

City Council of Peachtree City
Agenda
February 2, 2006
7:00 p.m.

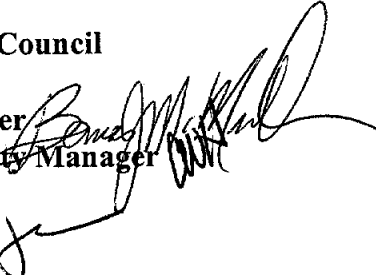
- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
Remind Attendees to Turn Off Cell Phones
- IV. Minutes
July 21, 2005, Executive Session Minutes
January 12, 2006, Workshop Minutes
January 19, 2006, Regular Meeting Minutes
- V. Monthly Reports
- VI. Consent Agenda
 - 1. Alcohol License – Change in Licensee and License Representative –
China Café 9
 - 2. Alcohol License – Change in License Representative – Y-Knot Sports Bar
 - 3. Consider Declaration of Surplus Computer Equipment
- VII. Old Agenda Items
 - 10-05-02 Consider Amendment to Article XI, Section 1108,
Landscape Plan Requirements
- VIII. New Agenda Items
 - 02-06-01 Alcohol License – Change in Ownership – B&B Bottle Shop
(Hartigan's Fine Wines, Spirits & Cigars)
 - 02-06-02 Discuss Walt Banks/Peachtree Parkway Roundabout
 - 02-06-03 Consider Request to Waive Fees at Kedron Fieldhouse for
Katrina Fundraiser
 - 02-06-04 Consider International Property Maintenance Code Ordinance
 - 02-06-05 Consider Stormwater Utility Ordinance
 - 02-06-06 Award Bid for Multi-use Path Bridge
- IX. Council/Staff Topics
Library Commission Presentation on Update to Library Master Plan
- X. Executive Session

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Assistant City Manager 

FROM: City Clerk 

DATE: January 26, 2006

SUBJECT: Approval of the July 21, 2005, Executive Session Minutes
February 2, 2006, Council Agenda

In reviewing the 2005 Council minutes, staff found that the July 21, 2005, executive session minutes had never been placed on an agenda for approval. The matter has only recently been concluded. The City Attorney has advised that the current Council can consider the minutes. The abstentions will count as votes in favor of the motion, according to Robert's Rules of Order.

JSM/pd

Attachment

City Council of Peachtree City
EXECUTIVE SESSION
Minutes of Meeting
July 21, 2005

Mayor Steve Brown called the executive session to order immediately following the regular meeting on Thursday, July 21, 2005. Council Members present were: Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed. City Manager Bernard McMullen and City Attorney Ted Meeker were also present.

Council discussed acquiring an easement on the Mathis tract on Sumner Road near Highway 54 East to allow for a cart path. Council agreed the amount for the easement should not exceed \$2,800.

Brown moved to reconvene into regular session. Weed seconded. The motion carried unanimously.

Rutherford moved to acquire the easement on the Mathis tract not to exceed the amount specified in executive session. Weed seconded. The motion carried unanimously.

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

Jane Miller, City Clerk

Harold Logsdon, Mayor

Pamela Dufresne, Recording Secretary

City of Peachtree City
STORMWATER WORKSHOP
Minutes of Meeting
January 12, 2006
6:00 p.m.

The City Council of Peachtree City met in a workshop session on Thursday, January 12, 2006, at 6:00 p.m. Council Members attending were: Mayor Harold Logsdon, Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford. Staff members attending were: City Manager Bernard McMullen, Financial Services Director Paul Salvatore, Assistant City Manager Colin Halterman, City Engineer Dave Borkowski, Public Services Director Tom Corbett, Public Information Officer/Deputy City Clerk Betsy Tyler, System Administrator Matt Robinson, and Assistant Finance Director Janet Camburn. City Attorney Ted Meeker attended. Ron Feldner, Integrated Science & Engineering, also attended.

Feldner gave a PowerPoint presentation (a copy is included in the official meeting file). Feldner explained why stormwater management was important. He said they had been working on the program for several years and wanted to bring Council up-to-date on their efforts. Feldner explained that the changes in land use and culture altered the natural flow of surface water, which resulted in changes in how stormwater runoff impacted the environment and the watersheds. Stormwater runoff was most affected by impervious surface, which altered the natural condition of the environment. When that occurred, stormwater controls and conveyance systems had to be enhanced so the changes could be handled. Feldner continued that the more recent developments had stormwater controls on site, but there was still an impact. Water that once infiltrated the ground was now conveyed horizontally via runoff, stored in detention ponds, then discharged out at a point source.

Feldner went over the stormwater program timeline: stormwater program action plan, July 2002; City NPDES Phase II stormwater permit, Council Retreat presentation, March 2003; stormwater funding study, March 2004; Stormwater Committee report, Council Retreat presentation, April 2004; stormwater utility report, September 2004; Council meeting presentations, November 2004 and May 2005; public meetings – citizen meeting, October 19 and 27, 2005, business meeting, October 28, 2005; newspaper articles, ongoing; website materials, ongoing; and Council workshop, January 2006.

Feldner said that the City's implementation of a comprehensive stormwater management program (SWMP) was driven by new state and federal stormwater regulations, water quality protection, drinking water (Lake Peachtree and Lake Kedron), drainage system maintenance, detention pond/greenbelt maintenance, recurring flooding, and the City's quality of life. The City's SWMP responsibilities included regulatory compliance, water quality management, implementing and administering stormwater program elements, supporting WASA's NPDES discharge/watershed management requirements, drainage system maintenance and management, and drainage system master planning and capital improvement projects (CIP).

Rutherford asked who was currently inspecting the systems at retail sites. Borkowski said no one was inspecting the systems to ensure they worked properly. The last time City staff saw the systems was during the final inspection. He continued that Wendell Madison went out when complaints were received, but there was no routine inspection currently. Feldner said an inspection program should be in place by the end of the year. Borkowski said the inspection program was part of Phase II, which required that an operations and maintenance program be developed.

Feldner said the City was unique in terms of the available amenity areas and put people in closer contact with those amenities than other communities. It was Council's responsibility, at the end of the day, to ensure the issues were addressed.

Feldner continued that regulatory compliance requirements were in Metropolitan North Georgia Water Planning District (MNGWPD) model ordinances, NPDES Phase II permit, NPDES wastewater discharge permit (WASA), MNGWPD Watershed Plan, the Georgia Erosion and Sedimentation Act, and the Georgia Stormwater Management Manual.

The timeline for the NPDES Phase II permit was March 2003 to December 2008. The six program/permit areas included public education, public involvement, illicit discharge detection and elimination (stopping non-stormwater discharges into the system), construction site runoff control, post-construction runoff control (maintenance), and pollution prevention. The City's program had 25 elements. Each year the City made an annual report to the EPD that looked at the level of compliance or deficiency accomplished during the 12-month period. The key compliance activities for the permit included drainage system inventory/condition assessment, drainage system and detention pond inspections, drainage system and detention pond maintenance, pollution source identification and mitigation, City-wide water quality monitoring, erosion control inspections and enforcement, street sweeping, and implementing the program fully by December 2006. Some activities had been implemented, but some of the more substantial compliance elements had been deferred until 2006. The City was not the only municipality to do so. Feldner said it was EPD's intent to ramp up the activities over the permit life, which was through 2008, with things up and running by 2006.

Kourajian asked if there were any criteria to know if a stormwater structure was good or bad. Feldner said there was a local subjective evaluation. They were trying to get consistency in who did the inspections so there was consistency in the grading, and Public Works could schedule maintenance accordingly. Photographs were taken for documentation and used to develop consensus. He continued that there were some tools and checklists available to help start standardizing things in the metro area. Kourajian asked if the City had developed the criteria yet. Feldner said the criteria had not been developed in detail, but they did have some materials that would be a key part of compliance with the permit. Kourajian clarified that this would allow different people to do the inspections and come back with the same assessment.

Feldner said if the City failed to comply with the permit, EPD would notify the Mayor. Boone asked when notices of violation (NOV) were sent out. Feldner said the NOV would be sent after meeting with the City. The letter would encourage the City to move forward. If that did not happen, the NOV would be issued and the City would be called to a meeting. If the City still had not complied, then administrative fines would be levied.

Rutherford questioned how the EPD would determine what was good or bad, and if that determination was left up to the City. Feldner said the City had to document its activities for the past 12 months for the annual report. The EPD graded the reports and commented on enhancements for particular activities. Boone questioned how the grading worked. Feldner said EPD graded against the milestones or goals in the Notice of Intent that was part of the City's permit. The City reported its progress on the goals in the annual report. The EPD commented on the goals that were deferred, and the City had to show why they had been deferred. Feldner said it was a back and forth process that was not regimented, but had been working. Rutherford noted that the City could do all it was supposed to do, but have terrible water quality and still be in compliance. Feldner said that could happen theoretically. There was not a quantitative monitoring element where EPD stations were set up and monitored. He continued that WASA's permit was renewed every five years and that process had watershed elements in it. The stormwater program was tied to how the wastewater plants operated even though WASA was an authority. The County's water withdrawal permits were similar and were linked together in terms of water supply and watershed management.

Feldner pointed out there was no place in the Phase II permit that said the community had to stop flooding. The Phase II permit program was geared toward stormwater program and water quality elements. Flooding was an independent localized issue within a community, and the City was at the bottom of the watershed so a lot of water passed through the jurisdiction. There was a lot of contributing drainage upstream of the City, which had inherent issues as far as flooding and additional impervious area. The City had ranked more than 60 possible projects and scored them with weighted criteria. The worst issues would be addressed with the highest priority. Feldner went over the capital project overview and explained the ranking criteria. The capital implementation plan would be based on an objective ranking process. The capital drainage program budget would be \$3 million. The plan was to secure a revenue bond or a Georgia Environmental Facilities Authority (GEFA) loan to expedite the capital program effort. Most of the problems remained unresolved, and there was no funding for them at this time. Feldner said there were about \$9 million in projects on the list, and about \$6 million worth had been identified as priorities.

Rutherford referred to a specific situation off Creekside and Ebenezer Road. The problem had always been there, and the City currently had no liability. McMullen said that was one of the elements that would be discussed in terms of extended service and level of service. Rutherford asked if liability would be created because the City fixed

something. McMullen said nothing would change because the situation would remain. They would also look at public rights-of-way and City facilities.

Feldner discussed the level of service, and public and private drainage systems. He showed a graphic of the public drainage system, which included storm drain pipes and catch basins in the public rights-of-way. Public drainage easements were also shown. Feldner said it was the City's responsibility to maintain dedicated and accepted easements. Rutherford asked how easements were accepted. Meeker said easements were accepted by Council action or through the Planning Commission's plat approval. Feldner said the City knew where those obligations were.

Feldner continued that the private components of the system included the drainage swales in residential backyards, creeks that traversed private property, and private detention ponds. He said the City had a specific role and specific responsibilities for the public portion of the system. The responsibilities included regulatory compliance, emergency response, operations and maintenance, and capital project implementation. The discharge from public systems could impact downstream and the state's erosion control manual had criteria on evaluating those impacts.

Feldner continued that the City had a limited role and responsibilities for private drainage systems since the majority of the issues were the property owner's responsibility. The City's focus included regulatory compliance, emergency response, enforcement of ordinances, and citizen guidance and education. The property owner was responsible for operations and maintenance, capital project implementation, and oversight. Residential subdivisions that had private streets were also responsible for the private drainage system.

Feldner said there had been a lot of staff time spent researching the City's stormwater costs for the last eight to nine years. The costs ranged from just over \$200,000 in the late 1990s to over \$500,000 in 2005. Stormwater program costs were often driven by rainfall, and compliance was also beginning to affect programs. The average cost per year was \$382,000, rising about 8.5% per year. There were also some necessary construction projects undertaken in 2004 and 2005. The annual program cost would be \$1 million to \$1.333 million for FY 2007-2010. Personnel costs were estimated between \$85,000-\$224,000 per year. Ramping up maintenance and being more proactive on maintenance issues, as well as the necessary construction issues, more than tripled the current costs. Feldner said the staff increase would not be office people, but field drainage inspectors and Public Works crews. Two three-man Public Works crews would be dedicated exclusively for storm drain maintenance and small capital projects. There would also be an internal stormwater management program coordinator who would serve as a central point of contact. Feldner said detailed spreadsheets were available to anyone who wanted to see them, including amortization schedules for the bonds. Rutherford asked if unprogrammed capital funds could be used in the event of a major rainstorm. McMullen said that would be one situation where the funds would be used. Feldner said the funds

could be used to hire a local contractor to supplement in-house resources. McMullen said there would always be more to do than money to do it with.

Feldner went over the potential funding options and the recommended funding options for the stormwater program. He said the primary methods were stormwater user fees/utility or general fund tax revenue, and would be used to fund a majority of the program. A primary mechanism was needed to fund all elements of the program.

Secondary funding methods included special assessments, special service fees, loans/revenue bonds, general obligation bonds, in-lieu of construction fees, system development charges, impact fees, SPLOST, and federal and state grant funding. They had looked at special assessments, but a direct and measurable benefit had to be identified to the individual property owner paying the assessment. Feldner said that could be a challenge when looking at non-flooding elements of the program. The legal issues would be difficult and they would also have to validate the benefits on an annual basis. Special service fees would offset the costs the City spent in certain areas and were already in place. Loans and revenue bonds had been identified to fund the capital program. General Obligation Bonds required voter approval, which could be a challenge since not everyone was affected. In-lieu of construction fees and system development charges were very close to each other and concerned other means of handling stormwater rather than construction. System development charges were similar to a proportionate share, and were used for sewer. Impact fees were paid for the incremental burden a development had on existing infrastructure. Impact fees could only be for that incremental burden. The system had to be adequate before charging an impact fee. Fees in lieu of development and impact fees were based on new development coming in and offsetting costs. The City was 90% built out so there would not be a lot of new development coming in to provide an influx of cash. Feldner said the County's SPLOST was written for transportation. The money could not be redirected to drainage projects based on the utility legislation. The proposed funding was a combination of options, including user fees, special service fees, loans/revenue bond, and federal and state grant funding.

Feldner said a stormwater utility was three things - the funding aspect, the stormwater program, and the organizational entity, which was the enterprise fund itself. The stormwater approach was recommended because of the fairness and equitableness of how a property's runoff affected the drainage system and the services provided to the property. A utility provided a stable revenue stream that was not subject to competing priorities like the General Fund. A utility was also flexible and the money could be used for any program element that was part of the stormwater program. The user fee was the charge to the property owner for the services based on their demand on the system. Properties with larger impervious areas would pay a higher fee because of the runoff and pollutant discharge associated with the properties.

There were currently 13 stormwater utilities in the state, and the number was expected to double in the next 12-18 months, according to Feldner. The advantages to a utility were

dedicated funding via the enterprise fund, everyone was billed including tax-exempt properties, customer credit opportunities were available, revenue bond/loan procurement, a fair and equitable funding source, and a consistent impact on the General Fund.

Feldner explained the rate structure, which was based on impervious area. The base billing rate was \$3.95 per billing unit, which was an equivalent residential unit (ERU). The structure was used by 12 of the state's 13 utilities and had been tested in the Georgia Supreme Court. One ERU unit was equal to 4,600 square feet of impervious surface. The flat rate for residential customers was \$3.95 per month for one ERU. There would be a tiered billing rate for fairness and equity based on any features of the property that did not allow infiltration. There were also rates for attached residential structures with and without public streets.

Feldner showed a comparison of the stormwater user fee and a tax increase. Seventy percent of property taxes were paid by residential homeowners. The Citywide impervious area breakdown was only 45% residential. The burden shifted to the larger impervious area properties with a utility. Tax-exempt properties (churches, schools, government facilities) represented 10% of the non-residential properties, which had no property tax contribution. Feldner said non-residential customers would get a custom bill based on the defined impervious surface area of their property. The proposed user fee was \$3.95 per 4,600 square feet of impervious surface. Eligible properties with stormwater credit opportunities would have a reduction in the monthly bill.

Kourajian asked if the City would bill itself. Feldner said it would. Kourajian asked if the City would be responsible for the streets, including state highways. Feldner said yes. Meeker said there was an ongoing debate regarding the state highways. Feldner said most cities had exempted the state from the stormwater user fee because the state had refused to pay it; however, DOT would repair storm drainage infrastructure in the state right-of-way. It would be almost an in-kind swap. Plunkett and Rutherford asked about credit opportunities. Feldner said the state had a detailed credit manual that defined the opportunities.

McMullen explained that the City was currently spending General Fund dollars on stormwater. Once the utility was in operation, the City would not be spending General Fund dollars. The General Fund became a pass-through for the City's user fee.

Feldner said the user fee was either comparable to, or more advantageous to, the customer than increasing the tax rate. The City would be in the middle as far as how its rates compared to the other utilities. Feldner pointed out that the City's housing stock was unique. The stormwater bills would be separate and standalone using an outsourced billing and collection vendor. Residents would receive a quarterly or possibly an annual bill, while non-residential customers would receive a monthly bill. The proposed mailing date was April 2006. Feldner said the City was developing a credit manual with criteria and policies for residential and non-residential customers. He noted that there would be several opportunities for residential customers to obtain credit. Rutherford asked what

the maximum credit was. Feldner said it was 50% for non-residential customers. The Board of Education might have an opportunity to earn more than 50% for the facilities that had on-site controls in addition to the stormwater education program for students.

Kourajian asked if the City and County would share stormwater costs for government facilities. Feldner said that the County, City, and Fayetteville would be able to issue credits to the Board of Education if they had utilities. He continued that the Board of Education was going to teach about stormwater resources so the Board would receive credit on the bill. Kourajian asked if the credits would go to the schools that taught the class. Borkowski said that the subject would be incorporated into the science programs at all grade levels and would be system-wide so the credits could apply to all the properties in the City.

Rutherford asked if credits could be shared or sold. She gave an example of businesses that shared parking to provide greenspace. Feldner said if a detention pond was part of a master plan and the stormwater from outparcels flowed into the detention pond, then they would share the credits. Rutherford asked if Company X with a lot of greenspace could sell credit to Company Y with no greenspace by allowing the company to build a detention pond. Feldner said they should be able to share the credit. Feldner said credits were a key issue and had to be part of the program, according to a recent court decision.

Feldner said Council was scheduled to consider the enabling ordinance on February 2. The customer mass mailing was planned for February 20. When the mass mailing went out, the phone calls would start. Procedures were being developed to handle the calls. If all went as planned, the bills should be issued in March or early April. Capital construction would begin as funds became available.

Boone asked if there had been any feedback from the business community. Feldner said he had spoken to Virginia Gibbs at the Chamber of Commerce several times, and the Chamber was sponsoring a presentation on January 20, 10 a.m., at Cooper Lighting. The focus would be on credits.

Plunkett asked what the reception had been so far since some of the bills would be substantial. Feldner said Fayetteville's utility had generated over \$500,000 annually, and less than \$1,000 was delinquent in the first year. Covington was only running about 70% on their collections. For the most part, people were on board with the concept. Rutherford said the fees would be less than a property tax increase. The City's annual stormwater bill would be \$353,423.73, and included properties, roads, and cart paths.

Boone asked how much was spent each year on maintenance of the drains. Feldner said the number given to him was \$235,000 per year was spent strictly on maintenance. McMullen said that in excess of 9,000 hours per year were spent on maintenance, litter pick-up, street sweeping, and other jobs. A portion of that would be done by the stormwater utility. The jobs would be charged to stormwater and paid from the General Fund. McMullen said there would not need to be a budget adjustment within

Engineering or Public Works. They were currently working on where the actual employees would go, either as Public Works employees dedicated to stormwater or a separate department.

Several residents attended the workshop and asked questions. A resident asked the time frame for the revenue bonds. Feldner said it would be possible in the first six to 12 months.

A Tinsley Mill resident asked if there would be opportunity for them to present information on their area. He said it was one of the oldest in the community and the residents owned their own streets. McMullen said he understood the residents' position, but if the City took in Tinsley Mill then it had to take in all private areas with the same situation, which would decrease what the City could do and increase the cost.

Logsdon questioned whether Tinsley Mill was an extreme situation, which might need greater consideration. Meeker said that he agreed in theory, but there were also some constitutional issues involved regarding the City benefiting a private property owner, which was a struggle the City faced with any drainage issue on private property.

Logsdon asked if the work done upstream would mitigate Tinsley Mill's problems. Feldner said that it should help, but there were a lot of factors to be considered from a legal and engineering standpoint. Tinsley Mill was very unique and could not be resolved at this meeting. The resident said the flooding issues got worse when the developments were built upstream. Boone asked if Tinsley Mill's infrastructure could be improved. The resident said probably. It would cost over \$600,000, which would be split between 53 owners. Tinsley Mill did receive a FEMA grant to help with some mitigation. Rutherford said the issue would have to be dealt with at a staff level; recommendations for priorities would be made to Council. Dan Gibbs asked whether Council would set the priorities. Rutherford said the experts would make recommendations. Plunkett said Council would discuss the recommendations and priorities, and could possibly disagree with the recommendations based on public comment.

A resident who identified himself as the Brookfield Homeowners Association president said he was concerned about the method of payment. He said his area, which had attached residences, was a private street community, and the residents would be better off if billed individually. Feldner said the logistics could be worked out to benefit the customer group. The policy would be flexible. The resident asked if there would be some relief if they paid annually or quarterly. McMullen said if the billing vendor could reduce the City's cost, then the savings would be passed on to the residents.

Matt Bergen, a City resident who said he worked for the Fayetteville stormwater utility, told Council that everyone would not benefit from a stormwater utility. He said Public Works and WASA could do the job together since they were already working on the issues. He did not see a need for a whole new crew to resolve the problems that had been

ongoing for a long time. A utility would not help if it were a private property vs. private property issue. Bergen asked Feldner if new properties were being developed according to the most recent stormwater guidelines. Feldner said properties had been designed to meet the latest standards since 2002. Bergen noted a specific property currently under construction near his subdivision, and said this was not the case with the new development. Feldner said Bergen would need to talk to City staff and look at the site's hydrology study and the determination on whether the developer had followed the ordinance.

Bergen asked why money for stormwater could not be taken out of the General Fund at the beginning of the fiscal year and placed into a stormwater account. He said that should be done prior to collecting a monthly fee. McMullen said that was feasible, but that was not the only reason for using a utility. The revenue bond situation was also a reason, which would get a lot of things done. The bonds were based on the revenue the utility would receive. Meeker said there would also be more funding available on an annual basis. Rutherford asked where the money would come out of in the General Fund. The reality was that if Emergency Services needed that money and the culvert could wait another year, then the culvert could wait another year. She added that a utility spread the cost across the board. Property values were affected by whether or not the community was a nice place to live. Stormwater affected whether or not the City was a nice place to live. McMullen said there was also a regulatory requirement for the utility that 75% of the cost was based on what it cost to maintain the system, water sampling, and citizen education. Replacing undersized culverts could help individual residents, as well as the properties downstream. Rutherford added that schools and churches would also have to pay the utility fee, but they did not pay property taxes. Those facilities had a lot of impervious pavement that contributed to the problem. Bergen noted that residents were the sources of income for schools, municipalities, and churches so taxes would go up anyway. Feldner noted that churches and schools accounted for over 10 million square feet of 110 million square feet of impervious service in the City, or about 10%. Meeker said the fees collected would benefit the entire City. Rutherford said the money collected by the utility would help repair problems downstream of the area with a lot of impervious surface. Bergen said the General Fund money currently used for stormwater management should be pulled out of the General Fund and used to form the utility.

