

City Council of Peachtree City
Agenda
February 3, 2011
7:00 p.m.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Announcements, Awards, Special Recognition**
- IV. Citizen Comment**
- V. Agenda Changes**
- VI. Minutes**
January 6, 2011, Regular Meeting Minutes
- VII. Consent Agenda**
 - 1. Consider Acceptance of Quit Claim Deed – Airport**
Transfer of 0.016 acres, more or less, leading to an access easement to Airport Authority
 - 2. Consider New Alcohol License –The Fresh Market, 100 N. Peachtree Parkway**
All new applications for alcohol licenses must be approved by City Council
 - 3. Consider Amendments to Development Agreement with Dominion Partners**
Request to approve finalized amendments to agreement
 - 4. Consider Natural Gas Provider**
Request to enter one-year agreement with Coweta-Fayette EMC for City facilities
- VIII. Old Agenda Items**
 - 01-11-01 Consider Variance Request – Batting Cage at Baseball/Soccer Complex**
Request to continue until February 3 due to advertising requirements
 - 01-11-08 Consider Future of Sims Road Extension**
Request to provide an official position on County's proposed extension of Sims Road to Astoria Lane
- IX. New Agenda Items**
 - 02-11-01 Consider Request for Funding for Batting Cages at BSC**
Request to determine funding option to finalize donation from baseball associations
 - 02-11-02 Consider Moratorium on Tree Permits**
Request for six-month moratorium to allow for ordinance review and update
- X. Council/Staff Topics**
 - Update from Dog Park**
 - Hot Topics Update**
- XI. Executive Session**

**City Council of Peachtree City
Minutes of Meeting
January 6, 2011**

The City Council of Peachtree City met Thursday, January 6, 2011, 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.

Election for Mayor Pro-tem

Sturbaum nominated Imker to serve as Mayor Pro-tem for 2011. Fleisch seconded. The motion carried unanimously. Haddix noted that Imker had chosen to be sworn in at a later date.

Citizen Comment

Keep Peachtree City Beautiful Director Al Yougel discussed the "Bring One for the Chipper" program on January 8. Christmas trees would be accepted at Home Depot, Kedron Kroger, and the Recycling Center.

Agenda Changes

Staff requested that Old Agenda item 06-10-02 be tabled until after Council had considered the amendments to the Sign Ordinance. Sturbaum moved to move Old Agenda Item 06-10-02 Public Hearing – Consider Variance to Sign Ordinance, NCR after New Agenda Item 01-11-04. Imker seconded. The motion carried unanimously.

Minutes

Sturbaum moved to approve the November 18, 2010, regular meeting minutes; November 30, 2010, workshop minutes; December 2, 2010, regular meeting minutes; and the December 3, 2010, special called meeting minutes as written. Fleisch seconded. The motion carried unanimously.

Consent Agenda

1. Consider Authorization of Legal Organ – *Fayette County News/Today in Peachtree City*
2. Consider Annual Indemnification Resolution
3. Consider Resolution for Call to Election – Council Posts 1 & 2
4. Consider Budget Amendments – FY 2010
5. Consider Budget Amendments – FY 2011
6. Consider Right-of-Entry Agreement – Fire Station 83 Sewer Design
7. Consider Appointment of Alternate to WASA – Luis Valencia

Learnard moved to approve the Consent Agenda Items 1 – 7. Sturbaum seconded. The motion carried unanimously.

New Agenda Items

01-11-01 Consider Variance Request – Batting Cage at Baseball/Soccer Complex

Staff asked that the variance request be continued as staff was working with the Peachtree City Little League to find an alternate site. Sturbaum moved to continue the variance request for the batting cage at the Baseball/Soccer Complex until January 20. Fleisch seconded. The motion carried unanimously.

01-11-02 Consider Amendments to Chapter 2, Administration – Boards, Commissions, and Authorities

Community Development Director/City Planner David Rast said the amendments concerned membership on the Planning Commission, adding that the commission had been fortunate to have either an architect or landscape architect as a member of the board. If approved, language would be added to the ordinance regarding the appointment of a landscape/design professional. Haddix agreed that having someone with landscape or design experience was desired, but noted there could be unintended consequences. He said a previous member that had been an architect had supported 60-foot buildings, big boxes, and high density. He struggled with appointing a member with those qualifications who was against everything the City stood for, asking if there was a way around that. Learnard agreed, adding they always looked for people who were qualified and well-rounded to serve on the City's boards, commissions, and authorities. Education and engineering credentials would be at the top of the list for the Planning Commission. She asked if the requirement could ever be a problem.

Rast said there had been discussions that the City had usually been fortunate with the make-up of the board, but there had not always been a design professional on the board. Staff felt a board member with those qualifications would help when looking at the design ordinances, as well as help other commissioners when looking at projects in relation to the design guidelines. Sturbaum asked what the qualifications were for a registered architect/landscape architect. Rast said the qualifications included education and annual license renewal. They were required to take a professional examination and take continuing education credits. Over the last several years, the Planning Commission members had also attended Atlanta Regional Commission (ARC) training, which had been very beneficial to the new members.

Fleisch said the way the proposed amendment was written, "to the extent practicable" was not an absolute, adding that not everyone could visualize plans the way an architect could. Interim City Manager Nikki Vrana said a preference for design experience could be added to the application. Learnard said she had missed the phrase when reading the ordinance, and she could agree with that.

Sturbaum suggested that the sentence be added – "That if no one with the experience of a qualified design professional applied, the next most qualified applicant should be appointed." He asked City Attorney Ted Meeker if this sentence locked a design professional's place on the board. Meeker said the sentence implied that a design professional would be on the board, so if a design professional applied, then they would be on the board. Haddix said that was how he read it. Meeker said the sentence could be struck.

Imker disagreed. He said he would not want a requirement for Leisure Services commissioners to have a recreation degree or credentials or a law degree required of Council Members. He asked how far this could be taken. By inserting the requirement for design experience, they were reducing the pool of potential applicants. Learnard asked what would happen if they ended up with no applicant who had the credentials. Haddix and Sturbaum agreed that Imker's argument was persuasive. Haddix said the goal was good, but mandating a design professional might discourage others from applying.

Fleisch said the Planning Commission was different from the other boards. She did not see adding the requirement as precedent setting. Imker said he would not apply to the Planning Commission at all if he saw that requirement. Haddix said Imker's argument was winning him over. Sturbaum said that, while it was a benefit to have the design experience, other applicants also brought good things to the table. Fleisch said the agenda item should be continued.

Meeker said the requirement did not have to be in the ordinance, but could be a factor to be considered during the interviews. He continued that the Selection Committee would know the composition of the board during interviews, and if an applicant fit a certain criteria, that could be taken into account at that time. Sturbaum said he would rather have it as part of the process than in the legislation.

Learnard suggested that a question regarding design experience be included on the application. Vrana said the application form included a question on qualifications and professional affiliations. The question could be modified on the Planning Commission form.

Sturbaum moved to deny the amendment to Chapter 2, Administration – Boards, Commissions, and Authorities. Fleisch seconded. The motion carried unanimously. Meeker said staff would look at the application and make the appropriate notation.

01-11-03 Consider Amendments to Chapter 18, Building and Construction

Rast said the amendments were housekeeping issues. He explained that the Department of Community Affairs (DCA) identified the building code and amendments that the City had to adopt. In addition, the City could also augment the building code by adopting local amendments, which had been done through the years. Staff had discovered that the local amendments had not gone through the DCA approval process, so that had all been cleaned up. The proposed amendments had been reviewed by DCA, and an approval letter had been received. He asked Council to repeal Chapter 18 in its entirety and replace it with the ordinance in the meeting packet.

Sturbaum moved to approve the amendments to Chapter 18, Building and Construction as recommended by staff. Fleisch seconded. The motion carried unanimously.

01-11-04 Consider Amendments to Chapter 66, Signs

Rast said there were three sections that needed modification. Section 66-5(4) had wording issues, which resulted in a citation for a protest sign being thrown out of court. Staff had worked with the City Solicitor Marcia Moran on the modification, which would prohibit the activity in the future.

Rast said modifications to Section 66-15(5) would allow two wall signs for tenants in industrial zoning that had frontage on two streets. Tenants were currently limited to one wall sign. The City had received requests from companies that had frontage on two public streets about additional signage to help customers and visitors find the buildings. The amendment would allow the second sign, which would also have to meet the size criteria in the ordinance.

Section 66-15(17) addressed the regulation of signs in mixed-use developments. There had been issues regarding the interpretation of how the signs were regulated. He noted that in the newer phase of Kedron Village, the second floor was used as office space. The wording in the ordinance was based on office use even though the office space was in General Commercial (GC) zoning, making enforcement difficult. There were also issues at The Avenue and MacDuff Crossing. The amendment to the ordinance would regulate signage based on the base zoning of the property. It would be easier for tenants to comply with the ordinance and easier to enforce.

Imker asked if the changes to Section 66-15(5) dealt with NCR's sign issue. Rast said they did. NCR had both vehicular and building entrances on SR 74 and Paschall Road. One of the signs on the SR 74 side would be relocated to the Paschall Road side. Imker asked if NCR would need the variance if the amendment was approved. Rast said if the amendments were approved, then NCR would move one sign to the Paschall Road side of their property and would not need the variance. He reiterated that the amendment was just for industrial zoning.

Learnard asked if there would be any unintended consequences of approving the ordinance. Rast said staff had looked at the buildings in the Industrial Park, and there were only a few with frontage on two public streets. Learnard asked about the convenience store at SR 74 South/TDK Boulevard. Rast said that was a commercial property, and there should be no more signs there. Sturbaum asked about the Tiernan & Patrylo building at 611 74 South. Rast said the owners could put a wall sign up on the Dividend Road side of that property.

Haddix referred to another building that had two illegal signs on the front. He asked if there would be a way to offset that in some way. Rast said staff was looking at that issue, and another amendment would be brought forward to address where signage was located on a building.

Imker moved to approve agenda item 01-11-04 Consider Amendments to Chapter 66, Signs as presented by staff. Learnard seconded. The motion carried unanimously.

06-10-02 Public Hearing – Consider Variance to Sign Ordinance, NCR (tentative)

Sturbaum asked if action needed to be taken on the item. Meeker said if the hearing had not been re-advertised, then Council could move to continue it. Haddix said they should hold off on the request until the other amendments concerning location were done. Meeker said if the hearing was not re-advertised for this meeting, then Council could not deny the request. Imker said the request should probably be referred back to the Planning Commission or staff to be resolved in the context of the new ordinance. Meeker agreed, which was why he was asking to continue the item indefinitely.

Sturbaum moved to continue indefinitely the public hearing for the variance request for NCR. Fleisch seconded. The motion carried unanimously.

01-11-05 Consider Amendments to Chapter 78, Traffic

Rast said Engineering and the Police Department were available to answer any questions, noting there had been some enforcement issues with portions of the ordinance.

Rast noted that the proposed amendment to Section 78-6 was suggested by an officer, and City Solicitor Marcia Moran and Meeker had also helped with the language. The amendment would provide enforcement action so officers could cite those drivers who struck an object or damaged the property of a second party that was not on or along a "highway."

The modification to Section 78-17(a) clarified the areas where vehicles, including golf carts, could not be parked. Rast noted that an unintended consequence of restricting golf cart parking along the cart paths around McIntosh High School had led to carts being parked everywhere on Prime Point, including the private property of businesses. The amendment would allow officers to regulate parking in those areas, regulating damage to businesses' property.

The amendments to Sections 78-91(b), 78-92(a), and 78-93(f) dealt with where golf carts could and could not be driven on sidewalks. There were areas where sidewalks had been widened, and carts were using the sidewalks, which was a very dangerous situation. There were several sections of the ordinance that conflicted with each other. The amendments addressed those areas and gave the Police Department the ability to issue citations to golf cart drivers using the sidewalks where they were not allowed.

Sturbaum asked Police Chief H.C. "Skip" Clark if McIntosh High School had enough parking for the registered golf carts. Clark said it did not, and the overflow went onto Prime Point, including private property, which was a hardship for the home or business owner when it came to writing citations. Sturbaum asked how many carts were problems. Clark said there were about half a dozen that were problems. The Police Department received complaints from property owners all the time, but could not take enforcement action on private property. The amendment would allow them to issue citations for violations on private property. Warnings would be given first. If the violation continued, then the students would be cited. Fleisch asked if other areas around the school had problems. Clark said the carts just kept going around Prime Point and into the neighborhood.

Learnard asked if the students would be educated about the restrictions. Clark said the resource officer would make announcements, and there would be a grace period. They would also encourage students to ride the bus. They always tried to educate before going to enforcement.

Imker asked about the sidewalks along SR 74 and SR 54. He hoped violators received a warning the first time, asking if the Department kept a record of warnings that could be checked prior to issuing a ticket. Clark said that, in new situations, there was a grace period during which only warnings would be given, but once that grace period was done, it was up to the officer's discretion whether to issue a warning or citation. Imker asked if there was a way for an officer to check to see if someone had been issued a warning before. Clark said not to his knowledge. Keeping a database of warnings would be something new, adding that could be an item for discussion at Retreat.

Sturbaum asked for a clarification on the areas with sidewalks, specifically the area along SR 54 West. Borkowski said that the sidewalk along SR 54 West was intended to be a cart path, which was why the ordinance was worded as it was to give the City the ability to use signage where it

was appropriate. Imker asked why it was illegal for golf carts to be on the sidewalk further down the road and across the street on SR 54. Borkowski said 90% of the area was built as an eight-foot cart path. The City had been unable to acquire the needed private property in the other area and had only been able to put in a five-foot sidewalk.

Sturbaum asked Public Information Officer/City Clerk Betsy Tyler to ensure due notice of the areas where carts were and were not allowed was given to the public.

Learnard noted that one amendment required cart owners to notify the City when their address or contact information changed. She asked if a person could be cited for that. Clark said the problem occurred when cart ownership was transferred or the owner moved, making it difficult and time-consuming to track the owner down. He compared it to the requirement to change the registration information for a car. Carts were stolen and recovered. If there was no way to get in touch with an owner, the carts were towed and impounded, which was a \$700 cost once the owner was located. When contact information was up-to-date, an owner could be called to come and pick up the cart. Learnard said she understood, but found it difficult to accept issuing a citation for failure to change an address for a golf cart. Clark said the intent was that compliance would be voluntary.

Imker moved to approve agenda item 01-11-05 Consider Amendments to Chapter 78, Traffic as presented by staff. Fleisch seconded. The motion carried unanimously.

