time, which would take a few days. On the SR 54 East landscaping, the contractor would finish up that week except for cleaning up the right-of-way.

The SR 74/Paschall Road tunnel path connections had gone out to bid. Staff was in the final stages of obtaining easements for two of the tracts, which should be on the February 18 Council agenda for acceptance. The bids were due February 11 and scheduled on the March 4 agenda for Council approval.

Rast continued that staff had followed up with the wireless carriers after the February 2 workshop on telecommunications towers and had given them tasks on items to present. The carriers had also identified some issues. Tentative meeting dates had been established – a March 8 workshop with the Planning Commission and an April 6 workshop with Council and the Planning Commission. The recommendations could be on the April 16 Council agenda. Imker asked if any applications had been received. Rast said not that he was aware of.

Imker asked if the "hot topics" could be included at this point in every meeting for just a few minutes. A quick statement would let the citizens know what was going on, even if the update was "no change."

Sturbaum moved to convene in executive session for threatened or pending litigation and personnel at 8:46 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session. Learnard seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn. Learnard seconded the motion. The motion carried unanimously. The meeting adjourned at 9:30 p.m.

Pamela Dufresne, Deputy City Clerk

Don Haddix, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council**

VIA: **City Manager**

FROM: **Deputy City Clerk** PD

DATE: **January 29, 2010**

SUBJECT: **Alcohol License – NEW – China Bistro**
February 18, 2010, Council Consent Agenda

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

Discussion:
China Bistro, a restaurant located at 2870 Highway 54 West, has submitted a request for a new alcohol license. Mr. Hsiu-Lien Liu Wen has requested he be appointed as the Licensee and as the License Representative. He will attend the meeting on Thursday, February 18, to answer any questions you may have.

Budgetary Impact:
The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for beer and wine, $1,350.

Attachments

PEACHTREE CITY
PLAN TO STAY™

CITY HALL
151 WILLOWBEND ROAD
PEACHTREE CITY, GA 30269
PHONE: 770-487-7657
FAX: 770-631-2505
WWW.PEACHTREE-CITY.ORG

Application For Alcoholic Beverage License

Business Name: CHINA BISTRO	Business Location: 2870 HWY 54 WEST PEACHTREE CITY, GA 30269	
Nature of Business: RESTAURANT	Mailing Address: 2870 HWY 54 WEST PEACHTREE CITY, GA 30269	Business Phone Number: 678-364-8799
Name of Licensee: HSIU-LIEN LIU WEN	Home Address: 170 CARROLLS WAY FAYETTEVILLE, GA 30215	Home Phone Number: 770-716-6637
Name of License Representative: HSIU-LIEN LIU WEN	Home Address: 170 CARROLLS WAY FAYETTEVILLE, GA 30215	Home Phone Number: 770-716-6637

Please indicate type of licenses applying for:

Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer	
✓	Malt Beverage		Malt Beverage		Malt Beverage
✓	Wine		Wine		Wine
	Distilled Spirits		Distilled Spirits		Distilled Spirits

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

NAME Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	ADDRESS Please provide Home Addresses for the individuals listed:	PHONE NUMBERS Please provide Home and Business Phone Numbers for individuals listed:
HSIU-LIEN LIU WEN	170 CARROLLS WAY FAYETTEVILLE, GA	(770)716-6637 / 678-364-8799
CHIU-CHI WEN	170 CARROLLS WAY FAYETTEVILLE, GA	(770)716-6637/678-364-8799

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

If YES, Please Provide Name of Employee: ______________________

PEACHTREE CITY
PLAN TO STAY™

CITY HALL
151 WILLOWBEND ROAD
PEACHTREE CITY, GA 30269
PHONE: 770-487-7657
FAX: 770-631-2505
WWW.PEACHTREE-CITY.ORG

State of Georgia

City of Peachtree City

I, H.C. "Skip" Clark II, Chief of Police for the City of Peachtree City, do hereby certify that:

Hsiu-Lien Liu Wen
170 Carrolls Way
Fayetteville, Ga. 30215

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

H.C. "Skip" Clark II
Chief of Police

Date 1/27/10

Witness

CITY OF PEACHTREE CITY
INTRAOFFICE MEMORANDUM

TO: **Mayor Haddix and Members of Council**

VIA: **Bernard McMullen, City Manager**
Paul Salvatore, Financial Services Director P.S.
Janet Camburn, Assistant Financial Services Director

FROM: **Angela Egan, Purchasing Agent**
Scott Hicks, Acting Public Services Director SK

DATE: **January 19, 2010**

SUBJECT: **Request to Surplus Public Works Items**
Council Meeting: February 18, 2010 – Consent Agenda

Recommendation.

Staff recommends Council declare as surplus all items attached.

Discussion.

All items, not retained by another department, per requirements of City Administrative Regulation (CAR) 7-1, Section V, Number A (3), City Staff must submit to City Council, for approval, a list of surplus property. Once approved by City Council, approved items will be disposed of. Staff will research the most economical method of disposal for the City.

Budget Impact.

There is no specific amount of revenue in the budget related to the sale or trading-in of these items.

ITEMS	DESCRIPTION
1999 CROWN VIC	VIN# 2FAFP71W3XX159646 MAY NOT RUN, NOT USED CURRENTLY, EXCESSIVE MILEAGE - 114,711, ASSET # 2428
1996 FORD TAURUS	VIN# 1FALP52U1TA315495 RUNS, NOT NEEDED, EXCESSIVE MILEAGE - 107,047, ASSET # 2035
1999 FORD TAURUS	VIN# 1FAFP52U3XA178756 - BAD TRANS AND STEERING COLUMN PULLED OUT-MAY BE MISSING PARTS, EXCESSIVE MILEAGE - 110,824, ASSET # 2041

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Bernard J. McMullen, City Manager

FROM: Paul J. Salvatore, Financial Services Director P.S.
Janet I. Camburn, Assistant Finance Director

DATE: February 10, 2010

SUBJECT: Budget Amendments – Fiscal Year 2010

February 18, 2010 City Council Consent Agenda

Recommendation:

It is Staff's recommendation that City Council approve the attached budget amendment to amend the 2010 budget resolution.

Discussion:

Attached please find budget amendment 10-011 for fiscal year 2010 submitted for your approval. This budget amendment transfers approved budget from the Code Enforcement Department to the Building Department for salaries and benefits. The 2010 budget was approved with three individuals budgeted in Code Enforcement. At about the same time the annual budget was being adopted; City Council approved a reorganization of the Developmental Services Department to the Community Development Department. With the reorganization only two individuals are now budgeted in Code Enforcement with the third individual charged to the Building Department. This amendment will correct the budget to reflect the actual reorganization. Transfers of budget from one department to another, with the exception of contingency transfers, must be submitted to City Council for approval under the State of Georgia laws.

Budget Impact:

The budget amendment has no impact on the fund balance of the General Fund.

If you have any questions please do not hesitate to contact either Paul Salvatore or Janet Camburn.

Thank you for your attention to this matter.

Attachments

JIC/BUDGET AMENDMENTS – FY 10 – 2/18/2010

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 10-011

DATE February 18, 2010

ACCOUNT	PJT	DESCRIPTION	INCREASE	DECREASE
100-7210-51-1100	xxx	Regular Salaries	57,221	
100-7210-51-2100	xxx	Group Insurance - Health	9,640	
100-7210-51-2101	xxx	Group Insurance - LT Disb.	211	
100-7210-51-2102	xxx	Group Insurance - Dental	357	
100-7210-51-2103	xxx	Group Insurance - Life	97	
100-7210-51-2200	xxx	Social Security	3,548	
100-7210-51-2300	xxx	Medicare	830	
100-7210-51-2400	xxx	Retirement	6,118	
100-7210-51-2401	xxx	Retirement - Matching	1,144	
100-7210-51-2700	xxx	Workers' Comp	1,942	
100-7450-51-1100	xxx	Regular Salaries		57,221
100-7450-51-2100	xxx	Group Insurance - Health		9,640
100-7450-51-2101	xxx	Group Insurance - LT Disb.		211
100-7450-51-2102	xxx	Group Insurance - Dental		357
100-7450-51-2103	xxx	Group Insurance - Life		97
100-7450-51-2200	xxx	Social Security		3,548
100-7450-51-2300	xxx	Medicare		830
100-7450-51-2400	xxx	Retirement		6,118
100-7450-51-2401	xxx	Retirement - Matching		1,144
100-7450-51-2700	xxx	Workers' Comp		1,942
		TOTAL	$ 81,108	$ 81,108

To transfer funds budgeted in Code Enforcement to Building Department for FY 2010. This amendment is needed to reflect the reorganization that was approved in the Community Development Department that was not incorporated into the FY 2010 budget process.

ENTERED ____________

APPROVED ____________

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor & Council Members**

VIA: **City Manager** Bernard J. McMullen,

FROM: **Interim Community Development Director** David

DATE: **February 12, 2010**

SUBJECT: **Consider adoption of tree removal permit application fee for residential property**
February 18, 2010 City Council meeting

Recommendation

Staff continues to recommend that Council adopt a $25 permit application fee for tree removal permit applications on residential property, and authorize Staff to amend the city's Fee Schedule accordingly.

Discussion

Based on discussion at the last council meeting, Staff continued our research into what other jurisdictions charge for tree removal permits for residential property. This analysis showed the following for other Class "B" cites as well as other jurisdictions within metro-Atlanta:

Jurisdiction	Permit required	Permit fee	Specific requirements
Alpharetta	Yes	None	Permit required for removal of any tree (dead or alive) Ordinance establishes minimum density requirements Specimen understory: 8" diameter at breast height (dbh) Specimen overstory: 24" dbh Specimen pine: 30" dbh
Dalton	No	-	
Douglasville	No	-	
East Point	Yes	$60 per specimen	No permit fee for tree removal, just for specimen trees
Gainesville	Yes	None	
Hinesville	No	-	
Kennesaw	Yes	None	Permit is required, but staffing levels have caused them to accept information provided but not seek full compliance
LaGrange	No	-	

Lawrenceville	No	-	
Rome	Not at present	$25 (proposed)	Developing ordinance and removal procedures (to include fee)
Smyrna	No	-	
Valdosta	No response	-	
Cartersville	No	-	
Roswell	Yes	$50 min.	
Snellville	No	-	
Conyers	No	None	Requires property owner to replace trees if specimen removed
Sandy Springs	Yes	None	
Whitfield County	No	-	
Fayetteville	No	-	
Newnan	Yes	varies	0-5 trees no cost 6-10 trees $10 11-20 trees $20 When using a tree removal company: $15 (min.)
Fayette County	No	-	
Coweta County	No	-	

We also reviewed the permit fee schedule that was adopted by city council on May 15, 2008, which updated and established fees for various permits and inspections provided by the city's Community Development Division. This analysis showed the following permit fees for similar requests:

Decks and porches	$50
Fences	$30
Accessory buildings	$30
Swimming pools	$100
Swimming pool fences	$30
Temporary sign/ banner	$30
Special event	$25

Comparing the timeframe for processing, reviewing, approving and inspecting these permit applications, it is our position the time frame it takes to administer these permit requests is similar in nature to the timeframe it takes to administer a tree removal permit application. To clarify comments from the previous council meeting, our current ordinance does not require a property owner to secure a tree removal permit for each tree being removed. Rather, a single permit would be required for the trees being removed in a single occurrence on the property.

Additionally, there was discussion at the February 4th meeting on having a sliding permit fee scale based on the number of trees being removed. Staff is not recommending a sliding fee schedule because there is little time difference in processing a permit for one tree as compared to multiple trees.

As stated within the Vegetation Protection and Landscape Ordinance, the purpose of the Tree Preservation on Residential Property Ordinance is to:

> *encourage the preservation of existing trees and other vegetation on residential property in the city by regulating and controlling the removal of native and planted trees and other vegetation, thereby maintaining and enhancing the quality of life for which the city is noted; to preserve and protect existing vegetation on public lands from destruction, damage, conversion, or abuse for the benefit of ourselves and future generations; to encourage homeowners to preserve and respect our urban forests and to encourage the replacement of trees on residential property in order to maintain this valuable resource as an integral part of the community's environment.*

The ordinance stipulates that *"Removal of any trees or vegetation over three caliper inches in caliper dbh conducted on any property within the city limits shall require a tree removal permit."* Based on the number of tree removal permits issued since 2004, approximately $153,650.00 could have been collected to offset administration costs had the permit fee been adopted in 2004 as recommended by city staff.

<u>Budget impacts</u>
The adoption of the fee as recommended will assist in offsetting administrative costs associated with review, processing and approval of tree removal permit applications.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council Members**

VIA: **City Manager**

FROM: **Interim Community Development Director** David

DATE: **February 10, 2010**

SUBJECT: **Request by NorSouth Companies to lift the moratorium on multi-family housing, Lexington Circle, Tract 8 (4.8 acres)**
February 18, 2010 City Council agenda

Recommendation:
Based on the appeal procedures outlined in Section 1404 of the Multi-Family Rezoning Moratorium (Attachment "A"), Staff is not authorized to make a recommendation to Council on the request to lift the multi-family moratorium.

Discussion:
NorSouth Companies submitted a letter to the city (dated January 29, 2010) requesting that City Council consider lifting the moratorium on multi-family housing for a proposed residential development on Tract 7 (4.71 acres) and Tract 8 (4.8 acres) within the overall Lexington Circle mixed-use development (Attachment "B"). Palm Beach Development Corporation, who is the current owner of both parcels, also submitted a letter (dated January 28, 2010) requesting that the moratorium be lifted for both tracts (Attachment "C").

Following their initial request, the Applicant placed Tract 8 (4.8 acres) under contract and is requesting that the moratorium be lifted for this tract only. The Applicant desires to amend the current zoning designation of LUC-16 Limited Use Commercial to allow for the development of an age-restricted, independent living senior rental complex.

The Applicant has provided an overview of their proposal along with examples of similar communities they have developed throughout the southeast (Attachment "D"). Lifting the moratorium in no way obligates the city to ultimately rezone the property. What it does is provide Staff the opportunity to work with the Applicant to determine the impacts of the proposed development and to make recommendations to the Planning Commission and City Council.

The Applicant and City Staff will be available at Thursday's meeting to answer questions pertaining to this request.

Budget impact:
Should the application move forward, budget impacts would be analyzed as a part of the rezoning process. The development would be located within the Kedron Service Area.

Attachments

ARTICLE XIV. MULTI-FAMILY--REZONING MORATORIIUM*

***Editor's note:** Ord. No. 727, adopted Nov. 4, 1999, renumbered art. XIV, §§ 1401--1404 to art. XV, §§ 1501--1504 and added a new art. XIV, §§ 1401--1404 as herein set out.

Sec. 1401. Purpose.

In order to protect the health, safety, and welfare of its citizens, the city has determined that a moratorium on the zoning or rezoning of property for development of multifamily housing needs to be adopted and enforced for all property in the City of Peachtree City not currently zoned for use as multifamily.

This moratorium is intended to promote: the orderly development of property in the city; maintain the high quality of police services now provided; maintain the high quality of emergency and fire services now provided; maintain the quality of education now provided; maintain the high quality of life now existing; help reduce traffic congestion; and ameliorate air quality standards.

(Ord. No. 727, 11-4-1999)

Sec. 1402. Findings.

The mayor and council have made the following findings of fact in consideration of this moratorium:

(a) The development of additional multifamily housing would create a significant burden on the police department and emergency and fire departments for the city;

(b) The development of additional multi-family housing would overburden area schools

(c) The development of additional multi-family housing would exhaust available resources, thus reducing the quality of life now existing; and

(d) The development of additional multi-family housing would increase traffic congestion, which also reduces air quality.

(Ord. No. 727, 11-4-1999)

Sec. 1403. Moratorium.

The Mayor and Council of the City of Peachtree City hereby directs its staff to accept no applications seeking to zone or rezone property to any designation that would allow the development of the property as multi-family.

(a) Multi-family shall include apartments, townhouses, duplexes, condominiums and assisted living facilities.

(b) This moratorium shall be in effect for a period of one year and shall automatically expire if not reviewed by the mayor and council and if deemed necessary, renewed.