Bergen asked why SPLOST funds could not be used for stormwater management. He said that roadway drainage was a roadway improvement, and that was how SPLOST was sold to the voters. McMullen explained that the state law in effect at the time required that specific projects be identified. The identified projects did not include any reconstruction of roads. If road reconstruction were part of the SPLOST, then any necessary culverts could be replaced. The City's roadway projects were primarily resurfacing, as well as specific landscaping projects. McMullen said the City could not spend SPLOST funds on any projects that were not on the approved SPLOST list.

There being no further business to discuss, the meeting adjourned at 8:20 p.m.

Betsy Tyler, Deputy City Clerk

Harold Logsdon, Mayor

Pamela Dufresne, Recording Secretary

City Council of Peachtree City
Minutes of Meeting
January 19, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, January 19, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon proclaimed January 15-21, 2006, as Kiwanis Awareness Week. Building Official Tom Carty presented the Builder of the Year awards – Legend Homes, Builder of the Year; Cooper Wiring, Choate Construction, Best Commercial Site; John McCormick, Choate Construction, Best Superintendent; and Phi Mu Fraternity, Group VI, Job Site Safety.

Minutes

Rutherford moved to approve the January 5, 2006, regular meeting minutes as written. Kourajian seconded. The motion carried unanimously.

Consent Agenda

1. **Consider Ordinance Amendment to Codify Senior Homestead Exemption**
2. **Alcohol License – Change in Licensee and License Representative – The Famous Fish Company**

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

Old Agenda Items

09-06-09a Consider Amendments to Motorized Cart Ordinance (Registration)

Administrative Services Director/City Clerk Jane Miller said that in August Council had approved a timeline and fee for replacement of golf cart decals in 2006. Based on Council input from that meeting, staff revised the fee from the original proposed \$15 fee to \$12. In October, some Council Members and some members of the public said they only wanted to charge the fee to those who had not registered their carts appropriately. Miller said she spoke to Police Chief James Murray, who said only about 50% of the total number of carts were appropriately registered. Waiving the fees for the 50% that were appropriately registered would cost approximately \$48,000, which would result in a need to supplement the program from the General Fund. Miller continued the program had been designed to break even. She said the proposed ordinance amendment reflected a requirement to replace decals every five years at a cost of \$12. Language had also been added so golf cart dealers would no longer be required to pay a transfer fee for carts that were traded in for resale. The businesses would have to submit the paperwork, but would no longer be required to pay the \$5 transfer fee. Miller continued that the City had also learned that it did not have the authority to require inspections, so the inspection requirement for gasoline golf carts had been deleted. Both Chief Murray and City Attorney Ted Meeker had reviewed the changes.

Rutherford moved to approve the amendment to the Motorized Cart ordinance for registration purposes for the fee of \$12. Kourajian seconded.

Boone asked if there was a provision regarding responsibility for safety on the cart paths. Boone said several senior citizens had talked to him about reckless driving by some youths. He asked if there was a mechanism to hold cart owners responsible for following safety guidelines, as well as educating their youth. He wanted to ensure that golf cart operators signed a caveat that they were aware of the regulations and ordinances that governed the path system.

Public Information Officer/Deputy City Clerk Betsy Tyler told Boone that she had thought the registration would provide an opportunity to be in contact with and educate every cart owner. Tyler said the audible signal requirement was in the ordinance. Tyler continued that she was also getting complaints, but about all ages. She noted that the audible signal was required by ordinance, but was difficult to enforce. Meeker said that it would be difficult to hold parents responsible. The focus of the amendment was to bring registrations up to date, which would help. Plunkett suggested the City required people to sign something that said they had received a "rules of the path" pamphlet. Miller said they could add a signature to the registration form. Logsdon held up a copy of the current brochure and said it had good information. Kourajian said the City should look at getting information out more than once every five years. Logsdon asked Kourajian if he was suggesting sending a special mailing out every year. Kourajian said yes. Miller said they did put reminders in the UPDATE, but would work on their education efforts.

Rutherford amended her motion to include that flyers be given to all registrants and that they be required to sign that they received the flyers. Boone seconded. The motion carried unanimously.

Logsdon said he was concerned about golf carts operating without insurance. He asked McMullen to look into the matter.

**09-05-15 Public Hearing – Consider Rezoning Wilks/Blocker Tracts, Old Senoia Road
(AR to LUR)**

Logsdon and Rutherford asked if a public hearing needed to be held since the rezoning had come before Council previously. Meeker said the rezoning had been re-advertised since there had been a substantial change to the plan.

Jerry Peterson addressed Council on behalf of Chadwick Homes. Peterson told Council they had started over completely on the plan. He gave an overview of the tracts' location. The house plans had changed, as well as the lot sizes. There was now a feature inside the subdivision and most of the homes would orient to the little park. He said the subdivision would be almost a large cul-de-sac. The lots were approximately 60 feet by 125 feet. There was one entry. The buffer was the 50 feet required by LUR zoning, with a 20-foot buffer on the two sides adjacent to residential. The retention would be on the low side of the parcel.

Peterson compared the revised plan to the plan presented to Council in September 2005. The tracts would be combined to total 8.4 acres. The old plan had 32 lots; the new plan had 23 lots.

The lots had been 50 feet wide under the old plan, but had changed to 60 feet in the new plan. The original lot depth had been 110 feet, and was now 125 feet. The old plan had 3.8 units per acre with a housing size of 1,800 square feet. The new plan had 2.7 units per acre with a housing size of 2,600 square feet. The buffers, detention, and streets were about the same acreage. The houses were bigger, more unique, and probably more expensive. Peterson said the plan would be a logical step in land use and density, and was a lot better than the other things that could go on the tracts.

Boone asked if the engineering had been done yet for the stormwater runoff. Peterson said it had not, but it would be addressed at the appropriate time. He felt there was enough area.

Rutherford recalled that Council had discussed the fact they would be creating one more cul-de-sac in the City and asked about having the street connect through the Ardenlee subdivision for access to GA 74. She asked if anyone had spoken to the Ardenlee Homeowners Association about the possibility of having the alternate route. Peterson said he had spoken to them, and they were not interested in having another street on the backside of their subdivision.

Logsdon asked where the cart path tied in. Peterson said the neighborhood would be connected through the path on the backside of Ardenlee.

Rutherford asked if a playground in Ardenlee was still part of the proposal. Peterson said they wanted to do something in the internal park, but probably not a tot lot. He did not expect the houses to appeal to families with young children.

City Planner David Rast gave Council background information on the tract and an overview of the parcels in the area on Old Senoia Road. The parcel to the north was known as the Jones tract. The AMF Industrial Park was to the south. He said the three parcels on Old Senoia had been land used single-family cluster residential. The tracts located further south on Old Senoia Road were classified as office space. The reason these tracts had been reaffirmed as residential was because they backed up to residential zoning, Ardenlee and Belvedere subdivisions. There was a draw and a creek separating the AMF site from the Blocker tract. Rast went over the zoning in the area. Ardenlee was zoned GR-4, which allowed four units per acre. Belvedere was also zoned GR-4. The property across Old Senoia Road was zoned General Industrial, with unincorporated Fayette County beyond that.

Rast showed a map of the initial proposal and noted that the submittal had been revised. It had been a more traditional subdivision design. The new plan reduced the number of lots, increased the size of the lots, and provided more of a neighborhood feel. The access point had also been moved to an existing drive. There was an existing home on the lower tract with an existing driveway. There was some dedicated parking for visitors around the internal park area so visitors would not have to park on the street. The buffer ordinance required 50 feet of dedicated greenbelt next to Old Senoia Road, which would be deeded to the City before the subdivision was platted. Rast said staff had recommended all the greenspace around the perimeter of the site be designated as greenbelt and deeded to the City to create open greenspace. Rutherford asked if

doing so would make the City ultimately responsible for the stormwater. Rast said the stormwater would ultimately be turned over to the City as part of the stormwater plan anyway.

Rast continued that Chadwick had originally asked for GR-4 zoning, which was similar to the adjacent subdivisions. General Residential-4 was a logical zoning, but would allow up to 32 lots. Rast explained that an LUR zoning was similar to a Limited Use Commercial (LUC) zoning in that the zoning became site specific. He said that would give the City and the adjoining property owners some assurances about what to expect. Rast showed photos of a similar development in Summer Grove. Rast said staff recommended approval, and a number of conditions were recommended. Rast added that there had not been a land use designation for single-family cluster residential until the plan was updated in 1995. A number of criteria were recommended for the classification. The proposed development was consistent with the land use recommendation for the area.

Michael Chang, Juan Matute, and Dave Archbold spoke about their concerns regarding the proposed rezoning. The concerns included:

- Ardenlee residents preferred that the buffer area remain wooded rather than building a tot lot;
- Residents along the backside of Ardenlee wanted to ensure that existing drainage problems were not exacerbated;
- Homes were too close to railroad tracks;
- Homeowners should be made aware that homes were close to railroad tracks; and
- There was concern about the buffers.

Logsdon assured the residents that the engineers had the same concerns about the drainage and it would be addressed. Rutherford noted that the railroad tracks had been a concern at the last meeting. The tracks were below road level, which created a natural berm. Boone said he believed there was enough buffering on the east side to accommodate the noise. Plunkett noted she did not see a buffer along the bottom of Lot 1. Peterson said no buffer was required because of the requirements for the industrial lot. Plunkett asked if the buffer could be extended. Peterson said the lot was very tight. Peterson said the creek ran between the properties also. The lot was also a bit deeper than the others.

Rast clarified that the City had asked the builder to install a tot lot within Ardenlee when the developer first started working with the City. The land had been originally designated for a tot lot by Pathway Communities, but had never been built. If the neighbors did not want a tot lot, Rast said he had no problem taking the condition out and putting an amenity in the park for the subdivision's homes. Kourajian asked if the tot lot could be put somewhere else. McMullen said the developer could donate the equipment or the funds to buy the equipment to the City.

Rast said there were a number of drainage issues in Ardenlee. The developer would be required to coordinate with the City Engineer regarding the drainage if the development moved forward.

Rast continued that staff had also discussed the railroad noise with the developer. The homes closest to the tracks would require additional insulation and double-paned windows to alleviate the noise. The developer had agreed.

Rutherford said she had the same concerns as before. Larger lots were supposed to be on the edge of the City. She said the rezoning request was not a step-down. There were fewer lots, but it was not step-down zoning. She asked about the line of sight at the new entrance. Rast said the entrance would be in the general location of the existing drive, which had been there for years. The City Engineer would need to look at the entrance. It was in the area of an elongated curve. The potential clearing would open up a better sight line. Rutherford questioned what had changed so much that line of sight was no longer a question. Rast said that he did not believe the traffic increase would be too dramatic. He said the proposed road from the Westside to GA 74 would bridge the railroad tracks and Old Senoia Road.

Kourajian noted the one lot without a buffer on the back. He asked if Council could require a buffer. Peterson said there was a 75-foot setback from the neighboring light industrial area. Kourajian said he was concerned about the line of sight from the back. Rast said there was also an issue with a creek that ran through the property. There was a 25-foot buffer required from creeks. The creek bank was very wide and very deep. The cost to bridge the creek would be very expensive, so there was little likelihood something would be developed there. Rutherford said that did not mean the City should not hold the developer to a requirement to develop the best quality lot for the people who would buy it. Council should require the best on those 8.2 acres.

Kourajian asked Peterson what kind of feature would go into the internal park. Peterson said the people who bought this type of home did not usually have small children. He said a gazebo or arbor would be more appropriate than a tot lot. Plunkett pointed out that the internal park would benefit just the 23 homes, but a tot lot would benefit a broader base. She said they were not adding amenities anymore. Rast said the tot lot would have gone in the City greenbelt area. Rast added that the intent was to create an internal park similar to those in Cardiff Park and Ashton Park. Logsdon clarified that the money for the tot lot would now go to the feature in the center. Chad Floyd of Chadwick Homes suggested that the company make a donation of funds to the City to make the City's parks better. He said he did not have a value on the feature yet. Leisure Services Director Randy Gaddo said his department was updating the City's tot lots this year so the timing of a donation would fit in perfectly.

Kourajian moved to approve the rezoning from Agricultural to Limited Use Residential with the conditions identified in the staff position paper, the price of a tot lot would be donated to the City for the parks and used where deemed appropriate, and that a 20-foot buffer be added to Lot #1. Boone seconded. The motion carried 4-1 (Rutherford).

New Agenda Items

01-06-10 Consider Request for Funding from Fayette Senior Services

01-06-11 Consider Request for Funding from Promise Place

Miller noted that in 2000 Council had approved limited funding to non-profit organizations that provided services to City residents. Council authorized funding of up to \$7,500 annually to

those organizations that provided basic needs such as food, shelter, and protection. Since that time, Council had provided funding for Fayette Senior Services and Promise Place, formerly the Fayette County Council on Domestic Violence. Both agencies had again requested \$7,500 each for a total of \$15,000. The \$15,000 was in the FY 2006 budget. Both agencies would enter into an agreement with the City to provide services to residents for the funding. Miller introduced Andy Carden with Fayette Senior Services and Sonja Strickland with Promise Place.

Rutherford moved to approve \$7,500 for Fayette Senior Services and to authorize the Mayor to sign the agreement. Kourajian seconded. The motion carried unanimously.

Rutherford moved to approve \$7,500 for Promise Place and to authorize the Mayor to sign the agreement. Plunkett seconded. The motion carried unanimously.

Rutherford thanked both organizations for the work they did.

01-06-12 Select Council Representative to Peachtree City Tourism Association

Rutherford moved to appoint Plunkett to the Peachtree City Tourism Association. Boone seconded. The motion carried unanimously.

01-06-13 Consider Franchise Agreement on Refuse Collection

Assistant Finance Director Janet Camburn addressed Council. She noted that Council had discussed a possible franchise agreement at the 2005 Retreat and had directed staff to review the options. The purpose had been to produce the best possible rates for sanitation for residents and to reduce truck traffic on the City streets. In November 2005, requests for proposals (RFP) were mailed to seven vendors in the area and placed on the City website. Representatives from four firms attended two pre-proposal meetings in December. Proposals were received from two firms on January 6 – Republic Services doing business as All-South Robertson and Allied Waste (the City's current preferred provider). Camburn said both companies were capable of providing the services. All-South's proposal was the most favorable at \$11.40 per month for once a week service, one container; \$17.10 for once a week service, two containers; \$17.10 for twice per week service; \$22.50 for once per week, one container backdoor service; \$2.75 once per week recycling; \$3.50 once per week yard trimmings; and \$15 for bulky waste by request. The rates were favorable to the current preferred provider except for the once per week collection. Camburn continued that the current preferred provider could ask for a price this year based on 90% of the last 12 months consumer price index (CPI). The December CPI for the last 12 months was announced on January 18 and the factor was 3.4%. Based on that information, the current preferred provider could increase their price for once a week collection to \$11.34, as well as increasing their other rates.

Rutherford asked how much of the City was serviced by Allied. Tyler said there was one other company that provided service to the City in addition to Allied and All-South. Peach State, out of Griffin, had a small percentage of customers. Tyler estimated that Allied had a little less than 80% of the City and All-South had about 20%. Tyler gave Council a copy of a summary of citizen comments regarding the proposed franchise agreement, as well as copies of the letters and e-mails she had received. Twenty-three residents opposed the agreement, and eight were in

favor of a franchise agreement. She gave a brief overview of the history. Until six years ago, the City was a true free market. Three independent companies provided service. At that time, EPI bought two of the companies and one went under. All-South came in about that time, along with another small company. Staff and residents realized that City customers were being charged a higher rate by the same providers for the same service than the residents in the unincorporated County and Tyrone. Staff looked at a preferred provider agreement, which kept the free market going, but lent the City's endorsement to companies that agreed to hold rates. Originally, both EPI and All-South signed as preferred providers. All-South opted out of the agreement after the first three years. There had been rate increases over the years. Allied had approached the City recently regarding a price increase due to the increased cost of fuel. Tyler said Camburn had informed Allied about the restriction on the price increase. Tyler said that the City or Allied Waste had the option to cancel the preferred provider agreement with 90 days notice. Allied's submission for the franchise agreement RFP had \$13.69 listed as the rate with everyone as a customer. She said residents could expect the current rates to go up even with a full free market. Staff was hoping to keep those rates as low as possible.

Tyler referred to the information she had provided to Council and gave an overview of the complaints for the past 16 months. There was not any data prior to that time. The problems started in October 2004 when Allied took over EPI and when there were some miscommunications and route changes. Tyler said that she had worked closely on problems and residents' complaints with Michael Wingard at Allied Waste. Wingard had been very responsive, but problems had continued. She said her hope in entering a franchise contract was that the City would have the ability to enforce customer service standards. One element of the proposal was a \$25,000 annual cash bond so that when she received complaint calls that the provider had not satisfied, the City could impose a monetary penalty. Tyler said she received an average of five complaints per month. Ninety-four percent of the complaints were about Allied, and Allied had less than 80% of the customers. All-South had six percent of the complaints and 20% of the customers.

Rutherford asked if there was a fuel surcharge clause in the contract. Tyler said the company could raise the fee based on a percentage of the CPI after a full year of service. A fee increase would require Council approval.

Logsdon asked if \$25,000 was enough for the proposed bond. Camburn said the \$25,000 was a cash bond. She said there was also a 25% performance bond based on the expected annual amount of the contract. Logsdon asked how long the agreement was. Camburn said the first year would be eight months expiring on December 31, 2006, with an automatic renewal for three years unless either party gave a 90-day notice.

Plunkett asked when the public first became aware that the City was considering a franchise agreement. Tyler said she was not sure, but the idea was discussed at the Retreat in March 2005. She continued that the bids had been posted on the website, but there were no press releases issued.

Kourajian asked why Council had looked at the possibility at Retreat. McMullen said it was part of the Short Term Work Program (STWP) for the City to look at waste collection, which was the genesis for bringing the topic up at the Retreat. Kourajian said he was a capitalist and liked a free market. He said having a bond in place was a terrific idea, but \$25,000 was not enough since it was basically one week's worth of pickups. As a City, Kourajian said he did not want to go into the garbage business. He told staff they had done terrific work, but he was not ready to back it.

Boone said he had received a lot of calls and e-mails opposing a franchise agreement. He agreed with Kourajian, and said he also loved free enterprise and competition. If a person was not satisfied with service, then they could look at another vendor. Boone said he had not liked the comment in the newspaper that said residents that did not want to participate could drive to the dump in Fayetteville. He said he was opposed to the franchise agreement idea. Tyler said that particular comment had not been a quote. In her discussion with the reporter, Tyler had said that the option to take trash to the dump was currently available for those who could not afford the franchise rates or did not want to participate, and that option would still be available.

Logsdon told staff they had done a good job on the presentation to Council, but the presentation to the public had been a failure. All the good intentions had fallen to the wayside with the bad press. It was noteworthy that where there was a true free enterprise system, the citizens had been getting the short end of the stick. The City got involved and improved the situation with the preferred provider contract. While there was room for government intervention, he did not see the proposal passing at this meeting. Better public relations were needed for the citizens when something like this was involved. It was probably in the best interests of the residents, but they did not want it right now.

Rutherford said she had terrible service, so she cancelled it. She called the next name on the list, and the same person answered the phone. Sometimes it was a perception that there was an option. She said people had asked her why there were so many garbage trucks on the road. There had been solid reasons to look at the franchise. There were people who were not happy with the way garbage was handled in the City. The people who called to oppose the franchise were the people who did not want it, but there were also e-mails from people who thought it was a good idea. Rutherford said the franchise agreement was a nice compromise when compared to having the City pickup garbage. Allied's complaints had increased. She had e-mails asking about other options. Customer service was an issue. The City would not get a kickback from the garbage company.

McMullen said residents usually complained to the City as a last resort. They had gone to their company first. Boone said they could fire Allied and go to All-South. He asked if there were other providers. Tyler said Peach State was another option. The current ordinance did not prevent anyone from coming in. It was a very competitive market. Companies providing the service to the City had to sign an indemnity agreement with the City. Boone asked if the City could require cash bonds from companies that wanted to do business in the City. Meeker said the City could offer a non-exclusive franchise and several parties could enter into an agreement with the City. The residents would have a choice of a limited number of vendors.

Tyler said the preferred provider agreement had been the toughest option to enforce from a customer service standpoint. The preferred provider agreement had an annual renewal for three years and might have another year. Rutherford said if service was that bad then maybe the City should give the preferred provider the 90-day notice.

Michael Wingard, the general manager for Allied, said that Allied had just moved its office from Tyrone to Atlanta. He said the company was not trying to dodge its responsibilities. He was aware of the concerns, and managerial changes had affected service. He said the company had worked diligently to improve service and was close to where they needed to be. Six new pieces of equipment would arrive in March that would solve 90% of the problems. Service would improve. If service did not improve, then he would set up a time to come every week to address problems. Rutherford asked Wingard if he would meet with Tyler or the residents. Wingard said he would do it either way. He said the company had made progress and would continue. Kourajian noted that the complaints had dropped over the last few months, but had picked up in December and January. Wingard said December was the worst time of the year for garbage. Amounts increased by 70% the week before Christmas and for two weeks after. The company could not staff for 49 weeks of the year to prepare for those three weeks. They worked seven days a week, 14 hours a day for those three weeks.

Logsdon asked Wingard if Allied would increase its rates if everything stayed status quo. Wingard said it was safe to say the City could count on the CPI increase. They had not increased the fees for two years, but it was difficult with the increased fuel prices, which was a large portion of their operating expenses. Logsdon said he did not see much about recyclables. Wingard said his company offered recycling for a fee; however, the market for recyclables was not there any more. He said they had to stop taking glass because there was no market.

Ron Black said he would go to the office and complain when it was located in Tyrone. They did not answer the phone in Atlanta, or he was told they would look into it. He said there had been no pickup the week of January 2. He welcomed the opportunity to have another vendor. Black said he had called All-South six months ago and was told the company did not service the City any longer. A monopoly would not work.

Roger Weston told Council he had used both companies. He liked choices. A free market was the only thing that worked in this situation.

Ken Ginter said a monopoly was not as good as people thought. He preferred the current system. He used his own cans and had no problem, but would have a problem with aesthetics if required to use the green carts. Ginter said he also represented Cobblestone Creek. They were able to work with their provider concerning what types of container they used, as well as frequency of pickup. Logsdon asked if the homeowners could use another provider. Ginter said they could not, but the association could change providers if members were unhappy with service. Logsdon noted that the Cobblestone board's efforts and its members created a monopoly, and was similar to what the City was looking at.

Rutherford said her biggest disappointment was that there were only two bids. Part of that issue was that companies kept buying each other up. Wingard said part of the problem was also the way the proposals went out and the services that were required. Bundling of services would help.

Plunkett moved to deny consideration of 01-06-13. Boone seconded. The motion carried 4-1 (Rutherford).

Logsdon told staff he would like to revisit the proposal next year. He wanted to watch it this year. Plunkett said that the City also needed to do a better job of educating the public. Kourajian said he would also like to see the comparisons if the City took garbage on as a service.