01-11-06 Consider Amendments to Land Development Ordinance, Appendix B – Final Site Plan Approval Process

Rast said an expiration date on final site plans had never been established. The amendment would set a time limit of 12 months from the time a final site plan was approved. If a land disturbance permit had not been applied for within that time, the developer would have to submit a new plan. The intent was to not allow plans to go on and on. Currently, if a plan was approved under previous ordinances, new ordinances would not be applicable if the project was delayed for more than a year. Conceptual site plans already had an expiration date.

Learnard asked what the next step was after a site plan was approved. Rast said the next step was to get the land disturbance permit and start clearing land. The amendment stated that, if there was no activity to obtain the land disturbance permit within 12 months of approval, then the plan expired and would have to go through the process again. Sturbaum said the new plan would have to meet any changes in the ordinances that might have taken place since the original approval. Learnard asked if that was the industry standard. Rast said it was not uncommon. Most permits had some type of expiration date. Haddix said it would also prevent people from grabbing land, putting a plan together and keeping it open for years. Imker said he was comfortable with the change.

Sturbaum moved to approve the amendments to the Land Development Ordinance, final site plan approval process. Learnard seconded. The motion carried unanimously.

01-11-07 Consider Amendments to Land Development Ordinance, Appendix B – Vegetation Protection and Landscape Requirements

Rast said staff had been working on the modifications for several months. They found that the tree removal permit process was very time consuming with minimal impact. Currently, a permit was required to remove trees that measured three caliper inches. Code Enforcement visited the property to inspect the trees, then updated the database, and notified the homeowner whether the permit was approved or not. The City had only been able to deny permits a few times since there were also private property issues to be considered. The proposed amendments would protect specimen trees and protected trees, requiring a letter from a certified arborist before a permit would be issued. Currently, issuing the permits was more of a paper processing effort than tree protection. The amendments dealt with residential property only.

Rast said the modification to Section 1106(b) would not require a permit for trees that had been irreparably damaged or were a hazard to human life or property, noting there were areas of pine beetle infestation in the City where the trees had to be removed. A certified arborist licensed to practice in Georgia would have to make the determination.

Rast continued that the proposed modification to Section 1130 would require tree removal permits only for protected or specimen trees. Those trees were defined as an 18-inch caliper evergreen, a 15-inch caliper deciduous canopy tree, or a four-inch caliper understory tree.

Inge Guha-Biswas addressed Council, providing them with a copy of her concerns (a copy of Guha-Biswas' concerns is included in the meeting file). She asked Council what would be done with homeowners that did not adhere to the requirements, noting her neighbor had taken down three oaks and one elm trees on the property line, two of which were actually located on her property. The value of the lost trees was estimated at \$24,000. She felt adjacent property owners should be notified when tree permits were issued, as tree removal devalued property.

Guha-Biswas continued that homeowners should register good trees on their property along with the house registration. There should be a ban on tree-cutting of any size. Little trees that were cut down would never become big trees. She continued that homeowners could be taxed \$1 to \$10 every year, and the money should be used to hire tree-cutting companies to clean up the areas near the cart paths that present fire hazards during droughts. Homeowners should be fined who did not get permits and damaged curb appeal. She added that the removal of plant life by the lakes should also be prohibited. She asked Council to protect the trees for their value and beauty and to consider them as part of the value of taxes.

Haddix asked Meeker what could be done about trees on the property line. Meeker said the deciding factor was the trunk of the tree. If the trunk split the property line, then both property owners had ownership rights.

Sturbaum asked what determined the size of protected trees. Rast said it a lot had to do with the expected size of the trees at maturity. Haddix pointed out that it took hardwoods a very long time to grow. He asked if there was a point, when the trees were 10 years or older, where they could not be cut down since it took 60 – 80 years for those trees to mature. Rast said the

different varieties had different growth rates. He did not know if a threshold could be determined or administered. Haddix asked if the ordinance could be made species specific, adding that he did not see any teeth in the ordinance. Rast said they only tracked the permits and trees taken down. They did not track those that were replanted. The process in place allowed staff to do little but to track the number of permits and trees taken down. Haddix said that, based on his 24 years in the City, the City was definitely being deforested and asked what could be done about it. Rast said that, in the past, the covenants and deed restrictions enforced by Peachtree City Development Corporation/Pathway Communities were very strict and had prevented trees from being taken down. The covenants had expired in many subdivisions, and those homeowners were now coming to the City for permits. He said one concern was the City's liability if a permit was denied and a tree fell across a garage the next day. There were many things to be considered.

Learnard said there was a vast amount of staff resources spent on an ordinance with no real teeth. People that had not been getting permits were not going to start. She felt they were sticking a toe in the water of an issue that had not been resolved. Sturbaum agreed, adding that he liked the idea of an arborist certifying whether a tree should be taken down as it would prevent tree-cutting companies from the camping-out scenario. He also liked the definitions.

Fleisch noted that homeowners were required to verify property lines, pointing out that lenders had not required surveys for many years. She asked if people had taken down neighbors' trees because they were not sure of the property lines. Rast said it had happened at least twice.

Imker said it sounded like anything with less than a four-inch caliper could be clear cut and anything over four inches required a permit. He asked Rast what had changed. Rast said the ordinance currently required a permit for any tree three caliper inches or larger. Imker said that was anything greater than very small. He felt the size of evergreen and deciduous trees should be protected, asking why a 17-inch evergreen tree could be cut down without a permit. Haddix said understory trees were also very important as they helped protect against erosion.

Imker said the issue would not be solved at this meeting. He understood something needed to be done about the paperwork and that clear-cutting of property had to be stopped. More time was needed, and he suggested putting a moratorium in place. Fleisch asked Meeker if that could be done, pointing out the liability that could be involved during storms. Meeker asked Council to let staff come back after researching the issue. Some exceptions were needed, such as the proposed modification to Section 1106.

Meeker asked for time to come back to Council with language about a moratorium. He continued that there had to be an exception, such as in Section 1106. Fleisch said it should be a conservation ordinance rather than an accounting ordinance and wanted to take the time to do it right.

Sturbaum moved to continue the amendments to Article XI, Vegetation Protection and Landscape Requirements indefinitely. Fleisch seconded. The motion carried unanimously.

01-11-08 Consider Future of Sims Road Extension

Fire Chief Ed Eiswerth noted his job was to look at the worst case scenario for the paving and extension of Sims Road to Astoria Lane. His department had conducted an unscientific study by going out that way to Piedmont Fayette Hospital. They also talked to Station 4 in the County, and most said they went out Crabapple East, which was also unpaved, but was an easier and quicker way to access parts of Kedron Hills than Peachtree Parkway. In 1994, the Fire Department was cut off from 12 houses in Smokerise because the bridges were flooded. There were parts of Kedron Hills that would be cut off in a similar situation. He would like to see the road paved and connected to the City, so they would have an emergency access when it was needed. They also went out the back way to the hospital if it was the closet way to get to the hospital.

Beth Pullias of the Kedron Hills Homeowners Association reported that a survey had been taken of their residents and the residents of Kedron Estates, adding that Eiswerth had attended their meeting to discuss the issue with the residents prior to their vote. They understood the need for the access for emergency vehicles and buses, but they were concerned about an increase in cut-through traffic in the neighborhood. There were no sidewalks in the neighborhood, and the residents felt paving the road would encourage traffic to cut through Kedron Hills. They understood the future needs, but felt paving the road now without another egress was a safety concern to the residents. There was a plan to extend a northeast collector south of Astoria Lane through Scott Bradshaw's property in Smokerise to SR 54. When that happened, the connection could be made without affecting the neighborhood.

Learnard asked Clark what benefit there would be to the Police Department. Clark said his department did not use Sims Road often. He suggested making the road one-way out until the future connector road was built, which would help with the emergency vehicles. He did not know if that was feasible, but it would address public safety's and residents' concerns.

Fleisch said the County would spend \$400,000 to pave Sims Road. Vrana clarified that the cost to connect Sims Road to Astoria Lane was \$34,000. Borkowski said that, unless the County could connect to more than the few houses on Sims Road, he understood the expense was not justified, which was why the County had asked the City about making the connection. He said having the section within the City be one way could be a good solution, adding that seemed to satisfy both arguments. The road would not have to be as wide, which was one thing that could be done to discourage cut-through traffic. Fleisch noted that there were several stops down Astoria to Loring Lane, which she felt would also discourage cut-through traffic. Borkowski said there would be signage, but there would be an enforcement issue if there was the ability for people to use it as a two-way street. Sturbaum felt they should at least look at making it one way out of Kedron Hills.

Pullias asked if the County would have a say in the matter. Borkowski said the idea had just come up, so it had not been discussed with the County. Learnard said she would like to know the impact the paving would have on the sanctioned school bus routes. Fleisch asked if the County had a deadline for an answer. Borkowski said he had not been given a time frame. He would need to talk to the Board of Education, also.

Sturbaum moved to continue Sims Road extension indefinitely. Learnard seconded. The motion carried unanimously.

A break was called at 8:35 p.m., with the meeting reconvening at 8:44 p.m.

01-11-09 Consider Modifications to Hotel/Motel Tax Distribution Structure

Haddix said that, unless he misunderstood, he sensed no interest in increasing the hotel/motel tax rate. Learnard confirmed that the options were to leave the hotel/motel tax as it was, and changing to any of the alternate structures would add money to the General Fund. Changing the structure would add tourism and product development as a component as well. Changing called for a repeal of the existing hotel/motel tax law and an identification of the new rate and the purposes. She continued the new purposes were quite broad and could be administered by an entity meeting the qualifications, which could be the Convention & Visitors Bureau (CVB). At the 6% rate, the City's share increased, but the CVB and Peachtree City Airport Authority (PCAA) shares decreased, while \$64,000 would be available for the new tourism and product development component. At the 7% rate, the City share would increase and the CVB and PCAA shares would drop, but the new component figure would increase to \$128,000. At 8%, the City's share increased, the CVB and PCAA shares dropped about 12%, and the new component share would increase to \$192,000.

Learnard continued that she understood the hotels opposed the modifications, and the CVB would take a hit under all the scenarios. If the Council did decide to make a change, the existing law would have to be repealed, as well as the purposes. She sensed that the hotel/motel operators opposed the new structure, adding they would feel the impact of a 37% drop in CVB funds. The hotel/motel operators also felt they would lose their competitiveness if a 7% tax was approved. Under any of the new scenarios, the CVB would take a hit and possibly need the City to pick up the cost of the fireworks or other events. The CVB, its leadership, and its agreement with the City were all fairly new. Learnard said if the conversation had focused on the needs the City that had not been addressed by the CVB, then a change would make more sense.

Haddix said the new options provided flexibility. The Tourism Association had wanted way-finding signage, which could not be done under the current law. There were things the CVB wanted to do that they could not do under the current scenario, but they could under the new structure. The City would get more money under any of the new distribution options, but the City could also turn around and give the money back to the CVB for the fireworks and the PCAA, giving them the same amount they currently received. He had no interest in taking money away from the CVB or PCAA, but he did want to give them more flexibility. It would take several months to go through the process.

Haddix asked Meeker if the governor signed the legislation and if it was enacted at that time. Meeker said any change would be an act of the legislation, and the Governor must sign the legislation, then a local ordinance would have to be adopted to implement the change. Haddix said a new structure would come into play reasonably close to the end of the budget cycle for 2012, so there would be approximately three months to make any budget adjustments that would be needed.

Learnard asked if there was a list of needs/projects that the City had not been able to do that could not be done through the CVB under the current restraints. Imker said he did not see the project list as an issue. There were so many areas where the money could be used, such as verifying staff time under one of the clauses or operating the Visitors Center. The CVB could use the money as they used it now by justifying it under the new structure's criteria.

Fleisch said one reason they had looked at changing the distribution nearly a year ago was because of the depletion of the General Fund and use of cash reserves. That reason had been taken care of with the millage rate increase. She felt the structure should be left as it was at 6%. It did not seem to hamper the CVB, adding that the City's hotels competed against Coweta with a 5% hotel/motel tax and Fulton with a 7% tax rate. It was most important for all the entities to find a way to work together.

Haddix said a change would not be abrupt, taking many months to get through the process. In 2008 and 2009, there were things the Peachtree City Tourism Association (PCTA) could not do with the hotel/motel tax funds. He was not looking at taking the money away from the CVB, but at giving the CVB more flexibility in spending the funds, adding that the money could be used for way-finding signage, advertising that could not be done before, improvements to or construction of recreation facilities, or path construction. The goal was flexibility for the CVB.

Sturbaum said the PCAA had discussed a five-year business model in 2008 or 2009 to wean it off the hotel/motel tax funds. The airport was an economic engine that he did not want to jeopardize. Haddix added that, in the past, there had been problems with the PCTA not wanting to give the PCAA its share of the funds. If Council was in control of the funds, there would not be a problem giving the money to the airport.

Amphitheater/CVB Executive Director Nancy Price asked if that meant the PCAA would be funded through Council, adding that under any of the new options, the PCAA and CVB would be cut substantially. Haddix reiterated that Council could budget the additional funding to take care of that. The source of the funding would simply be moved around, and no one would lose anything. Price said she understood that, but the CVB was flourishing under Council's administration. The concern was the cut to the budget, adding that the CVB did have flexibility on spending the hotel/motel tax funds as long as the board approved the projects, or depending on the amount, whether Council approved the project. Everything listed under the new law could already be done by the CVB. She noted that, with the PCTA, the issue could have been budgetary rather than legal. As far she knew, the CVB was not restricted in how the funds were spent as long it as the expense was validated as tourism-related. Haddix said that the old system was not as flexible as the new system.

Meeker said the old statute was not as specific as the new statute, and one reason for the change in the legislation was to clear up those issues. What could be done under product development was crystal clear under the new statute. Meeker asked Council for direction on what to include in the resolution. He said Council could leave the rate at 6%, then increase it to 7% in a few years, which would require another act going through the General Assembly. The statute required the resolution to specify the tax rate, identify the purposes for tourism development

purposes, and specify the allocation of proceeds. Whatever allocation was included in the resolution was locked in. The allocation rate and identification of projects had to be addressed in some form in the resolution. There had to be some idea going forward. Sturbaum clarified that it could be a stumbling point if those items were not properly addressed in the resolution. Meeker said there was also a possibility the Fayette delegation might not carry the resolution forward.