(c) This moratorium shall not apply to property already zoned for use as multifamily.

Attachment "A"

(Ord. No. 727, 11-4-1999)

Sec. 1404. Appeals.

Any party with an ownership interest in property in the city that believes said property owner is severely prejudiced by this moratorium may file an application with the city planner requesting that the mayor and council remove the moratorium as it applies to the property.

(a) The application shall be accepted by the city planner and placed on the council agenda after being properly advertised, and then, considered by the mayor and council.

(b) City staff shall only provide council with current land use and zoning information regarding the subject property and its surrounding properties and shall not make a recommendation to council on the application to lift the moratorium.

(c) In the event council lifts the moratorium, the property owner may then submit the request for rezoning following established procedures.

(d) In the event council declines to lift the moratorium, the property owner shall have the same rights and follow the same procedures as those connected with the denial of a rezoning request.

(Ord. No. 727, 11-4-1999)

NorSouth Companies
2000 RiverEdge Parkway
Suite 950
Atlanta, Georgia 30328
770 850 8280 office
770 850 8230 fax
www.NorSouth.com

NORSOUTH

January 29, 2010

Mayor and City Council
C/o David Rast
City Planner
Peachtree City
153 Willowbend Road
Peachtree City, GA 30269

RE: Multifamily Moratorium

Dear Mr. Mayor and Council Members,

The purpose of this letter is to formally request inclusion on the agenda of the February 18, 2010 City Council meeting. Norsouth Companies is working with the current property owner of Tracts 7 and 8 of Lexington Circle, located at Walt Banks Road and Highway 54 with intentions to propose a rezoning of the subject parcels to allow for the development of an independent living, seniors rental community.

A formal request will be made by Norsouth during the Council meeting that Peachtree City removes its multifamily rezoning moratorium (Article XIV) as it applies to the subject property to allow a rezoning request to be heard by City Council. Norsouth Companies is submitting this letter in conjunction with the current property owner; please see the attached letter confirming her support of our request.

Respectfully Submitted;

Brendan Barr
Vice President
Norsouth Companies

Attachment "B"

PALM BEACH DEVELOPMENT CORPORATION

505 South Flagler Drive, Suite 1300
West Palm Beach, FL 33401-5951
(561) 659-4422
Fax (561) 659-2235

January 28, 2010

David Rast, City Planner
City of Peachtree City
Planning Department
151 Willowbend Road
Peachtree City, GA 30269

Re: Lexington Circle
At Walt Banks and Hwy 54
Tract 7 and 8

Dear Mr. Rast:

It has been brought to my attention that there is a moratorium soon to be imposed for multi-family development which includes the above property owned by Palm Beach Development Corporation and Lexington Circle common areas.

I hereby request that our property be excluded from this moratorium.

Please acknowledge receipt of this request and agreement thereto so that we are able to continue presentations that are currently underway.

Very Truly Yours,

Aneice R. Lassiter

Aneice R. Lassiter
President
PALM BEACH DEVELOPMENT CORPORATION

ARL/mro

RECEIVED FEB - 2 2010

Attachment "C"

NORSOUTH

COMPANY PROFILE

NORSOUTH
2000 RiverEdge Parkway, Suite 950
Atlanta, GA 30328
770.850.8280
www.norsouth.com

Attachment "D"

THE NORSOUTH COMPANIES

The NorSouth Companies develop, build, own and manage multifamily properties, and have a long standing commitment to create first class communities. With offices in Atlanta and Savannah, Georgia, it has grown to become one of the Southeast's most successful for-profit mixed income multifamily development firms having developed more than 6,200 multifamily units. NS Partners, LLC is the General Partner entity for **The NorSouth Companies**. Its two Member/Managers --William E. Johnston and David H. Dixon-- have more than 20 years of experience in multifamily development, construction and management. Based upon the stable operating and financial performance of the properties they have owned, NS Partners, LLC was recently recognized by the Georgia Department of Community Affairs as a Tier One Entity as part of the 2009 Low Income Housing Tax Credit Qualified Allocation Plan. Tier One Entity status was awarded to developers with strong financial capacity, a sustained commitment to affordable multifamily housing development and ownership, and the ability to successfully develop tax credit properties within the program requirements.

The NorSouth Companies experience stretches back to 1986, when the company was formed to build, develop and manage FmHA 515 properties in rural areas of Georgia, South Carolina and North Carolina. **The NorSouth Companies** first Low-Income Housing Tax Credit property was Hillandale Park, a 132-unit property in DeKalb County, Georgia, built with 1988 tax credits and completed in 1990. Throughout their careers, with both NorSouth and others, Mr. Johnston and Mr. Dixon have developed, built and/or managed over 150 properties comprised of more than 10,000 units, in Georgia, North Carolina, South Carolina and Tennessee; all of which have good track records of performance for their residents, investors, lenders and surrounding communities.

Through its experience as owner, developer, builder and manager, **The NorSouth Companies** have developed solid expertise in all aspects of affordable housing, including compliance with LIHTC regulations, HOME guidelines, Davis-Bacon and Section 3 compliance, reporting requirements and accessibility standards. It has also developed an expertise in negotiating and maintaining long-term relationships with lenders (for HUD 221(d) 4, FNMA, FHLMC and conduit debt financing) and tax credit equity investors.

KEY PERSONNEL

WILLIAM E. JOHNSTON
Owner / President

Bill co-founded The NorSouth Companies in 1986 to expand his activities as a multifamily builder, manager and developer. He maintains hands-on oversight of the company's projects and day-to-day operations. Under his leadership, The NorSouth Companies have become one of the Southeast's leading development, construction and property management companies specializing in multifamily and senior housing. Throughout his career Bill has developed over 8,200 housing units and led a company with over 5,300 apartments under management.

Bill has been active in the housing industry since 1977, having earlier founded and operated two other construction and development companies. He established John Barnes Realty and Construction, which developed affordable homes in Georgia. He later formed Southern Family Homes, which built single and multifamily housing throughout southern Georgia and South Carolina.

A graduate of Auburn University with a degree in Business Finance, Bill has served on the Boards of both the Housing Advisory Group and the Georgia Affordable Housing Coalition. He currently serves on the board of Stateside Capital, LLC, which is a joint venture between The NorSouth Companies and Ambling Partners, formed to meet the needs of real estate developers and investors participating in the market for state housing tax credits. An active participant in many Savannah area organizations, Bill is a Trustee of the St. Joseph's/Candler Hospital. He lives in Savannah with his wife.

DAVID H. DIXON
Development Partner / Executive Vice President

Dave oversees all development operations, including project financing, product strategy and conceptualization for The NorSouth Companies. He also serves as a General Partner in all owned or developed properties.

Dave has been developing multifamily properties since 1982 utilizing conventional and tax-advantaged financing. He has been responsible for the creation of over 6,000 multifamily homes and 50 properties, representing over $500 million in total development costs in Georgia, Tennessee, South Carolina and North Carolina. He joined NorSouth in 1988, and since then has lead the firm from a focus on rural apartment properties to its current status as one of Georgia's leading developers of senior, mixed-income, mixed-use and mixed tenure communities.

A graduate of Emory University with a BA in Economics and History, Dave also attended the University of Kentucky. He currently serves on the Board of the Georgia Affordable Housing Coalition, and lives in north Buckhead with his wife and three children.

BRENDAN S. BARR
Vice President, Development

Brendan joined The NorSouth Companies as the Assistant Vice President of Development in 2006. As Vice President, Development, Brendan works with NorSouth's Development Partner in the origination of development projects; including feasibility determination, site acquisition, deal structure and oversight of the design development process. He also represents The NorSouth Companies in various government, industry and community meetings in order to provide public awareness of the firm's development activities in the community.

Brendan's development experience includes new construction, urban in-fill and adaptive reuse projects in the residential rental and for-sale industries. Prior to joining NorSouth, Brendan was a Development Manager for ROSS Development and Investment in Bethesda, Md. Here, he was responsible for the day-to-day oversight of projects, including zoning, design, permitting, marketing and all pre-construction and construction activities. Brendan also spent six years with Forest City Enterprises, Inc., a national development and management firm of residential, commercial, retail and hospitality real estate.

A graduate of the University of Rhode Island, Brendan also earned a MSRE from Johns Hopkins University. He is an active member in the Atlanta district of the Urban Land Institute, and lives in Atlanta with his wife and son.

JERVON HARRIS
Vice President, Development Operations

Jervon joined The NorSouth Companies as Development Manager in 2005. Currently, as Vice President, Development Operations, he is primarily responsible for executing development projects and participating in site selection, due diligence, conceptual planning and feasibility analysis. He is particularly experienced in managing the planning, entitlement, design and permitting process, and represents The NorSouth Companies during construction.

Previously, Jervon was a Development Manager for RaceTrac Petroleum where he guided development projects from due diligence thru construction. He oversaw rezoning, designing and permitting of new stores, as well as rebranding existing stores. Prior to RaceTrac, Jervon worked for ten years as a civil engineer, primarily with an Atlanta-based consulting firm where he provided land planning, design and consulting services to land developers.

Jervon is a graduate of Georgia Southern University with a BS in Civil Engineering Technology. He lives in Atlanta with his wife and son.

H. Thurston Cooke II
Vice President, Finance

Thurston joined the company in 2008 as Vice President, Finance. He leads the firm's equity and debt financing efforts for all new and existing development projects, and assists the principals in the pursuit of new financial partnerships and development opportunities.

Thurston has an extensive background in mixed-income and multi-family housing development. For the past two years, he served as Vice President of the Atlanta office of Bank of America Community Development Corporation, the leading bank-owned real estate development company in the U.S. He also served as a Senior Development Manager for Progressive Redevelopment, Inc. (PRI), the largest non-profit affordable housing developer in Georgia, where he was responsible for over $70 million of development.

A graduate of Davidson College, Thurston also earned a MBA with a concentration in Real Estate from Georgia State University. He is an active member in the Atlanta district of the Urban Land Institute and is currently a participant in their Center for Regional Leadership Development. He serves as an Elder at Oakhurst Presbyterian Church in Decatur and is a member of the Finance Committee of the International Community School. Thurston has also served as an Adjunct Professor and Guest Lecturer of Real Estate Finance in the Master's of City and Regional Planning program at Georgia Tech. Thurston lives in Avondale Estates with his wife and two children.

Lesley D. Dales, CPA
Chief Financial Officer

Lesley joined NorSouth's development division in 2000 and assumed the duties of controller a year later. She was recently promoted to Chief Financial Officer and her primary responsibilities include overseeing all accounting functions of the development, construction and management divisions.

Lesley has over 20 years of accounting and systems experience with a number of private and public accounting firms including Price Waterhouse, SunTrust, a Dallas real estate investment company and a South African large equipment manufacturer.

A graduate of the University of Georgia with a BS in Accounting, Lesley lives in Savannah with her husband.

FAITH WILLIAMS
Asset Manager

Faith has worked for NorSouth since 1988, when she joined the firm as development coordinator. Since that time, she has held various positions such as development manager and asset manager. Her primary responsibilities include overseeing the numerous types of financing through both the construction and permanent phases of each property. Faith also works closely with the property management division to ensure compliance at each property.

Faith graduated from Augusta College with a BBA in Business Management. She lives in Savannah with her husband and children.

WILLIAM E. "BO" JOHNSTON, III
Manager, Acquisitions and Market Research

Bo joined NorSouth upon his graduation from the University of Alabama in 2006. He is responsible for site and market identification, property due diligence, entitlements process and site acquisition. In this role, Bo cultivates relationships with land brokers, government planners and property owners to help build a pipeline of multifamily development opportunities for Norsouth.

Bo earned a BS in Human Environmental Sciences from the University of Alabama. During that time, he assisted with capital improvements and construction inspections at NorSouth. He lives in Atlanta.

FRANCINE W. KNOX
Director, Development Services

Francine joined NorSouth's Development Division in 2006. Francine is responsible for the specification and coordination of project amenities, signage, furnishings, telecommunications and utility services. She also coordinates development budget changes and oversees the corporate website.

A former small business owner with extensive experience in office management, accounting, state licensing and compliance requirements, Francine also worked for Financial Management Resources, Inc., a business financing consulting firm specializing in equity financing, working capital and equipment financing and leasing. She served as coordinator for corrective actions at the Cooper Nuclear Station in Brownville, Nebraska.

Francine holds a BS in Social Sciences from Gardner-Webb University. She lives in Atlanta with her husband.

C. WILLIAM FLAMMER
Vice President of Construction

As the head of NorSouth's construction division, Bill is the General Contractor responsible for the construction of all apartment properties developed by the company and its affiliates.

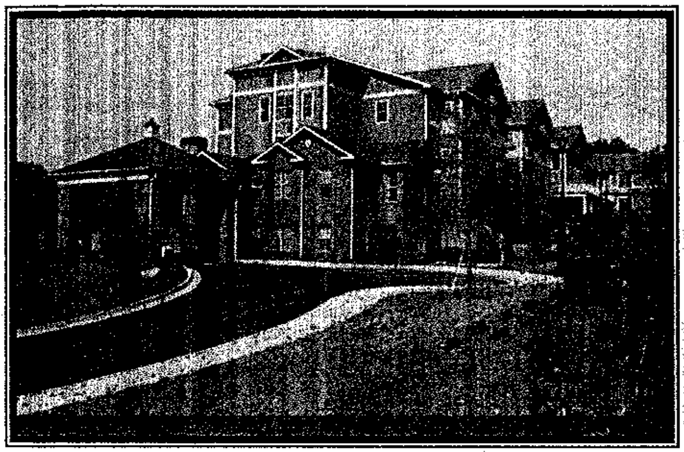
Bill joined The NorSouth Companies in 1987, after working for 18 years in the multifamily, commercial and industrial construction industries. Before joining NorSouth, he worked with Rust Engineering Company as a field engineer and assistant superintendent on $53 million worth of industrial construction projects in Alabama, Louisiana and Pennsylvania. He also served as project manager for Castle Construction Company and for the T.H. Taylor Construction Company.

A registered professional engineer in Alabama, Bill earned a BS in Civil Engineering from Lehigh University. He holds a general contractor's license in Florida, Georgia, North Carolina and South Carolina. Bill lives in Savannah with his wife.

MICHAEL CREEDEN
Associate Vice President of Construction

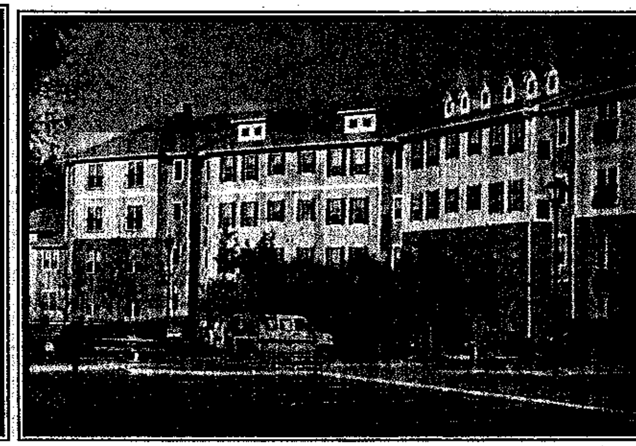
Michael Creeden joined NorSouth in 2008 and brings more than 10 years of experience in multi-family construction to the company. He adds a new dimension to the construction group by providing industry-leading Preconstruction services. Mike has experience in Type I, IIIa, and V construction in both union and nonunion environments and has estimated more than $4 billion in projects totaling 26,500 units. He has also actively managed the construction of more than $400 million in contracts representing 3,500 units.

Mike has a Bachelor degree in Mechanical Engineering from Georgia Tech where he also earned his EIT certificate. In addition, he holds a Master of Business Administration degree from Georgia State University. He lives in Atlanta with his wife and son.