**01-06-14 Consider Amendment to Section 54-7 of the City Code of Ordinances
(Alcohol in City Facilities)**

Miller explained that the ordinance prohibited alcohol in City parks and recreation facilities, but contained an exception that allowed alcohol at the Tennis Center and Frederick Brown, Jr., Amphitheater. The ordinance currently referred to the Development Authority of Peachtree City as the manager of those venues. The amendment replaced the Development Authority with the Peachtree City Tourism Association as the manager, and also took care of some clarifications and housekeeping items.

Kourajian moved to approve the amendment to Section 54-7 of the Code of Ordinances to read Peachtree City Tourism Association plus the housekeeping items. Rutherford seconded. The motion carried unanimously.

01-06-15 Discussion of a Request for De-annexation, Rezoning, and Change to Land Use Map Designation

Rast introduced Rod Wright of Peach State Group. Rast said the property was located on the eastern boundary of the City between the Camp Creek Estates subdivision and unincorporated Fayette County. He showed the location of the map. The City limits followed the centerline of Camp Creek for a majority of the eastern boundary. In some areas like this one, the boundary followed the land lot line. Camp Creek Estates was zoned Estate Residential (ER). The area under consideration was 48.05 acres. The property to the north and south was zoned ER. The property to the west of Robinson Road was zoned either R-10, R-22, or R-15. The ultimate proposal was to take the overall tract and use the center line of Camp Creek to form the natural boundary between the City and the unincorporated County. As a result, 20.31 acres would remain in the City and the zoning designation would change from ER to Open Space (OS). Rast said the land was all floodplain, could not be developed, and would be left in its natural condition. The property on the east side of the creek (28.74 acres) would be included in the Platinum Ridge subdivision and developed into three lots because of the floodplain.

Rutherford recalled that this issue came before Council last year, and the discussion was to annex the property into the City. Council's decision at that time was to ask the County to take the property. Meeker said the action requested from Council was to simply accept the application so the process could move forward. Fayette County had already taken the first step required to de-

annex the land under the state statute. Rutherford said there would have to be a public hearing because rezoning was involved. Meeker said notice had to be given to the County, and the Planning Commission and Council would have to hold public hearings.

Wright told Council that he planned to use the property remaining in the City as open space and for wetlands mitigation credits. Rutherford asked Rast if zoning the property OS would interfere with the mitigation credits. Rast said it would not. Rast said the rezoning also prevented the acreage from becoming 24 residential lots.

Rutherford moved to accept the application for the de-annexation. Kourajian seconded.

Kourajian asked if the acreage numbers were correct. Wright said he thought that the 28-acre parcel would remain in the City. Rutherford said the discussion was to de-annex the acreage the houses were on so they would have the same public services as the rest of the subdivision. Kourajian said he remembered three homes, but had questions about the acreage. Rast said the acreage was correct. The 20 acres would remain in the City, and the three lots (28 acres) would be de-annexed. Rast said that the Comprehensive Plan and the Land Use Plan both recommended that the City's eastern and western borders be natural boundaries when possible.

The motion carried unanimously.

01-06-16 Consider Mowing and Maintenance Agreement for State Route 74 South

City Engineer Dave Borkowski told Council that the state was in the final engineering and design stages for the widening of GA 74 South to GA 85. The plan was to put in a 20-foot raised curb center median. The state wanted to know if the City preferred a concrete or grassed median. Based on what had been done in the past, Borkowski said the City wanted a grass median with landscaping. Staff recommended Council approve the maintenance agreement so the state could proceed with their design. The City would landscape the median. He said the median would extend from the GA 74/GA 54 intersection to Crosstown Road.

Rutherford moved to approve the mowing and maintenance agreement for GA 74 South. Boone seconded.

Kourajian asked who would mow the median. McMullen said the City would mow it. The City currently mowed the right-of-way. The state would grass the median, and the City would come in with the landscaping after the widening was completed.

The motion carried unanimously.

Council/Staff Topics

Recreation Commission Presentation to Update on Recreation Master Plan

Recreation Commission Chairman David Ring addressed Council. He said the Recreation Commission had further defined a mission statement for itself -- *The PTC Recreation Commission and Parks & Recreation Department will provide a full range of recreational facilities and programs administered by qualified paid or contracted staff and volunteers to meet*

or exceed the expectations of and improve the quality of community life and leisure time for residents of Peachtree City. Ring said the true goal was to meet and exceed expectations.

The 2005 Recreation Commission members were Robert Learnard, Cynthia Plunkett, Joe Frazar, George Martin (vice-chairman), and David Ring (chairman). Learnard and Plunkett completed their terms on December 31. Learnard's background was with facilities and facility management. Plunkett's background was in legal issues, and she was interested in the political aspects of the city. She attended many of the hearings that impacted recreation. Both were active participants in many of the recreational activities. Ken Hartzog and Colleen Sugar joined in January. Hartzog was bringing ideas for adults. Sugar had been very active with the All Children's Playground.

The Commission's primary areas of responsibility were the Youth Sports Council, youth associations, Dog Park, the senior citizen programs, culture and arts, the City's Comprehensive Plan, the All Children's Playground, and working with the Tourism Association

The staff included Director of Leisure Services Randy Gaddo; Recreation Administrator Sherry McHugh; 32 full-time and nine part-time city employees; more than 20 temporary/seasonal employees (scorekeepers, field supervisors); approximately 50 contracted instructors; outsourced personnel (pool management, turf management, pond management); and 14 volunteer youth sports or special interest associations.

Ring continued that the foundation of the Parks and Recreation was the park system and Recreation staff. Ring noted that two parks were missing from the map – McIntosh Trail and the Central Park, which the Recreation Commission would discuss later at the Master Plan presentation in 30-60 days.

The system included 400 acres, more than 40 buildings, nine community parks, fishing ponds five neighborhood parks, seven large playgrounds, 13 tot lots, four athletic complexes, 44 sports fields, a seven-lane track, a multipurpose rink, a BMX track, and five pools. Ring noted that some of the definitions no longer described the facilities accurately and they would be redone.

The park facilities were maintained by a crew of 16 individuals who also prepared the athletic fields prior to each new season. Fourteen youth associations provided the programming, and the opportunities to participate in various activities. The Recreation Department coordinated through the Youth Sports Council, which was made up of representatives of each athletic program using City facilities. On any given weekend, there are over 2,000 young athletes participating in programs.

The Baseball Soccer Complex had 10 lighted baseball fields, six lighted soccer fields, and restrooms/concessions. Meade Field had four youth and three adult softball fields, two soccer fields, and restrooms/concessions. Riley Field had two football/lacrosse fields and a track. The Kedron recreation area had two indoor basketball courts, two year-round pools and a multipurpose rink with restrooms/concessions. The McIntosh Trail Complex included the Senior Center, the Amphitheater, the BMX Track, the Skate Park, the Dog Park, the Recreation

Administration Building, Shakerag Knoll, and new restrooms/concessions. The Glenloch recreation area included an Activity Center, a swimming pool, four tennis courts, outdoor basketball, a playground, play fields, seven soccer fields, and restrooms. Braelinn Recreation Area included restrooms, two tennis courts, outdoor basketball, a playground, five baseball fields, and play fields.

The staff worked on events such as the July 4th parade/fireworks, Memorial Day, Veterans Day, Patriot Day, Shakerag Arts & Crafts Festival, and Touch-A-Truck. Staff also provided the logistics for events such as Movies In The Parks, Hometown Holiday, the Father/Daughter Dance, fishing rodeos, kids events, and Youth Council events.

The year in review included nine major program areas. There were more than 260 different classes. There were 15 major special events coordinated by Recreation staff and supported by other departments. The Commission also worked on the development of the Master Plan and synchronization with the Tourism Association.

The focal points for 2006 were approval of the Master Plan, working on the Comprehensive Plan, funding, capital improvements, the Public Improvement Plan (PIP), grants, public/private partnerships, beginning community discussion on the City's 50th anniversary, noise abatement in the Riley Field and Kedron areas, fees and facility usage for out-of-City residents, and workshops with neighborhoods and associations.

Update on Flint River Library/Fayette County Membership Issue

Leisure Services Director Randy Gaddo updated Council on the regional library membership issue. The Flint River Regional Library had informed the County that it would no longer provide support after July 31. Gaddo said that he, McMullen, Jill Prouty, and Tyrone Town Manager Barry Amos had a teleconference with Dr. Lamar Veatch, head of the Georgia Public Library Services in Atlanta. Gaddo said they made it clear to Dr. Veatch that they would take whatever action was needed to ensure services at the libraries did not drop and that the price paid for those services did not go up. Gaddo said Veatch indicated he would call a meeting with the City, County, and Tyrone in Atlanta. Gaddo said the *Atlanta Journal-Constitution* reported in the January 19 edition that Dr. Veatch had met with the County. The City was scheduled to meet with Veatch on Friday, January 20. Gaddo called Veatch, who said he shared the City's concerns and that he had made no promises to the County during their meeting. Gaddo said Veatch said he still needed to meet with the City and to talk to the Flint River board to get their perspective on why they made the decision, as well as meet with their attorneys to sort out the legalities. Gaddo said he told Veatch that the City was skeptical about whether the County could set up a system in six months. He felt it would take at least one year. Gaddo said the emergency arrangement might have to be fairly long-term until the City was satisfied the County could support and operate an efficient system. Veatch told Gaddo it normally took about 18 months to set up a system. Gaddo said he would give continuous updates. Rutherford asked if there were still discussions on whether the City would stay in the Flint River system. Gaddo said they would discuss some options at the meeting, which included the City contracting with Flint River for services or the possibility of setting up a municipal system with Tyrone and jointly contracting with Flint River.

Miller reported that staff met with the County tax people to coordinate how to address getting the senior homestead exemption on the bills of the residents who qualified. The procedures were in place and staff was ready for residents to come in and apply. Miller noted that the exemption, which was approved by the voters in November, was \$5,000 for residents over the age of 65 with a federal adjusted gross income of \$30,000 or less. Residents had to apply for the exemption by March 1, but many would not have their taxes completed. Miller said they were asking residents that qualified to come in by March 1 to fill out the application and show proof of age. They must show their actual tax form by April 21. Information would be sent to the Senior Center, and would appear in the UPDATE and the newspapers. Residents would have to come to City Hall every year to qualify. Miller said they had no idea how many homeowners in the City would qualify for the exemption.

Kourajian asked for an update on the Three Dollar Café. McMullen said he had heard nothing since the last meeting.

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

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

There being no further business to discuss, Boone moved to adjourn. Rutherford seconded the motion. Motion carried unanimously. The meeting adjourned at 10:06 p.m.

Jane Miller, City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary

2006 City Event Calendar

<u>January</u>	<u>February</u>	<u>March</u>
	2/2 – City Council Meeting, 7 pm 2/16 – City Council Meeting, 7 pm	3/2 – City Council Meeting, 7 pm 3/16 – City Council Meeting, 7 pm 3/24 & 25 – City Council Retreat, Wyndham Conf. Center
<u>April</u>	<u>May</u>	<u>June</u>
4/6 – City Council Meeting, 7 pm 4/20 – City Council Meeting, 7 pm	5/4 – City Council Meeting, 7 pm 5/18 – City Council Meeting, 7 pm 5/29 – Memorial Day, City Offices Closed Memorial Day Celebration, 7:30 am at City Hall	6/1 – City Council Meeting, 7 pm 6/15 – City Council Meeting, 7 pm
<u>July</u>	<u>August</u>	<u>September</u>
7/4 – Independence Day – City Offices Closed 7/6 – City Council Meeting, 7 pm 7/20 – City Council Meeting, 7 pm	8/3 – City Council Meeting, 7 pm 8/17 – City Council Meeting, 7 pm	9/7 – City Council Meeting, 7 pm 9/4 – Labor Day, City Offices Closed 9/21 – City Council Meeting, 7 pm
<u>October</u>	<u>November</u>	<u>December</u>
10/5 – City Council Meeting, 7 pm 10/19 – City Council Meeting, 7 pm	11/2 – City Council Meeting, 7 pm 11/16 – City Council Meeting, 7 pm 11/23 & 24 – Thanksgiving Holiday – City offices closed	12/7 – City Council Meeting, 7 pm 12/21 – City Council Meeting, 7 pm 12/25 & 26 – Christmas Holiday – City offices closed.

Note: Items in **BOLD** are new additions

Updated 1/24/06

ADMINISTRATIVE SERVICES MONTHLY REPORT

For Month of: December 2005

	<u>November-05</u>	<u>December-05</u>	<u>FY 2006 YTD</u>	<u>FY 2005 YTD</u>
<u>Human Resources</u>				
Workers Compensation Claims Filed	2	0	2	4
City Vehicle / Equipment Accidents	2	0	4	5
Lawsuit Legal Fees	\$5,497.98	\$6,306.36	\$20,299.29	\$36,916.63

Municipal Court

Fines Collected	\$122,195.66	\$98,599.21	\$337,800.37	\$337,236.48
Online Transactions	175	128	445	447
Citations Closed	474	398	1,779	2,047
Jail Fund Balance	\$2,025.83	-\$1,035.93	\$70,783.53	\$45,212.17

A positive Jail Fund Balance reflects a credit with the County based on jail fees paid versus number of prisoners housed

Public Information

New Businesses Registered	20	17	57	88
Public Contacts, Questions & Complaints	69	53	192	176

This includes 3 complaints against Comcast Cable Company, 9 sanitation company complaints, and 3 Open Records/Discovery Requests.

**PEACHTREE CITY BUILDING DEPARTMENT
FY 2006**

	Nov-05	Dec-05	Fiscal Y-T-D 2006	Fiscal Y-T-D 2005
DEVELOPMENT PERMITS:	27	15	52	27
BUILDING PERMITS:				
Single Family Residential	20	9	47	16
Multi-Family Residential	0	0	0	0
Misc.-Pools/fences/additions	41	22	102	139
Commercial/Industrial	14	13	37	37
TOTAL INSPECTIONS:	605	576	1,701	1,614
CERTIFICATE OF OCCUPANCY:				
Residential	5	21	33	55
Commercial	8	2	13	19
Multi-Family Residential	0	0	0	3
CODE ENFORCEMENT:				
Sign Violations	362	70	979	292
Rehab	10	7	28	42
Notice of Violations	167	85	385	729
Citations	0	2	3	6
Stop Work Orders	8	7	22	28
Complaints From Citizens	9	13	40	56
PERMIT FEES COLLECTED:	64,446	45,213	205,422	96,637
POPULATION:	35,838	35,838	35,882	35,599
Based on 2.09 of completed occupancy				

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)
AS OF DECEMBER 31, 2005

Fund	Cash Balance	Total Investment	Total Cash and Investments	YTD Interest
General Fund	\$ 720,672	\$ 13,533,860	\$ 14,254,532	\$ 104,960
Neighborhood Parks Fund	1,663	-	1,663	38
DARE Fund	1,352	-	1,352	34
Federal Seizures Fund	9,139	-	9,139	85
HAZMAT Fund	2,450	-	2,450	26
Library Sales Tax Fund	9,743	-	9,743	115
Police Tuition Fund	4,055	-	4,055	43
Youth Council Fund	1,300	-	1,300	14
Fire/EMS Grant Fund	(12,468)	-	(12,468)	-
PD Cert/GEMA Grant	(93)	-	(93)	-
Athletic Assoc. Funds	47,357	-	47,357	465
Hotel/Motel Tax Fund	-	-	-	-
Library Construction Fund	-	337,912	337,912	11,641
S.P.L.O.S.T.	1,015,154	-	1,015,154	7,897
Public Improvement Funds	1,118,284	982,462	2,100,746	35,034
Debt Service Funds	-	-	-	-
Municipal Court Fund	71,811	-	71,811	-
Landscape Deposit Fund	131,040	-	131,040	-
Total Collateralized Funds	\$ 3,121,459	\$ 14,854,234	\$ 17,975,693	\$ 160,352
Pension Trust Fund	-	8,033,895	8,033,895	-
Grand Total	\$ 3,121,459	\$ 22,888,129	\$ 26,009,588	\$ 160,352

Collateral Analysis as of December 31, 2005		
Safe-keeping Bank	Bank	Total Held
Bank of New York	Wachovia	\$ 21,212,400

CITY OF PEACHTREE CITY
GENERAL GOVERNMENTAL FUNDS BUDGET COMPARISON (UNAUDITED)
FOR THE THREE MONTHS ENDED DECEMBER 31, 2005

REVENUES BY MAJOR CATEGORIES				
Description	2006 Budget	YTD Actual	Dollar Difference	Percentage To-Date
General Property Taxes	\$ 9,119,954	\$ 7,835,584	\$ (1,284,370)	85.92%
Franchise Taxes	2,100,128	115,136	(1,984,992)	5.48%
Local Option Sales Tax	6,554,692	1,650,486	(4,904,206)	25.18%
Other Sales & Use Taxes	635,702	161,634	(474,068)	25.43%
Business Taxes	1,921,788	1,818,202	(103,586)	94.61%
Licenses & Permits	945,801	444,832	(500,969)	47.03%
Grants	209,679	-	(209,679)	0.00%
Charges for Services	1,197,915	138,312	(1,059,603)	11.55%
Fines & Forfeitures	1,174,904	230,013	(944,891)	19.58%
Investment Income	281,208	104,960	(176,248)	37.32%
Surplus Carryover	2,032,540	-	(2,032,540)	0.00%
Other Revenue	87,666	3,750	(83,916)	4.28%
Other Financing Sources	455,014	99,119	(355,895)	21.78%
Total General Fund	\$ 26,716,991	\$ 12,602,028	\$ (14,114,963)	47.17%
Hotel/Motel Tax Fund	999,413	285,819	(713,594)	28.60%
Total General & Hotel/Motel Tax Funds	\$ 27,716,404	\$ 12,887,847	\$ (14,828,557)	46.50%

EXPENDITURES BY DIVISION AND/OR TYPE PERCENTAGE OF BUDGET YEAR COMPLETED - 25%				
Division and/or Type	2006 Budget	YTD Actual	Dollar Difference	Percentage To-Date
Administrative Services	\$ 1,630,065	\$ 409,099	\$ 1,220,966	25.10%
Developmental Services	1,718,368	388,541	1,329,827	22.61%
Financial Services	812,370	193,304	619,066	23.80%
Leisure Services	4,802,038	1,040,647	3,761,391	21.67%
Public Safety	9,473,551	2,266,862	7,206,689	23.93%
Public Works	4,834,968	914,728	3,920,240	18.92%
Council Contingency	94,500	-	94,500	0.00%
Non-Profit Organizations	15,000	-	15,000	0.00%
Grant Incentive Program	50,000	-	50,000	0.00%
Transfer to Development Authority	35,000	35,000	-	100.00%
Transfers to Other Funds	3,506,926	704,283	2,802,643	20.08%
Liability Insurance	73,486	50,375	23,111	68.55%
Legal Services	155,125	14,893	140,232	9.60%
General Administration	75,000	-	75,000	0.00%
Other	(559,406)	-	(559,406)	0.00%
Total General Fund	\$ 26,716,991	\$ 6,017,732	\$ 20,699,259	22.52%
Hotel/Motel Tax Fund				
Transfer to General Fund	333,138	95,273	237,865	28.60%
Transfer to Tourism Fund	666,275	190,546	475,729	28.60%
Total General & Hotel/Motel Tax Funds	\$ 27,716,404	\$ 6,303,551	\$ 21,412,853	22.74%

CITY OF PEACHTREE CITY
FINANCIAL SERVICES MONTHLY REPORT (UNAUDITED)

SUMMARY OF MAJOR EXPENDITURES BY CITY MANAGER
DECEMBER 2005

Description	Vendor	Award	Date
Cell Tower Maintenance	Diversified Electronics	\$ 20,475.00	12/02/05
Employee Uniform Rental	G & K Services	12,480.00	12/15/05
Kedron Large Pool Resurfacing	USA Pools	24,000.00	12/16/05
Rescue Pumper Equipment	Various Vendors*	17,493.89	12/16/05
Add'l Dividers & Stacks - Library	DeKalb Office Environments	16,026.40	12/29/05
*Ten-8 Fire & Safety Equipment, W.S. Darley & Co., Fireline, Inc., Harless, American Savety & Firehouse, NAFECO			

PURCHASING REPORT
FOR MONTH ENDED DECEMBER 31, 2005 AND DECEMBER 31, 2004

Activity	Fiscal Year 2006	Fiscal Year 2005
Purchase Orders / Requisitions Processed	210	217
City Store Requisitions Processed	7	14
Sealed Bids Requested	1	3
Requests for Proposals	0	2
Bids Awarded	3	7
Requests for Proposals Awarded	0	0
Contracts Prepared	1	0
Fixed Assets Purchased	3	7

INFORMATION TECHNOLOGY REPORT
DECEMBER 2005 AND YEAR-TO-DATE

Activity	Current Month	Fiscal Year 2006
Work Orders Created	121	391
Work Orders Closed	100	352
Work Orders Open	18	33
Corrective Work Orders	55	172
Project Work Orders	10	18
Technical Support	51	94
Website Visits	30,374	99,416

**PEACHTREE CITY FIRE/EMS DEPARTMENT
2006 MONTHLY REPORT**

	Nov. 05	Dec. 05	2006 Y-T-D	2005 Y-T-D
FIRE/ACCIDENT CALLS				
Actual Residential Fires	3	2	8	9
Actual Business/Industrial Fires	1	0	2	5
¹ Rescue/EMS Assist	133	147	425	399
¹ Vehicle/Golfcart Accidents	22	42	86	65
¹ False Alarms	21	22	62	77
² Other	19	28	74	86
Total Engine Response	199	241	657	641
 Dispatched Fire Calls	 52	 62	 171	 163
 Response Time Fire	 4:53	 5:19	 5:00	 5:00
 RESCUE/EMS				
Trauma	88	131	282	232
Medical	116	89	286	274
Total # Patients	204	220	568	506
 Patients Transported	 90	 101	 247	 232
 Dispatched EMS Calls	 150	 177	 488	 481
 Total Medic Response	 181	 222	 589	 576
 Dispatched Fire/EMS Total	 202	 239	 659	 644
 Response Time EMS	 4:09	 3:58	 4:03	 4:24
 EMS BILLING				
Patients Billed	72	98	233	183
 Revenue Generated	 28,229	 38,279	 92,103	 71,160
 ³ Total Revenue Received	 23,295	 12,458	 63,203	 53,780

¹Previously categorized as Other

²Other miscellaneous responses; gas and water leaks, hazmat spills, etc.