Learnard asked what the time limitations were. Meeker said the bill had to get there before crossover day, day 30 of the session, which was usually in March. There were also legal advertising requirements that had to be met, and the legislation could be introduced the next week. Once the law was passed, there were several ways to implement the ordinance. Morrow was still holding hotel/motel money until the agreement with their tourism board was finalized, which was currently being done. The same thing had happened with the PCTA while the City waited for the 501(c)(3) status to be approved. It could be put into effect any time after July 1.

Haddix said the Georgia Municipal Association had many groups that thought they were doing everything legally under the old statute, only to find out they were not. The new structure took away any doubt, which was an element of the flexibility. Meeker said the new legislation clearly eliminated some of the issues that were prevalent under the old legislation. A lot of cities and counties were still operating under the old statute.

Learnard said the new law was clear, and there should be a project list with numbers assigned to the projects. Meeker said he did not know if the list had to be that specific as purposes were different from projects. He said listing all the purposes under tourism product development would be sufficient. He recommended keeping the list as broad as possible. Haddix agreed, adding that recreational facilities and amenities could be anything from a bike path to a building. Meeker said the operational costs should be included and were permitted under the new statute.

Fleisch said if the allocation had to be done at the same time, she assumed the City would be in control of the tourism product development portion of the funding. Meeker said the allocation had to be specified.

Imker said they could specify that 0.5% was going to a laundry list of 12 bullets identified as legitimate uses of tourism product development funds, then get the details later on. Meeker said that, in theory, that was correct. Learnard felt there was a concept, not a plan. She wanted to flesh out the concept and approve the resolution on January 20. Haddix said they did not want to have a list of projects, but a list of applications. Learnard said she wanted to see that list. Haddix said Learnard wanted a specific list, and that was not what needed to be done. Meeker said his recommendation was to list the purposes in the resolution that mirrored what the statute listed as tourism product development. Haddix said that list was the City's list.

Fleisch said she was more convinced they should stick with what they had at 6%. The CVB had only been in existence for six months; it was a new small start-up business. Learnard said she was not opposed to changing the distribution, but she wanted to know more about it before voting. Imker said he would rather have the CVB budget done through the normal process, not

in the next few months. He was not concerned about identifying specific budget items. The CBV had the skill set to determine whether a budget item was tourism product development. Learnard asked about the CVB giving budget items back to the City such as the July 4th fireworks. Sturbaum said the City could budget those items back to the CVB to offset the loss.

Learnard asked what the time frame was for implementing a change if it was approved by the General Assembly. Meeker said it was rare that the governor actually signed every bill; most of it became effective on July 1 by operational law. Imker recommended keeping October 1 as the effective date so the CVB would have a specific budget for a full year.

If the legislation were approved, Fleisch asked if the agreement with the PCAA would be with the City rather than the CVB. Haddix said that might be better since the agreements had been rather contentious between the PCAA and CVB, and it might help wean the PCAA from the funding.

Sturbaum said that other issues were involved when Council first looked at changing the distribution earlier in the year. He did not see the harm in taking two weeks to ask questions. During that time, the PCAA would meet, and Sturbaum could talk with Price about his concerns. While the current Council would allocate the funds as needed, the change in the distribution needed to be a one-time hit. He did not want to hinder the two boards.

Sturbaum moved to continue to the modification to the hotel/motel tax distribution structure to January 20. Learnard seconded. The motion carried 4-1 (Imker).

Meeker asked Council what they wanted from staff. Sturbaum asked to see the resolutions approved by the General Assembly in 2010 to get a "best in class" idea of how the resolution should look. Imker said he wanted to see a draft resolution with that had everything required to go forward except for possibly changing a number. Meeker said he would forward a draft to Council by the next week, and he would research the last legislative session.

Learnard asked Sturbaum if he would firm up a game plan when he met with Price. Sturbaum said that would be part of the discussion. He wanted to know what items the City could absorb. He also wanted to discuss the five-year plan with the PCAA. He wanted the in-depth detail that would make him comfortable with a structure change. He said each Council Member should talk with Price and the PCAA. Haddix asked Financial Services Director Paul Salvatore to pull budget information on the PCAA and fireworks.

Salvatore said that distributions could be made through the budget or an intergovernmental agreement. Council could look at the list to see what Council/CVB wanted to put in an intergovernmental agreement.

Imker said if the hotel/motel tax rate was increased to 7% there would be an opportunity to lower the millage rate. Haddix said he shared the hotels' concern about increasing the hotel/motel tax rate.

Fleisch said the issue should be considered in a year. Not knowing all the ramifications put the CVB at a disadvantage, and they might find they did not have the flexibility they thought.

Council/Staff Topics

Hot Topics

Vrana said the geotechnical studies for MacDuff tunnel began before Christmas and should be available in early February.

Vrana introduced Joey Grisham, the new economic development coordinator.

Sturbaum moved to reconvene in executive session for pending or threatened litigation and personnel at 9:28 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 9:50 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to begin legal proceedings to collect monies from two former firefighters and one police officer as a result of violation of training agreement. Learnard seconded. The motion carried unanimously.

There being no further business to discuss, Learnard moved to adjourn. Sturbaum seconded. The motion carried unanimously. The meeting adjourned at 9:55 p.m.

Pamela Dufresne, Deputy City Clerk

Don Haddix, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: Interim City Manager *W*
DATE: January 27, 2011
SUBJECT: Consider Quit Claim Deed to Peachtree City Airport Authority
February 3, 2011, City Council Agenda

Recommendation:

That Council approve and authorize the Mayor to sign the attached Quit Claim deed to transfer the 0.016 acres more or less to the Peachtree City Airport Authority (PCAA).

Discussion:

Falcon Field Airport is developing a special place to honor our active military, veterans, and their families of all services who have served and sacrificed for our country.

Consistent with the other improvements at Falcon Field, the Airport Authority has requested that the City convey a portion of a road from Victor Road that leads to an access easement. That portion of the road does not lead to any other road or street, and is not necessary for any purpose other than by the Authority for the operation of Falcon Field. The Authority has requested the conveyance of that portion of the road so that it can maintain the road and otherwise control the access easement.

Budget Impact:

There is no budgetary impact for this transfer.

Attachment(s)

*After Recording, Return to:
Theodore P. Meeker, III, Esq.
Sumner/Meeker, LLC
14 East Broad Street
Newnan, Georgia 30263*

STATE OF GEORGIA

COUNTY OF FAYETTE

QUIT CLAIM DEED

THIS INDENTURE, entered into as of the _____ day of _____, 2011, between **THE CITY OF PEACHTREE CITY, GEORGIA**, a Georgia Municipal Corporation, ("Grantor") and **PEACHTREE CITY AIRPORT AUTHORITY**, ("Grantee");

WITNESSETH

That the said Grantor for and in consideration of the sum of One and 00/100 Dollars (\$1.00), cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold and does by these presents transfer, give, remise, release and forever quitclaim to the said Grantee, its heirs and assigns, all Grantor's undivided right, title, interest, claim or demand which the said Grantor has or may have had in and to all that tract or parcel of land being more particularly described as follows:

ALL that tract or parcel of land lying and being in Land Lot 47 of the 6th District of Fayette County, Georgia, containing 0.961 acres, and being more particularly described in Exhibit A attached hereto and made a part hereof by reference as though fully set forth herein, and as shown on that plat of survey prepared by Vectors Technical Services, LLC, Professional Land Surveyors, on October 21, 2010, a copy of which is attached hereto as Exhibit B and made a part hereof by reference as though fully set forth herein.

TO HAVE AND TO HOLD the said described premises unto the said Grantee, its heirs and assigns, so that neither the said Grantor nor its heirs, or assigns, nor any other person or persons claiming under it shall at any time claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

THE FIRM OF SUMNER/MEEKER, LLC DOES NOT CERTIFY AS TO THE TITLE OF THE PROPERTY BEING CONVEYED HEREIN.

IN WITNESS WHEREOF, the said Grantor has hereunto set its seal the day and year above written.

GRANTOR:

THE CITY OF PEACHTREE CITY, GA

By: _____ (SEAL)
Its: _____ (TITLE)

Witness

Sworn to and subscribed before me
this ____ day of _____, 2011.

Notary Public

(SEAL)

EXHIBIT A

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 6TH DISTRICT, FAYETTE COUNTY, CITY OF PEACHTREE CITY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN AT THE INTERSECTION OF SOUTHEASTERLY RIGHT OF WAY OF FALCON DRIVE (80 FOOT RIGHT OF WAY) AND NORTHEASTERLY RIGHT OF WAY OF VICTOR ROAD (80 FOOT RIGHT OF WAY), RUN ALONG SAID NORTHEASTERLY RIGHT OF WAY OF VICTOR ROAD (80 FOOT RIGHT OF WAY) SOUTH 51 DEGREES 04 MINUTES 52 SECONDS EAST, A DISTANCE OF 344.36 FEET TO AN IRON PIN AND THE POINT OF BEGINNING;

THE POINT OF BEGINNING BEING THUS ESTABLISHED, LEAVING SAID NORTHEASTERLY RIGHT OF WAY OF VICTOR ROAD (80 FOOT RIGHT OF WAY) RUN SOUTH 51 DEGREES 04 MINUTES 52 SECONDS EAST, A DISTANCE OF 87.78 FEET TO AN IRON PIN;

THENCE RUN, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 370.00 FEET, AN ARC LENGTH OF 280.23 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 71 DEGREES 13 MINUTES 49 SECONDS EAST AND CHORD DISTANCE OF 254.90 FEET, TO AN IRON PIN;

THENCE RUN NORTH 88 DEGREES 37 MINUTES 15 SECONDS EAST, A DISTANCE OF 94.14 FEET TO AN IRON PIN;

THENCE RUN, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 430 FEET, AN ARC LENGTH OF 48.73 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 88 DEGREES 15 MINUTES 37 SECONDS EAST AND CHORD DISTANCE OF 48.71 FEET TO AN IRON PIN;

THENCE RUN, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 430.81 FEET, AN ARC LENGTH OF 272.93 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 66 DEGREES 57 MINUTES 57 SECONDS EAST AND CHORD DISTANCE OF 288.39 FEET TO AN IRON PIN ALONG THE SOUTHWESTERLY LIMIT OF AVIATION WAY (80 FOOT RIGHT OF WAY AND OR EASEMENT WIDTH);

THENCE RUN, ALONG SAID SOUTHWESTERLY LIMIT OF AVIATION WAY (80 FOOT RIGHT OF WAY AND OR EASEMENT WIDTH), SOUTH 18 DEGREES 13 MINUTES 29 SECONDS EAST, A DISTANCE OF 218.62 FEET TO AN IRON PIN;

THENCE, LEAVING SAID SOUTHWESTERLY LIMIT OF AVIATION WAY (80 FOOT RIGHT OF WAY AND OR EASEMENT WIDTH), RUN ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 370.81 FEET, AN ARC LENGTH OF 432.28 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 51 DEGREES 43 MINUTES 13 SECONDS WEST AND CHORD DISTANCE OF 408.19 FEET TO AN IRON PIN;

THENCE RUN, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 370.00 FEET, AN ARC LENGTH OF 40.21 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 88 DEGREES 15 MINUTES 57 SECONDS WEST AND CHORD DISTANCE OF 40.19 FEET TO AN IRON PIN;

THENCE RUN SOUTH 88 DEGREES 37 MINUTES 15 SECONDS WEST, A DISTANCE OF 94.14 FEET TO AN IRON PIN;

THENCE RUN, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 430.00 FEET, AN ARC LENGTH OF 148.54 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 81 DEGREES 29 MINUTES 00 SECONDS WEST AND CHORD DISTANCE OF 147.80 FEET TO AN IRON PIN;

THENCE RUN SOUTH 58 DEGREES 55 MINUTES 12 SECONDS WEST, A DISTANCE OF 28.87 FEET TO AN IRON PIN;

THENCE RUN, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 370.00 FEET, AN ARC LENGTH OF 52.03 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 02 DEGREES 11 MINUTES 34 SECONDS EAST AND CHORD DISTANCE OF 51.99 FEET TO AN IRON PIN ALONG THE EASTERLY RIGHT OF WAY OF ECHO COURT (80 FOOT RIGHT OF WAY);

THENCE, ALONG SAID EASTERLY RIGHT OF WAY OF ECHO COURT (80 FOOT RIGHT OF WAY), RUN, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 344.84 FEET, AN ARC LENGTH OF 270.07 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 28 DEGREES 38 MINUTES 12 SECONDS WEST AND CHORD DISTANCE OF 283.22 FEET TO THE POINT BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 41,883 SQUARE FEET OR 0.981 ACRES OF LAND.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Interim City Manager *W*

FROM: Deputy City Clerk *AD*

DATE: January 28, 2011

SUBJECT: Alcohol License – NEW – The Fresh Market
February 3, 2011, Regular Meeting

Recommendation:

Staff recommends that Council approve the alcohol license for The Fresh Market.

Discussion:

The Fresh Market, a new retail grocery located at 100 North Peachtree Parkway (formerly the baby Kroger), has submitted a request for a new alcohol license. Mr. Maurice Levy Gilbert has requested he be appointed as the Licensee and License Representative.

Budgetary Impact:

The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for the package sale of beer and wine, which is \$1,350.

Attachment



Business Name:	Business Location:
The Fresh Market	Peachtree City GA 30269 100 N. Peachtree Parkway
Nature of Business:	Mailing Address:
Retail Grocery	Greensboro NC 274108 628 Green Valley Rd. Ste 500
Name of Licensee:	Home Address:
Maurice Levy Gilbert	Smyrna GA 30082 438 Oak Valley Circle SE
Name of License Representative:	Home Address:
Maurice Levy Gilbert	Smyrna GA 30082 438 Oak Valley Circle SE

Please indicate type of licenses applying for:

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

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

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home <u>and</u> Business Phone Numbers for individuals listed:
See attached list		

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: NA

Directors of The Fresh Market, Inc.