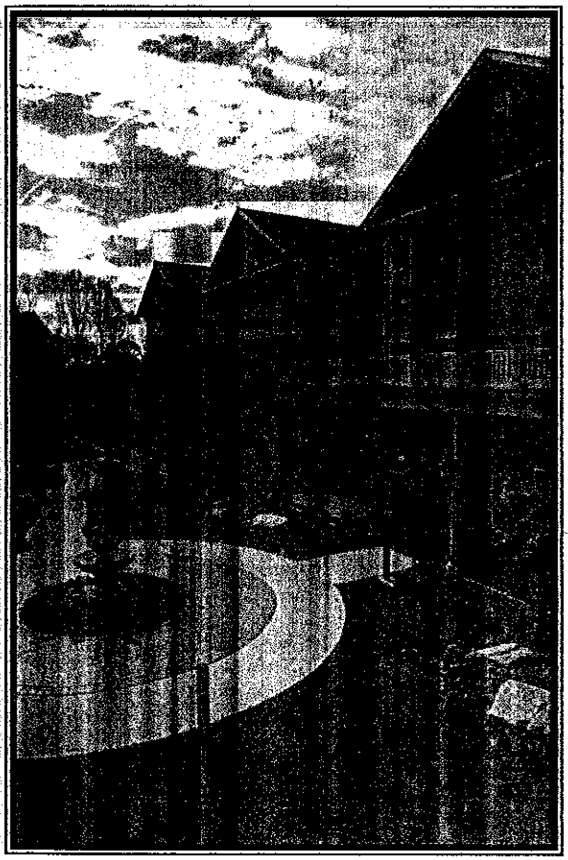


Norman Berry Village

Highland Court

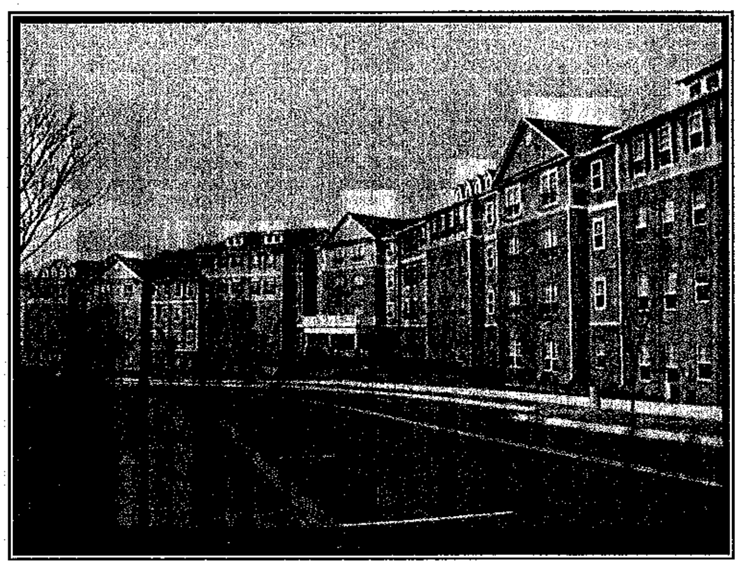


Ashford Parkside



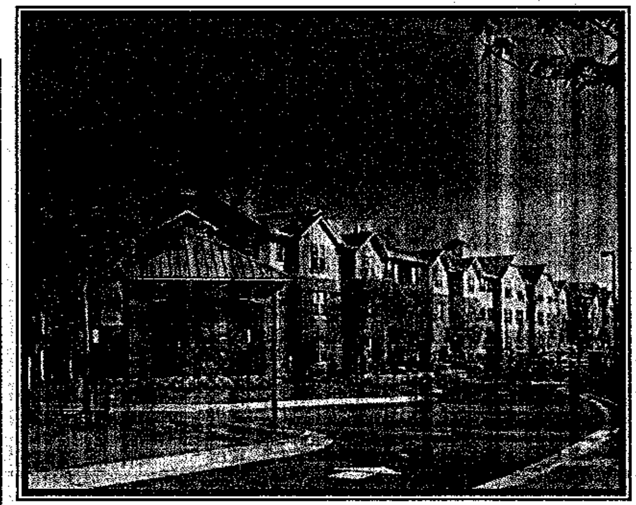
Norman Berry Village

NorSouth

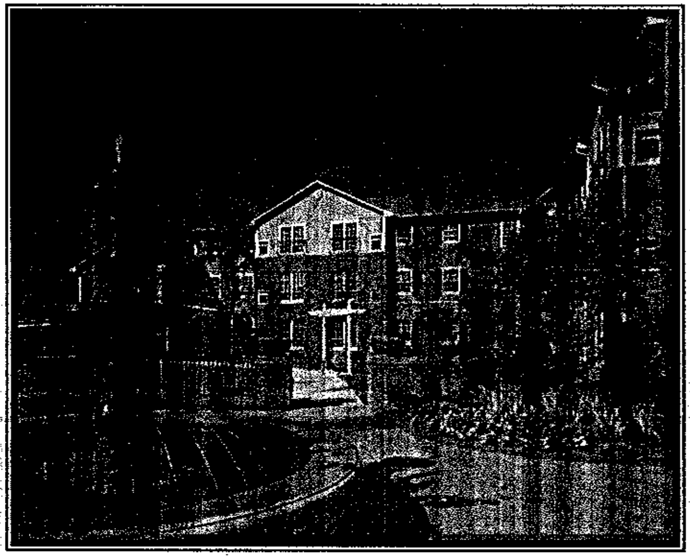


Ashford Landing

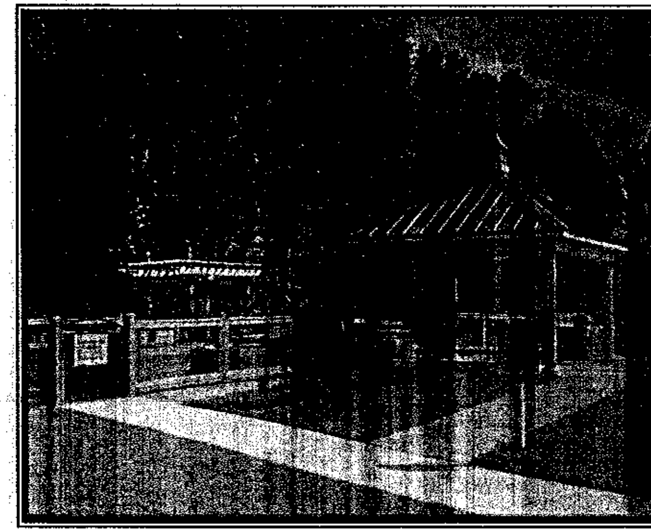
Ashford Parkside



Huntington Court

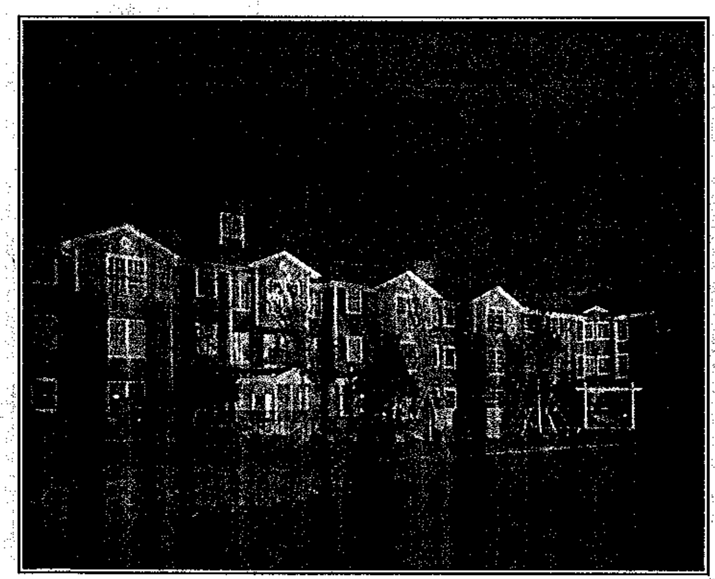


Princeton Court



Huntington Court

NorSouth



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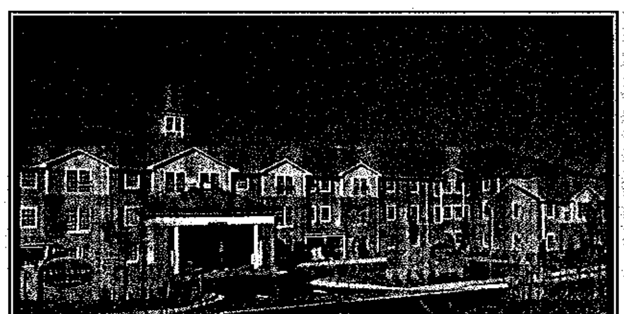
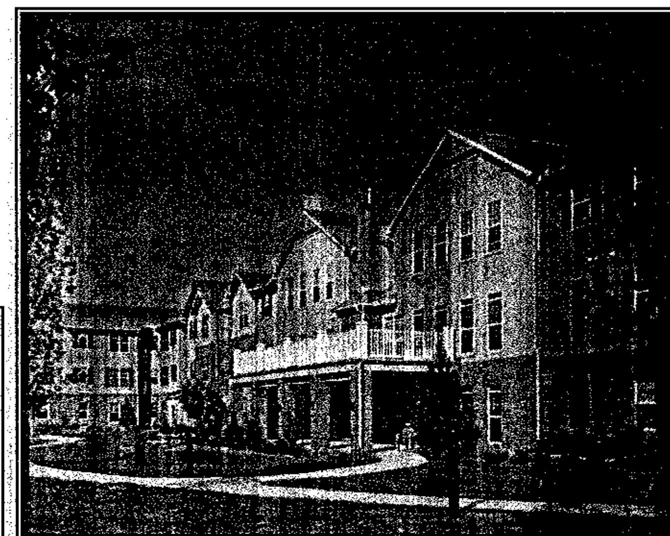


Princeton Court

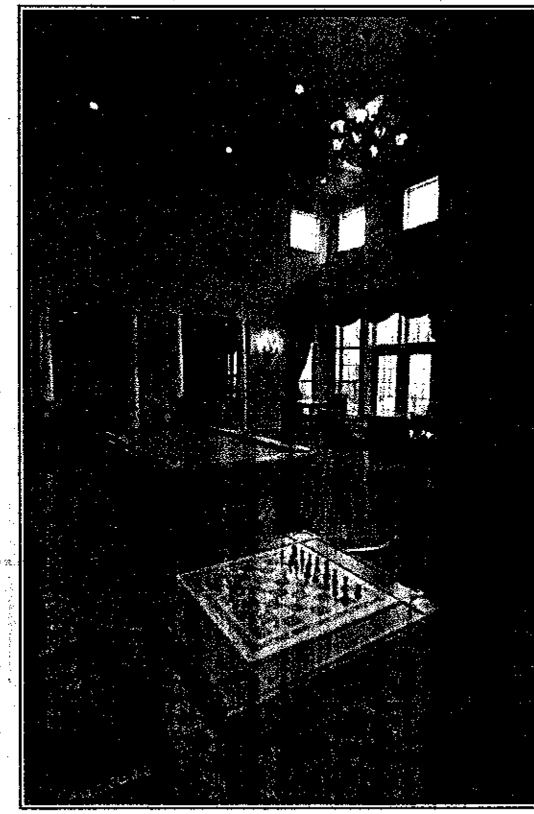


Huntington Court

Huntington Court

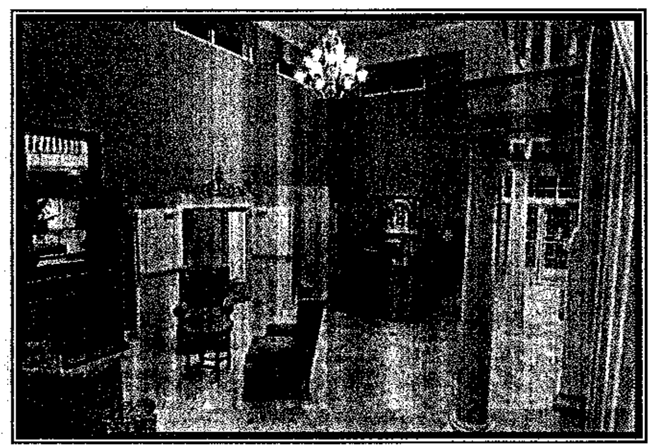
Huntington Court

NorSouth



Norman Berry Village

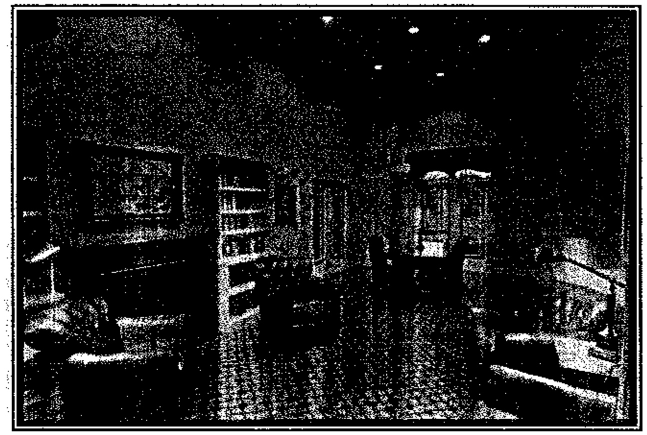
Huntington Court



Ashford Parkside

Huntington Court

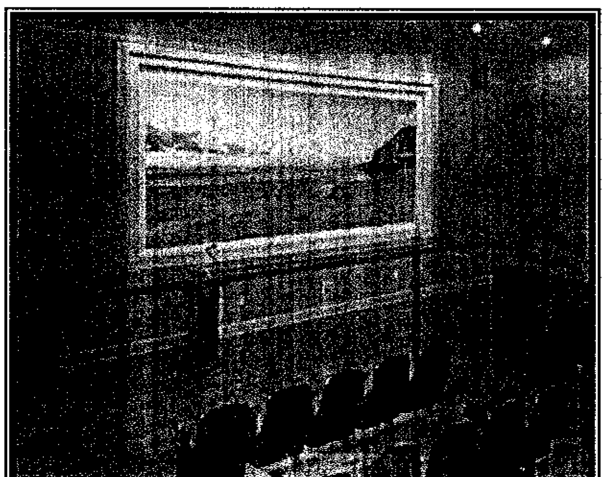
Ashford Parkside



Ashford Parkside

Ashford Parkside

NORSOUTH



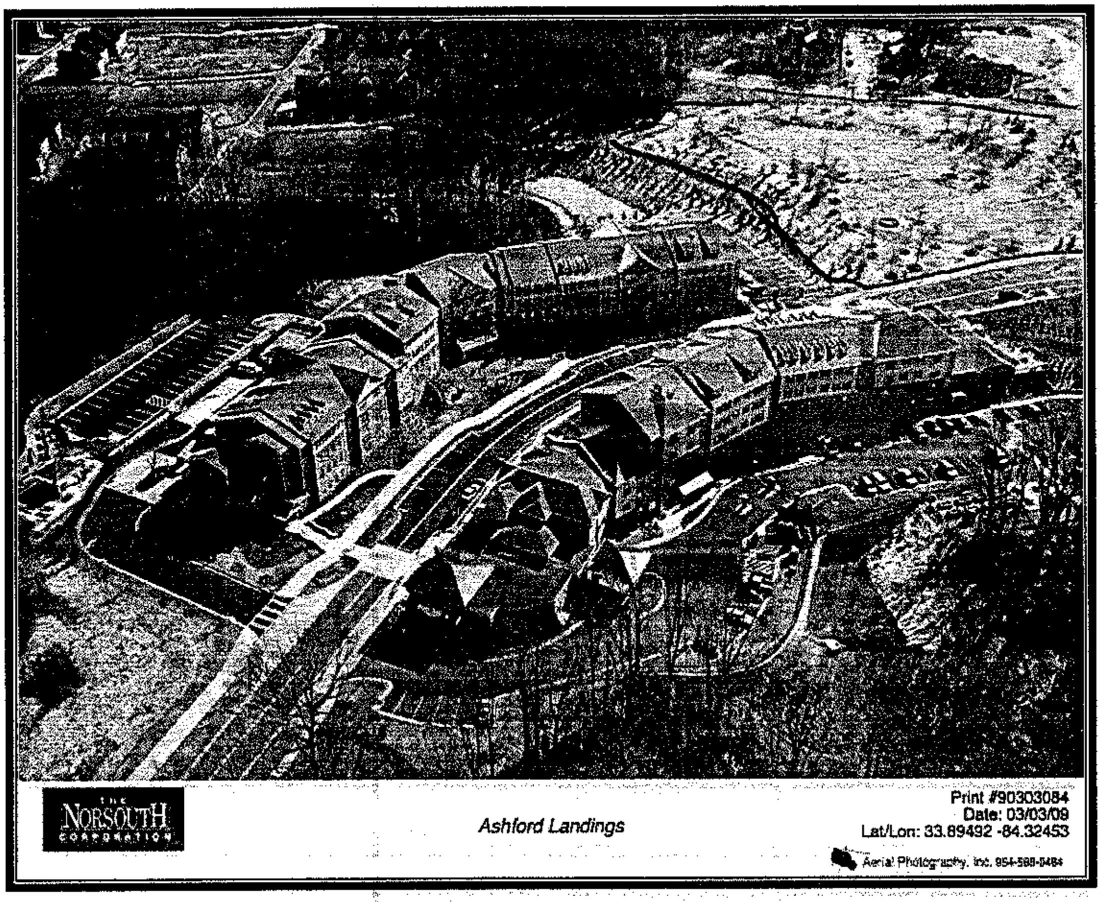
Princeton Court

Ashford Parkside

Princeton Court

Brookleigh

A Mixed-Use, Mixed Income Master Planned Community
Johnson Ferry Rd. at Ashford Dunwoody Rd.
DeKalb County, GA