³Revenue Received on All Outstanding Accounts

LEISURE SERVICES MONTHLY REPORT

December 2005

<u>Activity Description</u>	<u>Unit</u>	<u>December 05</u>	<u>FY 2006 YTD</u>	<u>FY 2005 YTD</u>
Library				
Books Circulated	number	16,865	46,191	42,713
Internet Usage	visits	577	*3,784	6,451
Computer Lab Use	hours	6	*13	49

*Classes and Computer Use behind due to down time during move/holidays

Recreation

Class/Program Revenue	\$	\$2,016	\$9,161	\$11,962
Playing Surface Mowing	hours	215	930	874
Playing Field Preparations	hours	488	1,161	1,093
Building Maintenance	hours	373	1,235	1,140
Safety Inspections	visits	50	150	50
Litter Removal	hours	216	816	822
Complaints answered	number	1	3	4

PEACHTREE CITY POLICE DEPARTMENT

2005 MONTHLY REPORT

NOVEMBER 05 DECEMBER 05 2005 CYTD 2004 CYTD

PART I CRIMES

Murder	0	0	0	0
Rape	1	0	4	2
Robbery	0	1	3	1
Aggravated Assault	0	1	6	11
Arson	0	0	6	1
Auto Theft	4	2	51	55
Theft	26	25	258	254
Burglary	3	2	26	22
TOTAL PART I CRIMES	34	31	354	346

ALCOHOL/DRUG ARRESTS

DUI – TOTAL	25	29	249	257
DUI – ADULT	19	23	219	227
DUI – UNDERAGE	6	6	30	30
MINOR IN POSSESSION OF ALCOHOL	5	17	100	133
DRUG ARRESTS	10	11	99	166

ARRESTS

PROPERTY CRIMES	21	14	128	144
PERSON CRIMES	2	11	73	80
CITY ORDINANCES	32	33	554	558
TRAFFIC OFFENSES	54	44	527	560
OTHER	22	58	453	617

AVERAGE RESPONSE TIME	5.39	6.05	5.69	5.34
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CALLS ANSWERED	6591	6830	77,248	77,905
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TRAFFIC

CITATIONS ISSUED	815	606	7834	9583
WARNINGS	511	495	5707	7272
ACCIDENTS	102	148	1218	1133

TOP 5 ACCIDENT LOCATIONS – MONTH

HWY 54 / COMMERCE DR	8
HWY 54 / HWY 74	7
HWY 74 / CLOVER REACH	5
HWY 54 / PEACHTREE PARKWAY	4
HWY 74 / CROSSTOWN RD	4

TOP 5 ACCIDENT LOCATION – Y T D

HWY 54 / HWY 74	64
HWY 54 / PEACHTREE PARKWAY	33
HWY 74 / CROSSTOWN RD	33
HWY 54 / COMMERCE DR	31
HWY 54 / PLANTERRA WAY	31

PUBLIC SERVICES MONTHLY REPORT

DECEMBER 2005

<u>Activity Description</u>	<u>Unit</u>	<u>December - 05</u>	<u>FY 2006 YTD</u>	<u>FY 2005 YTD</u>
Street Patching	Hrs.	45	670	357
Street Crack Sealing	Hrs.	0	0	0
Drainage Maintenance	Hrs.	74	571	713
Street Sweeping	Hrs.	95	165	0
 Cart Path Paving	 Ft.	 579	 5,004	 5,381
Cart Path Litter Removal	Hrs.	86	324	313
Cart Path Drainage Maintenance	Hrs.	115	1,069	319
 R.O.W. Mowing	 Hrs.	 0	 504	 780
R.O.W. Litter Removal	Hrs.	520	1,328	881
R.O.W. General Maintenance	Hrs.	235	775	1,072
 Mowing (Subdivision Entrances)	 Hrs.	 0	 1,433	 2,017
Landscape Maintenance	Hrs.	131	319	222
Landscape Planting/Mulching	Hrs.	841	922	0
Landscape Litter Removal	Hrs.	0	0	14
 Subdivision Sign Maintenance	 Hrs.	 5	 48	 49
Traffic Sign Maintenance	Hrs.	134	521	603
 Vandalism Repairs	 Hrs.	 11	 17	 63
Vandalism Repairs	Dls.	385	607	806
Citizen Complaints Answered	Num.	45	162	262
Community Service	Hrs.	33	97	35

RECYCLING SITE

Manhours	Hrs.	47	182	169
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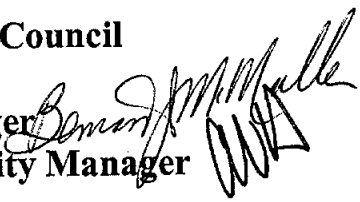
PARTICIPANTS

Recycling	Num.	199	614	578
Composting	Num.	623	2,655	4,413
Mulch Pick Up	Num.	51	219	132

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Assistant City Manager 

FROM: City Clerk 

DATE: January 26, 2006

SUBJECT: Alcohol Licenses – Change in Licensee and License Representative –
China Café 9
February 2, 2006, Regular Meeting

Recommendation:

Staff recommends Council consider the attached application for a change in the alcohol license for China Café 9.

Discussion:

China Café 9 has changed management companies and has submitted an application for a change in the alcoholic beverage license at 1019 Peachtree Parkway. Ms. Sophia Liang has requested she be appointed as the Licensee and License Representative. She will attend the meeting on Thursday, February 2nd, to answer any questions you may have.

Budgetary Impact:

There is no impact to the budget due to the change in the alcohol licenses.

JSM:pd

Attachments

Application For Alcoholic Beverage License

Business Name: CHINA CAFE 9	Business Location: 1019 - PEACHTREE PKWY N.	
Nature of Business: RESTAURANT	Mailing Address: 373 - HWY 138, RIVERDALE GA 30274	Business Phone Number: (770) 632-1649
Name of Licensee: SOPHIA LIANG	Home Address: 606 Marquis Way Morrow, GA 30260	Home Phone Number: (678) 422-4934
Name of License Representative: Sophia Liang	Home Address: same	Home Phone Number:

Please indicate type of licenses applying for:

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

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

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
Sophia Liang, President	606 Marquis Way, Morrow GA 30260	678-422-4934
Acuity Management Corp	373A Hwy. 138 Riverdale, GA 30274	404-787-4398

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:

State of Georgia

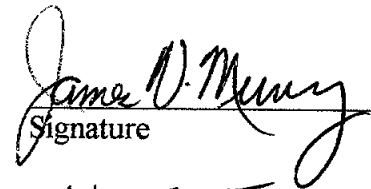
City of Peachtree City:

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

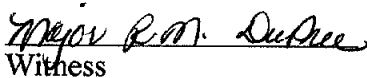
Sophia Liang
Name

606 Marquis Way Morrow, GA 30260
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.


Signature

12-15-05
Date


Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Assistant City Manager 

FROM: City Clerk 

DATE: January 24, 2006

SUBJECT: Alcohol License – Change in License Representative –
Y-Knot Sports Bar
February 2, 2006, Regular Meeting

Recommendation:

Staff recommends Council consider the attached application for a change in license representative for Y-Knot Sports Bar.

Discussion:

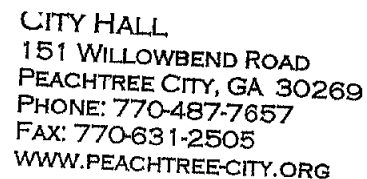
Y-Knot Sports Bar, 216 Northlake Drive, has submitted an application for a change in license representative. Mr. Steven Norkum has requested he be appointed as the License Representative. He will attend the meeting on Thursday, February 2nd, to answer any questions you may have.

Budgetary Impact:

There is no impact to the budget due to the change in license representative.

JSM:pd

Attachments



Business Name: Y-KNOT Sports Bar	Business Location: Aberdeen Village	
Nature of Business: Retail Consumption Dealer	Mailing Address: 216 Northlake Dr	Business Phone Number: 770 487 9111
Name of Licensee: James Royal	Home Address: 107 Camp Creek Trail, PTC, 50269	Home Phone Number: 770 487 9522
Name of License Representative: Steven Norkum	Home Address: 50 Vicksburg Turn Sharpsburg 30277	Home Phone Number: 770 304-0018

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

[illegible]

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

YES, Please Provide Name of Employee:

State of Georgia

City of Peachtree City:

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

Steven Prescott Norkum
Name

50 Vicksburg Turn Sharpsburg, GA 30277
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.

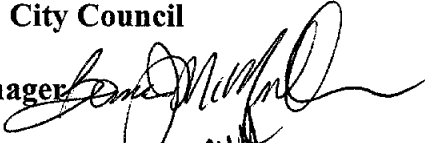
Mayor F. M. Butler
Witness

James V. Murray
Signature
Jan. 23, 2005
Date

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

VIA: City Manager 

FROM: Assistant City Manager 
Finance Director P.S. 
Assistant Finance Director 
Purchasing Agent 
System Administrator 

DATE: January 27, 2006

SUBJECT: *Request to Surplus Obsolete Computer Equipment
February 2, 2006 Regular Meeting*

Recommendation:

It is recommended that Council approve the surplus of attached obsolete and defective computer equipment for either sale or proper disposal through a technology recycling company.

Discussion:

After the library renovation project was completed, and in the normal course of replacing and updating technology assets in the City, the City has several obsolete and irreparable computer and telephone systems stored in the IT offices, as listed below:

Surplus Equipment as of January 26, 2006

Desktop Computers	23
MacIntosh Computers	1
Laptop Computers	1
Monitors	35
Printers	8
UPS battery backup	2
Keyboards	25
Mice	10
Scanner	1
Projector	1
Miscellaneous Cables	20
CD ROM Drives	5
Hardrives	5
Miscellaneous Equipment	1 box (speakers, power supply, etc.)

Staff requests that Council approve the surplus of these items so that they may be disposed of in a safe manner. In September of 2005 the City Council approved the surplus of equipment to a local recycling company. Staff obtained

quotes from local companies willing to, at no charge or liability to the City, collect, categorize and recycle or safely dispose these components. The City chose the recycling company that paid the City the most for its equipment at the time. The total amount collected by the City was less than \$100 for 294 pieces of obsolete and defective equipment previously declared surplus by Council (of varying sizes and types, including 81 monitors, 94 PC cases, 68 hard drives and 20 printers).

To the best of staff's knowledge and abilities, none of the items that are in this list for surplus contain any sensitive data, and these systems are of no further practical use to the City (most are over 5 years old). Staff has harvested all usable parts from these systems for use in repairing other equipment currently in City use.

Budget Impact:

The continued storage of such equipment is a critical space issue in both the IT offices and at offsite storage in other City facilities. All reasonable efforts have been made to utilize any components (hard drives, optical storage, video cards, etc.) for repair and maintenance of the current City inventory of computers. The City has attempted to auction off similar items in the past with very little success, causing these items to remain stored on City Property. The prompt turnaround of obsolete equipment would be advantageous to the City as storage space is at a premium. A local technology recycling company has offered to pay the City for parts of the equipment that have salvageable value to them. This amount is nominal (as indicated above). The City would be rid of obsolete equipment with no expense or liability. There is a possible small positive revenue impact felt by this approval; the systems are beyond their useful life expectancies, and repair costs are greater than replacement costs.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager *Bernard M. Mall*
Interim Developmental Services Director *CWH*

FROM: City Planner/ City Landscape Architect/ Zoning Administrator *David*

DATE: January 26, 2006

SUBJECT: Amendments to Article XI, Section 1108, Landscape plan requirements
February 2, 2006 City Council agenda

Recommendation:

Staff recommends that Council adopt the proposed amendments to Section 1108, Landscape plan requirements (Attachment "A") and authorize Staff to incorporate the amended ordinance into the City's Land Development Ordinance.

Discussion:

The proposed amendments were discussed in a Public Hearing at the October 6, 2005 (Attachment "B") and at the December 1, 2005 (Attachment "C") City Council meetings. At that time, there was considerable discussion as to whether or not the City should require a property owner to replace vegetation within a required tree save and landscape buffer that was removed by an action that was not within the control of the property owner. Staff felt this would be difficult to enforce and suggested including the following language:

"Should any of the remaining vegetation within a tree save and landscape buffer be removed by an Act of God (ice storm, hurricane, wind, age, disease, insect infestation, etc.), the property owner shall not be required, but shall be encouraged, to replace vegetation that is removed to re-establish vegetation within this buffer."

There was considerable discussion about the proposed language at the December 1 meeting, which centered on what would be considered an act of God. Additionally, there was a request to consider creating a separate board to review such situations and determine to what extent a property owner would be required to replace vegetation within these areas.

Staff has spent a considerable amount of time researching "act of God" and "force majeure" definitions, clauses, contracts and other legal criteria and is proposing to amend the ordinance with the following language:

Amendments to Article XI, Section 1108, Landscape plan requirements

January 26, 2006

Page 2

"Should any of the remaining vegetation within a designated tree save and landscape buffer be removed or destroyed by an action that is beyond the control of the property owner, the property owner shall not be required to replace vegetation within this area. Such actions may include, but are not restricted to, acts of God, acts of the public enemy, or any other events that are not in control of the property owner. Acts of God shall be defined as a manifestation especially of a violent or destructive natural force, such as a lightning strike, fire, tornado or hurricane, that is beyond human power to cause, prevent, or control."

This language is consistent with force majeure clauses in a variety of contracts and documents we researched. Our recommendation is to incorporate this language into the ordinance as opposed to creating a separate board or entity to determine what vegetation may or may not need to be replaced.

Budget impact:

There are no budget impacts associated with this request.

Attachments

**AN ORDINANCE TO AMEND ARTICLE XI, SECTION 1108,
OF THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
SPECIFICALLY TO ADD LANGUAGE PERTAINING TO THE REMOVAL
OF VEGETATION WITHIN TREE SAVE AND LANDSCAPE BUFFERS,
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 1108 Landscape plan requirements be amended as follows:

Section 1108. Landscape plan requirements.

A landscape plan is required for any development in Peachtree City, other than the development of individual lots for single-family residential purposes, and shall comply with the following requirements:

- (a) A Registered Landscape Architect licensed to practice in the State of Georgia shall prepare the plan.
- (b) All areas not devoted to structures, site development features, and natural vegetation shall be landscaped.
- (c) The plan shall include a detailed calculation of all impervious area on a project site, including total square footage of all buildings, accessory structures, parking areas, drive aisles, service courts, sidewalks, patios, etc. or any area where water cannot penetrate the earth. Stormwater detention ponds or other structures designed to hold water shall be considered impervious surfaces.
- (d) The plan shall include one canopy tree with a minimum trunk caliper of 2 ½ inches measured at 6" above finish grade for every 1,000 square feet of impervious area on the site.
- (e) The plan shall include one understory tree for every 1,000 square feet of impervious area on the site.
 - (1) Deciduous understory trees shall be a minimum of 2" in caliper measured at 6" above finish grade.
 - (2) Multi-trunk trees used as understory trees shall have a minimum of three canes, each of which shall be a minimum of 1" in caliper measured at 6" above finish grade.
 - (3) Evergreen understory trees shall be a minimum of 15-gallon in size or a minimum of six feet (6') in height above finish grade at the time of planting.
- (a) Preservation of existing vegetation within a project site, other than those trees or other vegetation located within tree save and/ or landscape

buffers, undisturbed buffers, no impervious buffers, delineated wetland or floodplain areas, stream buffers, designated open space, watershed protection buffers or areas identified for future development is highly encouraged on every development site. For those projects that designate and maintain tree save areas, up to a fifty percent (50%) reduction in the total number of canopy trees may be awarded.

Tree credit shall be determined as follows:

$$\frac{\text{Total SF of project site designated as tree save area}}{\text{Total SF of project site that can be developed}} \times 100 = \text{Potential tree credit (\%)}$$

For example, if the total developable area of a 2.3-acre tract is 1.4 acres (60,984 SF) and the Applicant is proposing to designate 6,500 SF as a permanent tree save area, the potential tree credit is calculated as follows:

$$\frac{6,500}{60,984} \times 100 = 11\% \text{ of potential tree save credit}$$

Tree save credit shall apply to canopy tree replacement requirements only. All understory trees required by this ordinance shall be provided on a project site.

- (g) If a development involves an addition or modification to the side or rear of an existing building or structure which is already properly landscaped, and the addition is not visible from any street, the landscape plan for the new development shall be prepared assuming a 50 percent reduction in the canopy tree replacement requirements. All understory trees required by this ordinance shall be provided for the new development.
- (h) All required landscaping shall be maintained in a horticulturally healthy and aesthetically pleasing manner. All planting beds and lawn areas should include an underground irrigation system with a programmable timer and operational rain shut-off device. If an underground irrigation system is not available, all planting areas shall be located no more than one hundred feet from a watering source and assurances shall be furnished to the city landscape architect that water will be available and appropriate watering shall take place.
- (i) The city landscape architect, upon site inspection and conceptual landscape plan review, may require an applicant to naturalize areas which visually impact public rights-of-way. The intent of this requirement is to supplement tree requirements with small caliper material (one-gallon maximum) in areas where screening or landscape visual continuity is required.
- (j) **The landscape plan shall include a tree survey of all vegetation two inches (2") in caliper and above within designated tree save and landscape buffers. A Registered Land Surveyor shall prepare this**

survey. Once the site is cleared and graded and prior to the removal of any vegetation within these buffers, the Applicant, his landscape architect and his landscape contractor shall schedule a meeting on-site with the city landscape architect to review the tree survey and condition of the existing trees and vegetation within these buffers.

The city may allow the removal of those trees and vegetation:

1. that are damaged, diseased or pose a threat to other trees, vegetation, or structures;
2. whose roots have been damaged or disturbed by construction activities; or,
3. that are growing in close proximity to other trees and, in the opinion of the city landscape architect may inhibit the healthy growth or development of existing trees or vegetation.

Should any vegetation within a designated tree save and landscape buffer be removed, the remaining vegetation shall be identified and documented on the approved landscape plan. Should any of this vegetation be removed without City approval, the owner of the property shall be required to replace the total caliper inches of vegetation removed within the tree save and landscape buffer at the discretion of the city landscape architect.

- (k) Upon request of the property owner, the city landscape architect shall work with the property owner or landscape contractor to identify the natural vegetation that can be removed and the extent that existing trees can be limbed up to open views into the site from the adjoining roadway. In no instance shall more than 50% of the existing trees and vegetation within a designated tree save and landscape buffer be removed. After all work has been completed, the property owner shall provide an updated tree survey showing all remaining trees and vegetation.

Once natural vegetation has been removed from a tree save or landscape buffer area, this area will be maintained in accordance with section 1113 of this ordinance.

- (l) Should any of the remaining vegetation within a designated tree save and landscape buffer be removed or destroyed by an action that is beyond the control of the property owner, the property owner shall not be required to replace vegetation within this area. Such actions may include, but are not restricted to, acts of God, acts of the public enemy, or any other events that are not in control of the property owner. Acts of God shall be defined as a manifestation especially of a violent or destructive natural force, such as a lightning strike, fire, tornado or hurricane, that is beyond human power to cause, prevent, or control.

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

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

Harold Logsdon, Mayor

Attest:

City Clerk

EXCERPT FROM CITY COUNCIL MINUTES

OCTOBER 6, 2005

10-05-02 Public Hearing – Consider Amendment to Article XI, Section 1108, Landscape Plan Requirements

Rast explained to Council that, following the landscape plan revisions approved a few months ago, developers had been able to remove some of the understory and scrub vegetation. It had been a success for the most part, but there had been some instances where the developer had gone in and removed the vegetation without approval. There was no way to go back and identify what had been in the buffer and what had been removed. The amendment would require a tree survey for the buffer as part of the landscape plan. The survey would be field prepared for an accurate depiction of the existing vegetation. After the clearing was done, the remaining buffer vegetation could be identified based on the tree survey. If some of the vegetation disappeared down the road, staff would know what should be replaced.

Brown noted that a tree had to be replaced under any circumstances. Rast agreed.

Rapson asked if the developer would be required to put money in a landscape escrow account. Rast said it would go back to the owner of the property. Rutherford clarified that the City had to replace vegetation in buffers deeded to the City. Brown said if the buffer was to be left in a natural state, that was different. It was more difficult if the developer was allowed to limb up the area. Rapson said there was some flexibility to allow the City to remove diseased vegetation. Weed pointed out that the City was different from other governments since the City forced itself to comply with its ordinances. Cities had a maximum amount of tax money from the citizens as opposed to the private sector, which could negotiate the price. The City should revisit forcing itself to comply with ordinances because it chained the City in its ability to do things.

Rast clarified that the ordinance applied just to areas where the vegetation had been removed, not to acts of God. He did not know if the City could force someone to replace something they had no control over. Rutherford said that was why she asked the question. Rapson said there should be an acts of God clause to allow for common sense in applying the ordinance. Meeker clarified that the ordinance addressed intentional acts of removal. He said he looked at it from the viewpoint of intentional removal. Rutherford said someone could interpret it another way.

Rutherford moved to table the agenda item to tweak the amendment. Rapson seconded.

Kourajian asked if there was a time limit on the proposed requirement. Rast said it was for the life of the project, which was how the landscape ordinance was structured. The owner of the property at the time was responsible for replacing vegetation that died, along with the building and the parking.

Kourajian asked what "or else" meant. Meeker said there was penalty clause in the ordinance. The owner would be cited for failure to maintain the buffer. Rast explained there was a section that dealt with ordinance violations.

Phyllis Aguayo said the City was losing many of its buffers, and a lot of people were talking about them. Buffers that had been limbed up so they could be seen through served no purpose and changed the look of the thoroughfares. The purpose of the buffer was being lost.

Annette Bowman, a landscape architect, told Council it was hard to do buffers correctly. It was also hard when the property owner wanted it done another way. Buffers were living objects that needed to be maintained.

Bill Aleshire asked if the City could go after the original owner of a property. Rast said they had to go with the owner holding title at the time of the incident.

Weed noted there had been a lot of clearing in the buffer between St. Paul's Lutheran Church and the street. He asked if they had a permit. Rast said the church had a plan. Weed said he felt too much had been cleared. He did not want to clear buffers for lines of sight to enhance the visual appeal of the development. Buffers provided noise and erosion control, and enhanced the quality of life. He told Rast he had faith in his skills, but was worried if the church buffers were an example of good clearing.

Rast clarified that clearing was not allowed. During the last several years, he had not allowed any clearing or thinning of the buffer until the site was graded and the building was under construction. Developers initially wanted to clear entire lots. During the inspection, he would look at every tree and flag those that needed to come out. If trees were too close, one would have to come out. Most hardwoods would be left. He said it was survival of the fittest. There were also a lot of native understory trees that did well in the shade and did not compete with larger trees. The buffer ordinance allowed commercial property owners to reduce the buffer from 60 feet to 40 feet if they replaced a percentage of the trees within the buffers. Rast spoke with a Forestry Commission representative who had suggested taking out more of the pine trees so they would have a better chance of surviving. Rast said they City did not have manpower to do that and it would open the buffers up more.

Brown said the City had to manage the greenbelt areas. One of the City's failings was there was no management of those areas, which caused some of the problems with the trees that were rotting and had crowded each other out.

Kourajian asked what was the standard buffer size. Rast said the buffer size depended on whether the area was in a residential, commercial, or industrial area, and the road classification. The worst case was a 40-foot natural buffer. Residential buffers on major thoroughfares had to be deeded to the City.

Aguayo said the purpose of limbing up was to have a line of sight to see through. The intention of the buffer was to buffer. People should not be able to see through the buffer to advertise or make it evident there was a business there.

The motion carried unanimously.

EXCERPT FROM CITY COUNCIL MINUTES

DECEMBER 1, 2005

Old Agenda Items

10-05-02 Consider Amendment to Article XI, Section 1108, Landscape Plan Requirements

City Planner David Rast addressed Council. Rast said Council had noted several concerns about the proposed amendment regarding replacement requirements. The changes in the ordinance defined what could be done in the tree save and landscape buffers, especially the "Acts of God" clause. The "Acts of God" clause concerned events, such as ice storms or tornadoes, that were out of the owner's powers and whether the City would require replacing vegetation in those buffers. New language had been added regarding enforcement of "Acts of God." The new language defined "Acts of God" as an ice storm, hurricane, wind, age, disease, insect infestation, etc., and did not require, but did encourage, the property owner to replace vegetation in the tree save and landscape buffers lost due to an act of God. Rast said staff recommended adoption of the amendment.