Ray Duane Berry
Director/Chairman of the Board

[REDACTED]
Naples, FL 34102
[REDACTED]
[REDACTED]

Brett Matthew Berry
Director/Vice Chairman of the Board

[REDACTED]
Naples, FL 34103
[REDACTED]
[REDACTED]

Michael Jay Barry
Director/Vice Chairman of the Board

[REDACTED]
Naples, FL 34102
[REDACTED]
[REDACTED]

David Lyon Rea
Director

[REDACTED]
Southlake, TX 76092
[REDACTED]

Jeffrey Gordon Naylor
Director

[REDACTED]
Dover, MA 02030
[REDACTED]

State of Georgia

City of Peachtree City:

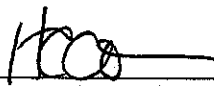
I, H. C. "Skip" Clark II, Chief of Police for the City of Peachtree City, do hereby certify that:

Maurice Levy Gilbert

438 Oak Valley Circle SE Smyrna, GA 30082

Address

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



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

1/18/11

Date

Major R M Dubue

Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Interim City Manager *MM*
City Clerk *MM*

FROM: Community Development Director *David*

DATE: January 28, 2011

SUBJECT: Consider amended Development Agreement as identified within the amended LUC-20 zoning ordinance for Somerby of Peachtree City.
February 3, 2011 City Council Agenda

Recommendation:

That Council authorize the Mayor to sign the amended Development Agreement for the Somerby at Peachtree City development as adopted as a part of the recent amendment to the LUC-20 zoning ordinance.

Discussion:

The LUC-20 zoning ordinance was amended on October 7, 2010 to reallocate the total number of residential units permitted within the Somerby at Peachtree City development. Approval of the zoning amendment also included approval of an amended Development Agreement, to include language pertaining to the reallocation of residential units as well as a modification pertaining to the donation of fees for the design and construction of a multi-use path adjacent to Rockaway Road.

These changes are reflected in the attached Development Agreement, which will be recorded as an amendment to the original Development Agreement for this project.

Budget impact:

There is no budget impact associated with this request.

Attachments

AFTER RECORDING RETURN TO:

THEODORE P. MEEKER, III
SUMNER MEEKER, LLC
14 EAST BROAD STREET
NEWNAN, GEORGIA 30263

AMENDMENT TO DEVELOPMENT AGREEMENT

This Amendment to Development Agreement ("Amendment") is entered into by Dominion Senior Living of Peachtree City, LLC and its successors and assigns ("Developer") and the City of Peachtree City, Georgia ("City") to provide for the continued orderly development of the property more particularly described as Exhibit "A" which is incorporated herein by express reference ("Property").

Whereas, Developer submitted to the City a proposed rezoning request, which was modified by the City and ultimately approved by the City Council and accepted by the Developer on October 18, 2007, as evidenced by City Ordinance Number 915 of even date therewith; and

Whereas, in connection with such zoning request and approval, the Developer and the City entered into that certain Development Agreement dated December 6, 2007, and recorded on December 27, 2007 in the Deed Records of the Clerk of the Superior Court of Fayette County, Georgia, in Deed Book 3338, Page 695 (the "Agreement").

Whereas, Developer submitted to the City a proposed amendment of its zoning request which was approved by the City Council on October 7, 2010, as evidenced by City Ordinance Number 1010 of even date therewith; and

Whereas, in connection with the amendment of the Developer's zoning request and the approval thereof, the Developer and City desire to amend the Agreement as set forth herein.

Now Therefore, in exchange of the mutual promises and considerations contained herein and for other good and valuable consideration, the parties

agree that the amendment to the rezoning known as LUC-20 is approved and said approval is conditioned further as follows:

1. The Developer agrees that the requirements and conditions specified in the LUC-20 zoning ordinance, City Ordinance Number 915, as amended by City Ordinance Number 1010, all attached hereto as Exhibit "B" shall remain in effect unless further specifically amended or revoked by subsequent actions of the City Council in accordance with the established procedure for zoning amendments.

2. **Amendment.** Section 13 of the Agreement is hereby deleted in its entirety, and the following is hereby inserted in lieu thereof:

13. The Developer shall donate \$200,000 to the city for the design and construction of a multi-use path connection from the proposed multi-use tunnel underneath SR 74 to an at-grade crossing on the realigned Rockaway Road. The developer shall be responsible for designing and constructing a multi-use path connection from their property to the proposed at-grade crossing. These funds shall be donated upon receipt of the Building Permit for the first phase of construction.

3. **Covenants Running with the Land.** The terms and conditions of this Agreement and the Amendment thereto shall be binding upon the Developer and its successors in title and shall run with the title to the property identified within the LUC-20 Ordinance, as amended, attached hereto.

4. **Date of Effectiveness of this Agreement.** This Agreement shall be effective between the parties, their successors and assigns, immediately upon execution of this Agreement by all parties hereto.

4. **Full Force and Effect.** The Agreement, as amended by this Amendment, is hereby ratified and confirmed by the parties hereto and shall remain in full force and effect. This Amendment to Development Agreement shall not affect or amend any portion of the Agreement not otherwise referenced or indicated herein.

5. **Binding Effect.** This Amendment shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, administrators, executors, successors and assigns.

6. **Counterparts.** This Amendment may be executed by the parties on separate counterparts or separate signature pages, all of which, taken together, shall constitute one and the same instrument.

[Signature page follows.]

IN WITNESS WHEREOF, the undersigned parties have hereunto set their hands and affixed their seals this ____ day of _____, 2011.

CITY OF PEACHTREE CITY, GEORGIA

ATTEST:

By: _____

City Clerk

(SEAL)

DOMINION SENIOR LIVING OF PEACHTREE CITY, LLC (Developer)

ATTEST:

Amber Hagood

By: _____

Dave B. Rodgers

Title: Authorized Agent

State of Alabama

County of Shelby

I, the undersigned, an at large notary public in and for the State of Alabama, hereby certify that Dave B. Rodgers whose name as Authorized Agent of Dominion Senior Living of Peachtree City, LLC is signed to the foregoing Amended Development Agreement instrument, and who is known to me, acknowledged before me on this date, that, being informed of the contents of said Amended Development Agreement instrument, he as such Authorized Agent and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this ____ day of _____, 2011.

Cherry Ann Jones
Alabama At Large Notary Public
My Commission Expires – February 1, 2013

EXHIBIT A
THE PROPERTY

EXHIBIT B

B TTJ 954395 v2

2901325-001001 01/19/2011 B TTJ 954395 v2

2901325-001001 01/19/2011

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council Members

VIA: Interim City Manager *W*

FROM: Financial Services Director *P.S.*
Assistant Financial Services Director *J*
Purchasing Agent *me*

DATE: January 28, 2011

SUBJECT: Consider Natural Gas Provider
February 3, 2011

Recommendation:

Staff recommends that the Council authorize the Interim City Manager the authority to enter into a one-year agreement with Coweta-Fayette EMC (C-F EMC) to provide natural gas to City facilities effective April 1, 2011 thru March 31, 2012.

Discussion:

Recently the City was contacted by C-F EMC. They have offered the City a fixed rate for the months of April 2011 through March 2012 at a price less than the current NYMEX of \$0.53 per therm. This rate will represent a cost savings of about \$5,000.00 for the City during this time. (They are able to offer this special price to the City because they purchased and stored gas at a lower rate. They are offering the City this lower rate.) This will be a savings of nearly \$0.05 per therm over last year.

Prior to FY2009, the City issued invitation for bids for Natural Gas during the second quarter of the calendar year due to the simple fact that this was when the annual agreement ended. Last March, C-F EMC approached the City with a rate of \$0.5797 if the City locked in during quarter one. Based on historical records, the second quarter pricing has been more than first quarter pricing. Pricing was locked in at \$0.5797 last year which was a significant savings over the low bid cost per therm awarded the previous year. In addition, during previous years, C-F EMC has been willing to lock in a rate at the time of bid. Their locked in bid amount was less than other firms' amount and in addition, the other vendors were unable to lock in a cost until notification of award has been made. Meaning, other vendors' bid prices were subject to increase. Given the fluctuation of rates, staff has not been able to ask Council to approve a low bidder when the actual amount can't be determined until the award is made. Records show C-F EMC has been the City's provider for at least the last seven (7) years.

In previous years, C-F EMC has provided the following rates:

2010	\$0.5797
2009	\$0.6377
2008	\$1.305
2007	\$0.975
2006	\$1.122

Budget

Natural gas prices fluctuate. Locking in now will allow the City to budget based on a known cost per unit. Staff does not anticipate increases in consumption; based upon current usage, there should be an approximate savings of \$5,000.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Interim City Manager *W*
City Engineer

FROM: Community Development Director *David*

DATE: January 28, 2011

SUBJECT: Variance - floodway encroachment, SR 74 S Baseball and Soccer Complex
Peachtree City Little League Baseball Association
February 3, 2011 City Council agenda

Recommendation

That Council deny the variance request from the Peachtree City Little League Baseball Association (PTCLLA) from Section 1007.4.e(1) of the City's floodplain management/flood damage prevention ordinance.

Discussion

At the August 5, 2010 City Council meeting, Council accepted a donation from the PTCLLA for the construction of a covered batting cage facility at the South 74 BSC. The roof structure would be located over an existing concrete slab that had been constructed approximately fifteen (15) years ago and was being used for the organization's batting cages.

Subsequently, a building permit application for the roof structure was submitted on August 18, 2010. The schematic drawings for the 94' x 24' building identify exterior posts at 10' on center to support the roof structure. Netting would be used to enclose the open-air structure.

As a part of our internal staff review process it was noted the existing concrete slab was located within the regulatory floodplain and floodway associated with Line Creek as established by the Federal Emergency Management Agency (FEMA), as well as the existing and future conditions floodplain as established by the City. The City's floodplain management/flood damage prevention ordinance regulates development within and adjacent to these areas and prohibits new construction within these areas.

Following is an excerpt from this ordinance specifically related to encroachments within the floodway:

Variance - floodway encroachment

January 28, 2011

Page 2

- e. *Floodway encroachments.* Located within areas of special flood hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore the following provisions shall apply:
- (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in subsection (2) below.
 - (2) Perpendicular encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof; and
 - (3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the city until an affirmative conditional letter of map revision (CLOMR) is issued by FEMA and no-rise certification is approved by the city.

Subsection (1) of this provision would prohibit the construction of the proposed roof structure or any further improvements on the existing concrete slab without first obtaining a variance from City Council. The Applicant was notified that Staff could not continue our review of the building permit application or construction plans until this issued is resolved.

In accordance with the provisions of the floodplain management/ flood damage prevention ordinance, variances shall be issued only when there is:

- (i) A finding of good and sufficient cause;
- (ii) A determination that failure to grant the variance would result in exceptional hardship; and
- (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.

Variance - floodway encroachment

January 28, 2011

Page 3

In addition, variances to this ordinance must follow the city's established variance process. On November 18, 2010, the PTCLLA submitted a variance application seeking relief from this ordinance.

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:

- There are no special circumstances applicable to the property to support this request, as the overall tract contains areas outside of the regulatory floodplain and floodway where this structure could be built.

- (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 strict interpretation of this ordinance would not result in practical difficulties or unnecessary hardships, as there are other areas on the property outside of the regulatory floodplain and floodway where this structure could be built.

- (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:

- There are no exceptional or extraordinary circumstances or conditions applicable to the property that would preclude the Applicant from complying with the ordinance, as there are other areas on the property outside of the regulatory floodplain and floodway where this structure could be built.

Variance - floodway encroachment

January 28, 2011

Page 4

- (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:

- Granting the variance and permitting a structure within the regulatory floodplain and floodway would establish a precedent for other property owners to seek relief from the requirements of this ordinance. Because the existing concrete slab was constructed prior to the adoption of this ordinance, it can remain within the floodplain and floodway but cannot be enlarged, improved or expanded.

- (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.**

Staff findings:

- One of the stated purposes of the floodplain management/flood damage prevention ordinance is to prevent or regulate the construction of flood barriers which would unnaturally divert flood water or which may increase flood hazards to other lands. Granting the variance and permitting the construction of this structure would establish a precedent for other property owners to seek relief from the requirements of this ordinance.

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

Staff findings:

- The comprehensive plan indicates there are approximately 1,665 acres of floodplain located within the City and encourages the preservation of open space and the protection of the City's natural resources. As such, several ordinances have been adopted to regulate development adjacent to or within these areas.
- Granting the variance would be inconsistent with the provisions of the comprehensive plan as it would permit the construction of a structure within a regulated floodplain and floodway.

The floodplain management/ flood damage prevention ordinance stipulates that variances shall be issued only when there is:

- (i) A finding of good and sufficient cause;
- (ii) A determination that failure to grant the variance would result in exceptional hardship; and

Variance - floodway encroachment

January 28, 2011

Page 5

- (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.

It is Staff's position the proposed variance does not comply with any of these provisions and, as such, should not be approved.

Attachments



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 #

Date Filed 11/18/2010

Case #

Office Use Only

VARIANCE LOCATION	Street Address <u>1125 Highway 74 South (BSC)</u> <u>Peachtree City, GA 30269</u>	PROPERTY OWNER	Name <u>Randy Gaddo (for) City of Peachtree City, Recreation</u>
	Zoning District: ☐ Residential ☐ Multi-Family ☒ <u>Open Space</u> <u>Public</u> Variance Type: ☐ Administrative ☐ Special Exception ☒ Variance (check one below) Variance from which ordinance: ☐ Sign ☐ Fence ☒ Land Development ☐ Zoning <u>WETLANDS</u>		Phone <u>770-631-2542</u> Email <u>dls@peachtree-city.org</u>
APPLICANT	Name <u>Joe Kuebler, for, Little League Baseball Association</u>	PROPERTY INFO	Subdivision: <u>N/A</u>
	Address <u>191 McIntosh Trail</u> City, State, Zip <u>Peachtree City, GA 30269</u> Phone # <u>(w) 404-651-6686 (H) 770-310-5687</u> Email <u>joekuebler@hotmail.com</u>		Phase: _____ Lot # _____
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	Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	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? _____ Feet	
	7.) Were you the owner of the property when the violation occurred? (If not, who was?) ☐ Yes ☐ No	

SPECIAL EXCEPTION	1.) Is a current survey included with the application? ☐ Yes ☐ No	Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	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?	

VARIANCE	Please review the ordinances and instructions on the back of this page.		Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application) <u>Little League wishes to put roof over existing slab for bathing cage</u>
	1.) Is a current survey included with the application? ☒ Yes ☐ No	2.) How much of a variance is being requested? <u>none</u> Feet	
	3.) Were you the owner of the property when the violation occurred? (If not, who was?) ☐ Yes ☐ No	No violation has been committed	

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: _____

Date: _____

OFFICE ONLY

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

SPECIAL EXCEPTIONS & VARIANCE FROM ORDINANCES	This application, along with the required fee and all necessary supplemental documents, has been properly submitted and is hereby 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: <u>David E. Rast</u>	Date of Acceptance: <u>11-18-2010</u>	Date of Public Hearing: <u>02-03-11</u>

This request to improve the batting cage located at the Baseball/Soccer Recreation Complex on HWY 74 is presented on behalf of Peachtree City Little League, Peachtree City Travel Baseball and Big League Baseball.