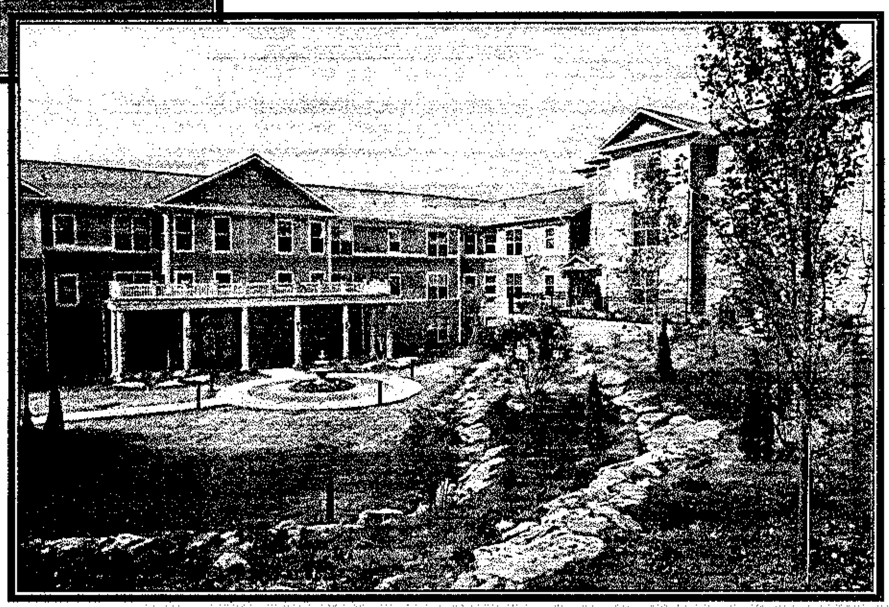
- **54 acre redevelopment of Johnson Ferry East Public Housing for Housing Authority of DeKalb County**
- **76,000 square feet of retail, shops and restaurants**
- **386 Seniors Independent Living Apartments**
- **260 Luxury Apartment Homes**
- **13 acres of additional residential (plan pending)**
- **Public Private Partnership to create a model mixed-income, mixed-use neighborhood with public and private financing, utilizing smart-growth planning principles.**

NORSOUTH

Norman Berry Village Senior Residences

Norman Berry Dr.
East Point, GA

- 119 Seniors, Independent Living Apartments
- Mixed-Income Community with rents from $317 - $780
- Gated Parking, secured building entries, elevators
- Club Room with kitchen, Card Room, Media Room with movie screen and surround sound
- Wellness Center, Beauty/Barber shop/ Library



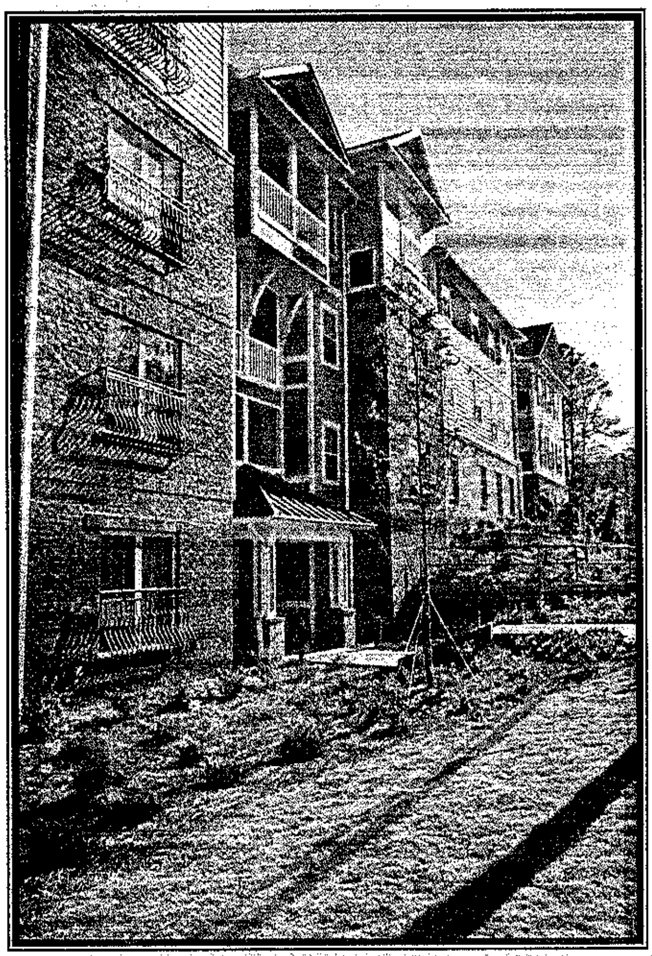
- Private Garden plots, rocking chair porch, picnic & grilling gazebo, shuffleboard, lighted walking paths, secluded and beautifully landscaped grounds
- 9' ceilings, fully equipped kitchens, crown molding, washer/dryer hookups, cable TV and internet connections, emergency call systems, easy access showers, handicap accessible throughout

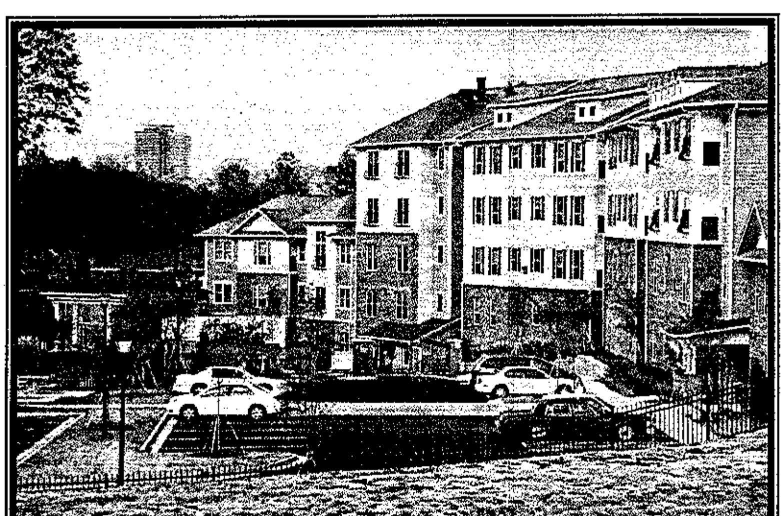
- Tax Credit Equity and Conventional Debt and Georgia DCA Debt Financing
- Rental Assistance for select units from housing Authority of East Point
- Owned by the Housing Authority of East Point
- Developed Built and Managed by the Norsouth Companies

NORSOUTH

Ashford Parkside
Johnson Ferry Road at Ashford Dunwoody Road
Dekalb County, GA

- 151 Independent Living Seniors Apartments
- Mixed Income community with rents ranging from $324 - $805
- Gated parking, secured building entries, elevators
- Club Room with kitchen, Computer Center
- Beauty/Barber Shop, Library
- Urban gardens, picnic and grilling areas, shuffleboard and horseshoes
- Beautifully landscaped grounds
- 9' ceilings, fully equipped kitchens, crown molding, washer/dryer connections, cable TV and internet connections
- Handicap accessible throughout



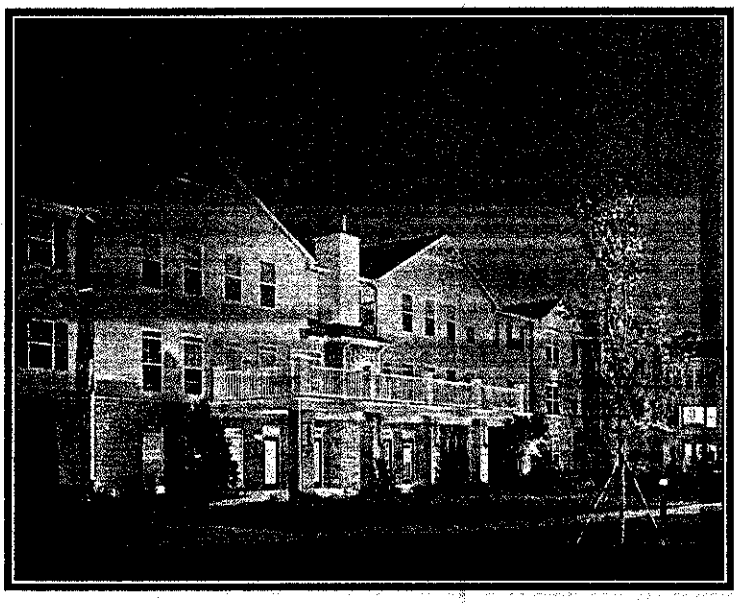


- Tax Credit Equity Financing
- Combination of Market Rate and Affordable Apartments
- Owned by the Housing
- Authority of Dekalb County
- Developed and Built by Norsouth Companies

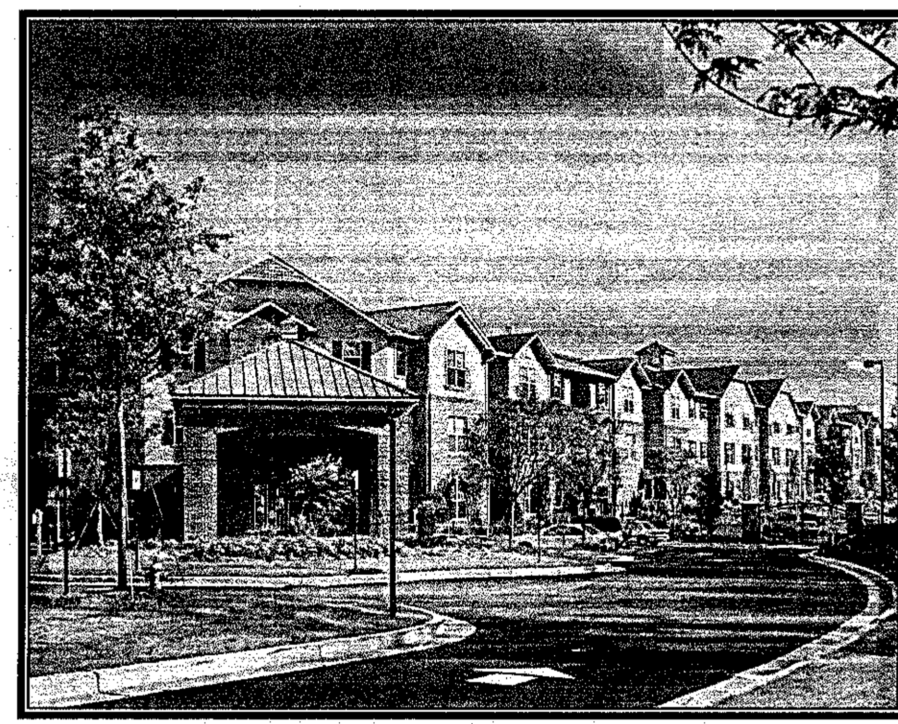
NORSOUTH

Huntington Court Senior Residences

Lee Street at Hwy 20
Buford, GA



- 152 Independent Living Seniors Apartments
- Mid-Rise Garden and 1 Story Cottage Units
- Mixed-Income Community with rents ranging from $320 to $1000
- Veranda overlooking courtyard with lighted walking trail
- Fitness Center, Wellness Center, TV/Media Room, Club Room with fireplace and game tables, Entertainment/Dining Room with warming kitchen, Library, Computer Center



- Community gardens, Picnic Pavilion, Grilling Center, Horseshoe Court
- Library, Computer Center, Beauty Salon
- Gated Community
- Porte-cochere entrance

- Conventional Debt & Tax Credit Equity Financing on apartments
- 20% Market Rate and 80% Affordable Apartments

NORSOUTH

Highland Court Senior Residences

George Busbee Pky. at Wade Green Rd.
Cobb County, GA

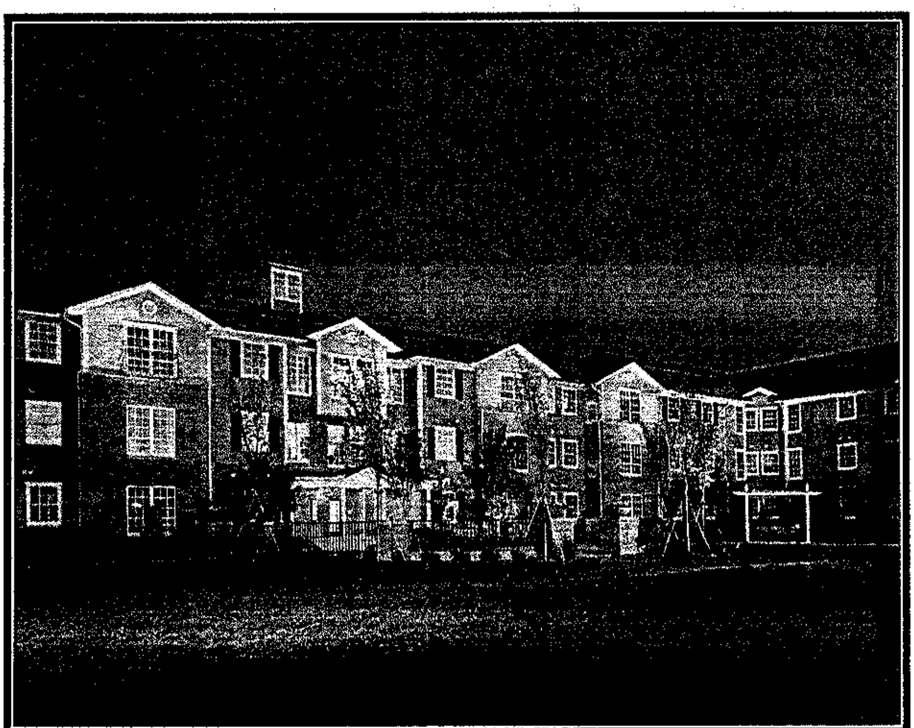
- 122 Independent Living Seniors Apartments
- Mixed-Income Community with rents ranging from $659 to $995
- Covered drop-off areas
- Two covered rocking chair verandas
- Beauty/Barber Shop, Fitness Center, Media Center, Wellness Center, Multipurpose Lounge, Library, Computer Center, Community Gardens, Shuffleboard Court, Picnic area and grill
- Entertainment/Dining Room with Kitchen
- Washer/Dryer hookups
- Emergency Call System

- Conventional & Tax Credit Equity Financing on apartments
- Combination of Market Rate and Affordable Apartments