Rutherford said she had a problem with the wording, "age, disease, and insect infestation, etc." being "Acts of God." She said the wording gave the property owner carte blanche to use those words. The business owner should be responsible for ensuring the health of the vegetation. Rast said he agreed and added that the owners were responsible, for the most part. He continued that since the drought, the pine beetle infestation had been rampant. The property owner could control the infestation. Rutherford questioned whether a property owner should get permission to cut the trees down to control the infestation in the rest of the area. Rast said they should and many had done so. Rutherford said the proposed changes said the property owners did not have to do that.

Kourajian agreed with Rutherford and asked Meeker if *force majeure* covered such instances. Meeker said it did not. Meeker explained that he and Rast had discussed unavoidable situations, and that was what they had tried to include. He said he could see the distinction Rutherford and Kourajian were making between a true "Act of God" and a disease infestation. Kourajian said he would rather not extend *force majeure* to events not covered under the law. Weed noted that *et cetera* could be anything. He would not support a definition that broad unless there was some board assigned to make a determination whether the *et cetera* was an act of God. Meeker suggested leaving in the wording, "ice storm, hurricane, wind, or other weather-related event." Kourajian said the legal definition of *force majeure* should be left.

Brown cited an example from a buffer area on Kelly Drive. The property owner had been allowed to thin the trees the area. Several of the remaining trees were now leaning over, which happened when pine stands were thinned. The other trees had blocked the elements. The fallen trees would be considered an "Act of God" according to the proposed amendment, but the thinning process prior to the event had caused the remaining trees to fall.

Weed said he wanted to hone in on the definition of an "Act of God." He was willing to make the definition more vague if there was a special exception system. He suggested creating a body to rule on exceptions. No legal definition was perfect, and the entire world could not be defined. There had to be a body to apply common sense and discretion to determine what "Act of God" meant.

Rutherford said the ordinance should be as specific and definitive as possible so the board would know what the City wanted. She realized there could not be a definition that included everything. She said that "ice storm, hurricane, wind," was fine, but the other words had to come out.

Brown said he had started a lot of the work on restoring the buffers and maintaining the trees if owners were allowed to use forestry management processes. He continued he was almost to the point of not allowing thinning of the tree buffer, if for some unforeseen reason some of the trees would be blown down.

Weed said the City had competent people. He pointed out that Rast was a certified arborist. Rast would save a tree if it were possible. There were legitimate reasons why thinning was an option. Ordinarily, a *force majeure* clause included fire, snow, flood, lightning strikes, war, labor strikes, and riots. He said the list in the *force majeure* clause was not comprehensive enough. The ordinance could not define everything; therefore, there was a need for some criteria or a panel to make the decision. If not, then the list should include everything. He did not want to live with the vagueness without some common sense approach to it.

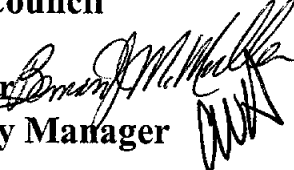
Rutherford moved to table the item and that Rast prepare both a list and an alternative with a board that would determine if vegetation needed to be replaced. Weed seconded.

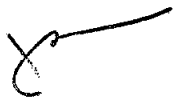
Kourajian said he did not see the need to come back with a comprehensive list. He would not support a comprehensive list. Kourajian said he was fine with the panel idea, but doing both was just a waste of time. Rutherford said there was a definition for *force majeure*, which was all that Rast had to bring back. Kourajian said *force majeure* was probably defensible. Kourajian asked Rutherford to amend her motion to include just the panel, not the definition. Rutherford accepted the amendment. Weed seconded the amendment with the caveat that the panel's discretion had to have applicable criteria. Rast suggested that the City's Tree Board could serve as the panel. Weed said that was an appropriate mechanism. The motion carried unanimously.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Assistant City Manager 

FROM: City Clerk 

DATE: January 26, 2006

SUBJECT: Alcohol License – Change in Ownership, Licensee and License
Representative – B&B Bottle Shop (Hartigan's Fine Wines, Spirits
& Cigars)
February 2, 2006, Regular Meeting

Recommendation:

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

Discussion:

B&B Bottle Shop, has submitted an application for a change in the alcoholic beverage license. Rory Evans and Yoon-Joo Kim Hartigan are buying the business from Prakish Amin. Mr. Rory Evans has requested he be appointed as the Licensee. Ms. Yoon-Joo Kim Hartigan has requested she be appointed as the Licensee. They will attend the meeting on Thursday, February 2nd, to answer any questions you may have.

Budgetary Impact:

There is no impact to the budget due to the change in the alcohol license.

JSM:pd

Attachments

Application For Alcoholic Beverage License

Business Name: Hartigan's Fine wines, spirits & Cigars	Business Location: 2591 Highway 54 West Peachtree City, GA 30269	
Nature of Business: Package Store	Mailing Address: Same as above	Business Phone Number: 770-487-7612
Name of Licensee: Rory EVANS	Home Address: 515 Brogdon Rd. Fayetteville, Ga 30214	Home Phone Number: 770-460-6208
Name of License Representative: Yoon-Joo Kim Hartigan	Home Address: 515 Brogdon Rd Fayetteville, Ga 30214	Home Phone Number: 770-460-6208

Please indicate type of licenses applying for:

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

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

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
Yoon-Joo Kim Hartigan	515 Brogdon Rd, Fayetteville, Ga 30214	770-460-6208
Rory Don EVANS	515 Brogdon Rd Fayetteville, Ga 30214	404-425-4035

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: _____

State of Georgia

City of Peachtree City:

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

Rory Don Evans

Name

515 Brogdon Rd. Fayetteville, GA 30214

Address

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

Major R.M. Rubin
Witness

James V. Murray
Signature

Jan. 12, 2006
Date

State of Georgia

City of Peachtree City:

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

Yoon-Joo Kim Hartigan

Name

515 Brogdon Rd. Fayetteville, GA 30214

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.

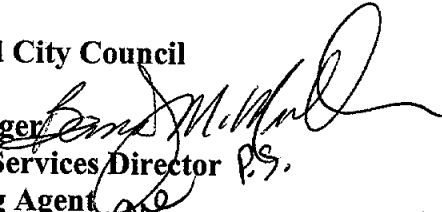
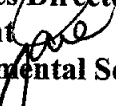
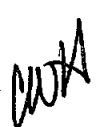
Miguel L. M. Baker
Witness

James V. Murray
Signature
Jan. 12, 2006
Date

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Financial Services Director P.S.
Purchasing Agent 
Interim Developmental Services Director 

FROM: City Engineer 

DATE: January 26, 2006

SUBJECT: Walt Banks and Peachtree Parkway Intersection Improvements
February 2, 2006 City Council Agenda

Recommendation:

Staff requests Council to give guidance on whether to continue with development of a roundabout at the Walt Banks and Peachtree Parkway intersection.

Discussion:

Staff and the City's Transportation Consultant, Qk4, will present a history of this project and review the current design. Staff and Qk4 will also discuss current and future levels of service, right-of-way needs, and funding issues for this intersection project.

Budget Impact:

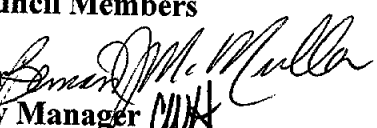
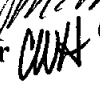
Funding available for this project includes SPLOST funds, Federal Grant funds, and contributions from the developer of Lexington Circle.

cc: City Engineer's File

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Assistant City Manager 

FROM: Director of Leisure Services 

DATE: Jan. 26, 2006

SUBJECT: Request for Waiver of Fees for Use of Kedron Gymnasium/Room 2
February 2, 2006 Council Agenda

Recommendation:

Consider attached request from NAACP Youth Council for waiver of rental fee for use of the 2 Kedron basketball courts and Room 2 at Kedron. The attached letter requests use of the gyms and the request for Room 2 was taken verbally by Recreation staff.

Discussion:

The NAACP Youth Council is planning to have a 3-on-3-basketball tournament on Saturday, March 25, 2006, from 10 a.m. to 5 p.m. with the proceeds helping to assist some of the identified victims of hurricane Katrina who are students in Fayette County Schools and also cover costs of SAT tutorial classes for students requesting the sessions. The NAACP Youth Council wishes to have the tournament at Kedron Fieldhouse and is requesting that City Council authorize waiving the rental fee for both courts and Room 2 for this event. Normal fees for a Fayette County organization for this use would be \$1,330.

A request to waive fees for a fundraiser for Katrina victims was originally approved by City Council at the September 15, 2005 meeting (minutes attached). The fundraiser was scheduled for Oct. 22, 2005. However, the event for that date was postponed due to conflicts with other of the group's activities. This revised date of March 25, 2006 is contingent on the completion of the basketball season for all Fayette County schools since that will affect the availability of organizers and trainers, coaches and referees. If the event cannot be held on March 25, requestors ask that the Youth Council be allowed to work with the Kedron staff to plan the event for the next available date.

Staff does have some concerns about setting a precedent by waiving fees for a fundraiser. While the NAACP is certainly an important entity in the community, there are many other groups that provide valuable services to our residents who might also be desirous of using City facilities at

no cost. Since the proceeds of this event are to assist students in the Fayette County School System, it might be more appropriate for the NAACP to partner with the school system for use of one of their gymnasiums.

Budget Impact:

Loss of \$1,330 revenue would be experienced if this waiver were approved.

Attachments

Fayette County NAACP Youth Council
Post Office Box 325
Fayetteville, Georgia 30214
(770) 716-7392

January 13, 2006

Ms. Sherry McHugh, Supervisor
Peachtree City Parks & Recreation
191 McIntosh Trail
Peachtree City, Georgia 30269

Dear Ms. McHugh:

The Fayette County NAACP Youth Council is again requesting the use of two of Kedron's Gymnasium and waiver of rental fees for the purpose of having a basketball tournament fund-raiser. The proposed date for this tournament is Saturday, March 25, 2006 from 10:00 a.m. until 5:00 p.m. This revised date however is contingent upon the close of Fayette County School's basketball season and availability of organizers and trainers, coaches, referees and whether this date is open on your calendar of events at Kedron Gym. Proceeds received from this fundraiser will help aide student victims of the Katrina disaster and cover the costs for SAT tutorial classes for students requesting the sessions that are taught by paid professionals.

The students needing help are Fayette County Schools students identified through DFCS and some are identified by their classmates. The Youth Council was able to contribute a small donation to some student victims during November, 2005, but desire to do more considering the needs.

Our original 10/22/05 requested date for the use of Kedron Gymnasium was approved for rental fee waiver by the Peachtree City Council. We postponed this date due to conflicts with other activities and inadequate planning. Considering all contingencies involved and the nature of this request to help children, please also consider our date of request (3/25/06) as non-restrictive for holding this event.

Please provide us with the date/ time this request will be placed on the agenda of the Peachtree City Council for a waiver of rental fee for use of Kedron Gym.

Sincerely,

Alice M. Jones
Youth Council Advisor

09-05-19 Consider Request for Waiver of Fees for Use of Kedron Fieldhouse

Brown noted there was an additional document on the dais – a memo to Mayor and Council from the City Manager dated September 14, 2005, with the subject, “Request for Waiver of Fees for Use of the Kedron Gymnasium.” Weed moved to approve the request to waive the fees for the Kedron Fieldhouse. Rutherford seconded.

Rutherford asked Council to note that the request was for a project to raise funds, and was not just a request to waive the fee.

Kourajian asked McHugh if there was anything else scheduled at the fieldhouse that day. McHugh said the calendar was clear. Kourajian said this was a terrific opportunity, but asked if this would set a precedent to waive fees at City facilities for non-profit uses. Brown said the City routinely provided support for non-profit events, such as the Alzheimer’s Walk. McMullen said staff could not waive fees without Council approval. The City’s regulations said a fee had to be charged. Kourajian said the causes were good, one for SAT tutorial classes and one to assist the displaced students in the County schools. He supported the request, but wanted Council to be aware that they could have other requests.

Alice Jones, Youth Council advisor for the Fayette County NAACP, said the students took on the projects to help their fellow students. The displaced students would also need to take the SAT. There was a cost to pay the tutors. Rutherford clarified that Hurricane Katrina displaced the students. Jones said it would take some time for those students to catch up.

Weed said, hopefully, there would not be another Katrina-sized disaster, which would help Council differentiate between this request and other good causes. Jones said the SAT classes were an ongoing program, but were specifically for evacuee students this year.

The motion carried unanimously.

Council/Staff Topics

Brown thanked Matt Robinson, McMullen, and everyone involved in installing the new projection equipment. A meeting attendee commented that it was difficult to hear those speaking at the podium. Robinson noted that problem was often because the person was not close enough to the microphone. Robinson said he would also move the podium off to the side so everyone would be able to see the screen.

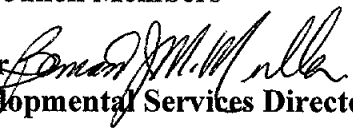
Brown noted that the library looked great. He said staff had done a great job managing the project.

Weed asked to respond to a recent Letter to the Editor, which indicated that the Tourism Association received hotel/motel tax. Weed said the Tourism Association did receive the tax, but the letter indicated there was some wrongdoing. He pointed out that the Development Authority had accepted the hotel/motel tax under unknown circumstances. The difference was that the Tourism Association was not using the tax for the operation

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager 
Interim Developmental Services Director 

FROM: Building Official 

DATE: January 23, 2006

SUBJECT: Ordinance Adopting the International Property Maintenance Code
and the International Existing Building Code
February 2, 2006 City Council Meeting

Recommendation:

Staff is recommending City Council adopt the 2003 Edition of the International Property Maintenance Code (IPMC) and the 2003 Edition of the International Existing Building Code (IEBC) with local amendments.

Discussion:

Staff has been informed by the Georgia Department of Community Affairs that as of January 1, 2006, local governments must adopt the codes they wish to enforce as mandated by the Uniform Codes Act (1991). The Georgia Department of Community Affairs has adopted the 2003 International Property Maintenance Code and the 2003 International Existing Building Code.

In 1999 the first existing property maintenance codes were adopted in Peachtree City by the Mayor and City Council. Their adoption was to address the need for setting minimum standards for aging existing structures with major emphasis on the health, safety and welfare of the residents of Peachtree City. The Code Enforcement rehab program was initiated to establish a proactive system of addressing the needs of an aging community and for the protection of the community.

Since the inception of the rehab program, 505 structures within Peachtree City have been placed under rehabilitation orders. The structures include single-family dwellings, apartment and condominium complexes, industrial buildings, commercial structures, office buildings and shopping centers. The Code Enforcement staff has worked closely with the Peachtree City Police and Fire Departments in responding to notifications of nonconforming structures. Referrals have also been received from the Fayette County Health Department, the Georgia Department of Agriculture and through the Department of Community Affairs Section 8 Housing Office.

The current program has made an overall positive impact on the Peachtree City community. The structures in which we work and live are becoming safer with each completed rehab.

Page 2
Adoption of Property Maintenance Codes
January 23, 2006

Budget Impact:

There will be a need to maintain the training budget for the Building Department. Although the four currently employed Code Enforcement Officers are certified through the International Code Council to enforce the rehab codes, the International Code Council mandates recertification every three years through in-service training hours.

cc: Building Official file
Developmental Services Director

**AN ORDINANCE TO AMEND THE PEACHTREE CITY BUILDING AND
CONSTRUCTION CODES RELATED TO EXISTING STRUCTURES;
TO PROVIDE FOR UPDATING THE EXISTING CODES, DELETING
OBSOLETE CODES, AND ADDING NEW CODES; TO REPEAL CONFLICTING
ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE CITY
COUNCIL OF THE CITY OF PEACHTREE CITY, GEORGIA, THAT:

Section 1. That Article IX, Section 18-271 of the Code of Ordinances of the City of
Peachtree City, Georgia, as amended, is hereby further amended by deleting said section in its
entirety and inserting in lieu thereof a new Section 18-271 to read and to be codified as follows:

Sec. 18-271. Code Adopted: amendments; penalty for violation.

- (a) For the purpose of establishing uniform rules and regulations, the city hereby adopts the
International Existing Building Code, the latest edition as adopted and amended by the
Georgia Department of Community Affairs, as it is presented in the Model State Code,
with the following exceptions:

Section 101.1 Insert: City of Peachtree City

Section 1201.2 Insert: 1967

- (b) Any person violating any provision of such code shall be punished as provided in
Section 1-11 of this Code of Ordinances.

Section 2. That Article X, Section 18-276 of the Code of Ordinances of the City of
Peachtree City, Georgia, as amended, is hereby further amended by deleting said section in its
entirety and inserting in lieu thereof a new Section 18-276 to read and to be codified as follows:

Sec 18-276. Code Adopted. Amendments; penalty for violation.

- (a) For the purpose of establishing uniform rules and regulations, the city hereby adopts
the International Property Maintenance Code, the latest edition as adopted and amended
by the Georgia Department of Community Affairs, as it is presented in the Model State
Code, with the following exceptions:

The following sections are hereby revised:

Section 101.1. Insert: *The City of Peachtree City*

Section 103.5. Insert: *In accordance with Peachtree City Ordinance Sec. 18-4*

Section 304.14. Insert: *January 1 to December 31*

Section 602.3. Insert: *October 1 to April 30*

Section 602.4. Insert: *October 1 to April 30*

Amend Section **302.8 Motor Vehicles** to add the following sentence.
The license or tag must be displayed on the vehicle at all times.

Add new section:

302.10 Prohibited Outside Storage. *No person shall permit or allow the outside storage of appliances, household fixtures, furniture designed for indoor use, building material, building rubbish, inoperable golf carts or parts, or similar items.*

Add new section:

308.3 Exception: *Extermination of wood destroying organisms shall, in all cases, be the responsibility of the building owner.*

Add new section:

701.3 Trees. *Portions of tree crowns that extend within 10 feet of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of 10 feet. Dead wood and litter shall be regularly removed from trees.*

Add new section:

705 STORAGE OF FIREWOOD AND COMBUSTIBLE MATERIALS
Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the code official, storage of firewood and combustible materials shall be located a minimum of 20 feet from the structures. Firewood and combustible materials not for consumption on the premises shall be stored so as to not pose a hazard.

(b) Any person violating any provision of such code shall be punished as provided in Section 1-11 of this Code of Ordinances.

Section 3. That Article XI Standard Unsafe Building Abatement Code-Section 18-281 of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended by deleting said section in its entirety.

Section 4. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 5. The repeal provided for in Section 4 hereof shall not affect any offense or act committed or done or any penalty or forfeiture incurred or pending.

Section 6. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 7. This ordinance shall be in full force and effect upon its official adoption by the City Council.

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

Harold Logsdon, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *Bernard McCall*
Financial Services Director *P.S.*
Interim Developmental Services Director *CWN*

FROM: City Engineer *Naves*

DATE: January 26, 2006

SUBJECT: Stormwater Utility Ordinance
February 2, 2006 City Council Agenda

Recommendation:

Staff recommends that Council adopt the attached Stormwater Utility Ordinance establishing a Stormwater Utility and Enterprise Fund.

Discussion:

The City selected Integrated Science and Engineering (ISE) in 2001 to develop a Stormwater Management Program (SWMP) consisting of four steps: Step 1-Feasibility Study, Step 2-Stormwater Advisory Committee, Step 3-Utility Data Development, and Step 4-Utility Implementation. The SWMP addresses high priority issues, and City Staff is currently recommending establishment of a stormwater utility and a user fee system to fund the implementation of the stormwater management program. Peachtree City's SWMP will address: recurring flood problems, drainage system maintenance issues, regulatory compliance requirements, surface water quality and biological integrity issues, and development and redevelopment activities.

During October 2005, City Staff and ISE held three Stormwater Utility Information public meetings to educate and inform citizens and businesses regarding the importance of stormwater management issues within the community, the formation of a Stormwater Utility, and user fees to fund the stormwater program. Staff is currently reviewing proposals for outsourcing the billing and collection services for stormwater bills for the stormwater utility and is scheduled to present a recommendation to Council on February 16, 2006.

City Staff and ISE have developed a detailed cost of service, rate model, master account file, impervious surface database, credit manual and ordinance. Following the adoption of the ordinance, Staff will administer the SWMP and begin ramping up to meet the needs of the program and our permit responsibilities.

Budget Impact:

This ordinance will create a dedicated funding source for stormwater management activities.