The purpose of this request is to:

- Reduce field space issues within PTC baseball
- Provide a viable practice facility
- Provide a picnic area/shelter
- Provide for sheltered meeting space
- Provide a "wet field option" for practices
- Possibly provide a storage area

Currently, the existing batting cages have been removed due to safety issues by volunteers. It is the request of the aforementioned baseball organizations that a newer/better batting cage be built over the same concrete slab as the previous batting cage.

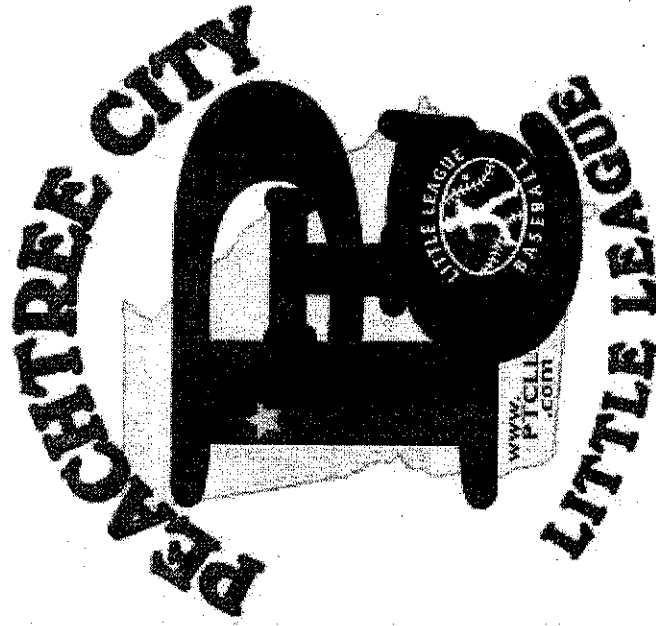
Although some of the labor to enhance this facility will be contractual in nature. Most of it will be by Peachtree City Volunteers. The maintenance of the facility will be supported through the Peachtree City baseball organizations and the fenced accounts that support the facilities.

Joe Kuebler
November 18, 2010

Response to Section 1207:

- (a) This request to put a cover over the current existing batting cage slab which is located at the BSC baseball fields in the "lower pinwheel area". It lies between fields 3 and 4. It is currently in an ideal location. This location allows for access control, safety of visitors/players as well as convenience of the teams to the fields. It will assist in creating a positive atmosphere for the users of the park. We have considered all other options to move this project to other areas of the park and have determined that this is the best location.
- (b) If the youth baseball organizations are unable to build this batting cage, the kids would not have the opportunities as others in the area. It is common for baseball facilities to have batting cages at the parks. All surrounding parks in Fayette, Coweta, and Spalding Counties have batting cages that go with the baseball fields. It is one of the tools used to teach baseball. These batting cages are also intended to reduce the need for additional field space in Peachtree City due to the large amount of interest in baseball. It also allows for baseball participation in some inclement weather.
- (c) The slab that is currently there is apparently within a flood plain. A batting cage has existed there since the park was built in the mid 1990's. The youth baseball organizations have pooled money together to improve it and make it safer and visibly more appealing to the patrons. It is my understanding that much of BSC and some other parks in PTC are currently built on floodplains. Although I have not done the research, I have been told that the floodplains have "changed" since this park was built. Also, within 100' of three sides of this slab lies two baseball fields and a concession stand/restroom facility. I have been advised that the possibility exists that the floodplain will be reduced significantly when the new lake is built upstream.
- (d) As this property is uninhabited, it poses very little risk to those that use it. This is a very unique request as it is a city park in a flood plain. It has a previously built slab of concrete that was created for a batting cage. The intent that it was created for, will not change.
- (e) In no way will this request be materially detrimental to the public health, safety, or general welfare of our citizens or other users of this park. It will actually create a safe environment for those visiting our park as shelter that does not currently exist. It will also enhance our park and make it more valuable to the users, especially the kids.
- (f) I cannot see this request in any way create an inconsistency with the comprehensive plan. I actually think it is part of the comprehensive plan.

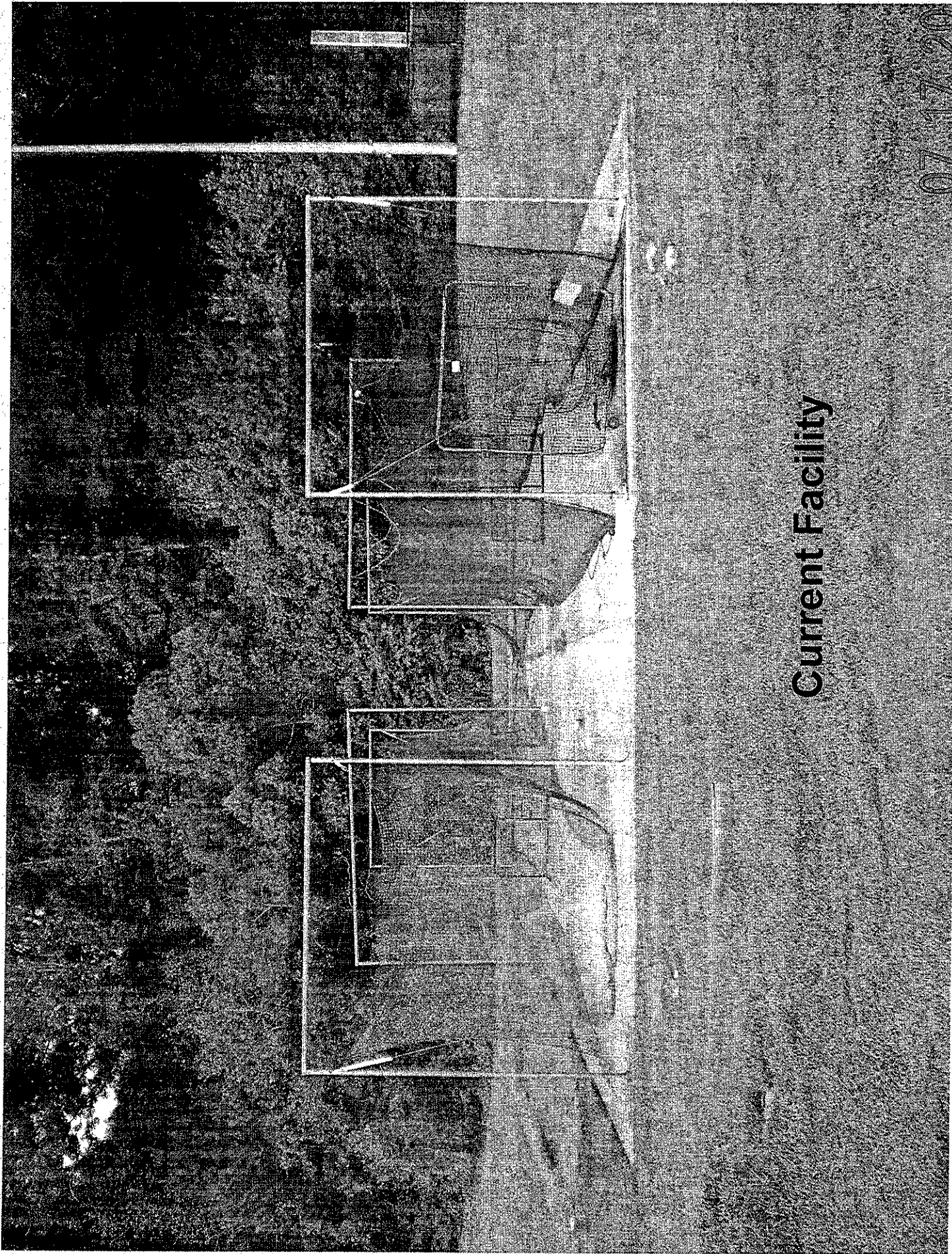
Batting Cage Improvement



PEACHTREE CITY TRAVEL BASEBALL

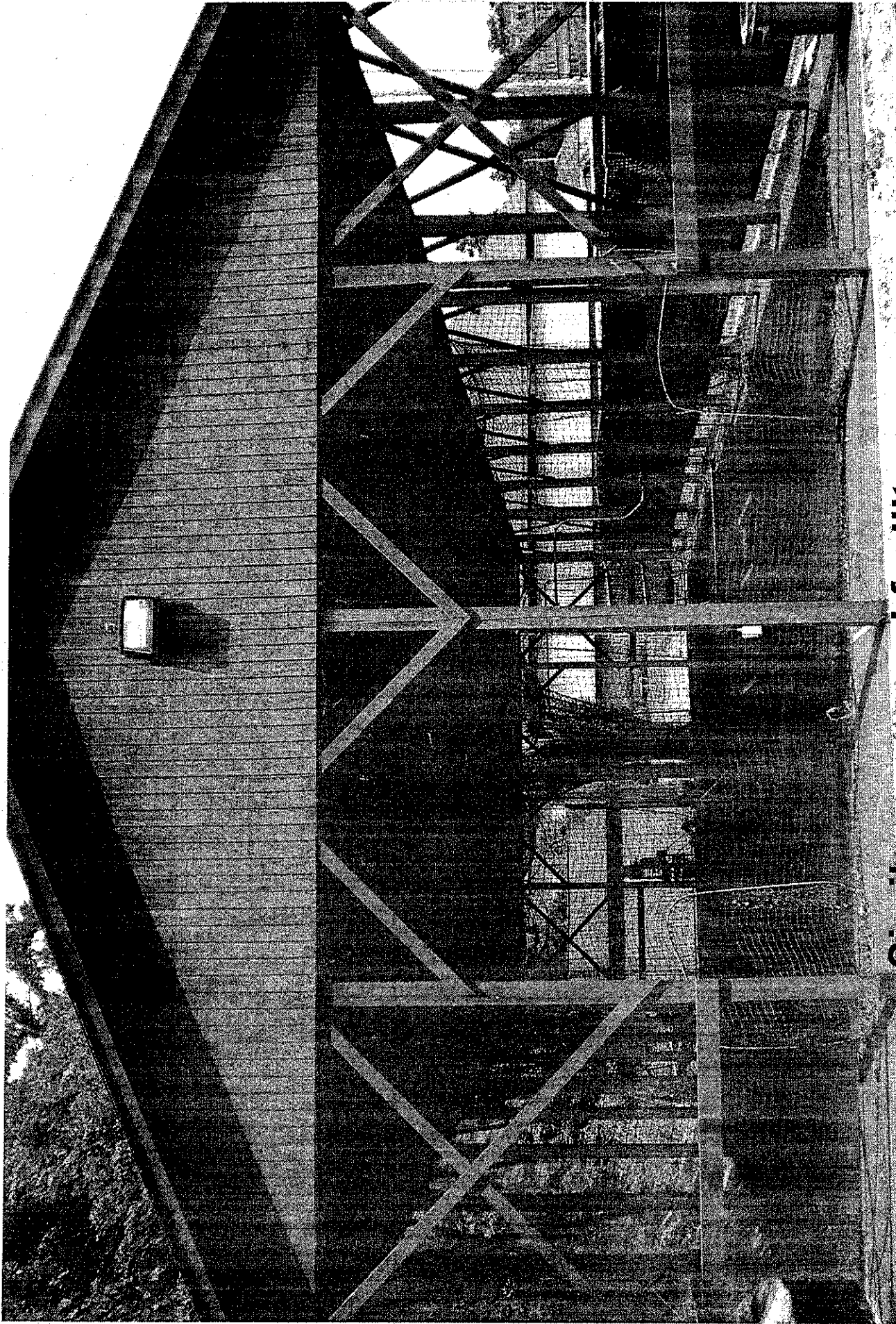
Purpose

- Reduce field space issues
- Wet field option
- Practice facility
- Meeting space
- Picnic area
- Storage facility



Current Facility

07.17.20



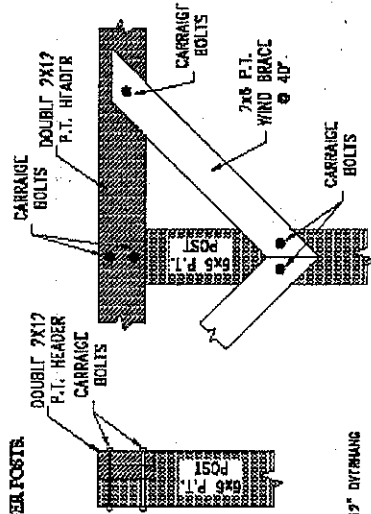
Similar proposed facility

07.16.20

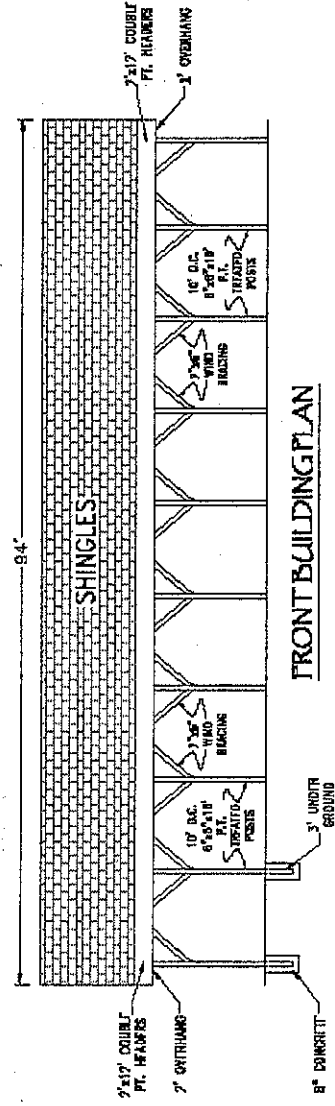
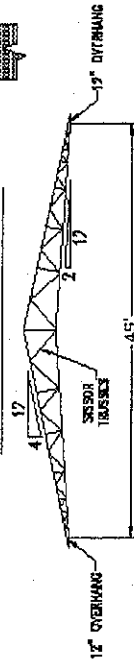
BUILDING NOTES

1. TRUSSES - 45' LONG ON 2' CENTERS WITH 17' OVERHANG.
2. 4/12 ROOF PITCH (ATTACH WITH HURRICANE STRAPS)
3. 7/16 O.S.B. DECKING
4. WIND BRACING - (X)-BRACES EVERY 30'. 2 - 2x6x4-45° WIND BRACES PER POST.