NORSOUTH

Princeton Court Senior Residences

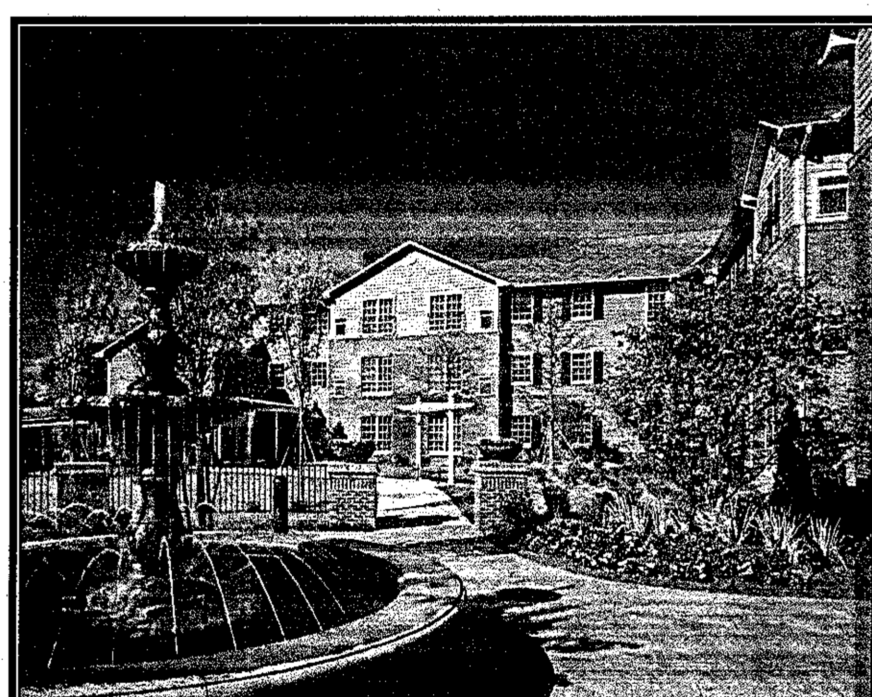
Madison St. South of Virginia Ave.
College Park, GA



- 116 Independent Living Seniors Apartments
- Renovation of the Historic S. R. Young School, with 104 units of new construction
- Mixed-Income Community with rents ranging from $375 - $875
- Part of Princeton Village – A Mixed-Use Neighborhood including single family and townhomes

Amenities Include:

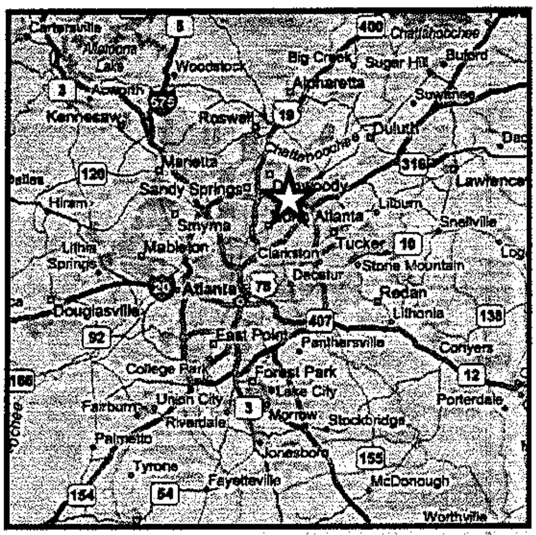
- Club Room with kitchen
- Auditorium with large screen video
- Wellness Center
- Fitness Center
- Beauty and Barber Salon
- Computer Center
- Secured building entries



NORSOUTH

MARKETSIDE at BROOKLEIGH

2282 Johnson Ferry Road
Atlanta, GA 30319



Location

High traffic, high visibility site on Johnson Ferry Road approximately 2 miles inside I-285. Immediate area includes a wide range of retail, restaurants & community amenities.

Program

121 Seniors Apartments (New Construction)

Site

6.8 acres within the Johnson Ferry East mixed use development

Development Cost

$15,288,515 or $126,351 per unit

Projected Financing

- $850,000 in 2009 Tax Credits (allocated Nov. 2009)
- $6,310,613 in Federal Tax Credit Equity
- $1,933,750 in State Tax Credit Equity
- $7,041,900 221(d)4 Construction/ Perm Loan
- $2,252 Deferred Developer Profit

Market

Marketside at Brookleigh will enjoy little direct competition from other LIHTC senior communities. All three of the direct competitors reported being fully occupied in December 2009 with extensive waiting list for new residents.

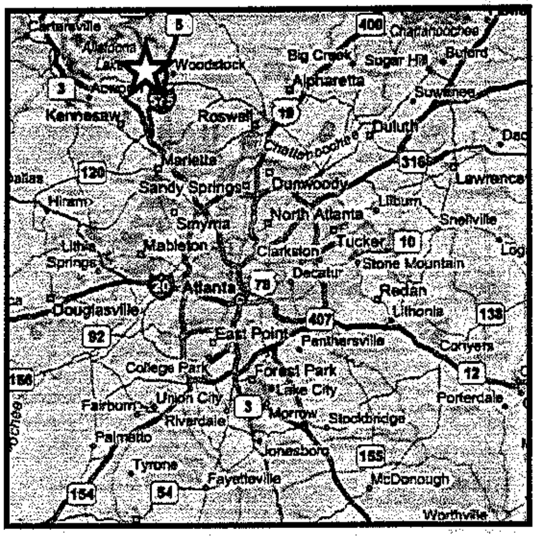
Schedule

Construction Start:	May, 2010
Completion / Final C.O.:	April, 2011
Stabilized Occupancy:	July, 2012

	Unit Type Bed	Unit Type Bath	Unit Count	% of Mix	Unit Size	Total SqFt	Per Unit	Per SqFt	Monthly
1A 50% AMI PBRA	1	1	2		752	1,504	$680	$0.90	$1,360
1B 60% AMI PBRA	1	1	5		752	3,760	$680	$0.90	$3,400
1C 60% AMI	1	1	11		752	8,272	$680	$0.90	$7,480
1D Market Rate	1	1	6		752	4,512	$750	$1.00	$4,500
One Bedroom Totals			**24**	**20%**	**752**	**18,048**	**$698**	**$0.93**	**$16,740**
2A 50% AMI PBRA	2	1	12		942	11,304	$750	$0.80	$9,000
2B 60% AMI PBRA	2	1	5		942	4,710	$750	$0.80	$3,750
2C 60% AMI	2	1	33		942	31,086	$750	$0.80	$24,750
2D Market Rate	2	1	12		942	11,304	$850	$0.90	$10,200
Two Bedroom/ One Bath Totals			**62**	**52%**	**942**	**58,404**	**$769**	**$0.82**	**$47,700**
2E 50% AMI PBRA	2	2	5		1015	5,075	$775	$0.76	$3,875
2F 60% AMI PBRA	2	2	5		1015	5,075	$775	$0.76	$3,875
2G 60% AMI	2	2	16		1015	16,240	$775	$0.76	$12,400
2H Market Rate	2	2	8		1015	8,120	$950	$0.94	$7,600
Two Bedroom/ Two Bath Totals			**34**	**28%**	**992**	**34,510**	**$816**	**$0.82**	**$27,750**
Employee	2	1	1		942	942			
TOTALS			**121**	**100%**	**925**	**111,904**	**$768**	**$0.83**	**$92,190**

HERITAGE at MADISON POINTE

900 Towne Lake Parkway
Woodstock, Georgia 30189



Location
High traffic, high visibility site on Town Lake Parkway (42,260 AADT), at I-575 intersection. Immediate area includes a wide range of retail, medical services & community amenities.

Program
100 Seniors Apartments (New Construction)

Site
5.4 acres within the Madison Pointe at Towne Lake mixed use development, which includes Walgreens, restaurants and medical offices

Development Cost
$15,023,792 or $150,238 per unit

Projected Financing
- $950,000 in 2009 Tax Credits (allocated Nov. 2009)
- $7,053,038 in Federal Tax Credit Equity
- $2,161,250 in State Tax Credit Equity
- $2,000,000 in TCAP funding from Georgia DCA
- $3,806,600 221(d)4 Construction/ Perm Loan

Market
NorSouth's Highland Court Senior Residences, located in this market, has enjoyed consistent occupancy in the mid to high-90s, since opening in 2003. It is a high growth market with concentrations of 'adult children' and other demographics similar to Highland Court.

Schedule

Construction Start:	May, 2010
Completion / Final C.O.:	April, 2011
Stabilized Occupancy:	April, 2012

	Unit Bed	Type Bath	Unit Count	% of Mix	Unit Size	Total SqFt	Per Unit	Per SqFt	Monthly
1A 50% AMI	1	1	3		752	2,256	$540	$0.72	$1,620
1B 60% AMI	1	1	14		752	10,528	$640	$0.85	$8,960
1C Market Rate	1	1	4		752	3,008	$740	$0.98	$2,960
1 BED / 1 BATH Totals			**21**	**21%**	**752**	**15,792**	**$645**	**$0.86**	**$13,540**
2A 50% AMI	2	1	9		942	8,478	$640	$0.68	$5,760
2B 60% AMI	2	1	38		942	35,796	$735	$0.78	$27,930
2C Market Rate	2	1	11		942	10,362	$850	$0.90	$9,350
2 BED / 1 BATH Totals			**58**	**59%**	**942**	**54,636**	**$742**	**$0.79**	**$43,040**
2G 50% AMI	2	2	3		1,015	3,045	$665	$0.66	$1,995
2H 60% AMI	2	2	14		1,015	14,210	$765	$0.75	$10,710
2I Market Rate	2	2	3		1,015	3,045	$950	$0.94	$2,850
2 BED / 2 BATH Totals			**20**	**20%**	**1,015**	**20,300**	**$778**	**$0.78**	**$15,555**
Employee	2	1	1		942	942			
TOTALS			**100**	**100%**	**917**	**91,743**	**$729**	**$0.79**	**$72,135**

POSITION PAPER

Proposed Variance: Powers telecommunication tower
403-A Dividend Drive

Interim Community Development Director David
February 10, 2010

Situation:

Mr. Tim Powers owns the property located at 403-A Dividend Drive. The subject tract is zoned GI General Industrial which permits telecommunication towers and associated tower facilities. The subject tract is also located within the AI Airport zoning overlay district as identified within Section 1012.2 of the city's Zoning Ordinance (Attachment "A"). The intent of this ordinance is to:

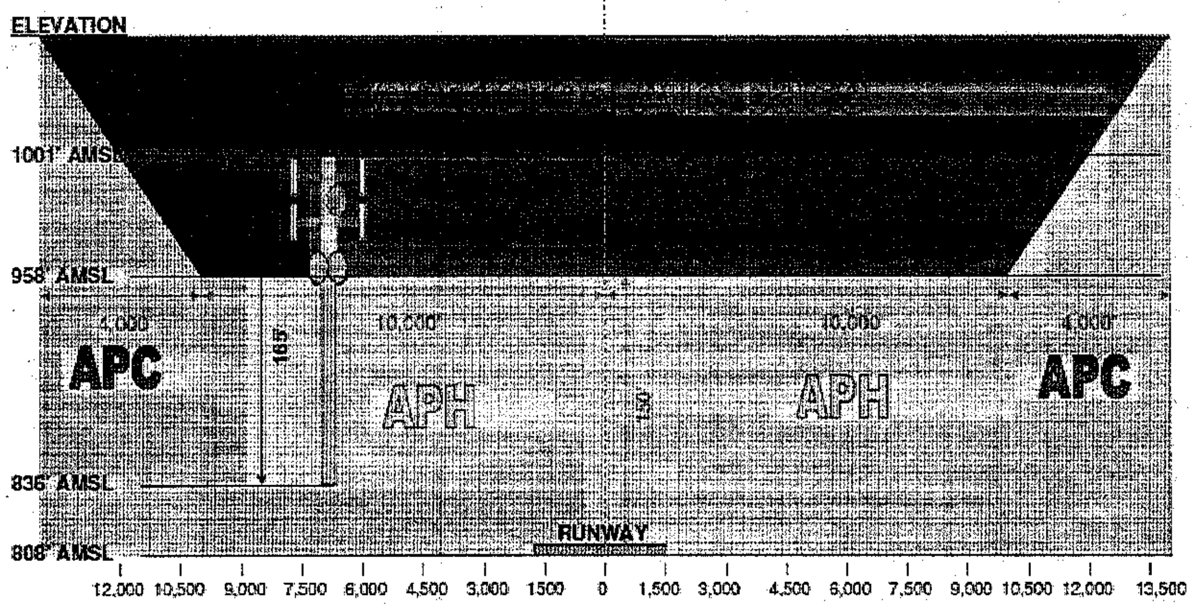
> *restrain influences which are adverse to the property and safe conduct of aircraft in the vicinity of Falcon Field-Peachtree City Airport, to prevent conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning.*

Mr. Powers submitted a variance application on January 19, 2010 to allow the construction of a freestanding telecommunication towers and associated tower facilities on the subject tract (Attachment "B"). A similar request was initially submitted by the Applicant on November 20, 2006, at which time it was denied due to the fact the proposed tower extended into the horizontal zone (APH) associated with Falcon Field Airport. The Applicant has indicated the supporting documentation and proposed tower height is the same as what was previously submitted.

The proposed tower and associated antennas would be 165' above ground level (AGL). The proposed tower facilities (fenced area for supporting mechanical equipment) would be located within a 100' x 100' leased area at the base of the tower. Section 18-380(f) of the Telecommunication Towers and Antennas Ordinance stipulates that no tower facility shall be within 200' of a public right-of-way or within 50' of a non-residential property line. While the tower facilities meet the setback requirements from the right-of-way of Dividend Drive, they do not comply with the 50' setback requirement from a non-residential property line. **A variance from Section 18-380(f)(3) of the Telecommunication Towers and Antennas Ordinance would be required to permit this encroachment.**

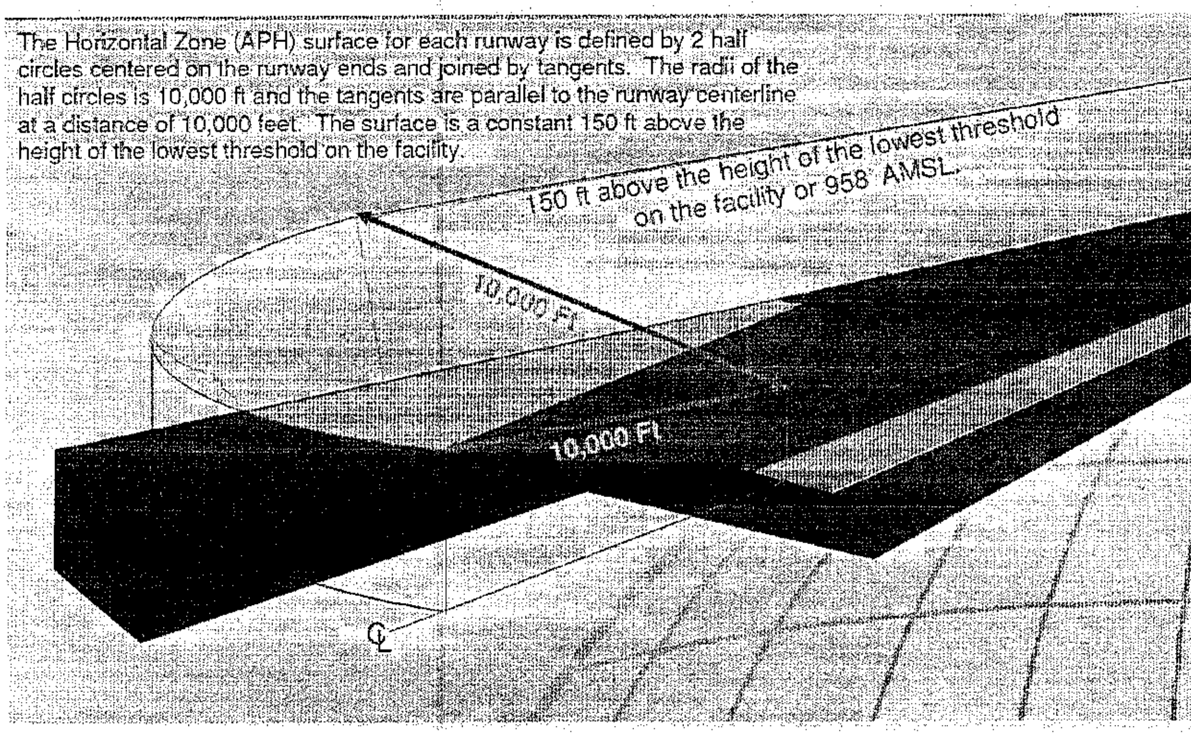
Based on the ground elevation where the tower would be located (836 AMSL), the overall height of the tower would be established at 1,001 AMSL. The proposed location of the subject tower and associated tower facilities would be approximately 6,600 LF from the end of the runway, which would place it within the established APH. Based on the existing elevation and the height of the proposed tower, it appears the height of the proposed tower would extend approximately

43' into the established APH. **A variance from Section 1001.2(d) from the AI Airport zoning district would be required to permit this encroachment.**



As a part of the initial review process in 2006, the Applicant submitted documentation to the Federal Aviation Administration (FAA) requesting that they conduct an aeronautical study to determine what impacts the proposed tower might have on air navigation (Attachment "C"). This study noted the proposed height of the structure exceeded the horizontal surface area established for Falcon Field Airport by 48', but concluded *"the structure would have no substantial adverse impact effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities."*

The city's AI Airport zoning ordinance identifies specific approach zones (APA), conical zones (APC), horizontal zones (APH) and transitional zones (APT), all of which are "overlaid" on the property surrounding the airport to protect navigable airspace. The base of the proposed tower would be located at elevation 836 AMSL. The top of the tower would be 160' in height above ground level (AGL) with a 5' lightning arrestor mounted to the top of the tower, for an overall height of 165 AMSL. Added to the ground elevation at the base of the tower, the height of the tower would be established at 1001' AGL.