Attachments

cc: City Engineer's File
Public Services Director

AN ORDINANCE TO AMEND SECTION 82 UTILITIES AND SERVICES OF THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED SO AS TO ESTABLISH A STORMWATER UTILITY; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR AN ENTERPRISE FUND; TO PROVIDE FOR SCOPE OF RESPONSIBILITY; TO ESTABLISH CUSTOMER CLASSES; TO ESTABLISH USER FEES; TO PROVIDE FOR EXEMPTIONS; TO PROVIDE FOR CREDITS; TO PROVIDE FOR ENFORCEMENT AND INSPECTIONS; TO PROVIDE FOR BILLING, DELINQUENCIES, COLLECTIONS, AND ADJUSTMENTS; TO PROVIDE FOR APPEALS AND HEARINGS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Peachtree City is authorized by the Georgia Constitution of 1983, including, without limitation, Article IX, Section II, Paragraph III thereof and O.C.G.A. § 36-82-62 to provide stormwater management services throughout Peachtree City; and

WHEREAS, in order to protect the health, safety and welfare of the public, the government of Peachtree City hereby exercises its authority to establish a Stormwater Utility Enterprise Fund and establish rates for stormwater management services; and

WHEREAS, in promulgating the regulations contained in this section, Peachtree City is acting pursuant to authority granted by the Constitution of the State of Georgia and the Charter of Peachtree City to provide for stormwater collection and disposal; and

WHEREAS, improper management of stormwater runoff may cause erosion of lands, threaten businesses and residences, and other facilities with water damage and may environmentally impair the rivers, streams and other bodies of water within Peachtree City; and

WHEREAS, a system for the collection, conveyance, storage, treatment and disposal of stormwater provides services to all properties within Peachtree City and surrounding areas; and

WHEREAS, Peachtree City presently owns and operates stormwater management systems and facilities, which have been developed over many years. The future usefulness and operational function of the existing stormwater management systems and facilities owned and operated by the City, and the additions and improvements thereto, rests on the ability of the City to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities within the City in concert with the

management of other water resources within the City. In order to do so, the City must have both a comprehensive stormwater management program as well as an adequate and stable funding source for its comprehensive program operation and drainage-related capital improvement needs; and

WHEREAS, failure to effectively manage stormwater can adversely affect the operations of the sanitary sewer system operated by the Peachtree City Water & Sewerage Authority (WASA) thereby increasing the likelihood of infiltration and inflow into the sanitary sewer system; and

WHEREAS, failure to effectively manage stormwater contributes to the further degradation of the water quality in area waterbodies which may result in higher levels of treatment requirements imposed on the City and the Peachtree City WASA's wastewater treatment facilities and increased water treatment cost of potable water supplies by the Fayette County Water System; and

WHEREAS, proper management of stormwater is a key element of having clean water with adequate assimilative capacity for treated wastewater discharges and adequate potable drinking water that are essential to support existing development as well as future development and redevelopment in Peachtree City; and

WHEREAS, the City is required under Federal and State regulations [i.e. the City's National Pollutant Discharge Elimination System (NPDES) Phase II Georgia Notice of Intent (NOI) and Stormwater Permit effective March 13, 2003] to provide enhanced management of stormwater runoff quality to mitigate the impacts of pollutants which may be discharged from the public municipal separate storm sewer system (MS4) and stormwater conveyance system into State of Georgia or United States' waters. Therefore, it is appropriate for the City to impose a stormwater user fee charge upon all improved properties that may discharge, directly or indirectly, into the public MS4 and stormwater conveyance system, whether the property is private or public in nature; and

WHEREAS, compliance with the regulatory obligations of the NPDES permit, along with other City stormwater program activities, will substantially increase the cost of providing stormwater management services above what is currently being spent for water quality management, drainage system maintenance, flood control and other program activities; and

WHEREAS, the cost of operating and maintaining the Peachtree City stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system; and

WHEREAS, the professional engineering and financing analysis, known as the Stormwater Utility Implementation Report (including amendments) and related documents, dated September 2004 and prepared by the City's consulting stormwater engineer, which report is incorporated herein by express reference, properly assesses and defines the City's stormwater management program problems, needs, goals, priorities as well as the stormwater management program funding strategy; and

WHEREAS, given the stormwater management program problems, needs, goals, priorities and funding strategy identified in the aforementioned professional engineering and financing analysis, it is appropriate to authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater management systems within the City in concert with other water resource management programs; and

WHEREAS, stormwater management is applicable and needed throughout the incorporated areas of the City. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management service area encompassing all lands and water bodies within the incorporated areas of the City is consistent with the present and future needs of the community; and

WHEREAS, the stormwater needs in the City include, but are not limited to, protection of the public health, safety, and welfare of the community. Provision of stormwater management services renders and/or results in both a service and a benefit to all properties, property owners, citizens, and residents of the City in a variety of ways as described in the Stormwater Utility Implementation Report; and

WHEREAS, the services and benefits rendered, or resulting from provision of stormwater management services, may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater management systems and programs, and risk exposure. It is practical and equitable to allocate the cost of stormwater management among the

owners of improved properties in proportion to the long term demands the properties impose on the City's stormwater management services which render or result in services and benefits to such properties and the owners thereof; and

WHEREAS, a Stormwater Management Program (SWMP) provides the most practical and appropriate means of properly delivering stormwater management services throughout the City, and the most equitable means to regulate the use of a higher level of stormwater management services within the City through stormwater user fee charges, user fees and other mechanisms as described in the Stormwater Utility Implementation Report, and the other related documents, that have been prepared for the City by its consultants; and

WHEREAS, a schedule of Stormwater Utility user fee charges based in part on the area of impervious surface located on each improved property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the City. Such user fee charges may be complemented by other types of charges which address specific needs, including, but not limited to, special service fees, special assessments, revenue bonds, use of proceeds from special purpose local option sales taxes and other forms of revenue, as deemed appropriate by the City Council; and

WHEREAS, the existence of privately owned and maintained on-site or off-site systems, facilities, activities or assets which reduce or otherwise mitigate the impact of a particular property on the City's SWMP, and the Stormwater Utility's cost of providing stormwater management services and/or stormwater management systems and facilities, should be taken into account to reduce the user fee charge on that property either in the form of a direct reduction or credit, and such reduction or credit should be conditional upon continuing provision of such services, systems, facilities, activities or assets in a manner complying with the standards and codes as determined by the Stormwater Manager. Reductions or credits for privately owned and maintained stormwater management systems, facilities, activities or assets shall be generally proportional to the affect that such systems have on the peak rate of runoff from the property; and

WHEREAS, the area of impervious surfaces on each improved property is the most important factor influencing the cost of the stormwater management services provided by the City or to be provided by the City in the future, and the area of impervious surfaces on each property is therefore the most appropriate parameter for calculating a periodic stormwater user fee charge; and

WHEREAS, it is imperative that the proceeds from all user fee charges for stormwater management services, together with any other revenues raised or otherwise allocated specifically to stormwater management services, be dedicated solely to those purposes, and such proceeds of user fee charges and revenues shall therefore be deposited into the enterprise accounting fund of the City Stormwater Utility and shall remain in that fund and be dispersed only for stormwater management capital, operating and non-operating costs, lease payments and debt service of bonds or other indebtedness for stormwater management purposes.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY, GEORGIA, THAT:

Section 1. Article III, Sections 82- 100 through 82-11-, inclusive, of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, is hereby established to read and to be codified as follows:

Sec. 82-100. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means and refers to the Clean Water Act as amended by the Water Quality Act of 1987 (33 U.S.C. § 1251 *et seq.*), as amended, and the rules and regulations promulgated by the United States Environmental Protection Agency pursuant thereto.

Attached Residential Property shall mean improved property containing individually owned, attached dwelling units such as duplexes, triplexes, quadplexes, townhouses, or other residential structures not listed herein where one or more family groups commonly and normally reside or could reside. Improved property may be classified as an Attached Residential Property despite the presence of incidental structures associated with residential uses such as garages, carports and small storage buildings. Improved property may be classified as an Attached Residential Property despite the presence of a commercial use. Attached Residential Property shall not include improved property containing: structures used primarily for non-residential purposes, hotels, motels, retirement centers, nursing homes and assisted living home.

Credit means a reduction in the amount of a stormwater user fee charge to the owner of a particular property for the existence and use of privately owned, maintained and operated on-site or off-site stormwater systems or facilities, or continuing provision of services or activities that reduce or mitigate the City's cost of providing stormwater management services for that particular property.

Customers of the Stormwater Utility shall include all persons, properties, and entities serviced by and/or benefiting from the services provided by the City's SWMP and the Stormwater Utility. These services include, but are not necessarily limited to, the Stormwater Utility's administration, management, maintenance, expansion, and improvement of the public stormwater management systems for the handling of stormwater runoff of private and public properties, and the regulation of the public and private stormwater management systems, controls, facilities, and activities.

Detached single family residential property or *DSFR* means improved property containing one residential structure which is not attached to another dwelling, and which contains one or more bedrooms, with bathroom and kitchen facilities, designed for occupancy by one family. A detached single family residential property may include a "stick-built," industrialized, or manufactured home located on one or more individual lots or parcels of land. Improved property may be classified as a detached single family residential property even if there is present incidental structures associated with residential uses such as garages, carports, storage buildings, guest houses, servants or caretakers quarters, cottages or barns, or the presence of a commercial use within the residence, as long as such use does not result in additional areas of impervious surfaces. Detached single family residential properties shall not include improved property containing structures used primarily for nonresidential purposes, manufactured homes located within manufactured home parks where the land is owned by someone other than the owners of the manufactured homes, or multiple dwelling unit residential properties.

Improved property means property altered from its natural state by construction or installation of more than five hundred (500) square feet of impervious surfaces.

Dwelling Unit shall mean a structure, which contains one (1) or more bedrooms, a bathroom and a kitchen facility.

Equivalent runoff unit (ERU) means the statistical median horizontal impervious surface area of a detached single-family residential property within Peachtree City as of the date of adoption of this article. The horizontal impervious surface area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks.

Hydrologic Response defines the manner and means whereby stormwater collects, remains, infiltrates, and is conveyed from a property. Hydrologic Response is dependent on several factors including, but not limited to, the presence of impervious surface, the parcel's size, the parcel's shape, the parcel's vegetative canopy, the parcel's groundwater, the parcel's antecedent moisture and the parcel's geologic condition.

Impervious surface means those areas which prevent or impede the infiltration of stormwater into the soil in the manner in which it entered the soil, in natural conditions, prior to development. Common impervious surfaces include, but are not limited to, rooftops, buildings or structures, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

Non-single family residential property or *NSFR* means improved property containing multiple dwelling unit residential properties, condominiums, apartments, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas, parking lots, parks, recreation properties, tennis courts, swimming pools, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses, water and wastewater treatment plants, and any other form of use not otherwise mentioned which is not a detached single family residential (DSFR), or attached residential (AR) property, and which has private parking lots and private drives or roads.

Public Water Influence Zone means those areas lying downstream of a culvert, or other stormwater management conveyance system. On the downstream side of the conveyance system, the public water influence zone will extend for a length of six (6) times the diameter (or width) of the culvert from which runoff is being discharged (Field Manual for Erosion and Sediment Control in Georgia, Third Edition, pg. 99), and within the horizontal limits set forth in the aforementioned field manual. For example, if a 48-inch diameter culvert is discharging to a private property, the public water influence zone shall extend 24 feet (6 times 48-inches) from the end of the culvert and for the specified width (i.e. typically the width of the creek). The Peachtree City Stormwater Utility may perform maintenance and/or capital construction activities only within that portion of the public water influence zone which the City has an ownership interest in, or for which a dedicated easement has been granted to, and accepted by the City for such purpose..

Service area means the entire land area within the corporate limits of the City.

Stormwater management services mean all services provided by the City which relate to the:

- (1) Transfer, control, conveyance or movement of stormwater runoff through the incorporated portions of the City;
- (2) Maintenance, repair and replacement of existing stormwater management systems and facilities;
- (3) Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs;
- (4) Regulation of the use of stormwater management services, systems and facilities; and
- (5) Compliance with applicable State and Federal stormwater management regulations and permit requirements.

Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

Stormwater management systems and facilities mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, headwalls, storm sewers, lakes and other physical works, properties and improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.

Stormwater Manager means the person appointed by the City Manager to administer the provisions of this article.

Stormwater user fee charge means the periodic user fee charge imposed pursuant to this article by the Peachtree City Stormwater Utility for providing stormwater management services. This term shall exclude special charges to the owners of particular properties for services, systems or facilities related to stormwater management, including, but not limited to, charges for development plan review, inspection of development projects, on-site stormwater control systems

and other stormwater management services provided by Peachtree City for which a corresponding fee is collected for the service rendered.

Undeveloped Land means land in its unaltered natural condition or which is modified to such a minimal degree as to have a Hydrologic Response comparable to land in an unaltered natural condition shall be deemed Undeveloped. Undeveloped Land shall have minimal Impervious Surface, which impedes the infiltration of stormwater runoff or causes stormwater runoff to collect, concentrate or flow in a manner materially different from what would occur if the land were in an unaltered natural condition. For purposes of this Article, Undeveloped Land includes property altered from its natural condition by the creation or installation of five hundred (500) square feet or less of Impervious Surface.

User is defined as any person who uses property, which maintains connection to, discharges to, or otherwise receives services from the City for stormwater management.

Sec. 82-101. Stormwater Utility and Enterprise Fund Established.

- (a) There is hereby established a Stormwater Utility to be known as the Peachtree City Stormwater Utility, which shall be responsible for stormwater management services throughout the incorporated areas of the City, and which shall provide for the management, protection, control, regulation, use and enhancement of the City's stormwater management services.
- (b) There is hereby established a Stormwater Utility Enterprise Fund in the City budgeting and accounting systems for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the Peachtree City SWMP and Stormwater Utility, including, but not limited to, rates, charges, and fees as may be established by the City Council from time to time, and other funds that may be transferred or allocated to the Peachtree City Stormwater Utility. All revenues and receipts of the Stormwater Utility shall be placed in the Stormwater Utility Enterprise Fund and shall be used solely for stormwater management services. All expenses and capital investments of the Stormwater Utility shall be paid from the Stormwater Utility Enterprise Fund; provided, however, that other revenues, receipts and resources not accounted for in the Stormwater Utility Enterprise Fund may be applied to stormwater management services as deemed appropriate by the City.
- (c) The City shall place responsibility with the Stormwater Manager for operation, maintenance and regulation of the SWMP and stormwater management services performed, owned and operated or maintained by Peachtree City, and other related assets, including, but not limited to, properties, other than road rights-of-way, upon which such stormwater management systems and facilities are located, easements, rights-of-entry and access and certain equipment used solely for stormwater management.

Sec. 82-102. Scope of Responsibility for Stormwater Management Systems and Facilities.

- (a) The City owns or has rights established by written agreements which allow it to operate, maintain, improve and access those stormwater management systems and facilities which are located:
 - 1. Within public road rights-of-way;

2. On private property but within easements granted to, and accepted by, Peachtree City, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or other permanent provisions for operation, maintenance, improvement and access to the stormwater management system facilities located thereon;
 3. On private property but within a public water influence zone;
 4. On land dedicated to, and accepted by, the City solely for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon; or
 5. On public land which is owned by the City and/or land of another governmental entity upon which the City has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.
- (b) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the City, and for which there has been no written agreement granting easements, rights-of-entry, rights-of-access, rights-of-use or other form of dedication thereof to the City for operation, maintenance, improvement and access of such stormwater management and systems and facilities shall be and remain the legal responsibility of the property owner, except as otherwise provided for by the state and federal laws and regulations.
- (c) It is the express intent of this article to protect the public health, safety and welfare of people and property in general, but not to create any special duty or relationship with any individual person, or to any specific property within or outside the boundaries of the City. The City expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the City, its elected officials, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.
- (d) If any permit, plan approval, inspection or similar act is required by the City as a condition precedent to any activity or change upon property not owned by the City pursuant to this or any other regulatory ordinance, regulation or rule of the City, or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit, negligent issuance of a permit, negligent plan approval, or negligent maintenance of any permitted stormwater management system or facility not expressly dedicated to and accepted by the City for further maintenance in an action seeking the imposition of money damages or equitable remedies against the City, its commissioners, officers, employees or agents.

Sec. 82-103. Stormwater Utility Customer Classes.

- (a) There shall be one Stormwater Utility service area in Peachtree City with specified customer classes to reflect variations in services provided to Stormwater Utility customers and the respective demand that those customers' properties place on the City Stormwater Management Program and drainage system. The specified customer classes for the Peachtree City Stormwater Utility are as follows:
1. Detached Single Family Residential (DSFR) customers as defined in Section 2 of this article shall consist of three distinct "tiers".

- i. Tier 1 customers shall consist of DSFR properties with up to 3,810 square feet of impervious area on their property.
 - ii. Tier 2 customers shall consist of DSFR properties with 3,811 to 5,503 square feet of impervious area on their property.
 - iii. Tier 3 customers shall consist of properties with more than 5,503 square feet of impervious area on their property.
 2. Attached Residential (AR) customers shall consist of all properties as defined in Section 2 of this article. AR customers shall consist of two distinct "sub-classes".
 - i. Subclass 1 customers shall consist of AR properties where the residential units are located contiguous to and serviced by public streets.
 - ii. Subclass 2 customers shall consist of AR properties where the residential units are located on private property and serviced by private streets.
 3. Non-single Family Residential (NSFR) customers shall consist of all properties located in Peachtree City that are not classified as DSFR or AR.
- (b) Documentation pertaining to the Peachtree City Stormwater Utility customer classes shall be kept on file in the office of the Stormwater Manager for public inspection.

Sec. 82-104. Stormwater User Fee Charges.

- (a) It shall be the policy of the City that user fee charges for stormwater management services to be provided by the Stormwater Utility in the designated service areas shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater management services by individual properties and/or the level of service rendered by, or resulting from, the provision of stormwater management services. Stormwater user fee charge rates shall be structured so as to be uniform within the customer class, and the resultant user fee charges shall bear a substantial relationship to the cost of providing stormwater management services. User fee charge rates shall be in addition to other rates, charges, or fees employed for stormwater management within the incorporated areas of the City, including, but not limited to, plan review and inspection fees, fees for special services, fees in lieu of regulatory requirements, system development charges and special assessments..
- (b) To the extent practicable, credits against stormwater user fee charges shall be provided for on-site stormwater control systems and activities constructed, operated, maintained and performed to the City's standards by public and private property owners which eliminate, mitigate or compensate for the impact that the property or person may have upon stormwater runoff discharged to public stormwater management systems and facilities or to private stormwater management systems and facilities which impact the proper function of public stormwater management systems and facilities.

Sec. 82-105. Stormwater User Fee Charge Rates.

- (a) Stormwater user fee charge rates shall be set and may be modified from time to time by the City Council. A schedule of said rates shall be on file in the office of the City Clerk of the City of Peachtree City. In setting or modifying such rates it shall be the goal of the City to establish rates that are fair and reasonable, and together with other sources of support available to the Peachtree City Stormwater Utility, are sufficient to support the cost of the stormwater management services,

including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other costs as deemed appropriate by the City.

1. *Detached Single Family Residential (DSFR) Customer Class.* Detached single family residential properties have been segregated into three separate tiers for billing based on a representative statistical analysis of impervious surface area located on the various DSFR properties.
 - i. Tier 1 DSFR: The charges shall be equal to 0.68 ERU = 3,128 square feet, billed as a flat rate.
 - ii. Tier 2 DSFR: The charges shall be equal to 1.0 ERU = 4,600 square feet, billed as a flat rate.
 - iii. Tier 3 DSFR: The charges shall be equal to 1.52 ERU = 6,992 square feet, billed as a flat rate.
2. *Attached Residential (AR) Customer Class.* Attached single family residential properties have been segregated into two separate tiers for billing based on a representative statistical analysis of impervious surface area located on the various AR properties and/or whether or not the development has public or private roads/streets.
 - i. AR with Public Roads: The charges shall be equal to 0.47 ERU = 2,162 square feet, billed as a flat rate.
 - ii. AR with Private Roads: The charges shall be equal to the total impervious surface area of the development divided by the ERU (4,600 square feet) and apportioned equally among the dwelling units within the development.
3. *Non-Single Family Residential (NSFR) Customer Class.* NSFR properties shall be billed one ERU for each 4,600 square feet, or portion thereof, of impervious surfaces located on the property to establish the total number of ERUs for billing. Fractional ERUs for NSFR properties will be rounded to two decimal places to establish the actual number of ERUs for billing. If a NSFR property has less than 1.00 ERU, then the customer will be billed a minimum of 1.00 ERU.

(b) Stormwater User Fee Charge Rates shall be applied to customers as follows:

1. The DSFR stormwater user fee flat rate charge shall be as follows:
 - i. Tier 1 DSFR customers: \$2.69 per month
 - ii. Tier 2 DSFR customers: \$3.95 per month
 - iii. Tier 3 DSFR customers: \$6.00 per month
 - iv. All DSFR customers shall be billed periodically for stormwater services on a schedule established by the City Council.
 - v. For those DSFR customers which live within subdivisions that are serviced by private roads, a prorated share of the total impervious surface area associated with the private road shall be added as a surcharge to the bill for those properties of the subdivision that are serviced by the private road. This will be accomplished by dividing the total impervious area of the private roads in the subdivision by the ERU (4,600 square feet) and then equally dividing the ERUs among the dwelling units in the subdivision.
2. The AR stormwater user fee charge shall be as follows:

- i. AR with Public Roads: \$1.85 flat rate per month per unit. These customers shall be billed periodically for stormwater services on a schedule established by the City Council.
- ii. AR with Private Roads: The charges shall be equal to the total impervious surface area of the development divided by the ERU (4,600 square feet) times a rate of \$3.95 per ERU per month and apportioned equally among the dwelling units. These customers shall be billed periodically for stormwater services on a schedule established by the City Council.

3. The NSFR stormwater user charge for each ERU, or fractional ERU, shall be as follows:

- i. \$3.95 per ERU (4,600 square feet) per month
- ii. All NSFR customers shall be billed periodically for stormwater services on a schedule established by the City Council

Sec. 82-106. Stormwater User Fee Charge Exemptions.

Except as provided in this section or otherwise provided by law, no public or private property located in the incorporated area of Peachtree City shall be exempt from the stormwater user fee charges. No exception, credit, offset, or other reduction in stormwater user fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the Stormwater Utility's cost of providing stormwater management services and facilities.

Exemptions to the stormwater user fee charges are as follows:

- (a) Parcels which contain five hundred (500) square feet, or less, of impervious surfaces shall be exempt from stormwater user fee charges.
- (b) Railroad rights-of-way (tracks) shall be exempt from stormwater user fee charges. However, railroad stations, maintenance buildings, and/or other improved property used for railroad purposes shall not be exempt from stormwater user fee charges.
- (c) Georgia Department of Transportation (GDOT) streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction services undertaken by GDOT in association with GDOT rights-of-way and road systems. However, maintenance buildings and/or other improved property used for GDOT purposes shall not be exempt from stormwater user fee charges. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

Sec. 82-107. Stormwater User Fee Charge Credits.

- (a) The Stormwater Manager shall grant credits or adjustments based on the technical and procedural criteria set forth in the Stormwater Utility Credit Technical Manual. Copies of the Credit Technical Manual will be maintained by and available from the Stormwater Manager.
 - 1. A stormwater user fee charge credit shall be determined based on the technical requirements, standards and criteria contained in the Credit Technical Manual. The amount of credit, or reduction of the stormwater user fee charge, shall be in accordance with the criteria contained in the Credit Technical Manual.

2. Any credit allowed against the stormwater user fee charge is conditioned on continuing compliance with the City's design and performance standards as stated in the Credit Technical Manual and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The Stormwater Manager may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Technical Manual or this article.
 3. In order to obtain a credit, the property owner must make application to the City on forms provided by the Stormwater Manager for such purpose, and in accordance with the procedures outlined in the Credit Technical Manual.
 4. Property owners may apply for any credits and / or adjustments in accordance with the Credit Manual.
 5. The application for any credit or adjustment must be in writing and must include the information necessary to establish eligibility for the credit or adjustment, and be in the format established by the Stormwater Manager. Incomplete applications will not be accepted for consideration and processing.
- (b) When an application for a credit is deemed complete by the Stormwater Manager, he shall have 30 days from the date the complete application is accepted to either grant the credit in whole, grant the credit in part, or deny the credit. Credits applied for by the property owner and granted in whole or in part, shall apply to all stormwater user fee charges in accordance with the terms defined in the Credit Technical Manual.

Sec. 82-108. Enforcement Methods and Inspections.

- (a) All property owners of improved property within the incorporated areas of Peachtree City shall provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all applicable City development regulations, ordinances, and State and Federal laws. Any failure to meet this obligation shall constitute a violation of this article and be subject to citation and prosecution in the Peachtree City Municipal Court. Each day such violation exists shall constitute a separate offense, subject to the penalties set forth in Section 1-11 of the Peachtree City Code of Ordinances.
- (b) Alternately, in the event a public nuisance is deemed to exist by the Stormwater Manager, the City may elect to sue in the Peachtree City Municipal Court to abate such nuisance. In the event a public nuisance is found by the court to exist, which the property owner fails to abate within such reasonable time as allowed by the Peachtree City Municipal Court, the City may enter upon the property and cause work as is reasonably necessary to be performed, with the actual cost thereof assessed against the property owner in the same manner as a tax levied against the property. From date of filing of such abatement action, the City shall have lien rights which may be perfected, after judgment, by filing a notice of lien on the general execution docket of the Peachtree City Municipal Court.
- (c) The City shall have the right for its designated officers and employees to enter upon public and private property during reasonable hours, and after reasonable notice to the owner thereof, in order to assure compliance with the provisions of this article, and State and Federal law. Such inspections shall generally be limited to the following purposes:

1. Inspecting or conducting engineering analyses on existing stormwater management systems and facilities located on-site; or
2. Determining that stormwater management systems and facilities need to be constructed.

Sec. 82-109. Stormwater User Fee Charge Billing, Delinquencies, Collections, Adjustments.