HEADER DETAIL



SIDE BUILDING PLAN



Cost

• Construction	\$20000.00
• Turf	\$ 4500.00
• Netting	\$ 4000.00
• Misc	<u>\$ 500.00</u>
• <u>TOTAL:</u>	\$30000.00

Funding

- PTCLL \$23000.00
- PTB \$ 5000.00
- Big League \$ 2000.00

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Interim City Manager *W*
Community Development Director *David*
Police Chief *Ch*
Fire Chief *e*

FROM: City Engineer *Daniel A. Bolander*

DATE: January 21, 2011

SUBJECT: Sims Road – Potential Paving and Connection to the City Update
February 3, 2011 City Council Meeting

Recommendation:

That Council provide an official vote regarding the County's extension of Sims Road to Astoria Lane and authorize the Interim City Manager to forward this position to the County Administrator.

Discussion:

At the November 9, 2010, workshop meeting, Council discussed the Fayette County Board of Commissioners proposal to pave Sims Road from the City limits to Astoria Lane as a portion of the Northeast Collector in Kedron Village, which is a project in both the City's and County's Transportation Plans.

The County has received a request from the residents on Sims Road to pave the roadway. Extending Sims Road to Astoria Lane would serve enough County residents to justify including this project in the County's prioritized paving list. The portion of the Northeast Collector south of Astoria Lane will ultimately be funded and constructed by the developer of that property, but the segment connecting Astoria Lane to Sims Road is currently unfunded.

At the January 6, 2011, City Council meeting staff presented a memo (attached) that addressed the opinions from the Kedron Hills/ Kedron Estates Homeowners Association and the Peachtree City Fire Department and Police Department. At that meeting the option of making a one-way connection from Sims Road to Astoria Lane was also proposed. Staff was instructed to meet with the various Fayette County stakeholders and explore the validity of this option and to bring information back to City Council.

Sims Road – Potential Paving and Connection

February 3, 2011

Page 2 of 10

On January 19, 2011, city staff met with representatives from the Fayette County Sheriff's Department, Board of Education and Public Works Department to discuss the potential of creating a one-way road connection. The first option would be to pave Sims Road to the current edge of pavement of the future Northeast Collector (Figure 1). In this option, the County would have to procure right-of-way to connect to Peachtree City and the city would have to fund the construction (material only cost is approximately \$22,000 for 168 ft of roadway) within the city limits. This option could be signed with appropriate "Do Not Enter" signage at the city limits, a "No Thru Street" sign at the intersection of Sims Road and Dogwood Trail, and "One Way" signage on Astoria Lane to allow emergency egress from the subdivision. This one-way section would be enforced by the Peachtree City Police Department to stop potential violators from using Sims Road to cut through Kedron Hills/ Kedron Estates from Dogwood Trail to Peachtree Parkway. Staff is unclear what the advantages and/ or attraction would be to use this road network as a cut-through, as there is a traffic signal at the SR 74/ Dogwood Trail intersection that would allow a direct route for shopping and/ or commuting.

The second option would be to pave Sims Road to the city limits, which would leave a vegetated buffer between the edge of pavement of the Northeast Collector and the Sims Road extension (Figure 2). This option would allow the construction of the majority of the northern leg of the Northeast Collector and would not provide vehicular ingress/ egress to and from Kedron Hills/ Kedron Estates until the 168 LF of road is constructed. This 168 LF connection is unfunded and would be the responsibility of Peachtree City to design and construct.

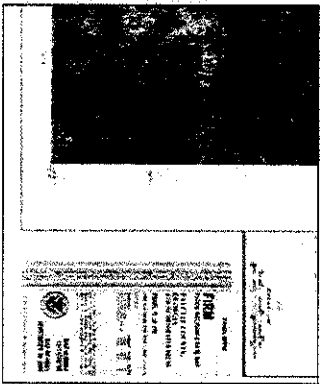
The third and final option would be similar to Option 1, except to design and construct a narrower road connection within the city to restrict 2-way traffic through the area (Figure 3). Although reducing the road width would also reduce the cost of this connection, this option is unfunded as well and would be the city's responsibility to design and construct.

After reviewing these options, staff asked the Fayette County Board of Education if paving Sims Road would benefit their bus transportation network. Their response was that paving Sims Road would provide a benefit as they currently have to backtrack through Kedron Estates/ Kedron Hills to transport students to Bennett's Mill Middle School (Figure 4).

Attachment

January 6th, City Council Memo

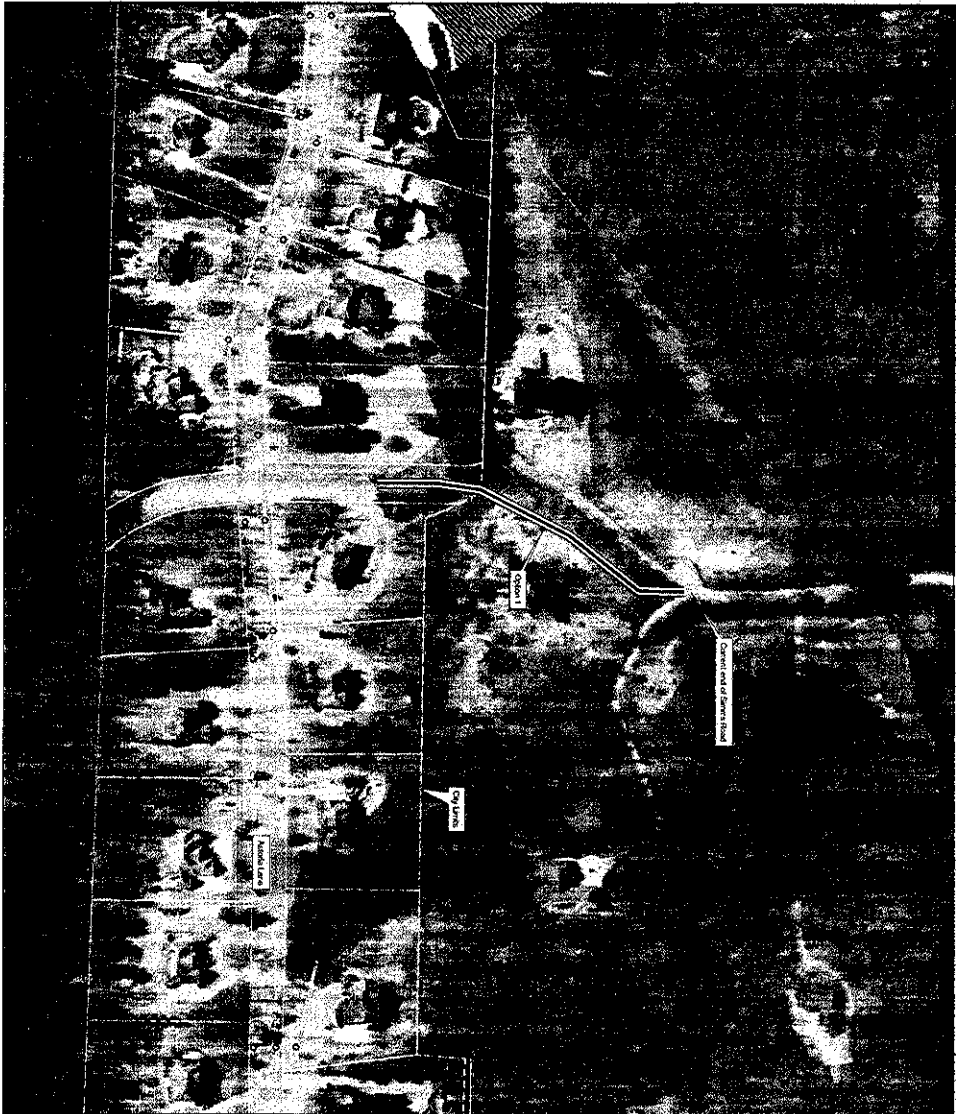
FIGURES



Overview

Northeast Collector

Figure 1



Option 1.

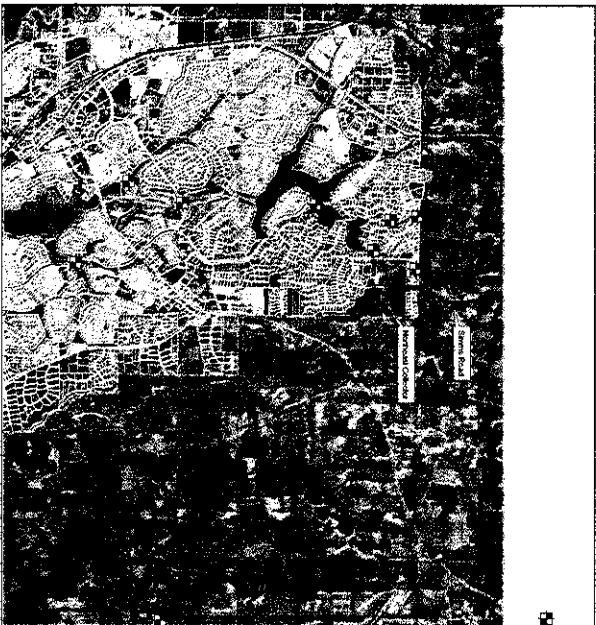
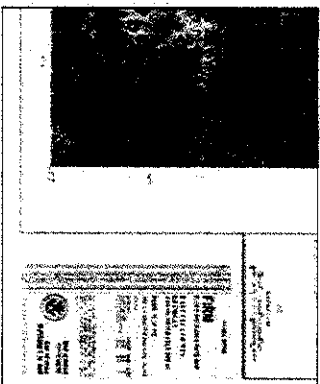
Legend

- 2007 DOT Bridge Inventory
- streams_03_2006
- railroad
- city_poly
- parcels_pjc_2010



Engineering Department

Sheet No.	Drawn By:
4-Route-Click to Add Map Numbers	Checked by:
	Date:

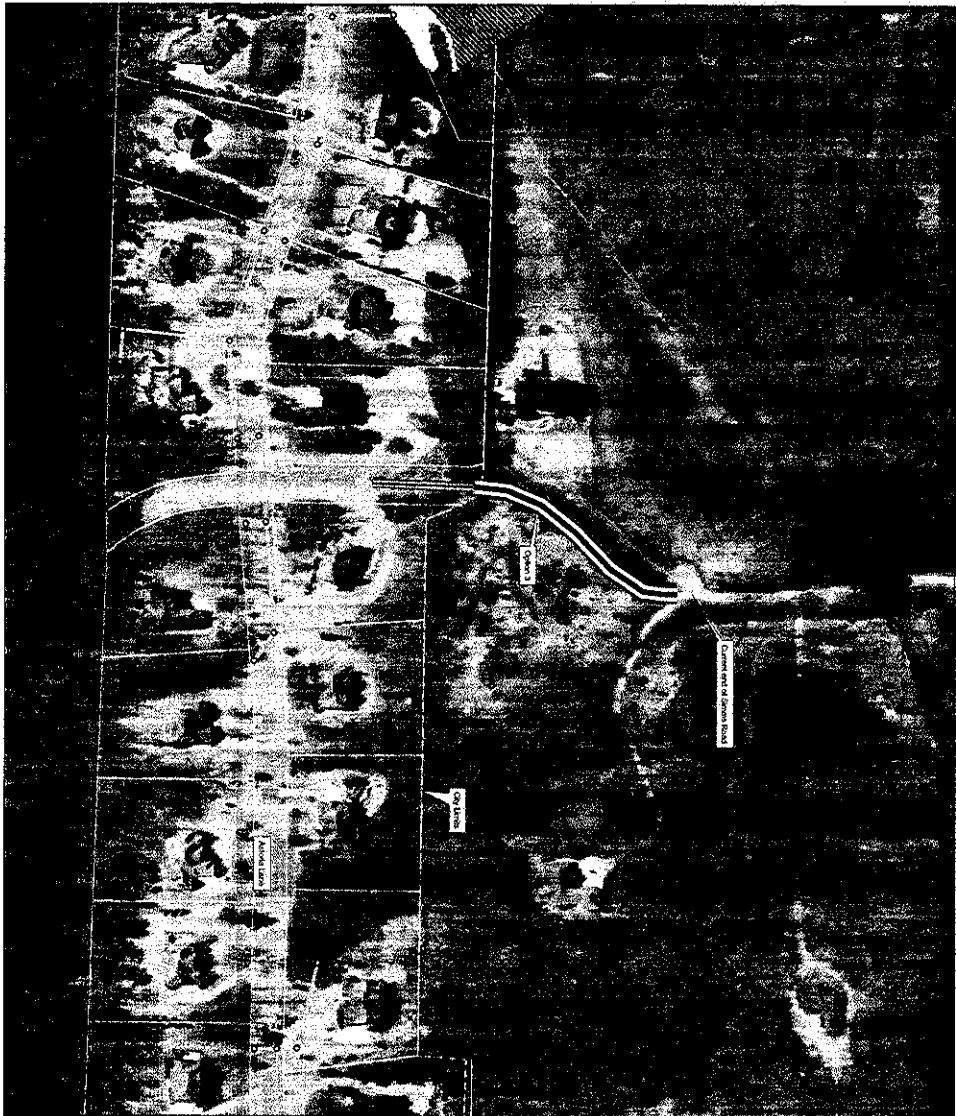
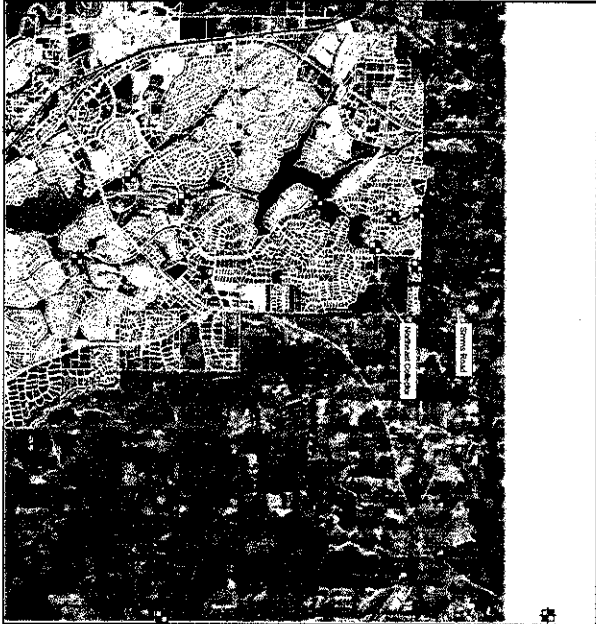
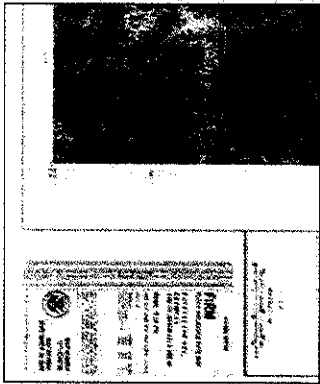