The Applicant has requested a variance to construct a telecommunication tower on this property. In order to do so, he would need a variance from Section 18-380 (f)(3) of the Telecommunication Towers and Antennas Ordinance to permit the encroachment into the required setback. In addition, he would also need a variance from Section 1001.2(d) of the city's AI Airport zoning ordinance to permit the height of the tower to encroach into the AHZ.

Facts:

1. The subject parcel is zoned GI General Industrial which permits the installation of telecommunication towers and associated infrastructure.

2. The subject tract falls within the AI Airport zoning district which was adopted to protect the navigable airspace associated with Falcon Field Airport. This zoning district establishes approach zones (APA), conical zones (APC), horizontal zones (APH) and transitional zones (APT) which are overlaid on property within a specified proximity to the runway.

3. The height of the proposed tower and associated antennas extends approximately 43' into the established APH.

4. The proposed tower facilities at the base of the tower would encroach 33.4' into the required 50' setback from an adjoining non-residential property line.

5. The FAA's aeronautical study for the proposed telecommunication tower indicates the structure would have no substantial adverse impact effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. The study also noted the proposed telecommunication tower exceeded the horizontal surface zone by 48' and states "the fact that a proposed structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation," and concludes "the proposed structure was found to have no adverse effect on the VFR airport traffic approach patterns in the vicinity of the site."

6. At their meeting on January 14, 2010, the Applicant met with the Peachtree City Airport Authority (PCAA) to discuss his proposal to construct a telecommunication tower on his property. The PCAA notified the Applicant via telephone on February 1 and again by letter on February 2, 2010 stating they could not support his request for a variance, as "they would continue to protect the airspace and the ability to attract and support future jet and corporate aviation customers" (Attachment "D").

7. The PCAA provided a letter from the Georgia Department of transportation (dated July 21, 2009) reminding them of their responsibility to "maintain and operate Falcon Field safely and efficiently and in accordance with the specific conditions, specifically the Airport Sponsor Assurances." The letter further stated "it is imperative that the approaches to Runway 13/31 and the airspace surrounding the airport be preserved and protected from future potential obstructions" (Attachment "E").

8. In accordance with Section 1012.2(g)(4) of the AI Airport zoning district, the Applicant has filed a Request for Variance to permit an encroachment into the APH.

<u>Discussion:</u>

The Telecommunication Towers and Antennas Ordinance establishes specific zoning designations and setback requirements applicable to all new telecommunication towers within the city. The AI Zoning district establishes specific zones surrounding Falcon Field Airport in an attempt to protect the airspace associated with the airport.

Telecommunication towers and associated tower facilities are permitted within the GI General Industrial zoning district. As currently proposed, the telecommunication tower extends approximately 43' into the established APH, and the associated tower facilities encroach into the established setbacks.

Based on our review of the site plan, as well as field visits to the subject tract, it does appear the associated tower facilities could be relocated so they would not encroach into the established setback area. By doing so, the Applicant would not need a variance to this ordinance section.

However, the proposed telecommunication tower would be located approximately 6,000 LF from the end of the runway and would extend approximately 43' into the established APH. It should be noted these are approximate numbers and would require detailed engineering, surveying and analysis prior to determining the ultimate height of the tower.

Review criteria:

Based on the review criteria established within Section 1207 of the city's Zoning Ordinance, City Council shall not grant the request unless **all** of the following findings can be made:

(a) There are special circumstances applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this ordinance denies the property of privileges enjoyed by other property in the vicinity and under identical zoning district classification;

Staff findings:

- *The subject tract is located within the GI General Industrial zoning district.*
- *The subject tract falls within the AI Airport zoning district, which establishes a series of zones surrounding Falcon Field Airport in an effort to protect the navigable airspace associated with the airport.*
- *The elevation of the proposed telecommunication tower would be 836 AMSL and the height of the tower would be 165' (1,001 AMSL).*
- *The established airport elevation is 808 AMSL and the APH extend 150' above this elevation (958 AMSL)*
- *Based on these numbers, it appears a telecommunication tower of no more than 122' in height could be constructed on the Applicant's property without the need for a variance.*

(b) The strict or literal interpretation and application of this ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Ordinance, or would deprive the Applicant of privileges granted to others in similar circumstances;

Staff findings

- *The horizontal zone (APH) is a plane, circular in shape, with its height 150' above the established airport elevation of 808 AMSL and having a radius of 10,000' for the basic transport runway from the center of the end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.*
- *The proposed telecommunication tower location is approximately 6,600 LF from the runway, which is within the established APH.*

- *The proposed telecommunication tower would be 165' in height, which, added to the existing ground elevation of 836 AMSL, would create an overall height of 1,001 AMSL.*
- *Based on the established airport elevation of 808 AMSL and the established APH, any obstruction that extended beyond 958' in height within the APH would penetrate the APH and be classified as an obstruction.*
- *The proposed tower would penetrate the established APH by approximately 43'.*

(c) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property which preclude the applicant from complying with this ordinance and that do not apply generally to other property in the same zoning district and which prevent the applicant from complying with existing regulations;

Staff findings

- *The subject tract is zoned GI General Industrial, which permits the construction of telecommunication towers and associated tower facilities.*
- *The subject tract falls within the established AI Airport zoning district, which is a supplementary designation which identifies areas subject to regulations in addition to those of the district in which such designation is attached. This zoning designation establishes an "overlay district" which is applicable to those tracts of land within the zones established within the AI Airport zoning district.*
- *It is the intent of this ordinance "to restrain influences which are adverse to the property and safe conduct of aircraft in the vicinity of Falcon Field Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning."*

(d) The granting of such variance will not constitute the granting of special privileges inconsistent with the limitations on other property in the same zoning district; and

Staff findings

- *The majority of the property within the city's industrial park is located within the APH or other protection zones associated with Falcon Field Airport.*
- *The APH extends into tracts of land within unincorporated Coweta County.*
- *Each proposed development located on property within the established APH or other zones must demonstrate that it will not impact the established zones.*
- *Granting a variance that might allow a development to penetrate the established APH would set a precedent for other applications within this and other established zones.*

(e) The granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located.

<u>*Staff findings*</u>

- *The intent of establishing and adopting the AI Airport zoning district was to protect the navigable airspace associated with Falcon Field Airport.*
- *The proposed telecommunication tower would extend into the established APH by approximately 43'.*

(f) The granting of such variance will not create inconsistencies with any objective of the Comprehensive Plan.

<u>*Staff findings:*</u>

- *One of the goals of the comprehensive plan is to establish appropriate land uses in areas that are suitable for development that would not endanger but protect the surrounding environment and aesthetics. The city's industrial park was zoned accordingly to allow a mix of manufacturing, distribution and office uses.*
- *A major component of the city's industrial park is Falcon Field Airport. Because of the nature of the airport and in order to protect the associated airspace, specific zones were established within an overlay zoning district.*
- *As each tract of land within these zones is brought forward for development, they are reviewed not only for conformance with the underlying zoning regulations but those established within the airport overlay zone.*

<u>Recommendation</u>:

Staff recommends that the proposed variance not be approved based on the following findings:

1. *The height of the proposed telecommunication tower and associated antennas would extend approximately 43' into the established APH.*
2. *The APH was established to protect the navigable airspace associated with Falcon Field Airport.*
3. *Approving a variance to permit this encroachment would set a precedent for future variance applications.*
4. *It appears the tower could be constructed at a height not to exceed 122' and not encroach into the established APH.*

Attachments "A" – "E"

Sec. 1012. Airport zoning.

(1012.1)*Airport (AI).*

(a) *Intent of district.* It is intended that the AI zoning district be established for airport uses. The regulations which apply with this district are designed to encourage the formation and continuance of compatible environment for uses of a general aviation airport to protect and preserve undeveloped airport areas of Peachtree City which are suitable for such activities, and to prohibit other uses.

(b) *Permitted uses.* The following uses shall be permitted in any AI zoning district:

(1) Any airport or airport related uses which involves operation, storage, repair, manufacture, sales of fuel, oil, or aviation related parts or products, auto rentals, restaurant, vending services or any other use which would directly relate to the furtherance of the facility to operate as an airport.

(1012.2)*Airport district areas (AP).*

(a) *Airport district areas established as supplementary.* The "AP" designation is not intended to be utilized as a separate district classification, but as a designation which identifies areas subject to regulations which are supplementary to the regulations of the district to which such designation is attached, appended, or "overlaid." Regulations which apply to areas designated on the zoning map as being within such appended or overlaid designation must be determined by joint reference to the regulations of both the basic district classification and the appended or overlay classification.

(b) *Intent.* It is the intent of this ordinance to restrain influences which are adverse to the property and safe conduct of aircraft in the vicinity of Falcon Field-Peachtree City Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning. To this end, the "AP" designation, when appended to a basic district classification, is intended to coordinate the purpose and intent of this ordinance with other regulations duly established by Peachtree City whose primary intent is to further the purposes set out above.

(c) *Definitions.*

(1) Airport: Falcon Field--Peachtree City Airport.

(2) Airport elevation: The highest point of an airport's usable landing area measured in feet above mean sea level (808.0).

(3) Approach surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in (1012.2)(c)(4) of this article.

(4) Approach zone (APA): The approach surface zone is an inclined plane located directly above the approach area. The dimensions of the approach area are measured horizontally. The inner edge approach zone coincides with the width of the primary surface and begins 200 feet from the runway end and is 500 feet wide. The approach zone slopes 20 feet outward for each foot upward to a width of 1,500 feet for noninstrumented runway at a horizontal distance of 5,000 feet from the primary surface, and outward 34 feet for each foot upward to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface for nonprecision instrument runway. Its centerlines are the continuation of the centerlines of the runways.

Attachment "A"

(5) Conical surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of 4,000 feet.

(6) Conical zone (APC): The conical zone is established on the area that commences at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending outward therefrom for a distance of 4,000 feet, and upward at a slope of 20:1.

(7) Hazard to navigation: An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

(8) Height: For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(9) Horizontal surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincided with the perimeter of the horizontal zone.

(10) Horizontal zone (APH): The horizontal zone is a plane, circular in shape, with its height 150 feet above the established airport elevation of 808.0 [feet] msl and having a radius of 10,000 feet for the basic transport runway from the center of the end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(11) Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limited height set forth in subsection (1012.2)(d) of this article.

(12) Primary surface: A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet for Falcon Field--Peachtree City Airport.

(13) Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

(14) Structure: An object, including mobile object, constructed or installed by man, including but without limitation, building, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

(15) Transitional surfaces: These surfaces extend outward to right angles (90-degree angles) to runway centerline and extends at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

(16) Transitional zones (APT): The transitional zones are included planes beneath the transitional surfaces with a slope of 7:1 measured upward and outward in a vertical plane at right angles to the center line of the runway and extending 150 feet above the airport elevation of 808.0 [feet] above mean sea level. The 7:1 transitional surface also extends from the edges of all approach surfaces upward and outward to the intersection with the horizontal surface, or the conical surface zones.

(d) *Airport zones height limitations.* Except as otherwise provided in this article [section] no structure or tree shall be erected, altered, allowed to grow or maintained in any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone to a height in excess of the height limit herein established for this zone. If the height limits of two zones covering the same area vary, the lower height limitation is controlling.

(e) *Use restrictions.* Notwithstanding any other provisions of this article [section] no use may be made of land within any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of the flyers using the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

(f) *Nonconforming uses.*

(1) Regulations not retroactive. The regulations prescribed by this article shall not be construed to require the removal, lowering, or other change or alteration of any structure, tree or use of land not conforming to the regulations as of the effective date of this article [section] or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article [section], and is diligently prosecuted.

(2) Obstruction--Marking and lighting. Notwithstanding the preceding provisions of the section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by Peachtree City Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Peachtree City Airport Authority.

(g) *Permits.* The zoning administration (administrator) shall not issue a zoning permit within an "AI," "APA," "APH," "APT" or "APC" area until it has been determined that the proposal upon which he is requested to act is in compliance with the terms of these regulations. In order to determine whether or not a proposal is in compliance, the proposal shall be submitted to the airport authority for review and approval. Without the approval of the airport authority, a proposal is not in compliance.

(1) Future uses. Except as specifically provided in (i), (ii), and (iii) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article [section] shall be granted unless a variance has been approved in accordance with section (1012.2)(g)(4).

(i) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(ii) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(iii) In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structure except when such tree or structure because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration of any structure, or growth of any tree in excess of any of the height limits established by this article except as set forth in section (1012.2)(g).

(2) Existing uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendment thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(3) Nonconforming uses abandoned or destroyed. Whenever the zoning administration determines that a nonconforming tree or structure has been abandoned or more than 75 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviation [deviate] from the zoning regulations.

(4) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this article may apply to the city council for a variance from such regulations.

The application for variance shall be accompanied by a determination from the Federal Aviation Administration as [to] the effect of the proposal on the operation or air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief, if granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this article [section]. Additionally, no application for variance to the requirements of this article may be considered by the board of adjustment unless a copy of this application has been furnished to the airport manager and the Peachtree City Airport Authority for advice as to the aeronautical effects of the variance. If the airport manager and/or the airport authority does not respond to the application within 15 days after receipt, the board of adjustment may act on its own to grant or deny said application.