Failure to receive a Stormwater Utility bill is not justification for non-payment. The property owner, as identified from public land records of Fayette County, shall be obligated to pay the appropriate stormwater user fee charge for that property.

(a) Billing.

1. Stormwater user fee charges shall begin to accrue April 1, 2006, and shall be billed prospectively. The initial billing cycle will be April 1, 2006 through March 31, 2007. A bill for stormwater user fee charges may be sent through the United States Postal Service or by alternative means, notifying the owner of the property being billed of the amount of the stormwater user fee charge, less credits, the date the payment is due and the date when payment is past due.
2. The stormwater user fee charge will be billed and collected as deemed most effective and efficient by the City Council.
3. Frequency of the billing of stormwater user fee charges shall be specified by the City Council.
4. Failure to receive a bill shall not be justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each developed property subject to stormwater user fee charges shall be obligated to pay stormwater user fee charges and any interest on delinquent stormwater user fee charge payments.
5. If a property is unbilled, or if no bill is sent for a particular tract of improved property, the Peachtree City Stormwater Utility may back bill for a period of up to one (1) year, but shall not be entitled to any interest or any delinquency charges during the back billed period.

(b) Delinquencies and collection.

1. Unpaid stormwater service fees shall be collected by filing suit to collect on an unpaid account and by using all methods allowed by Georgia law to collect on any judgment obtained thereby, including enforcement of any lien resulting from any such judgment. Unless reduced to a judgment and a writ of fieri facias issued, the unpaid user fee charge shall not constitute a direct lien against the owner and/or the property.
2. A late charge shall be assessed against the customer for the unpaid balance of any Stormwater Utility user fee charge that becomes delinquent in accordance with applicable State law. In addition, the city shall assess all costs of collection, including attorney's fees and court costs, against the property owner.

(c) Adjustments.

1. The Stormwater Manager shall administer the procedures and standards for the adjustment of the stormwater user fee charge.
 - i. If a customer believes their stormwater user fee is incorrect, the customer may seek an adjustment of the stormwater user fee charge allocated to a property at any time by submitting the request in writing to the Stormwater Manager and setting forth in detail the grounds upon which relief is sought.
 - ii. Customers requesting the adjustment shall be required, at their own expense, to provide supplemental information to the Stormwater Manager, including, but not limited to, a survey certified by a registered land surveyor or a professional engineer. Submittal of this information will be required if the City staff cannot make a determination based on field inspection and / or review of existing City aerial photography. Failure to provide the required information within the time limits established by the Stormwater Manager, as may be reasonably extended, may result in denial of the adjustment request.
 - iii. Once a completed adjustment request and all required information are received by the Stormwater Manager, the Stormwater Manager shall have 30 calendar days within which to render a written decision. Concurrent payment of any charges allocated to the property is not required as a condition precedent to this request for review.
 - iv. In considering an adjustment request, the Stormwater Manager shall consider whether the calculation of the stormwater utility user fee charge for the property is correct.
 - v. The Stormwater Manager's decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.
 - vi. If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater bill.

Sec. 82-110. Appeals, Hearings.

- (a) Appeals. An appeal to the City Manager may be taken by any property owner or customer aggrieved by any decision of the Stormwater Manager. The appeal shall be taken within 30 days of the decision of the Stormwater Manager by filing with the City Manager a notice of appeal in writing specifying the grounds thereof. Upon the filing of the notice of appeal, the Stormwater Manager shall forthwith transmit to the City Manager all documentation constituting the record upon which the decision appealed from was taken.
- (b) Hearing. The City Manager shall fix a reasonable time for hearing the appeal and give written notice to the appellant at least ten days prior to the hearing date. The notice shall indicate the place, date and time of the hearing. The City Manager shall affirm, reverse, affirm in part, or reverse in part the decision of the Stormwater Manager after hearing the evidence. If the decision of the Stormwater Manager is reversed in whole or in part, resulting in a refund or credit due to the property owner, then such refund or credit shall be calculated retroactive to the date of the initial appeal.

- (c) The decision of the City Manager shall be final, and there shall be no further administrative action. Any person aggrieved or dissatisfied with the decision of the City Manager may appeal that decision to the Superior Court of Fayette County by Writ of Certiorari.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

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

Harold Logsdon, Mayor

Attest: _____
City Clerk

Peachtree City Stormwater Utility

Stormwater Utility Credit Manual

January 2006

January 24, 2006

Section 1. Overview

This manual outlines the methodology for the Peachtree City (City) Stormwater Utility customers to secure and maintain a potential stormwater utility rate credit(s) for their property. A stormwater utility rate credit, or stormwater credit, represents a reduction in the customer's stormwater utility fee. The credit is only applicable for instances where stormwater management best management practices (BMPs) are operated and maintained to reduce the impact of runoff from the subject property on the City's stormwater management systems or in recognition of activities undertaken by the customer to reduce the cost of operating the stormwater management program (see watershed stewardship and education credits). A maximum of a 50% credit, if applicable, is available for customers. The only exception to this maximum credit is for select educational institutions which may be able to secure additional credits.

The various credits described in this manual are applicable as indicated and are subject to the requirements of the latest version of the *Georgia Stormwater Management Manual (GSMM)*, complete with all appendices and attachments. **Table 1** summarizes the potential credits available to property owners within the City. Each credit is explained in further detail later in this manual.

Table 1: Summary of Peachtree City Potential Stormwater Utility Credits

Credit	Term	Potential Stormwater Utility Credit	
		Single Family Residential (SFR)	Non Single Family Residential (NSFR)
Low-Impact Parcel	3 years	25%	
Watershed Stewardship	1 year	25%	
NPDES Industrial Stormwater Permit	1 year		10%
Water Quality	3 years		10%
Channel Protection	3 years		10%
Overbank Flood Protection	3 years		10%
Extreme Flood Protection	3 years		10%
Education (only applicable to public and private institutions)	1 year		50%

Definitions

Credit: A reduction in the amount of a customer's stormwater utility fee in recognition of a property's efforts to mitigate the runoff impact that the property improvements (i.e. impervious areas) have on the City stormwater management system.

Detention Facility: A system which provides temporary storage of stormwater runoff with a designed release of the stored runoff over time to manage the discharge volume, rate, pollutant loading and/or velocity and mitigate the property's impact on the City stormwater management system.

Georgia Stormwater Management Manual (GSMM): A document governing stormwater management activities in Georgia. This document serves as a comprehensive technical handbook for stormwater management design, construction and long-term maintenance.

Impervious Area: Areas that do not allow, or only allow to a small extent, the infiltration of rainfall or stormwater runoff into the soil.

Single Family Residential (SFR): A developed property that contains one residential dwelling unit designated for that use. A SFR property shall be classified as residential and shall not be multi-family residential (MFR), commercial, industrial, institutional, educational, religious, municipal, and recreational.

Non-Single Family Residential (NSFR): A developed property that contains structures utilized for purposes other than a residential dwelling unit. Examples of NSFR properties include those classified as MFR, commercial, industrial, institutional, educational, religious, municipal, and recreational.

Retention Facility: A system that provides storage of stormwater runoff, preventing release of a certain volume to a surface water body.

Runoff: Portion of stormwater, snow/ice melt, irrigation, and drainage that is collected in a stormwater management system that does not percolate into the ground.

General Policies

The following general policies apply when considering stormwater credits:

- Credits are only applied to eligible property owners. Since the stormwater fee is being assessed on an individual parcel basis, a group of property owners cannot apply for a credit unless otherwise noted. An eligible property owner is defined as a property that contributes runoff to the qualifying stormwater BMP located on the same property via natural and/or manmade conveyance systems.

If a group of properties are served by a BMP(s) then the credit will be applied to the property owner on whose property which the BMP resides. This applicant will be referred to as the primary applicant. If the primary applicant provides a memorandum of agreement (MOA) between the primary applicant and another property owner for which the BMP(s) provides adequate treatment for the applicable credit, the City will apply the credit to all property owners named in the MOA. The credit shall be applied to all applicants until such time as the primary applicant notifies the City that the MOA is no longer in effect or the term of the credit expires, whichever is sooner. If the MOA is revoked by the primary applicant, the credit shall only apply to the primary applicant.

- A residential homeowner's association (HOA) which has its own properly designed, constructed, and maintained stormwater BMP(s) should contact the City Stormwater Manager to determine if a credit can be provided.

For the purposes of the credit, the BMP(s) must be located on a parcel that is owned by the HOA or a resident in the HOA. BMPs located within City owned greenbelts or rights-of-way are not eligible. Additionally, BMPs that the City maintains through a dedicated maintenance easement or other legal agreement though lying within private property are also ineligible.

For the purposes of awarding the credit, the credit being applied for must be met for the entire development and must meet the credit conditions. For example, if a credit for channel protection is applied for, the channel protection requirements must be met for the entire development.

Any resulting credit awarded will be divided among eligible property owners within the HOA.

- Applications for a stormwater credit for existing facilities may be submitted to Peachtree City at any time. Credits awarded will be applied to the next billing cycle. For those applications, submitted and approved

in the first six months of the implementation of the Stormwater Utility, the credit shall be applied retroactively.

- Applications for a stormwater credit for new construction may be submitted once the BMP is in place or when the stormwater utility rate is applied, whichever is later.
- The City will at its discretion undertake periodic visual inspections of the BMPs being utilized to obtain a credit. Consequently, a Right-of-Entry or an access easement must be granted to the City for credits to be approved.
- The term of the credit varies based upon the type credit. See **Table 1** for credit terms. During the credit term, the City will conduct random inspections such that each credit could potentially be revoked. If the BMP facility is found to be functional and being properly maintained, the credit will remain in effect. Likewise, if the BMP facility is not functional or is not being maintained, the credit will be voided on the next billing cycle. Before a credit is re-instated, the property owner will have to reapply for the credit as outlined in this manual.

Basic Procedures

Most of the credits in this manual require an application, and some of the credit applications require engineering calculations to verify eligibility to receive a credit. The credits associated with engineering calculations are identified in the manual and the credit application forms. The City requires that these calculations be performed, signed, and sealed in accordance with the professional certification provisions outlined herein.

The procedure for filing a credit application includes the following tasks:

- Obtain an application packet from the City.
- If required by the credit, retain a professional engineer to perform the required analysis.
- Submit the completed application with all sections appropriately filled out, and all required information contained within or attached to the application.

- The City will review and rule on the eligibility of the credit application. The decision by the City is final.
- If the credit application is approved, the City will put the stormwater credit into affect with the next billing cycle.
- During the credit term, the City has the right to inspect the BMP facility to ensure it is functioning per the design documents and is being properly maintained.
- At the end of the credit term, the credit will automatically expire. It is the property owner's responsibility to ensure that an application is made prior to the credit expiring. Reapplication must be made to receive a credit. A new credit application is required at the end of the credit term.
- When credits are awarded for SFR customers, they will be applied to the next billing cycle. Since SFR properties are being billed quarterly, the credit will be posted and reflected in the next annual bill. For NSFR properties, they are being billed monthly, and the credit will be applied the month following approval.

Design and Implementation

Any stormwater management system within the City must follow the recommendations and guidelines presented in the City's Water Resources Protection Ordinance, as well as the GSMM First Edition. The City's Water Resources Protection Ordinance (Article X of the Land Development Ordinance) provides the local framework for stormwater management within Peachtree City. Technical guidance for implementation of the goals outlined therein was incorporated into the ordinance via the GSMM by reference.

The GSMM can be found on the Internet by using the following link: <http://www.georgiastormwater.org/>. This document discusses stormwater management planning and design, unified stormwater sizing criteria, and specific BMP controls achieving various levels of treatment. The unified stormwater sizing criteria accounts for varying levels of treatment provided for calculating BMP effectiveness.

Section 2. Credit Policies and Procedures

This section explains the procedures involved in applying for a stormwater credit. The procedures include step-by-step instructions and eligibility requirements for obtaining the stormwater utility credit.

Single Family Residential (SFR)

Listed below are the stormwater credits SFR property owners are eligible to apply for. Each credit is explained in more detail in the pages that follow.

- Low-Impact Site
- Watershed Stewardship

The SFR property owner shall follow the credit application procedures outlined herein for each credit.

Low-Impact Parcel

Overview

There are several areas in the City where parcels are relatively large and the amount of impervious area, in comparison to the total lot size, is relatively small. These parcels have a resulting impact; whereby, there is a reduction of runoff impacts since most of the parcel is in an undeveloped or low impact condition.

Credit Description

A credit shall apply to those SFR property owners who can prove that their lots comply with the “low-impact” development provisions presented herein. This shall be achieved through the use of large lot SFR parcels and natural area conservation. Typical characteristics that shall apply are included in **Table 2:**

Table 2: Stormwater Utility Credit Requirements for Low-Impact Parcels

Parameter	Requirement
Impervious Cover (%)	Must be less than 15%
Total Site Area (Acres)	Must be greater than 2 acres

Each SFR property owner that wishes to apply for this credit shall be responsible for calculating the total site area, impervious surface area, and natural conservation area. Utilize the following procedures:

- Determine the total area of the SFR parcel. This must be a minimum of two acres.
- Determine the impervious area for the SFR parcel. The impervious area shall include the structure, driveway, sidewalk (do not include the sidewalk in front of the house next to the street), pool, pool deck, patio, shed, or any other accessory impervious area. The impervious surface must be less than 15% of the total (pervious area plus impervious surface) area of the parcel.
- If the SRF parcel meets all the requirements above, they will be eligible for a stormwater utility rate credit of 25%.

Stormwater Credit Application Procedures

The SFR property owner shall follow the procedures below when applying for a stormwater credit for site design:

- STEP 1: Obtain a credit application packet from the City.
- STEP 2: The property owner shall provide a copy of the information where the property owner obtained total parcel area and total impervious area. Total impervious area shall be detailed to include which portion pertains to the structure, driveway, sidewalk, and other accessory areas. This information should be documented in the form of a sketch that will allow City personnel to verify the measurements, calculations and other pertinent information.
- STEP 3: The property owner shall submit the credit application, complete with the relevant documentation and calculations, to the City.

Upon receipt of the credit application, the City shall review the documentation and calculations. Upon verification, the stormwater credit will be applied, starting with the next billing cycle. If the City inspector does not approve of the customer's application for a stormwater utility credit under the low-impact criteria, the City will send a letter to the property owner explaining why the credit application was not approved.

Renewal of the stormwater utility credit shall be in accordance with the Basic Procedures section of this manual and the requirements listed above. A 25% credit is available for the Low-Impact Parcel credit.

Watershed Stewardship

Overview

SFR property owners are eligible for a stormwater credit if, at a minimum, the property owner participates in a local watershed stewardship event. Events are set up, organized, and executed through a partnership with citizens, local groups, county, and federal agencies. The City has identified two watershed stewardship BMPs in their National Pollutant Discharge Elimination System (NPDES) Permit Notice of Intent (NOI) to the Georgia Department of Natural Resources (DNR) Environmental Protection Division (EPD).

Credit Description

Community stream clean-ups will coordinate with organizations (such as Rivers Alive and the Great American Clean-Up Campaign) for stream clean-ups that may include, but not be limited to, Flat Creek, Line Creek, Camp Creek, Lake Peachtree and Lake Kedron.

The City shall provide a schedule of Watershed Stewardship Program event dates and locations. Each SFR property owner shall be responsible for reserving space for participation in each event by contacting the City Stormwater Manager. The City shall have a maximum enrollment for each event and try to assign participation roles in a manner that fosters equal opportunity. Several events shall be scheduled throughout the year, subject to City staffing resources. However, the City is not required to schedule events to match demand from SFR property owners.

There shall only be one stormwater credit certificate issued per SFR property. Participation may include more than one person. However, the certificate may only be issued for those properties where the property owner or adult over the age of 18 responsible for paying rent or mortgage is one of the participants. It is the property owner's responsibility to maintain the location of the certificate and to provide this certificate upon payment of the stormwater utility fee. Certificates shall be issued for a minimum of eight (8) hours of participation in an event. No replacement certificates shall be issued for those lost or misplaced.

Stormwater Credit Application Procedures

The SFR property owner shall follow the procedures below when applying for a stormwater credit for watershed stewardship:

- STEP 1: Obtain a credit application packet from the City.
- STEP 2: The property owner shall secure the attendance certificate for the Peachtree City Watershed Stewardship Program. Attendance at Fayette County or other events is not transferable to Peachtree City's stormwater utility credit program.

STEP 3: The property owner shall submit the credit application, complete with the relevant certificate, to the City. Upon receipt of the credit application, the City shall review the certificate with the event and the participation roster. Upon verification, the stormwater credit will be applied to the next billing cycle.

If the City inspector does not approve of the certificate being utilized for the watershed stewardship stormwater utility credit, the City will send a letter to the property owner explaining why the credit application was not approved. If the property owner reapplies, and the verification results in an approval of the application, the City will notify the property owner of the credit amount and the date the credit will become effective.

The property owner shall continue to participate in the stewardship events annually to receive a certificate. Renewal of the stormwater utility credit shall be in accordance with the Basic Procedures section of this manual and the requirements listed above. A 25% credit is available for watershed stewardship.

Non-Single Family Residential (NSFR)

In addition to the Watershed Stewardship credit explained above, NSFR property owners are eligible to apply for the credits listed below. Each credit is explained in more detail in the pages that follow:

- Educational Institutions
- NPDES Industrial Stormwater General Permit Compliance
- Management of the Water Quality Volume
- Management of the Channel Protection Volume
- Management of the Overbank Flood Protection Volume
- Management of the Extreme Flood Protection Volume

The last four credits listed above are part of the Unified Sizing Criteria discussed in the GSMM. These four credits will be discussed as a group under the Unified Sizing Criteria heading.

Education Institutions

It is the goal of Peachtree City to strongly and financially encourage both public and private educational systems (grades 1-12 inclusive), to educate and inform their students on the importance of surface water, ground water and stormwater resources, and how they can play a role in preserving and restoring the physical, chemical, and biological integrity of the City's water resources. Consequently, the owner of property which is used as a site for a public or private school and which agrees to teach a general environmental science curriculum that includes water protection measures at the primary or secondary level may receive a credit against the stormwater service charge applicable.

Eligibility

The Educational Credit shall be available to all public or private educational systems in grades 1-12 inclusive, which teach as part of their official curriculum, the *WaterWise*TM program, Enviroscope Program, GLOBE (Global Learning and Observation to Benefit the Environment) Program, Project WET, or another such program approved by the City Stormwater Manager:

- The credit shall not be available to individual residences.
- The credit shall not be available to educational institutions, which have less than one thousand (1,000) full-time students enrolled in the systems.
- No other curriculum shall be eligible for such credit unless granted by the City Stormwater Manager.

- The credit shall not be retroactive, but shall be applied beginning the next billing cycle and thereafter as applicable.

Amount of Credit

The educational credit may be up to 50% of the service charge applicable to a school property. Educational credits may be taken in conjunction with any other credit available under this section. The amount of credits given shall be as determined by the City Stormwater Manager based on the number of contact hours and the curriculum being taught. The educational credit may be taken in addition to any other credit available under this section. Systems do not need to offer the curriculum during the summer to obtain a 12-month credit. In no case should the credit exceed 50% of the total stormwater user fee.

Stormwater Credit Application Procedures

Prior to July 1 of each year, the superintendent of the Fayette County School System or in the case of private schools the chief executive officer of the school, shall certify to the City Stormwater Manager, the water protection measures curriculum being taught in each school for which an educational credit is being claimed and the extent to which such curriculum is being taught. For purposes of this educational credit, a public school shall be any school operated by the Fayette County School System and a private school shall be a school operated by a private entity teaching some or all of the grades K-12 at which are taught subject[s] commonly taught in the public schools operated by the Fayette County School System.

The following additional information should be provided to help assess the credit allowance:

- Address of site (property) and point of contact.
- Approximate number of total students per grade and total school enrollment at the site(s).
- Approximate number per grade that will take the curriculum.

NPDES Industrial Stormwater General Permit Compliance

By complying with NPDES Industrial Stormwater General Permit requirements for industrial facilities, NSFR property owners are helping the City address potential water quality issues on site before they are discharged into the public drainage system and/or Waters of the State. Therefore, these properties are eligible for a stormwater utility credit. If the NSFR property owner has properly secured coverage under the NPDES Industrial Stormwater

General Permit, and is in compliance with all applicable requirements (i.e. development and implementation of a Stormwater Pollution Prevention Plan (SWPPP), a credit application may be filed with the City.

Stormwater Credit Application Procedures

The following requirements will apply for NSFR property owners who qualify for an NPDES Industrial Stormwater General Permit stormwater utility credit:

- NSFR properties that operate under compliance with their NPDES Industrial Stormwater General Permit are eligible for a credit in their stormwater utility fee. The credit shall only be applied to that portion of the property covered by the permit.
- It is the property owner's responsibility to obtain a credit application from the City. The property owner shall complete the application, attaching any required documents verifying compliance with the NPDES Industrial Stormwater General Permit. At a minimum, the documentation attached to the credit application shall include the following:
 - Address of site and point of contact
 - Copy of the current NOI
 - Copy of a summary annual report of compliance
 - Copy of the SWPPP
 - Certification by the responsible party/permit holder that the SWPPP is being implemented
- Once complete, the application shall be turned into the City.
- Upon approval, the credit will be applied starting the year following approval. The maximum credit amount available for NPDES Industrial Stormwater General Permit compliance is 10%.
- The NSFR property owner shall continue to send a copy of an annual summary report of compliance to the City Stormwater Manager and continue to comply with their NPDES Industrial Stormwater General Permit requirements. The property owner will be responsible for sending the annual report to the City. Failure to do so will nullify the stormwater utility fee credit.

Unified Stormwater Sizing Criteria

The four treatment levels of the unified stormwater sizing criteria include water quality, channel protection, overbank flood protection, and extreme flood protection. **Table 3** presents each treatment level with a description of each, as provided in the GSMM.

Table 3: Unified Stormwater Sizing Criteria

Treatment Level	Maximum Available Credit	Description ¹
Water Quality	10%	Treat the runoff from 85% of the storms that occur in an average year. Per the GSMM, this equates to providing water quality treatment for the runoff resulting from a rainfall depth of 1.2 inches. Reduce average annual post-development TSS loadings by 80%.
Channel Protection	10%	Provide extended detention of the 1-year storm event released over a period of 24 hours to reduce bankfull flows and protect downstream channels from erosive velocities and unstable conditions.
Overbank Flood Protection	10%	Provide peak discharge control of the 25-year storm event such that the post-development peak rate does not exceed the predevelopment rate to reduce overbank flooding.
Extreme Flood Protection	10%	Evaluate the effects of the 100-year storm on the stormwater management system, adjacent property, and downstream facilities and property. Manage the impacts of the extreme storm event through detention controls and/or floodplain management.

1) Description of each treatment level is as published in Chapter 1.3 of the GSMM (August 2001).

The various options available for providing the desired level of treatment can be found in the GSMM. Volume 2, Chapter 1.3 provides an overall comparison of BMP options as they apply to the four levels of the unified stormwater sizing criteria. Volume 2, Chapter 3 provides more detailed information on each BMP. Design examples for a select number of BMPs are provided in Volume 2, Appendix D.

NOTE: All work associated with pursuit of a stormwater utility fee credit shall be done in strict accordance with the City's current ordinances related to the management of stormwater runoff.