Northeast Collector

Figure 2

Legend	
2007 DDT Bridge Inventory	
streams_03_2006	
railroad	
city_poly	
parcels_pfc_2010	

Engineering Department	
Sheet No.	Drawn By:
Double-Click to Add Map Number	Checked By:
	Date:

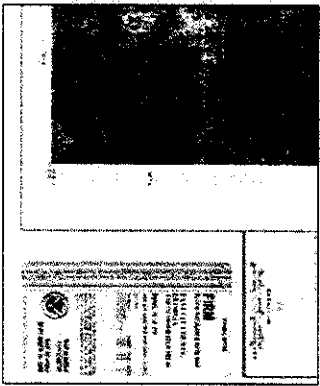


Northeast Collector

Figure 3

Legend	
+	2007 DOT Bridge Inventory
---	streams_03_2006
---	railroad
---	city_poly
---	parcels_pjc_2010

Drawn By: Checked by: Date:	
Sheet No. Double-Click to Add Map Number	Engineering Department



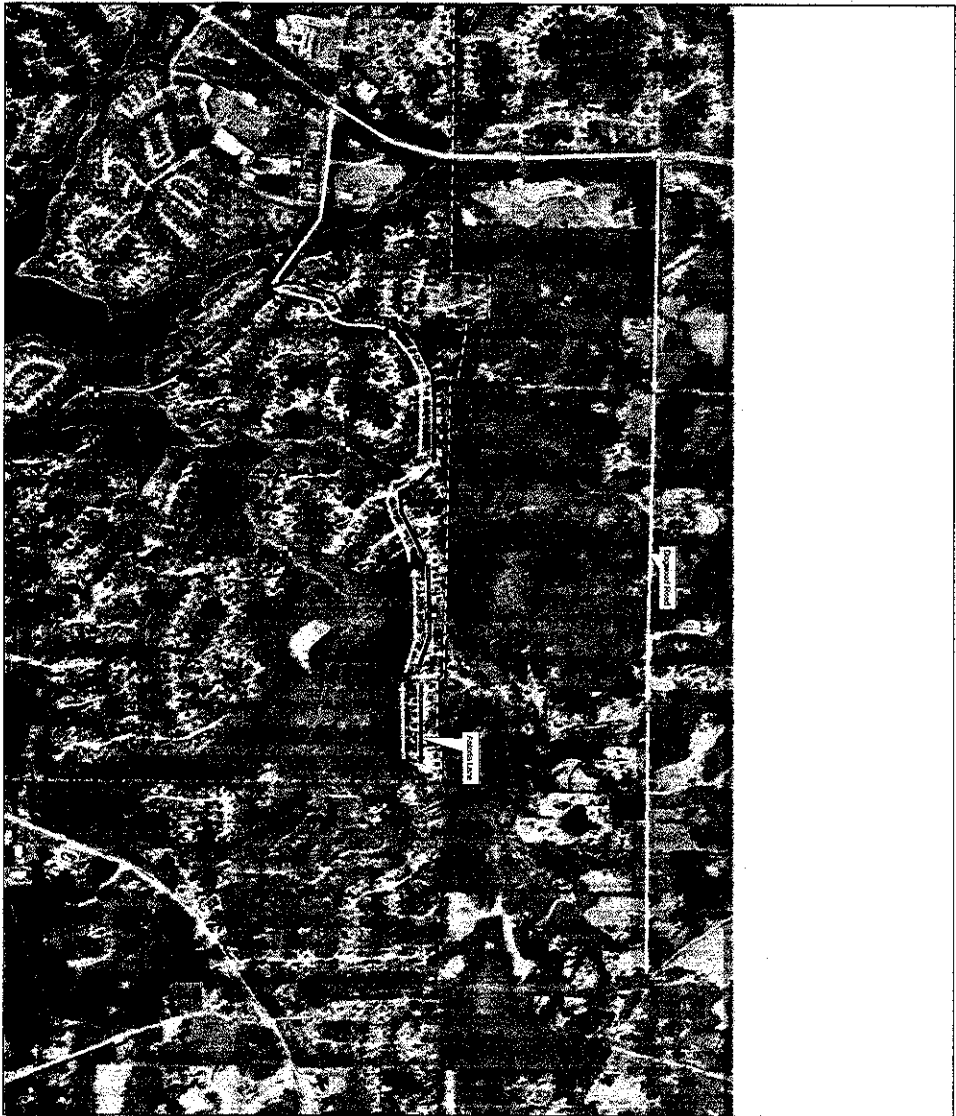
FEMA Map Panel



Overview

Northeast Collector

Figure 4



Legend

- 2007 DOT Bridge Inventory
- streams_03_2006
- railroad
- city_poly
- parcels_ptc_2010

Bus Route

	Sheet No.	Engineering Department
	Drawn By:	
Double-Click to Add Map Number	Checked by:	
	Date:	

ATTACHMENT

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Interim City Manager *YV*

FROM: Police Chief *HC*
Fire Chief *EFE*

DATE: December 29, 2010

SUBJECT: Consider County Extension of Sims Road
January 6, 2011, City Council Meeting

Recommendation:

That Council provide an official vote regarding the County's extension of Sims Road to Astoria Lane and authorize the Interim City Manager to forward this position to the County Administrator.

Discussion:

At the November 9, 2010, workshop meeting, Council discussed the Fayette County Board of Commissioners proposal to pave Sims Road from the City limits to Astoria Lane as a portion of the uncompleted Northeast Collector Road in Kedron Village, which is a project in both the City's and County's Transportation Plans.

The County has received a request from the residents on Sims Road to pave the roadway. Extending Sims Road to Astoria Lane would serve enough County residents to justify including this project in the County's prioritized paving list. The portion of the Northeast Collector south of Astoria Lane will ultimately be funded by the developer of that property, but the segment connecting Astoria Lane to Sims Road is currently unfunded.

At the workshop, several residents of Kedron Hills, the neighborhood where the roadway will connect, expressed concerns about the connection adding traffic to their neighborhood and asked that the paving be postponed until the remaining sections of the Northeast Collector were completed.

Other area residents supported the idea of an alternate, paved connection through Kedron Hills to Dogwood Trail, particularly for school buses heading east to Bennett's Mill Middle School, which serves the students of the area. Buses currently use the unpaved Crabapple Road connection, which provides a much faster route to the school.

Following the workshop, the Kedron Hills and Kedron Estates Homeowner Association conducted an official survey of the neighborhoods' residents. A total of 75 households responded (representing 29% of the homes in Kedron Hills and 71% of the households in Kedron Estates). Of the respondents, 53 (70.67%) opposed the connection, 17 (22.67%) supported the connection, and five (6.67%) were undecided.

The Peachtree City Fire Department supports the paved connection to provide safer and faster exit from certain areas within Kedron Hills and Kedron Estates for transporting patients to hospitals in Atlanta and Piedmont Fayette Hospital. The Department also supports the second access to the houses beyond the bridge on Astoria Lane.

The Peachtree City Police Department supports the practicality of a paved connection as a secondary access or an alternate connection between the subdivisions and Dogwood Trail to provide a safer transportation route for school buses and, with respect to the Peachtree City Fire Department, a safer and faster exit from certain areas within Kedron Hills and Kedron Estates during medical emergencies. However, the police department does not see any major benefit to paving the connection and has some concerns that the connection will add traffic to the affected neighborhoods as motorists use the subdivisions for a potential through-way to North Peachtree Parkway.

Budget Impact:

This item has no immediate budgetary impact. Forwarding approval to the County would provide funding for a project in Peachtree City's long-term transportation plan that currently has no identified funding source.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Council

VIA: Interim City Manager *W*
Director of Financial Services *R.S.*

FROM: Director of Leisure Services *W*

DATE: January 25, 2011

SUBJECT: Consider Request for Funding for Batting Cages at BSC
February 3, 2011 City Council Meeting

Recommendation:

That Council determine the funding option to finalize the acquisition of the donation of the batting cages from three baseball associations at BSC.

Discussion:

At the August 5, 2010, City Council meeting, Council approved the donation from three baseball associations (Little League, Big League, and Travel Baseball) of a batting cage at the BSC City facility. The plans for the batting cage improvements were to utilize the existing concrete slab, that has been on site for about 15 years, and enhance by installing a covered, open-sided, wood-frame, shingled-roof structure. However, after the donation was accepted by Council and the permitting process began, the project was stopped because of a determination that the existing slab is in a floodplain (more specifically in the flood way) where further improvements require a variance due to current floodplain management ordinance.

As is indicated in agenda item 01-11-01, City staff does not recommend approval of the variance due to the potential of setting precedence of allowing structures to be built within the floodplain. Staff has been working with members of the Little League Association to identify a more suitable location for the installation of the donated batting cage. A suitable location has been determined and agreed upon by all parties, but due to the relocation there are additional costs as a result of the new location that were unexpected by the baseball associations. The baseball associations' donation of the batting cage earmarked \$30,000 of their combined accounts. Since the concrete slab has been used for the past 15 years, no considerations were made for not enhancing the existing concrete slab at the current location (estimated at approximately \$16,000 of value). The associated unexpected expense for re-locating to a new location that everyone is agreeable to is approximately \$10,000. In order to develop the site, City Public Works staff could assist with paving at a cost of approximately \$5,000 and Leisure Services could assist with 4' safety fencing at a cost of \$5,000.

The purpose of this agenda item is to determine if Council wishes to proceed with the acceptance of the donation and construction of the batting cage on the proposed new site, and, if so, what funding method Council recommends for completion of the acceptance of the donation (with

the understanding that the variance request to erect the batting cages on the existing concrete slab is recommended to be denied). The baseball association is requesting funding assistance from the City to complete the project.

Staff has identified 4 options for funding the unexpected expenses:

1. Council approve funds to be released from the associations fenced accounts to cover the unexpected expenses.
2. Council advise baseball associations to postpone until all expenditures can be met by association.
3. Council consider FY11 budget amendments to move general funds to allow these unfunded improvements to the BSC Complex, not to exceed \$10,000.
4. Council advise staff to include in FY12 Leisure Services budget as proposed improvements to BSC Complex.

Another option considered was that the baseball associations submit a non-profit funding request, but because the batting cages would be improvements to City facilities, that option is not permissible.

Budget Impact:

As of January 27, 2011 the account balances for the fenced accounts of the baseball associations are as follows:

PTC Travel Baseball	\$ 3,808.91
PTC Little League	10,893.78
PTC Dist 4 Little League	<u>2,374.68</u>
Total	\$17,077.37

There is no identified funding in the Leisure Services or Public Works budgets without postponing other budgeted projects.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Interim City Manager *MM*

FROM: Community Development Director *David*

DATE: January 27, 2011

SUBJECT: Consider enacting a moratorium on new requests for tree removal permits
February 3, 2011 City Council agenda

Recommendation:

That Council enact a moratorium on new requests for tree removal permits, and that the moratorium be lifted no later than the August 4, 2011, City Council meeting.

Discussion:

At the direction of City Council, Staff has been reviewing our current procedures for review and issuance of tree removal permits. Our records indicate that since 2004, the City has issued in excess of 6,146 tree removal permits authorizing the removal of more than 39,058 trees.

In an effort to provide staff with sufficient time to thoroughly evaluate our established regulations pertaining to issuance of tree removal permits and to develop recommendations to update these regulations, City Council requested that Staff develop a moratorium that would prevent the issuance of any new tree removal permits within the city.

The moratorium would not be applicable:

1. When removal of existing vegetation is specifically approved by site plan review;
2. When existing vegetation sustains irreparable damage and, therefore, constitutes an immediate hazard to human life or property as determined by a certified arborist licensed to practice in the State of Georgia.
3. When trees on commercial horticultural properties are to be removed as a direct part of the business conducted on those properties; and
4. When public service companies perform normal construction and maintenance.

Budget impact:

There are no budget impacts associated with this request.

**STATE OF GEORGIA
CITY OF PEACHTREE CITY**

RESOLUTION NO. _____

**A RESOLUTION FOR THE DECLARATION OF INTENT BY THE CITY
COUNCIL OF THE CITY OF PEACHTREE CITY, GEORGIA, TO ISSUE A
MORATORIUM ON THE ISSUANCE OF TREE REMOVAL PERMITS, AND
ON THE REMOVAL OF TREES WITHIN THE CITY; TO PROVIDE FOR
SEVERABILITY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Peachtree City, Georgia, is the duly authorized governing body of the City; and

WHEREAS, decisions by the City Council are binding law upon all persons within the corporate boundaries of the City of Peachtree City, Georgia; and

WHEREAS, Peachtree City has adopted regulations regarding the removal of trees within the City; and

WHEREAS, Peachtree City wants to perform a thorough review of the city's existing regulations; and

WHEREAS, in reviewing the City's existing regulations and preparing new regulation, the City desires to preserve the status quo with respect to tree removal within the City; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens and property owners in the City of Peachtree City that a moratorium on the issuance of tree removal permits and the removal of trees, subject to certain exceptions, be adopted during the pendency of the preparation and subsequent adoption of such new regulations applicable to the removal of trees within the city.

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Peachtree City hereby declares a moratorium on the issuance of tree removal permits, and the removal of trees.

FURTHER RESOLVED, that the moratorium set forth herein shall not be applicable under the following circumstances:

1. When removal of existing vegetation is specifically approved by site plan review;

2. When existing vegetation sustains irreparable damage and, therefore, constitutes an immediate hazard to human life or property as determined by a certified arborist licensed to practice in the State of Georgia;
3. When trees on commercial horticultural properties are to be removed as a direct part of the business conducted on those properties; and
4. When public service companies perform normal construction and maintenance.

FURTHER RESOLVED that the moratorium shall become effective upon adoption of this resolution and shall expire on the later of six (6) months from the date of adoption of this resolution or further action of the City Council to terminate this moratorium.

SO RESOLVED, this _____ day of _____, 2011.