(5) Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article [section] and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of adjustment, this condition may be modified to require the owner to permit the Peachtree City Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

(Ord. No. 391, 3-20-1986; Ord. No. 474, 11-3-1988; Ord. No. 475, 11-3-1988)

PEACHTREE CITY

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

VARIANCE APPLICATION

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

Admin. Variance Fee: $25.00
Variance Fee: $250.00
Receipt # 165413
Date Filed 1 / 19 / 10
Case # V-2010-01
Office Use Only

VARIANCE LOCATION

Street Address 403-A Dividend Dr

Zoning District:
☐ Residential ☐ Multi-Family ☐ Commercial\Industrial\Office

Variance Type:
☐ Administrative ☐ Special Exception ☑ Variance (check one below)

Variance from which ordinance:
☐ Sign ☐ Fence ☐ Land Development ☑ Zoning

PROPERTY OWNER

Name Tim Powers
Phone 404 218 1400
Email CHERRI@CALL POWERS.COM

PROPERTY INFO

Subdivision:
Phase: Lot #

APPLICANT

Name Tim Powers
Address 258 Matthews Rd
City, State, Zip Peachtree City GA 30
Phone # 404 218 1400
Email CHERRI @ CALL POWERS.COM

SUPPORTING DOCUMENTS

Please submit the following evidentiary items in support of this application and the requested variances.
(Please check off the items that are attached to this application)

☐ Site plan (with property lines and proposed work)
☐ A detailed report justifying the requested variance
☐ Letters of support from adjacent property owners
☐ Digital Photographs \ Renderings (CD or Email)
☑ Other Items Demonstrating Need (topo. Survey, etc)

ADMINISTRATIVE VARIANCE

1.) Is a current survey included with the application? ☐ Yes ☐ No
2.) Does the application pertain to a zoning setback? ☐ Yes ☐ No
3.) Is the violation an existing setback violation? ☐ Yes ☐ No
4.) How long has the violation existed? ____ Years
5.) What is the required setback? ____ Feet
6.) How much of a variance is being requested? 49 Feet
7.) Were you the owner of the property when the violation occurred? (If not, who was?) ☐ Yes ☐ No

Briefly describe why this variance is being requested:
(A separate detailed report is still required to be attached to this application)

Build Cell Tower

SPECIAL EXCEPTION

1.) Is a current survey included with the application? ☐ Yes ☐ No
2.) Has property been rezoned or deed restrictions? ☐ Yes ☐ No
3.) Is the violation an existing setback violation? ☐ Yes ☐ No
4.) Application for a bldg setback, fence, or parking? (Circle One)
5.) What is the required setback, height, or spaces?
6.) How much of a variance is being requested?

Briefly describe why this variance is being requested:
(A separate detailed report is still required to be attached to this application)

Build Cell Tower

VARIANCE

Please review the ordinances and instructions on the back of this page.

1.) Is a current survey included with the application? ☐ Yes ☐ No
2.) How much of a variance is being requested? ____ Feet
3.) Were you the owner of the property when the violation occurred? (If not, who was?) ☐ Yes ☐ No

Briefly describe why this variance is being requested:
(A separate detailed report is still required to be attached to this application)

Build Cell Tower

I hereby certify that I am the owner of the property on which a variance is being requested and that all information provided as a part of this application is true and correct.

Signature of Owner/Agent: Tim Powers Date 1/15/2010

OFFICE ONLY

ADMINISTRATIVE VARIANCE
Signature:
Date of Acceptance: Date of Hearing:
☐ **Approved** ☐ **Denied** ☐ **Approved with Conditions**

SPECIAL EXCEPTIONS & VARIANCE FROM ORDINANCES

This application, along with the required fee and all necessary supplemental documents, has been properly submitted and is herby accepted for consideration by the City Council at a public hearing in the City Council Chambers at 7:00 PM on the date shown below:

Signature: David E. Rast Date of Acceptance: 01-19-10 Date of Public Hearing: 02-18-10

Attachment "B"

January 15, 2010

Received from Tim Powers $250 for Variance Application concerning a cell tower at 403-A Dividend Drive, Peachtree City, GA 30269

Tim Powers   Kathy Thomas

Witness

FINAL
MAR 0 6 2006
RECEIVED

T · Mobile · South, LLC

FOUR CONCOURSE PKWY
SUITE 300
ATLANTA, GA 30328

SITE NAME:

DIVIDEND

SITE NUMBER:

9AT1411A

PROPOSED 160' MONOPOLE TOWER
RAWLAND SITE

PREPARED BY:

TOWERSOURCE, INC.
1000 HOLCOMB WOODS PARKWAY
SUITE 414
ROSWELL, GA 30076
TEL 678-990-2338
FAX 678-990-2342

Received
MAR 1 7 2006
Office of City Planner
Peachtree City, GA

RECEIVED MAR 1 7 2006

DRAWING INDEX

T-1	TITLE SHEET & PROJECT INFORMATION
-	SURVEY - OVERALL SURVEY
-	SURVEY - LEASE AREA DETAIL
-	SURVEY - LEGAL DESCRIPTIONS
C-1	GENERAL NOTES
C-2	OVERALL SITE PLAN
C-3	ENLARGED SITE PLAN
C-4	TOWER ELEVATION & ANTENNA SCHEDULE
C-5	RBS SLAB DETAILS
C-6	WAVEGUIDE ELEVATION & DETAILS
C-7	GRADING & EROSION CONTROL PLAN
C-8	GRADING & EROSION CONTROL DETAILS
C-9	GRADING & EROSION CONTROL SPECS
C-10	FENCE DETAILS
C-11	LP TANK DETAILS
L-1	LANDSCAPE PLAN
E-1	ELECTRICAL SPECS & ONE-LINE DIAGRAM
E-2	ELECTRICAL SITE PLAN
E-3	GROUNDING SITE PLAN
E-4	GROUNDING RISER DIAGRAM
E-5	GROUNDING DETAILS
E-6	ANTENNA DETAILS & GROUNDING SCHEMATIC
E-7	UTILITY FRAME DETAILS
E-8	PANEL BOARD CALCULATIONS
LMU	LMU ANTENNA DETAILS

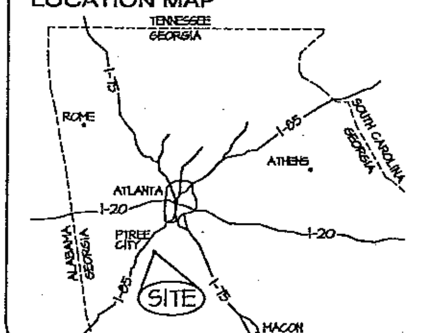
DRIVE DIRECTIONS

FROM T-MOBILE: TAKE I-285 WEST TO GA-400 SOUTH TO I-85 SOUTH TOWARDS PEACHTREE CITY. EXIT AT EXIT 61/SENOIA ROAD/CR-74 AND TURN LEFT/SOUTH. FOLLOW TO WHERE IT BECOMES PEACHTREE PARKWAY. PROCEED INTO PEACHTREE CITY. IN PEACHTREE CITY TURN RIGHT/WEST ONTO KELLY DRIVE AND THEN TURN IMMEDIATELY LEFT/SOUTH ONTO OLD-74. PROCEED TO THE SITE ADDRESS ON THE LEFT. SITE IS AT THE REAR RIGHT OF THE PARCEL.

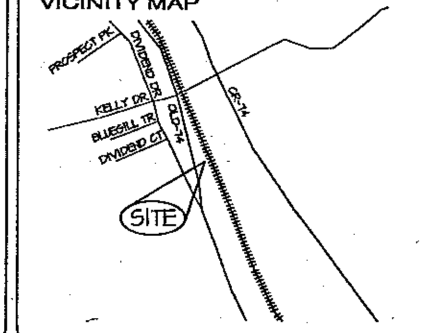
PROJECT INFORMATION

SITE ADDRESS:	403-A DIVIDEND DRIVE PEACHTREE CITY, GA 30269
TAX MAP #:	0614-011-01
DEVELOPER & TOWER OWNER:	T-MOBILE SOUTH, LLC FOUR CONCOURSE PKWY, SUITE 300 ATLANTA, GA 30328 GREG HAZLEHURST, A&E MANAGER (678) 388-4101
PROPERTY OWNER:	CALHOUN / JOHNSON COMPANY 200 TIGER WAY PEACHTREE CITY, GA 30269 (770) 487-2040
ENGINEER:	TOWERSOURCE, INC. 1000 HOLCOMB WOODS PKWY ROSWELL, GA 30076 PATRICK MARSHALL, P.E. (678) 990-2338
LATITUDE:	33° 22' 42.3" (NAD83)
LONGITUDE:	84° 34' 40.2" (NAD83)
ELEVATION:	836' AMSL (NGVD88)
ZONING CLASSIFICATION:	GI
PERMIT JURISDICTION:	PEACHTREE CITY
CONTACT:	DAVID RAST (770) 487-5731
TELCO:	TBD
POWER:	TBD

LOCATION MAP



VICINITY MAP



RF ENGINEER SIGNATURE DATE	LANDOWNER SIGNATURE DATE
CONSTRUCTION MANAGER SIGNATURE DATE 3/8	PROGRAM MANAGER SIGNATURE DATE
SITE ACQUISITION AGENT SIGNATURE DATE	ZONING/PERMITTING SIGNATURE DATE 3/8/06

IF YOU DIG GEORGIA... CALL US FIRST!
1-800-282-7411
325-5000
(METRO ATLANTA ONLY)
UTILITIES PROTECTION CENTER
IT'S THE LAW

TOWERSOURCE INC.
1000 HOLCOMB WOODS PKWY
SUITE 414
ROSWELL, GA 30076

T091

REV.	DATE	DESCRIPTION
A	2/24/06	PRELIMINARY REVIEW
0	3/7/06	ISSUED FOR CONSTRUCTION
1		
2		
3		

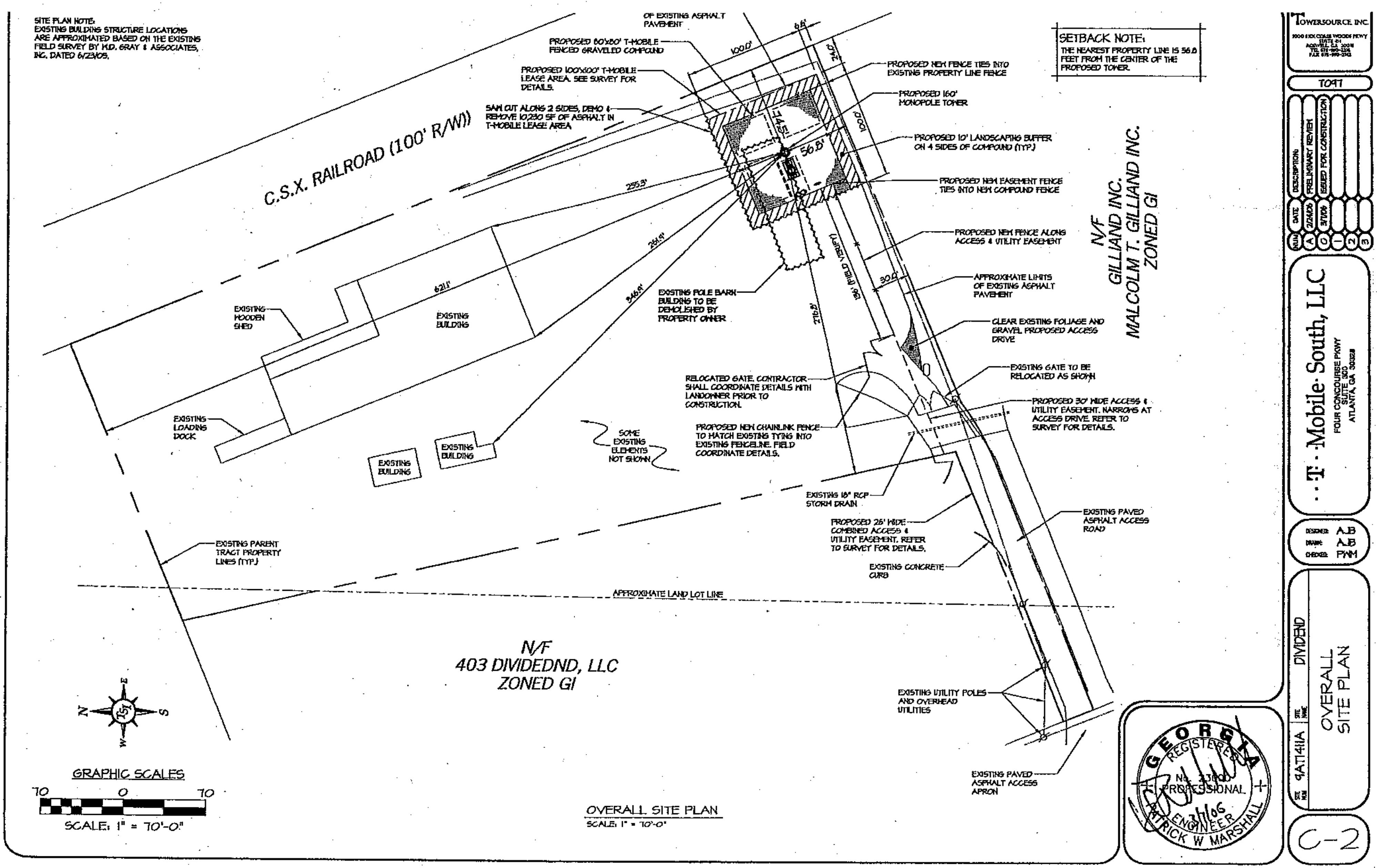
T · Mobile · South, LLC
FOUR CONCOURSE PKWY
SUITE 300
ATLANTA, GA 30328

DESIGNED: AJB
DRAWN: AJB
CHECKED: PWM

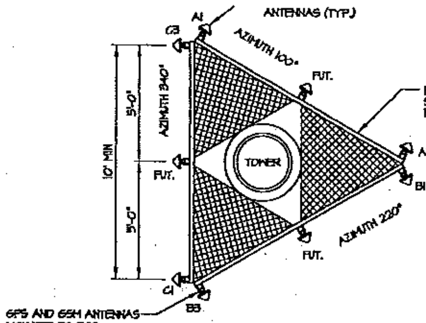
SITE NAME: DIVIDEND
SITE NO: 9AT1411A

TITLE SHEET & PROJECT INFORMATION

T-1



SITE PLAN NOTE:
EXISTING BUILDING STRUCTURE LOCATIONS ARE APPROXIMATED BASED ON THE EXISTING FIELD SURVEY BY H.D. GRAY & ASSOCIATES, INC. DATED 6/23/05.
C.S.X. RAILROAD (100' R/W)
OF EXISTING ASPHALT PAVEMENT
PROPOSED 80'x80' T-MOBILE FENCED GRAVELED COMPOUND
PROPOSED 100'x100' T-MOBILE LEASE AREA. SEE SURVEY FOR DETAILS.
SAW CUT ALONG 2 SIDES, DEMO & REMOVE 10,230 SF OF ASPHALT IN T-MOBILE LEASE AREA
SETBACK NOTE:
THE NEAREST PROPERTY LINE IS 56.8 FEET FROM THE CENTER OF THE PROPOSED TOWER.
PROPOSED NEW FENCE TIES INTO EXISTING PROPERTY LINE FENCE
PROPOSED 160' MONOPOLE TOWER
PROPOSED 10' LANDSCAPING BUFFER ON 4 SIDES OF COMPOUND (TYP.)
PROPOSED NEW EASEMENT FENCE TIES INTO NEW COMPOUND FENCE
PROPOSED NEW FENCE ALONG ACCESS & UTILITY EASEMENT
APPROXIMATE LIMITS OF EXISTING ASPHALT PAVEMENT
CLEAR EXISTING FOLIAGE AND GRAVEL PROPOSED ACCESS DRIVE
EXISTING GATE TO BE RELOCATED AS SHOWN
PROPOSED 30' WIDE ACCESS & UTILITY EASEMENT. NARROWS AT ACCESS DRIVE. REFER TO SURVEY FOR DETAILS.
100.0'
100.0'
24.0'
6.8'
74.5'
56.8'
255.3'
261.9'
346.8'
621.1'
276.8'
156' (FIELD VERIFY)
30.0'
N/F
GILLIAND INC.
MALCOLM T. GILLIAND INC.
ZONED GI
EXISTING WOODEN SHED
EXISTING BUILDING
EXISTING LOADING DOCK
EXISTING BUILDING
EXISTING BUILDING
SOME EXISTING ELEMENTS NOT SHOWN
EXISTING POLE BARN BUILDING TO BE DEMOLISHED BY PROPERTY OWNER
RELOCATED GATE. CONTRACTOR SHALL COORDINATE DETAILS WITH LANDOWNER PRIOR TO CONSTRUCTION.
PROPOSED NEW CHAINLINK FENCE TO MATCH EXISTING TYING INTO EXISTING FENCELINE. FIELD COORDINATE DETAILS.
EXISTING 18" RCP STORM DRAIN
PROPOSED 26' WIDE COMBINED ACCESS & UTILITY EASEMENT. REFER TO SURVEY FOR DETAILS.
EXISTING CONCRETE CURB
EXISTING PAVED ASPHALT ACCESS ROAD
EXISTING PARENT TRACT PROPERTY LINES (TYP.)
APPROXIMATE LAND LOT LINE
N/F
403 DIVIDEDND, LLC
ZONED GI
EXISTING UTILITY POLES AND OVERHEAD UTILITIES
EXISTING PAVED ASPHALT ACCESS APRON
N
E
S
W
GRAPHIC SCALES
70
0
70
SCALE: 1" = 70'-0"
OVERALL SITE PLAN
SCALE: 1" = 70'-0"
TOWERSOURCE INC.
T097
DATE
DESCRIPTION
2/24/06
PRELIMINARY REVIEW
3/7/06
ISSUED FOR CONSTRUCTION
A
0
1
2
3
T · Mobile · South, LLC
FOUR CONCOURSE PKWY
SUITE 300
ATLANTA, GA 30328
DESIGNED A.B
DRAWN A.B
CHECKED PWM
9AT141A
DIVIDEND
OVERALL SITE PLAN
GEORGIA
REGISTERED
No. 23600
PROFESSIONAL
ENGINEER
PATRICK W MARSHALL
3/7/06
C-2