Credit Applications

Credit applications are required for most of the credits included in this manual. **Appendix A** provides the credit application forms for the applicable credits described in this manual. **Appendix B** contains miscellaneous forms required as part of the stormwater utility credit application process, including a Right-of-Entry form and a City inspection form.

APPENDIX A

- A-1: NPDES Industrial Stormwater General Permit Credit Application Form**
- A-2: Credit Application Form**

Appendix A-1

NPDES Industrial Stormwater General Permit Credit Application Form

PEACHTREE CITY

NPDES Industrial Stormwater General Permit Credit Application/Renewal Form

Instructions:

Fill out this form completely. A separate application must be made for each separate property location. One application must be submitted for each separate NPDES Industrial Stormwater General Permit. Please ensure all NPDES permitted facilities are in a proper state of repair and maintained.

Fill out and attach the following:

- NPDES permit
- Previous year's annual report
- Copy of the Stormwater Pollution Prevention Plan (SWPPP)

Mail the completed form, annual report, NPDES permit, and SWPPP to:

Peachtree City
Attn: City Stormwater Manager
153 Willowbend Circle
Peachtree City, GA 30269

Parcel Identification Number:	
Property Owner Name:	
Property Address:	
Property City/Zip Code:	
Property Owner E-mail Address:	
Property Owner Phone/Fax Number:	
Mailing Address:	

I hereby request Peachtree City to review this application for a stormwater service fee credit. I certify that I have authority to make such a request and grant such authority for this property. The attached information is true and correct to the best of my knowledge and belief. (This form must be signed by the financially responsible person if an individual, or if not an individual by an officer, director, partner, or registered agent with authority to execute instruments for the financially responsible person). I agree to provide corrected information should there be any change in the information provided herein.

Type or print name

Title or Authority

Signature

Date

Appendix A-2

Credit Application Form

PEACHTREE CITY
Credit Application Form

Instructions:

Fill out this form completely. One application must be submitted for each separate property location. Multiple stormwater controls may be included in the application for a single property location. Please ensure all stormwater management facilities are in a proper state of repair and maintained. Attach all appropriate documentation to support this request. Documentation shall include:

1. Site plan with stormwater facilities and contributory drainage area.
2. Description of stormwater facilities.
3. Appropriate pages from Volume 2 of the Georgia Stormwater Management Manual (August 2001, or as amended) identifying design requirements for each on-site stormwater control.
4. Documentation that facilities meet one or more criteria for the fee credit (technical report).
5. Seal by professional engineer licensed in Georgia (does not apply to residential credits, educational credit, or Watershed Stewardship).

Fill out and attach a Right-of-Entry Form. Mail the completed form (with attachments), and Right-of-Entry to:

Peachtree City
Attn: City Stormwater Manager
153 Willowbend Circle
Peachtree City, GA 30269

Place a check next to the credit being applied for with this application:

Type Credit	Applicability/Requirements
Low Impact Parcel	SRF property
Watershed Stewardship	SRF property
Educational Institution	Public & Private schools grades 1-12
Water Quality	NSFR property - requires PE certification
Channel Protection	NSFR property - requires PE certification
Overbank Flood Protection	NSFR property - requires PE certification
Extreme Flood Protection	NSFR property - requires PE certification

General Information:

Owner Name:	
Owner Mailing Address:	
Owner Mailing City/Zip:	
Contact Phone/Fax Number:	
Contact E-mail Address:	

PEACHTREE CITY

Credit Application Form (continued)

Property Information:

Parcel ID Number:	
Parcel Address (number and street):	
Parcel Address (city and state and zip):	
Parcel Location/Development:	
Authorized Contact, if different than owner:	
Parcel Classification (SFR or NSFR):	

I hereby request Peachtree City to review this application for a stormwater service fee credit. I further authorize Peachtree City to inspect the above identified stormwater facility(ies) for the purpose of assessment for a stormwater service fee credit. I certify that I have authority to make such a request and grant such authority for this property. The attached information is true and correct to the best of my knowledge and belief. (The financially responsible person must sign this form if an individual, or if not an individual by an officer, director, partner, or registered agent with authority to execute instruments for the financially responsible person). I agree to provide corrected information should there be any change in the information provided herein.

Type or print name

Title or Authority

Signature

Date

APPENDIX B

B-1: Right-of-Entry Form

B-2: Inspector Checklist for Stormwater Facility Inspection

Appendix B-1

Right-of-Entry Form

PEACHTREE CITY

Right-of-Entry

_____ Hereinafter termed "Owner" and PEACHTREE CITY, hereinafter termed "City" in consideration of the mutual promises of the Owner and City hereinafter contained, agree upon the following terms for the entry of the City and its representatives as set forth herein upon the real estate hereinafter described:

"Owner" hereby grants to City, its employees, agents, consulting engineers, contractors and other representatives the right to enter upon the above described real estate on and after, _____, for the purpose of inspecting on-site stormwater controls which work shall be completed strictly in accordance with the standard practice of engineering. The City shall, as soon as practicable after completion of the work as above described, cause all affected property of the Owner to be restored to its original condition as nearly as reasonably possible.

"Owner" hereby covenants with City that he/she is/they are the true and lawful owner of the above described real estate and has/have lawfully seized of the same in fee simple and has/have the right and full power to grant this right of entry, which right of entry shall cease to be effective on completion of the above described inspection.

"Owner" will not charge City rent or other compensation during the period of time City occupies the said real estate for purposes aforesaid under the provisions of this right of entry.

IN WITNESS WHEREOF, the parties have caused their respective names to be signed hereto on the ____ day of _____, 20____.

OWNER

REPRESENTATIVE OF PEACHTREE CITY

Appendix B-2

Inspector Checklist for Stormwater Facility Inspection

Inspector's Checklist for Stormwater Facility Inspection

- Make contact with the authorized contact from Credit Application Form and notify of and coordinate site inspection. Authorized contact or owner need not be present for site inspection though inspector should make every effort to accommodate authorized contact's availability to accompany inspector.
- Fill out the form completely only if the facility is in proper state of maintenance and repair. If not in proper repair and maintenance fill out only the "General Information" and "Maintenance and Repair" sections and return to the City Stormwater Manager.
- If site plans were supplied by engineering and all dimensions and necessary site improvement details can be checked against the plans, then only deviations from the plans should be noted and annotated in red pen on the plans. If plans are used, check the blocks in the "Facility" and "Drainage Area" sections.
- If site plans are not available or not used fill out all sections fully.
- Attach Credit Application Form and return to the City Stormwater Manager.

Inspector's Name: _____ Date Inspected: _____

Description	YES	NO ¹
Is facility compliant with <i>Georgia Stormwater Management Manual</i> ?		
Is facility clear of sediment deposits or debris that significantly reduce operating ability or capacity?		
Is facility in good repair to allow proper function?		
Is the facility emergency overflow (if applicable) in proper repair and not eroded?		
Comments on "NO" check marks:		

(1) Note: A "NO" check will void the credit application. When the condition is remedied, a new application may be submitted.

PEACHTREE CITY

Inspector's Checklist for Stormwater Facility Inspection (continued)

Site Plan Available? Yes ☐ No ☐

[Check block to refer reviewer to City supplied site plan. If all necessary information is not supplied on the site plan give additional information here.]

Facility Dimensions and Layout (provide sketch with dimensions):

Note: Outlet information, if applicable, must be sufficient to develop a rating curve for the facility.

Facility Ancillary Device Layout (provide sketch with approximate dimensions):

Note: Dimensions and sketch must be sufficient to calculate volume of storage area (if applicable) from lowest outlet elevation to top of overflow point.

PEACHTREE CITY

Stormwater Management Program

Current & Future SWMP Level of Service Matrix

PROGRAMMATIC ELEMENTS

Element	Current	Future
SWMP Funding & Organization	The City operates a Stormwater Management (SWMP) as a part of the Engineering Department and Public Services Division. The SWMP does not have any staff that are solely dedicated to managing and operating the City's SWMP. The SWMP has traditionally been funded by a mixture of General Fund Revenues; Service Fees for plan review and site inspections; and grant money for specific projects. The annual expenditures of the SWMP have been estimated to be in the range of \$280,000 to \$550,000 per year. The current annual funding levels will not be adequate to fund the future, comprehensive SWMP and the depth of staff resources will need to be enhanced.	Peachtree City is considering the formation of a Stormwater Utility to assist with implementation of its comprehensive SWMP. The Stormwater Utility will be utilized to fund the implementation of the City SWMP, maintaining the City's storm drain system, developing and implementing the capital improvements program (CIP) and meeting Federal & State stormwater regulations. The Utility will be the primary source of funding for the administration of the Peachtree City National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Permit and the Metropolitan North Georgia Water Planning District (MNGWPD) watershed management plan. The Stormwater Utility would also be responsible for funding SWMP public relations, development plan review, and administration of the stormwater utility billing, collections and customer service functions.
Stormwater Master Planning	The City has undertaken very limited master planning work with the primary effort focusing on the City's water quality monitoring program. The City's efforts in this area have typically been as a result of recurring flooding problems in specific areas of the City.	The City desires to enhance the watershed study work and implement drainage masterplanning studies throughout the City to further characterize the hydrological and hydraulic (H&H) conditions, water quality & biological data and flooding level of service data for the City's watersheds. Based on the results of the studies, drainage masterplans for each basin would be developed to outline the necessary system improvements and to establish the estimated construction costs. Through the master planning process, the City can further prioritize the CIP for the various watersheds in the City to address documented flooding, drainage conveyance LOS and water quality issues.

Peachtree City
Stormwater Management Program Development & Implementation
Current & Future SWMP Level of Service Matrix

Inter-jurisdictional Coordination	The City has traditionally had limited interaction/coordination with neighboring jurisdictions regarding stormwater and watershed management activities. Stormwater runoff from upstream areas (Tyrone, Fayette County, etc.) impact Peachtree City and coordination efforts would likely prove beneficial to the City.	The City has very limited interconnectivity with watersheds draining into the City with the exception of Line Creek on the western boundary which receives drainage from Coweta, Fulton and Fayette Counties. Additionally, minor drainage areas lie to the north in Tyrone and to the east in unincorporated Fayette City. The majority of the City drains to Flat Creek which combines with Line Creek before leaving the City. As such, limited flood control interaction is required with other jurisdictions. Water Quality issues will continue to dominate the need for greater interaction with other governments as Line Creek and Camp Creek lead to principal drinking water supply withdrawal points. The City should develop a coordination procedure with Tyrone and Fayette County in an effort to ensure that development in these jurisdictions that is proximate to the City does result in adverse impacts to City infrastructure. The City anticipates that failure to effectively manage water quality issues within the City will result in higher treatment costs by the Fayette County Water System which would be passed on to Peachtree City residents who are water system customers. Additionally, EPD has indicated that failure to effectively manage nonpoint source pollution (i.e. stormwater) could result in higher treatment standards for wastewater discharges. This would result in higher treatment costs for WASA which again would not be passed on to their customers, the residents of Peachtree City.
Floodplain Management	The City generally prohibits any land development within the floodway and floodplain, including fill placement, new construction, substantial improvements, manufactured housing, storage of materials and storage of toxic or flammable substances. State and federal permit authorization is typically required from the GAEPD and the U.S. Corps of Engineers prior to the commencement of any land disturbing activities in or near a lake, stream, creek, tributary or any unnamed body of water and its adjacent wetlands and the City adheres to these requirements as a standard policy. Additionally, the City has adopted greater stream buffer requirements than required by other state and federal agencies.	The City will endeavor to implement the following activities related to their Floodplain Management Program: • Maintain a local floodplain management program that meets the applicable National Flood Insurance Program (NFIP) requirements. • Develop "build out" floodplain maps for use as a land use planning tool and to assist with ordinance implementation. • Adhere to specific requirements of the MNGWPD regarding floodplain management.
Regulatory Compliance Administration & Coordination	The City has traditionally complied with applicable regulatory requirements to address erosion & sedimentation control. However, the regulatory compliance programs affecting the City have expanded significantly since 2003, and will continue to expand, as water regulation becomes more predominant in Georgia and metro Atlanta.	The regulatory programs that will influence and impact the future SWMP to the greatest degree are the NPDES Phase II Stormwater Regulations, the requirements of the MNGWPD, existing Watershed Management Plans developed by WASA, the TMDL program and the Georgia Soil & Erosion Control Act.
Water Quality Monitoring	The City and other agencies have undertaken a number of water quality monitoring projects over the past 15 years culminating with the City's annual water quality program in 2001. The City currently monitors a number of sites on an annual basis as well as several others on a semi-annual basis for chemical, in-situ and bacterial constituents.	The City intends to continue its monitoring program to track long-term water quality trends. Data developed as a result of this program will assist the City in its source tracking and illicit discharge prevention program requirements under the NPDES Phase II permit as well as ensure that serious health and safety issues with waterborne contaminants are identified and addressed in an efficient manner. Failure to address water quality impairments within the City could affect WASA's future discharge/operations permits, the City's SWMP and the overall quality of life.

Peachtree City
Stormwater Management Program Development & Implementation
Current & Future SWMP Level of Service Matrix

Development Inspection & Enforcement Activities	To verify that residential, commercial and industrial construction projects are built in compliance with all specifications and requirements, City development site inspectors visit all construction sites on a periodic basis. Site inspectors are tasked with enforcing: applicable excavation, grading and compaction standards; paving and pipeline installation standards; and stringent E&S standards and practices. Inspectors ensure that developer's survey crew set cut and fill stakes and the contractor utilizes the precise survey information when building all improvements. City building inspectors are tasked with enforcing foundation and concrete placement standards, environmental standards for clean-up and disposal of paints, de-greasers and solvents.	The City will maintain a staff of two dedicated engineering technicians that will address stormwater related inspections on both construction sites as well as other regulatory related inspection requirements.
Land Development Regulations & Ordinances	Peachtree City's existing stormwater management ordinances and development regulations address runoff management, better site design practices as well as structural and non-structural best management practices (BMPs) for new development. Developers are required to provide an environmental assessment of the site including a description of any existing topography, tree preservation plans, wetland delineation, a sensitive areas analysis and a downstream analysis of the development's impacts on floodplains and City infrastructure.	Peachtree City will continue to enforce the City's comprehensive water resources protection ordinance. Additionally, the City will update the ordinance with any new regulatory requirements or identified needs within the community in the future. The City will ensure that applicable requirements of their NPDES Phase II Permit and the MNGWPD are also incorporated into their SWMP.
Public Education & Involvement	The City has historically convened/facilitated advisory groups, task forces, focus groups, interviews, public meetings, workshops, volunteer programs, polls, web-site and media reports to educate the public about stormwater issues in Peachtree City.	The City will disseminate environmental education information and sponsor educational events related to the SWMP. In addition, the City will collaborate and develop partnerships with agencies, organizations, and institutions on the development, implementation, evaluation and recognition of environmental education. The City staff will educate land development professionals as to the techniques and approaches that will achieve a balance between private property development rights and natural resource protection. The City will ensure that applicable elements of their NPDES Phase II Permit and the MNGWPD are implemented.

DRAINAGE SYSTEM OPERATIONS & MAINTENANCE

Element	Current	Future
Drainage System Inventory & Mapping	The City has a limited inventory of the drainage system that has been compiled through previous masterplanning reports. The inventoried structures have not been compiled into the City GIS data and placed on a unique GIS layer. No detailed drainage system condition assessment work has been performed other than what was necessary to complete the previous drainage studies.	The City will inventory the existing drainage structures and create a map layer in the GIS to comply with the NPDES Phase II Stormwater Permit and MNGWPD requirements. The inventory and mapping work will include a description of attributes associated with the system (i.e. structure type, material, condition, size, etc.) as well as spatial coordinate data. From the drainage system data gathered, a detailed assessment of system condition will be completed in accordance with NPDES and MNGWPD requirements. The condition assessment data can then be utilized for five primary purposes: 1) asset management/prioritized capital maintenance; 2) regulatory compliance; 3) drainage masterplanning; 4) CIP planning; and 5) GASB 34 reporting.
Drainage System Assessment	The City has no formal program for ongoing inspection of existing stormwater conveyance systems. This has historically been due to a lack of system knowledge and limited manpower resources.	Per the NPDES Phase II Stormwater Permit requirements, the City intends to secure "Right of Entry for Inspection" when any new BMP is installed on private property to facilitate the inspection process in the future. At the same time, the City staff will develop and implement an inspection process for publicly owned stormwater facilities and pipe systems. The City will maintain inspection reports and records for all facilities within the City.
Drainage System Routine & Remedial Maintenance	Public Infrastructure - The Public Services Division is responsible for all maintenance in the City's right-of-way related to paving, drainage and stormwater infrastructure. The City is responsible for maintenance of all publicly owned drainage system infrastructure. Private Infrastructure - The historical position of the City states that it is the responsibility of private property owners to maintain private stormwater retention and detention facilities located outside of the public right of way. In order to facilitate inspection and maintenance of stormwater facilities that are the responsibility of the City, a drainage easement has been required. The required easement does not create the obligation for the City to provide routine maintenance activities. Ownership of, and primary responsibility for maintenance of stormwater facilities, located inside of a required easement, resides with the property owner.	The City will institute the following programs as part of the future Operations & Maintenance LOS: • A formal Extent of Service (EOS) Policy to establish the City's maintenance procedures and responsibilities related to both public and private drainage systems. • Because of the lack of a legal agreement for enforcement purposes, the City will require that a legal Stormwater Facility Operation & Maintenance Agreement be executed for all private on-site stormwater management facilities prior to the issuance of a land disturbance permit. • Based on the City Maintenance LOS Policy, the City will increase maintenance activities on catch basins, cross-road culverts, detention ponds, drainage ditches etc. to improve water quality and conveyance capacity. • Based on the City Maintenance LOS Policy, a detention pond and stormwater BMP maintenance program will be implemented for publicly owned detention ponds. The City will also formulate maintenance requirements for private detention ponds and BMPs. • Based on the City Maintenance LOS Policy, the City will also address roadside ditch maintenance as it relates to trash/debris and sediment removal, focusing on vegetation control and trash removal rather than sediment removal where feasible. <i>Note: Many of the detention ponds serving residential areas of the City are located within greenbelts and other City owned property. As such, Peachtree City's operations and maintenance obligations are larger than other similarly sized communities in the metropolitan Atlanta area.</i>

CAPITAL IMPROVEMENT PROGRAM

Element	Current	Future
Capital Maintenance Projects	Since the City does not currently have a prioritized capital replacement plan and the City rarely undertakes "proactive" capital maintenance projects. These types of projects typically arise when a complaint is made and subsequent inspection by City staff results in the need to take action.	The City will institute a comprehensive inspection program for publicly owned drainage infrastructure and detention ponds as well as an inspection procedure for private detention ponds and BMPs. Concurrent to the inspection effort, the City will be collecting an inventory of the major drainage systems, detention ponds and BMPs within the City and mapping them into the GIS. From the assessment work and mapping work, the City will have the necessary information to develop a prioritized Capital Maintenance Project list for future implementation. The implementation schedule will be based on risk factors associated with the drainage system component as well as annual budget allocations for the SWMP.
Drainage Improvement Projects	The City currently maintains a list of Drainage Improvement Projects that are awaiting funding. The list has been compiled from the previous masterplanning work that has been performed as well as complaints received by the Public Services Division over the years. The total CIP estimate is approximately \$9 million total of which approximately \$6.75 million has been deemed "priority". The City typically must defer funding of the CIP Projects due to inadequate funding in the annual Public Services Division budget.	The City will develop a prioritized CIP list to ensure that future project construction is based on a logical and cost effective implementation schedule. The drainage masterplanning process will assist the City in the development of the prioritized CIP list. The masterplanning work will enable the City to implement the projects in a systematic and well-coordinated manner by providing critical upstream and downstream analysis data for consideration in capital project design. The proposed funding mechanism for the future CIP will be either a revenue bond or GEFA Loan.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Interim Developmental Services Director 
Financial Services Director P.S.
Assistant Financial Services Director 
Purchasing Agent 

FROM: City Engineer 

DATE: January 26, 2006

SUBJECT: West Village Multi-Use Bridge over CSX RR at SR 54
February 2, 2006 City Council Agenda

Recommendation:

Staff recommends that City Council award the contract for the abutment construction and bridge installation to MASSANA Construction LLC.

Discussion:

The project consists of the construction of abutments, slope paving, and the installation of a pre-manufactured multi-use bridge over the CSX railroad west of the SR54 and SR74 intersection.

Bid specifications were mailed to sixty-one (61) vendors. The solicitation was posted on the City's website, the bulletin board outside the entrance to City Hall and placed in the Bid notebook in the lobby at City Hall. Ten (10) vendors attended the mandatory pre-bid meeting on Thursday, January 5, 2006. Five (5) contractors responded to this request as follows:

MASSANA Construction, LLC.	\$515,000.00
JHC Corporation	\$698,900.00
Tiernan & Patrylo, Inc.	\$738,900.00
Rogers Bridge Company	\$820,000.00
E.R. Snell	\$874,947.50

Page 2

West Village Multi-Use Bridge over CSX RR at SR 54

January 26, 2006

The bid specifications required that the bridge manufacturer be on the Georgia DOT QPL-60 list. All five contractors submitted bids for installation of a Steadfast bridge, which is on the QPL-60 list.

Staff contacted the following references:

Georgia DOT	Shajud Joseph
City of Atlanta, GA	Ken Johnston
Fayette County	David Jaeger
Atlanta CSO Constructors	Ray Hutton

Staff contacted the four references and received excellent recommendations. MASSANA recently completed a similar project consisting of the installation of a pre-manufactured bridge for Atlanta CSO Constructors.

The City applied for a grant in July of 2000 for \$400,000 and was awarded a grant in January of 2001 in the amount of \$200,000. The City has budgeted \$126,000, \$81,719 of this amount has already been expended. There was also a \$250,000 contribution from Pathway Communities for the construction of the bridge for a total amount of \$576, 000. Since the project was originally budgeted, there have been significant increases in the cost of concrete, steel, and fuel.

Budget Impact:

Current funding available for this project is \$494,281. The additional \$21,000 will be funded from the interest savings to be recognized due to the delay in obtaining a bricks and mortar loan in FY 2006.

CITY OF PEACHTREE CITY BID TABULATION SHEET

BID TITLE: West Village Multi-Use Bridge
over CSX Railroad

DATE: Jan. 17, 2006 3:00 p.m.

BIDS OPENED BY:

WITNESSED BY:

BUDGET:

TIME COMPLETED:

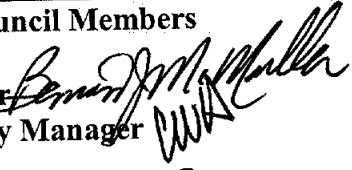
3:05 p.m.

[illegible]

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Assistant City Manager 

FROM: Director of Leisure Services 

DATE: Jan. 25, 2006

SUBJECT: Library Commission Presentation
Feb. 2, 2006, City Council Meeting

Recommendation: That the Mayor and Council consider, on an informational basis, the material provided during this presentation.

Discussion: The Chairperson of the Library Commission, Marie Washburn, will present an overview of activities and accomplishments that the Library Department and Commission have executed during calendar year 2005. The 20-minute presentation will include an introduction of current Library Commission members and staff structure, an overview of current assets, upcoming challenges and a sneak preview of the update to the Library Master Plan, which will project operations 20-years in the future.

Budget Impact: None