ATTEST:

Don Haddix, Mayor

Betsy Tyler, City Clerk

City Council of Peachtree City
REVISED AGENDA
February 3, 2011
7:00 p.m.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Announcements, Awards, Special Recognition**
- IV. Citizen Comment**
- V. Agenda Changes**
- VI. Minutes**
January 6, 2011, Regular Meeting Minutes
- VII. Consent Agenda**
 - 1. Consider Acceptance of Quit Claim Deed – Airport**
Transfer of 0.016 acres, more or less, leading to an access easement to Airport Authority
 - 2. Consider New Alcohol License –The Fresh Market, 100 N. Peachtree Parkway**
All new applications for alcohol licenses must be approved by City Council
 - 3. Consider Amendments to Development Agreement with Dominion Partners**
Request to approve finalized amendments to agreement
 - 4. Consider Natural Gas Provider**
Request to enter one-year agreement with Coweta-Fayette EMC for City facilities
- VIII. Old Agenda Items**
 - 01-11-01 Consider Variance Request – Batting Cage at Baseball/Soccer Complex**
Request to continue until February 3 due to advertising requirements
 - 01-11-08 Consider Future of Sims Road Extension**
Request to provide an official position on County's proposed extension of Sims Road to Astoria Lane
- IX. New Agenda Items**
 - 02-11-01 Consider Request for Funding for Batting Cages at BSC**
Request to determine funding option to finalize donation from baseball associations
 - 02-11-02 Consider Moratorium on Tree Permits**
Request for six-month moratorium to allow for ordinance review and update
 - 02-11-03 Consider Waiving Special Event Permit Requirements for SANY Ribbon-Cutting Ceremony**
Staff is coordinating with SANY America for a one-day event at their facility on SR 74 South
 - 02-11-04 Consider Amending August 19, 2010, Meeting Minutes**
Council Member Imker requested this item be added to the agenda
- X. Council/Staff Topics**
Update from Dog Park
Hot Topics Update
- XI. Executive Session**

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Interim City Manager *NW*
Economic Development Coordinator *Gray*

FROM: Community Development Director *David*

DATE: February 2, 2011

SUBJECT: Consider waiving Special Events Permit requirement for SANY ribbon-cutting event.
February 3, 2011 City Council agenda

Recommendation

That Council waive the Special Events Permit requirement for the SANY ribbon-cutting event scheduled for February 28, 2011.

Discussion

Staff has been coordinating with representatives from SANY America, the Fayette County Development Authority, the Georgia Department of Economic Development and the Governor's Office to assist in planning a ribbon-cutting event at the new SANY America assembly facility on SR 74 South. The event is scheduled for Monday, February 28, and will be attended by representatives from their corporate office in China, the Hunan Province in China, as well as local, regional and state officials.

It should be noted this event is not the grand opening of the building, as the building is not yet finished. Rather, this will provide SANY with the opportunity to showcase their facility to the Governor of the Hunan Province, the State of Georgia and other dignitaries.

Although details of the event have not been finalized, the Applicant is proposing a significant amount of freestanding signage, banners and other elements, all of which would be located on their property and would not be visible from SR 74 or any adjoining property. There would be one directional sign on SR 74 to direct visitors to the event.

Budget impacts

Should this request be approved, the city would not collect the \$25.00 permit fee for special events.





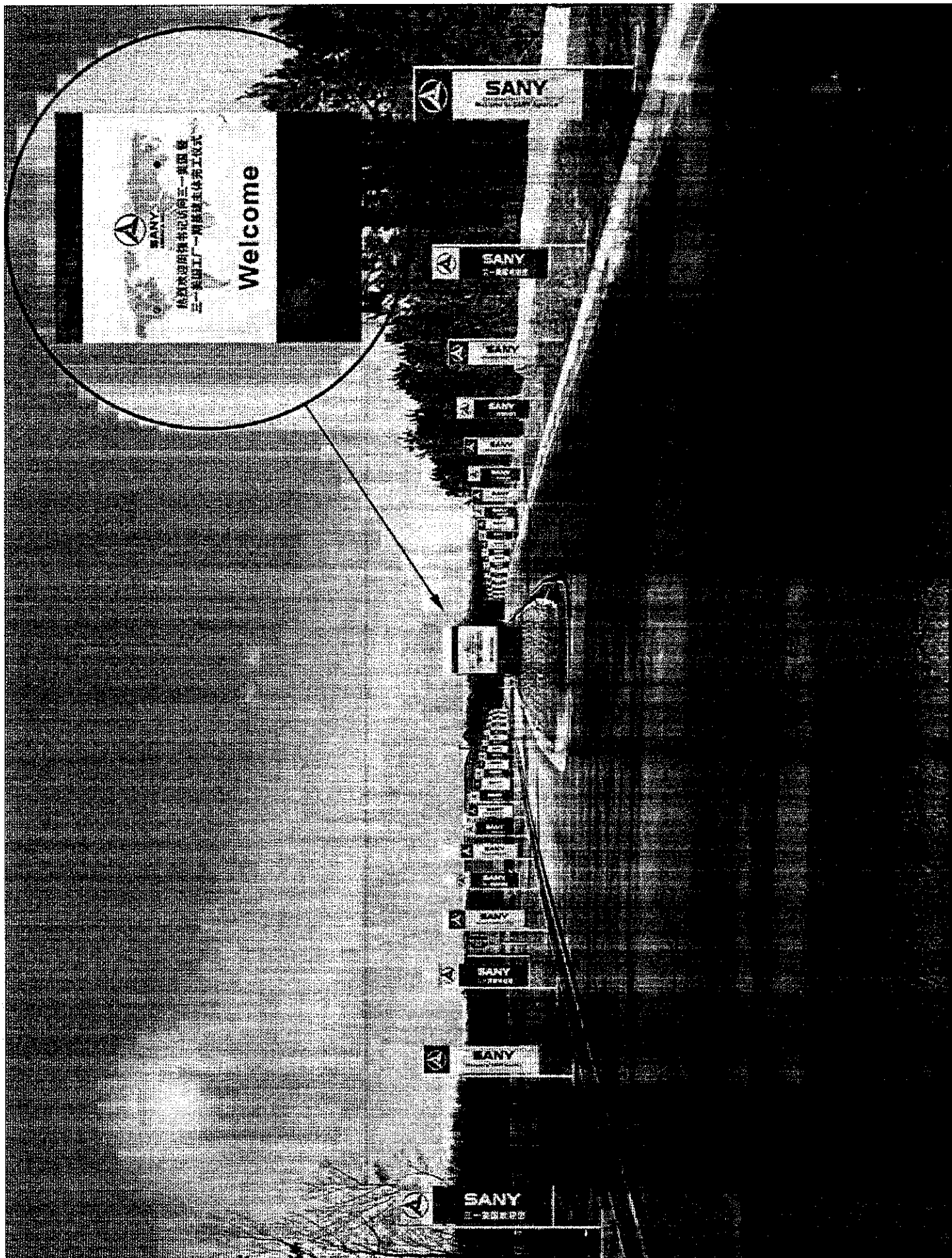


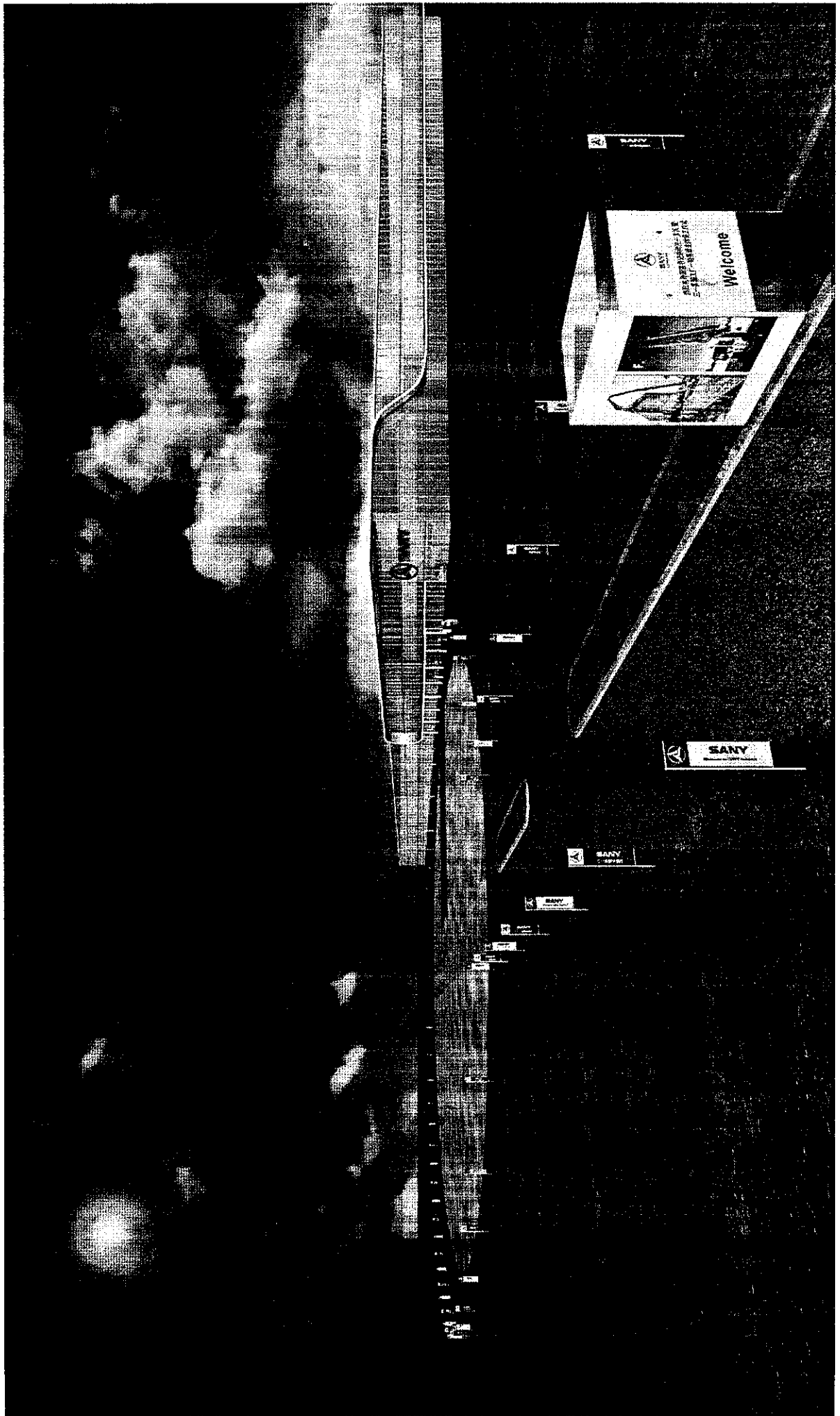
SANY America Inc.

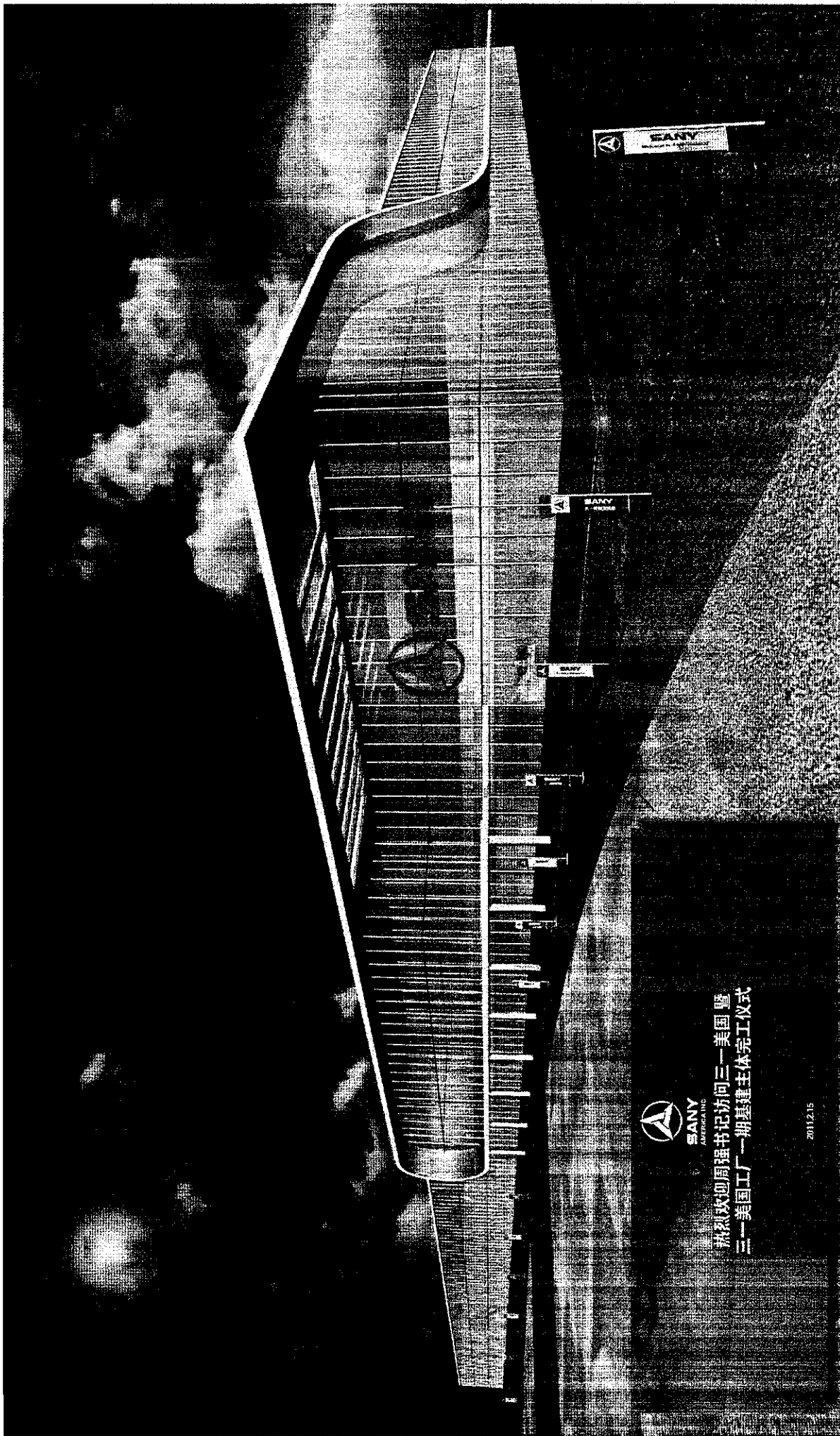
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2011.2.15

QUALITY OF WORK IS ALWAYS THE



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