ANTENNA ORIENTATION
NOT TO SCALE

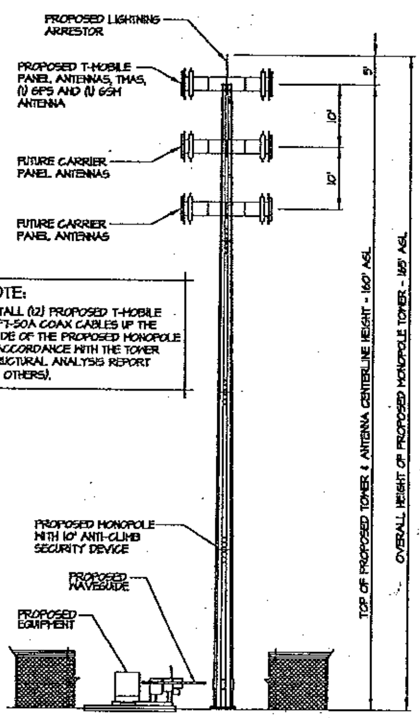
NOTE: PROPOSED TOWER AND MOUNT SUPPLIED BY T-MOBILE AND INSTALLED BY CONTRACTOR. ANTENNAS SUPPLIED BY T-MOBILE AND INSTALLED BY CONTRACTOR. CONTRACTOR TO PROVIDE ANTENNA CENTERLINE HEIGHT VERIFICATION TO T-MOBILE.

ANTENNA AND COAXIAL CABLE SCHEDULE

ANTENNA MARK	SECTOR	ANTENNA	COAX FEED LOCATION	AZIMUTH (0°=NORTH)	COAX COLOR CODE	COAX CABLE SIZE-LENGTH	TRIX ANTENNA CONFIGURATION	MECHANICAL DOWN TILT	RADIATION CENTER
A1	A	PCS A065-19-2	CENTER	100°	Rx - 1 RED Tx - 1 RED / 1 WHITE	1 5/8" - 1 x 210' 1 5/8" - 1 x 210'	Tx / Rx	0°	200'
FUTURE									
A3	A	PCS A065-19-2	CENTER	100°	Rx - 2 RED Tx - 2 RED / 2 WHITE	1 5/8" - 1 x 210' 1 5/8" - 1 x 210'	Tx / Rx	0°	200'
B1	B	PCS A065-19-2	CENTER	220°	Rx - 1 BLUE Tx - 1 BLUE / 1 WHITE	1 5/8" - 1 x 210' 1 5/8" - 1 x 210'	Tx / Rx	0°	200'
FUTURE									
B3	B	PCS A065-19-2	CENTER	220°	Rx - 2 BLUE Tx - 2 BLUE / 2 WHITE	1 5/8" - 1 x 210' 1 5/8" - 1 x 210'	Tx / Rx	0°	200'
C1	C	PCS A065-19-2	CENTER	340°	Rx - 1 GREEN Tx - 1 GREEN / 1 WHITE	1 5/8" - 1 x 210' 1 5/8" - 1 x 210'	Tx / Rx	1°	200'
FUTURE									
C3	C	PCS A065-19-2	CENTER	340°	Rx - 2 GREEN Tx - 2 GREEN / 2 WHITE	1 5/8" - 1 x 210' 1 5/8" - 1 x 210'	Tx / Rx	1°	200'

* INSTALL 6 ANTENNAS (EACH W/ TMA) AND 12 LINES. T-MOBILE'S RESERVE CAPACITY IS 9 ANTENNAS (EACH W/ TMA) AND 18 LINES.

ANTENNA & COAXIAL CABLE SCHEDULE
NOT TO SCALE

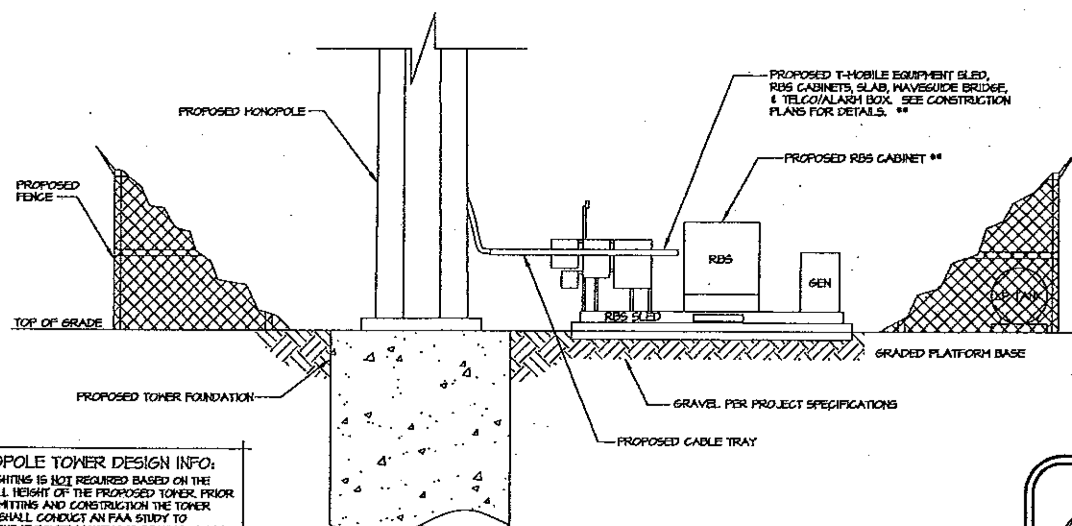


NOTE:
INSTALL (12) PROPOSED T-MOBILE LDF7-50A COAX CABLES UP THE INSIDE OF THE PROPOSED MONOPOLE IN ACCORDANCE WITH THE TOWER STRUCTURAL ANALYSIS REPORT (BY OTHERS).

TOWER ELEVATION
NO SCALE

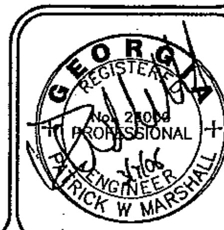
MONOPOLE TOWER DESIGN INFO:
FAA LIGHTING IS NOT REQUIRED BASED ON THE OVERALL HEIGHT OF THE PROPOSED TOWER. PRIOR TO PERMITTING AND CONSTRUCTION THE TOWER OWNER SHALL CONDUCT AN FAA STUDY TO DETERMINE IF TOWER LIGHTING IS REQUIRED BASED ON THE PROXIMITY TO NEARBY AIRPORTS.

TOWER MATERIAL - STEEL
TOWER COLOR - GALVANIZED
MOUNT MATERIAL - STEEL
MOUNT COLOR - GALVANIZED
ANTENNA COLOR - BEIGE/WHITE
COAX COLOR - BLACK



** CONTRACTOR SHALL INSTALL THE RBS BASE, SUB-BASE AND POWER/TELCO BOX. COORDINATE WITH CONSTRUCTION MANAGER.

EQUIPMENT ELEVATION
NOT TO SCALE



TOWERSOURCE INC.

T091

NUM	DATE	DESCRIPTION:
A	2/24/06	PRELIMINARY REVIEW
0	9/1/06	ISSUED FOR CONSTRUCTION
1		
2		
3		

T · Mobile · South, LLC
FOUR CONCOURSE PKWY
SUITE 300
ATLANTA, GA 30328

DESIGNED: A.B
DRAWN: A.B
CHECKED: PWM

SITE NUM: 9AT1411A
SITE NAME: DIVIDEND

TOWER ELEVATION

C-4

Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2006-ASO-1738-OE

Issued Date: 05/30/2006

Thelma L. Wilson
T-Mobile, USA
4 Concourse Parkway
Atlanta, GA 30328

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure Type:	Antenna Tower
Location:	Peachtree City, GA
Latitude:	33-22-42.30 N NAD 83
Longitude:	84-34-40.20 W
Heights:	170 feet above ground level (AGL)
	1006 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change 1, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12

It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

____ At least 10 days prior to start of construction
(7460-2, Part I)

_X__ Within 5 days after the construction reaches its greatest height
(7460-2, Part II)

To coordinate frequency activation and verify that no interference is caused to FAA facilities, prior to beginning any transmission from the site you must contact Martin Crane at 404 968-7938.

See attachment for additional condition(s) or information.

This determination expires on 11/30/2007 unless:

(a) extended, revised or terminated by the issuing office.
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this

Attachment "C"

determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before June 29, 2006. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted in triplicate to the Manager, Airspace and Rules Division - Room 423, Federal Aviation Administration, 800 Independence Ave, Washington, D.C. 20591.

This determination becomes final on July 9, 2006 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Sheri Edgett-Baron via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (202)267-9219. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2006-ASO-1738-OE.

Signature Control No: 457319-466278 (DNH)

Kevin P. Haggerty
Manager, Obstruction Evaluation Service

Attachment(s)
Additional Information
Frequency Data

7460-2 Attached

Additional Information for ASN 2006-ASO-1738-OE

AERONAUTICAL STUDY
NO. 06-ASO-1738-OE

The proposed structure would is located approximately 1.30 nautical miles north of the Peachtree City (FFC) Airport Reference Point. The proposed structure does exceed the standard for determining obstructions to air navigation contained in Part 77, Subpart C, of the Federal Aviation Regulations as follows:

Exceeds FAR Part 77.23 (a)(5) by 48 feet, a height exceeding the horizontal surface as applied to the FFC Airport.

Details of the proposed structure were circularized for public comment. There was one letter of objection received during the comment period. The letter can be summarized as objecting to the structure exceeding an obstruction standard at Peachtree City Airport and effecting the proposed instrument landing system instrument approach.

Part 77 obstruction standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study in order to determine if they would have significant adverse effect on protected aeronautical operations. While the obstruction standards trigger formal aeronautical study, including circularization, they do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation.

During the internal case study all instrument approaches on file were considered and found to have no impact. The flight procedures office was asked to reevaluate the instrument procedures for the Peachtree City Airport. The study revealed that the proposed structure had no effect to any instrument procedure that was on file.

The proposed structure was found to have no adverse effect on the VFR airport traffic patterns in the vicinity of the site.

The impact on arrival, departure and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use and military airports, as well as aeronautical facilities, was considered during the analysis of this structure. The aeronautical study disclosed that the structure, at a height of 1006 feet above mean sea level (AMSL), would have no adverse effect upon any terminal or en route instrument procedure or altitude.

The cumulative impact (IFR/VFR) resulting for the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable

Therefore, it is determined that the proposed structure would not have a substantial adverse effect on the safe and efficient use of the navigable airspace by aircraft or on any navigation facility and would not be a hazard to air navigation.

///////////END OF COMMENTS////////

Frequency Data for ASN 2006-ASO-1738-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
1930	1965	MHz	1	KW
6525	6875	MHz	50	dBm
10700	11700	MHz	50	dBm
17700	18600	MHz	55	dBm
38600	40000	MHz	55	dBm

ATLANTA REGIONAL
AIRPORT
FALCON FIELD

February 2, 2010

Bernard J. McMullen
City Manager
153 Willowbend Road
Peachtree City, GA 30269

RE: Request For Variance

Dear Mr. McMullen,

The Peachtree City Airport Authority (PCAA) received a presentation and a request to support a variance from Mr. Tim Powers on January 14, 2010. Mr. Powers reintroduced a request for variance that he presented to City Council without success in 2006.

Mr. Powers was notified on February 1,2010 via telephone that the PCAA could not support a variance to the city's Telecommunication Towers Ordinance as well as Section 1012 Airport Zoning within the city's Zoning Ordinance. He was advised that the PCAA would continue to protect its airspace and the ability to attract and support future jet and corporate aviation customers. Mr. Powers indicated that he still intended to approach the City again in the near future to request a variance on this issue.

Please contact me for any further information.

Sincerely,

John W. Crosby
Aviation Director

7 Falcon Dr., Peachtree City, GA 30269 | FrontDesk@KFFC.org | Phone: 770.487.2225 • Fax: 770.487.8814
www.KFFC.org

Vance C. Smith, Jr., Commissioner

GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW
Atlanta, Georgia 30308
Telephone: (404) 631-1000

July 21, 2009

Mr. John Crosby, Airport Director
Peachtree City - Falcon Field
7 Falcon Drive
Peachtree City, Georgia 30269

Dear Mr. Crosby:

The Georgia Department of Transportation - Aviation Programs (GDOT), with authority granted by the Federal Aviation Administration (FAA) via the State Block Grant Program, would like to remind the Peachtree City Airport Authority (PCAA) of its responsibility to maintain and operate Falcon Field safely and efficiently and in accordance with the specified conditions, specifically the *Airport Sponsor Assurances*. It is imperative that the approaches to Runway 13/31 and the airspace surrounding the airport be preserved and protected from future potential obstructions. This responsibility is addressed in the *Airport Sponsor Assurance* document in the *Compatible Land Use* and *Hazard Removal and Mitigation* assurances.

> ***Compatible Land Use.*** *It (the airport sponsor) will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft . . .*
>
> ***Hazard Removal and Mitigation.*** *It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.*

At your request, this letter affirms that the approved 34:1 slope to Runway 31, as currently protected by the Airport Height Zoning Ordinance of Peachtree City, is the appropriate obstruction-free floor for the protected airspace for the current approaches to Runway 31, and that the approved 20:1 slope to Runway 13, currently protected by the Peachtree City Height Zoning Ordinance, is the appropriate obstruction-free floor for the protected airspace for the current approaches to Runway 13.

It is essential that the PCAA and the City enforce the zoning restrictions in order to satisfy the assurances, as well as maintain a safe and efficient airport for its users. Part of this enforcement could be including provisions to review all proposed construction near the vicinity of the airport and establishing a local ordinance limiting objects that may threaten to penetrate the established approaches to the runway.

The approved approaches at Falcon Field, according to our records, are a 34:1 precision approach to Runway 31 and a 20:1 non-precision approach to Runway 13, and although these are the minimum criteria for

Attachment "E"

screening for potential obstructions, the FAA, as per *Notice of Proposed Construction or Alteration - Form 7460-1*, requires the use of a 100:1 screening criterion for runways longer than 3,200 feet. The GDOT suggests the PCAA adopt the FAA screening standard 100:1 for evaluating any proposed structures or other potential hazards to assure that they will not penetrate or cause intrusions into the protected airspace above the 34:1 slope gradient for Runway 31 or the 20:1 slope gradient for Runway 13, and implementing proper zoning and particularly enforcement.

The allowance for penetration of the approved approaches by any object will increase the minimums of the approaches, be a potential hazard for pilots utilizing the runway, and violate the airport sponsor's grant assurances.

We hope this letter clarifies the GDOT's, and in turn FAA's viewpoint on maintaining the approved approaches at the Peachtree City Airport - Falcon Field. If you have any further questions, please contact Carol Comer, Aviation Programs Manager at (404) 505-4869.

Sincerely,

Harvey D. Keepler, Administrator
Division of Intermodal Programs

HDK:CLC:CJF

cc: Scott Seritt – FAA